

**CITY OF MARENGO
COUNCIL MINUTES
JUNE 11, 2007**

CALL TO ORDER

Mayor Lockhart called to order the City of Marengo City Council meeting at 7:05 p.m. and then led the "Pledge of Allegiance".

ROLL CALL

Present for roll call were Mayor Lockhart, Alderman Bradbury, Alderman Shelton, Alderman Smith, Alderman Hall, Alderman Secor, Alderman Signore and Alderman Trainor. Alderman Spear was absent.

PUBLIC PARTICIPATION

Jane Rausch, 6211 Maple, Marengo, stated she has been a resident of Marengo for 56 years and was opposed to the City giving Grand Pointe Homes a tax break because real estate is bad now. If developer has a business and we give his business a tax break, would we also be giving all the business that are having a tough time a tax break as well?

She felt the schools were very important as her children received a good education. She has paid taxes all of her life but she will be running out of money and felt the senior citizens would be driven out of their homes. She also stated there were 27 homes repossessed in the Marengo area last month.

David Juhre, 1071 East Grant, Marengo, noticed the members would be discussing the property for Grand Pointe Homes which is adjacent to his. He wanted to bring the members up to speed. He stated, "On where the discussions were left not to long ago, in the early spring we had a very productive discussion with the City and Grand Pointe Homes and it looked like we were getting very close to finalizing the structure and the development and our recapture agreement. We were very close to finalizing the structure of this development for Rt. 20 & George Street and everything got put on hold by documentation that we have and my attorney supplied to me from the City and Grand Pointe Homes. Things went on hold from the prospective that we were told by Ron Cope who is the attorney at the time that the City and Grand Pointe Homes would get back to us so we could finalize these agreements as to costs and the recapture. Now it looks like again this is potentially back on the front burner and I just want to let you folks know that we're ready as we have always been for almost three years to negotiate this thing. We are not sure why but every time it seems to come up, it's always sidetracked. Mr. Hartman sent me a letter which you probably got and there was also a question about George Street and I want to make sure we are really, really clear on this. This is absolutely no issue and there never has been since square one of a problem with us dedicating George Street which is our property which we were giving to the City to allow this subdivision and to go with the new Southeast Area Subdivision Plan. In the discussions we had in the spring, we talked about dedicating George Street and potentially, Grand Pointe Homes obtaining a right for recapture for the expenses we had into George Street and I just went there again. I want to admit, I want to openly comment that we're ready to negotiate and we have always been and I want to make sure that we are clear that it doesn't look like we are the ones not trying to do this. So obviously, if this goes in any direction I just want to make sure that it is clear that we are ready and have always been ready to openly discuss and negotiate what we would like to do with our property that we are giving to the City after spending the money to build George Street and if there is any questions, feel free to contact me. Mr. Hartman has sent me a letter which I hope you should all get a copy of and he'll also give you a copy of our response. I appreciate your time. Thank you."

Anita Mitchell, 7013 Henning Drive, Marengo, stated she was on the Riley School Board and wanted to let them know she was here to support the new transition fees and impact fees for the schools and hoped they didn't create any precedence by lowering them for any of the developers.

SPECIAL PRESENTATION

Mayor Lockhart removed, Special Presentation, James Wicaryus, as he was unable to attend the meeting.

NEW BUSINESS

APPROVAL OF THE MAY 29, 2007, REGULAR AND EXECUTIVE SESSION MINUTES

Alderman Trainor made a motion to approve the above mentioned minutes; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Shelton, Trainor, Hall, Bradbury, Smith, Secor and Signore.

LIST OF BILLS

With there being no questions on any of the bills, Alderman Secor made and Alderman Bradbury seconded a motion to approve the bills as presented. The motion passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, Trainor, Hall, Signore and Secor.

JUNIOR TACKLE FUNDRAISER REQUEST

The City has received a request from the Marengo/Union Junior Tackle Football Assoc. to hold a pork chop fundraiser on Saturday, June 23, in front of Sam's Tavern/Dino's Restaurant. Alderman Signore so moved; seconded by Alderman Shelton.

Before voting on this, Alderman Smith wanted to know if any of the parking spaces would be used. He was advised it was just for the sidewalk to cook the pork chops. The grill will be located at the far end of the sidewalk so you can walk into the building and pass the building.

Our attorney then asked to have the motion contingent upon the three points listed on the agenda supplement which were: A temporary health permit be received from McHenry County; a Certificate of Insurance naming the City as an additional insured be provided prior to this event and a minimum of 3' of clearance be provided along the sidewalk to allow pedestrian traffic to pass through this event.

Alderman Signore then moved to approve the request contingent on the above mention three points; seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Signore, Secor, Shelton, Trainor, Bradbury, Hall and Smith.

