

CITY OF MARENGO  
COUNCIL MINUTES  
APRIL 9, 2007

**CALL TO ORDER**

Mayor Lockhart called to order the April 9, 2007, Marengo City Council meeting at 7:03 p.m. and then led the "Pledge of Allegiance".

**ROLL CALL**

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

**PUBLIC PARTICIPATION**

No one wished to address the members.

**NEW BUSINESS**

**MARCH 12, 2007, PUBLIC HEARING MINUTES**

Alderman Jennings made and Alderman Otis seconded a motion to approve the March 12, 2007, Public Hearing minutes for: a. Consideration of a first amendment to the annexation agreement between the City of Marengo and Chicago Title Land Trust Company; b. Consideration of an annexation agreement between the City of Marengo and West Grant Development Company and c. Continued consideration of an annexation agreement between the City of Marengo and Marengo Development, LLC - Seven Oaks. The motion passed with an aye voice vote from Alderman: Spear, Jennings, Otis, Secor and Signore. Alderman Trainor abstained.

**MARCH 21, 2007, COMMITTEE OF THE WHOLE MNUTES**

Alderman Secor made a motion to approve the March 21, 2007, Committee of the Whole Minutes. It was seconded by Alderman Signore. The motion passed with an aye voice vote from Alderman: Otis, Trainor, Signore, Spear and Secor. Alderman Jennings abstained.

**MARCH 26, 2007, REGULAR COUNCIL MEETING MINUTES**

Alderman Signore stated as he read some of his comments on page 4 regarding the pedestrian signs, he couldn't help but think maybe they should revisit this. He asked Administrator Hartman if he had looked into anything they had discussed after the meeting regarding IDOT's stance and our potential liability regarding these signs. Administrator Hartman stated he had checked with our insurance company. We would be covered. He needs to get the schedule of signs on our Inland Marine schedule. Alderman Signore advised Inland Marine is property coverage that will replace the signs if somebody steals them. Administrator Hartman stated it would cover our liability as well. Alderman Signore asked if we had this in writing. Administrator Hartman said he would get it in writing.

Alderman Signore stated these signs were not what he expected to see. He felt they would become a torpedo like projectile if someone was to strike it. He envisioned something more of the breakaway nature. Had he seen these signs, he would have voted no.

Alderman Otis also felt we did not get what they anticipated. She, Mayor Lockhart and Supt. Craney took a drive over to Harvard and got the name and address of the provider for the correct sign that they had anticipated in getting. The current ones we have are therefore going to be replaced and they will be used elsewhere she imagined.

Alderman Jennings then made a motion to approve the March 26, 2007, City Council minutes. It was seconded by Alderman Otis. The motion passed with an aye voice vote from Alderman: Signore, Secor, Spear, Jennings and Otis. Alderman Trainor abstained.

#### LIST OF BILLS

After Alderman Signore's question regarding a bill for the Police Department and Alderman Trainor's question regarding a bill for towing a squad car were answered, Alderman Secor made a motion to approve the bills as presented; seconded by Alderman Trainor. The motion passed with an aye voice vote from Alderman: Otis, Signore, Trainor, Jennings, Spear and Secor.

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#### MARENGO PARK DISTRICT SUMMER WITH THE ARTS REQUEST

We have received a request from the Marengo Park District asking for the use of Calvin Spencer Park on June 19 & 26, July 10, 17 & 24 for their "Concerts in the Park". They also would like to hold 50/50 raffles at each concert thus they would need five raffle permits.

Alderman Trainor made a motion to approve the use of Calvin Spencer Park by the Marengo Park District for their "Summer with the Arts Concert" series on June 19 & 26, July 10, 17 & 24; seconded by Alderman Otis.

The question was raised if we were going to have them pay the full raffle permit fee. Administrator Hartman advised they could do a second motion if they wished to reduce or waive the raffle fee.

The question was raised since it is our park, would they provide Certificate of Insurance naming us as an additional insured. Administrator Hartman stated this was typically an administrative procedure. It was then asked if this should be included in the motion. Alderman Trainor stated she would make this part of her motion. Roll was taken. The motion passed with an aye voice vote from Alderman: Spear, Trainor, Otis, Secor, Signore and Jennings.

#### MARENGO PARK DISTRICT RAFFLE APPLICATIONS

Administrator Hartman asked the members if they wanted to make a motion regarding the \$5 raffle fee applications that totaled \$25.00. Alderman Trainor so moved. Administrator Hartman asked if she meant to waive it or reduce it. She asked if they were asking to have it reduced to \$5.00. He advised they weren't asking for anything as \$5. is the normal fee per ordinance. He normally takes care of the raffle licenses but if they wanted to waive or reduce it, they will have to vote on it. Alderman Trainor rescinded her motion, however, Alderman Signore made a motion to waive the fee; seconded by Alderman Trainor. The motion passed with an aye voice vote from Alderman: Jennings, Spear, Otis, Signore, Trainor and Secor.

