

**CITY OF MARENGO  
COUNCIL MINUTES  
SEPTEMBER 24, 2007**

**CALL TO ORDER**

At 7:03pm, Mayor Lockhart called to order the September 24, 2007 Marengo City Council meeting and then led the "Pledge of Allegiance".

**ROLL CALL**

Mayor Lockhart, Alderman Bradbury, Alderman Shelton, Alderman Smith, Alderman Hall, Alderman Secor, and Alderman Signore were present. Alderman Trainor was absent.

**PUBLIC PARTICIPATION**

There was no public comment.

**OATH OF OFFICE**

Mayor Lockhart asked Judge Weech and Erik DeBoer to step forward. Judge Weech swore in Erik DeBoer as an appointed Alderman for Ward 3. Mayor Lockhart said, "Let the minutes show that Erik DeBoer is being seated this evening as Alderman."

**PUBLIC HEARING**

**ANNEXATION AGREEMENT BETWEEN MARENGO CENTER G.P. AND CITY OF MARENGO**  
The public hearing was continued to October 22, 2007 at 7:00p.m.

**NEW BUSINESS**

**APPROVAL OF PUBLIC HEARING MINUTES FOR AUGUST 13, 2007**

Alderman Bradbury requested that an addition be included in the August 13, 2007 minutes for approval. She said that the discussion regarding gravel and reclaiming green space included some type of clause for hardship cases. She did not see that in the minutes and felt it was an important point. Alderman Bradbury then made a motion to approve the August 13, 2007 minutes with the addition as requested. The motion was seconded by Alderman Secor. The motion passed with an aye voice vote by Alderman: Shelton, Hall, Bradbury, Smith, Secor and Signore. Alderman DeBoer abstained. [For the record, the modification, although approved with the public hearing minutes, is to the regular meeting minutes and not for the public hearing.]

**APPROVAL OF REGULAR MEETING AND EXECUTIVE SESSION MINUTES FOR AUGUST 13, 2007**

Alderman Smith made a motion to approve the Regular Meeting and Executive Session Minutes for August 13, 2007 and was seconded by Alderman Hall. The motion passed with an aye voice vote by Alderman: Shelton, Hall, Bradbury, Smith, Secor and Signore. Alderman DeBoer abstained.

**MARENGO FIREFIGHTERS ASSOCIATION BOOT DRIVE**

Stephen Frazier, Chairman of the Marengo Firefighter Boot Drive, has requested approval for the 13<sup>th</sup> Annual Boot Drive to begin October 1, 2007 and continue through October 31, 2007. Alderman Signore moved to approve the request, seconded by Alderman Secor. The motion passed with an aye voice vote by Alderman: Signore, Secor, Hall, Shelton, Bradbury, DeBoer and Smith.

**MARENGO FIREFIGHTERS WATER FIGHTS**

The Marengo Firemen's Association has requested the City's consent to hold its water fights on Saturday, October 6, 2007 in conjunction with Settlers' Days. The request includes closure of East Washington Street between Route 23 and Taylor Street from 10:00am until the conclusion of the Main Street activities. Alderman Hall suggested that in these events, where no funds are expended from the Budget, that the approval need not come from the Council, since the Council always approves the Tootsie Roll Drive, the Boot Drive, and Block parties with applicable signatures. Mayor Lockhart requested response from the other Council Members. Alderman Bradbury wanted to know if there was a matter of public measure where a vote is required. Administrator Hartman said no, the Council may authorize the City Administrator to approve such requests. It is a matter of practice for the City Council Members to review these request to keep the Council informed, especially if such request included closure of a public right of way, use of public resources, i.e. barricade from public works for block parties. Previously the City Council had wanted to approve such requests.

Attorney Arevalo said that previously the City had employed the use of a Consent Agenda, where small items, such as these, could be approved as a group, rather than by motion for each item.

Mayor Lockhart said that the reason he ceased using the Consent Agenda was that too many items were being pulled from the Consent Agenda that he felt it was no longer practical. He said that he had received a request to begin using the Consent Agenda again and was looking at possibly adding it for the next meeting.

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Alderman Smith said that he felt being given notice of such items were helpful because if there was a function that he could attend, he would like to do so. Alderman Secor said that if the Consent Agenda is used, the Aldermen will still be advised of events and may help to expedite some meetings. Since the packets are received early, any questions may be asked prior to the meeting rather than pulling items off the Consent Agenda.

Attorney Arevalo said questions could still be asked, but the vote would occur as one vote for all items on the Consent Agenda.

Alderman Hall said that he was looking to take it one step further, such as the tootsie roll drive and block parties, let the Administrator have authority to approve such requests thereby allowing those making the request to know immediately if the request will be approved, rather than wait for a vote at a Council Meeting.

Attorney Arevalo said that some of the Ordinances require approval by the City Council.

