

**MINUTES OF THE REGULAR MEETING
OF THE GURNEE VILLAGE BOARD**

**GURNEE VILLAGE HALL
MAY 20, 2019**

Call to Order

Mayor Kovarik called the meeting to order at 7:00 p.m.

Other Officials in Attendance

Patrick Muetz, Village Administrator; David Ziegler, Assistant Village Administrator / Community Development Director; Heather Galan, Village Engineer; Bryan Winter, Village Attorney; Brian Gosnell, Finance Director; John Kavanagh, Fire Chief; Jesse Gonzalez, Deputy Police Chief; Willie Meyer, Police Commander; Jack Linehan, Assistant to the Administrator

Roll Call

PRESENT: 6-Hood, Thorstenson, Ross, Garner, O'Brien, Balmes
ABSENT: 0- None

Pledge of Allegiance

Mayor Kovarik led the Pledge of Allegiance.

A. APPROVAL OF CONSENT AGENDA

It was moved by Trustee Balmes, seconded by Trustee Garner to approve the Consent Agenda as presented.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes
NAY: 0- None
ABSENT: 0- None
Motion Carried.

B. CONSENT AGENDA / OMNIBUS VOTE

The Village Administrator read the consent agenda for an omnibus vote as follows:

1. Approval of minutes from the May 6, 2019 meeting.
2. Approval Ord. 2019 - 32 authorizing execution of an amendment to modify the agreement for retail sanitary sewer and water supply services to the Village of Gurnee (Aldi – 7520 W. Grand Avenue).
3. Approval Ord. 2019 - 33 granting a non-exclusive communications utility easement to Woodland School District 50.
4. Approval Res. 2019 - 34 indemnifying the State of Illinois for the temporary closure of Route 132 crossings at Six Flags Parkway and Gurnee Mills Circle East for Wonder Woman Run series.
5. Approval of request from Public Works Department to purchase 178 LED streetlight heads and 65 streetlight poles from the low bidder, City Electric Supply, at a cost of \$136,180.00.
6. Approval of request from Engineering Division to waive the competitive bidding process and award pavement evaluation services to Infrastructure Management Services at a cost not to exceed \$29,998.00.
7. Approval of Police Officer Austin Demski's request to participate in the Village's tuition assistance program in pursuit of a Master's Degree in Law Enforcement and Public Safety Leadership from the University of San Diego.
8. Approval of Police Department request to allow K9 Officer Dan Ruth to represent the Gurnee Police Department and instruct at the International Association of Auto Theft Investigators Conference in Lexington, KY from June 2 – 6, 2019 at an estimated cost of \$2,900.00.
9. Approval of setting bid date of July 5, 2019 for Banking Services.
10. Approval of Payroll for period ending May 10, 2019 in the amount of \$888,280.01.

11. Approval of Bills for the period ending May 20, 2019 in the amount of \$4,732,252.70.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve the Consent Agenda for an omnibus vote as read.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

C. PETITIONS AND COMMUNICATIONS

None.

D. REPORTS

1. Update on Gurnee Fire Department Ambulance #1342.

Administrator Muetz updated the Board regarding an ambulance that was involved in an accident. He said the reserve ambulance has been put into service but this is not long-term solution. Staff believes the ambulance will be totaled and insurance will cover the replacement value. Mr. Muetz wanted the Village Board to be aware of this information for if/when the Village needs to place an order for a new ambulance.

