

**CITY OF MARENGO
APRIL 23, 2007
COUNCIL MINUTES**

CALL TO ORDER

At 7:00 p.m., Mayor Lockhart called to order the April 23, 2007, Marengo City Council meeting. He then led the "Pledge of Allegiance."

ROLL CALL

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

PUBLIC PARTICIATION

Michael Smith, 600 Spring Drive, Marengo, presented a resolution to the members this evening about the proposed Courtney Lane alternate route/bypass from the collective and unified Home Owner's Associations of Brayton Knolls and Doral Ridge. He then read this resolution (Exhibit A) that contained the description of the issue, the rationale for this resolution and the solution.

NEW BUSINESS

APPROVAL OF THE MARCH 26, 2007, SEVEN OAKS ANNEXATION PUBLIC HEARING MINUTES

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

APPROVAL OF THE APRIL 9, 2007, CITY COUNCIL & EXECUTIVE SESSION MINUTES

Alderman Secor made and Alderman Signore seconded a motion to approve the April 9, 2007, Council and Executive Session minutes as presented. The motion passed with an aye voice vote from Alderman: Jennings, Trainor, Signore, Spear and Secor. Alderman Shelton abstained.

SUPPLEMENTAL APPROPRIATION ORDINANCE -07- 4 - 2

Administrator Hartman stated this was an annual housekeeping item to bring the appropriation ordinance that is passed the first quarter of the fiscal year into alignment as unforeseen line items overruns are offset by other line items that didn't reach their spending limits. This basically keeps the appropriation ordinance in balance. If approved, it will be filed with the County to supplement the appropriation ordinance for fiscal year 2006/2007. There is no change to the overall aggregate appropriation. The dollar amount remains the same. It is just the shifting of revenues/dollars of one line item to another to compensate for the year's activities.

Alderman Signore made a motion to approve Ordinance 04-7-2, Providing For A Supplemental Appropriation For Fiscal Year 2006-2007; seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Jennings, Shelton, Trainor, Signore, Spear and Secor.

ORDINANCE 07-43 GRANTING ZONING VARIANCES-BROOKSIDE MEADOWS, PHASE 1, LOTS 51, 51 & 53

Building Commissioner Shull stated Brackmann Construction is seeking two variances from our Zoning Ordinance.

One is to allow the construction of two duplexes on one zoning lot in the Brookside Meadows, Phase 1 Subdivision and the other is decrease the interior side yard for one particular lot.

He stated the details were pretty straight forward. If this request is approved, it will decrease the overall density by one unit and will not be recouped elsewhere in the development. The type of construction will be similar to what the developer has maintained throughout the development.

The PZC recommended approval by the City Council for these two variances. Mr. Brackmann was present if anyone had any questions regarding this.

April 23, 2007, Council Minutes

Alderman Signore stated he didn't have an issue with this but he was having trouble with the variance term as he thought there had to be a hardship for them to grant a variance and therefore wondered if this one shouldn't be treated like the rest of them were. Administrator Hartman stated the PZC felt the overall variance was appropriate and therefore granted it.

Alderman Signore again stated he had no problem with it but wondered if the lots should be re-subdivide as they have done in the past. Administrator Hartman advised this had been done in the past and thought there were variances for the side yards in respect to the re-subdivision. He would have to check on it though.

Our attorney was asked his opinion on this matter. He said, "Because you have, you would require some setback variances and side yard variances because of the way the buildings are set up, the footprints, that in of itself results in the hardship that creates/allows for the issuance of a variance. So whether you did it thru a re-subdivision or whether you do it thru this way, you are still addressing the issue of the hardship that exists. Therefore, the variance is appropriate."

Alderman Signore then moved to approve Ordinance 07-4-3; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Shelton, Signore, Trainor, Jennings, Spear and Secor.

RELEASE OF DORAL RIDGE PHASE III MAINTENANCE BOND

Supt. of Public Works Craney advised the members Kennedy Homes would like to have their two year maintenance bond #5008019 in the amount of \$93,430 released.

