

**CITY OF MARENGO
MARCH 26, 2007
COUNCIL MINUTES**

CALL TO ORDER

Due to the length of the Public Hearing, the March 26, 2007, Marengo City Council meeting was called to order by Mayor Lockhart at 7:35 p.m. He then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

No one wished to address the members.

NEW BUSINESS

APPROVAL OF THE MARCH 12, 2007, MARENGO CITY COUNCIL MINUTES

Prior to the meeting, the members were given two corrections to the minutes they had received in their packet. One was for the correct spelling of Skrukud on page three and the other was the name of the woman, Lynn Rotunno, in the third paragraph under Public Participation on page one.

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

PZC CONSENT APPOINTMENT OF RYAN GIESEKE TO REPLACE COMMISSIONER SEEVERS

Alderman Genot made and Alderman Spear seconded a motion to approve the appointment of Ryan Gieseke to the Planning and Zoning Commissioner due to the resignation of Commissioner Jeff Seavers (Term expires 2009).

Mayor Lockhart was asked what Mr. Gieseke's profession was. He replied he was a farmer. He was then asked if this would present a conflict of interest. He didn't believe it would or he wouldn't have recommended him for the member's approval.

Alderman Otis stated although she thought Mr. Gieseke would be great, she wouldn't be voting in favor of the appointment as she felt there was a possible conflict of interest in the future and wanted to avoid this especially if he would want to develop land in the area (Rt. 176) which is being considered.

Roll was then taken and the motion passed with Alderman Otis voting nay and Aldermen Jennings, Genot, Secor, Spear and Signore voting aye.

AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR CITY'S ANNUAL AUDIT

The City has received an agreement from George Roach & Associates, P.C. to provide audit services and prepare a required comprehensive annual financial report in an amount not to exceed \$12,600.

Alderman Otis so moved for the approval; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Signore, Secor, Spear, Jennings, Genot and Otis.

SPRING FLING CARNIVAL REQUESTS

Settlers' Days, Inc. has requested approval for the closing of City parking lot #2 on Thursday, Friday, Saturday and Sunday, April 26-29, 2007, to conduct their annual "Spring Fling" fundraiser. They also asked to have the permit fee for the carnival (\$150) and the advertising of this on the community board sign (\$10) be waived.

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The question was raised if this was strictly for a carnival or would there be other activities occurring. Deputy Chief Hallman advised it was typically just the carnival and the PD worked closely with Settlers' Day, Inc. on this.

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

ADOPTION OF THE OFFICIAL ZONING MAP FOR THE CITY OF MARENGO

Per State Statues, the City is required to update and adopt an official zoning map in March of each year. The map in the packet reflected the approved changes that have happened in 2006 and early 2007.

Alderman Signore made and Alderman Genot seconded a motion to approve the map. Before voting, Administrator Hartman wanted to make reference regarding the Deerpass, Unit VI, layout that changed. Baxter & Woodman has made the change on the final plat that was approved. So the maps that come out and are available to the public will show a different lot configuration.

Roll was taken. The motion passed with an aye voice vote from Alderman: Spear, Genot, Otis, Secor, Signore and Jennings.

IDOT REQUEST FOR EASEMENT AND ROW PROPERTY ACQUISITION (RT 23 BRIDGE)

Supt. of Public Works, Jim Craney, was unable to attend the meeting tonight. So, Administrator Hartman stated he would like to have this item tabled until Supt. Craney would be available to answer questions and give his recommendation.

Alderman Signore so moved; seconded by Alderman Genot. The motion passed with an aye voice vote from Alderman: Signore, Secor, Jennings, Genot, Spear and Otis.

DISCUSSION OF POTENTIAL CONDITIONAL USE APPLICATION IN UNINCORPORATED McHENRY COUNTY -FAIRGROUND USE AT 18718 WEST UNION ROAD

This item was discussed at the last meeting; however, no formal action could be taken as it was not on the agenda.