RESOLUTION 07-6-A, AUTHORIZING THE CLOSURE OF RT. 23 FOR SETTLER'S DAYS EVENTS

Alderman Shelton moved for the above to be approved; seconded by Alderman Trainor. The motion passed with an aye voice vote from Alderman: Smith, Shelton, Signore, Trainor, Bradbury, Secor and Hall.

RESOLUTION 07-6-B, SUPPORTING THE EXPANDING OF US RT. 20 TO INCLUDE A CENTER TURN LANE

Administrator Hartman stated at the May 29th meeting, the above referenced item was asked to be put on the agenda. If they were to adopt this they would be making a formal statement for the City that this was something they supported (expansion of Rt. 20 to include the center turn lane).

In 1999 this was an issue that came before the City and after several public hearings, IDOT didn't follow through with the project. Alderman Shelton asked what the consensus of the public hearing was. Administrator Hartman stated he was not here at the time but based on his review in looking in the file, it was not well received. He, however, then said, "You can't say it wasn't well received by a community stand point. There was some specific opposition to it at that time. I'm not sure of the reasons and don't know if anybody was here at that time to recall that incident or recall those meetings but there was some opposition to the center turn lane."

Alderman Secor asked if they were to approve the resolution, would the same process be used again like public hearings, etc. Administrator Hartman was not sure what process IDOT would choose to use as he felt a project like this would require property acquisition and felt they would want community support.

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Alderman Signore walked Rt. 20 this morning to get a better feel for this and he was trying to understand a couple of things. He wanted to know if this would be through the entire Rt. 20 as it goes through Marengo because there are portions of Rt. 20 primarily in residential areas where Rt. 20 is very, very narrow, has little or no shoulder and has very little space between the existing road and the existing homes or would this be something they would look at for maybe areas west of Park Dr. and east of the old high school where it starts to widen out because the areas within the Central Business District are very, very narrow.

The second thing was he wasn't sure of was what problem this would solve. The issue they typically have is with through traffic and he didn't believe adding a center turn lane would help at all with through traffic. In fact, it will probably make traffic flow quicker through town which he felt might be dangerous from the standpoint of trying to make a left turn anywhere onto Rt. 20 because now you not only have the oncoming lane to deal with but the potential for a center lane.

The other issue he had was that although he might not be opposed to the middle lane once you get out of the residential area as there are so many curb cuts, he felt this would become a dangerous proposition.

Alderman Shelton, a member of the ad hoc transportation committee, advised they have been working on long term solutions for the traffic in Marengo, primarily truck traffic to ease the congestion from downtown.

Later they would be talking about Courtney Drive and this was part of their plan to allow this to be a connector road for the developments occurring south. He thought this would send a signal to State that if they would do this, it would solve our problems and he thought this was a signal we didn't want to send because he thought we would want to continue to work on the alternatives if they were really going to solve the truck problem.

Alderman Smith pointed out the resolution stated the City believes the long term solution is to construct a bypass to divert the regional truck traffic away from the heart of Marengo so it should not send a clear signal that it will solve our issues.

The question was then raised as to who would pay for this. Administrator Hartman replied, "To be determined" and advised this resolution makes no representation of the City committing dollars to the project. It is just requesting that they look at the project and improve their road.

Alderman Signore wanted to know if our engineer, attorney or administrator, believed if we were to get a third lane that we would also be considered for a bypass in the future or did they feel this would probably be the best we could do at this point-by taking one, do we forego the other and did they think IDOT would do both of these projects in the next 20 years? Administrator Hartman stated he could not give an answer.

Alderman Signore felt a center lane could help with some of our problems but didn't think it would reduce the through/truck traffic and the work we have had done with our Comp Plan and BDI has come to the conclusion that through truck traffic was our problem. While he could see the benefit of this in certain areas, he didn't think it would do anything to relieve the through traffic.

Alderman Smith stated in his discussions with Senator Althoff and Rep. Franks, they both stated we needed to adopt a resolution and send them a letter requesting funds for design and Phase I analysis of what needs to get done here. We can tell them we want three lanes but that doesn't necessarily mean they will give us three lanes. They could suggest four lanes as they did last time. It is up to us to work with them to figure it out.

Rep. Franks is still of the opinion Coral Road is the natural choice for a truck route bypass and doesn't feel a third lane through town is the answer. He (Smith) is proposing a third lane through town not only for the relief of traffic congestion but also as a safety lane for emergency vehicles to use should they need to do so.

Mayor Lockhart concurred about it being used as a safety lane as he believed the rescue squad is running over a thousand calls a year and the police and fire would use this lane as well to get to calls faster. He wasn't going to

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take issue as to whether this was right or wrong other than they needed to look at this as a safety factor for all the citizens of Marengo.

Alderman Trainor felt some intermittent third turn lanes are needed but had some concerns about the residents being able to turn in and out of their driveways with a third lane now competing with that as a traffic lane as well. She lives on Rt. 20 and knows what it is like to turn out of her driveway onto Rt. 20 and was trying to consider how it would be for her, as well as her neighbors. She was concerned about running it from end to end all the way through. However, she did feel we needed more turn lanes than what we currently have. Mayor Lockhart commented the decision ultimately would be IDOT's.

