

**CITY OF MARENGO
COUNCIL MINUTES
OCTOBER 8, 2007**

CALL TO ORDER

At 7:02pm, Mayor Lockhart called to order the October 8, 2007 Marengo City Council meeting and then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

Dave Juhre at 1075 East Grant Hwy, Marengo approached the Council. Mr. Juhre wanted to commend the Chief Kottke, Deputy Chief Hallman and Superintendent Craney on the police presence at Settlers' Days and the efficient cleaning of the streets during and after the fact by the Street department, respectively. Mayor Lockhart thanked Mr. Juhre and said that he was the second person in the last thirty minutes to acknowledge the roles of the Police and the Street Department at the Settlers' Days activities. Mayor Lockhart added, which was confirmed by Deputy Chief Hallman, that there were no problems reported at the Settlers' Days activities.

NEW BUSINESS

APPROVAL OF AUGUST 27, 2007 REGULAR SESSION MINUTES

[The agenda for October 8, 2007 disclosed in error that there were Executive Session Minutes to approve for the August 27, 2007 meeting, however, the Council did not adjourn to Executive Session on August 27, 2007.] Alderman Secor moved to approve the August 27, 2007 regular session minutes; Alderman Smith seconded the motion. The motion passed with an aye voice vote from Alderman: Shelton, Hall, Bradbury, Smith and Secor. Alderman Trainor and DeBoer abstained.

APPROVAL OF SEPTEMBER 10, 2007 REGULAR AND EXECUTIVE SESSION MINUTES

This item was passed as the minutes were not available for Council review and approval.

LIST OF BILLS

Alderman Bradbury questioned the \$15,000.00 check to be issued for the TIF eligibility study. She wanted to know if the City would be reimbursed for the check. Attorney Arevalo explained the funds were advanced by the potential developer and not coming directly from City funds.

Alderman Bradbury also said that at the July 9, 2007 meeting, she had asked Superintendent Craney if the Public Works department would be able to assist Baxter Woodman with Maple Street connection for cost savings. She was told at that time by Superintendent Craney that he would be able to assist in some areas. Alderman Bradbury said that the Council had voted to pay up to \$14,000.00 to Baxter Woodman and coincidentally, that was the amount of the check to be issued. Eric Murauskas of Baxter Woodman said that Baxter Woodman was already over budget on the project. The pay requests were originally to be handled by Superintendent Craney, however, that aspect had been renegotiated to have Baxter Woodman handle the pay requests. Since Baxter Woodman has received the maximum allotted \$14,000.00, anything additional is considered "pro bono" and at no cost to the City.

Alderman Smith said that on Friday, when the contractor was preparing to begin the project, a gas line was cut with a pavement saw and he wanted to know if the cost of calling the Fire Department and the repair of the gas line would be bore by the contractor. Superintendent Craney said that he was unsure but felt that it should not be an additional expense to the City for the contractor error.

Alderman Shelton said that page fifteen of the List of Bills reflected two payments in the amount of \$2,500.00 each as claims and wanted to know if the claim reference was for the pump station. Assistant Administrator Blakemore said that Alderman Smith had called earlier that day requesting information about the claims. Assistant Administrator Blakemore said that he pulled the invoice, which included only the claim number and the person making the claim. He could not find any other information with reference to the claims, but said he did not believe the claims to be for City property. Alderman Smith wanted to know if the claims were flood related due to the heavy rains in August. Assistant Administrator Blakemore said that he did not believe that was the case, either, but was unsure as the exact reasoning of the payment of the deductible claim. Alderman Smith asked to take an action item to provide more clarification as to the payment of the claims.

Alderman Bradbury moved to approve the List of Bills, except the payment of the two deductibles, subject to further clarification. The motion was seconded by Alderman Secor and was passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, Trainor, Hall and Secor. Alderman DeBoer voted to approve the

Council Minutes, October 8, 2007

motion, but abstained from payment of the bills for Marengo Disposal, as same provides a conflict of interest.

PROPERTY AND LIABILITY INSURANCE RENEWAL

Patricia Bartolomei of Arthur J. Gallagher Risk Management Services, Inc. said that she would check on the details of the claims and advise detailed information. Ms. Bartolomei said that she believed that two claims were paid by the insurance company on pending lawsuits and the carrier is looking to be reimbursed the amount of the deductible.

