

**EVANSTON CITY COUNCIL
EXECUTIVE SESSION
November 15, 2010**

ROLL CALL: Alderman Tendam Alderman Jean-Baptiste
Alderman Grover Alderman Wynne
Alderman Burrus Alderman Holmes
Alderman Fiske Alderman Rainey

STAFF: Wally Bobkiewicz, City Manager, Grant Farrar, City Attorney, Marty Lyons, Assistant City Manager, Chief Eddington, Suzette Robinson, Director of Public Works, Johanna Nyden, Community Development Planner, Joellen Earl, Director of Human Services

PRESIDING: Mayor Elizabeth B, Tisdahl

Mayor Tisdahl called the Special Council Meeting to order at 9:55 P.M. Mr. Bobkiewicz stated the first item was personnel and he asked Chief Eddington to make his report.

PERSONNEL:

Chief Eddington announced that Deputy Chief Demitrous Cook has received an offer from the Village of Glenwood to be their new Chief of Police, and his departure from the Evanston Police Department more than likely will occur before the Holidays. He has served the City of Evanston for twenty-seven years at the end of his service to the City.

LITIGATION:

Mr. Farrar announced the meeting with VEOLIA's Attorney and Regional Manager where they reviewed the proposed ordinances and their issues with the ordinance. He stated the Regional Manager stood up and pounded on the table and said they were never going to pay this fee and they were going to fight. After listening to some other comments that

VEOLIA's representatives made the representatives then got up and walked out. He stated representatives said they could not understand why the City would place this tax on them, but basically if they couldn't have their way they would see us in court. VEOLIA stated this facility is a gold mine to them and Mr. Farrar stated he felt the City has a fair amount of leverage both from a legal standpoint and some other standpoints. He has looked at some of the City's "home rule" and the City's licensing powers he felt this could lead the City to enter into a business decision with VEOLIA, and place them under more wraps.

Question & Answers:

- 1) Do other municipalities that have transfer stations pose a fee for usage?
Answer: Yes, it is more of a host agreement with the users of the transfer station as stated by Mr. Farrar.
- 2) What is the designation of the property is it industrial, tax, manufactory, commercial, etc..?
- 3) Does VEOLIA own the property? Answer: YES.
- 4) Did they have the permit? Answer: YES, they have the original permit since 1984.
- 5) What is a hosting agreement? Answer: The operating agreement for when they find a city to locate a transfer operation they negotiate with that city to operate the transfer station (as stated by Ms. Robinson). Mr. Bobkiewicz also stated there is a franchise agreement between the community and the waste hauler. Mr. Farrar stated no matter how we want to characterize the fee he can prepare the necessary document to be legally binding.
- 6) Is there medical waste or research waste being dumped by VEOLIA?
Answer: No, they do not have a special permit for that type of waste. We know that Northwestern is using them and everyone that is not in a franchise, but some of our franchise maybe going there as a first dump (stated by Ms. Robinson).
- 7) Is there anything we can do to mask the smell, because there are children and families there and it poses a real health threat for the community? Can we charge a ten dollar fee?
- 8) What greater enforcement do you see that will be applied to VEOLIA?
Answer: (Mr. Farrar) he stated however the fee is characterized it accounts for staff time, responding to citizen's complaints, law department doing a monthly docket on how their response is completed. Mr. Bobkiewicz stated they are working from a multiple tiered approach. He would encourage Council to have a vigorous discussion on the 22nd of the fee and after that discussion to go back and do some additional work.
- 9) What is a vigorous discussion? Answer: City Manager stated it would be the cost of the fee that would be appropriate to the mitigation it is trying to help. Alderman Holmes and Jean-Baptiste are hosting a joint ward meeting this Thursday, and VEOLIA will be there doing their dog & pony show as well as an environmentalist special who is a recent graduate who has been recently identified and hired. He will be with the City for six months measuring and monitoring smells and other issues the Council is concerned about, that staff couldn't perform earlier.
- 10) Was there a law suit against us? Answer: YES, that is why we are here now it is a threat.
- 11) Have we done an accounting of all the costs associated with this litigation?
Answer: We have not had someone on board to deal with these issues before, but with the knowledgeable person that Mr. Carl Caneva has identified who will be joining staff soon will handle it.
- 12) What is the purpose are we trying to shut them down? Answer: NO, the purpose is to defend ourselves against potential litigation.

- 13) Is there an ordinance they are working under now? Answer: They have a permit from the State that is in contradiction to our ordinance. The State says they can begin operations at 6:00 am and our ordinance states no work can begin until 7:00 am, and the neighbors are complaining.

Mr. Bobkiewicz stated this item will come back on the Council's agenda on the 22nd as a second reading of the ordinance. He then moved onto allowing Mr. Lyons to present an update on Real Estate.

REAL ESTATE:

Mr. Lyons stated there could be some litigation concerning the Cherry School, and the Council decided not to go forward.

Ms. Johanna Nyden gave an update on the following properties:

- 1) The property located at 629-631 Howard Street, she stated the seller will not budge from their price of \$640,000.00, but the seller's agent is willing to cut a portion of his commission to meet \$237,650.00.
- 2) The property located at 727 Howard will not budge from \$325,000.00, and the debt on that was \$310,000.00 and the bank will not compromise.

The direction that was given to the City Manager was to go forward, and his understanding was to come to City Council in open session on the 22nd with a resolution authorizing the City Manager to execute an additional agreement pending the Council's approval to locate in a price. City Manager agreed that it would be an excellent time to look into obtaining a mortgage from the suggestion of the Aldermen.

Alderman Rainey announced a nine thousand dollar check that was donated a gift to the Howard Business District from the 415 Howard Grand Opening owners.

MINUTES:

A motion to accept the minutes was moved and seconded with a unanimous voice vote, and the minutes were approved.

Motion was moved and seconded to end the Executive Session with a unanimous voice vote. The meeting ended at 10:43 P.M.

Respectfully submitted,
Rodney Greene, City Clerk