#### MARENGO PARK DISTRICT REDUCED LIQUOR LICES FEE REQUEST

The Park District will be having their "Day in the Park" event on Saturday, June 30<sup>th</sup>. They are requesting approval for it along with the daily liquor license fee of \$25. They are currently negotiating with the American Legion to pour and serve the liquor as they have done in the past. Mr. Doane, President of the Board, was asked if he had any progress on this. He advised they would be meeting with them again and as far as he knew, they had an interest in doing this again. He felt it was just a matter of crossing the t's and dotting the i's.

Our attorney advised if they wanted to have some form of assurance that whoever will be pouring would have a license, they could put that in the motion and since this was occurring on Park property, we would not be listed as an additional insured.

Administrator Hartman asked if there was a motion to approve the request to reduce the liquor license fee. Alderman Signore so moved; seconded by Alderman Secor. Alderman Trainor added, "Contingent upon them supplying a" and our attorney said, "Whoever will do the pouring will be a liquor licensee which is a requirement of the daily permit." Roll was taken and the motion was approved with an aye voice vote from Alderman: Secor, Trainor, Otis, Jennings, Signore and Spear.

#### RESOLUTION 07-4-A-ESTABLISHING DEVELOPMENT CONTRIBUTIONS AND IMPACT FEES FOR NEWLY ANNEXED TERRITORY

Administrator Hartman, for the benefit of the audience, gave some background/history as to how they got to where there were at today regarding the above mentioned.

He stated this was in resolution form. These fees would apply to annexation agreements and if we are able to, development agreements. This does not replace the Subdivision Ordinance which establishes land contribution or cash in lieu of for any property that is currently annexed into the City. This is basically for new annexation agreements. He then turned it over to the members for their discussion.

Alderman Signore thanked Alderman Trainor and her committee for all the work they did on this and for her time in putting the numbers on spread sheet form for them to evaluate.

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Some of the discussion comments included: Happy they have finally gotten to this point; there were a lot of different perspectives on this; felt the averaging was the way to go; would like to see more money in the transportation line item because if we don't have a good transportation system and good roads, it affects all the districts to perform their duties; a request to have the City have a transition fee which was included in the Operational Impact line item as we provide police protection, plow the streets, etc. before we receive tax revenue; in addition to the impact fees and contributions listed on Exhibit A, we can reserve the ability to adjust the amounts requested or required through individual annexation or development agreements in order to address or provide for other community or City needs as determined by the City Council or in consideration of other benefits or contributions, either monetary or non-monetary, provided through said annexation or development agreement; transportation includes sidewalks, bicycle paths; the City's fees/contributions will be earmarked for their intended purposes;

operational impacts is strictly operations-police, public works, additional equipment, etc.; received no word from Union regarding having another meeting to discuss fees; objective of this process was to put something in print for staff when they first meet with developers; County does have impact fees for area schools but would like to use our formula for those developments within our mile and a half jurisdiction as our's is larger but Administrator Hartman advised in some instances, County's is higher as they use a higher per acre value; could stipulate whichever is higher so the school's get the higher amount; can only apply the fees that are in our subdivision ordinance; if it's in the County, there is no annexation power so this won't necessarily apply because it is only when they come into the City do they have the power to negotiate these things; in the County, you don't have to have any agreement-you simply just need to meet their ordinances and go forward; certain developers develop outside municipalities so they don't have to deal with this issue; wasn't in favor of lumping all of the City's line items together as this might encourage pet projects; summary total for single family detached 2 bedroom-\$21,868, 3 bedroom-\$24,819, 4 bedroom-\$32,393 and four bedroom \$27,350; wouldn't want to see these numbers go up so if transportation was to get more money would like to see some other line item decreased by this additional amount; figures were lower than what some aldermen wanted; adopt what was before them as they've been wanting to get this done for sometime; can't solve all of our transportation woes by pulling this and this felt it would be a big debate that couldn't be resolved tonight; Development Fee Committee could continue to meet and work with the Transportation Committee to gather what their expectations are as far as costs and things that need to be accomplished in the City and maybe they could back at a later date to make another recommendation; are getting too caught up in these numbers as they can ask for anything else above and beyond these numbers; if there is a specific project with a specific need for the community that is the time to include funding for it in the annexation agreement; felt they were trying to come up with an end all document and that will never happen as we might be able to negotiate density with the developer in lieu of something that the City needs; based on simple economical theory, there is a supply and demand issue and felt these numbers were too high as subdivision climate is not what it is and afraid by adding these numbers on top of anything would stifle any kind of building in this town as there were some big costs; suggestion of amortizing the school's transition fees; an alderman stated if he were ABC Development and wanted to develop 100 acres and had the option of building in Marengo or the County, we would receive zero dollars because he wouldn't do it here and as a developer it would affect his decision on how much the land costs; had an obligation to the current residents so they don't get taxed to pay the burden caused by the members not asking for development to step up to the plate; even though they weren't proposing the numbers that were on everyone's wish list, felt it was a happy median; it might not be as much as the school districts wanted as we couldn't give everyone what they wanted; this was the average of the eight members; developers can negotiate these numbers and we can use lot sizes to barter/negotiate.