Ms. Bartolomei said that last year the service changed from Clarendon to Redlands, and now the suggested change was to Fireman's Fund. She explained that the loss control services provided by Fireman's Fund was a service not offered by Redlands, and that claims adjusting was superior to Redlands. The transfer to Fireman's Fund also offered a long standing recognizable name, as well as a cost savings. She went on to explain the structure of the program was changed in that Arthur J. Gallagher Risk Management Services, Inc. (AJG) proposed a set fee, rather than a commission, that would not be tied to the premium paid by the City. The fee would then not be affected by any claims paid or any additional endorsements or riders added throughout the year. She said that the fee proposed was less than an amount that would be received by commission.

Alderman Trainor wanted to know the amount of the fee. Ms. Bartolomei said the fee was \$10,000.00, but the commission would have been \$10,370.00, she believed.

Alderman Shelton said that he understood the claims process was changed so that AJG would not be part of the process unless the City needed assistance. Ms. Bartolomei said that AJG would no longer be reporting claims, but would be available to assist with claims. The intent is to allow the City to report claims directly to the Claims Department to avoid any time delay that may be caused by the third party. Alderman Shelton asked if AJG felt the coverages provided by Fireman's Fund were acceptable for the City. Ms. Bartolomei said that Fireman's Fund offered the same coverages of the past at an extremely competitive umbrella, with no self-insured retention. Previously, the City had to maintain a \$10,000.00 self-insured retention for the umbrella policy. She said that Fireman's Fund included the Employer's Liability under the umbrella policy at no additional premium. She said that the underlying coverages are typical for other municipalities and the umbrella limits are adequate, but if the City wanted increased limits, AJG would obtain quotes for the increased limits. She said that AJG was working on obtaining a quote for Workman's Compensation, but that policy did not expire until December so it was not yet available to be included in this presentation.

Alderman Shelton asked Ms. Bartolomei to explain the exclusions under the Public Official's Liability Coverage. Ms. Bartolomei said that the exclusion for Fraud, Dishonesty and Bad Faith are always excluded, as well as Riots, Strikes and Civil Commotion. The Fiduciary exclusion is listed because it is intended to be covered elsewhere. The City does not have Fiduciary coverage but, if the City was interested, AJG could obtain a quote. She explained that Fiduciary coverage would apply to investments made by administrators of employee benefit plans. If a decision is made to invest in one area that negatively impacts the plans, the Fiduciary coverage would be used to compensate the employee benefit plans.

She said that most of the exclusions listed were meant to be covered by other policies, or are already covered elsewhere within the policy. She said the Law Enforcement Activities was listed as an exclusion because it is covered under the Law Enforcement Liability Coverage.

Alderman Shelton asked about the exclusion of Personal Injury. Ms. Bartolomei said Personal Injury would be covered under Liability. Alderman Shelton moved to accept the proposal of the Property and Liability Insurance Renewal. The motion was seconded by Alderman Secor and passed with an aye voice vote by Alderman: Secor, Hall, Shelton, Trainor, Bradbury, DeBoer and Smith.

HONORARY STREET NAME PROGRAM DISCUSSION

John Wyrostek, the Chairman of the Marengo Historical Preservation Commission (MHPC), presented to the Council the Honorary Street Sign Program. Mr. Wyrostek said the MHPC put together an Honorary Street Sign Program to honor families that have made significant contributions to the City of Marengo at the request of Steve Wilcox. Mr. Wyrostek said that the program had been modeled after McHenry's Honorary Street Sign Program. He said that MHPC thought the Honorary Street Sign Program was a great idea and great policy and requested the support of the City Council to move forward in putting the Honorary Street Sign Program in place. He said that the Sign Program would be at no cost to the City of Marengo and would allow for up to two Honorary Street Signs being approved each year. The administration of the program would be handled by MHPC, but the final approval would be made by the Council.

Assistant Administrator Blakemore said that MHPS was looking for discussion and direction from the Council Members, whether this program would be of interest to the Council and if it were something the willing to approve.

Council Minutes, October 8, 2007

Alderman Smith said that he thought the Honorary Street Sign Program was a good idea.

Alderman Trainor said that the form indicates the applicant would bear the costs involved with the sign, including installation. She wanted to know who would be installing the honorary signs. Alderman Trainor was told the installation of the signs would be handled by the Public Works Department. Alderman Trainor wanted to know if the fee for installation would be communicated to the applicant as the forms did not provide for the fee. She said that it appeared as though the applicant would need to purchase the sign themselves and she wanted to know if there would be a list of approved vendors the applicants would need to contact to purchase the sign so that there would be consistency in sign size and lettering. Mr. Wyrostek said that the MHPC would work with Mr. Craney for sign ordering. If the Public Works department or MHPC would be not responsible for the actual sign ordering, then the applicant would be provided the information on where the sign may be ordered. Alderman Trainor wanted to know why the MHPC wanted to limit the program to only two signs per year. Mr. Wyrostek said that the amount of signs issued needed to be limited and two was the number that McHenry allowed per year.