Alderman Signore stated that he did not feel it took much time to approve the Boot Drive and he did not believe it takes much time to approve Knights of Columbus and Girl Scouts requests. Whether the items are approved individually or placed on the Consent Agenda, he felt the items were approved fairly quickly.

Mayor Lockhart asked if there was any objection to introducing the Consent Agenda. No Alderman objected. Mayor Lockhart said that it would be done for the next meeting.

Alderman Signore wanted to know if there was any Settlers' Days activity scheduled for the lot behind the Chase Bank building that may be affected by the street closure. He was aware of the pet parade. Administrator Hartman said that June Meyer, the Co-Chairman of Settlers' Days met with the Fire Department to discuss the water fights. Initially, she had some concerns, but has approved the request and there should be no timing conflict. Alderman Signore moved to approve the request; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Shelton, Hall, Bradbury, Smith, DeBoer, Secor and Signore.

LETTER OF CREDIT REDUCTION REQUEST: BROOKSIDE MEADOWS PHASE III

Alderman Shelton asked if the reduction request came with the recommendation of the City Engineer. Administrator Hartman said yes. The City Engineer, Darryl Gavle, said that this is not the final close out, only a reduction to \$860,428.60. Alderman Shelton moved to approve the Letter of Credit be reduced as indicated; Seconded by Alderman Hall. The motion passed with an aye voice vote from Alderman: Shelton, Hall, Bradbury, Smith, DeBoer, Secor and Signore.

APPROVAL OF TENTATIVE AND FINAL PLATS: MANOR HILL SUBDIVISION UNIT 2

Administrator Hartman explained that this matter was presented to Planning and Zoning Commission (PZC) last week. The subdivision is that of a two lot, 2.1 acre subdivision located at the southeast corner of Route 23 and Ratfield Road. The property is located outside the Marengo City Limits, but is within the 1.5 mile planning jurisdiction. As such, the City has review authority for the subdivision. Planning and Zoning found the subdivision to be consistent with the comprehensive plan and recommended that both the tentative and final plats be executed by the City. Administrator Hartman asked Building Commissioner Shull if he had any comments he wanted to add. Building Commissioner Shull said that the site triangle was written. IDOT requested a site triangle easement, should the City expand its borders that far. Building Commissioner Shull said he did not speak with Public Works, but as far as the storm water and public utility aspect, it seemed to be acceptable.

Alderman Smith wanted to know if the changes had been made that were discussed at the PZC meeting. Building Commissioner Shull said he did not see the drawings, but was relying on input from Planning and Zoning.

Alderman Bradbury had a question regarding the second to last paragraph on the Tentative Plat Review memo from the City Administrator dated September 17, 2007. She read into the record, "According to McHenry County, an agreement between the developer and the City will need to be recorded that stipulated the City's fee structure would be utilized in lieu of the County's ordinance." She wanted to know if that meant that the developer would be paying the City's developer fees. Administrator Hartman said that as a condition, if the developer is in agreement, the City may request the developer use the City's subdivision fee structure which provides contribution for the Library, the Fire Protection District, Rescue Squad. The County's fee structure only provides for payment to the School District. Administrator Hartman said that the fees being discussed were per Article Six of the Subdivision Ordinance and not the fee structure most recently approved for Annexation Agreements. Administrator Hartman said that the County had no form for an agreement between the City and developer for payment of such fees and said that it would need to be drawn by the City Attorney. Administrator Hartman said that the final plat includes language with regard to payment per the County's fee structure of development contribution, which would need to be changed to

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reflect the City's developer contribution fees. Attorney Arevalo said that he has not seen such a form, but if it was an agreement that needed to be recorded, it was fairly simple.

Alderman Bradbury said that she was hoping this agreement could be done with other developments outside the City limits.

Alderman Signore wanted to know how the City has the right to request developer's outside the City limits pay City subdivision development fees. Administrator Hartman said that it was done by agreement, but the developer may say no and pay the county fees.

Administrator Hartman said Nick Mathey, the petitioner, was present and available for questions. He was representing Lee Martinek, owner of the subdivision. He said that Mr. Martinek was willing to accept the City's fee schedule and would work with Attorney Arevalo on the agreement, to be presented to the County. The County's Planning and Development Committee's submittal date is Friday, September 28, 2007 and Mr. Martinek wanted to submit, subject to Council approval. Mr. Mathey said that he would modify the plat with reference to acceptance of City's fee structure rather than County's. He said the correction would be available by tomorrow. Mr. Mathey said that if the Council had any questions, he would be willing to answer them.

Alderman Shelton wanted clarification as to what entities would be receiving funds and how much less the schools would be receiving. Administrator Hartman said that the Library, Fire Protection District and Rescue Squad would be receiving developer contribution fees, and the schools would be receiving a few hundred dollars less. The City would not be receiving any fees.

Mr. Mathey said the developer was willing to go either way with the fees. They would pay either the County's fee structure or the City's.