Alderman Trainor made a motion to approve Resolution 07-4-A, Establishing Residential Development Contributions and Impact Fees For Newly Annexed Territory; seconded by Alderman Signore. The motion passed with an aye voice vote from Alderman: Spear, Otis, Secor, Trainor and Signore. Alderman Jennings voted nay.

RESOLUTION OBJECTING TO A CONDITIONAL USE APPLICATION IN UNINCORPORATED McHENRY COUNTY - FAIRGROUND USE AT 18718 WEST UNION ROAD

Our attorney stated he spoke to Attorney Kim Meyer and she noted the petition that had been filed was a little different than the notice attached to the agenda supplement. The only thing on the resolution would be to make that correction that it is no longer an exposition ground and sports center - just simply a fairground.

Attorney Meyer felt this resolution represented her clients concern in the discussions they had previously as far as the concerns with the traffic, noise, the effect on the surrounding properties, potential crime and stressing police, fire, and rescue squad services.

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It was asked if there were any planned improvements to the property to support the fairgrounds concept. Attorney Meyers replied, "No, none noted in their petition."

An alderman stated he would feel a whole lot better if the individuals would go about it the right way and possibly live on the property but it seems like it was just hobby land for them. They come in on the weekends and everyone else has to deal with it. Another comment made was to keep in mind it was a home for someone without parents.

Alderman Signore made a motion to approve Resolution 07-4-A, Objecting the Conditional Use Permit in unincorporated McHenry County Fairground Use for 18718 West Union Road; seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Jennings, Otis, Spear, Trainor, Signore and Secor.

#### ORDINANCE 07 - 4 - 1 AMENDING THE MARENGO MUNICIPAL CODE SECTION 2.02

Our attorney stated in light of the fact we now have absentee votes and other provisional voting taking place, the results of the election may not be final by the time our current code states. The attorney submitted this change so the term of office would begin at whatever meeting following the results; otherwise, we would not be able to sit people in their seats at the proper time.

Mayor Lockhart asked if there was a motion to approve. Alderman Jennings so moved; seconded by Alderman Otis. The motion passed with an aye voice vote from Alderman: Spear, Trainor, Secor, Otis, Signore and Jennings.

#### **OLD BUSINESS**

##### IDOT REQUEST FOR EASMENT AND ROW PROPERTY ACQUISITION

Supt. Craney has been working and talking with IDOT officials regarding the Rt. 23 bridge over the Kishwaukee River. They have requested certain property from the City. Our WWTP is within the effected area for the new bridge and we also have a 10 plus acre parcel on the north side of the river west of Rt. 23.

Supt. Craney stated they have asked for property on the north and south sides of our property. They will pay us for this but he suggested since we have no easements thru them, they request to have easements drawn up to go thru this property.

He went to the Marengo Township meeting where they suggested to put our requests in letter form as to what type of bridge we would like and they will get back to us to see if they can conform to our idea. He mentioned this bridge should have a sidewalk as he as seen kids go across there on bicycles pulling golf carts with trucks going by at 65 mph.

He feels strongly about it being included in the request but wasn't sure if they would do so. The estimated date to start this bridge is 2009.

Alderman Signore wanted to know what would happen if we would say no. Supt. Craney believed they would come in and pay us the price of the land and take it (eminent domain).

Administrator Hartman stated he and Jim have talked about this and we need to think of the future in order to have the ability to run water & sewer north of the Kishwaukee River; this could be an opportunity to do so.

He would like to see easements on both sides of the bridge, one for water and one for sewer if there is ever a potential reuse of gray water for purposes north of the river. We can put our facilities under the river. The pipes could actually hang from the bridge but our engineer thought this would not be the best idea. Administrator Hartman felt Supt. Craney and our Water & Sewer Dept. would like to have them underground also. IDOT doesn't like to put things in the ROW, especially municipal facilities so this is an opportunity to request it.

He felt we had to keep in mind that we need to confirm we will have access to our property on the north side of the river west of Rt. 23. They are going to be raising the new bridge. There are currently two bridges but the plan is to have just one longer span bridge to get it out of the hundred year floodplain. This could potentially put our property 2-5' below the bridge so we may not have physical access. He felt we need to insure that we will always have access to this piece of property.

