

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, DECEMBER 5, 2017, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 2828 SHERIDAN ROAD, ZION, ILLINOIS

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Mayor Hill called the meeting to order.

On call of the roll the following answered present: Commissioners DeTienne, McKinney, McDowell, Fischer and Mayor Hill. A quorum was present.

Also present: Chief of Police Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ron Colangelo, Building/Zoning Director Richard Ianson, City Administrator David Knabel, and City Attorney Paula Randall.

Mayor Hill led in the Pledge of Allegiance to the flag.

AGENDA CHANGES

It was moved by Commissioner DeTienne, seconded by Commissioner Fischer to accept the City Council meeting agenda as presented. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

CITIZEN COMMENTS

Britini Parker, Zion, stated she has an issue with her Homeowners Association (HOA). She has questions regarding the HOA finances. She stated there is a budget set for things like the Zion Police Department for \$2,000. She was told by the President of the HOA that they have a contract with the Police Department, but she called the Police Department and was told a contract did not exist between the HOA and the Police Department. She was told if extra security is needed in the subdivision, there is a charge of \$50.00 an hour. She stated last year in October, the police came out for six hours and it was \$300.00. She feels there a lot of issues going on and there could be a possibility of money being embezzled through the HOA. She has asked the President for invoices or proof of where the money is going and she was told they didn't have to show her anything. She stated she has attended a meeting and she did not see a secretary taking minutes or a treasurer present. She does not know where to turn. Chief Dumyahn stated there is an agreement between the Shepherd's Crossing HOA and the Police Department for special duty. He stated there is a contract for hiring police officers by request, usually around the holidays. He suggested if Ms. Parker has questions regarding the finances and the Police Department, she should FOIA the City for the records showing hours worked at Shepherd's Crossing. Mayor Hill stated the City has no control over any Homeowner's Association. He advised Ms. Parker to contact an attorney. He stated this is a private matter between the residents and the HOA.

CONSENT AGENDA

It was moved by Commissioner Fischer, seconded by Commissioner McDowell, that the Consent Agenda be approved as follows:

- (a) **APPROVAL OF MINUTES:** of a Regular Meeting held on November 21, 2017 at 7:00 p.m.
- (b) **BILLS:** Vouchers 127956 through 128034 drawn on First Merit Bank, Total: \$1,362,840.39

Approved by omnibus vote as follows: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

RESOLUTION/TRUTH IN TAXATION LAW/CONTINUE PUBLIC HEARING

City Administrator Knabel stated at the November 21st meeting, the Council adopted the Truth in Taxation Law Resolution. The Public Hearing was originally scheduled for December 5, 2017 but the publication deadline was missed due to the Thanksgiving Holiday. The Public Hearing has been continued until the December 19th meeting. Mayor Hill stated Director Knabel will have four different levy options available at the Public Hearing. There will be an opportunity for public discussion at the hearing.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that a Resolution (17-R-40) be passed regarding the Truth in Taxation Law Resolution to continue the Public Hearing on the proposed property tax levy for 2017 to December 19, 2017. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

FIRE ALARM PERMIT FEE/FAMILY RESOURCE CENTER OF ZION

A memo (16-DOC-109) was received from Chief Lewis requesting a waiver of a fire alarm permit fee for the Family Resource Center of Zion. The Family Resource Center of Zion recently relocated to 3452 Sheridan Road, Suite E after serving the community for many years from their prior location at Pierce Campus. The Resource Center works closely with the Township office and local churches to provide pregnancy tests, parenting classes, and material supplies to those in need. The business runs solely on donations and receives no federal, state, or local funding. The Resource Center was asked to install a fire alarm system to provide early warning for their occupancy and the apartments above based on the Zion Municipal Code. They agreed without hesitation, only asking for a little time to seek out assistance for the project. Plans for the fire alarm system were submitted, reviewed and approved for the project. The review and permit resulted in a \$380.00 fee. The Resource Center director requested a waiver of the fee to allow the organization to better use the funds to assist families in need of their services. Chief Lewis stated the fire alarm system is very limited and took little time to review and supports the waiving of the \$380.00 permit fee.

Commissioner McDowell stated he sits on the Board of the Family Resource Center and would like to abstain from the vote.

It was moved by Commissioner DeTienne, seconded by Commissioner Fischer to waive the fire alarm permit fee for the Family Resource Center of Zion.

