

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, MARCH 19, 2019, 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 Fischer, DeTienne, McKinney, McDowell, and Mayor Hill. A quorum was present.

Also present: Police Chief Steve Dumyahn, Fire/Rescue Chief John Lewis, Public Works Director Ray Roberts, City Administrator David Knabel, Building & Zoning Director Richard Ianson 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 amended:

- Move item 7. **SPECIAL PRESENTATION** – Zion Together to item 5

The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

SPECIAL PRESENTATION/ZION TOGETHER

Ronnell Pipes from the group “Zion Together” shared a video “Love They Neighbor”. He thanked the Council for the support of last year’s initiative. He is asking the City for support of this year’s project. He stated they have a few changes in the requests for this year’s initiative. They would like to post special street signs in the neighborhoods that are considered accredited. They would like to have a “Zion Together Day” to celebrate the activism and participation of the community. This may include a talent show at the band shell and tours of the police department and fire department. The goal is to help change Zion to become a better place to live in peace and harmony. Mayor Hill stated they will have the item placed on the agenda for April 2, 2019.

PUBLIC HEARING/ANNEXATION/ADVANCED DISPOSAL SERVICES

Mayor Hill opened the public hearing for the annexation of property on Russell Road at 7:10 P.M.

Mayor Hill stated unlike the Citizen Comments during a Council Meeting, citizens will not have a time limit in which to speak but asked that comments be kept reasonable. He stated he understands what people have to say is important.

Administrator Knabel stated the purpose of the Public Hearing is to discuss the annexation agreement. Anyone has the right to apply to any municipality for annexation. The City will be considering the annexation of the property located south of Russell Road and west of Kenosha Road, commonly known as 12247 W. Russell Road in Lake County, Illinois as is under its current use. He stated all taxing bodies affected have been properly notified as required by law. There will not be a vote at this meeting on the annexation or for the consideration for expansion. If applicable, the siting hearings will be happen at a later date.

Mayor Hill stated tonight’s hearing is about the annexation only. He stated he is aware that Advanced Disposal will bring in an application to expand the landfill. The first step in the process is the annexation. The Council will listen to the comments and take time to decide if they will consider the application. He would like comments to pertain to the annexation only. The vote for the annexation will be take place on April 2nd.

Jerry Callahan, attorney for Advanced Disposal stated the annexation is in anticipation for expansion in the future. He stated he there is no siting purposed for this meeting. There is a statutory procedure under the Illinois Environmental Protection Act that has to be followed. Advanced Disposal does not have an application prepared at this time. The first step is to get the property into the City.

Commissioner McDowell asked if the annexation is approved by the Council and Advanced applies to expand the landfill and but is denied by either the City or the EPA, would the annexation still go through or would it be rescinded.

Mr. Callahan stated the annexation would be effective but there is a provision in the annexation that states if the application is denied the property will be disconnected.

Mayor Hill invited questions and/or comments from the public.

Joe Mabbit, Winthrop Harbor, stated he lives on the east side of the landfill has read negative comments stating he should have known an expansion was possible when you buy a house next to a landfill. When he bought his house 18 years ago there were no problems. The problems did not start until the last expansion. He asked the Council what they would do if their property had constant smells, garbage, soot, dirt, dust and noise. He deals with this on a daily basis. In January with the below zero temperatures the smell was so bad it came into his house. He contacted the site manager and was told they were having problems and their vacuum pumps froze. The methane gas and the garbage smells are constant. The site manager stated they have ten years left on the active cells that they are currently dumping in and then another thirty more if the expansion is approved. During the last expansion the dust and the noise was terrible but they did nothing about it. He stated it is exhausting to deal with on a daily basis. Commissioner McDowell asked if Advanced Disposal has offered to purchase his house. Mr. Mabbit stated they have purchased other houses in the neighborhood but he has not received an offer to purchase his. Attorney Randall stated the public comments are for the annexation only. The siting hearings will come at a later time.

Kurt Andrews, Winthrop Harbor, stated he was born and raised in Winthrop Harbor and his wife was born and raised in Zion. He has two sons who went to Zion Benton High School and played sports. They are neighbors to Zion. He lives directly east of the active cell and directly east of the new cell that would be constructed. The garbage is dumped 800 feet from his property. They have lost value and use of their homes. They do not want an offer for their homes to be purchased. They do not want to leave but the stink, silt and debris is horrible. The neutralizer is equally as horrible. He questions how long they can continue to breathe the chemicals without long term affects. Turkey vultures roost on the property and leave behind feces. He has called the manager and brought him to the property during the snow to show him the silt and acknowledge it. He asked the Council to take the time to really listen to the citizen's comments before making a decision on the annexation.