Administrator Hartman commented based on the degree of improvements from a development and the impact it would have, IDOT may require certain improvements be made. He was not sure if IDOT or McDonald's was the one who had the third lane put in. Supt. Craney advised IDOT put this lane in when they did the improvement to Rt. 23.

Alderman Trainor had concerns as well about a third lane all the way through and did like the idea for certain areas. She felt if she voted in favor of this she was saying to them she was in support of a third lane all the way through and that's not the case. She would prefer to have pinpointed areas based on needs/circumstances.

Alderman Signore was advised by Administrator Hartman this would require a feasibility study. If IDOT undertakes the project they would pay for it or we could pay for it to get the project going sooner.

Administrator Hartman stated this resolution does not limit specifically where the center lane should be. It is pretty much a blanket statement of a center turn lane. They could pinpoint the locations but the resolution would then have to be reworded.

Alderman Signore again stated his concerns and said based on the way the resolution is worded (a blanket request for a center lane which he felt could be interpreted to go completely through town) he would vote no but he did agree there were places on Rt. 20 where they could benefit from having a center lane.

Mayor Lockhart asked the members what they wanted to do about this resolution. Based on the above comments, Alderman Secor wanted to know if they wanted to retool the resolution. He stated there is a traffic problem and felt this was more feasible than a bypass as it was more doable in the near future than the bypass.

Mayor Lockhart stated he would be surprised that if they were to approve this tonight, it would be done before 2015 at the rate McHenry County is receiving funds. Based on the rate that traffic has increased since 1999 and what it might be in another 5-7 years. He felt somewhere along the line whether it be a change to this resolution or whatever, they needed to start looking at Rt. 20 as it is obviously bad and is only going to get worse.

Alderman Signore felt Alderman Smith was trying to set the stage for something to happen in the future so that we are maybe putting these folks on notice they were in agreement with them making some changes if it could be in their budget or in their 10 or 15 year plan which he was not opposed to.

Alderman Bradbury wanted to know what rights a property owner has if they didn't want to give up a portion of their property or how they got reimbursed for the loss of their property. Our attorney advised her of the scenario IDOT would take for this which could be a lengthy process especially if residents don't want to sell their property which means the State could then take the property by eminent domain.

Alderman Shelton wanted to know who would be responsible for moving the utilities. Our attorney stated there were a lot of factors that have to be taken into account for this as well as it is not all cut and dry. Supt. Craney felt IDOT would not require us to move our utilities as he felt the road wouldn't be widened that much. If there was a fire hydrant in the way, it would be relocated as they were when Rt. 23 was improved.

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It was the consensus of the members this resolution should be retooled so Administrator Hartman will retool it to state the center lane should stipulate west of West Street and east of Prospect. Supt. Craney will also look at his records/book of a plan IDOT had to do Rt. 20 from Stateline to Randall Rd. to see what they had in mind for Marengo. It will be back on the agenda for the next meeting.

ORDINANCE 07-6-1-PREVAILING WAGE

Administrator Hartman advised this was a housekeeping item as we are required by law to establish a prevailing wage for all contractors and construction projects under the City's control. The rates are established by the IDOL for McHenry County.

Alderman Bradbury made a motion to approve Ordinance 07-6-1, Setting the Prevailing Wage. It was seconded by Alderman Smith and passed with an aye voice vote from Alderman: Trainor, Signore, Secor, Bradbury, Hall Shelton and Smith.

ORDINANCE 07-6-2-SETTING THE DATE AND TIME FOR THE TIF PUBLIC HEARING AND JOINT REVIEW BOARD MEETING

Administrator Hartman advised the next step for the TIF District was to set a meeting date for the joint review board which will be June 26, 2007, at 2:00 p.m. in the City Council's meeting room and the public hearing meeting is set for August 13, 2007, at 6:00 p.m. in the City Council's meeting room if approved.

Also as requested at the last meeting, Beth Ruyle, Ehlers & Associates, will provide a refresher course on how the TIF works. Administrator Hartman will provide preliminary information. In the mean time if any of the members had any questions regarding this, he would be more than happy to sit down and give them a one-on-one about the mechanics of a TIF District. If there were more detailed questions, he would get those answers for them.

Alderman Signore wanted to know when they would be receiving some actual numbers. He was told it was still be engineered by the developer so the actual numbers wouldn't be available until it was done. Administrator Hartman clarified the numbers with Ms. Ruyle. She advised these numbers were maximum limits by statutory authority. It is like the tax levy where we shoot high because we don't want to establish something in the plan and come up short because you essentially tie your hands.

