

MINUTES OF A REGULAR MEETING OF THE ZION CITY COUNCIL HELD ON TUESDAY, APRIL 2, 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 McKinney, Fischer, DeTienne, 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 McDowell, seconded by Commissioner McKinney to accept the City Council meeting agenda as presented. The vote on roll call was: Commissioners McKinney, Fischer, aye; DeTienne, aye; aye; and Mayor Hill, aye. Motion carried.

CITIZEN COMMENTS

Cal Snyder, Winthrop Harbor, stated he was employed by Zion Benton Township High School for 32 years. He was involved and has given back to the community. He feels as though Advanced Disposal uses bullying tactics. Seven years ago they purchased 7 homes along Kenosha Road for \$450,000 to make way for the advancement of the landfill. There are 4 houses left and he is the owner of one. They have given him an offer but can decide at any time within the next five years to rescind the offer. Advanced informed him if he decides not to sell, they will go around his property and put an access road behind it. He has researched it and the EPA says you must 500 ft. from a resident's home to where garbage can is dumped. He stated Zion is the only one who has authority to vote no on the annexation and host agreement until things get cleaned up. Mayor Hill stated he and Mr. Snyder have talked about this issue before. He asked Mr. Snyder if he previously sold a home covered under the price guarantee. Mr. Snyder replied yes, 4 years ago. Mr. Snyder stated he was very active with the first expansion and he was told the landfill would only be there 20 years and then close down. Mayor Hill asked what the estimated home value was and what was he offered for the home. Mr. Snyder stated it was appraised at \$270,000 and sold for \$210,000. Advanced paid the difference between the purchase price and the appraised value. Mayor Hill asked when he purchased the house on Kenosha Road. Mr. Snyder stated 2005.

James Hartman, attorney for Benton Township stated the property to be annexed lies within Benton Township. He stated Zion and Zion Township are coterminous meaning the boundaries are the same. State law states if a coterminous municipality accesses land, the land also comes into the Township that the City is coterminous with and leaves Benton Township. There are ways it can be avoided; through an Intergovernmental Agreement or through legal steps. He is asking the Council to table the annexation agreements and ordinances until the concerns with the annexation are addressed. They have not been included in any of the annexation process. They first became aware of it when they received the notice of the Public Hearing. He feels they have a stake in the process because if the land is disconnected from Benton Township it will affect the residents. Mayor Hill asked Mr. Hartman if they have had any discussions with Advanced Disposal. He clarified with Mr. Hartman that he wanted the Council to table the approval of the annexation and ordinance until they had a chance to have discussions with Advanced Disposal. Mr. Hartman stated until the concerns are discussed with the City. Mayor Hill asked what the concerns were with the City. Mr. Hartman stated the property will be removed from Benton Township and placed into Zion Township. Mayor Hill stated it is his understanding that if the City annexes property from Benton Township they will be obligated to pay them the taxes they would have received for the property for ten years. Mr. Hartman stated it was not the place to discuss the issues and that the tax revenue was not their only concern.

Shawn Collins is an attorney who represents the people who live across the street from the landfill. He stated these are the people who have been putting up with it. He stated for a landfill that benefits over 100,000 people he does not believe it is fair that 100 families need to bear the brunt of it so that other people can have a place to put their garbage. He stated those families should not have to deal with the problems of the stink, dust and the noise. They are the only ones who are not compensated or protected. In 2010 the City of Zion allowed the landfill to move 1,000 feet closer those people and they are doing it to the same people again. They are not represented in all of this. They

do not pay taxes or having voting rights here. They are at the mercy of the process. The City has an opportunity to protect these people. He understands the first priority is to the City of Zion. He stated it is a matter of decency to protect them. The Council has the power to require that the people are taken care of. Mayor Hill stated at the Public Hearing compensation was brought up by Mr. Collins partner. He asked if they have contacted Advanced Disposal regarding compensation moving forward. Mr. Collins stated he contacted the City of Zion attorney and they were told it is not something that was up for consideration. He stated if Zion does not support the idea then Advanced will not consider it. It is unfair to the people to bring a benefit to Zion and not to them.