Attorney Kimberly Meyers stated she is representing several surrounding property owners in the above mentioned area who are concerned with a pending Conditional Use Application for a fairgrounds at 18718 West Union Rd.

While this petition is still pending, they are before the members now as once the petition is finalized, the hearing can be set 15-30 days out. Therefore, they were concerned in not having an opportunity to address their concerns to the members prior to the hearing.

The petitioners, Hernan F. Rivera and Jose R. Aguirre of 155 Front Street, Wood Dale, IL, are requesting this permit for a fairground for purposes: (a) Public access Sundays from March 1-November 31, noon - 8:00 p.m.; (b) Public exhibition of amateur Quarter Horse showing, riding and training and (c) Food sales, liquor sales, merchandise sales and live entertainment during horse shows.

She gave a general overview what they understood to have occurred last year when the petitioner's received several Special Event permits at this location. These events were advertised on the Internet and signs were posted in local businesses. There is a concern with the traffic as the only entrance to this property is on West Union Road. The traffic last year for these events was backed up as there were hundreds of cars and lots of people. The events also lasted longer than requested. They also feel if the event starts at noon and ends at 8 p.m., the traffic for all the cars would start well before noon and end well past 8 p.m.

They feel the property (29.11 acres) is not large enough to host this type of event and it is not the right location as there is residential area bordering the property.

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Since this is within the City's 1½ mile jurisdiction, they are requesting the members to consider filing a formal objection when this petition is finalized due to the concerns stated above and the concern of the additional stress on the City's services and support systems as far as fire and safety, emergency services, police, backup of cars with all the traffic coming thru town and wear and tear on our roads.

There was concern that what happened there last year could happen again if this is approved. There was alcohol served on the property that led to trespassing on other property; people became intoxicated on this property which led to concerns of increased crime, drunk driving, etc. and there was a great deal of noise coming from these events as there was live outdoor music as well as announcing going on with hundreds of people congregating on this property. A copy of the petition (not the final one) was then handed out to the members.

Some of the items discussed included: Individual permits are meant to be a one time special use; parking last year was on the property and along West Union Road; it was the understanding it was organized as a charity type event so donations were asked for; concern if this was to be held every week, there would be more promotion for it -thus more attendees; petitioners describe it as horse showing but neighbors who could view

the property last year said there was no horse showing - it was horse racing; MCCD has property adjoining this property; horses last year were brought in from other areas in the U.S.; petitioners have previously been involved with other horse racing ownership interests in other locations; Conditional Use Permit does not require a "super" majority vote if a municipality opposes the permit; City doesn't have supporting information for this application like studies, etc. that the final petition will have to have; Administrator Hartman stated the members needed to make an informed decision based on information from both sides as opposed to just one; the petitioner has not come before the members to get their "blessing" and the members have no guarantee what the people who are against it are saying is actually true as it is hearsay.

Based on information she has had from some of the neighbors in this area, Alderman Otis made a motion the City of Marengo file a formal objection based upon the inappropriateness of the location, the traffic impact on the community which is a safety issue, the trespassing and public intoxication that apparently occurs there creates a significant negative impact for the adjoining property owners and for the community itself.

Administrator Hartman then asked Alderman Otis to summarize the points she just referenced and the basis for the objection under the County's Zoning Ordinance Article 502.3 Standards for Conditional Uses. He felt items 3, 4, & 7 spoke of the issues she stated. He felt if the City were to file an objection, it should reference the concerns of those standards as he felt it would carry the most weight.

The question was raised if they had met with the Village of Union regarding this. The reply was that they have met with Union and with Coral Township and both of them are filing objections.

Administrator Hartman advised item #9 could be added to the objection. Alderman Otis requested the clerk to take the guidelines of the City Administrator. He then said, "Items 3, 4, 7 & 9." The question was raised if item 6 could be added. Mayor Lockhart felt parking was a big problem if they were parking along the road as there were deep ditches there. He supposed they should have adequate parking on their property as it was very dangerous to park along the road.

