

**MARENGO CITY COUNCIL
REGULAR MEETING MINUTES**

Marengo Council Chambers
132 E. Prairie St.
Marengo, IL 60152
July 26, 2010

CALL TO ORDER

Mayor Donald Lockhart called the Regular Meeting of the City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Donald Lockhart led everyone in reciting the Pledge of Allegiance.

ROLL CALL

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

SPECIAL RECOGNITION

Officer Tim Burgess – Recognition of Retirement after 24 years of service with the Marengo Police Department. Mayor Donald Lockhart commended Officer Burgess for his years of service. Deputy Chief Hallman spoke about Officer Burgess various duties in the City of Marengo, and what his plans would be for the future. Acting Chief Joseph Hallman gave a review of Officer Burgess's outstanding career.

PUBLIC PARTICIPATION

Art Johnson, owner of Johnson Oil Company, Rock Falls, Illinois, talked about his background with the Shell Station and his plans for the future.

Richard Lenz, 321 Washington Street, Marengo, spoke briefly about his concerns about the future plans for the expansion of the Shell Station. Mayor Lockhart asked Mr. Lenz if he would like to speak on this when that item was brought up on the agenda, and Mr. Lenz agreed.

APPROVAL OF MINUTES

Due to there being some questions raised on the minutes, it was recommended that the Council not approve them at this time. The Council agreed.

CONSENT AGENDA

a. List of Bills.

Questions were asked by Michael Smith (street department expenditures), Carole Bartman (legal fees) and Steve DiMaria (mal-ware for computers). These were all answered.

Alderman Mike Secor made a motion, seconded by Alderman Todd Hall, to approve the consent agenda. The motion passed with an aye vote by Aldermen: Brackmann, DiMaria, Hall, Bartman, Smith, Secor and Signore.

NEW BUSINESS.

a. **536 3rd Avenue – Block Party Request.**

Deborah Nier reviewed this request with the Aldermen. Mr. Schirmer made this request. He has made this request every year for this party, and would like permission from the Council to do so again this year. The hours would be from noon until 8 p.m., on July 31, 2010. They are expecting about 80 people to attend.

Alderman Pat Signore made a motion, seconded by Alderman Mike Secor, to approve the block party request. The motion passed with an aye vote by Aldermen: Bartman, Smith, Brackmann, DiMaria, Signore, Hall and Secor.

b. **100 South State Street – Harley D’s – Sign Request.**

Joshua Blakemore updated the City Council about what has been happening with this request. Ms. Rebecca Luchtman, of Harley D’z was present to answer questions by the Aldermen and to ask questions as well. The Historic Preservation Commission is requesting that the sign be done more in keeping with the time period of the building.

The Council referred this back to the Building Department (Jayson Shull) and the Historic Preservation Commission (Lisa Trainor) to work with Harley D’z on a sign that will be acceptable. They (Harley D’z) were granted 60 days to come up with a solution to the sign problem.

c. **308 E. Grant Highway – Shell Station – Zoning Map Amendment.**

The request before the council is to amend the zoning classification at 308 E. Grant Highway from R-3 Single Family Residential to B-1 Central Business District. This amendment is being requested so the owner Johnson Oil Company can convert the existing property (a vacant lot at this time) to a building for the purpose of selling products. The company would then tear down the existing building.

There are 6 recommendations from the Planning and Zoning Commission:

1. That the architectural elevations for a new retail commercial building characterize a more residential appearance;
2. All new building lighting shall be residential in appearance and be down-lit;
3. A 6’ tall solid block wall be constructed along the east and north property lines and shall have green vegetation planted along the wall to soften the appearance;
4. The trash enclosures be screened with the same material of the security wall and be located at the northwest corner of the new building;
5. The new entrance be located on the west façade; and
6. All ice machines and such be located inside the new building.

Mr. Richard Lenz spoke to the Council about his concerns. After reviewing the recommendations from the PZC, he asked for the possibility of additional security cameras.

Alderman Pat Signore mentioned the venting of fumes as a problem, and this could be solved.

Alderman Steve DiMaria questioned water run off concerns. Jim Craney clarified this question.

Alderman Carole Bartman asked the City Attorney how the Council could make these conditions legally binding. Attorney Arevalo stated that the issue in front of the Council is that there are two parcels. There are two ways to change the zoning on this property. The first option is to give the petitioner the existing amendment as presented and then require them to come back to intensify, or amend, the special use later for the existing site, requiring at that time that the owner have all of these additional conditions as part of the classification. The other option would be to go with the suggestion from Alderman Signore to come back with a one parcel special use – at which time you could do all of these things in one shot. You could also place building permit conditions on the existing petition, and then the petitioner would then not have to come back before the Council with an amendment to the zoning.

Mayor Lockhart requested Mr. Johnson meet with Attorney Arevalo at this time to go over the recommendations and see if they would be acceptable.

d. IDOT Resolution regarding use of \$2,500 in Motor Fuel Tax Funds.

Alderman Pat Signore made a motion, seconded by Alderman Carole Bartman, to approve the IDOT resolution regarding the use of \$2,500.00 in Motor Fuel Tax funds. The motion passed with an aye vote by Aldermen: Hall, DiMaria, Smith, Brackmann, Secor, Signore and Bartman.

e. Azavar Audit Solutions Update

Jason Perry, from Azavar, and Dr. Barry Orton, from the University of Wisconsin – Madison reviewed the audit information on the Charter Communications findings. Charter has underpaid the City (to date) \$161,105.24. This does not include interest or penalties. Charter had previously not included “streams of revenue from advertising, home shopping, converter rentals and subscriber franchise fee payments.” Charter are now including those items in their payments to the City of Marengo. Mr. Perry and Dr. Orton recommended the City of Marengo delay renewing Charter’s contract when it comes up for renewal in 2011, until the full amount owed to the City of Marengo is paid. They also recommended that the City make changes to the contract wording. It was estimated that 40% of the residents of Marengo subscribe to Charter.

