

**CITY OF MARENGO
MARCH 12, 2007
PUBLIC HEARING MINUTES
ANNEXATION AGREEMENT WITH CHICAGO TITLE
FIRST AMENDMENT**

CALL TO ORDER

At 6:05 p.m., Mayor Lockhart called to order the Public Hearing meeting.

ROLL CALL

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

PUBLIC HEARINGS (3)

PUBLIC HEARING #1

CONSIDERATION OF A FIRST AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN THE CITY OF MARENGO, AN ILLINOIS MUNICIPAL CORPORATION AND CHICAGO TITLE LAND TRUST COMPANY SUCCESSOR TRUSTEE TO LaSALLE BANK NATIONAL ASSOCIATION SUCCESSOR TRUSTEE TO COLUMBIA NATIONAL BANK OF CHICAGO AS TRUSTEE UNDER TRUST AGREEMENT DATED 04/22/1996 KNOWN AS TRUST #01-5155 ET. AL.

Mayor Lockhart announced this was an amendment for an annexation agreement. If anyone wished to speak on this, they were to approach the podium, identify themselves with their name and address for the record.

No one came forward, so, a motion was made by Alderman Genot and seconded by Alderman Jennings at 6:08 p.m. to close the public hearing for the above mentioned subject. The motion passed with an aye voice vote from Alderman: Signore, Spear, Otis, Secor, Jennings, Genot and Shelton.

PUBLIC HEARING #2

CONSIDERATION OF AN ANNEXATION AGREEMENT BETWEEN THE CITY OF MARENGO, AN ILLINOIS MUNICIPAL CORPORATION AND WEST GRANT DEVELOPMENT COMPANY

At 6:09 p.m., Mayor Lockhart announced the public hearing for the above mentioned subject and asked if there was anyone who wished to speak on this at this time.

Cynthia Canner, 920 Susan Court, Algonquin, IL, came forward. She was here in behalf of the McHenry County Defenders. She had a question for the Mayor and Council. She wanted to know if a chemical plant was to be built on the land proposed for annexation this evening.

Mayor Lockhart asked her, "A chemical Plant?" She replied, "Yes." Mayor Lockhart then advised a chemical manufacturing plant was not going to be built.

She then asked, "There is no proposal or no former discussion about a chemical plant being built on that land?" Mayor Lockhart advised there is discussion of a company coming to Marengo but they do not manufacture chemicals to his knowledge and how that ever got started he really didn't know as it was incorrect.

She then went forward with a statement from the Defenders. She stated they understood the proposed annexation land would be zoned for manufacturing is part of the Kishwaukee River Watershed and is one of the most sensitive aquifer regions in McHenry County.

The Defenders were sympathetic to Marengo's desire to grow but urged the City to do so in a way that is compatible to a healthy environment.

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At this point, the Defenders wanted to publicly ask what the land under consideration for annexation will or might be used for. For example, if a chemical plant is slated for construction, the Defenders urged the City to take the proper environmental cautions like to take into consideration the close proximity this possible plant would be to the pristine Kishwaukee River and its location in an area with very permeable soils.

At this time, she submitted a list of questions addressing environmental concerns if a plant or other manufacturing were to be put there.

The Defenders requested the public be kept informed regarding construction plans for this property; the process be kept open and asked the City to consider utilizing the resources and environmental expertise of the McHenry County Defenders should the building of a chemical plant on the land come to fruition.

Kim Willis, 214 South Troop St., Woodstock, IL asked if the members could describe or give any details regarding what might be going on this proposed annexation site. No one wished to address the question.

She stated she was aware other communities were courting Chemtool. The opportunity to work with this company was definitely appealing. She knew they were all working hard to bring industry to the City. However, she was very concerned about this proposed annexation. She felt angry about the lack of transparency regarding the development of the property; specifically, the public has not been told yet officially what exactly this property would be used for.

The City Council has refused to answer questions from the Defenders and apparently has not followed thru on an agreement to meet with them.

She was worried about this particular piece of property as experts say is truly vulnerable and because the annexation agreement doesn't list any stipulations protecting this land or the aquifers below it.

The proposed zoning as General Manufacturing seemed too vague and didn't take into consideration the type of manufacturing as other municipalities recognize different types of manufacturing in their zoning.

