

**MARENGO CITY COUNCIL
REGULAR MEETING MINUTES**

Marengo Council Chambers
132 E Prairie St
Marengo, IL 60152
July 27, 2009

CALL TO ORDER

Mayor Donald Lockhart called the July 27, 2009 meeting of the Marengo City Council to order at 7:03 pm.

PLEDGE OF ALLEGIANCE

Mayor Lockhart led everyone present in the Pledge of Allegiance.

ROLL CALL

Present for this meeting were: Mayor Donald Lockhart, Aldermen: Carole Bartman, Corey Brackmann, Eric DeBoer, Mike Secor, Pat Signore, Todd Hall and Steve DiMaria. Also present were City Administrator Deborah Nier, City Attorney Carlos Arevalo, Chief of Police Martin Podosek, Superintendent of Public Works Jim Craney, Building Commissioner Jayson Shull, Assistant to the City Administrator Joshua Blakemore and City Engineer David Johanson. Alderman Michael Smith arrived at 7:05 p.m.

PUBLIC PARTICIPATION

None.

APPROVAL OF MINUTES

A motion to table the minutes until the next meeting was made by Alderman Erik DeBoer, seconded by Alderman Michael Secor. The motion passed with an aye vote by Aldermen: Brackmann DeMaria, DeBoer, Hall Bartman, Secor, and Signore.

CONSENT AGENDA

List of bills: Alderman Todd Hall made a motion, seconded by Alderman DeBoer, to approve the list of bills. The motion passed with an aye vote by Aldermen: Bartman, Smith, Brackmann, DiMaria, DeBoer, Signore, Hall, and Secor.

NEW BUSINESS

Settlers' Days Request

The City has received a request, from Settlers' Days, Inc, to waive certain fees relating to expenses for Settlers' Days. The fees that are being requested are the Carnival fee of \$150 a day (for 3 days), Community Sign fee of \$10 a week, Downtown Banner fee of \$75, and the Liquor License Background Check fee of \$44. This would be a total of \$589. The City has required in the past the issuance of a certificate of insurance naming the City as an additional insured for Settlers' Days and the Petting Zoo.

Additionally, they are requesting: (1) the closing of Route 23 (from Rt. 20 to Railroad St.) on Saturday – for Saturday Night on Main Street; (2) the closing of City Parking Lot 2 for Thursday, Friday, Saturday & Sunday for the Carnival; (3) Permission for the Saturday Pet Parade – same route as in the past several years; (4) permission to hold tractor pull at Calvin Spencer Park on Hale St.; (5) hold a car show at Calvin Spencer Park on Saturday – with various streets being closed during the show; (6) Allow the Lake County Farm Heritage Barrel Tractor Rides – to coincide with the Pet Parade; (7) have a petting zoo at the corner of Washington and Taylor Streets on Saturday.

Additional costs that are being projected on this weekend for extra police duties would be around \$3,000. There is the possibility of the beer garden, and Flatlanders is also requesting the outside area (outside his back door in the alley) for the wine garden. It is unclear at this time how many background checks will be required for the liquor license requirement.

Marengo Main Street representative Pam Gitta, Chair of Saturday Night on Main Street, explained the main fundraising for Settlers' Days occurs earlier in the year, during the Spring Fling. Settlers' Days weekend is when the money that is raised is spent. Some money is realized from the operation of the Carnival. The beer tent will share profits with Settlers' Days, but the rest of the food vendors, etc., pay a \$50 fee only.

A motion was made by Alderman Brackmann to approve the requests of Settlers' Days Inc, seconded by Alderman Secor. The motion passed with an aye vote by Aldermen: Secor, Hall, Brackmann, Bartman, DeBoer, and Smith. Aldermen Signore and DiMaria voted nay on this motion.

2009 Annual Cemetery Report

George Bauman, Treasurer of the Marengo Cemetery Board of Managers, gave the 2009 Annual Cemetery report. Interest income is down because interest rates are down but with the tax dollars received from the City, the budget is in good shape.

Alderman Secor made a motion to approve the Cemetery Report, seconded by Alderman Hall. The motion passed with an aye vote by Aldermen: Smith, Brackmann, Signore, DiMaria, Bartman, Hall, Secor and DeBoer.

2008/2009 Comprehensive Annual Financial Report.

