

CITY OF MARENGO  
MARCH 12, 2007  
COUNCIL MINUTES

**CALL TO ORDER**

At 7:03 p.m., Mayor Lockhart called to order the March 12, 2007, Marengo City Council meeting. He then led the "Pledge of Allegiance".

**ROLL CALL**

Alderman Signore, Alderman Spear, Alderman Secor, Alderman Genot, Alderman Otis, Alderman Shelton, Alderman Jennings and Mayor Lockhart were present for roll call. Alderman Trainor was absent.

**PUBLIC PARTICIPATION**

Lorence Brown, 170 Seneca Trail, Marengo, stated he had reviewed the various ordinances and agreements and understood them. He stated there were caveats regarding groundwater protection environmental reviews for whatever the land might be used for. He felt this (Items e-g) was a good thing for the community.

Bob Levin, 21118 River Road, Marengo, addressed the members on the West Grant annexation. He felt this was the time to be proactive. He just wanted to make sure the agreement contained language for groundwater protection and that the City would follow our Groundwater Protection Ordinance.

Lynn Rotunno, 10668 Wakefield, McHenry County Defender's member from Westchester, IL, felt the members should have answers to very important questions. It appeared to her that many of those questions have yet to be answered regarding the West Grant Development Company property that was being proposed to be annexed tonight.

She stated there was no information regarding the proposal that might threaten the sensitive groundwater aquifer and the pristine Kishwaukee River that supports endangered/threaten species. The requested zoning and annexation classifications to manufacturing are the greatest hurdle to building a potential lubricant manufacturing business. The annexation agreement would be the best vehicle for planning wisely. The proposed agreement lists no special plan requirement for such a large industrial development. It was previously suggested that the EPA would protect our river and natural resources here in Marengo and as they know, the EPA resources are stretched very thin. Abandoned chemical plants left behind by bankrupt companies have created a legacy of pollution that nearby communities are still struggling with today. There are also very limited resources for any federally funded cleanups or independent monitoring.

She felt this was a local issue and we as a community must take responsibility for protecting our community and environment. She stated she wasn't asking them to say no to this development but to ask questions and give the answers to the community. She asked they delay this vote to get the answers for the questions that were asked earlier in order to give Marengo the tools it needs to be responsible citizens by weighing the potential benefits and harms and planning for the future that would create a prosperous, stable Marengo for future generations.

**NEW BUSINESS**

**APPROVAL OF FEBRUARY 26, 2007, PUBLIC HEARING MINUTES-SEVEN OAKS ANNEXATION**

Alderman Secor made and Alderman Jennings seconded a motion to approve the above mentioned minutes. The motion passed with an aye voice vote from Alderman: Shelton, Genot, Jennings, Otis, Secor, and Signore. Alderman Spear abstained.

**APPROVAL OF THE FEBRUARY 26, 2007, REGULAR AND EXECUTIVE SESSION MINUTUES**

Alderman Genot made and Alderman Secor seconded a motion to approve the above mentioned minutes. The motion passed with an aye voice vote from Alderman: Jennings, Otis, Shelton, Genot, Signore and Secor. Alderman Spear abstained.

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LIST OF BILLS

After several questions were answered regarding some bills, Alderman Otis made a motion to approve the bills list. It was seconded by Alderman Signore. Motion passed with an aye voice vote from Alderman: Signore, Secor, Spear, Shelton, Jennings, Genot and Otis.

For the record, it was the consensus of the members the check to Safety Management, Inc. would be held until we received the \$25,000 contribution from Brackmann Development Administrator Hartman will also check with Marengo Township to find out what their dollar commitment is going to be for this project and will get back to Alderman Signore on the membership fee for Arrowhead.

ORDINANCE 07-3-1-APPROVING AND AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO THE CHICAGO TITLE LAND TRUST ANNEXATION AGREEMENT

Attorney Bauer, an associate of Attorney Cope, was present to answer any questions regarding this matter. He stated the substance of the amendment refers specifically to the maintenance of existing residential use on the property. It specifically provides for the continued use of a number of the single family homes on the property to date provided they are subdivided off in no less than five acre increments. This must be done in accordance with our Subdivision Ordinance or with the Illinois Plat Act. It also eliminates the restriction on any expansion of residential uses to the property north of the railroad tracks. Mayor Lockhart thought the northern property was being looked at by MCCD.