Mayor Lockhart then asked Alderman Otis if she made that motion. She replied, "I made that motion." Alderman Secor then seconded the motion. The motion passed with an aye voice vote from Alderman: Secor, Genot, Otis, Jennings, Signore and Spear.

PEDESTRIAN SIGN CROSSING SET UP/TAKE DOWN POLICY

Supt. of Public Works, Jim Craney, has requested the members discuss what hours they would like the pedestrian crosswalk signs to be put up and taken down and what months these signs should be up.

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Per a letter Administrator Hartman received from IDOT, unless the sign is located on an island, it shall only be in place during school crossing hours or during hours of significant pedestrian activity at the location(s) in question and shall be removed during

other times. Based on, or during hours of significant pedestrian activity at the location(s), Alderman Otis didn't believe IDOT would come thru after 10:00 p.m., so she saw no problem with putting these signs up and leaving them up as what is significant to us was one life as far as she was concerned.

Street Department Foreman, Tom Zwicky, Zwicky, suggested they not be up during snowplowing season which Alderman Otis agreed with. (Approximately December 1 - April 1)

Alderman Signore stated he felt the liability language was wide open. Alderman Otis replied, "It is wide open." Alderman Jennings thought it was the typical bureaucratic way out. Alderman Signore wanted to know if we had any other signs that fell into this category as it seemed to him that if we put these signs up, we were on our own. Our attorney stated other signs (stop, street, etc) were not located on the street like these pedestrian signs will be. These signs also will not be located on an island or properly mounted on something that is fixed. They (IDOT) will have nothing to do with it in terms of their responsibility.

It seemed to Alderman Signore if anyone were to hit any of these signs for any reason, their recourse is right back to the City and IDOT takes a step back and says, "It's all yours."

Alderman Jennings said, "It's the same IDOT that has stop signs mounted on 4x4 posts on Rt. 23 in DeKalb County."

Alderman Signore wasn't sure if the potential for loss outweighed the benefit we would get from this or not. Our attorney stated, "They are going to get sued. They are going to claim they are not responsible based on this but there is no indemnity that we are providing to them so they just want to be on record that they do not approve of these types of signs. That's all."

Alderman Otis stated these types of signs are in Harvard, Genoa, Belvidere and many other places and they had to do what exactly they were doing now.

Mayor Lockhart believed the safety factor out weighed the possible risk as several days ago he saw a mother walking a small child in her hand crossing the street and was almost run down. Needless to say, she was screaming at the driver of the car. They have all seen this. They were taking a risk but at the same token, he felt the City of Marengo had an obligation to try and protect the residents when they were in the downtown area. Alderman Otis thanked the Mayor and stated that she couldn't agree more.

Alderman Genot made a motion to approve under the conditions so written; Alderman Otis added and to remove them Dec. 1 to March 31. Alderman Signore wanted to know if they would be left up 24 hours a day. He was advised by Alderman Otis that they would. She then seconded the motion. The motion passed with an aye voice vote from Alderman Genot, Jennings, Spear, Otis, Secor and Signore.

ORDINANCE 07-3-6 -AMENDING SECTION 25.28, FIRE HYDRANTS, SECTION 25.29, WATER SERVICE CHARGE AND SECTION 25.42, WASTEWATER SERVICE CHARGE, OF THE MARENGO MUNICIPAL CODE

Mayor Lockhart stated this had gone to the General Administration Committee for review. After reviewing it, they have made a recommendation to increase the water and sewer rates by 9% effective April 1, 2007; the 5% increase scheduled to go into effect on 4/1/08 be removed and revisit the utility rates next year.

Alderman Genot felt the 9% wasn't enough of an increase, however, he made a motion to adopt the above mentioned ordinance; seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Otis, Jennings, Spear, Genot, Signore and Secor.

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OLD BUSINESS

There was no Old Business for discussion.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart had nothing additional to say or report.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

A written report was submitted in the packet. Commissioner Shull apologized that the monthly permit totals were not included. They are back on line with the server but it will take at least another month to get the numbers.