George Roach, George Roach & Associates, reviewed the 2008/09 Comprehensive Annual Financial Report for the fiscal year ending April 30, 2009 with the Council. He explained that the general revenue is the corporate revenue – and the expenditures that come out are for the public works (roads, buildings, those types of things that are in that fund). The revenues that are in there are for the property taxes – intergovernmental revenues – which would be sales taxes that we get from the state; income tax; use tax; we get utility tax; the licenses and fees that you talked about earlier – those are also recorded here; police fines, interest, and miscellaneous (items that are one time revenues). Over the course of the year, the general fund had excess of expenditures over revenue – of \$121,000.

Alderman DiMaria asked the question: Did we overspend or did we just not have enough funds coming in to meet the basic expenses? Mr. Roach answered this by saying: We are seeing a decline in revenues. Interest income is down, as well as sales taxes, all tied into the economic situation that we are currently experiencing. The City's income is based on everyone else's income – and when that goes down, so does the City's income. State distribution is down, and because you have no control over what you are given by the State, your only option is to try to control and maintain costs in accordance with what you receive. Water and Sewer broke even last year. An ad hoc meeting was held to go over the financial report. Alderman Bartman and Alderman Hall were in attendance at the ad hoc financial meeting.

Alderman Signore made a motion to accept the 2008/2009 Comprehensive Annual Financial Report provided by George Roach & Associates, seconded by Alderman Secor. The motion passed with an aye vote by Aldermen: Hall, DeBoer, DiMaria, Smith, Brackmann, Secor, Signore and Bartman.

Ordinance Granting a Zoning Variance for 776 Village Circle

Mr. & Mrs. Burman, owners of the property, were in attendance this evening. Jayson Shull spoke about the project. A public hearing was held by the Zoning and Planning Commission on the 20th of this month with no objections to the project being made. Commissioner Shull explained the location of the dwelling and what they are asking to do. It was discussed about access by the fire department if the need should arise, in the back area of the townhomes. According to measurements, etc., there is adequate room. Mr. & Mrs. Burman clarified that they do own the exterior of their homes. The Homeowners Association had given their approval of the project. The Zoning and Planning Commission as well approved this request.

Attorney Arevalo requested that a Section to adopt the findings of fact, be added to the draft ordinance.

Alderman Signore made a motion to adopt Ordinance 09-7-4 Granting a Zoning variation to Section 10.06 4 C iii and 10.06 4 C iv for the property known 776 Village Circle allowing the construction of a three season room into the required yards as presented in application dated June 27, 2009, subject to the revision that a Section to adopt the findings of fact be added. Alderman Secor seconded the motion. The motion passed with an aye vote by Aldermen: DiMaria, Signore, Secor, Bartman, DeBoer, Brackmann, Hall and Smith.

Ordinance Granting a Zoning Variance for 785 Village Circle

Building Commissioner Jayson Shull explained the differences between the zoning variance for 776 Village Circle and this request. The 785 Village Circle addition would be larger than the existing concrete patio that is already in place. The proposed addition would actually encroach onto the common area, which includes the private homeowner association area. Attorney Arevalo recommended that if the ordinance and the variation be granted, it would be subject to an indemnity agreement.

Alderman Smith asked if that agreement should be signed prior to them commencing work on the project? Attorney Arevalo reply was yes. The ordinance can be approved tonight with the proviso that this agreement would be executed within the next couple of days before the permit is

applied for. For any future requests of this nature, the City would have to look at them on an individual basis – and recommend the indemnity agreement where it would be applicable. Attorney Arevalo would also like the “findings of facts” information by the staff included with the adoption of this ordinance.

Alderman Bartman made a motion “To adopt Ordinance 09-07-5 granting a zoning variation to Section 10.06 4 C iii and 10.06 4 C iv for the property known as 785 Village Circle allowing for the construction of a three season room into the required yards as presented in the application dated June 27, 2009 subject to the revision of the draft ordinance adding a section to include the finding of fact; and the signing of an indemnity agreement. Alderman Secor seconded the motion. The motion passed with an aye vote by Aldermen: Secor, DeBoer, DiMaria, Brackmann, Smith, and Bartman. Aldermen Signore and Hall voted nay.

Request to Temporarily Close Lindow Lane

Joe’s place is requesting the temporary closing of Lindow Lane on Wednesday evenings from 5 p.m. to 9 p.m. – for the purpose of hosting car shows during the summer and fall months. The section of street from Joe’s northern most entrance to the parking lot of the restaurant to the entrance to Nissan would be closed. Joe’s will be responsible for putting up the barricades and then removing them and cleaning up afterward. This application is being requested for 2009.