Alderman Signore wanted to know how long it would take to obtain actual numbers so that the issue could be resolved tonight. Administrator Hartman said that it would take approximately five minutes. Alderman Signore asked Mayor Lockhart if it would be acceptable to come back to this item after continuing with the new business. Mayor Lockhart said that it would be acceptable. \*\*

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF ANNEXATION AGREEMENT (MARENGO CENTER G. P.)

Administrator Hartman said that before these items on the agenda are passed, he wanted to know if any of the Council Members had any questions regarding the annexation, what was being requested or the agreement.

Alderman Signore wanted to know the placement of the new building. Administrator Hartman said the plan submitted indicated the placement of the new building, which states the building will be behind the existing building.

Alderman Bradbury said that her issue was regarding the sprinkler system being installed within in seven years of City water being run to the facility. Administrator Hartman said that if this issue was a potential "deal breaker" he wanted to know so that it could be presented to Grand Rental Station prior to October 22, 2007.

Alderman Signore wanted to know if the sprinkler system would be installed and just not hooked up or if it would not be installed for seven years. Administrator Hartman said that, although he does not have the final plan on the building, the intent is to install the sprinkler system when the building is constructed, just not hook it up right away.

Alderman Bradbury wanted to know how soon the City anticipated City water being available to the area. Administrator Hartman said that there was no anticipated water availability date.

Alderman Shelton wanted to know if the City had received assurance that sales tax collected by the facility would come to the City. Administrator Hartman said that Grand Rental Station (GRS) was planning to move other facilities to the Marengo area and was reasonably sure that the sales tax would come to Marengo, but would confirm. Although there is no sales tax charged when equipment is being rented, items sold out of the store would have sales tax. Mayor Lockhart said that the intent was for GRS to sell landscaping materials which would increase the items that would generate sales tax.

Alderman Smith wanted to know if GRS had provided any guarantee that no flammable solvents would be stored in the newly constructed building. Administrator Hartman said that there was nothing specific and asked Building Commissioner Shull if there was a code requirement. Building Commissioner Shull said that there was no specific code requirement, but he understood the primary use of the accessory structure was

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to clean, hang and dry tents. Alderman Smith said that if the intent was to store flammable solvents in the new building, it would change the decision to waive the sprinkler system for seven years. He felt that it would be a fire hazard to store that type of material.

It was agreed that since the building was not to be a public building, as long as there were other preventative or safety measures put in place in the event of a potential fire, such as installation of water tanks that would allow for five minutes of water, the deferment of hooking up the sprinklers was acceptable.

Mayor Lockhart wanted to know if there was any further discussion before continuing to October 22, 2007. There was no further discussion. Continued to October 22, 2007.

**ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF MARENGO (GRAND RENTAL STATION PARCEL)**

Continued to October 22, 2007.

**ORDINANCE ZONING CERTAIN NEWLY ANNEXED TERRITORY AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND GRANTING VARIATIONS (GRAND RENTAL STATION PARCEL)**

Continued to October 22, 2007.

**ORDINANCE AMENDING THE DEFINITION OF AN ADULT BUSINESS AND ADULTS-ONLY BOOK STORE PER CHAPTER 44 OF THE MARENGO MUNICIPAL CODE**

Alderman Smith wanted to know if the City Ordinance could be more strict than the state statute. Attorney Arevalo said that the Ordinance could be more strict, but it could be challenged because the state statute is less strict. Attorney Arevalo said that the exposure to the City, if the City adopted a more strict policy, would be in the form of legal fees and fighting an injunction.

Alderman Bradbury said she understood that other cities actually banned Adults-only Book Stores and Adult Businesses and wanted to know if the City of Marengo could ban these businesses. Attorney Arevalo said that a City could not ban the business as it violates first amendment rights.

Alderman Shelton wanted to know if the Ordinance was not changed to reflect the new state statute, would it serve as a deterrent for someone wanting to open that type of business in Marengo. Attorney Arevalo said that it may. Why would a potential business owner want to challenge one City rather than go to another City where the challenge need not take place. If Marengo chose not to change the Ordinance it would not be the only City to do so.

Attorney Arevalo said that if the Council did not want to adopt the change to the Ordinance, a motion could be made to defeat the proposed change or the Council could do nothing and the Ordinance would not change.

Mayor Lockhart asked if there was a motion. No one made a motion, the Ordinance change was therefore defeated.

A five minute recess was taken to research the fees regarding City subdivision developer fees.

**\*\* APPROVAL OF TENTATIVE AND FINAL PLATS: MANOR HILL SUBDIVISION UNIT 2, CONTINUED.**

Administrator Hartman presented figures to the Aldermen for review. Alderman Hall said that he had no problem using the City developer fees, especially since the developer had no problem.

Alderman Signore said that the difference between the County School Fee and the City School Fee on a three bedroom home was \$2,344.