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They had talked about over sizing the culverts especially on the north side of the river for a future bicycle access underneath but IDOT didn't care for this idea so this is why Supt. Craney suggested a sidewalk.

He stated they are looking for direction from the members to go to IDOT and negotiate this. Rather than have them give us physical cash (not sure what the property is worth) this is an opportunity for us to negotiate and get a few things we are going to need for the future of the City.

As far as the aesthetics of the bridge, Alderman Otis has a picture of a preexisting Rt. 23 bridge that had decorative rails/pillars rather than just a slab of cement. Alderman Otis stated it would be exactly like the one they have in Belvidere which will go along nicely with our Main Street Program to make the entrances to Marengo more attractive.

Supt. Craney reiterated Administrator Hartman's statement that if they wanted our property for a canoe landing, anything recreational, etc., we need to have an entrance to it so this would have to be in the plans. So, it would be in their best interest to make it available to exit in and out. Alderman Otis said, "I couldn't agree more."

Alderman Signore wanted to know if they were to grant us an easement, would that mean they could not say no if we decide we need to go under the river or does that just set the

land aside and does that say they can say, "No you can't run sewer under." Supt. Craney thought if we had an easement thru there, they have to let us go thru. If we don't get an easement now, we will not be able to put an easement onto their property later. He found this out at a meeting he attended in Schaumburg.

Administrator Hartman advised them to keep in mind that this was a good opportunity for the City to deal with only one entity for the easement. If you deal with IDOT, you can negotiate it thru them. We would not have to negotiate thru the different private property owners. We will have our engineer and attorney tell us how this perpetual easement for public utilities or whatever should read.

Our engineer was asked if this would be a guarantee if this were to happen if we made this part of the deal. He stated he felt this was a negotiating item and would be in our best interest to negotiate with them for these easements. He was asked if they say yes, can they say no later. Our engineer thought it would depend on the way the easement document was written. If it is an exclusive easement for the benefit of the City and the City utility, he thought it was an exclusive easement. Lots of times a utility easement is referred to on a plat. This means the first one there gets the benefit and the other ones have to fight their way around it. So, we have to be careful with the easement document language itself to make it exclusive for the City of Marengo.

The question was raised if the easement would include property we don't own. The engineer stated we can negotiate with IDOT only. So if it is IDOT's property, we are negotiating with IDOT. If it is outside of IDOT's and a private property owner, IDOT can't give us permission for that.

The next question was if IDOT could grant us an easement on property we don't own that they would be taking over. Administrator Hartman recommended if they were going to acquire the property, we would want an easement. He will be negotiating with IDOT only for the whole length of the property for this bridge.

Alderman Signore wanted to know if we were to get that easement, could they say no ten years from now if we want to run utilities as we have the easement. Administrator Hartman advised him this was correct.

For the record, our engineer concurred with what Supt. Craney and Administrator Hartman were saying about negotiating with them now. He thought there were some opportunities to improve the aesthetics of the bridge and there were a lot of things here for negotiations with them.

Alderman Trainor suggested the people could make their suggestions for improvements for this project. He could comply them and provide them this list as she felt there were a lot of good thoughts being tossed around and felt they should be down on paper.

Administrator Hartman felt there were just four items. Easements on both sides, insure access to our property on the west, a bicycle pathway or access under the culverts and the aesthetic upgrade to the bridge.

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The question was raised if there were any other properties that we might acquire in the future. Supt. Craney stated we might want to contact Marengo Township and the County Board as well as they also had good ideas on this.

It was then asked if the wording could say the City could be granted access to any City owned property whether it is owned now or later or are they going to do a curb cut of sorts in the existing bridge where we have a driveway going to nowhere. Administrator Hartman felt this was something they would have to discuss further. At this point in time, his understanding would be a curb cut that would give us an entryway.

Alderman Signore stated he had a jaded view because they have had a history of sometimes making promises they don't follow up on and whoever from our staff that stated this was our time to get what we need, he definitely agreed with that because we probably wouldn't be getting much later.

Alderman Jennings thought we should negotiate not only to have access to it via an opening in the guard rail but also that access be restored to useful condition also. Administrator Hartman stated there will be additional red tape that IDOT will have to navigate for the use of this property from the IDNR in order to use it as we are restricted on our use for this property which we acquired thru a grant from the IDNR.

Administrator Hartman felt this was going to need some additional exploration because depending on the elevation of the bridge, there may have to be a service road further to the north to come down and access the property. There are a lot of details that need to be considered but the important thing is we have preserved access to the property.

Supt. Craney felt we would not be getting that much money for our portion of the property as they would be acquiring about 13,409 square feet. It would not be enough to run sewer and water under it. Alderman Signore felt we should ask for concessions rather than the cash as he didn't think we would get concessions and cash in that regard; they would just take it.