Alderman Shelton made a motion to approve the first amendment to the Chicago Title Land Trust Annexation Agreement; seconded by Alderman Otis. The motion passed with an aye voice vote from Alderman: Otis, Shelton, Signore, Jennings, Spear, Secor and Genot.

ORDINANCE 07-3-2-AMENDING ORDINANCE 07-1-9 REGARDING ZONING OF NEWLY ANNEXED TERRITORY

Alderman Genot made and Alderman Spear seconded a motion to approve the above mentioned ordinance. It was passed with an aye voice vote from Alderman: Spear, Genot, Otis, Shelton, Secor, Signore and Jennings.

ORDINANCE 07-3-3 APPROVING AND AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT (WEST GRANT DEVELOPMENT COMPANY)

Alderman Otis stated this was the piece of property everyone tonight was worried about. To date, we are not sure what will be going on this piece of property. It is anticipated there is a person interested in the property that has a company by the name of Chemtool.

She has been over to visit the current site of this company. She has turned over every rock she could and has been very impressed with the operation. She was aware it was huge and scary to consider but she was going to vote for this because she felt the tax base could not continue being put on residential homeowners.

She felt the owner has been very attentive to environmental safeguards. We have dealt with metal working companies that have lubricants and have used them since day one. She mentioned Arnold Engineering, McGill's, Nissan, Top Die and EPS and we still have a pristine river so she felt we were doing something right. She stated this company pays attention to small and large environmental details and encouraged anyone to tour the facility as the owner is open to having anyone tour the facility. They could form their own impression as to whether it would be a valued company to come to Marengo. She was going to vote in favor of this based on lots of work and research.

She has met with Mr. Siddons, a resident on Thorne Road, who has sent a lot of letters regarding this. He basically cannot find anything wrong with the company as they have a clean record with the IEPA. Mr. Athens who owns the company has been very open and has answered all her questions as to what they use and what they actually would be doing here in the community.

She made a motion to approve the ordinance (07-3-3) and authorize the execution of an annexation agreement (West Grant Development Company); seconded by Alderman Signore. The motion passed with March 12, 2007-Council Minutes an aye voice vote from Alderman: Signore, Secor, Jennings, Genot, Shelton, Spear and Otis.

Alderman Otis after voting said she would like to add, "Probably would make a motion to the effect that on this annexation agreement there be wording as was recommended by Mr. Levin and by Ms. Skrukud, I'm always afraid I'm mispronouncing it, that we follow the process that is set up by our Groundwater Committee and actually work with the Defenders if they have any thing, any wording that they feel that should be added into the agreement that we would consider it as a City and I will make that motion as well."

Administrator Hartman advised the original ordinance adopted the annexation agreement as it was presented and doesn't include that language. Mayor Lockhart said they understood what she was saying but they couldn't change it now. He felt they all knew where she was coming from and were all on the same page. She stated she knew the owner was willing to work with the Defenders as he has in the past. She also knew our Groundwater Committee had a process in place and thought they needed to be very responsive to that.

Alderman Shelton thanked Larry Brown for all his work and input on this matter as did Mayor Lockhart.

#### ORDINANCE 07-3-4-ANNEXING CERTAIN TERRITORY-WEST GRANT DEVELOPMENT CO

Alderman Shelton made a motion that the above mentioned ordinance be approved; seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Secor, Genot, Shelton, Otis, Jennings Signore and Spear.

#### ORDINANCE 07-3-5-ZONING CERTAIN NEWLY ANNEXED TERRITORY-WEST GRANT DEVELOPMENT COMPANY

Alderman Secor made and Alderman Genot seconded a motion to approve the above mentioned ordinance. It passed with an aye voice vote from Alderman: Genot, Jennings, Spear, Otis, Secor, Shelton and Signore.