Alderman Shelton said he felt as though he was between a rock and a hard place.

Alderman Hall made a motion to authorize the necessary signatures on behalf of the City of Marengo for the Manor Hill Subdivision Unit 2 Tentative Plat dated 7-9-2007 and Final Plat dated 9-11-2007 with the stipulation that the plat be amended to accept the City subdivision developer fees. The motion was seconded by Alderman DeBoer. The motion passed with an aye voice vote from Alderman: Secor, Bradbury, DeBoer, Hall and Smith. Alderman Signore and Shelton voted nay.

## **OLD BUSINESS**

### **DISPATCH FEES AND SERVICE DISCUSSION**

Alderman Bradbury recused herself from the discussion of dispatch fees and service. Administrator Hartman said that, as directed by the City Council at the last meeting, Deputy Chief Hallman engaged in discussion with the Fire Protection District and Rescue Squad in an effort to reopen dispatch fees and

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service communication. Both districts responded positively. Rescue Squad Chief Beckwith provided a letter outlining the rate structure for the Fire Protection District and Rescue Squad.

Alderman Hall said that the Council had requested Administrator Hartman determine an amount that was necessary for providing this service and the hiring of another dispatcher. He believed the amount was around \$30.00. Alderman Hall felt the fee to the other entities should be \$30.00, which is not the lowest fee for providing dispatching service, but also not the highest. He acknowledged the Chief of Police's concern that with the loss of its dispatcher, Marengo's dispatch center could not handle the call volume of the Marengo Rescue Squad and Marengo Fire Protection District. If the dispatch center could recruit new dispatchers, get them trained, the City could welcome back the Rescue Squad and Fire Protection District to the Marengo Dispatch center.

Alderman Signore wanted to know how Alderman Hall felt about the 30 — 90 second delay with different dispatch centers. Alderman Hall said that he did not think there was such a lengthy delay.

Police Chief Kottke said that Tiki Carlson, of the McHenry County Telephone System Board, was present for questions regarding delays. Ms. Carlson said that she was curious as to the scenario that would have a 30 — 90 second delay. Alderman Signore said that the delay came up in one of the many discussions regarding transferring of calls to third party dispatch centers. Ms. Carlson wanted to clarify the fact that there was no third party dispatch service. There are seventeen fire departments, twenty-six police department and seven Public Service Answering Points (PSAP) within McHenry County. SEECOM is the newest PSAP for McHenry County, which is the consolidation of Algonquin, Cary and Crystal Lake. There is also Harvard, Marengo, Woodstock, McHenry County Sheriff, McHenry and Lake in the Hills. It is common practice to transfer calls within the PSAP, and has been for fifteen years, when the initial call is not received by the center that would be dispatching emergency personnel or police. The first priority of the dispatcher is to ascertain the location of the caller. In the event that the call needs to be transferred, the dispatcher would have the location information of the caller. There is a one button transfer with all the agencies in the County to each of the other PSAPs. While the call is being transferred, the dispatcher is still acquiring information. Once the second PSAP answers the call, the initial dispatcher provides information to the transferred dispatch center. As far as coming up with a time, Ms. Carlson said that she did not understand where there would be a 90 second delay in the call being transferred. Alderman Signore wanted to know if there would be more of a delay time than if the call originated and stayed within Marengo's dispatch center. Ms. Carlson said that it is a matter of seconds in delay time when the call is transferred.

There was an explanation as to how 911 telephone lines differ and are separate from regular telephone lines. That when a call is placed using 911, the screen the dispatcher views has name, address, phone number and a three digit identifier from the location of the caller which is provided by the Automatic Location Database. When the call is transferred, the second PSAP is provided the same information.

Alderman Shelton wanted to know who would be called first in an emergency situation, the police department or rescue squad. Ms. Carlson explained that if the call originated within the city limits of Marengo, the call would first go to the Marengo dispatch center. If the Fire and Rescue Squad chooses another dispatch center, the calls would then be routed from Marengo dispatch to SEECOM.

Alderman Secor wanted to know that if someone lived in the County, but was under Marengo's Fire Protection District, where the initial call would go. Ms. Carlson said the initial call would go to SEECOM.

Ms. Carlson said that in 1991, a determination was made for where 911 calls would be routed, based on the location of the caller. She said that she had a list of sixty-eight configurations of Police, Fire, and EMS based on City jurisdiction or County jurisdiction as to where each call is routed. If there were to be a change, the appropriate areas would then be changed to SEECOM, if that is the decided dispatch center. The 911 board would need to notify the ICC of the change. Changes would need to be made with the public safety answering point location for 911 calls.

At the request of the Police Chief, Ms. Carlson explained the routing of 911 calls from cellular phones. She said that currently any calls made within the Marengo Fire Protection District are routed through McHenry County dispatch center.