Alderman Jennings asked if they would be putting the benchmark back. Our engineer also stated they do not have to do this. If it was a USGS bench it is required but if it is established by a surveying company or engineering company they do not have to. Administrator Hartman asked if anyone would have an objection adding this to the list as it would probably benefit all surveyors. No one had an objection.

Alderman Signore asked if a motion was needed. Administrator Hartman advised he was looking for direction because he thought they would have a formal document/agreement with IDOT to formalize everything. Alderman Signore asked if he felt he had direction at this point. He felt he did. He also is putting Supt. Craney on top of getting in touch with Marengo Township immediately.

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

Mayor Lockhart had nothing.

## **DEPARTMENT HEAD AND STAFF REPORTS**

**BUILDING DEPARTMENT**

A written report was submitted in the packet. He stated the server is back on line so next month they should be receiving the monthly permit total along with the cash contributions.

He advised the lien for Settlers Cove has been satisfied but the property has not yet been sold.

#### PUBLIC WORKS

Reports were submitted by the Street Dept., Water & Sewer Dept. and the WWTP. Ed Nadeau and Steve Fiepke were in attendance if anyone had any questions for them.

They were asked if they had anything that would be important for the members to know. Mr. Nadeau inquired about a generator for his department as the stormy season is here and he doesn't have a generator to run any of the wells in case there is a power outage. Alderman Otis hoped there would be one in this budget. Mayor Lockhart thought it had been cut from his department and asked what they wanted to do about this as they were told to cut 15% out of the budget by the members. They have cut so he wanted to move forward.

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Alderman Signore asked if they would be voting on the budget. Administrator Hartman advised they would be. Mayor Lockhart then said, "But that has been cut out of it. Now if you want to put it in, you put it in but you wanted your 15% and you are going to get it." Alderman Signore stated he wanted a balanced budget. Mayor Lockhart stated he would be getting that too.

Alderman Trainor stated they wanted the department heads to figure out how they wanted the cuts to be made as they need a balanced budget. She didn't want and thought some of the other members felt the same way as she that they didn't want to make the decision as to what to take off of the list as they wanted the department to say what things they needed and wanted as the members would have no way of knowing this and if money became available, they would be able to purchase things off of the list.

Alderman Signore stated he thought the consensus was they didn't feel qualified to take something off of the list and felt the department heads would be better qualified than them. Mayor Lockhart said, "I thought your consensus was to take another 15% off of the budget, period. No matter how it was done. Am I correct?" Alderman Signore said it was to let them decide how that 15% would be allocated. Alderman Trainor agreed. Alderman Signore continued saying they were not going to pull off a specific line item because they didn't know if it was a priority item to them so they would let them decide what the priority items were.

Alderman Otis wanted to know if a generator could be purchased from the operational funds they approved this evening for impact fees and contributions for newly annexed territory or if it had to come out of the revenue from sewer and water. Our attorney felt since it was an equipment purchase, it would be okay to purchase it out of that fund. Administrator Hartman stated we have that flexibility. Alderman Trainor advised this could also fall under the Community Improvement line item as well as the opticon light, weather siren, police cars, etc.

Supt. Craney thought it might help if they knew where the member's priorities were. Alderman Otis stated everything the other two aldermen have stated was true but she felt we needed the equipment to keep us running in the event of a bad storm. One would be better than none.

Alderman Signore told Supt. Craney they wanted to have a balanced budget but they didn't want to arbitrarily pull something off of any department's budget because they didn't know if that particular item they pulled off to get to the number they were looking for, was the most important thing the department head put on that list. In order to get the budget down 15%, they directed to let the department heads have the input on how they could accomplish that rather than them just arbitrarily say, "Jim, you don't get this."

Supt. Craney felt all the department heads had gone thru this and had worked adamantly with Administrator Hartman. He stated it was going to be rough this year for what they were asking them to do.

Administrator Hartman advised the generator for the WWTP was still in the draft budget and will be coming out of the Water & Sewer budget. The additional generators for the wells were not included. They are on the "B" list. There is potential to reuse the existing WWTP generator at a different facility but it has to be investigated further to see if it is retrofit, etc.

Alderman Signore was advised we had \$791,500. He commented that if we were to go \$250 or \$300,000 over budget, we are effectively saying that money isn't going to come in so we are going to use a third of our balance. This was the problem he had with not having a balanced budget. Mayor Lockhart stated the decision had to be made by this Council and didn't believe the department heads should not be put in a position of having to decide what is cut and what isn't because when something goes wrong, they are going to turn to them and blame them. He stated they are elected and have to make tough decisions. If they wanted a balanced budget, they were going to give them a balanced budget but he didn't want them sitting here and complain they don't have generators as they are the ones who said to cut another 15% out of this budget. He has been here for two years now and we have not had one new subdivision brought in. So when they are sitting here and talking about all the money they are going to get in, he suggested they start getting this moving so we start getting some of this money.