Alderman Carole Bartman recommended that the City staff work with Azavar to request everything that is owed to the City including any and all fees involved in the audit be paid. All of the Aldermen agreed with this recommendation.

OLD BUSINESS.

a. Business Incentive Agreement – Joe’s Place.

(Alderman Pat Signore excused himself from the meeting at 8:26 p.m.)

Dane Checolinski spoke on the business incentive agreement. In November, the Business Recruitment and Expansion Committee reviewed Joe’s Incentive Program, and it worked out to 17 ½ full time jobs created, with an average wage of \$10.90 per hour. There has not been an agreed upon contract since December, and because of this, in April the Commission put a deadline on the need for an agreed upon contract by July 1st. Joe’s Place did not meet that deadline. One week after the deadline, everything was received that would be needed to sign an economic incentive agreement. That documentation is being presented this evening to the Council for approval. One change to the original 3-year incentive was to change it to a 5-year agreement.

Alderman Steve DiMaria asked for time to review Joe's request and would like the opinions of the other Aldermen. The EDC is not recommending approving the request because Mr. Miceli has missed deadlines. After further review by the Council members, Mayor Lockhart referred this back to the EDC to review the request and determine if Mr. Miceli has complied with all of the requests and requirements to qualify for the incentive.

(Alderman Pat Signore re-entered the meeting at 8:35 p.m.)

8c. **Shell Station** (zoning change request) – readdressed this issue following the meeting between Attorney Arevalo and Mr. Johnson. Attorney Arevalo explained to the Council members that a proposal to resolve the issue has been tentatively agreed to by Mr. Johnson. Mr. Johnson, as the owner, will agree that as a condition to the building permit, to go with the 6 conditions in the original report, plus the 2 having to do with venting and security (which he would have to comply with anyway because of the State Fire Marshall would require the venting for the fuming), as part of the building permit. Jayson, and Mr. Johnson, along with Attorney Arevalo's assistance, will put together a letter of agreement that this is what he is going to do. And, the ordinance can be acted on this evening, voted on tonight, and the Mayor can withhold signature until such time as the agreement has been signed. When the agreement is signed the Mayor would then sign the ordinance and it will then be final and official. Wording could also be included in the agreement that if use would be intensified further and it changes in any respect from what has been presented Mr. Johnson would then have to come back to the City for a special use.

Mayor Lockhart verified with Mr. Johnson that he understood what was presented, and that he agreed to these statements. Mr. Johnson stated that yes he understood and yes he has agreed. Mayor Lockhart also spoke to Mr. Lenz and verified that he understood everything that was being presented as well.

Alderman Steve DiMaria made a motion, seconded by Alderman Pat Signore to approve the Zoning Map Amendment, subject to the 6 items in the report, and the 2 additional items brought up this evening. The motion passed with an aye vote by Aldermen: Smith, Brackmann, Signore, DiMaria, Bartman, Hall and Secor.

b. Ad Hoc Dispatch Committee Report.

No report.

MAYOR'S STATEMENT AND REPORTS.

None.

DEPARTMENT HEAD AND STAFF REPORTS.

Jayson Shull, Building Commissioner – Council has already received a report. There were no questions on the report.

Jim Craney, Superintendent of Public Works - Not everything is getting done, but projects are being done on a priority basis. There did not seem to be any problems with storm water runoff following the last rainfalls.

Joshua Blakemore, Assistant to the City Administrator – Continues to meet with Tom Williams, Mike Grismer and Gary Linley. Everything is moving forward – no hold ups at this point. All applications are on target for the August Planning and Zoning Commission meeting.

Discussed briefly the current status with Amtrak.

Deputy Chief Joseph Hallman - showed the Council members a video that was done on a traffic stop in Marengo that involved a truck driver. The driver was suspected to be driving under the influence at the time he was stopped. He was arrested. Officers Bockelman and Beck were the officers that handled this situation. They did an excellent job.

Deborah Nier, City Administrator.

None.

Carlos Arevalo, City Attorney.

None.

EXECUTIVE SESSION.

Mayor Donald Lockhart advised the Council that they would be going into Executive Session this evening for the purpose of Personnel – appointment and performance of individuals.

Alderman Michael Smith made a motion, seconded by Alderman Todd Hall, to go to Executive Session. The motion passed with an aye vote by Aldermen: Secor, DiMaria, Brackmann, Smith, Bartman, Signore and Hall.

Regular Session recessed at 8:50 p.m.

RETURN FROM EXECUTIVE SESSION.

The City Council reconvened at 9:25 p.m.

NEW BUSINESS.

a. **Action regarding the recall of layoff notice to Marengo Police Officer.**

Alderman Pat Signore made a motion, seconded by Alderman Mike Secor, to recall the layoff notice of Officer Taylor. The motion passed with an aye vote by Aldermen: Bartman, Hall, Smith, Secor, Brackmann, DiMaria and Signore.

ADJOURNMENT.

There was no further business to come before the City Council this evening. Alderman Pat Signore made a motion, seconded by Alderman Michael Smith, to adjourn. The motion passed with a voice vote. Meeting adjourned at 9:28 p.m.

Respectfully submitted,

Constance J. Boxleitner
City Clerk