Mayor Hill stated he believes the City has an ordinance stating churches and non-profits pay 50% of the customary permit fees. He stated the purpose of the policy is to be consistent and avoid having to choose who gets fees waived and who does not. He stated according to the ordinance, the Resource Center should be charged \$190.00.

The vote on roll call was: Commissioners DeTienne, nay; McKinney, nay; McDowell, abstain; Fischer, nay; and Mayor Hill, nay. Motion denied.

Commissioner DeTienne rendered a new motion regarding the permit fee.

It was moved by Commissioner DeTienne, seconded by Commissioner McKinney to reduce the fire alarm permit fee to \$190.00. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, abstain; Fischer, aye; and Mayor Hill, aye. Motion carried.

TABULATION OF BIDS/CLEANING & MAINTENANCE SERVICES FOR CITY FACILITIES

A Tabulation of Bids (17-DOC-110) was received from Director Ianson for the combined cleaning and maintenance services for City Hall, the Police Administration Building and the Public Works facility. He stated that four bids were received, all of which were responsive. He stated is recommending the lowest responsible bidder, Multisystem Management for \$33,540.00 annually. Commissioner McDowell asked if we pay prevailing wages for this service. Mayor Hill stated yes prevailing wages are paid for the service. Director Ianson stated the cleaning and maintenance for the City is very time consuming. He has checked the company's references and they were favorable.

It was moved by Commissioner McKinney, seconded by Commissioner Fischer that the bid for the combined cleaning and maintenance services for City Hall, the Police Administration Building and the Public Works facility be awarded to Multisystem Management in the bid amount of \$33,540.00 annually. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

TABULATION OF BIDS/2018 19th STREET WATERMAIN REPLACEMENT PROJECT

A Tabulation of Bids (17-DOC-111) was received from Director Colangelo for the 2018 19th Street Watermain Replacement Project. He stated he is recommending the low bid from Mauro Sewer Construction Company of Des Plaines, Illinois for the base and alternate bids in the amount of \$309,855.00. Construction for this project will begin in the spring of 2018 and has already been budgeted for in the 201//18 Water Fund.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that the bid for the 2018 19th Street Watermain Replacement Project be awarded to Mauro Sewer Construction, Des Plaines, Illinois for the base and alternate bid in the bid amount of \$309,855.00. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

CONTRIBUTION/LAKE COUNTY OPIOID INITIATIVE

A memo (17-DOC-112) was received from Chief Dumyahn requesting a one-time financial contribution to support the Lake County Opioid Task Force. In July of this year, the Zion Police Department announced their participation in an important, innovative program called the “A Way Out” program. The program is a Lake County, Illinois Law Enforcement Assisted Diversion program designed to fast-track users to substance abuse programs and services. The Lake County Opioid Task Force on behalf of the Way Out program applied for a federal grant to hire and individual to manage both the Underage Drinking Task Force and the Way Out program in Lake County. Unfortunately the grant was not awarded to help with the support of the Way Out program. The intent is to re-apply again in March of 2018. In the meantime it has presented the group with an issue in terms of funding. Members of the Lake County Opioid Task Force approached the County Board in order to request financial support. The Lake County Board agreed to assist both the Opioid Task Force and the Underage Drinking Task Force by awarding a one-time \$50,000 contribution to fund a program manager. The stipulation for this money is that member agencies of the Way Out program must match the \$50,000. He stated ten other departments have contributed funds. Commissioner McDowell asked Chief Dumyahn to explain the program as a means of advertising it. Chief Dumyahn stated the program has been featured on TV programs across the country. He stated any individual could walk into a police department and request to enter the program. Transportation is provided for the individual to the facility. An individual can walk into a police department with drug paraphernalia and will not be charged or taken to jail. Chief Dumyahn stated he is requesting approval of one-time contribution from the Drug Asset Forfeiture Fund in the amount of \$7,500 to the support the Lake County Opioid Task Force for the proposed position of manager for both task forces. He stated the money will come from the seized drug dealers. He stated information is posted in the Police Department lobby and on Facebook. He stated the best form of advertising is by word of mouth. Mayor Hill stated the City will participate every year if necessary.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve a contribution from the Drug Asset Forfeiture Fund in the amount of \$7,500 to support the Lake County Opioid Task Force. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