#### 2006/07 BUDGET REVIEW AND DISCUSSION OF 2007/08 PRELIMINARY DRAFT BUDGET

Administrator Hartman reviewed the budget for the third quarter. He stated if the City were to maintain a very conservative, tight approach to our operation and spending, we could finish in the black for the General Fund based on the current trend of revenues even though they are coming in lower than projected. Due to savings and non-expenditures in other lines items, he felt confident the fund would be in the black. He thanked the department heads for their strict control over their budgets.

He advised we received the FEMA reimbursement of \$16,000 that will go into the general fund for the overtime the Public Works Dept. put in for snow removal and equipment usage. It will appear as revenue in the line item it was taken out of in the Street Dept. budget.

He also advised the reimbursement check for the damages at the pumping station roughly in the amount of \$41,000 was apparently lost in the mail. The insurance company is canceling the first check and reissuing it. We should receive it in a couple of weeks. It will be put into the Water & Sewer Fund which will help but he was not confident this would put the fund in the black.

He has asked Supt. Craney to have his staff be as tight as possible for expenditures. We have held off on purchases i.e. the generator at WWTP since the review of the second quarter budget. However, there is a \$7,000 purchase for a raw flow meter at the WWTP as the current one is inaccurate as it is running on the high side. This new meter should show a reduction in our flow which means we will be able to handle additional capacity.

Alderman Signore asked if the water rate increase will be 9%. He was advised, based on the analysis that was requested from the members, 9% is needed. Per Ordinance 05-3-1, a 5% increase will be implemented on April,

2007 and another 5% on April, 2008 so it will be a 10% increase over the next two years. Based on the analysis done, we are operating at a deficit.

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Administrator Hartman stated Ordinance 05-3-1 was put in place to address operational shortfalls but was sensitive to the pocketbooks of the residents as rates needed to be raised 18-19% and rather than doing it all at once, it was prorated over a period of several years.

The question now was do they want to wait until 2008 for the 5% or do they do a greater increase this year. Alderman Secor stated the GAC was going to be discussing this hopefully next week. Alderman Genot stated the GAC also needed to look at COL increases as well.

With there being no more questions regarding the 3<sup>rd</sup> quarter budget review, Administrator Hartman moved on to the discussion for the 2007/2008 budget. A preliminary draft of the budget was included in their packet. He stated this was an unfiltered budget which meant departmental requests were incorporated into the figures. Based on the projected revenues which he felt very comfortable with, the expenditures exceed the revenue by more than \$267,000 for the General Fund.

Based on his report and numbers, he wants them to advise him what they feel should be incorporated into the "A" list and what should be on the "B" list. From there, the budget can go to the next step.

The Water & Sewer Fund portion reflects this years experience which was lower water sales due to the wetter than usual season. He used the same assumption for this year's budget as he is not in the position to over inflate in the event of wishful thinking. The figures incorporate a 6 ½% (5% from the ordinance and 1 ½% usage increase based on new meters coming on line) over last years revenues. Based on the projected revenues and expenditures, there is a \$58,500 shortfall for the Water & Sewer Fund.

He stated staff is in the process of surveying other communities to confirm the wage scale will be in line with the market. He wanted specific direction from the members for wage adjustments for non-union members.

There is one new full time staff position included in this budget which would be for a full-time Administrator Assistant position. This position would eliminate the part-time Administrative Intern position. He feels this position is warranted and has been needed for sometime based on the expansion of duties and the amount of work that comes out of this facility.

Alderman Signore stated there was a recommendation from the CDC that he didn't see included in the budget which was for a Code Enforcement Officer. Administrator Hartman stated he has been working with Commissioner Shull on this. Commissioner Shull will be presenting some information on this. It needs to be determined if this will be a part or full time position and whether or not they will be using current staff with additional duties.