Alderman Signore stated he wanted to see some real numbers to find out what the real expectations are before he personally will jump forward due to the fact that there is the building be erected on the old FS property and this was not setup as a TIF project. He felt they would be foolish to approve and move forward without real numbers as they should have the information by the time they have a meeting. Administrator Hartman advised he had preliminary numbers but they were just estimates.

Our attorney advised Alderman Trainor setting these dates does not constitute finality for the TIF but it does make everyone involved aware of the fact this is coming and it sets a timetable for everyone to get their ducks in a row.

Administrator Hartman stated when a TIF is established, the developer enters into an agreement with the City. This agreement states exactly what dollars they will be providing for the TIF. This is our control as we are putting the mechanism in place.

Per our attorney, the joint review board will determine if the site is blighted and qualifies for a TIF District and they begin to consider the other issues of costs, etc.

Alderman Signore asked if we could require the cost analysis to be provided well in advance of the August meeting as a condition for that meeting. He didn't know how a public hearing could be held with people giving input when they don't know what they are being asked to forego. He didn't want to do this on the backend as he didn't want the schools to come in and say, 'Well, we can give this much' and have it being more than the

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developer wanted. He felt the developer should put those numbers on the table first as he didn't know how anyone from a taxing standpoint can react to whether it is favorable or not when they didn't have any numbers.

Administrator Hartman had a phone conversation last Friday with Infill and they were to provide him with a draft of a development agreement so he wanted to say yes to Alderman Signore's question. Our attorney stated the public hearing was specifically for the TIF District as the development agreement was a separate issue.

There was a slight discussion regarding what the TIF area first started out being; hoped it would revitalize the downtown area; now it just 2.2 acres on East Street; this site is an eyesore and a safety issue and perhaps seeing if other developers envisioned this property to look differently than what is being proposed.

Alderman Signore said, "I would move that we adopt the ordinance provided that the petitioner or developer, however we wish, to address this and get us some numbers in advance of the public hearing. I think it would be beneficial for all parties to be able to make comments based on some real numbers. So, I would move we adopt it to keep the progress moving forward." It was seconded by Alderman Smith. The motion passed with an aye voice vote from Alderman: Secor, Hall, Trainor, Shelton, Smith, Bradbury and Signore.

RELEASE OF EXECUTIVE SESSION MINUTES-MARCH 24, 2003, APRIL 28, 2003 & JUNE 9, 2003

Mayor Lockhart asked if there was a motion to release the above mentioned minutes. Alderman Shelton so moved; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman Hall, Bradbury, Smith, Secor, Shelton, Trainor and Signore.

AGREEMENT BETWEEN NORTHWEST CENTER FOR COMMERCE AND THE CITY OF MARENGO FOR THE INSTALLATION OF A SIGN ON PUBLIC PROPERTY

Building Commissioner Shull stated at the last meeting, the members approved the installation of a sign within City property for the benefit of Northwest Center for Commerce.

Staff recommended an agreement be made between the two parties. A copy of the agreement was included in their packet. The petitioner was sent a copy for their review and he received a signed copy of it today.

Alderman Smith thought there were a couple of corrections that needed to be made. Item #2-Traffic and Utilities, the third line should read Route 20 and Franks Blvd. not Rt. 12 which Commissioner Shull will change.

Item #6 has the lighting equipment shall be turned off and shall not be illuminated between the hours of 9:00p.m. and 8:00a.m. Commissioner Shull stated the time was correct as this was the allowable illumination time within the overlay district per our Sign Ordinance.

Alderman Bradbury had a question regarding Item #4, Maintenance of Island. So far, MCHS has excelled in maintaining the island and she didn't see any future problems but on the outside chance, she wanted to know if we had any recourse if it would need to be maintained. Commissioner Shull stated it was our property and we could step in at anytime and take matters into our own hands.

Alderman Signore raised the question if we had to maintain it, does the agreement state we could bill for our services. Commissioner Shull stated this was not in the agreement. Alderman Signore agreed with Alderman Bradbury that if there comes a time when we need to step in to maintain it, we should have a definite recourse to send a bill. Our attorney stated some language could be inserted into the agreement to provide for this provision, however, before doing the maintenance, we would have to give them some sort of notice to give them the opportunity to take care of it and upon expiration of the notice if it is not taken care of, we can maintain it and send a bill for the service.

It was the consensus of the members they would like to see the above mention provision in the agreement so this will be brought back to them to vote on at a later date.

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BUILDING PERMIT FEE WAIVER-123 SOUTH STATE

For the record, Alderman Signore and Alderman Bradbury left the meeting due to a conflict of interest.

Commissioner Shull stated his department has been working with a new entrepreneur who would like to open a dance studio downtown. Our newly adopted 2003 International Existing Building Code has reduced a lot of the remodeling requirements.

However with the 2004 Plumbing Code, the minimum plumbing standards are required to be upgraded so extra expenses were incurred by the applicant. His department, along with the Fire Dept., worked with her to help get a business to fill a store front downtown.