E. OLD BUSINESS

1. Approval Ord. 2019 - 34 approving an agreement between the Village of Gurnee and Waste Management of Illinois, Inc.

Administrator Muetz said as was discussed at the May 6th Village Board meeting, Gurnee has contracted with Waste Management (WM) for refuse, recycling and landscape services for over 25 years. Per the current agreement, the Village has the option to renew service if it determines it is in the best interest of the community. After speaking with the Solid Waste Agency of Lake County (SWALCO) and comparing our rates to other communities, as well as recent bid results, staff determined it made sense to negotiate a renewal. Staff worked in conjunction with the Village of Grayslake, Warren Township and SWALCO to review surrounding community pricing and service levels. Contract highlights include:

- Rate reduction of \$0.30 in Year 1 base refuse rates due to the elimination of the RecycleBank
- Refuse, recycling, stickers, and special pick-up rates are frozen for Year 1
- Rate increase of 2.5% annually after Year 1
- Reduction of Landscape Subscription rate by nearly \$10/year
- Options to include food scraps/organics with landscape waste at no additional charge
- No fuel surcharge.
- Customer service standards, minimum insurance requirements and right to audit provisions
- Addition of an extra week of spring unlimited landscape waste collection (2 weeks now vs. 1) in exchange for elimination of Most Favored Nation language (that was never used)
- Continuation of fall leaf vac service

It was moved by Trustee Balmes, seconded by Trustee Ross to approve of Ord. 2019 - 34 approving an agreement between the Village of Gurnee and Waste Management of Illinois, Inc.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

F. NEW BUSINESS

1. Approval Ord. 2019 - 35 approving a Redevelopment Agreement for Gurnee Mills' renovations between the Village of Gurnee and Mall at Gurnee Mills, LLC. (Alpha Media tenant space).

Public Hearing Topic. Mayor Kovarik asked Administrator Muetz for a quick summary of this item. Muetz stated an agreement was approved last year to relocated four stations to Gurnee Mills. Cost

estimates have changed since that time, so the participation request as it relates to the Village has increased from approximately \$93,000 over 3 years to \$200,000, with the Mills contribution increasing from \$200,000 to \$600,000. He continued to state the site has been without a permanent tenant for over 10 years and is located on the north end of the Mall. The project will also use the Show Court which is currently under-utilized.

It was moved by Trustee Balmes, seconded by Trustee Thorstenson to approve of Ord. 2019 - 35 approving a Redevelopment Agreement for Gurnee Mills' renovations between the Village of Gurnee and Mall at Gurnee Mills, LLC. (Alpha Media tenant space).

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

2. Approval Ord. 2019 - 36 approving a trade agreement between the Village of Gurnee and Alpha Media for local broadcast services.

Public Hearing Topic.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve of Ord. 2019 - 36 approving a trade agreement between the Village of Gurnee and Alpha Media for local broadcast services.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

3. Approval Ord. 2019 - 37 setting forth a legislative finding and declaration pertaining to Ordinance Numbers 2018-07 and 2018-08 granting approval of a Redevelopment Agreement with Gurnee Mills, LLC to renovate tenant space and approval of a local broadcast service agreement with Alpha Media.

Public Hearing Topic. Mayor Kovarik stated this will make the agreements approved last year null and void.

It was moved by Trustee Garner, seconded by Trustee Thorstenson to approve of Ord. 2019 - 37 setting forth a legislative finding and declaration pertaining to Ordinance Numbers 2018-07 and 2018-08 granting approval of a Redevelopment Agreement with Gurnee Mills, LLC to renovate tenant space and approval of a local broadcast service agreement with Alpha Media.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

4. Approval Ord. 2019 - 38 amending Chapter 78 of the Gurnee Municipal Code adding Section 78-108(b) and amending Chapter 2, Section 2-311 to increase the penalties for certain parking violations.

Administrator Muetz said this issue was last discussed by the Village Board on February 2018. Unfortunately, semi parking on Swanson Court continues to be a problem. The history is deliveries for Little Lady Foods were parking on the street awaiting their turn, this was impacting the ability of 2001/2011 Swanson from having its semi-trucks maneuver into docks. 2001/2011 Swanson was developed in such a way that on-street maneuvering is required to enter docks. In October 2017 staff recommended, and the Board approved, a 130' portion of Swanson Court be designated No Parking. In early 2018, staff went back and met with the parties involved and proposed a modification to the parking restriction to expand the No Parking area beyond 130' and implementing a time restriction. The Village Board approved this modification but the restriction continues to be ineffective. As a result, staff is proposing to increase the fines for

commercial vehicles from \$25 to \$250 for the first offense, \$500 for the second offense. Staff has communicated this change to all parties involved. The offending party stated the issue is caused by one vendor and should be resolved by the end of May, but understands staff's recommendation to further increase fines.