Alderman Signore said that he appreciated Ms. Carlson coming to the meeting to answer questions. He asked that Fire Chief Bradbury come forward, as he was the one that initially had concerns for the potential delay with transferring calls to other dispatch centers. Chief Bradbury came forward and said that he was told, by SEECOM, that there is a 30 — 90 second delay, based on obtaining information from the caller.

Ms. Carlson said that there is always time needed to obtain information from a caller, the reason for the call and the location of the caller.

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Alderman Signore said that he was always in favor of obtaining a balanced budget, but felt that the ten dollar difference between what Administrator Hartman said would be the share of the other entities with the fifth dispatcher and the amount offered in the proposal letter signed by Rescue Squad Chief Beckwith, was academic when what the City of Marengo was getting in return was a delay with 911 calls. Chief Bradbury said that the proposal did include a ten percent (10%) increase over the next three years and added that the Marengo dispatch center answers approximately four calls per day.

Alderman Smith asked if a contract was signed with SEECOM, would the agreement be long term or could it be a one year contract. Chief Bradbury stated that SEECOM required a minimum of a three year contract, but, if the change would be made to SEECOM, a longer contract would be requested as to provide security for the department.

Alderman Signore said that he thought that SEECOM would be charging an additional per call fee for the first year. Chief Bradbury confirmed that SEECOM would charge an additional \$11, so even if a one year contract would be allowed, it would not be prudent for the departments to sign a one year contract.

Alderman Signore said that in the packet, it appeared as though the Police department was looking at a fourth dispatcher. Chief Kottke said that he had not yet advertised for the dispatch position as he was unsure as to whether the City would be keeping the dispatch center. Chief Kottke said, "As I said before, my problem is public safety, or asking this City Council to sign contracts while I can't sit here in all honesty and assure you, with the one dispatcher the City has sitting over there that you are not going to have other delays or further problems. I can't give you that. I said from the get go, I don't care if you charge them zero or a hundred dollars per call, that is not my issue. My issue is having the people staffed in there to address those calls when they come in. I have asked for help in that radio room in the three years I have been here. We have been getting by with what we have. Now if we are going to negotiate contracts, that is my number one fear is some disaster or something hits [Marengo] that we can't cover that."

Alderman Signore said that the Council had approved the hiring of a fifth dispatcher. Chief Kottke said that he understood that, but it does take time to hire the dispatcher. Training, he felt would take approximately four months. He said that he knew that the Sheriff's department, Boone County and SEECOM were all hiring and that their pay schedule was slightly higher than what Marengo was offering, so he was concerned that he may not be able to quickly find the fourth and fifth dispatcher.

Alderman Smith said that he understood the concern of Chief Kottke's was that even if dispatchers are hired, the training process would take months and is that acceptable for signing any long term agreements. Is the City willing to take the risk?

Alderman Hall said that he agreed with Alderman Smith. What if something major happens to the City and the City is short a dispatcher, or the recently hired dispatcher is pushed into a roll he or she is not yet prepared to handle?

Chief Kottke said that he also lost a part-time dispatcher to SEECOM last week.

Alderman Signore said that if a delay exists with having the Fire Department and Rescue Squad being dispatched from another center, then that delay will be with every call for the Fire Department and Rescue Squad. If there are staffing issues and there is a question as to whether even the dispatchers can handle the Police Department, then there should be discussions as to whether Marengo should have any dispatching. He said that it seemed to him that SEECOM had provided the information about the delay, in the event that something happened, so that it could be said by SEECOM that the departments were warned of the potential delay.

Chief Kottke reiterated his concern about staffing issues for the dispatch center and handling the call volume for both the Fire Department and Rescue Squad. He said that he recognized the problems in other departments, the financial issues that this City and other cities are facing. He said that he was talking about public safety. Chief Kottke said that he felt Ms. Carlson explained how the 911 system works in every community every day. He said that he was just advising the Council, that at no time has he ever made a decision as to "who goes where". He said he did not know any other way to make his concerns any more clear.

Alderman Smith wanted to know if a portion the funds allocated for the fifth dispatcher could be used to offer a more competitive salary for the needed, experienced fourth dispatcher.

Administrator Hartman said that unfortunately, the City was restricted by the Union Contract for the dispatchers and what was allowed for salary and benefits.

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Chief Kottke said that previously, when he worked at the Sheriff's Department, he received approval from the County Board to increase salaries and he found it hard to believe that the FOP would say no to more money, but he again said that he recognized the financial problems with the City and that there are other departments that need money as well.

Chief Bradbury said that both he and Chief Beckwith wanted to stay with the Marengo dispatch center, which is why they both agreed to speak with Deputy Chief Hallman and provide the proposal.