Alderman Signore felt staff had created other positions in the budget with dollar amounts attached to them and thought there were three aldermen who had requested this position be included in the new fiscal budget. Administrator Hartman wanted to know if this was to be a full or part time position because staff would need to know this so they would know which way to go. Alderman Signore stated they were looking to staff for options but didn't see anything incorporated for it in this draft. Administrator Hartman stated this is why they were having this discussion now to bring this to the table and make sure it is incorporated. Alderman Signore thought the CDC had recommended it be a part-time position; Alderman Jennings concurred. Commissioner Shull presented a job description to Administrator Hartman regarding this position, so, it will be included in the next draft along with a recommendation how to pursue it.

Alderman Jennings asked what he would be getting for funding the EDC for \$50,000 as he would just as soon scratch it right now if it was just for "Look Local" posters. Mayor Lockhart stated he knew there were some things they were working on and felt they have been frugal with the money in their line item.

Alderman Signore felt it was about time to have the EDC come before them as there were more store vacancies than he could ever remember in the thirty years he has lived here. He was hoping they were looking for some answers to this problem. He had spoken to an EDC member who indicated they were

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looking into putting on some workshops for people who were perhaps interested in starting their own business. He felt this might be a way to roll organically as every community is chasing the big employer/business. He believed there were some things they were working on but still felt it would be a good idea to have the EDC give them a brief discussion on what they were working on.

Alderman Jennings brought up the proposed expenditure for the Comprehensive Plan update. Administrator Hartman stated the update was brought up several times by the members and thought it was probably time to move forward with it. Some of it could be done in house or it could be contracted out but there needs to be some sort of funding available to do the review.

As far as the Strategic Planning Session, Administrator Hartman felt a session like this would be a good thing. It would put together consensus, visions, help plan strategic visions on where the members want to be, identify how to get there and identify strengths, weaknesses, opportunities, and threats. He felt it would help the members to see things from a strategic standpoint and felt it was a great workshop. The expense is from having a trained facilitator come in to help draw out all these issues; help facilitate the discussion and ultimately put together a summary. He has had some experience in this but couldn't facilitate a Strategic Plan discussion.

Alderman Signore suggested having a couple of these facilitators come before them to make a presentation to see what it is all about and what's included. Administrator Hartman felt they should decide whether or not they want to do this as there was no point in bringing someone in if there is no intent to hire a facilitator.

Alderman Signore stated if it was anything like the space needs analysis for the Police Dept., he would vote no right now. He has never been involved with a strategic plan of this nature so he felt it would be beneficial if someone would come in and talk to them on what they would hope to accomplish with their service to the members.

Administrator Hartman stated if it would be helpful, he could give them preliminary information on strategic plans as they were rather hard to explain. He then asked if this was something that should be kept on the table or should it get moved to the "B" list.

At this time, Mayor Lockhart suggested they discuss this information they received at a C.O.W. meeting.

Alderman Genot asked Deputy Chief Hallman where the new siren in the draft budget would be located. He was advised it would depend on where the most new growth would occur.

The members decided to have a C.O.W. meeting to discuss the proposed budget on Wednesday, March 21, at 7:00 pm as this would give them a chance to look the budget over more thoroughly. Alderman Signore asked to have the EDC at this meeting as well. Administrator Hartman said he would extend the invitation to them.

#### TENTATIVE PLAT PREVIEW-WILDWOOD SUBDIVISION-WITHIN 1 ½ MILE JURISDICTION

Administrator Hartman advised the PZC approved this tentative plat review for Wildwood Subdivision located in unincorporated McHenry County and now the members needed to approve it.

Leonard Besinger, the developer of this project, was present to answer any questions regarding this subdivision located on Coral Road.

Alderman Otis stated the lots along Rt. 23 have a significant area of easement for the Conservation District. She asked Mr. Besinger if there was a possibility he would have wording in his agreement that when the City's boundary came up to that point, he would allow that portion of land be annexed into the City.

He advised this was brought up the Council before and the Council denied his request to provide a method within the covenants which he can no longer do as the covenants have already been submitted and the plan is in the final stage. He had asked the members to allow him to put in the covenants that when the City

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reached the Wildwood Subdivision, the property owners could have a meeting to see if they would like to become part of the City. He is not going to put a requirement on the people stating they have to. The members denied his request; however, the County Zoning Board overrode the member's objective. McHenry County has approved the rezoning of this property.