It was moved by Trustee Balmes, seconded by Trustee Thorstenson to approve of Ord. 2019 - 38 amending Chapter 78 of the Gurnee Municipal Code adding Section 78-108(b) and amending Chapter 2, Section 2-311 to increase the penalties for certain parking violations.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

5. Approval Ord. 2019 – 39 authorizing the execution of an Intergovernmental Agreement between the County of Lake, City of Waukegan and Village of Gurnee to coordinate and fund ambient air sampling for ethylene oxide.

Mayor Kovarik stated Mark Pfister, Executive Director of the Lake County Health Department, has been instrumental as it relates to assisting with ethylene oxide and a plan for testing. She continued to state the Health Department has developed a plan that is actionable. Executive Director Pfister then provided the Village Board with a summary of the next steps.

Executive Director Pfister started off by thanking the Mayor, Administrator Muetz, Attorney Winter and the City of Waukegan for their assistance. He stated in 2018 the US EPA released the NATA map that showed areas with higher risks than what was expected compared to other areas in Lake County. He stated the risk was 1 in 10,000 for 70 years of exposure. He stated NATA is a screening tool that indicates where further investigation may be warranted. Pfister continued to state once this information was released the partners (Gurnee, Waukegan and Lake County Health Department) requested air monitoring from the US EPA and IEPA. Both entities declined to conduct testing. As a result, the group started to examine how testing was handled in Willowbrook. Following this review, as it relates specifically to Gurnee the partner agencies in consultation with the US EPA are proposing five testing sites around Vantage, with four located near the facility and one located remotely. The sites are based on modeling conducted by the US EPA that include metrological information. The modeling showed the majority of the wind in June and July blows from the southwest to the northeast. The next step will be to visit actual sites to see if they are feasible based on the physical environment (trees, buildings, etc...). The sampling will take place over 30 days, with samples taken every three days for a 24-hour period. In addition, random samples will take place on off-days. The plan involves hiring a single firm that will take the samples and send them to two separate labs. He stated that the Health Department has also approach the IEPA and ATSDR to expand the sampling past 30 days to 60 or 90 days. Pfister continued to state that once the Willowbrook facility was closed, the concentrations dropped by an order of magnitude but are still ten times higher than the original NATA. This indicates there are other sources of EtO present. He then reviewed the approximate locations of sample sites.

Trustee Garner asked how you pinpoint the source of ethylene oxide emissions since it is generated by multiple sources.

Mr. Pfister stated the placement of monitoring sites and wind direction will help narrow down potential sources.

Trustee O'Brien asked about the process once samples are taken.

Mr. Pfister explained the process, stating the County will act as the project manager and work with sampling firm to make sure all appropriate processes are followed and results are submitted to the ATSDR.

Trustee O'Brien asked how long it would take for the ATSDR to complete its risk assessment.

Mr. Pfister stated there will be some delay to get the raw data back from the contractor as it takes a few weeks to analyze the sample. Following that it will be sent to the ATSDR who has stated it will take three to six months to conduct the risk assessment, however the partners will push for it to be conducted quicker than that. He continued to state the final sampling will probably take place in July, however, the Health Department is pushing State and Federal agencies to continue sampling after the partners' contract is complete.

Trustee Thorstenson asked how often the ATSDR is involved in issues such as this.

Mr. Pfister provided some background information on ATSDR and stated it does this for all types of toxics across the United States.

Trustee Hood asked about the cooperation of Vantage and Medline, as well as what else the Village can do to assist.