On March 16, 2007, a punch list was completed. At 609 Majic Way, the driveway and roadway are damaged along with the driveway curb at 601-603 Sara Lane. They will be repaired once the asphalt plants open for the season. Bill Koclanis, Kennedy Homes, offered to put an amount of \$2,000 in escrow to ensure this work would be completed.

Therefore, Supt. Craney recommended the release of the maintenance bond for \$93,430 and the acceptance of Doral Ridge, Phase III contingent upon receiving \$2,000 to cover the outstanding repairs.

Alderman Trainor asked if this in anyway impacted the continuation of Courtney/Maple if it occurs. She was advised it would not as that was part of the Brayton Knolls Subdivision and this was Doral Ridge, Phase III.

Alderman Trainor made a motion to release the maintenance bond #5008019 in the amount of \$93,430 subject to the City receiving the \$2,000 escrow prior; seconded by Alderman Signore. The motion passed with an aye voice vote from Alderman: Jennings, Spear, Trainor Shelton, Secor and Signore.

RESOLUTION REGARDING THE COURTNEY LANE CONNECTOR ROAD

Mayor Lockhart asked the members what they would like to do regarding this since they just received the information tonight.

Administrator Hartman advised he has information that was supplied to him this morning by Alderman Otis. It was a letter from Doug and Carol Mauro, 803 Doral Drive that provided traffic count numbers they had observed. Per Alderman Otis's request, he distributed copies of this letter.

Alderman Trainor and Administrator Hartman advised the intention of this letter was to show support for the need for additional access onto Maple Street.

Alderman Shelton commented, "As a member of the Transportation Committee as well, first of all, I'm a little bit disturbed I guess by the way this all came about questioning the motivation of the people on the committee for the direction and consideration that they have made I think they have made is out of line, almost slanderous. This topic of transportation has been a problem and a concern since my wife was an alderman twenty years ago and all

April 23, 2007, Council Minutes

of the studies that have been done, have indicated there is a definite need for the type of situation that is being proposed and to come forward at this time with the proposal to me is hind sight that is directed at people who are trying to the best for all of Marengo and for the future of Marengo and in actuality was developed to try to help the people who are making the proposal today. It certainly is a problem that we have and is one that certainly needs to be addressed but I'm certainly not sure this proposal is the answer to that problem and for that reason I would move to table this until we had a chance to do a lot more investigation without elections being involved and emotions being involved."

Alderman Trainor wanted to know what kind of time table we were on for the expansion of this road (Courtney Lane/Maple intersection) as the developer has not moved on this for quite a longtime. Administrator Hartman advised it is currently in the hands of Brackmann Development. His engineer is working on the full design and they have been working on property acquisition issues which could take some time. This design will cover the connection. Once the design is done and approved by the County, construction can start. As part of their annexation agreement, Brackmann Development will provide the cost as will Kennedy Homes on the intersection improvements (50/50).

We have gone back and forth with the County on design standards. The County has required a lot more roadway-deceleration lanes, turn lanes, than anticipated. The City, along with Brackmann Development, has argued the speed needs to be reduced first and foremost as that would reduce the overall length of the intersection. However, it is a County road so they have the say so.

Mr. Brackmann stated Mayor Lockhart and Administrator Hartman have attended meetings regarding this. He has issues with trying to obtain land from some of the property owners to get this done. The design of the interchange will be huge with the speed limit being 55 mph there. His wish is the same as the Mayor's and Administrator's which to have the speed limit be reduced on Maple.

Alderman Signore said, "It has always been my understanding that this route would not be a route in which traffic would be directed on to; that the connectivity would service the individuals who live in that part of our community and not be designed for anyone who didn't live there to be directed to as it would be a slower trip than 20. So, I will second the motion to table."

Alderman Trainor asked to have more discussion on this. As a representative of Ward 1, she stated this created a kind of challenge for her as she saw so many of them out there recently in opposition of this as she assumed most of the residents present at the meeting this evening were not in favor of it.