John Risbold, attorney for the Citizens, stated he is here to ask the City of Zion to do something for the people this time that was not done the last time to protect them. If the City decides to annex the landfill and allow the expansion they must require Advanced Disposal to do the things they are refusing to do and required to do to protect the people of Winthrop Harbor and Zion. People can talk to them all day about the problems that occur but questioned the Council if it would be acceptable if their neighbor was doing those things. He asked if they had the power to protect people would they use the power or would they just let the company come in and operate the way they see fit with disregard for their neighbors. He stated the City receives a sizeable amount for their tipping fees. He asked that they require Advanced to pay the citizens tipping fees if they are going to expand and to make that a condition of the expansion and put a berm along Kenosha Road. He stated the City has a moral obligation to their neighbors to make the company protect the people. Advanced Disposal is a billion dollar company and has the means to make things happen. He stated if they don't, the Site and the City will continue to be the subjects of a lot of litigation. Commissioner McDowell asked Mr. Risbold to create a list of suggestions from the citizens to present to Advanced Disposal.

Sonja Peters Coopriider stated she has been a lifelong resident of Zion and has owned a home on Kenosha Road for 30 years. Her property backs up to the landfill. Twelve years ago Advanced purchased seven homes for \$450,000. They allowed each person to live in the homes for \$1.00 a year for the next two years which calculated to about \$500,000. There are five homes left one of which is hers and she is ready to sell but Advanced came to her with a low ball price. Which is not acceptable to prices they bought the homes twelve years ago. They are not upstanding community people. They do not acknowledge the smell, the garbage, the noise or the soot. There are health risks involved. She does not appreciate the bullying tactics. Citizens must be compensated. She asked that the Council pause and think about it before considering the annexation and to make Advanced Disposal do right by the citizens.

Kathleen Barnet, Winthrop Harbor, stated she and her husband were the only people at the last expansion hearing. She stated promises were made and a pretty picture was painted. Everything told them the opposite has occurred. The horrible effects of the landfill have continued to increase. They were told by Jim Lewis if operations were

working efficiently there would be no odors. She stated there are odors all the time that keep them in the house. She has been asked why she bought property near a landfill. When she built her house in 1989 she was told the landfill was closed and they were at garbage capacity. Advanced began buying up the private property around the landfill and expanded in May 2010. They were told it would not impact home values or enjoyment. She stated it is not true, it has ruined the neighborhood. There is an ineffective berm and a neutralizing spray that is worse than the garbage smell. She stated Zion was complicit in 2010 when they let the expansion go through. She hopes Zion will do the right thing this time.

Kerry Johnson, Winthrop Harbor, stated she is a fourteen year resident. She believes all of the concerns that were raised over the years about the smell, noise, trash and loss of value have all come true. She has experienced the smell of the rotten garbage and methane gas. She has sent emails to Advanced Disposal but receives no response. She took a walk in the neighborhood and filled trash bags with all the garbage that was scattered. She believes the expansion was intentionally delayed until things died down from the lawsuit. They have experienced awful things living near the landfill and they will not recover financially. She believes the City of Zion, Illinois EPA and Lake County Health Department are so financially dependent on the business that they will not say no to the expansion. She stated there is too much money to be made to worry about the people. She hopes someday someone will be held accountable to the damage that has been done and the damage that will continue to happen if the expansion goes through.

Bill Tessin lives on Kenosha Road in unincorporated Lake County for 28 years. He stated between 2006 & 2008 the landfill purchased the Nursery and 7-9 homes along Kenosha Road that were unincorporated Lake County. Over 90% of the residents were not aware this was happening. They were also not aware the City of Zion passed an annexation to bring in the Bergmann Nursery and the homes. There were no public notifications of the annexation. No newspaper notification, no signs or mailings. They must deal with the odor, noise dust and debris daily. Sometimes he cannot cut his grass because of the odor. They have to keep their windows closed. It impacts their lives on a daily basis. They have dealt with this for the last 10-12 years and the landfill has not complied with the regulations and requirements. There have been calls made to the Lake County Health Department about complaints. He is asking the City of Zion not to allow the annexation. He feels the citizens have not received any support about the issues from the City of Zion or Lake County Health Department.