Alderman DeBoer made a motion to allow Joe’s to temporarily close Lindow Lane on Wednesday evenings from 5 p.m. to 9 p.m. for the remainder of the summer and into the fall months of 2009, for the purpose of hosting car shows on the street. The closed area will be from Joe’s northern most entrance of his parking lot to the entrance of Nissan’s parking lot. The Marengo Police Department will approve the signage to be used. Alderman DiMaria seconded the motion. The motion passed with an aye vote by Aldermen: DeBoer, Bartman, Hall, Smith, Secor, Brackmann, DiMaria and Signore.

Authorization to Executive Business Incentive Agreement – Marengo Entertainment Center.

Dane Checolinski, of the Marengo Economic Development Commission, presented information on the incentive agreement. The EDC has recommended a 3 year property tax abatement, a 10% sales tax rebate for three years and a 10% reduction in building permit fees. The projection is that when the Center is completed there will be 15 full time employees – paying roughly \$9 per hour. They are hoping to break ground by late summer – early fall. The plans are to include a bowling alley and a restaurant. The projected sales tax for this project should generate roughly \$2,000 annually. This is future revenue – after the 3-year incentives are over. There are also licenses on entertainment - \$50 per machine. A liquor license would also be applied for. Jayson Shull put together the cost of the total building permits for this project which would be about \$25,036.00. The building permit fee reduction would not exceed a total of \$2,504 per the agreement. This proposed project has been very well received by the other taxing bodies in the area. The taxing bodies have not approved anything yet – but have expressed their willingness to work together on it.

The EDC has talked to most of the taxing bodies – but has not contacted the Townships, County, Conservation District, or Community College. They were requested to approach Riley. The

plan is to get the local approval first – then go to the Townships – and then go to the County. It was suggested, by Alderman Signore, we look at approaching the County on the other approved agreements. He also asked that the EDC get back with the City Council and let them know which entities have approved this agreement and which have not.

Alderman Smith made the motion to approve the business incentive application and agreement for the Marengo Entertainment Center. Alderman Hall seconded the motion. The motion passed with an aye vote by Aldermen: Smith, Bartman, Hall, Brackmann, DiMaria, DeBoer, Signore, and Secor.

OLD BUSINESS

Authorization to Executive Agreement with Ehlers Associates for TIF Eligibility Study. Joshua Blakemore introduced Maureen Barry, from Ehler’s Associates, who spoke this evening about the 2 TIF Eligibility Study projects – one on the east end of town and the other for the downtown. Payment for this project would be made in 2 payments - \$30,000 paid in 2009 and \$14,000 paid in 2010. After Ehler’s has had a chance to review the areas, they will come back to the City and make their recommendations on what specific parcels would be acceptable for the TIF Districts and which would be excluded. The completed study could possibly be larger than originally anticipated – or it could be smaller. The size will depend on their findings. Property that is being reviewed requires a 5-year back check of the equalized assessed evaluation.

The second phase of the study (referred to as the redevelopment plan) – when it does not come with a specific developer in mind – has the report created in a very “general” sense so as to allow leniency in the use of the TIF for development. The State Statute calls for an eligibility study to be performed, asking the “but for” question: but for the TIF, would any development occur. The generality of the second phase is all that is called for by State Statute – thereby avoiding any problems with options for development.

There was concern expressed that if a developer would contact the City and show interest in the TIF area – that the second phase of the study would have to be redone. Ms. Barry said no – it would not have to be redone unless the developer’s plans were totally different than the projected ideas that would be laid out. If that were the case, then the study would have to be redone.

The Council has requested that a workshop be set up at the start of the study process to allow Council members to brainstorm with Ehler’s with their ideas and suggestions. It was recommended that the second payment not be made until Phase III is completed – projected to be May 30, 2010.

Alderman Brackmann made a motion to approve the agreement with Ehlers Associates for the Tax Increment Financing District Eligibility Study – with the final payment made after Phase III was completed. Alderman Signore seconded this motion. The motion passed with an aye vote by Aldermen: Hall, DiMaria, Secor, Smith, Signore, Bartman, DeBoer and Brackmann.