He advised Alderman Genot that 427 North Taylor had until sometime in June to get his driveway done. Alderman Genot then complimented him on his concise report.

PUBLIC WORKS DEPARTMENT

Written reports for the Water & Sewer Dept., WWTP and Street Dept. were included in the packet.

Orally, Tom Zwicky who was filling in for Supt. Craney reported the WWTP has received complaints from some residents in the area on the odor from the plant. Mr. Fiepke is looking into different deodorants to put out there.

Supt. Craney asked him to touch base on the memo to Alderman Shelton and Alderman Jennings regarding lots of water traveling between 714 & 716 Royal Oak Drive. The homeowners want to work with the City to provide some type of drainage between the two properties. He and Supt. Craney have suggested putting a catch basin in the back and run it thru the yards with drain tiles. The City will allow them to attach into the storm sewer service at the homeowner's expense.

He advised the Street Dept. has been putting out brush pickup schedules all over town. (Ace, Wisted's, etc.) They are hoping they wouldn't have as much brush sitting out as they have in the past but it seems like people are already putting their brush out there.

Alderman Signore stated he had a resident approach him regarding some flags that were located on property across from Arnold's on West Street where water just seems to be coming out of the ground at all times. He asked Ed Nadeau of the Water & Sewer Dept. if he was aware of this. Mr. Nadeau advised him he was. It was the resident's responsibility to fix this. This leak will eventually lower the pressure enough to where the resident will have no water. Mayor Lockhart thought we would have to take some action on this soon to make sure it got repaired. Mr. Nadeau will look further into this.

He advised they will be flushing watermains the middle of April and we have not had any more false readings

POLICE DEPARTMENT

The Projects & Initiatives Report was submitted in the packet and tonight the members received the monthly status report.

Alderman Genot asked if the proposed Seven Oaks project would be a location for a warning siren. Deputy Chief Hallman advised he would have to take a look at a map to see where this was going up and where the nearest warning siren was located. Alderman Genot would like to see the developer put these up for the safety of their residents. Alderman Signore stated this was a good point and this might be an issue they would want to raise as they go forward with the annexation.

ENGINEER'S REPORT

Our engineer advised in other communities, they have taken a map similar to our zoning map to locate sirens. With the help of the Fire District, they can determine the diameter of sufficient hearing and put circles on the map

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to show what is covered/not covered. If we have that information, he would appreciate it as they could put it on the map.

The engineer advised a written report was submitted for the packet and he would be happy to answer questions if there were any. There were none.

CITY ADMINISTRATOR

Administrator Hartman submitted a written report. Per the Council's direction, City staff, Mayor Lockhart and he are working thru the budget to bring it in alignment. He advised we have received the money from Brackmann Development for traffic per the annexation agreement. Consequently, we have released the check to Safety Management, Inc. for its services.

Administrator Hartman advised Alderman Signore that Building Commissioner Shull has been spear heading the Retained Personnel review and has been working with some City staff and our attorney to revamp the policy. Our attorney advised they are reviewing what was submitted to them by Commissioner Shull.

ATTORNEY'S REPORT

The attorney advised he has a check in his office for the lien amount that was placed on the Settler's Cove development so the lien will be released. He told Administrator

Hartman, "When the new developer comes in, then I would take the position that they would have to replenish that and meet whatever is still outstanding."

Mayor Lockhart reminded the members he needed their Development Fee worksheets completed and turned in by April 1st.

Alderman Genot thanked Fire Chief Bradbury for making a lot of residents happy as the Fire Department has received a rather sizeable grant.

ADJOURNMENT

With there being no further business for discussion, Mayor Lockhart asked for a motion to adjourn the March 26, 2007 Marengo City Council meeting at 8:25 p.m. Alderman Signore so moved; seconded by Alderman Jennings. The motion passed with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,
Acting City Clerk