Alderman Otis stated she has never been for the City annexing the whole development because there are a lot of trees and felt the owners would not want to have land disrupted to put in facilities. She just would like perhaps a 200' strip along U.S. Rte. 23 that is currently shown as basically conservation. Mr. Besinger stated he understood but the problem is the subdivision plan has been around a long time (about 4 years) and this is the very last thing he has to get done in order to get it approved by the County hopefully on Thursday. He stated if the members want to prevent it from happening, they should go ahead. However, the problem is he has been doing this subdivision for a long time and everybody has known about it. This is the first time somebody has talked to him about 200'. Alderman Otis stated she had talked to him before regarding the 200'. Mr. Besinger stated the City never said, "Let's do that." Alderman Otis said, "I know, I know. I'm just asking." Mr. Besinger stated he would prefer not to give that easement. Alderman Otis felt it was important that the City look at annexations to the south and this would be a little chunk they could take care of now. Mr. Besinger understood this but in due respect, could not guarantee it at this meeting. It would require another round of going before various boards, changing the plat and thus delaying this subdivision until 2008. Unfortunately he can't afford to do that as he is pretty well strung out economically right now for this subdivision. This is something the City can take up with the people later.

Alderman Signore felt this subdivision was very appealing and would like to see more like it in our community. Alderman Otis stated it was a lovely development but the easement was a possibility that she had to explore once more and again stated she asked for this easement two years ago. Mr. Besinger stated, "I know and I don't think I responded because something else occurred and kind of went down the line."

Mayor Lockhart then asked, "Do we have a motion?" Alderman Genot so moved to approve the plat; seconded by Alderman Otis. The motion passed with an aye voice vote from Alderman: Genot, Spear, Signore, Jennings, Shelton, Secor and Otis.

## **OLD BUSINESS**

There was no Old Business.

## **MAYOR'S STATEMENTS AND REPORTS**

Mayor Lockhart made a statement that he appreciated all the comments received tonight on the western annexation. Unfortunately, there are a lot of questions we are not in a position to answer as documents have not been filed so it makes it extremely difficult to answer those questions. There is a lot more to this that will occur as far as applications, investigations, etc. before this will get off of the ground.

He and the members realize there is a possibility of 500 jobs for the residents of Marengo and the amount of money the School Districts will receive. They have also recognized the need to protect the Kishwaukee River. He felt there wasn't anyone up there that would do anything knowingly to damage it.

He was more concerned for a truck going on the bridge over the Kishwaukee River than some of the safety hazards of this company because of their past experiences, etc. He believed there haven't been any police calls over in their factory in the past 25 years or more other than maybe an abandoned car. It is a well run company. He again stated he appreciated the support of the members as these decisions are not easy but if we are going to move Marengo forward, they are necessary if we are going to have jobs for the children. Once this is built out, there will be approximately \$200,000 for the grade school and \$200,000 for the high school. These are issues

the members have to weigh when they are sitting up there and dealing with these issues. It is not a simple yes or no answer many times. He was very appreciative of the research, the touring of the other facility, etc. that members did and all the time Lorence Brown has spent on this.

## **DEPARTMENT HEAD AND STAFF REPORTS**

### **BUILDING DEPARTMENT**

A Building Department Status Report was included in the packet. Orally, he reported the Safety Committee has obtained a grant in the amount of \$7,000.

### **PUBLIC WORKS**

Written reports were submitted by the Street Department, WWTP and Water & Sewer Department. He advised Steve Fiepke from the WWTP was in attendance if they had any questions for him.

The pedestrian signs are in but he now needed to know from the members what time they are to be on display and when they are to be removed.

Supt. Craney received plans from IDOT for work to be done from Ritz Road thru town to Union Road which is good news as it really needs it. The bid letting will be held on the 27<sup>th</sup> of April.

Alderman Signore asked Mr. Fiepke if he felt the 9% increase would be enough or would it just put a band aid on a huge problem. Mr. Fiepke replied that this was a start; however, as they are aware, the equipment at the WWTP is old but is running exceptionally well. We don't have a margin for any problems that may arise with equipment failure.