Mr. Pfister said Vantage has been cooperative throughout the process and has committed to perimeter testing. He stated Vantage has indicated it may use the same firm to collect samples, but send the samples to a different lab. In addition, the partners plan to co-locate next to one of Vantage's sample sites to compare results. Medline has not committed to perimeter testing to date. He continued to state the Village has been a very good partner.

Trustee Garner asked what is the current acceptable level of EtO.

Mr. Pfister stated the methodology being used is higher than the 1 in 10,000 limit. He continued to state it's based on the potency level of the chemical and therefore the risk assessments are based on very low concentrations. He stated OSHA allows much higher levels as it relates to occupational exposure compared to community exposure.

Trustee Balmes stated both facilities are located by high-traffic areas and questioned how that is factored into the process.

Mr. Pfister stated that is true and these sources will contribute to the overall results.

Mayor Kovarik stated the results will also be used by the US EPA as a part of its rule-making process.

Mr. Pfister reminded the Board the NATA study is based off of modeling. Ambient air testing will help determine what concentrations are present. The combination of this information will be useful. He continued to state the risk in Willowbrook remains higher than the NATA even with Sterigenics closed.

Mayor Kovarik asked Mr. Pfister to talk about the cancer studies that have taken place.

Mr. Pfister stated he has requested the Illinois Department of Public Health conduct a cancer incident study. He stated the study may highlight association, but does not determine causality. It looks at who died in what zip code and what was the reason. It does not consider genetics, life style choices, where they may have lived previously, etc.

Trustee Ross asked for clarification on how the results from air monitoring will be used in addition to the ATSDR.

Mr. Pfister stated the US EPA may use it as a component in its rulemaking process. He stated remote sites will be useful in determining background levels.

Mayor Kovarik stated multiple factors need to be considered throughout the sampling process, including meteorological factors. She concluded by thanking Mr. Pfister.

It was moved by Trustee Garner, seconded by Trustee O'Brien to approve of Ord. 2019 – 39 authorizing the execution of an Intergovernmental Agreement between the County of Lake, City of Waukegan and Village of Gurnee to coordinate and fund ambient air sampling for ethylene oxide.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

6. Approval Ord. 2019 – 40 authorizing a Professional Services Agreement between the Village of Gurnee, Illinois and GHD Services, Inc.

Mayor Kovarik stated this is the contract the County will manage on the Village's behalf to have the sampling conducted.

It was moved by Trustee O'Brien, seconded by Trustee Garner to approve of Ord. 2019 – 40 authorizing a Professional Services Agreement between the Village of Gurnee, Illinois and GHD Services, Inc.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O'Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

7. Approval Res. 2019 – 06 concerning the legalization of the recreational use of marijuana.

Mayor Kovarik stated the Board will receive a quick presentation highlighting some of the issues the Trustees will need to take into consideration as the debate to legalize of marijuana for recreational use continues.

Crime Prevention Technician Shawn Gaylor reviewed the following PowerPoint presentation:

Recreational Marijuana In Illinois

General overview of anticipated legislation

- Allows possession up to 30 grams (over 21 years of age).
- Cultivate up to 5 cannabis plants within your home.
- Expungement of misdemeanor and Class 4 felony marijuana convictions.
- Initially, no large scale commercial growers in Illinois.

Driving Under the Influence

Colorado

- 76% of the driving under the influence of drugs cases involved marijuana (Colorado State Patrol, 2017).

Washington

- Drugged driving fatalities has doubled since legalizing marijuana (Johnson, 2016).

Oregon

- 50% of drivers assessed by Drug Recognition Experts (DRE) in 2015 tested positive for THC (Oregon Liquor Control Commission, 2015).

Key Points to Consider

- Currently no reliable device to allow officers to test whether drivers are impaired by marijuana.
- Additional training required for officers to learn how to detect marijuana impairment.
- Significant costs related training officers to become Drug Recognition Experts.

Health Concerns

Calls for Service

- The legalization of recreational marijuana appears directly related to emergency room visits.

