

**Marengo City Council
Regular City Council Meeting Minutes
Marengo Council Chambers
132 E Prairie St
Marengo, IL 60152
May 26, 2009**

Call to Order

Mayor Donald B Lockhart called the May 26, 2009 meeting to order at 7:00 PM.

Pledge of Allegiance

Mayor Lockhart led everyone present in the Pledge of Allegiance.

Roll Call

Present for this evenings meeting were: Mayor Donald B Lockhart, Aldermen: Carole Bartman, Corey Brackmann, Erik DeBoer, Michael Secor, Pat Signore, Todd Hall and Steve DiMaria. Also present were City Attorney Carlos Arevalo, City Administrator Deborah Nier, Deputy Chief of Police Joseph Hallman, Superintendent of Public Works Jim Craney, Building Commissioner Jayson Shull and Assistant to the City Administrator Joshua Blakemore. Absent from this meeting were Alderman Michael Smith and Chief of Police Martin Podosek.

Public Participation

There was no public participation.

Approval of Minutes:

The May 11th, 2009 minutes were reviewed. Alderman DiMaria made a motion to accept the minutes, and it was seconded by Alderman Hall. The motion passed with an aye vote by Alderman: Corey Brackmann, Steve DiMaria, Eric DeBoer, Todd Hall, Carole Bartman, Michael Secor and Pat Signore.

At this time, a plaque was presented to former Alderman Patrick Shelton, for his dedicated service to the City of Marengo.

Consent Agenda:

- a. List of bills
- b. Ordinance Amending Chapter 33 of the Marengo Municipal Code (Regarding Mandatory Licensee Meeting, Listing of Owners, Managers and Employees and Employee Restrictions)

Motion was made by Alderman Secor, seconded by Alderman Hall, to approve items a, and b of the consent agenda. Motion passed with an aye vote by Aldermen; Bartman, Brackmann, DiMaria, DeBoer, Signore, Hall and Secor.

New Business:

Authorization to Execute Contract with Manheim Solutions:

Alderman Signore questioned the hours in the contract. There would be a maximum of 60 hours per year, plus the option of an additional 50 if the need arose – for a total of 110 per year. He also expressed concern about the wording on page 2 of the contract - #10 Injuries – involving a waiver of right to pursue for injuries. As this seemed to be non-specific, it was suggested that Attorney Arevalo go over this and get it more defined.

Alderman Michael Smith entered the meeting at 7:10 PM.

Further discussion followed involving the EDC making better use of Mannheim Solutions as was discussed on Saturday during the Strategic Planning Meeting.

Pat Signore made a motion to approve the contract subject to #10 being cleaned up. Alderman DeBoer seconded the motion. The motion passed with an aye vote by Aldermen Signore, Secor, Hall, Brackmann, DiMaria, Bartmann, DeBoer and Smith.

Authorization to Executive Contract with ADT for Public Works Building Security Services:

A question was raised on whether there was a comparison between ADT and Brinks for this service. Alderman Smith said that there was – but it seemed that the City was paying for the system twice over with ADT – because it includes maintenance and replacement cost. It was suggested that we look at other buildings that might not meet Homeland Security Specs – and possibly bundle those together to get a cheaper rate. The hope is that if we are paying for the service two times over, the company might give us some kind of price break if we were to include other buildings. City Administrator Nier was not able to answer these questions at this time. She deferred to the Deputy Chief on the buildings question. Alderman Smith suggested that the City hold off on this contract until a determination could be made on whether any of the other municipal buildings might need this type of upgrade – and then see what type of pricing we would get.

Deputy Chief Hallman spoke about the prior contract and the fact that it was a “bundled” contract back then for everything. At that time a new alarm system was put in and this allowed the city to do their own monitoring of all the facilities. He also stated that No – we are not compliant with Homeland Security Directives for those buildings.

Alderman Smith asked that we get more information on adding other buildings and see what that does to the cost of the contract – possibly adding the Wastewater treatment plant – and also wells. Mayor Lockhart advised the Council that “No Trespassing” signs were ordered and will be placed at all the wells, the Waste Water Treatment Plant and all the City Buildings. No one could be arrested if the property is not properly posted.

Alderman Smith asked that the contract be reviewed by the company to see how they could reduce the cost overall if they were to include all of the buildings – and possibly phase those in over a period of time. Alderman Signore asked if we should also look at including the wells. This item was tabled, and will be revisited at the next meeting.

Primrose Green Homeowner Association Dissolution Request:

Laura Spenser – 823 Walnut Court – Board Member of Primrose Green Homeowner Association. Darren Mobley – 870 Woodland Court – also a Board Member. Bud Marlewski – 813 Walnut Court – also a Board Member. Jim Wicker – 840 Woodland Court – resident. Members of the association addressed the City Council about the condition of the pathway behind their homes. The area has deteriorated and they are hoping to eliminate the common area and get it resurveyed to allow the individual homeowner to absorb their area and maintain it as it should be maintained. They are concerned however, with the wording in their association that would require all homeowners to have sidewalks put in if the association dissolves and the “pathways” are eliminated. They are asking if the city would enforce the sidewalk rule on them. They are also asking for assistance in dissolving the association. They are hoping that the City Council will take a stand and make a decision on whether they would enforce the sidewalk rule – if the association dissolves. Attorney Arevalo stated that the Council had looked at this question before. A letter was sent from Jayson in June of 2008 to Mr. Rehberg with information on how to proceed. If the association wanted to dissolve, that would be fine, but he was advised that they would have to pay for sidewalks. That was the position that was exercised by staff – and that was the last contact from Mr. Rehberg. Attorney Arevalo said that nothing new has been presented to change that – from a legal standpoint and what the covenants say – if you are going to dissolve the covenants then you have to put sidewalks in the front. He stated that if the homeowners did not want to spend money to have sidewalks put in, then they would have to repair the path. How it is fixed would depend on the plans and what they call for.