PATROL OFFICER VACANCIES/POLICE DEPARTMENT

A memo (17-DOC-113) was received from Chief Dumyahn requesting approval to fill two patrol officer vacancies and request the names of the next two candidates on the current patrol officer eligibility list from the Board of Fire and Police Commissioners. He stated that the vacancies were created by the retirement of Sergeant Brian Fiene and the unlikelihood that one officer will return to work after an extended worker compensation leave. Chief Dumyahn stated that Administrator Knabel confirmed that filling these vacancies will not have a significant impact on the Police Department budget due to the worker compensation and the pay difference between the veteran officers on worker compensation and the starting pay for the new officer. He stated that, if approved, the two candidates would be enrolled in the police academy January 8, 2018. Commissioner McDowell stated two slots became available at the Police Academy that were not previously available. He feels it is a good opportunity to get two new officers.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve filling two patrol officer positions and requesting the names of the next two candidates on the current patrol officer eligibility list from the Board of Fire and Police Commissioners. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

2017/2018 RENEWAL/PROPERTY & CASUALTY INSURANCE

A memo (17-DOC-114) was received from City Administrator Knabel stating that the City's insurance brokers went to market for insurance quotes for the 2017/2018 property, casualty and workers compensation insurance renewal. He stated the current provider for general liability and umbrella insurance has decided to decline renewal due to their risk assessments, but has offered to extend the policy at the current rate for 120 days (to 4/15/18). The City's brokers will go to market again shortly to get revised quotes for insurance coverage. He stated he recommends approving renewal of all of the policies as detailed in the proposal as well as the service agreement with Assurance Agency for 2018. The quotes that came back represent a 7% increase over prior premiums, largely due to the increase in workers compensation premiums.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell to approve renewal of property, liability, public officials, automobile, equipment and workers compensation insurances from December 15, 2016 to April 15, 2018 as presented in the premium summary provided. The vote on roll call was: DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

SOLAR PANEL PROJECT

A memo (17-DOC-115) was received from Administrator Knabel stating the City has been recently approached by a few companies in regards to interest in installation of solar panels within the City. The projects would help utilize currently underutilized land while increasing availability of renewable energy which is needed for electric supplier portfolios. Included in the packet is some information on two of the companies interested, Cenergy Power and Community Power Group. They are currently looking at the property at the City's landfill near the Horeb and Jethro area which is a little over 10 acres. They will be applying for a grant to assist in funding of the project, and part of the application is site control. As a result, the City would need to enter into a lease or option to lease for the land if interested in moving forward with the project. Samples of the lease options are also included in the packet. Currently the leases are in attorney review to make sure there is proper protection for the City. The benefit to the City and its residents would be lease income on the property as well as a potential reduced rate to the businesses and residents by purchasing the supply at a lower rate than is currently available on the market. There are representatives from both companies present if there are any questions on the actual project. The item will need to come back to the December 19th meeting to have any action taken and they must work with Planning & Zoning to create a zoning classification in the Code for solar type projects. The plan is to do that in January so any approvals on leases will be contingent on the zoning being created.

Mayor Hill asked Administrator Knabel how he would like to proceed. Administrator Knabel stated he wanted inform the Council that they are looking at the project as an option, because the City controls the land it makes it easier for the companies to move forward with site control and it is a community solar project so there are side restrictions but they might also looking down the road to potentially expand the project to other properties within the City. He stated he is looking to the Council to see if it is the direction they would like to go in also to see if there are any concerns on how the project works or how it would impact the area. There is an opportunity to ask questions with the representatives there. If the Council is in support of the project they can wait for attorney review and come back with a recommendation on the 19th.

Commissioner McDowell asked what the property was currently zoned. Director Ianson stated is was zoned open space. Commissioner McDowell asked what the land would have to be zoned in order for the groups to utilize the property for solar panels. Attorney Randall stated the zoning itself would not have to change but there would need to be a text amendment to the Code in order to address solar panels. She stated it would be brought before the Planning & Zoning Commission on January 4th. She stated the Code is silent in relation to solar panels. She stated it is a fairly new concept that must be addressed in the Code and anything the City enters into would be contingent on the zoning modifications. Commissioner McDowell

asked if they would be making a decision to lease the property at the December 19th meeting. Administrator Knabel stated they would be making the decision to lease or an option to lease contingent on the zoning. He stated the Horeb landfill property is the best opportunity for the project. He stated moving forward, if there are any other plans or options for the property, the Council can discuss them.