She sent a letter to Commissioner Shull asking for the consideration of waiving all or a portion of the fees for her permit. He has included a copy of that letter along with a copy of what the fees would be for the permit. He is bringing it before them as they have the ultimate authority to waive permit fees.

The facility had one bathroom that wasn't ADA compliant. With it now being used for a "schooling" type use, the minimum requirement is for one man, one woman bathroom. She can keep the existing one but is required to put in another one to meet the requirements.

Alderman Shelton asked if the landlord didn't wish to participate to make it compliant. Commissioner Shull stated it was between the applicant and the landlord and was unaware of any discussion between the two of them.

Alderman Shelton moved to reduce the fees by 50% of the amount she is responsible for and not the plumbing inspection fee, which is a third party; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Trainor, Secor, Smith, Hall and Shelton.

Mayor Lockhart announced at 8:14 p.m., Alderman Signore & Alderman Bradbury returned to the meeting.

OLD BUSINESS

GRAND POINT HOMES DEVELOPMENT FEE DISCUSSION

Administrator Hartman advised this was a continued discussion for fee reductions for the Grand Pointe Homes development.

At the last meeting Rick Zirk was given a proposal that he was going to go back and work out the numbers. We have not received a formal reply back but Mr. Zirk was in attendance this evening. He appreciated what the City has tried to do for them and didn't want to give the impression they were giving the City and ultimatum. They really didn't want to walk away but they are kind of stuck.

Administrator Hartman said, "I think if we could clarify for the record, it was the City of Marengo that made the phone call to Grand Pointe Homes after they communicated that the project didn't work, we made the communication. We made the phone call and asked, 'What is reason behind it?' and basically our question to you was what would make the project work and what we were trying to arrive at so I just want to make sure the record is clear for the audience that at no time did Grand Pointe Homes come in and say well you need to take so much off of the fees; that was never how it was approached. It was the City asking what happened and is there any way to resurrect this project. This is how we got to where we are today. Hopefully this is clear for everybody."

Mr. Zirk stated that is not how he and his company do business and don't like to see that kind of press.

Alderman Signore felt he has been a gentleman through the whole process and thought it was refreshing compared to others that have come before them. It seemed as though the issue comes back to the Rt. 20 situation and if that situation wasn't present, the discussions would probably be much different as the numbers would be much closer.

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Administrator Hartman suggested another meeting be set up with the parties involved with the Rt. 20 improvements.

Alderman Trainor felt the Sub-Area Plan has been in place for a while and the plan called for this type of access for development.

Alderman Signore thought there were some provisions with the Special Use Permit which Administrator Hartman stated there were.

Alderman Signore then agreed with Administrator Hartman that a meeting should be set up with parties involved.

Jane Rausch then wanted to know why the builder should get the tax break. Mr. Zirk clarified, they were not looking for a tax break, they came into this project expecting to pay A, knowing there were going to be increases and were willing to pay B, but the amounts came back at C.

Mayor Lockhart stated our process was flawed because it takes 2-4 years for the City to get any kind of development approved and negotiated. He was trying to say that it was not Mr. Zirk's entire fault as we should have had this put to bed in 6-8 months. We have the same thing going on with the Seven Oaks project and if he was standing where Mr. Zirk is, he would probably want the same thing as it is all about dollars and cents. The point being, the City of Marengo is as much responsible as he is as it took months just to get fees for the schools and while they are doing their job that should have been done a long time ago, Mr. Zirk is sitting here waiting and so is every other project.

He continued, "You may not like to hear this but it is the truth. I'm not asking anybody here to give their opinions about the fees or whatever but Marengo is at fault here. My god, three years to get a hundred homes decided on and get it going in this City. Hell, it's no wonder we don't have anything in town and when you sit and complain as part of this, he wanted to bring in some commercial and industrial along Rt. 20. The reason you guys' taxes are so high is that 82% of the residents of this City pays comes to the City. We need more industrial and commercial to offset that to lower your taxes but that is part of this. You can't have it both ways, folks. Impact fees are wonderful things but if nobody builds, what good are they also? How much help have they given your schools when you get absolutely nothing? Do I believe we should give away this City? Absolutely not, but I'm also smart enough to see that this gentleman has been on hold by us for three years while this City has debated whether or not to let him go ahead with this project and he's not alone and this is the kind of attitude this Council must change if we are going to grow. Two and three years is ridiculous. We don't know by now what we want and where in the hell are all these plans of where we are at? Let's get it changed and let's start moving forward. Everyone wants stores, everybody wants sidewalks, everybody wants new streets but we can't do it until we get growth and we get industrial in this City and I can't do a lot of projects because we don't have any money to do the projects. Three million dollars to run sewer to one location; eight and a half million to do a sewer treatment plant. You don't get it by having no growth. You may not like it, but it's the truth. We are going to grow and have these things. We are going to have the growth or you are going to be the dot on the map. So, I'm not standing taking his particular side, don't misunderstand me but you have to look at the larger picture here. We have to look out 5-10 years. We have to have these roads done. I'll explain that in a few minutes. I was at a meeting this morning with Congressman Manzullo about bypasses and how long and how much it takes. I'll explain it in a minute but I appreciate you all listening but I think you have to understand here that we have to get our act together. We have to be prepared to move into this future and every time we come here, how many times has you plan been changed when you came in front of the City Council?"