He stated they shouldn't put the blame on the City employees; they should take the responsibility right there at this table. Alderman Signore said, "Then bring it back and we will cut 15%." Mayor Lockhart stated they already had

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and if they wanted to put something back in, they could do it. However, they were not to blame Supt. Craney and have him be the fall guy if something goes wrong and there's no generator.

Alderman Signore stated they were putting them in the position of deciding their own fate on what they would or would not get. Mayor Lockhart disagreed he felt they were putting them in the position of making hard decisions which they are elected to make.

Alderman Trainor asked the department heads if they wanted the Council to make the decision as to whether they would get a truck or a generator. Supt. Craney stated he has been making out a wish list for ten years now and asked, "Where is it?" Alderman Otis asked him if it would be fair to say that a generator would be on his priority list as it certainly would be on hers.

Mayor Lockhart stated Administrator Hartman sat at the last meeting and asked all of them to give input/direction several times as to what they wanted on the budget and instead they turned it around and passed it off. He said, "Let's make the hard decisions right here ladies and gentlemen." Alderman Trainor asked Building Commissioner Shull what his preference was for his budget-him making the decision or the members. He stated he would like to do it. She stated this was not a fun part of their job and did agree with the Mayor that it is their job. She then asked Supt. Craney what his preference was. He also would like to make the decision. The Police Dept. was not represented at the meeting so she couldn't get a response from them.

Mayor Lockhart said, "Aldermen when we don't have water because we don't have a generator, you are the ones who are going to sit and explain because of a balanced budget; not this Mayor and not this Administrator. This City Council is going to take the lead on this and I'm not going to be the fall guy because you want a balanced budget. I like a balanced budget too but there are certain emergency situations we have to do to protect every citizen of this town. Providing generators is one of them even if we go over the balanced budget. In my opinion, it is better to have sewer and water running than having a balanced budget."

Alderman Signore read a portion of the minutes that were approved tonight from the 3/21/07 meeting on the budget and again reiterated they directed staff to cut the 15% because they didn't feel they should be the ones to pull things out. If the department heads tell them they want them to pull things out, they would do that but they have two department heads here tonight that would just as soon pull things out.

Mayor Lockhart asked the two department heads if they were willing to take responsibility for this. Commissioner Shull stated he would and Supt. Craney stated, "I guess I have to because I have to keep things running." Mayor Lockhart said, "No it's up to you. Do you want to do it or not?" Supt. Craney stated he would do it but he would be well informed. Mayor Lockhart replied, "No, don't get me involved in it. You are going to make the decision if that's what you want to do." Supt. Craney said he would like to do it.

Alderman Signore asked him if he had decided to take the generator out. Supt. Craney said there was a generator in there for the WWTP. He went around to everyplace he had and needs about \$400,000 just for generators. He advised the generator for the Water Dept. was on the A list and he was not the one who took it out of the budget. Administrator Hartman advised this was on the B list when they walked in the budget.

Alderman Signore stated he interrupts items on an A list as items they have to find a way to provide and items on the B list as items that become possibly expendable if they need to balance the budget. He didn't know if that's how the other members interrupted however.

Mayor Lockhart asked, "And how many of the B items last year got brought up. Not one, did they?" Administrator Hartman advised him this was correct. Alderman Signore wanted to know if the B items would remain B items or would they become A items for their consideration. Mayor Lockhart advised it would be totally their call.

Alderman Otis felt they had some clarity as to what they have to do at the next meeting from this meeting. Mayor Lockhart hoped so.

He asked if there was anything from the Water Dept. or WWTP. Mr. Nadeau had nothing nor did Mr. Fiepke.

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#### ENGINEERING

An engineering status report was included in the packet dated Tuesday, April 3. He stated they were in a position to send the application in for the LAPP grant on the improvements to Maple Street they had previously talked about. The grant will give us 80% of the cost. IDOT will be administering the bidding of the project and will be awarding it to the lowest responsible responsive bidder. The City gets to take over during the construction work to make sure it's done in accordance with the plans. They are on schedule and on budget with delivery of that product.

#### CITY ADMINISTRATOR REPORT

A written report was submitted. He made reference to a meeting the Mayor and he attended in Rockford regarding potential Amtrak service from Chicago to Rockford and ultimately to Galena and Dubuque. Another public hearing will be held on April 16 in Rockford but no meeting time and place has been established.

He then handed out a 2007/08 Budget Draft Summary draft dated April 9, 2007. He advised they would shortly be receiving a comparative budget that would contain these budget figures in relation to last years budget and last years year to date actual. This is the format they typically see. It will give them references as to what was budgeted last year, where we are at and then what is being requested/projected for this year.