She said, "I'm just kind of curious the people that live on Courtney Drive you know how many of you were expecting that as some point that road was going to go somewhere. It's not a cul de sac; it's a T. What was some expectation?"

She was advised by a resident they were told it was suppose to be another directive for the neighborhood-not as a bypass and not as a connector for local neighborhoods. Mayor Lockhart asked this resident to come forward in order to hear her better and identify herself for the records.

Kathy Hynstrom, 602 Courtney Lane, stated when they moved into the house, they were advised the road would eventually open. She was okay with this as long as it was for the neighborhood; not for strangers going thru as the neighborhood has lots of children doing what kids do. It is one thing to have neighbors going thru but it is totally a different thing to have it as a road connecting one end of town to another. It would increase traffic, lower the property values and the children could be put in danger. Also 55 is not the speed limit coming over the corner; it was more like 65 especially at night.

She stated the reason they were here now was because they were not aware of this being a connector road. They knew eventually it would be open but to their own community. This was the first they had heard of it going from
April 23, 2007, Council Minutes
one end of town to the other. She said, "You may have known about it for 20 years, but we knew about it for 2 months. That's why we are all here." Alderman Trainor thanked her.

Lisa Clark, Brayton Knolls Homeowner's Assoc. secretary who lives at 643 Courtney Drive addressed the members. She was in total agreement with the previous addressee and wanted to know that they proposed to do about the speeding. They don't have a connecting street right now and they have a major issue now with speeders. They have had homeowners that have sat out on their front porch taking pictures of license plates. They have made several complaints to the Police Dept. and have had police drive thru but no one has sat there to monitor the speed. She also had problems with people coming thru that they didn't know as people are going to use this because of all the traffic from the stoplight on Rt. 20.

Mayor Lockhart advised he had received a complaint about the speeders. Although the Police Dept. is short of help, he did have officers come in at time and a half to run radar for two weekends. At the location (Doral) they were sitting, they caught no speeders. They did catch an intoxicated person that went thru a stop sign. That was the only arrest they made in two weekends. He asked her to contact him to give him the information and we would try it again. He wanted her to know the City was sympathetic to her situation.

She has seen officers around Doral Ridge but not in their area. There are two cul du sacs she felt would be appropriate. There is Joy Court where they seem to come speeding as they enter off of Rt. 23 before they turn on Spring. She lives on the curve and these people are entering the subdivision quickly. Mayor Lockhart advised we would work on this for her.

Aric Slavin, 628 Courtney Lane, stated he was in agreement with the majority of the people they have heard from just recently. He is the father of four and on the street alone, he was guessing there were upwards of 35-40 children. In the morning, there are many high school kids that fly thru. He understands the police officers are doing their best to keep things down.

He lives at the top of a hill and along the hill there is a curve. There is supposed to be a 6' wide bike path. It varies from 4-6' and varies from within 6" from the curb. This is very, very dangerous from where the children are playing and on top of that, they are coming around the hill around 35 mph. He thought this should be looked at and more data should be collected before the road gets put thru.

When he bought his house, he was advised Courtney Lane would be opened up. This was the first they had heard about this being a bypass. He was okay with opening Courtney Lane but wants to preserve the neighborhood they have now. He didn't want it to become a major thoroughfare from one side of the city to the other like Wethersfield Lane in Schaumburg.

Kim Kopija, 635 Joy Court, stated the side of her house is along Courtney Lane. She was in agreement with Aric as this hill was a nice place for people to fly up and down it. There are cars that are parked along where you can't see if there are children going in or out of these cars plus there is the noise factor of the kids peeling tires, etc. She also is not for this bypass.

Kathy Williams, 619 Courtney Lane, is concerned about a few things. First of all, they were told when they purchased the home that this intersection would eventually be

completed when the speed limit would be lowered by the County. However, this would not happen anytime in the foreseeable future. So, they were expecting to live on a dead end street for quite sometime.