Mr. Zirk replied he wasn't positive, but it was more than a few times.

Mayor Lockhart stated that although this started before some of them were aboard, the problem is still in existence and they haven't gotten any decisions made. He stated we can't have people coming up here and

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constantly changing their plans. We have to get together and know what we want when people come to town so we don't waste our time and their time and having them spend lots of money by changing the color of something or the size of something else, etc. They need to get it together. He is the one, for the record, that had the phone call made to Mr. Zirk and asked him what we could do to move Marengo forward and bring this subdivision in. If there were any problems with this, it was his responsibility and they were to come and talk to him about it as he was the one who did it.

Several aldermen have spoken to him as well as they had some questions and answers. He felt they could negotiate something; apparently, they can't. It wasn't Mr. Zirk that came here whining to the City. He is here because of our invitation. He didn't want the people to misunderstand this and then thanked Mr. Zirk for coming back.

Alderman Signore thought perhaps they could get this project moved forward and done with if they could sit down and discuss the terms of the Special Use Permit. He felt as a City, we had fallen short of enforcing this and this would have made some changes in Mr. Zirk's project and his feelings in moving forward. We did have some established timelines and as a City, we fell short of enforcing our own document.

Administrator Hartman advised he would be in touch with the property owners of Marengo Market Place. Mayor Lockhart stated that no matter where it goes, he appreciated Mr. Zirk being a gentleman and coming back to talk to the members.

COURTNEY LANE DISCUSSION

Alderman Smith stated he previously came before the members to ask them for a resolution to not to open Courtney Lane across Maple. He distributed a plan tonight he thought might be a compromise as the residents don't want a full five lane intersection there. They don't mind if Courtney Lane is opened to Maple but they want restricted access; in other words, for residents only. He believed the drawing satisfied that as it provides for speed control within the subdivision and entering/exiting the subdivision. It also provides a way for traffic to flow up and down Maple and as that document provided from the speed study for McHenry County also indicated, they would not do another speed study because they felt the speed on Maple would actually exceed the posted speed limit sign which would preclude the intersection at Courtney Lane from opening because of the fact the speed needs to be reduced for Courtney to open in addition to the configuration of a five lane intersection.

He would like to propose to the members tonight to look at the drawing and consider it as an alternative. If there are annexation agreements to open both subdivisions to Maple and if there is any discussion or agreement with this proposal, he would then like to take it to the County and IDOT and have them review it and see whether or not they agree with it.

He asked if anyone had any questions regarding the drawing. There was some discussion regarding the south only access to Maple and it was agreed that this would be tabled until a transportation committee could be instated and this would then be reviewed by that committee.

Mayor Lockhart began talking about how he and Administrator Hartman attended a meeting today with Congressman Manzullo over State funds and building of the Algonquin bypass. Money is coming from Washington D.C. and it goes to Springfield where the Governor decides on where it is appropriated.

In 1998, Congressman Manzullo secured nine million dollars in Federal funding and designated the western bypass as a high priority project in the Federal Transportation bill. The State of IL followed his lead and added the western bypass to the State Transportation Plan in 1999. At that time, the State allocated thirty-five million dollars in State funds which was under the Illinois First Program bringing the total to forty-four million dollars which was enough at that time to build it.

Over the last several years, the State has scaled back its funding support for the western bypass even though the Federal Government continued to make it a priority. In addition to the nine million earmarked in '98,

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Congressman Manzullo and Senators Obama and Durbin secured another ten million for the northern extension of the project in 2005.

In addition, Congress gave IL another \$6.2 billion in Federal gas tax receipts to be used at the discretion of the State to fix IL roads. Despite the significant Federal commitment, IDOT eliminated the remaining State funding for the western bypass project in this year's State road plan and it is now projected to cost about sixty-seven million dollars for the same thing that could have been done in '98 & '99.

They are all sending letters to the Governor to ask him to come forward and visit McHenry County to show support for this project getting done.

Mayor Lockhart brought this up to not talk about Algonquin's problem but to talk about our problem. They are sitting here talking about a roadway and here they have all this money sitting on the table for the western bypass all these years and now it's been taken off.

So, when he is saying it is going to take 2015 or whatever date, he heard someone laugh but the truth of the matter is that it is going to take that long unless Springfield decides to give McHenry County some.

It appeared to him that most of the funds the State is giving are going to Chicago and Winnebago County. They are trying to bring attention to this and urge the Governor to remember McHenry County or maybe another option would perhaps be to annex into Cook County.