Kerry Johnson, Winthrop Harbor, stated she has sent emails with recordings of the landfill noises. Nothing changed. She stated paper was blowing down the street from the landfill, Turkey Vultures were flying overhead, and there are smells of methane gas day in and day out. Nothing will change unless Zion makes it change. She stated they are hostages here. She stated she built her house in 2005 for \$350,000. Two years ago an identical house in the neighborhood had an offer for \$230,000 but because of the landfill smell they withdrew their offer. The house eventually sold for \$230,000 which is one third of the value. She stated she can leave but will have to take a \$100,000 plus loss. She pays \$10,000 in property taxes. Mayor Hill asked if they are covered by the home value protection price guarantee agreement. Ms. Johnson stated no she was not covered by any agreement, but is a half a mile from the active site. Mayor Hill asked if there was a home value protection agreement associated with the expansion. It was stated yes, it would apply to 1500 from the new site. Mayor Hill asked if the home value protection price guarantee would apply to the value in 2005 of \$350,000 or current value of \$230,000. The Attorney for Advanced Disposal stated the homeowner receives an offer and if they decline it, an appraisal is done without considering the landfill and the difference between and value is paid.

A resident asked if the 1500 feet provision applied to the where the expansion would be or for the entire landfill. Mayor Hill questioned if in 25 years after being annexed will home value protection agreement follow Kenosha Road all the way up to Russell Road and extend 1500 feet east from there. He stated the answered received was yes. Commissioner McDowell stated the agreement states 1500 from the Advanced Disposal property line and lists additional streets.

Mayor Hill stated his first priority is the City of Zion. They receive \$2.1 million in tipping fees. The Council is trying to plug a hole in a \$1.5 million budget. If they do not precede with the annexation they City may reach a deficit of \$4 million. They are trying to explain the facts. He believes there will be a landfill and if the City of Zion does not annex it Lake County will put the landfill there. He stated there are two separate decisions. One is to annex the property and the other is to expand the landfill. He has heard someone say there is a landfill in DuPage County with a 200 page list of items that solve the landfill problems. They have asked for a copy of that list but to date have not received it.

Commissioner McDowell stated they have received complaints and a lawsuit. He has asked the citizens what they would like to see happen there and what to do to mitigate the problems. He stated there are experts at Advanced Disposal that are experienced with dealing with these problems. He asked that he get a copy of how other landfills operate with no problems.

Mr. Collins stated they will get the Council a list in one week.

Mayor Hill stated most of these issues will be brought up in the Siting Hearings. He asked that the information be forwarded to the Council. He stated two weeks ago the issue of tipping fees and compensation came up. He asked Mr. Collins if had spoken with Advanced Disposal. Mr. Collins stated the City of Zion's attorneys have indicated that is not something that will be considered. If the City cares about it, they will come to an agreement with Advanced Disposal to help everyone. Mayor Hill stated these are private citizens with issues with a private company that have not sat down and talked with Advanced Disposal. They are expecting the City of Zion to step in and make the company do what's right. This is not the City of Zion's place and is between Advanced Disposal and the private citizens.

Mr. Collins stated in 2010 the City of Zion gave the landfill the right to move 1,000 feet closer to the people. He is putting the City of Zion on notice for the problems this will cause.

Commissioner McDowell stated he would like a list of things that constitute protection. He would like ideas on how to mitigate and if it is even possible. The experts at the landfill know how to do it. He stated they all need to meet to talk about it.

Mr. Collins stated the issue is not the property value protection agreement. The problem is people purchased their homes and thought it was fine. Then the landfill moved closer to them and were told they would be compensated but property values were lost and only if they move.

Commissioner DeTienne stated he appreciated the citizens being there. He stated it is hard to know what to do and what is right. They are all a close knit community. He stated he bought a home on Luckie Court. When he first moved in it was everything he wanted. He stated eventually he noticed large trucks coming from Chicago do dump their trucks in Zion. Now he gets dust and the smell is terrible. He is tired of living this way. He would like them to work things out peacefully.

Commissioner McDowell asked Jerry Callahan from Advanced Disposal if there was any way to address these issues. Jerry Callahan, Advanced Disposal stated the company can file a siting issue. Someone will review the issue at the Siting Hearing. He is not an expert on mitigation. He stated ultimately it will be up to the City to approve the landfill. Commissioner McDowell asked if the attorney for the residents can have a seat at the table. Mayor Hill stated it will be a public meeting. Mr. Callahan stated currently Advanced Disposal does not have an application prepared. Mayor Hill asked how long it would be after the annexation before they submitted an application. Mr. Callahan stated less than two years. Commissioner McDowell stated under the Illinois Siting Statue if the expansion is not approved by the EPA the annexation is null and void. Mr. Callahan stated if the siting is not approved they will apply for disconnection. Commissioner McDowell stated in the property value protection agreement it lists additional properties but does not Kenosha Road. He asked how this will be addressed. Mr. Callahan stated it is covered by the 1500 ft. provision. He stated they are attempting to acquire these properties. Commissioner McDowell stated the people are feeling like they are being conned into leaving. Mr. Callahan stated the agreements are all being done by in-house attorneys. Commissioner McDowell stated the agreement includes some of the conditions of the landfill and the patterns of complaints. He asked if there are any current patterns of complaints. He asked if so how they are addressed. Mr. Callahan stated they keep track of the complaints but is not sure of the procedure as he does not have day to day contact with the landfill. He stated they must comply with the permit requirements.