Alderman Signore asked him to give them a brief run down of the items in his department in the proposed budget. He was advised the west orbital shaft was replaced about a month ago and while they were waiting to get it repaired, some damage was noted on the east shaft. After talking to some contractors, they feel the shaft can be repaired by putting a sleeve on it rather than replacing the whole shaft which means a cost savings. They are trying to find ways to cut the electric bill at the WWTP as well. By going to more efficient electric motors, they can cut some peak hours that they get from pumps kicking on and off by running them constantly. The main thing he wants is a generator. He feels we have been pretty lucky. The generator we now have there basically runs just the raw pumps. This means the oxidation ditch and clarifiers just sit and as it sits, the solids in those tanks rise to the surface and when they raise to the surface, the likelihood of those being discharged into the river could be a problem.

Supt. Craney advised the Police Dept generator that was discussed at the last meeting is actually smaller than the one that is currently at the WWTP. Administrator Hartman advised there is possible reuse of this generator however.

Mr. Fiepke, per the Mayor's request, informed the members of the Fox Valley Operator's Assoc. meeting the WWTP hosted last week. The meeting was conducted at Water's Edge. Afterwards, they toured our facility to see the Solaris equipment.

He also mentioned the mechanical failures Algonquin has had at their WWTP. Both of their digesters have gone down. After talking to Supt. Craney and Administrator Hartman, we have offered aid to help them in any way we can. They have taken us up on our offer and will be transporting some of their bio-solids to us to help process them. This will not have an effect on our hydraulic loading. It will be dealing with the solids in the digester which is being operated currently at 30% so we do have room to help them out. The plus side of this is, if we ever need help at our plant, he hoped they would step forward to help us out.

A mutual aid agreement like the Fire, Police & Rescue Squad Departments have with other communities is in the talking stages. Mayor Lockhart advised him to look into this as he personally felt it was a good idea as you never know if or when we would ever be in the same position.

#### POLICE DEPARTMENT

Reports were submitted in the packet for review. One was for EMA and one for the PD. They presented a Pandemic Influenza Planning Information Seminary this morning in partnership with the County Health Dept. at Indian Trails. He felt it was very well received. He felt they might do one more geared to schools and administrators and they are in the process of developing it.

Mayor Lockhart was glad the PD conducted a canine search at the high school and found no contraband. He also reported except for one establishment, everyone passed the tobacco compliance check.

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Alderman Signore wanted to know if there was going to be a meeting to discuss the Deerpark parking issues that he brought to his and Alderman Secor's attention. Deputy Chief Hallman advised him he would be willing to discuss this anytime with the CDC as the problem is not going away.

#### ENGINEER'S REPORT

A written report was submitted. Orally, the engineer stated after looking over the proposed budget, he felt it should include expenditure to do some preventive maintenance work on well 6 as it has been about 7 or 8 years since it was last pulled and inspected. It is our main producer and he felt we wouldn't want it to go down. They would look for normal wear and tear and he estimated the cost to be around \$15-20,000.

The members were advised we have not had any false readings which is good news but they are still trying to figure out why this happened in the first place.

It was stated we had a rusty water complaint today; otherwise, we have not had any. We have changed the solution to keep the rust in suspension in the water that has been approved by the IEPA.

Our engineer will follow up on the City's hydrant flushing procedure that was supplied to them. They will take a look at it and at the next meeting provide recommendations they feel will help our flushing system if they are needed.

#### TREASURER'S REPORT

There were several written reports submitted for the packet. Orally, Treasurer Hall stated we are still getting a favorable rate on the liquid money. It is even higher than most CD rates so we will continue to keep it liquid rather than putting it in a CD. He again stated the banks have been very cooperative.

#### CITY ADMINISTRATOR

Administrator Hartman submitted a written report.

Alderman Signore asked if anyone had attended the March 1<sup>st</sup> McHenry County meeting and how was it. Mayor Lockhart attended it and said, "Well, there is a lot of reasons why they can't and a lot of it is by law, set by law." Alderman Signore replied, "Leave it at that then."