Mayor Lockhart told Alderman Smith we have asked the Governor to come and drive our roads. They are inviting him to come to McHenry County to meet with area officials to discuss the County's transportation needs. He felt the Governor was busy with other things and thought he had not been to McHenry County in years.

Alderman Signore stated Tim Martin, the IDOT Secretary, arrived late for a meeting at Woodstock due to traffic congestion in McHenry County. He told Alderman Smith it was a big joke and we probably would never see the money as they don't know who we are out here. They might come every once in a while to say how beautiful it is out here but unfortunately as Mayor Lockhart stated, the money just isn't coming out here. Alderman Smith stated he would like him to drive Rt. 20 to see how bad it is. Mayor Lockhart also stated the problem is- they don't come. We had one of our attorneys from Chicago arrive an hour late for a meeting due to the traffic congestion.

DEPARTMENT HEAD AND STAFF REPORTS

CITY ADMINISTRATOR ASSISTANT

Mr. Blakemore stated we received 780 survey replies back which is just under 30%. He anticipated something in late July or August for the final report.

BUILDING COMMISSIONER

Written reports were submitted in the packet. Commissioner Shull was asked if he could foresee the City being in compliance with FEMA by June 26th. He stated there are a few properties where the owners are reluctant to comply but overall he hoped to achieve at least a 90% compliance by that date.

He advised the members what would be required to maintain our current status. He hoped his department's original housekeeping items will decrease FEMA's list when they come in.

Administrator Hartman brought the members up to date on the Floit site on Sponable. The Building Dept. sent a letter regarding the violations at the site. He received an e-mail today from the new owner stating they had executed a contract with a demolition company and would be getting a demo permit shortly.

PUBLIC WORKS

Reports from the Street Dept., the WWTP and Water & Sewer Dept. were included in the packet. Supt. Craney announced Ed Nadeau and Steve Fiepke were present if the members had any questions for them.

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Mayor Lockhart stated he had the pleasure of meeting the State EPA Inspector. He asked Mr. Fiepke to apprise the members of her visit.

The USEPA apparently received a complaint about the odor from the WWTP. The State Inspector visited our plant and found no problems or additional odors. She complimented us for the discharge we are putting out to the Kishwaukee River.

Mayor Lockhart stated this report (copy was in the members mailbox) indicated he was doing a fine job at the WWTP and he wanted to congratulate him on this. He has talked to some of the residents and it seems the odor has subsided, however, several times during the month around 2:30 a.m., they have noticed an odor.

Alderman Trainor wanted to know if there had been any more "rusty" water complaints. Mayor Lockhart advised he had not received any complaints recently. Alderman Trainor stated she had some "rusty" water a couple of days ago when it really rained hard. Supt. Craney stated the electricity went out for a little while which might have had something to do with it but everyone was in and did a fine job.

Mr. Nadeau advised over the weekend, about 800,000 gallons of water were pumped. Mayor Lockhart wanted to know if we should be looking for odd/even watering days. Mr. Nadeau advised him everything was okay yet at this point in time.

Mayor Lockhart asked him if he had any serious "rusty" water complaints in the last couple of weeks. He had not. Mayor Lockhart stated he tried to read a many of the surveys that came in and water quality was one of the major concerns of the residents.

POLICE DEPARTMENT

A written report was submitted by Police Chief Kottke. He stated he has spoken with the chairman of the Fire & Police Commission and has been advised by him that they currently have a candidate going through the polygraph and physiological testing. He hoped to hear something by the end of the week to fill the one vacancy the department has.

On May 26th, thirty-eight citations were issued. There were 2 DUI's, 2 suspended driver's licenses, 7 no valid drivers licenses, 5 seatbelts, 10 no insurance, 1 license plate violation and 2 arrests for alcohol consumption by minors plus other miscellaneous charges. There were three agencies working on this detail.

He reported his department called him about 2:00 a.m. about the electricity being out. He believes the monitor for the camera system was out so he will be talking with Administrator Hartman tomorrow to see whether or not we can look into our insurance covering the loss.

He is also working with the IL State Police regarding setting up an account with the Life Scan system we have in order to cut down the time we have to wait for fingerprints to come back for liquor license applicants. He will be talking Mayor Lockhart and Administrator Hartman on this tomorrow.

He understood the "Putt Putt Day" was a success and that the officer downtown helped out quite a bit with the pedestrians.

He was out to Indian Trails this morning for their meeting. They donated \$250 from their annual Bake Sale to help purchase new equipment or to help support our in squad camera system.

He received a report on our LEADS audit from the IL State Police. Out of 30 points they were checked on, we were compliant on 29 of the items. The lone issue was that of password changes, which is basically a data processing thing with 911 to get the equipment to allow us to change a password. He invited them to stop by to look over all the items.