He suggested having another COW meeting to further discuss this draft in an anticipation of a 4/23/07 passage.

Alderman Otis attended a meeting today at Indian Trails and felt Officer Christian did a great job on presenting information on gangs. She learned a lot herself and wished everyone could hear it. Mayor Lockhart will pass this on to the Police Dept. tomorrow as they were attending a training session tonight for all of the command staff.

#### ATTORNEY'S REPORT

The attorney had no report.

#### POLICE DEPARTMENT REPORT

A written report was submitted for the members review.

#### TREASURER'S REPORT

The treasurer was not available for the meeting but he did have reports submitted in the packet for their review.

Before going into Executive Session, Mayor Lockhart asked Mr. Doane, Marengo Park District, if he had gotten hold of their attorney to get in contact with Attorney Cope. He stated they were working on it right now.

He then asked if there was anyone else who had something to say.

Jerry Trickett, former Supt. of District 154 came forward to thank the members for the passage of the impact fees and contributions that will help the area school districts. This took fortitude; there was give and take and compromise. If Marengo is going to move forward, it will be based on this. He asked them to remember that what they dealt with for the schools tonight represents 20% of our population but 100% of our future. He saw three of his former students tonight as Council members and was proud to say that.

Michael J. Smith, 600 Spring Drive, Marengo had one comment. He didn't want them to mess with the future of the kids by cutting the annexation fees to add to Mr. Trickett's statement.

He then asked them to hold their comments until he was finished as there was one item he wished to address specifically. The people of Doral Ridge and Brayton Knolls Homeowner's Association would like to submit a resolution on April 23, 2007, to the City Council and Dr. Greg Swenson against opening the proposed automobile connector/arterial road for the Marengo Transportation Committee bypass by any other definition according to Miriam Webster for the definition of a bypass because of the grave safety implications that it poses to families and children in these neighborhoods. Reconsideration of this smart planning need to be reconsidered because of the great safety risks it will pose to the community. It is the combined opinion of the two associations and others through out our community that Rt. 20 should be expanded to three lanes from one end of town to the other and all this talk of a truck bypass at a \$165 million dollars or any other attempt to reroute traffic off of a road that is specifically designed

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for State highway use and rerouted onto residential streets is questionable at best. This solution of widening Rt. 20 to three lanes provides an opportunity to take advantage of State funding to rebuild the sadly outdated road beds and present a brilliant opportunity to the City of Marengo to economically replace decaying water, sewer and any utilities where the roadbed is replaced. This opportunity presents the right time at the right price for Marengo to move forward.

Mayor Lockhart advised Mr. Smith he needs to be placed on the agenda in order for him to present this resolution. He will contact Administrator Hartman.

Dr. Ron Rood, Riley District 18, also thanked the members for establishing the schedule for impact fees and contributions. He assured the members District 18 will do its best to prove Marengo is a good place to become a community member and the fees they pay are a good investment.

Mayor Lockhart stated this had been a long process and thanked Alderman Trainor and her committee for their diligent work and the members for approving it this evening.

Dr. Richard Angel of District #165 also thanked the members for the adoption of the resolution for the impact fees.

### **EXECUTIVE SESSION**

At 8:40 p.m., Mayor Lockhart asked for a motion to go into Executive Session for the purpose of discussing personnel. Alderman Signore so moved; seconded by Alderman Spear. The motion passed with an aye voice vote from Alderman: Secor, Otis, Jennings, Trainor, Spear and Signore.

The members returned to Open Session at 9:16 p.m.

### **ROLL CALL**

Roll was taken with Mayor Lockhart, Alderman Jennings, Alderman Otis, Alderman Trainor, Alderman Secor, Alderman Spear and Alderman Signore present. Alderman Genot and Alderman Shelton were absent.

### **BUDGET**

After coming out of Executive Session, the members had a discussion regarding the budget.

Alderman Trainor wanted to know if money for a generator could not come from anywhere in the existing budget other than the Water & Sewer Fund and any future annexation fees. Administrator Hartman advised her money could be transferred from the General Corporate into the Water & Sewer Fund. Property taxes that are designated for specific purposes cannot be transferred but Sales Tax Revenue as an example can be. The estimated cost for a generator for the Water & Sewer Dept. will be around \$35,000.

Alderman Signore wanted to know if the investment print out sheet included the money we received from the special census. Administrator Hartman advised that sheet was for our investments only. The Treasurer's Report is where the special census additional income would show up. The special census money comes in a per capita base and there are three line items where we receive the additional monies. They are the State Use Tax, State Income Tax and MFT.