Commissioner McDowell stated he does not have enough information to make a decision. Commissioner Fischer asked if there were additional mitigation steps that could be taken and why were they not currently being done to contain the dust and debris. Even if the expansion does not move forward it will still need to be addressed. Commissioner McDowell stated if the City of Zion does not annex the property, Lake County will possibly proceed with the expansion. He would like to have everyone sit down and discuss the issues. Mayor Hill stated the annexation will not proceed tonight. The next step is to get all parties in one room. A representative from the citizens must be able to say what they are looking for along with Benton Township. They must get what the expectations are and what will happen now and in the future. They can try and make a decision and put it in the annexation agreement and make as many people happy as possible. He stated the Siting Hearings will have an expert on landfills to represent Zion. The citizens have expressed they should be compensated. They must be prepared to talk about it. It is the Council's job to have Zion's best interests. They will table the annexation agreement and ordinances until the next meeting.

CONSENT AGENDA

It was moved by Commissioner Fischer, seconded by Commissioner McDowell 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 McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

**RESOLUTION/GRANT OF CONSERVATION EASEMENT RIGHTS AND CONSERVANCY
COVENANT**

Mayor Hill stated the Zion Park District has requested that the City of Zion be the beneficiary of a Grant of Conservation Easement Rights and Conservancy Covenant. Flat Out Farms wishes to donate property on the SW Corner of Lewis Avenue and Route 173. The parcel is 27 acres and is primarily wetlands in a flood plain. The City will enforce the requirements of the Covenant.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that a Resolution (19-R-5) be passed accepting a Grant of Conservation Easement Rights and Conservancy Covenant. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Resolution passed.

**ORDINANCE/ANNEXATION AGREEMENT/SOUTH OF RUSSELL ROAD AND WEST OF
KENOSHA ROAD**

It was moved by Commissioner McDowell seconded by Commissioner McKinney that an ordinance authorizing the execution of an annexation agreement relative to the property located south of Russell Road and west of Kenosha Road be tabled until the April 16th City Council meeting. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/ANNEXING CERTAIN TERRITORY TO THE CITY OF ZION

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that an ordinance annexing certain territory to the City of Zion be tabled until the April 16th City Council meeting. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/SECOND AMENDMENT/HOST AGREEMENT/ADVANCED DISPOSAL

It was moved by Commissioner McDowell, seconded by Commissioner McKinney that an ordinance authorizing the execution of a Second Amendment to the Host Agreement with Advanced Disposal Services Zion Landfill, Inc. be tabled until the April 16th City Council meeting. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ORDINANCE/SURPLUS PROPERTY/FIRE DEPARTMENT

A memo (19-DOC-16) was received from Chief Lewis requesting that a 2005 Ford Expedition be declared as surplus property. The vehicle was purchased for \$4,000 in "as is" condition from the Lincolnshire-Riverwoods Fire Protection District in 2013 as a command vehicle. It was removed from front line service in 2016 after being replaced by a new command vehicle purchased by the department's Foreign Fire Tax Board. Because of its current mechanical condition and the cost of upkeep it has been recommended that the vehicle be removed from the Fire Department's fleet.

It was moved by Commissioner McDowell, seconded by Commissioner Fischer that an Ordinance (19-0-10) be passed declaring a 2005 Ford Expedition Vin # 1FMPU16535LA17503 as surplus property. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried. Ordinance passed.

2019/2020 RENEWAL/PROPERTY & CASUALTY INSURANCE

Administrator Knabel stated that the City's insurance brokers went to market for insurance quotes for the 2019/2020 property, liability and umbrella insurance renewal. He stated they received good results with the renewal. He stated they are looking at a 4.9% decrease in premiums across the board. He stated 4.6% of the savings came from workers compensation. There is a \$35,000 decrease in premiums for worker's comp alone and overall a decrease in premiums of about \$50,000 from the prior year. The workers comp savings is due to a reduction of staffing and claims reduction. He is recommending approval of the renewals presented. He would like to consider adding additional coverage for cyber liability and work place violence and active shooter insurance. He stated this has become the accepted standard recommendation from the industry. Zion has not done this in the past partly due to the skyrocket of insurance. He stated if they implemented a Cyber Liability policy and Workplace Violence and Active

Shooter Insurance, the additional premium would be about \$18,000. Due to the favorable results of the policy renewal, he is recommending the City go out for quotes for these items and get them included. There will still be a net savings while protecting the City against significant exposures. Mayor Hill stated he would also like to look into putting up protective barriers in the lobby for the Finance Department and Building Department. Administrator Knabel stated he still needs to look into it. He stated workers compensation has grant programs to help with safety equipment to reduce workers comp claims. He would like to see if they bolster things up that it could help with a benefit in a reduction to the premium. Mayor Hill stated he feels it would be a good idea to have a City Hall Drill in case someone would come in with a gun. It would be a good thing to do in the next couple of months.