Alderman Smith said that he felt the dispatch center should stay in Marengo, that the appropriate investments should be made with personnel, and attempt to negotiate with Fire and Rescue all the other entities to agree to a new contract. Alderman Signore asked Alderman Smith what he thought about the proposal that was provided in the packet. Alderman Smith asked if Alderman Signore was referring to the \$20.00 proposed fee. Before Alderman Signore could answer, Chief Bradbury said that the original amount that the City Council had tentatively approved was around \$18.95, but with adding the fifth dispatcher, the fee increased forty percent (40%) from what was being charged. The Fire Department and Rescue Squad proposed a ten percent (10%) increase for this year and an additional ten percent (10%) increase each year for the next three years to reach the forty percent (40%) increase.

Alderman Smith wanted to know if the amount being paid for the first year could be increased, then reduced in the second year with the amount balancing out by the third year, just to cover the personnel cost. Chief Bradbury said that he did not have a problem with that, but suggested leaving the \$20.88 for this year, due to what has been budgeted for this year, then increase to twenty percent (20%) for next year. He said that they could budget for that. Chief Bradbury said that he felt Chief Kottke was doing a fine job and that he felt the dispatch center could be staffed. He added that in the event of an emergency, they have qualified dispatchers. He realized that the Union may have an issue, but he felt, and Alderman Smith agreed, take care of the emergency situation first and deal with any grievance from the Union later.

Alderman Shelton said that he felt that there would be information available to the entities that may not be available if the entities were dispatched from separate dispatch centers. He said that he would like to see the entities stay within the Marengo dispatch center and he appreciated the Fire Department and Rescue Squad's willingness to negotiate and present the proposal that is before the City Council.

Chief Kottke told the City Council, "If you want me to handle [the dispatching of all the entities in Marengo], I will handle it. But I'm going to make it very clear to [the Council] that I am advising you based on everything that I have done in that department, what I know of my department, if that is what you choose, then we will go that route, but I will tell you what, it is right on your head. I have had the coordinator here from 911 to explain how this system works. I'll handle it if that's what your direction is."

Mayor Lockhart requested Council input.

Alderman Smith wanted to know if the City was in the position to provide additional funding for competitive salaries.

Mayor Lockhart said that if the Council's decision was to retain the dispatch center in Marengo and accept the proposal from the Fire Department and Rescue Squad, then the City would need to increase the amount offered for dispatcher's salaries to be competitive.

Alderman Signore wanted to know how much money would be lost if the other entities leave the Marengo dispatch center. Administrator Hartman said that this fiscal year, a rough estimate of the amount lost would be between eighteen and twenty thousand dollars (\$18,000 - \$20,000).

Alderman Hall made a motion to raise the fee charged to the Village of Union to \$30.00, hire the fifth dispatcher and allow the Fire Department and Rescue Squad to change dispatch centers with the understanding that once the Marengo dispatch center is fully staffed, they would be welcomed back. The motion died having received no second.

Alderman Secor said that he wanted to understand Alderman Hall's thoughts. Alderman Secor said, "If [the City] increased the fees but let the Fire [Department] and Rescue [Squad] go, [the City would not be] getting any fees. If we hire additional people . . ."

Alderman Hall reminded Alderman Secor that the fee would be received from Union. He added that down the road, maybe in a year the Fire Department and Rescue Squad could come back.

Chief Bradbury said that they would not be able to come back after the year as the minimum contract with SEECOM is three years.

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Alderman Hall said then maybe the Marengo dispatch could acquire another entity. Ms. Carlson said that she did not know of any other entities that could be brought to the Marengo Dispatch center, as far as trying to bring entities from outside the county, the issue will be different phone systems. An example would be DeKalb primarily uses Verizon, whereas McHenry County primarily uses AT & T. And there are no trunks in place to transfer calls from one phone system to another.

Alderman Signore then asked that if the City was looking to increase the size of Marengo's dispatching center as a potential revenue source, the City would need to remain within the confines of McHenry County. Ms. Carlson said that it would need to be within the AT & T phone system, or within the same "trunking" system.

Alderman Smith explained that if the City decided to pursue any agencies outside the County, a new trunk line would be required to bridge the systems and there would be an expense incurred. That expense could be shared by way of agreement between the municipalities.

Alderman Secor said that another concern would be with hiring personnel. If the Fire Department and Rescue Squad leave, the other dispatchers may be looking at job security issues and whether or not the Marengo dispatch center would remain open. Alderman Smith agreed.

A suggestion was made for a twenty percent (20%) increase to the fee for this year. Alderman Smith said that he realized budget adjustments would need to be made. Chief Bradbury said the adjustment would need to be made if they went to SEECOM. Chief Bradbury said again that he and Chief Beckwith would prefer to stay with Marengo and if the additional 20% helps for the first year, then the Fire Department and Rescue Squad were willing.

Alderman Signore said that he believed the concern of the Chief of Police has been staffing and not a dollar amount. He said that he would like to see the entities stay with Marengo and have the current dispatchers know that their job is secure and he felt that it would be easier to hire additional personnel, knowing that there is job security.