Secondly, since Sept. 2004, they have had to replace their mailbox three times from being hit by vehicles. There are some people blowing off stop signs at the intersection of Spring & Courtney. The Police Dept. is aware of it as they have been out there on several occasions. She felt this would only get worse with the additional traffic if this intersection were to be opened up. She also was concerned and felt with the speed limit not being lowered and the intersection getting opened, it would create more accidents at the intersection of Maple and Courtney.

April 23, 2007, Council Minutes

Steve DiMaria, 600 Courtney Lane, stated he lives on the corner and would have to agree with the resident that complained about the speed. He doesn't have a radar gun, however, he is a mechanic and the sound of the revving of the engines is in excess of 55 mph. Mayor Lockhart advised Maple in this area is a County road. He asked if we had any say so or if we have spoken with the County. Mayor Lockhart advised him we have tried and Mr. Brackmann could attest to it.

Mr. DiMaria said they were new to the subdivision and in addition to being concerned with the speed on Maple, they had a concern that if a car were to go up that gully, it could launch into his house. He felt if that road were to be expanded and Maple become closer to his home, it could lead to where you read/see in the news of a car that is driven thru a person's home. When he moved in a year ago, they were told it was almost for sure this street would be opened up but as an entrance for local traffic/residents; not as a bypass.

He told Alderman Shelton he was offended with the other candidate that was running (Alderman Otis). She told him right to his face that she never ever proposed a bypass or an alternate. He asked her a direct question, yes or no; there was no way to mistake it as he has seen documents that state bypass committee with Dorothy Otis' signature on it. He asked, "Is that right to tell me during an election that she had nothing to do with any kind of bypass or alternate when her names are all over it. So, I'm offended the same way that somebody for political reasons is going to sit there and not tell me the truth. I have to believe your documents, correct, your Marengo documents that what's on that paper is facts not you know, not you know however you would want to put it."

Alderman Trainor stated they were not here to defend Alderman Otis' statement nor was she. He went on to say, "This whole Courtney Lane thing was started with the comments about slander; what is considered slander? What is considered being misleading to the residents and to the voters?" Mayor Lockhart stated they were not here for this tonight as he wanted to give him the opportunity to speak on Courtney tonight.

Mr. DiMaria wanted to know what property was going to be obtained by Brackmann Development. He was advised it was the side of Brayton Knolls that the property would be obtained for the intersection expansion.

Administrator Hartman advised Maple Street is a County road. Therefore, our Police Dept. doesn't have the jurisdiction to monitor it. Since 2003, we have been running up a brick wall asking them to reduce the speed on Maple. We are recommending 45 mph or

lower. Mayor Lockhart stated the County's Transportation Dept. controls the road. Mr. Maria asked, "And they bulk it?"

Alderman Jennings suggested the two unified Homeowner's Associations present tonight do another resolution and submit it to the County or attend one of their meetings and tell them the same things they said here tonight. Maybe they will hear them as they haven't heard us.

Mayor Lockhart stated we know there is a problem there but they control the road. He has asked them to dedicate the road to us; however, they will not do it. Their answer is to put in a huge fourteen car turn lane. His answer is to slow the cars down to 25 - 35 mph which would cut the turn lane in half. This made more sense to him. He agreed with Alderman Jennings that they needed to get together and approach the County Transportation Dept.

As for the speeding in the County area, they would have to complain to the County's Sheriff's Dept. about this. In the mean time, we will notify the Sheriff's Dept. that we have received a lot of complaints here tonight. This will be done tomorrow morning at the latest.

Administrator Hartman asked to have the secretary of the Homeowner's Assoc. contact him and he would give her contact information (names, addresses, phone numbers, etc).

Alicia Slavin, President of the Brayton Knolls Subdivision, stated she has been contacted by numerous homeowners in this subdivision regarding the bypass; it is definitely something they don't want. They understood it would be

April 23, 2007, Council Minutes

opened which was fine but for local traffic only. She contacted the County. They told her they didn't think it would be opened; it would just be a dead end for a while as it is a County road and they didn't want it opened because of the traffic and other reasons. She said she had talked to Jim Craney and he said he had heard it may not be opened as well.