Some of the comments then made regarding the budget included: Without the special census money, we would be worse off; within the last four years, more money was spent than what was originated, however, the last two years it hasn't been as much of an issue; had situations come up that were beyond our control; possibility of cutting down on our legal expenses; treasurer has brought in additional interest revenue; salaries, worker's comp and insurance premiums have gone up; have about ½ as much money now than what we had four years ago; there are things the members can't control thus the reason why would like to have a balanced budget; building permits are one time income and we assume all the costs of providing services for maybe up to two years so how much money did we lose providing these service before receiving tax money.

Alderman Signore didn't want anyone to say on his watch the City lost half of its balance in the bank and for what as they can't put their finger on it. Obviously there are costs they can't foresee. For the record speaking for himself, in his mind if there is a way they can at least start out with a balanced budget and the chips fall where they may during the

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course of year, then that's what he is going to vote for because of what happened in the first two years of being an alderman, not the last two years but the first two. They saw at least \$400,000 be decreased from the General Fund. If we didn't have the special census and a treasurer, we would be sitting on maybe \$500,000. The City Administrator told him when he was a very new alderman, a community should strive to have 6 months in reserve and we are no where near it. We have about two months which is embarrassing to him. Alderman Otis is also embarrassed by this.

Alderman Signore continued that he will take the heat for it if somebody doesn't get something. He was asked to make a tough decision and he will make a tough decision. Whether or not they agree on it, he is willing to say in the interest of the community that he has not done a very good job so far as there is half the money now from when he started. So, maybe he wasn't vocal enough but that's it for him.

Mayor Lockhart stated it wasn't the aldermen's fault. The City has grown, every year there is salaries, insurance increases, contingency; the question is, how are we going to get out of it?

Alderman Otis feels we should have a transition fee as we have given away the community to several developers. She was not blaming the developers as they were given it. Mayor Lockhart stated at least now they have something to go to the developers with as we have three projects on the table.

Alderman Signore stated we haven't had a lot of development; we haven't had much of anything. They hadn't approved anything the four years he has been on but for three years we had a Water Department that was losing money. They knew about it but the vote was taken to pacify the "drip" over the years.

Mayor Lockhart stated the truth of the matter was, he would hate not to be able to provide water to the residents if we were to have a tornado go thru and felt the number one priority was to have the additional generator. He didn't know how we were going to get it but they had to do something.

It was suggested that the Administrative Intern look into getting some grants for a generator. Mayor Lockhart advised there weren't a lot of grants out there anymore. He will be seeing Congressman Manzullo tomorrow and will try to corner him.

Alderman Signore felt all of the department heads were careful with the money allotted them in the budget but it becomes the situation if this was any of their households, we need to balance it. He would like us to be in a position, money wise, as to where it was when he started even though it might be selfish on his part.

Mayor Lockhart would also like to see this but unfortunately, they are going to have to do something different than what they have been doing. He asked Administrator Hartman to get in contact with Grand Pointe Homes to get something started.

Alderman Trainor wanted to know if there were any other barriers for development in our processes that are impeding our process of moving development along. A few things mentioned were: a developer stated he would not build in town again as we were too hard to deal with; some people don't like going back and forth to PZC and the Council; might have to deal with someone who wants to put in 400 homes; smaller developers might kick and scream about the fees as they might be extended; can't get the same thing from every developer so they will have to be flexible; sometimes it takes 4-6 meetings to get thru the PZC which has created problems; felt we have eliminated some developers with these fees; need to eliminate some of these meetings; have them come before Council for them to say it is okay to proceed before going to PZC before spending a lot of money on it; thru the long PZC process the output is a far better product; appearance review has been talked about by the CDC; if PZC and Council likes a concept plan, there shouldn't be too many changes to the preliminary plat; would like to see maximum percentage amount put on multifamily in developments; multifamily percentage could be a negotiating item; conservation design with higher density and more open space; 14,000 sq. feet is a negotiable item; comp plan calls for less than 15% of the total number of residential units for multifamily attached; felt we had more than 15% currently; thought we had about 30% when Tom Siehoff was mayor; suggested to have a checklist to include fee structure, lot size, etc.; suggested the intern do this but his plate is full per Administrator Hartman; Mayor wants CDC to look over the Comp Plan and Alderman Signore wants to discuss with the Mayor about moving people around on the committees in order to have a quorum.

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Administrator Hartman asked if they wanted to set up a budget meeting. Alderman Otis suggested not having it until after the election. He stated this was fine as we can go into the next fiscal year without approving the budget but it would be good to do so as we always encouraged it but sometimes it is difficult. He thought they might be able to talk about it on the 23<sup>rd</sup> again.

#### **ADJOURNMENT**

With there being no further business for discussion, Alderman Jennings made a motion to adjourn the April 9, 2007, City Council meeting at 9:45 p.m. The motion was seconded by Alderman Otis and passed with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,  
Acting City Clerk