Pete Vega stated he is one of the five houses left on Kenosha Road. He has lived here for 23 years. He had no idea there would be an expansion for the landfill. His property was beautiful with greenery and wildlife and lakes. He asked if anyone is taking into account the wildlife and the lakes. He worries about his well. Advanced Disposal has made an offer to purchase his house but can withdraw the offer at any time.

W.C. Bremner, Zion, stated he has been listening to the people speak and understands the discussion is about the landfill on Kenosha Road. He asked how large the piece of property is to be annexed. Mayor Hill stated 110 acres in unincorporated Lake County and Benton Township. Mr. Bremner asked if Lake County had to agree to the annexation. Mayor Hill stated they do not. Mr. Bremner asked if the annexation goes through, how much control Zion would have to put restrictions on the landfill to alleviate some of the problems. Mayor Hill stated he does not have any answer. He stated the City's law firm has a specialist that deals in landfills. He will be working with the Council for the siting if it gets to that point. He stated he is not an expert on landfills and does not know what can be done to mitigate some of the things that were talked about.

Larry Booth, Benton Township Supervisor, stated Benton Township's issues are less substantial than most of what the residents have to deal with every day. He stated being in charge of the financial well-being of Benton Township it is a substantial piece of property to be annexed which could mean a potential loss of revenue. They also have some concerns that he hopes to address.

Amy Onan, Winthrop Harbor, stated they bought their house in 2008 and was unaware there was a big dump behind them. She stated they probably should have done more research. She did not plan to speak but to listen. She stated her husband has attended some of the meetings. She stated her property is gorgeous and have been complimented on their property and to know all this is going on is disturbing. She stated it is an issue and the City must take responsibility and be respectful.

Mayor Hill declared the hearing closed at 7:50 P.M.

CITIZEN COMMENTS

There were not citizen comments.

CONSENT AGENDA

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

- (a) **APPROVAL OF MINUTES:** a Regular Meeting held on March 5, 2019 at 7:00 p.m.
- (b) **BILLS:** Vouchers 131555 through 131632 drawn on Huntington National Bank, N.A., Total: \$324,184.27

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

IDOT RESOLUTION/MFT FUNDS/ROAD SALT

A memo (19-DOC-12) was received from Director Roberts stating that a resolution must be passed by the City Council in order to utilize MFT funds for the purchase of road salt for the winter of 2019.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that a Resolution (19-R-2) be passed for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code, MFT Funds, for the 2019 purchase of road salt in the amount of \$150,000. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

IDOT RESOLUTION/MFT FUNDS/2019 STREET PATCHING PROGRAM

A memo (19-DOC-13) was received from Director Roberts stating that a resolution must be passed by the City Council in order to utilize MFT funds for the 2019 Street Patching Program.

It was moved by Commissioner Fischer, seconded by Commissioner McDowell that a Resolution (19-R-3) be passed for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code, MFT Funds, for the 2019 Street Patching Program in the amount of \$150,000. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

RESOLUTION/TEMPORARY ROAD CLOSURE/NOSTALGIA DAYS

A memo (19-DOC-14) was received by Chief Dumyahn regarding the temporary road closure of Sheridan Road for the Annual Nostalgia Days Event.

Mayor Hill stated the Council must figure out a final budget soon as he is fielding questions from Nostalgia Days and Jubilee Days regarding the money they receive from the City. The Council has previously voted to decrease the amount of money given to both events.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that a Resolution (19-R-4) be passed requesting permission from the Illinois Department of Transportation for the temporary closure of Sheridan Road on June 15, 2019, as requested between 6:00 A.M. and 6:00 P.M., for Nostalgia Days. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

ORDINANCE/FIRST AMENDMENT/LAND PURCHASE AGREEMENT/SHERIDAN ROAD & 34TH STREET

A memo (19-DOC-15) was received from Economic Development requesting approval of a First Amendment to the Land Purchase Agreement between the City of Zion and Speedway LLC. On June 19, 2018, the Council approved a

Land Purchase Agreement for the property located at the North West Corner of Sheridan Road and 34th Street. The initial due diligence period is scheduled to expire on March 23, 2019. The developers are requesting an additional 180 days to continue to perform their due diligence of the site.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer that an Ordinance (19-O-9) be passed authorizing a First Amendment to the Land Purchase Agreement between Speedway, LLC and the City of Zion extending the Initial Term of the Agreement for 180 days to continue due diligence of the site located at the North West Corner of Sheridan Road and 34th Street. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