Mayor Hill stated the companies are asking for a lease quickly due to the requirements of the grant application. The property must be under their control. Administrator Knabel stated if grant applicant did not have site control they would most likely be passed over for the grant. Mayor Hill asked Director Colangelo if the 12.2 acres that belong to the Park District would be available for the use also. Director Colangelo stated is not sure about the Park District property. He stated the City property is flat and would require minimum grading for the project but the Park property is a very steep slope. He stated the question could be better answered by the companies. Mayor Hill asked if either company would utilize the hill.

Michael Borkowski, Community Power Group, stated they did a site review on the site being discussed and the 10 acres from the City and the 12 acres from the Park District combined will be between 15-17 acres that will work very well for the project. The way most of the solar projects work is there is about 10-15 acres of solar panels. They do not create any noise or pollution. They connect to the power lines on the street. They will then sell the power back to the community at a discount in turn passing back some of the grant money back to the residents with cheaper power than what is currently available. He stated they look to get the community involved to find employment opportunities for those locally. Solar power is something new to Illinois. The program was launched in December 2016 but won't actually get implemented until the beginning of 2018 when they start seeing construction actually happen. There is going to be a massive wave of construction that happens over the next three to four years following that. There will be an expansion of the solar beyond that once the success of it has initially been realized. The employment opportunities will come in, people will get trained to work on the construction at these sites and as the additional sites roll they will continue to work the next projects after that as solar goes through the state. He stated the way the grant program works it is a declining block program. In the summer of 2018, the block will open. In order to qualify for the block, you have to have your permit and you have to have your permit to build on a landfill, which is a whole process outside of what is happening in the City. You will also need an agreement with the utility to interconnect. It is a study that takes about of 6 months, and it is a costly study that you undergo to determine how much it will cost to connect your solar facility and deliver it into the grid. Mayor Hill asked who bears the expense of the study. Mr. Borkowski stated his company takes care of the costs of the study. He stated because of the 6-8 month development process in order for them to apply for their application and permits for the use they must have control of the land and the way to have control is with a lease. The lease provides them with a two year development period to get everything done that is necessary. Attorney Randall asked what the cut off period was to obtain control of the land and the lease. She stated the issue still needs to go to Planning & Zoning. She asked if it was detrimental if they do not enter into lease by a certain date. Mr. Borkowski stated the reason for the push for the site control and the lease is you have the greatest chance to getting the program done if it is in the first block. Mayor Hill asked what his deadline was. Mr. Borkowski stated he would like it done by late December or by January. He stated he is not sure how long it will take to get the landfill permits or how long Com Ed will take for the study to interconnect. He stated if they don't get the land control things could move passed January therefore missing the first block.

Commissioner Fischer asked Mr. Borkowski if he needed both the City property and Park District property. Mr. Borkowski stated he needed the combination of the two. Commissioner Fischer asked if he needed the cooperation of the Park District on the lease. Mr. Borkowski stated only one lease is necessary to be able to start the interconnect process. Attorney Randall stated nothing will be regulated until the Council acts. Mr. Borkowski stated the leases are contingent upon getting permits. He stated regardless of the company, a lease is needed to start the interconnect process and the landfill permit process.

Mayor Hill invited the second company to speak.

Bill Pham and Chad Chahbazi, Cenergy Power approached the Council. Mr. Pham stated they have interconnection experience in nine states, have been around for ten years and have over \$50,000,000 in bonding capacity. They have done over 300 projects over ten years. They have people with legal backgrounds on their team and understand the planning process. They have a lot of flexibility in terms of who actually has site control on the 10 acres or the other acreage. He stated they are focused on the City's

control of the one side of the landfill initially, but are open to forming a good relationship to do a lot more. Mayor Hill asked if Mr. Pham if they would be open to developing on the additional five acres. Mr. Pham stated they would be open to it. He stated most of their projects come by referral. He stated one of their project managers grew up in Waukegan, and his Dad worked for North Shore Sanitary and knew people that worked for the City and that is how they were introduced to the City initially. They would be excited to be able to do a project with the City.

Mayor Hill asked how Administrator Knabel who they will proceed in the two weeks. Administrator Knabel stated they would bring back the option for lease with a recommendation if there are no additional questions or concerns. There could questions regarding the lease options at that point after it has gone through legal review and Council can recommend which lease they choose to enter into.

Commissioner McDowell stated what is asked of the City is only the lease agreement. He stated the success of the project is up the individual company.