Chief Bradbury said that he felt he and the other entities have done all they could, they were just waiting from a decision from the Council.

Alderman Smith asked if Chief Kottke would be comfortable knowing that there was a twenty percent (20%) increase this year that could go toward a competitive salary for the dispatchers. Chief Kottke said that the increased salary was a start, but he, again, wanted to make it clear to the Council about the concerns with handling the volume of calls with just one dispatcher staffed at a time. It has been handled that way for the last three years and would be continued to be handled, but it was the Council's decision.

Alderman Signore wanted to know if the intent was to approve the proposed fee structure provided by the Fire Department and Rescue Squad. Administrator Hartman said that approving the fee structure as presented was one option, if the Council was in agreement to accept that proposal, which stated: \$20.88 per call, no duplicate call-out fee, no base fee, establish a committee to review individual issues as they develop, correct and identify and correct problems when they occur and make recommendations when discipline is necessary.

Chief Kottke said that he would handle the matters within the Police Department. He said that he has contracts to deal with and unions to deal with, he would handle the personnel issues within his department. He was not willing to agree to the last request of the Fire Department and Rescue Squad to set up a committee.

Administrator Hartman said that he was pointing out the offer from the other entities, but agreed with Chief Kottke that a committee may be a good idea for discussing service and procedures, but Administrator Hartman strongly recommended against such a committee as he felt it was inappropriate for a committee to discuss matters of discipline.

Chief Bradbury said that this was suggested as part of the proposal because other entities have this type of policy and it allows for the other entities to have input if there are any concerns. He said that the intent of the committee would only be to offer suggestions to the Chief of Police, who would still have the ultimate decision as to whether or not the issue required discipline.

Alderman Smith said that he understood the committee to offer training suggestions. Chief Bradbury agreed that more often than not, it would be to suggest training issues. Chief Kottke said that in the last three years, there have been two complaints. His middle management had better things to do. Chief Bradbury said that he did not see the committee meeting often as there were rare instances that were issues, but he added that the issue may not be with the dispatcher, it may be with his personnel, in which case, he needed to know

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about it. Chief Bradbury said that he thought the committee would be a good idea to meet and build policy, if Marengo intended to make the Marengo dispatch center a business. He said that Huntley had a three year contract with SEECOM and maybe at the end of those three years, Marengo could handle the dispatch service for Huntley. Chief Bradbury said that the committee was perfectly reasonable and that the committee itself would not be disciplining anyone.

Administrator Hartman suggested that the details of the committee could be determined in a meeting with the entities. In the meantime, there was a proposal from Rescue Squad Chief Beckwith for consideration. He was looking for direction from the Council.

Alderman Smith made a motion to move forward in the direction of attempting to accommodate all agencies, if possible, and allow the ninety (90) day period by either party if the City was unable to fulfill the obligation of providing service.

Alderman Signore said, "Shouldn't we, probably, give some indication as to how we feel about these bullet points because if we don't have huge contention with any of them, we could potentially hammer this out tonight and then it just comes down to putting the contract together, correct?"

Administrator Hartman said, "Correct."

Alderman Smith said, "I think the issue with respect to maybe omission of the committee, other than possibly a committee to handle any type of complaint or training issue perceived."

Alderman Signore said that he thought if there were any personnel issues that the Chiefs could work it out. If that did not work, then maybe there would need to be a formal process.

Alderman Shelton made a motion to approve the proposal as presented by the Rescue Squad Chief Beckwith as outlined, without the committee. Alderman Signore seconded the motion. The motion passed with an aye voice vote from Alderman: Secor, DeBoer, Shelton, Smith and Signore. Alderman Hall voted nay.

At 9:01, Alderman Bradbury rejoined the Council Meeting.

## **MAYOR'S STATEMENTS AND REPORTS**

Mayor Lockhart said that he had nothing to report.

## **DEPARTMENT HEAD AND STAFF REPORTS**

### **ASSISTANT TO THE ADMINISTRATOR**

Assistant Administrator Blakemore said that the Authorization to release the Request for Proposal (RFP) would be before the Council for consideration on October 8, 2007. He was working with the Project Manager at RTA to determine a more agreeable timeline for the RTAP Grant.

Alderman Signore said that he had hoped maybe some of the more popular comments received from the municipal survey would have resulted in suggestions for Ordinances or giving direction to the Building Commissioner's staff as far as code violations. He thought that more should be done, other than just reading the comments the residents provided.

Alderman Smith said that he would like to see action taken with some of the suggestions, if possible.

Mayor Lockhart said that he thought sidewalks should be one of the priorities and suggested that the Council Members review the survey and provide suggestions with next year's budget.

Alderman Signore wanted to know if Assistant Administrator Blakemore could provide a more abridged form of the open-ended responses or a list of the top twenty for the Council to consider.