She has received lots of e-mail on this topic. She had talked and worked with Alderman Otis who had helped her on quite a few issues. This was something she had spoken to her about and kind of witnessed her goal with her as this was something Alderman Otis wanted. She came out to the subdivision and spoke to five or six homeowners at the same time. Everyone told her the same thing, Alderman Otis basically told her if she didn't want that happening, she should live in a circle community. Ms. Slavin just wanted to let them know it has been brought to her attention more than once and if they need to get petitions together, they can do that.

Mayor Lockhart stated they understood the voters and could believe they have been told this as we have been told a lot of things as well. It has not been pleasant and they (County) are in charge of that road. He felt it would take numbers.

Administrator Hartman stated their voices apply to the County level as well as the City. We have hit a brick wall but with their voices as McHenry County residents to their representatives on County Board, to the Chairman of the Transportation Committee and to the County Board President would help the City. He couldn't guarantee it would happen

but anything they could do, we would greatly appreciate as he felt it would help our cause as well if they could put their concerns on paper as residents of McHenry County.

She wanted to know if they could tell them they didn't want Maple and Courtney opened. Alderman Trainor and Administrator Hartman felt they should specify the lowering of the speed on Maple. Mayor Lockhart suggested she and the secretary of Doral Ridge's Association see him after the meeting and they would talk about it.

Alderman Trainor said, "I wouldn't take that as a representation of the City Council's opinion of whether the road should be continued or not but he was speaking regarding the speed limit." Mayor Lockhart concurred. Ms. Slavin stated they could go to them with this issue as well. Alderman Trainor said, "On your behalf, yes."

The question was raised as to who would be paying for this. Alderman Trainor stated it would be paid by the developer. Mr. Brackmann was taking the lead role in facilitating the completion of it. It is a shared expense between Kennedy Homes and Brackmann Development. It is not a special assessment and will not have an extra tax as rumored during the election period. The City has a performance bond from Kennedy Homes for it.

Mayor Lockhart advised at this point in time, nothing has been brought up in front of the members as to where exactly this is going to go. This is being done thru an ad hoc committee and the members sitting there have not voted one way or another.

It was again mentioned about the people flying down the hill from Courtney or flying up from Doral in excess of 50 mph. Mayor Lockhart said he would see about getting some radar out there.

It was also thought that a stop sign at Sara or Majic or even Grace Court would slow the traffic down and make them stop as Courtney is a blind rolling hill and when you come flying over that hill, you can't see the kids; somebody is going to get hurt. Mayor Lockhart has witnessed kids up there on their skateboards going in the street as it is a dead end street.

It was asked if Mr. Brackmann does the design, pays for it, goes back to Kennedy Homes to seek recovery of funds and that does not happen, what would be his course of action? Could he come back to the City and ask for a special assessment? Administrator Hartman advised the performance bond was the guarantee and felt it was sufficient to pay for their portion of the improvement.

April 23, 2007, Council Minutes

Steve Stachura just moved into 613 Courtney Drive. He is a traffic unit police officer in another town and felt as soon as this road opened up, it would create a headache for Mayor Lockhart and the Police Dept. He is fully behind our Police Dept. but it sounds liked they are a little understaffed, undermanned and under equipped.

He has worked on being a constant police presence on a road and without exaggeration for three months straight, he has run out of ink and paper. He could write tickets all day long; 90% of the people he has stopped aren't from that subdivision. If this road is opened and intended for the people of that subdivision, we are sadly mistaken. Everybody

that comes thru is always in a rush and he was sure all the speeders that Mr. Smith is seeing that are coming down Spring Drive are coming in from Courtney off of Rt. 23 using Spring, Doral and Maple to get to Rt. 20. They are probably just cutting thru and as soon as you open that up, it will give the people an easier path to open up there speed. He felt the Police Dept. didn't want this headache as he has to deal with this problem where he works and unless the Police Dept. can handle it, he would highly recommend against it.