Alderman Hall said that the Honorary Street signs may cause confusion to those unfamiliar with the area. He was also concerned about favoritism, that one family would be honored and not another. He felt it was not a practice in which the Council should be involved. Mr. Wyrostek said that the MHPC agreed to review the applicants and make recommendations. Alderman Hall said that the recommendation would still come to the City Council for approval. If the Council did not approve an applicant, Alderman Hall felt it may cause animosity.

Alderman Secor said that having an Honorary Street Sign Program had been a suggestion several times in the past. He said that this proposal was the best he had seen as far as a policy to follow, but he was not a fan of the Honorary Street Program. He agreed with Alderman Hall that some streets in town, such as Prairie and Washington, had many potential applicants for the Honorary Street Sign Program and wanted to know how the MHPC would make the decision as to which family would be honored for that street. Alderman Secor suggested that those wishing to be honored could be named for roads in new developments, rather than posting the brown and white honorary sign on an already named road. Mr. Wyrostek said that the MHPC was looking into that as well. Mayor Lockhart asked Alderman Secor if he should be considered as not being in favor of the program. Alderman Secor again said that he was not a fan, but the proposal was the best proposal that he has seen.

Alderman DeBoer said that after reading the proposal he was in favor of the idea, but after hearing Alderman Secor's opinion, he liked the idea suggested that the honored names would be in a new subdivision to avoid determining which family on which street was more deserving of the Honorary Street Sign.

Alderman Secor added that many families have been in the Marengo area for five or six generations. These families may not have been part of the City politics or on any volunteer department but supported those in the City politics or on the volunteer department. He felt that those families had just as much right to be honored with a street name as any family that may have been part of the City politics.

Alderman Trainor said that she supported the program. It has been done in other communities. She asked Mr. Wyrostek if, when he spoke with other communities that had this program, they had noticed an increase of automobile accidents or other things related to confusion of signage. [This question went unanswered.] She went on to say that she supported the idea of creating a type of naming system for new developments, but also wanted to incorporate this into the older parts of the community as well.

Alderman Smith said that he could see both sides of those in favor of the idea and those opposed, but supported the program.

Alderman Shelton said that he thought the Honorary Street Sign Program was a good idea.

Alderman Bradbury said that after hearing both sides of the argument, she was no longer sure. She said that initially when she read the proposal, she thought it was slightly odd, only because some families may have been in the area for only one or two generations, but have been great contributors. How would a decision be made as to who would be honored? She said that if she had to make a decision tonight, she would not be in favor of the Honorary Street Sign Program.

Mayor Lockhart said that the Council reflected three Council Members in favor of the program and four Council Members against the program. He said asked if the Council wanted to pass the program at this point.

Council Minutes, October 8, 2007

Alderman Trainor said that the common theme to those opposed to the program is the criteria in which the honoree would be determined, other than Alderman Hall's comment about confusion. She understood the basis of the criteria was that of first come, first served and wanted to know what criteria would those opposing the program require to be in favor of the program.

Alderman Hall said that he had no objections to compiling a list of those wishing to be honored and have the whole subdivision named after those people. Alderman Smith agreed and said he was going to suggest the same.

Mr. Wyrostek said that he thought some of the members of the Council were "worried about really nothing." He said that he did not think there was a rush of people wanting to be honored, that the criteria is set up "as fair as it could possibly be" and he did not think it would be showing favoritism to one family or the other. Alderman Trainor agreed that there were plenty of streets in the City of Marengo to accommodate two requests per year.

Alderman Secor said that one of the requirements was that the street required some historical significance. [For the record, the City Clerk believes the part of the application to which Alderman Secor refers requests that the applicant, "provide proof of significant lineage or family ties to the City" and "establish clear geographical relationship of street to the area of interest of the applicant".] Alderman Secor said that the argument used in naming new streets after historically significant residents was that the residence had no relationship with the new street.

Superintendent Craney wanted to clarify that if the Council wanted to name the streets in new subdivisions after historically significant residents, that the signs would be the standard green color and not brown and white.

Mayor Lockhart said that a new subdivision near the Court House in Woodstock had streets named after the McHenry County judges and he had not heard of any issues or problems.

Mayor Lockhart asked if there was anything further. No Council Members had anything to add at that time. Mayor Lockhart then confirmed that the Council was four to three against the program.