There was concern expressed by the association as to who is responsible for dealing with the individual that removed part of the pathway – and they were told that since the association was responsible for maintaining that area, then the association would be required to deal with the problem. It was not a city violation – but an association one.

The association invited the Aldermen to walk through the various areas and see how they are maintained. Most have allowed their pathways to deteriorate.

Attorney Arevalo said that – after reviewing the documents of the covenant available at this time – he could not recommend one action or the other to the council in terms of what they

would be looking at, and it would make sense for these documents to be examined a bit more after having listened to your situation to determine what the proper action is and come back at the next meeting and let you know what his recommendation to the council would be. The Council agreed to review this in 2 weeks.

Marengo Main Street Farmers Market. Robert Levin – 21118 River Road. He is here this evening as the Farmers Market Manager. They would like to start up the Farmers Market again this year – hopefully on June 19th. They would like to request that a portion of parking lot #2 – by the Marengo Library – to block off a few spaces, put up signs and hold the market there every Friday from Noon to 6 PM. They would also like to request that the city hang the Farmers Market Banner – which they have done in the past – across State Street starting the 1st or 2nd week of June – which would be about 2 weeks before the Farmers Market would start up. Mayor Lockhart asked Jim Craney to check into the entrances off Washington Street – going into that parking lot. Several people have complained about “bottoming out” when they pull into the lot. Maybe some of the holes could be filled and this would help that problem. Jim said he would check into it and see what could be done. Pat Signore made a motion to approve the Farmers Market request and waive the \$75 banner fee. Eric DeBoer seconded this motion. The motion passed with a aye vote by Aldermen: DiMaria, Signore, Secor, Bartman, DeBoer, Brackmann, Hall and Smith.

Old Business: There was no old business to bring up at this meeting.

Mayor's Statements and Reports. Mayor Lockhart reported that the Memorial Day celebration was held on Monday the 25th and it went very well. The Marengo High School Band performed well, as did everybody that participated in the program that day.

Jayson Shull - Building Commissioner: His report shows recent activities and updates. Permit fee amounts were questioned – which were established by taking into account average time of inspection, average number of inspections, etc. These were reviewed and redone in 2007.

It was suggested to Jayson that when there are problems, actual contact with the person seems to accomplish more than sending them a letter.

Jim Craney, Superintendent of Public Works, So far things are running well. The plants are open so he can see to fixing some roads around town. He is also looking at the lift at the Waste Water Plant and hoping to fix that up a little bit. The boiler heat is coming back up so they are getting rid of the foam down there. The grease problem seems to have been solved for right now.

Mayor Lockhart advised the Council that the City has finally received a letter from the Sierra Club for our permit and the State should be issuing it soon. It has been 2 ½ years – but nothing moves quickly in Springfield. This should be ready to put out for bids by next summer – if all goes smoothly.

Josh Blakemore, Asst to the City Administrator, added to the Mayor's statement – that the IEPA was waiting to hear from the Sierra Club and that they were removing their request for a public hearing.

Deputy Chief Joseph Hallman introduced the intern that has been working with the police department through a 12-week program. The Deputy Chief updated the Council on the overweight truck program. Also, Chief Podosek was able to contact the McHenry County Sheriff and the city has been able to put the "speed trailer" out and it is being placed on Rt. 176 – coming into town - to get the traffic to slow down – as there have been a number of accidents at the intersection of 176 and Prospect St.

SEC – Timothy Hartnett. SEC's staff met today with the city staff on the Prospect St contract that is going through staff review at this time for inclusion and approval at one of the next couple of meetings in June. They are working with the police department and are looking at traffic numbers.

Deborah Nier, City Administrator, had nothing further.

Attorney Arevalo - No report.

EXECUTIVE SESSION:

The Mayor called the Council to Executive Session for the purpose of discussing personnel. Alderman Secor made the motion to go into Executive Session – which was then seconded by Alderman Hall. The motion passed with an aye voice vote by Aldermen: Secor, DeBoer, DiMaria, Brackmann, Smith, Bartman, Signore and Hall. The time recorded was 8:40 PM.

RETURN FROM EXECUTIVE SESSION:

The meeting was reconvened at 8:55 PM. A brief discussion on the homeowner association problem followed. Alderman Signore suggested that city staff draft a letter to the homeowners association stating that the city is not going to relieve them of the obligation on the sidewalk requirement, but the city will assist them in getting the documentation from Mr. Besinger, and that would be the full extent of the city's involvement in this situation, and that they have to maintain the pathway according to the covenant.

Alderman Smith asked how to address the fence problem involving encroachment into easement. It was suggested that the Building Department check out the areas.

Alderman Signore made a motion to adjourn the meeting, which was then seconded by Alderman DeBoer. The motion was passed by a unanimous voice vote. Meeting was adjourned at 9:10 PM.

Respectfully submitted,

Constance J Boxleitner
City Clerk