Chris Tuohey, 498 Spring Drive, stated he is right on the corner of Spring and Courtney and everyday watches 30 or 40 people blow that stop sign. If this street is opened up and Courtney becomes a straight away, there is going to be 10 times more traffic going thru blowing that stop sign. He has two small boys and one on the way and he knows just on the corner alone, there are 9 or 10 kids playing there. Only once or twice has he seen the Police Dept. sitting at this stop sign getting anybody. He thought Doral to Spring to Courtney, it slowed down and people didn't use it as an alternate route but if it were to be opened up, Rt. 23 to Maple, more people would.

Mr. Stachura felt as far as asking for extra police presence, he thought when other people came forward to us with other concerns, the data needed to get gather. If the Police Dept. is willing to hire back officers, they need to know when to come back. If they are hiring back on the weekends, that's great as they are showing an incentive that they want to help but they need to know what time the speeders are coming. People are calling and complaining saying we have speeders okay lets pull the guys on the weekend, it's not going to be effective.

Mayor Lockhart stated he was not aware of all the traffic problems in the subdivision. He wished they would have picked up the phone and called him. His home number is in the phone book and they are to feel free to call him as he is their mayor. He advised we will see what we can do about the traffic and getting more patrol up there.

He then stated as far as the resolution, we have a motion and a second on the table. He asked if there was anymore discussion from the members before voting on it. There was none so roll was taken. The motion to table this was passed with an aye voice vote from Alderman: Trainor, Signore, Secor, Jennings, Shelton and Spear.

Mayor Lockhart thanked the residents for their input on this. He advised them we had tabled it and there will have to be a lot more information provided to them before a decision can be made.

OLD BUSINESS

There was no Old Business for discussion.

MAYOR'S STATEMENTS AND REPORTS

PROCLAMATION - LOOK AT LOCAL HISTORY MONTH

Mayor Lockhart read a proclamation proclaiming May 2007, as "Look at Local History" month.

Per a request from Alderman Otis, Mayor Lockhart read a letter addressed to him and the members from her.

He reminded everyone the newly elected aldermen will be installed on May 14, 2007 and that it was important for all current members to be in attendance to insure a quorum.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

April 23, 2007, Council Minutes

A written report was included in the packet. Orally Commissioner Shull stated it was that time of the year again when people are getting "cabin fever" and are coming in to apply for permits which is good

Alderman Signore wanted to know where we were at with the easements for Zion. He was advised by our attorney Zion is aware they will not get an Occupancy Permit until the easement situation is resolved. It was his understanding in talking to Attorney Meyer that the Church Board is considering the wording the City has forwarded to them.

PUBLIC WORKS

The Street Department, WWTP and Sewer & Water Department submitted written reports. Orally Supt. Craney reported he went down to the Northeastern Illinois Planning Commission with Tim Bronn for the WWTP expansion. They were all in favor so the motion passed. They will be getting their report down to the IEPA so it can get moved along down in Springfield.

He also reported hydrant flushing was starting this evening and he has been in contact with IDOT for the bridge and Rt. 23.

Alderman Trainor followed up on her e-mail to Supt. Craney regarding street signs in Doral Ridge that were either missing or turned the wrong way. He believed some of those should already have been addressed. To further curb this situation, every sign that has a light pole and/or structure on the corner, are being put up at least 12'. So, some of them will no longer be on posts; they will be up on the lamp posts so kids can't reach them.

POLICE DEPARTMENT

Deputy Chief Hallman stated written reports were submitted by the Police Dept. and he had submitted one for EMA. He invited them to observe the next disaster drill to be held at MCHS on Sunday, May 6 at 10:00 a.m.

ENGINEER'S REPORT

A report was submitted by Baxter & Woodman.

TREASURER'S REPORT

There was no written report from the treasurer; it will be included in the next packet.