OLD BUSINESS

RTAP REQUEST FOR PROPOSALS

At the request of the Council, Assistant Administrator Blakemore worked with RTA project manager to establish a timeline that was acceptable to the RTA and he thought would also be acceptable to the Council Members. He said that there was a question as to how the project would be paid. Assistant Administrator Blakemore explained that once the RTAP project began, both the City and RTA would receive monthly invoices. Upon receipt of the invoice, RTA would send to the City its portion of the invoice, which is 80% and the City would pay the whole invoice, so he did not feel that there would be any lag time for being reimbursed by RTA.

He said that at the September 10, 2007 meeting, Alderman Bradbury had inquired about any studies that provided information on economic impact of a public transit station. Assistant Administrator Blakemore said that Metra had completed a study and some pages of the study were attached to the Agenda Supplement. He explained the complete report contained approximately 200 pages and that if any member of the Council wanted to review the complete report, he would be willing to either e-mail it or put it on a disk.

He said he was looking for direction and authorization to proceed with the schedule as outlined on the agenda supplement.

Alderman Smith wanted to know how payments for the RTAP project would impact this fiscal year as it appeared payments would begin before the payment could be budgeted for the next fiscal year. He said that he wanted to look at the 200 page document and also wanted to know if the RTA would consent to allowing the Council to defer the decision authorizing the release of the RFP until the next Council Meeting. Assistant Administrator Blakemore said that the project manager he is working with at RTA would like to proceed as soon as possible but thought a slight delay would be acceptable. Assistant Administrator Blakemore added that the funding was secured with RTA, but he did not want to delay the project too much as there may be an issue with funding being deferred by RTA until next year.

Alderman Shelton asked the estimated cost. Assistant Administrator Blakemore said that RTA estimated the cost to be \$100,000.00 for the whole project, of which \$20,000.00 would be the City of Marengo's share.

Alderman Hall said that if the City delays the RTAP project, the cost of acquiring the property, if that is the decision of the Council, will continue to increase. He added that by delaying the project may put our City behind others that RTA is considering.

Council Minutes, October 8, 2007

Alderman Smith said he was not looking to delay the decision too long, just long enough to be provided information on the financial impact this study will have on the fiscal budget.

Alderman Trainor said that the amount should not be too complicated of a process. If the City is expecting to award the project in 2008, when should the City expect the first invoice? The current fiscal budget continues only until May and the whole \$20,000.00 will not be due immediately.

It was agreed that Assistant Administrator Blakemore would contact the project manager at RTA and advise as to how soon the City could expect the first invoice, assuming the contract is awarded at the end of January, and the amount that the City would need to pay prior to the new fiscal budget being approved.

Alderman Bradbury said that she found the report encouraging that each commuter spends an average of \$20.00 - \$30.00 per week at station area stores.

Alderman Bradbury asked for clarification on a section of the Request for Proposal (RFP) as she felt it was contradictory. Alderman Trainor said that when she read that portion, she understood it to mean that the RTA was making no commitment to building a transit station, but the rest of the land use plan would still need to hold, in the event no station was built. Assistant Administrator Blakemore agreed that the study could be completed and Marengo would not be awarded a transit station, but the study would be retained by the City. Alderman Bradbury wanted to know how long after the study is complete that the City would be expected to have the land space available for the possible transit station. Assistant Administrator Blakemore said that he was unsure but did not think that RTA would require the land be available for years and years without making a decision.

Alderman Shelton asked if the City could work with Huntley on the project. Assistant Administrator Blakemore said that he did ask the project coordinator about working with Huntley and he was told that RTA preferred to keep the City studies separate. He said that Huntley is reviewing two possible sites for a station and that study would examine whether one area would be preferential over another. Marengo's study would be a more comprehensive land plan.

Alderman Smith wanted to know if the authorization to release the RFP could be approved contingent upon knowing the amount of the cost to be attributed to this fiscal budget year. Attorney Arevalo said that it could be approved subject to providing the information, but did not see a value. Attorney Arevalo said that Assistant Administrator Blakemore could see interest and support from the Council, so it would be better to delay until the next meeting. Alderman Smith said that he was in favor of the project, he was just leery of spending money that the City did not have.

Alderman Hall said that, having been the Treasurer for the City of Marengo, he knew that the City does have money available in reserve and the payment of the full \$20,000.00 would in no way bankrupt the City. Attorney Arevalo said that since the City did not budget for the study, funds expended that were not budgeted would become an appropriation issue in order for the contract awarded to become valid. He said that it makes sense for the Council Members to look at, and appropriate for, the contract.