It was moved by Commissioner Fischer, seconded by Commissioner McKinney to approve renewal of property, liability, public officials, automobile, equipment and umbrella insurances from May 1, 2019 to May 1, 2020 as presented in the premium summary provided and additional coverage for Cyber Liability, Workplace Violence Active Shooter Insurance. The vote on roll call was: McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

LEGAL REPRESENTATION/NUCLEAR WASTE STORAGE COMPENSATION PROJECT

Administrator Knabel stated the pursuit for the compensation for the spent fuel rods is still active. They have been working on the project diligently for three (3) years. It has been moving slowly but according to the attorney they are in a better position than ever with representatives and support. He stated the City Council initially approved a cap of twenty-five (25) hours and then approved an additional fifty (50) and then an additional one hundred twenty-five hours (125) legal hours for the legal representation for the nuclear waste storage compensation project. He stated they have now exceeded the cap. The taxing bodies that are participating have been asked to approve an additional one hundred (100) hours. The total cost of the time is shared by the various taxing bodies and the City's share would be approximately \$1,000. Mayor Hill stated there is four (4) parts to the legislation; 1) a committee formed by the federal government to investigate what should be done for communities that have spent fuel rods, 2) the grant 3) first time home buyer tax credits, 4) business tax credits. He has been invited with two other Mayors to participate in talks on the impact of spent fuel rods on local communities. He will give a twenty minute presentation to twelve organizations of the federal government and the representatives will be asking the Mayors questions. There will be future meetings to follow with more people involved.

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve an additional one hundred (100) hours for legal representation for the nuclear waste storage compensation project. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ZONING MAP

Director Ianson stated as a matter of housekeeping and a Statue requirement, he is requesting the Council adopt the current Zoning Map as the Official Zoning Map of Zion.

It was moved by Commissioner McKinney, seconded by Commissioner McDowell to adopt the current Zoning Map as the Official Zoning Map of Zion. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

ZION TOGETHER

Mayor Hill stated at the last meeting there was a presentation from Zion Together. They asked if the Council would participate in the program by providing some signage and ride-alongs. Commissioner Fischer suggested to Supervisor Neal that do additional fundraising to help with the cause. The signs will cost about \$40.00 apiece.

It was moved by Commissioner Fischer, seconded by Commissioner DeTienne to endorse and support the "Zion Together" initiative. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

DEPARTMENTAL COMMENTARY

Administrator Knabel stated City stickers are currently on sale. The current stickers will expire on April 30th and fines will be assessed for expired stickers.

Director Roberts stated the City is no longer doing the Chipping program. Advanced Disposal will still pick up the bundles. Commissioner Fischer stated bundles must be 18 inches around and 4 feet in length and tied with bio-degradable twine and can be left where garbage would be picked up.

NNOUNCEMENTS

April 9	6:00 p.m.	Zion Township Annual Meeting
April 16	6:15 p.m. 7:00 p.m.	Zion Township Board Meeting Zion City Council Meeting
May 7	7:00 p.m.	Zion City Council Meeting

CLOSED SESSION

It was moved by Commissioner McKinney, seconded by Commissioner Fischer that the Council recess to Closed Session at 8:28 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 McKinney, aye; Fischer, aye; DeTienne, 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 9:10 p.m. with all members present. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, aye; McDowell, aye; and Mayor Hill, aye. Motion carried.

FOP/PATROL OFFICERS CONTRACT AGREEMENT

It was moved by Commissioner McDowell, seconded by Commissioner McKinney to approve the contract agreement with Fraternal Order of Police, David M. Parker Memorial Lodge No. 91 and the Illinois FOP Labor Council, for May 1, 2018 through April 30, 2021 for Patrol Officers, retroactive to May 1, 2015. The vote on roll call was: Commissioners McKinney, aye; Fischer, aye; DeTienne, 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 McKinney, seconded by Commissioner Fischer and unanimously approved the meeting be adjourned at 9:12 p.m. Motion carried.

City Clerk