CITY ADMINISTRATOR

Administrator Hartman submitted a written report. Orally he had two items to report. A special Planning & Zoning meeting will be held this Wednesday, April 25th at 7:00 p.m.

for the Four Seasons Point in Time subdivision as additional information was provided to the PZC and they wanted more time to review and digest it.

On Thursday, April 26, at 7:00 p.m. a presentation for the final report for the Marengo-Union Watershed Planning Project will be held at the Marengo Community High School auditorium.

Alderman Trainor stated she had read thru the public hearing minutes for the Seven Oaks annexation on March 26th that contained lots of good detailed discussion points which was good as there were quite a few of them but she was curious about the promotional signage the developer was looking for. It had one of the signs they are looking for was 30'x30'. She wanted to know if that was a typo. He stated he would check and confirm it. (For the record, it was a typo and should have read 30"x30").

ATTORNEY'S REPORT

Our attorney stated the members received a letter from his firm regarding the Open Meetings Act requirements for executive session meetings and his firm will be having a seminar on May 19th for local government officials, administrators, managers, etc. It's designed to give newly elected officials a jump start and seasoned officers a refresher on the fundamentals of local government law, duties and procedures.

April 23, 2007, Council Minutes

Alderman Signore asked if they could discuss the item he and Alderman Spear have been approached about by residents in their ward. Mayor Lockhart advised what he was referring to was the cement plant which has become a safety issue especially for children.

Alderman Signore stated he went there today and took some photos. He described the items on the property and the hazards they present. It has become a hangout for kids. Residents have seen kids on top of the silo. He thought it has been seven or eight years since it has been in operation so there have been no needed repairs done. He felt it was definitely a situation where we have had true health hazard. We have had an issue in the past of intervening on private property but in this situation, he didn't see any where in the world that it wasn't posing a health hazard. It also is near an area frequented by children whether they are participating in Little League or practice or there for the games as it is just right across the street.

He stated there are new owners of this property and they may not be sure what they are going to do to the area. The equipment there, in his opinion, was not salvageable as it has just been sitting out there in the elements for years now.

He would like to start out civilly with the new owners to see if they are willing to step up to the plate and clean up the area because if someone falls, it is all over. He felt this was the worst example of an attractive nuisance that we could possibly have in the community.

Administrator Hartman stated he had talked to the new owners (another concrete manufacturer) sometime ago and had mentioned some of concerns we had for the property. They are not looking to put it into operation as the sight doesn't work any

more. What they are looking for is an alternate site in the community and basically do a swap. They did say if they couldn't find an alternate site, they would look to put this one back in operation. They would need all new equipment.

Alderman Trainor thought they needed to pursue this structure being removed if they are not going to be utilizing it. Alderman Signore stated residents have seen kids on top of this so there is no doubt the kids are accessing it. He wasn't sure if the Police Dept. had been involved with this or not. Deputy Chief Hallman stated they haven't been there in awhile but they have been there before.

Mayor Lockhart stated they tried to call them today but there was no answer. He will have Scott try to call them again. He felt we should get it posted so the police could start to check it and hopefully, it could get corrected before a child gets seriously hurt there.

The Mayor stated Alderman Genot was not here this evening as he took ill this afternoon and was admitted to the hospital.

He thanked Alderman Genot, Alderman Otis and Alderman Jennings for their past work and assistance to the City Council and the citizens of the City of Marengo and congratulated the newly elected members and clerk.

Before adjourning, Mayor Lockhart asked if anyone had anything further to say before adjournment. A resident stated he felt this silo at the concrete site was a liability whether there was a "No Trespassing" sign posted or not. Mayor Lockhart stated he was looking to get it posted immediately until they can get the equipment down and start to get it closed off there. Alderman Signore stated the liability would be secondary if someone were to fall as they would be dead if they were to fall at that level.

With there being no other items for discussion, Mayor Lockhart asked for a motion to adjourn the April 23, 2007, Marengo City Council meeting. Alderman Signore so moved at 8:28 p.m.; seconded by Alderman Secor. The motion passed with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch, Acting City Clerk