EMPLOYEE MEDICAL, DENTAL & LIFE INSURANCE RENEWAL

Administrator Knabel stated he has received the renewal package from the City's Insurance Broker who goes out to market every year to get quotes on Health, Dental and Life Insurance. In 2018 the City switched from being self-insured to being fully insured. The City no longer pays its own claims and is now insured by Blue Cross Blue Shield. In doing this the City's costs went up about 13%. The 2019 renewal originally came back with a 1.9% increase with the industry trend being about 6%. The Fire Department has been carved out of the renewal with them moving to an HSA pool plan. Eliminating the Fire Department has saved the City from increased costs. The Broker was able to offer another carrier for life insurance due to the partnership between Blue Cross and Dearborn Life. If the City agreed to switch carriers, they could offer an additional 1% discount on the Medical. The revised renewal is actually a 1.12% decrease in health insurance costs from last year. Dental Insurance with Guardian will have a 1.67% increase. Originally the life insurance showed an increase of 21% but due to the switch to Dearborn National the City received a better rate and the benefit of the additional 1% discount on the Medical. Administrator Knabel presented what was currently in force and what the renewal would be. Commissioner McDowell stated the City is in the middle of negotiations and asked what the impact would be on negotiations if the revised proposal is accepted. Administrator Knabel stated that they will still have to run the changes by the unions because there are specific deductibles and co-insurance listed in the contracts. He stated the out of pocket amount has gone down and the coinsurance has changed slightly. Mayor Hill asked what could be done to get some of the items out of the contract that were approved a long time ago. Administrator Knabel stated has tried to negotiate with the insurance on behalf of the employee while still trying to save the City money. Mayor Hill stated some of the items in the contract are no longer sustainable. Administrator Knabel stated the items can be proposed and negotiated with the unions. He stated currently the City has asked the unions for concessions and the majority of them have agreed to the concessions. He stated to ask employees to agree to less coverage to help with the financial situation may not be a good idea right now. Mayor Hill stated when things are good everyone wants to offer good things to the employees but when things are bad, there is no give back by the unions. He stated some of the benefits in those contracts are unheard of anymore.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney, to accept the proposal of Assurance Agency for the renewal of employee medical insurance with Blue Cross Blue Shield of Illinois (BCBS), dental insurance with Guardian Dental, and life insurance with Dearborn National, effective May 1, 2019. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

APPOINTMENT/CITY TREASURER

Mayor Hill stated recently the City's Treasurer, Jim Kuehler passed away. Per the Municipal Code it is necessary for the City to have a Treasurer to sign checks. He is recommending the appointment of Eric Bradley effective March 19th. Mr. Bradley is currently the Finance Director of the Zion Park District and understands municipal financing and is a CPA.

It was moved by Commissioner DeTienne, seconded by Commissioner Fischer, to accept the appointment of Eric Bradley to the position of Treasurer effective March 19, 2019. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Director Roberts stated Advanced Disposal will begin their two week pass for curbside leaf pick-up on April 1st. The yard waste pick-up also begins on April 1st.

Mayor Hill stated at the last meeting, a gentleman addressed the Council regarding a rodent problem and the City’s lack of assistance in resolving the issue. He stated there are two sides to every story and the City is not always to blame. Director Ianson stated the City has been working with the tenant and the landlord. The tenant has an open food pantry in the basement with food that is exposed making it a breeding ground for rodents. He stated the tenant was resistant in the past to address the exposed food in the past but is currently working with the City to get the problem resolved.

Director Knabel stated that current vehicle stickers expire on April 30, 2019. New stickers will go on sale April 1st. The cost is \$50 per sticker and will be good for two years. He recommended that residents purchase stickers early to avoid long lines.

ANNOUNCEMENTS

March 18 – 30		Early Voting at Zion City Hall M-F – 9:00 a.m. to 5:00 p.m. Saturday- 9:00 a.m. to 2:00 p.m.
April 2	7:00 p.m.	Election Day Zion City Council Meeting
April 9	6:00 p.m.	Zion Township Annual Town Meeting
April 16	6:15 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting
April 19		City Offices Closed for Holiday

CLOSED SESSION

It was moved by Commissioner Fischer, seconded by Commissioner DeTienne that the Council recess to Closed Session at 8:21 p.m., pursuant to 5 ILCS 120/2 “Open Meetings”, for the discussion of collective bargaining and personnel. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to reconvene the Regular Council meeting at 9:27 p.m. with all members present. The vote on roll call was: Commissioners Fischer, aye; DeTienne, aye; McKinney, aye; McDowell, 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 DeTienne, seconded by Commissioner Fischer and unanimously approved the meeting be adjourned at 9:28 p.m. Motion carried.

City Clerk