Alderman Signore said that he would not be opposed to an additional meeting to discuss the survey and what the Council could and could not do, prior to budget time.

Alderman Bradbury said that at one point, she thought there was to be a cell tower in Marengo. The City Administrator Report does not mention the cell tower and she wanted to know the status. Administrator Hartman said that the cell tower was installed and the funds received were allocated to the general fund.

## **BUILDING DEPARTMENT**

Building Commissioner Shull said that he had submitted a report for review. He wanted to make a comment about the municipal survey. He said that they were working on modifying ordinances and would be looking for allocation of additional funds for code enforcement.

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Building Commissioner Shull said that he would be in Peoria tomorrow for continuing education credits as the certified floodplain manager.

Alderman Signore said that there had been some complaints received about Marengo Foundry. He noticed that the Foundry was listed on the report and wanted to know if there was any response received. Building Commission Shull said that he had not received a response yet. Improvements have been made, but the Foundry is not yet in compliance. The IEPA was sent a duplicate copy of a letter that was sent to the owner of the Foundry cover the issues with air pollution, excessive noise levels, silica sands and other raw material entering the right of way. Building Commissioner Shull said that he did not feel the City's Ordinance was strong enough with regard to air pollution, which is why the IEPA was also contacted.

### WWTP DEPARTMENT

Reports were provided for Council Member's review.

Alderman Signore wanted to know if a determination was made with regard to the sink hole on Ridge Drive. Tom Zwicky said that the sewer pipes had been laid in the winter. The ground in the area is mainly clay. With all the saturated rain, it was determined that a large lump of clay had broken down and allowed the area to settle. The property owner, Mr. Remke, is responsible for restoration of the area and it should be restored within two weeks.

Alderman Shelton said that, in reviewing the minutes from August 13<sup>th</sup>, there was mention about check valves and Alderman Shelton wanted to know the status. Tom Zwicky said that check valves would be a remedy for the sewer backup situation but questioned as to whether the cost would be the responsibility of the City or the resident. Alderman Shelton said that the cost should be the responsibility of the resident. Alderman Shelton requested an estimate of the installation and cost of the check valves to provide the residents and let them know the option and this is the cost that may be incurred.

Alderman Bradbury said that she thought the discussion included requiring check valves for all new homes constructed.

The City Engineer, Darryl Gavle, said that there were some issues with check valves, the first being that they are not 100% reliable. Also, when the check valve is closed to prevent back up, there is a restriction on use during the time period wherein the check valve is closed as there is no place for the sewage to leave the home. Some communities have chosen to not allow check valves for that reason and the fact that the expectation from the resident is high. The check valve may fails and the resident is upset because they thought they were protected with the check valve in place. He said that there were some publications offered by other municipalities offering information and suggestions to the residents. Mr. Gavle said that he could gather the publications from the other communities and provide them for review. Another option would be to modify the building code to only allow overhead plumbing in homes in order to limit the risk of sewage back up. The basement would contain one or two sum pumps, one to be used for foundation draining, the other would used as an injector pit to handle the waste water production. The homes would have a slightly higher constructions cost. Building Commissioner Shull said that if the sanitary main coming from the house is below the curb level, it is a requirement that injector pits be installed with new construction. The backups occurred in the older homes that did not require injector pits.

Tom Zwicky asked if Alderman Shelton still wanted to check into the cost of installing check valves. Alderman Shelton said no, but he did want Mr. Gavle to check into obtaining copies of the publications and getting information from other communities.

### POLICE DEPARTMENT

Chief Kottke said that he had submitted a report for the Council's review. The school crossing guard that was recently hired submitted her resignation stating she needed additional hours.

### ENGINEERING DEPARTMENT

Darryl Gavle said that he had passed out a report prior to the meeting and would be willing to answer any questions the Council had.

Alderman Smith wanted to know when the construction for the watermain project on Maple street was scheduled to begin. Mr. Gavle said the construction was scheduled to begin soon and anticipated the project would be completed by the end of October.

### CITY ADMINISTRATOR

Administrator Hartman wanted to welcome Alderman DeBoer. Administrator Hartman provided a report for review and wanted to make the Council aware that he would be attending the ICMA conference in Pittsburg from October 7, 2007 to October 11, 2007.

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There was nothing further to discuss in open session. Alderman Shelton made a motion to move to Executive Session for reasons of potential litigation and personnel. Alderman Hall seconded the motion. The motion passed with an aye voice vote from Alderman: DeBoer, Bradbury, Hall, Smith, Secor, Shelton and Signore.

**ADJOURNMENT**

Upon returning from Executive Session, Mayor Lockhart asked for a motion to adjourn the September 24, 2007, Marengo City Council meeting at 10:02p.m. Alderman Signore so moved; seconded by Alderman Secor. The motion passed with a unanimous aye voice vote.

Submitted by: Theresa A. Hoschouer,  
City Clerk