Although she could only guess at the use of this property at this point and if an industry magazine article entitled "Chemtool and the Giant Grease Reactors" is any indication, she would be very afraid. The article from July, 2006, states Chemtool built the world's largest grease kettle- 130,000# reactor. Chemtool officials stated they believed it was far larger than any other grease reactor on earth. The article further stated this reactor is only a test, however, for the new plant the company wants to build. They are considering several sites in Northern Illinois. The company stated the facility would have 10 of these 130,000# reactors giving it the capacity to make 50 million pounds of grease per year.

She researched and understood this company prides itself in having an excellent safety record but it only takes one accident. With the sheer volume of chemicals coming in and out of a site like this, clearly the City needs to take protective action.

For example, she wanted to know if anyone consulted the Fire Department if they have the resources to handle a possible fire, spill or other accidents at this site. She wanted to know who would be responsible if something goes wrong and who would pick up the tab. She implored the members to please make sure they have properly protected the residents before they annex this property, not after.

John Berry, 9210 Conestoga Trail, Marengo, is on a tri-county Groundwater Protection Committee and one of the things this group has been concerned about is sealing the wells when water is getting into people's wells from caustic waste sights like around Loves Park/Rockford /Belvidere areas. He felt groundwater was a pertinent issue and in the case of sealing wells and converting these people to City water supply, it would be very expensive.

For the record, he sited a situation that happened at Techalloy in Union when a toxic waste plumed under their plant and was moving toward the Kishwaukee River. That's when Evergreen School was closed. An March 12, 2007, Public Hearing Minutes for West Grant Development air stripping tower was put in just before the water went into the Kishwaukee River on North Union Road. He stated this is what is called reactive instead of proactive and it is better to deal with possible environmental contamination proactively rather than reactively. He would urge the members to consider this in their deliberations.

Next up was Cindy Skrukud, Clean Water Advocate for the Illinois Chapter of the Sierra Club and as a volunteer, she chairs the McHenry County Defenders Water Resource's Protection Committee. This Committee works to protect groundwater, the County's sole source of drinking water, and prevent pollution of quality bodies of water like the Kishwaukee River.

She stated in the '90's Marengo was out in front of a lot of community's addressing the critical issue of groundwater protection. She saw we had reassembled the Groundwater Protection Committee to update our ordinance and improve our efforts to protect the groundwater resources of the City and surrounding areas. This was the #1 intent of our ordinance and she was happy to hear we were undertaking this update.

With the City now considering the annexation of land that could ultimately house a major manufacturing facility, she felt was an opportune time to think about how to achieve the protection of groundwater resources thru tools such as our ordinances and annexation agreement. Our ordinance currently requires entities operating facilities in our groundwater protection planning area to obtain a Groundwater Protection Permit. These permits address the storage handling treating use and production of all types of substances used by businesses. A chemical substance management plant is a required condition. These are all important requirements that will not only help protect Marengo's groundwater but can also help prevent spills and releases that could make their way to the Kishwaukee River. Unfortunately, our ordinance only applies within the five year capture zone of our wells. As such, it is failing to achieve the protection of groundwater resources in the surrounding area which is part of the intent of our ordinance. The requirements of our Groundwater Protection Ordinance are just best management practices that makes sense to implement anywhere but especially in the greater Marengo area where the sand and gravel aquifer is unconfined. This means the permeability of soils overlaying the aquifer is quite high and susceptible to contamination.

If the members planned on proceeding with the annexation and rezoning of land for manufacturing facilities, she recommended we use the annexation agreement to make the requirements of our Groundwater Protection Ordinance applicable to this parcel despite being outside the 5 year capture zone for our community wells. This would help us to better "protect the groundwater resources of the City and surrounding area".

She asked the members if they would be willing in the annexation agreement to include a requirement for any facility sited on this property to adhere to the City's Groundwater Protection Ordinance.

Lynn Rotunno, 10668 Wakefield, Westchester, IL, stated she understood how business was important to this and all communities but she was very concerned the dialogue was just one direction tonight. This was a public hearing and in the past hearing she was here for, they were able to ask questions and get answers.

She stated this might be a sensitive negotiation but she understood that it has been going on for quite a while. She was very disappointed they had not been able to get the answers to the questions they have asked. As a McHenry County Defender member, she has been actively involved in formulating questions they felt were important to get answered to protect the community. So, she was going to ask some questions tonight and hoped they would consider answering them.