- Oregon hospitals saw a nearly 2000% increase in emergency room visits due to marijuana poisoning (Kent, 2016).
- Hospitals in Colorado reported an 81.4% increase in marijuana related visits from 2011 (pre-legalization) through 2015 (post-legalization).
 - 2011 saw 6,305 emergency room visits.
 - 2015 saw 11,439 emergency room visits.

Public Safety

Increased Crime Rate

- Crime rates in Colorado have increased since legalizing marijuana (Colorado Bureau of Investigation, 2017).
 - 8.3% increase in property crimes.
 - 18.6% increase in violent crimes.
- Alaska misdemeanor crimes and vehicle thefts have dramatically increased since legalization (Alaska Dept. of Public Safety, 2016).
 - Moved from 16th to 2nd on the national ranking for larceny.
 - Moved from 16th to 5th on the national ranking for vehicle theft.

Key Points to Consider

- The density of marijuana dispensaries was linked to increased property crimes and violent crimes.
- Although “pot is legal” many are unaware public use is not legal.
- Allowing home grows of cannabis is difficult to regulate.
 - Potential for cartels to establish operations in Illinois.
 - Corresponding crimes in other states included robberies, shootings, and other violent crimes.

Effects On Children

Juvenile Marijuana Offenses

- Within first two years of legalizing recreational marijuana in Colorado.
 - Marijuana offenses in elementary and high schools increased 34%.
 - Number of minors arrested for using marijuana increased 5% (Colorado Dept. of Public Safety, 2017).
- Anchorage, AK
 - 141% increase in school suspensions for marijuana use/possession since legalization between 2015 – 2017 (Wohlforth, 2018).

Selling to minors

- Washington State
 - Law Enforcement documented 288 violations to licensed dispensaries for selling to minors.
 - 136 violations for minors accessing restricted areas within dispensaries (Washington State Liquor and Cannabis Board, 2017).
- Oregon
 - In a random inspection, 16 of 66 licensed dispensaries were selling to minors (Oregon Liquor Control Commission, 2018).

Proposition

Slow the process for legalizing recreational marijuana

- Unknown social impact.
- Social costs appear to outweigh revenue gains.
- Short-term and long-term effects on children’s health and intellect.
- General well-being of the community.

It was moved by Trustee Balmes, seconded by Trustee Thorstenson to approve of Res. 2019 – 06 concerning the legalization of the recreational use of marijuana.

Roll call,

AYE: 6- Hood, Thorstenson, Ross, Garner, O’Brien, Balmes

NAY: 0- None

ABSENT: 0- None

Motion Carried.

G. PUBLIC COMMENT

Jolanta Pomiotlo
4981 South Rd
Gurnee, IL

Ms. Pomiotlo thanked the Village Board for moving forward with ambient air testing. She stated the Environmental Protection Agency will be having a public meeting related to permit changes for Medline in Waukegan. She continued to state the National Cancer Institute has a mapping tool available online for residents interested in it. She concluded by stating ethylene oxide is a hazard.

Diane Surufka
1336 Sunrise
Gurnee, IL

Ms. Surufka stated that there is data available related to marijuana and then thanked the Village Board for moving forward with ambient air testing. She continued by making statements regarding the Sterigenics facility in Willowbrook. Ms. Surufka claimed that once DNA is impacted it carries forward to future generations. She then referenced a news report related to the EPA and changes to the Clean Air Act. She concluded by stating she testified in Washington DC and since that time she has not seen any action or heard of any updates but continues to work to gather information.

Arthur Jones
111 N. Delany Road
Gurnee, IL

Mr. Jones asked if the mapping tool referenced earlier would be shared with residents.

Closing Comments

None.

Adjournment

It was moved by Trustee Balmes, seconded by Trustee Garner to adjourn the meeting.

Voice Vote: ALL AYE: Motion Carried.

Mayor Kovarik adjourned the meeting at 8:13 p.m.

**Andrew Harris,
Village Clerk**