He then inquired if some of the Retained Personnel Accounts they had discussed previously had been replenished. Administrator Hartman advised he would have to check into it. His report notation regarded the review of the Retained Personnel Policy.

It was then asked when they would get a report on how this was going. Building Commissioner Shull stated staff members met, made some recommendations and now would like to meet with Administrator Hartman to go over some of the suggestions made by staff.

Alderman Signore wondered if there was a way for us to pick the addresses from the residents we send water bills to for the municipal survey. Administrator Hartman stated this was an option, however, it would be quite labor intensive as we would have to pick out which ones were businesses, which were rental properties, etc. Alderman Signore thought it would be very difficult to get a true, accurate up to date information from anyone. So we will send out surveys to people who are no longer living here, no longer alive, etc. This is just the way it

is. Administrator Hartman said we would not be sending it out by name; it will be by address. He gave an example of a multiunit apartment building that may have just one water meter so that means the person living in 3C wouldn't be able to send in a survey. This is why we are looking for other means because in the long run, we feel it will be more efficient. If we don't have a good resource, it will be a missed opportunity.

#### ATTORNEY'S REPORT

The attorney had no report.

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There was no need for an Executive Session, so, Mayor Lockhart asked if there was anyone who had anything to say before they adjourned.

Steve Kopinski, 6313 Dunham Road, Marengo, addressed the members regarding a horse racing track at 18718 West Union Road, Union. The owner has gone before the McHenry County ZBA to ask for a Conditional Use Permit for a fairground on his 29 acres. He had 3 of these so called fairs on this property last year that were basically horse racing programs with live music. Entrance is a \$25.00 donation; you donate to buy the food; you donate to buy his beer. After the third one, they went before the County Board and had the permits pulled for the other two.

The owner now has asked the County for a Conditional Use Permit to hold these fairs every Sunday starting March thru November. Mr. Kopinski felt once a permit like this is given, it generally is not taken away until the property is sold.

He felt this property was located in the 1 ½ jurisdiction of Marengo, so, they had a right to object to this. He was asking the members to review the petition his attorney had with her tonight. He also passed out photos taken at this track.

He felt this permit, if approved, would impact our Police, Fire and Rescue Squad Departments as there will be a lot of people on the road and last year there were drunken/intoxicated areas that were seen and witnessed. He was not talking a couple of people. Last year there were hundreds of cars and thousands of people. These events lasted for a long time, made a lot of racket/noise and had a lot of public intoxication.

He appreciated the member's time and hoped they would have an opportunity to put out a letter. He has petitioned the County ZBA but a date has not yet been set. The Village of Union has also been informed of this and has already drafted a letter opposing it.

Mayor Lockhart advised Mr. Kopinski since it was no on the agenda this evening, they could not take any kind of formal action on this. He welcomed his information and stated the City would look into it.

Mr. Kopinski stated the owner last year did do everything by the book as he had the County Sheriff's Dept. doing traffic control and the Health Dept. checked his food but felt if this was approved and held every week, they would all suffer as the music is so loud it rattles the windows in the area. Mayor Lockhart suggested Mr. Kopinski also contact MCCD as their property is right there and could affect the people using it.

Mr. Kopinski stated he does have some parking on these 29 acres; this winter he brought in more sand and gravel to covert the straight track to an oval track; gentleman lives in Wood Dale and has a caretaker on the property; there are no horses on the property; the horses are brought in from areas all over the U.S. to race and he has a website to promote these fairs to bring in the people.

Mayor Lockhart stated we are within the 1 ½ boundary but all we could do was object. The City objected to Mr. Besinger's Wildwood Subdivision previous to his tenure yet he got approval; so, he wasn't sure how much power we would have.

It was determined this would be put on agenda for the next meeting in order for the members to formally vote on it.

**ADJOURNMENT**

With there being no further business for discussion, Mayor Lockhart asked for a motion to adjourn the March 12, 2007, Marengo City Council meeting at 8:37 p.m. Alderman Shelton so moved; seconded by Alderman Signore. The motion passed with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,  
Acting City Clerk