Open Burn Permit Request

An open burn request was made by the McHenry County Conservation District to assist in cleaning out the debris from the HUM trail that has occurred with the recent rains. Debris has

washed off the path and into a drainage ditch. The burn permit would allow them to clear woody debris. Mr. Valdon Sieler, Land Preservation Manager for the MCCD, answered questions about the clean-up. The plan eventually is to pave the trail to prevent any further wash outs from occurring.

Alderman Smith made a motion to issue an open burn permit to MCCD, seconded by Alderman Secor. The motion passed with an aye vote by Alderman: Secor, Brackmann, Smith, DiMaria, Hall, Signore and DeBoer. Alderman Bartman abstained on this vote due to a conflict of interest.

Authorization to Executive Contract for Security Services with ADT

No action was taken, as the committee was waiting on a final vendor to return with their prices. Alderman Smith indicated that they had met with 4 vendors on this issue – and hoped to have a presentation ready for the Council by the end of August. The recommendation would also include information on the Wireless Alarm Monitoring Presentation.

Wireless Alarm Monitoring Presentation / Ad Hoc Committee Report

No action was taken as the committee is waiting on all proposals to come in which should be by the end of August.

MAYOR’S STATEMENTS AND REPORTS

Mayor Lockhart reported that after approximately 3 years, the State of Illinois has approved our planning stage for the expansion for the Waste Water Treatment Plant. Obviously the cost has gone up several million dollars while we were waiting for the State to approve this, but we will now be able to start moving forward with the planning. If things go well, we will probably be going out for bid on this project by March of 2010. Also, the new FPA (at 23 and the tollway) has been approved by the State of Illinois. The City now has approximately 1,996 to about 2,000 acres in the Marengo Watershed Area.

DEPARTMENT HEAD AND STAFF REPORTS

Building Commissioner Jayson Shull

No official report. Commissioner Shull took questions from the Council. Mary Ann is still going out and checking lawns, etc. to keep residents in compliance with City ordinances.

Superintendent of Public Works Jim Craney

Submitted a brief report on the happenings of the street department. Superintendent Craney met with Ted Seyfarth from Indian Trails who has trees to clean up from the storm, etc., The Council asked if Josh Blakemore would look into the SSA for Indian Trails. The street department will be working on paving of the streets where water main breaks occurred during this past year. Some street signs will be replaced and placed higher up on the pole to avoid taking of the signs. Alderman Signore asked about the parking signs in front of Video Town; he was advised that one of them is still for the 2 hour limit. Jim will check into it.

Assistant to the City Administrator Joshua Blakemore

No report at this time.

Chief of Police Martin Podosek

Glad to be back at work.

City Engineer David Johanson

City Engineer Johanson asked if there were any questions about his report. No one had any questions at this time.

City Administrator Deborah Nier

Regarding the funding for the Waste Water Treatment Plant – McMahon has already submitted application for a loan through the State – the IEPA – as one possibility. Those are zero interest loans for that project. She will be attending a workshop on Thursday of this week – through the Illinois Rural Water Association. The topic of discussion will be on what type of loans or grants are available for these types of projects. Things were brought up tonight about lights, signs, etc.; Administrator Nier urged the Council to continue to let her office know about those types of things so they can be remedied as soon as possible.

City Attorney Carlos Arevalo

Attorney Arevalo had no report at this time but does have something for Executive Session.

Mayor Lockhart stated that at this time, the Council would need to go into Executive Session for the discussion of litigation, approval of Executive Session minutes and six month audit of minutes. Alderman Secor made a motion, seconded by Alderman Smith, to go to Executive Session. The motion passed with an aye vote by Aldermen: Smith, Signore, DiMaria, Hall, Bartman, Secor, Brackmann and DeBoer. The meeting recessed for this purpose at 8:40 p.m.

The meeting reconvened at 9:18 p.m. – following the Executive Session. All Aldermen returned to the regular meeting.

There was a discussion on whether or not a survey should be required before the issuance of a permit. There was no direct recommendation from the Council, but it was suggested that Jayson research how other cities are handling these situations and what their solutions have been, and then report back to the City with his findings.

ADJOURNMENT

There was no further business to come before this City Council meeting tonight, so Alderman Bartman made a motion, seconded by Alderman Smith, to adjourn the meeting. The motion passed with an aye voice vote by all Aldermen present. The meeting officially adjourned at 9:38 p.m.

Respectfully submitted,

Constance J. Boxleitner
City Clerk