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Because of the flood that incurred in the basement last year, he had asked for an audit. He retained the services of a retired IL State Police officer who specialized in evidence handling. A complete audit was done of the evidence room and it seems like everything is favorable down there. He has asked for some suggestions from him as to how we might change things. He hopes to get a report on this within the next two weeks.

Alderman Signore wanted to know who in the City was responsible for putting the sirens on if we had a tornado come through town and he also wanted to know if the sirens and he assumed there is some type of satellite system were on a generator as his household was without electricity for about 3-4 hours.

Police Chief Kottke stated he and Deputy Chief Hallman spoke to the Fire Chief and basically put the command staff on alert. They do receive the weather bulletins to notify us if there is anything eminent and then we (dispatcher) will take action. He also instructed to have a second dispatcher available in the event something should happen in the City and the department heads were notified. He believed we did have power to blow the sirens in the event there was no electricity but he will double check on this and get back to Alderman Signore with the answer.

Mayor Lockhart advised he must live on the "right" side of town as he had no power failure. After he became mayor, he asked our Street Dept. to trim a lot of trees that were hanging over in the streets. He believes this proactive measure has resulted in the City not having a lot of power outages especially when we have had some very windy days. He thanked the Street Dept. for their time in trimming the trees.

ENGINEER'S REPORT

A report was prepared by Baxter & Woodman; however, it did not seem to be in the packet.

Alderman Signore wanted to know if our engineer could talk about the intersection improvements as none of the members or the members of the transportation ad hoc committee were engineers. Administrator Hartman basically advised him at this time he didn't feel it was appropriate.

CITY ADMINISTRATOR

Administrator Hartman submitted a written report in the packet. He wanted to have the members take note that at 6:45 p.m., Monday, June 25, 2007, there will be a public hearing for the Four Seasons SSA and in conjunction with the regular meeting, there will be a public hearing to discuss the Appropriation Ordinance for 2007 as it is a State Statute requirement.

We have also received a response from IDOT regarding the Rt. 23 bridge request. They want to sit down and meet with us regarding some of our requests so he will be scheduling a meeting to do so.

A copy of the letter he was requested to draft to Marengo Market Place was in the member's mailbox.

Administrative Assistant Blakemore advised Alderman Secor the missing addresses for the Utility Tax Audit were addresses Nicor and ComEd didn't have on file and weren't collecting utility tax on them. He thought the 357 missing addresses for Nicor and 175 for ComEd might drop as in most cases there are similar addresses and they are just coded differently in each data base. Azavar is currently looking into how far back fees can be recovered. He wasn't sure how it worked specifically with post office box addresses but he would check into it.

Mayor Lockhart advised the members there are going to be some changes made to the Water/Wastewater Ordinance regarding delinquent accounts/shutoff process which should have been done sometime ago as some of our current fees don't even cover our costs. The changes will be presented to them shortly.

Alderman Trainor stated the "Putt Putt Day" was a huge success as she was advised by a member of the committee that at about 3:00 p.m., they already had about 700 come through so she wouldn't be all that surprised if they didn't have a 1,000 go through by the end of the day.

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Mayor Lockhart stated several people commented they would come again so he felt this might be an annual event and felt the organizers did a great job.

He advised the members last Friday he went on a train ride sponsored by the Union Pacific Railroad that started out in Belvidere and went to West Chicago. It was called "Operation Life Saver" and all the way in and back they were giving discussions on the safety on the crossings, etc. They are trying to get cooperation among the cities to get more protection at the crossings. He felt they are trying to take care of some of the dangerous crossings and might be eliminating some of them due to the liability they carry. It was a very enjoyable time for him.

Alderman Trainor commented she was in agreement with Administrator Hartman's list of our top 3-5 projects that Senator Althoff called and requested from him since the State failed to pass it's budget by May 31st a new process is in place which the minority party (Republican) can have input and influence into the document.

He felt this list could start as a primer for the Capital Improvement Plan and Capital Purchase Plan that were discussed during the budget talks as it lists some of our priorities that they can build off of.

He appreciated the opportunity Senator Althoff gave us and if she gets us something from it, it will be great.

CITY ATTORNEY

Our attorney had nothing.

TREASURER'S REPORT

The monthly Financial Report and Treasurer's Report were submitted by the Deputy Treasurer for their review.

EXECUTIVE SESSION

At 9:35pm Mayor Lockhart asked for a motion to go into Executive Session to discuss potential litigation and personnel. Alderman Signore so moved; seconded by Alderman Trainor. The motion passed with an aye voice vote from Alderman: Signore, Smith, Secor, Bradbury, Trainor, Hall and Shelton.

The members returned from Executive Session at 10:38 p.m.

ADJOURNMENT

With there being no further business for discussion, Alderman Signore made and Alderman Smith seconded a motion to adjourn the June 11, 2007, Marengo City Council meeting at 10:39 p.m. The motion passed with a unanimous aye voice vote.

Submitted by: Theresa A. Hoschouer,
City Clerk