She wanted to know what chemicals would be used on the site that is proposed and how would they be disposed of? She was advised by Alderman Jennings that none of them were qualified to answer that question.

She then asked, "Can you tell me why?" Alderman Jennings stated he was not a chemical expert. He didn't make chemicals and he never dealt with the manufacture of chemicals.

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She stated the question she was asking was whether they had the information available to them in writing or and at this point, Mayor Lockhart said he wanted to say one thing.

He stated he has heard from three or four Defenders that we have kept this hidden from them. If he wasn't mistaken, the City Administrator met with them downstairs. She stated he had not. Administrator Hartman advised he had several discussions with Ms. Canner. She apologized she was not here for that.

Mayor Lockhart continued to say this was not all true. He stated they had filed numerous Freedom of Information Act requests. We provided them with everything we possibly could so this business about it being hidden and a secret didn't wash. We have met with some of the Defenders and the doors have always been opened. He asked her if she had ever called him. She stated she would do so. She stated she has asked to meet him thru Administrator Hartman and hadn't received a response. Mayor Lockhart stated he was not aware of this but he was here almost everyday and would be happy to sit down and answer her questions that he knew of.

He asked her to continue her statement but he wanted to make sure the Defenders understood that we did meet with some of their members. She replied, "Okay, tonight but we have been trying to ask for several months, since November" and Mayor Lockhart stated he didn't want this group of citizens from Marengo to think we are totally eliminating the Defenders because this just wasn't the case. He then asked her how many documents they have received thru Freedom of Information requests. Off hand, they did not know. Mayor Lockhart stated he knew there were numerous ones provided to this organization.

She stated in due respect, they have received materials but nothing related to any proposed chemical plant. Mayor Lockhart stated everyone has been talking chemical plant. This is a manufacturing facility and they are not to his knowledge, manufacturing chemicals. This has been the Defenders position since day one that it was a chemical manufacturing plant. It is not that; it manufactures grease. He then advised her to continue her statement.

She went on to say the annexation and rezoning reclassification to manufacturing is the greatest hurdle to building a potential lubricant manufacturing facility. The current manufacturing zoning provisions are not specific enough to accomplish this task in their view. No specific provisions are included in the annexation agreement. Her question to the members was, "How do you plan to adequately provide protection for the community and the environment if a lubricant manufacturing facility is proposed?" Her next question was whether the City of Marengo had a plan in place to monitor compliance of government environmental safety standards; how much water would be used by a facility producing lubricants each day and where will it come from; has the City developed a plan for compliance with the County Storm water Ordinance; has the Conservation District, Soil & Water District and other appropriate government agencies been consulted about the proposed facility and has the endangered species consultation been completed with the IL Department of Natural Resources.

Stan Szaflarski, 20419 River Road, Marengo, wondered if it was his hearing or if arrogance was the reason that questions weren't being answered. Mayor Lockhart said, "I have no idea. You can call it what you want. Anything else?" He than advised this meeting tonight was for public input. He wanted to know if he had attended the rest of the meetings. He stated he had not and did not know about it until today. He wanted to know if he would have received answers if he had attended the other meetings. Mayor Lockhart said, "I believe so. If you had just picked up the phone, I would have been happy to talk to you. There's been things in the paper for how many months about this project. I don't know why you wouldn't know about it but if you didn't, there was Letters to the Editor; the young lady here from Woodstock wrote one. It was in this morning's paper. Did you see that?" Mr. Szaflarski stated he did not see this morning's paper. Mayor Lockhart then asked him, "Well, anything else?" He had nothing more.

Michael Hook?, 214 South Throop, Woodstock, IL, wanted to know if the City actually knew the plan for this site at this point. Mayor Lockhart stated they were here for the sole purpose of annexing and rezoning some property tonight as we haven't gotten into any of those steps at this point.

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He then asked if we felt it was necessary to go into some of those other steps before finalizing the zoning and the annexation agreement or was it not necessary and if there would be a forum where questions would be answered regarding this prior to finalizing this agreement. There was no response to his inquiries.