Mayor Hill asked the companies when they come back for recommendation in two weeks, will the agreements stand how they were submitted to the Council. He stated there are dollar amounts in each agreement and asked if those amounts are good. Both companies answered yes.

Attorney Randall stated one submitted a lease, one submitted a lease option.

Director Colangelo stated even though the City owns one parcel and the Park District owns the other, the City is still responsible for the post closure care on both landfills. He asked if there is a post closure plan included which will requested by the EPA.

Mr. Borkowski stated they do landfills across the country and it is one of their expertise along with modifying post closure permits. He stated it is important to take everything into consideration when the lease is provided. Director Colangelo stated if the project is no longer viable, both companies must take responsibility to restore the property back to its original state and bare those costs. Mr. Borkowski stated in the lease there will be specifications requiring them to put the property back to its original state. There are finances available for the removal of the facility. He stated they will present the City with assuerty prior to the project. Director Colangelo stated is the City's responsibility as the owner to apply for a post closure modification permit to the EPA. Mr. Borkowski stated as the permit holder, the City will be modifying the permit to allow for the use of the either company. He stated the company will be providing all the engineering support.

Mr. Pham stated they will get their experts involved. They have worked with Chevron on a couple of their large landfills. They have also worked with Republic, one of the largest waste management companies on their landfill and are very confident they can manage the different complexities that come with building on a landfill. Mr. Chahbazi stated any reclamation plan that the City requires they would be more than happy to enter into an agreement. Attorney Randall asked Cenergy Power if they were only looking for a lease option. Mr. Pham stated the option for them is a period to due diligence and the site feasibility and get the experts involved and be transparent and tell the City the exact conditions and show exactly how the system will get designed on the site. He stated they can then decide if they want to move forward with the project and enter into a lease. She asked Mr. Pham if he would be willing to submit a proposed lease. Mr. Pham stated he is willing and are very pragmatic and can move quickly. He stated they will keep it simple and upfront.

Commissioner Fischer asked after the site is installed, how many long term jobs will be created? Mr. Pham stated the main facility is low maintenance. He stated there are a group of six people for maintenance that cover the entire region, and it does not require a 24hr staff.

Mr. Borkowski stated there would minimum on-site support that is needed. He stated their engineers have pulled the post closure permits and have reviewed them and he is confident they can work together to get things done.

Mayor Hill asked both companies if they pay prevailing wages. Mr. Pham stated on privates sites they do not, but on public sites they do. Mr. Borkowski stated they do the same.

DEPARTMENTAL COMMENTARY

Commissioner McDowell stated he received a phone call from an 80 year old woman that tried to buy alcohol at Walmart but the clerk asked for her ID. He stated she was upset that an 80 year old needed an ID to purchase alcohol. Commissioner McDowell was asked to bring the issue before the City Council. Commissioner McDowell stated he was not aware of the stipulation in the Code. Mayor Hill stated it was put in the Code to insure there was no question regarding age. It was not intended to offend anyone.

Mayor Hill stated there was discussion at the last City Council meeting concerning parking on 26th and 28th Street. He stated there will be a meeting with Businesses on December 6th at 4:00 to try and come to an agreement. He stated they are also working on the garbage can issue and the water deposit issue.

ANNOUNCEMENTS

December 19	6:30 p.m.	Public Hearing - Tax Levy Township Board Meeting
	7:00 p.m.	Public Hearing - Tax Levy Zion City Council Meeting
December 25, 26, & January 1, 2		City Offices Closed for the Holidays
January 3	7:00 p.m.	Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner Fischer seconded by Commissioner McKinney that the Council recess to Closed Session at 7:55 p.m., pursuant to 5 ILCS 120/2 "Open Meetings", for the discussion of personnel and pending litigation. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell seconded by Commissioner McKinney to reconvene the Regular Council meeting at 8:50 p.m. with all members present. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

CITY'S ADMINISTRATOR'S CONTRACT

It was moved by Commissioner Fischer, seconded by Commissioner McDowell to approve the City Administrator's Contract as presented. The vote on roll call was: Commissioners DeTienne, aye; McKinney, aye; McDowell, aye; Fischer, aye; and Mayor Hill, aye. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, it was moved by Commissioner McKinney, seconded by Commissioner Fischer and unanimously approved the meeting be adjourned at 8:56 p.m. Motion carried.

City Clerk

Approved December 19, 2017