He then stated when he was young, someone wanted to open up a skate board shop in his town. He went to the meeting to show support for it. It took several meetings where they kept postponing the annexation and zoning agreement to further consider it. Granted this was just a skateboard shop and at the time he felt the man was trying to keep down the skateboard kids. As an adult, he now realizes they were just doing their job in fully considering the matter and again stated, "That was just a skateboard shop."

Ms. Canner came forward again and publicly complemented Administrator Hartman for how responsive he has been with her. She felt what they were concerned about though was they have not received in detail what the land was proposed to be used for. They have submitted a list of questions which she resubmitted tonight, twice before. They just received a letter from Mayor Lockhart saying the City didn't know. They haven't gotten any response to the questions they have submitted publicly. She also wrote to him (for the record, it was an e-mail) to set up a meeting and has not received a confirmation from Administrator Hartman or a yes to meet with him. Mayor Lockhart didn't remember the letter. She stated she would find it in her file that she had with her.

She just wanted to clear the record the Defenders are not adversaries but they feel it is important that environmental questions be brought up and answered.

Mayor Lockhart stated there were a couple of things that needed to be understood. One was the City has had nothing presented to us at this time. This was strictly for annexation and rezoning. There are certain rules and regulations that have to be followed at the time an application and permit would be given to the City. A lot of their questions will probably be answered at that time.

If this plant does come, it is IEPA inspected. They have an extremely high rating for safety. He wanted them to understand there are a lot of questions we can't answer tonight but there is a time and place that they would be more than welcome to come.

He again stated he didn't remember seeing the letter from Ms. Canner. She stated it was sent to Administrator Hartman. He apologized for that as he was not aware of it because he was willing to meet with her anytime as he did not have anything to hide.

He, however, didn't want people to think Marengo is not providing the Defenders with information as this was not true either. We have given them as much as we can under the FOI Act.

At a later time, there will have to be more things put in place. If this becomes a reality, he thought they would find the safety records to be extremely high and they do have safety plans as they have been in business many years without any problems.

Alderman Otis wanted to know if Fire Chief Bradbury could address how they meet with industries here in town and what their process was in going thru the safety requirements as she felt this might be helpful.

Chief Bradbury stated they review the plans for the structure of the building. They also need to know what they are going to produce as there are high hazardous, moderate hazardous, low hazardous, etc. They take this all into consideration and go over their suppression system(s) to determine if it is adequate for whatever it is they are producing. He mentioned the various safety precautions EPS has in place for their facility which was a

quite extensive project. They also inspect the facilities annually; some more than that. The facility also has to supply them annually what chemicals, etc. are used /stored at the facility.

He asked Alderman Otis if this answered her question. She advised it did. She was aware of their procedures but she wanted to make sure other people were aware this process was in place for Marengo.

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She felt there had been some really good recommendations brought up tonight that she was sure the City would perhaps want to include.

Alderman Otis asked if there was anyone here from the City's Groundwater Committee that might be able to add information and maybe answer some of the questions asked here tonight. Building Commissioner Shall thought a lot had been said. He stated the one thing that was very accurate regarded the permit and permit requirements. It is specified in the five year recapture zone about protection of the wells.

Mayor Lockhart stated Lorence Brown was in today to review this and left assuring him and Administrator Hartman he was 100% for this project. He felt there was nothing wrong with any manufacturing in this area.

At 6:38 p.m., Mayor Lockhart asked if there was a motion to close this public hearing. Alderman Genot so moved; seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Signore, Spear, Otis, Secor, Jennings, Genot and Shelton.

PUBLIC HEARING #3-CONINUTED CONSIDERATION OF AN ANNEXATION AGREEMENT BETWEEN THE CITY OF MARENGO, AN ILLINOIS MUNICIPAL CORPORATION & MARENGO DEVELOPMENT, LLC, AN ILLIONOIS LIMITED LIABILITY COMPANY-SEVEN OAKS

At 6:39 p.m., Administrator Hartman asked for a continuance once again to March 26, 2007, at 6:00 p.m. as the annexation agreement has not been fully hashed out due to some unavailable information.

At 6:41 p.m., Alderman Genot made a motion to continue this hearing until March 26, 2007; seconded by Alderman Spear. The motion passed with an aye voice vote from Alderman: Genot, Secor, Shelton, Spear and Otis. Alderman Signore and Alderman Jennings voted nay.

Submitted by: Diane L. Schwoch,
Acting City Clerk