With no other questions or comments, Alderman Smith suggested delaying the authorization to release the RFP until the next meeting in order to determine the amount of the financial impact to the 2007/2008 Budget. Alderman Trainor supported the request for the delay. Alderman Secor said that he would support the delay, assuming that there were no surprises at the next meeting. It was mutually agreed that the authorization of releasing the RFP would be moved to October 22, 2007.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart said that Settlers' Days was a great weekend with great weather and he hoped that everyone who participated in the activities enjoyed themselves.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

Building Commissioner Shull submitted a report and was available to answer any questions. He wanted to let the Council know that he, Administrator Hartman, and Attorney Arevalo had a meeting with the owner of Grand Rental Station (GRS), Mr. Rupe and Mr. Rupe's attorney, Mr. Gottemoller to discuss the concerns of the Council Members with respect to the Annexation Agreement, particularly the fire suppression system. Attorney Arevalo understood that the owner of GRS met with Fire Chief Bradbury to discuss the issues. The owner has agreed to install and make operable the fire suppression system within two years of City water being available to the site, rather than seven years. The owner felt that if the two year agreement was not acceptable, the owner may look at not annexing the property into the City. Attorney Arevalo understood that the County had no requirement for the fire suppression system and the City would lose the sales tax benefit. GRS also felt that the installation of the sidewalk should be placed on hold until such time that the

Council Minutes, October 8, 2007

sidewalk in front of GRS would be able to join another sidewalk from the east or west. Attorney Arevalo agreed that it made sense. Attorney Arevalo said that GRS would agree not to store any flammable liquid or materials in the accessory building GRS intended to build (this is the building that would not have the operable fire suppression system immediately). GRS also agreed to pay City fees as required for Residential Zoning should GRS, at a later date, change zoning to allow for residential development. October 22, 2007 is the date scheduled for the public hearing for GRS. At that time, the City Council will be voting whether to approve the Annexation Agreement and Application and Zoning Ordinance.

Alderman Trainor wanted to know if pictures of the proposed building for GRS were available. Building Commissioner Shull said that there were no pictures or drawings available. The building was to be approximately forty-two feet (42') in height and would not be a typical pole barn. Alderman Trainor wanted to know if there was a building that she could look at that would be similar in design to the proposed GRS building. Building Commission Shull said that he would let her know. Mayor Lockhart said that the proposed building was to be built north of the existing building, which would be behind the existing building.

Fire Chief Bradbury said that he did speak with Mr. Rupe about the sprinkler system. Chief Bradbury told Mr. Rupe that it would be acceptable for the building to have an operational fire suppression system within two years of City water being made available to the area. Chief Bradbury said that he told Mr. Rupe that the preference would be one year. Chief Bradbury said that he told Mr. Rupe that Mr. Rupe would need to follow applicable codes for non-sprinkled buildings. This means, that although the building may be forty-two feet (42') in height, the ordinance would allow for rack storage not to exceed twelve feet (12') in height or four feet (4') in width.

Alderman Shelton asked Building Commissioner Shull about status on Settler's Cove. Building Commissioner Shull said that Settler's Cove was working toward releasing or reducing the letter of credit held by the City.

Alderman Smith said that a resident in his ward wanted to know if erosion fencing would be installed near Autumn and Forest. Building Commissioner Shull said that the installation of erosion fencing would be installed once "soil is disturbed". The developer is currently only clearing underbrush and does not yet need to install erosion fencing.

Alderman Trainor wanted to compliment Maryanne on the report provided with respect to code compliance.

PUBLIC WORKS

Superintendent Craney provided a report for review.

Alderman Bradbury suggested placing an add for the position of Waste Water Treatment Operator in the Illinois Municipal Review. Superintendent Craney said that placing the add in the Illinois Municipal Review has been considered along with several other places.

Alderman Bradbury wanted to know if there was any status with the property behind Locust School. Superintendent Craney said that he had left a message for Dr. Angel, and has not yet received a call back, but would follow-up.

Alderman Smith asked if the City had considered using synthetic or semi-synthetic lubricants for City vehicles. Superintendent Craney said that once synthetic lubricants are used, continued use is required and synthetic lubricants are more costly than standard lubricants. Superintendent Craney said that he had not considered changing to synthetic as it was not the preferred lubricant for diesel engines.

POLICE DEPARTMENT

Deputy Chief Hallman submitted a written report for review. Aside from heat related issues, there was nothing further to report on Settlers' Days.

ENGINEERING DEPARTMENT

Eric Murauskas with Baxter Woodman provided a report for review.

ASSISTANT ADMINISTRATOR

Assistant Administrator Blakemore said that he had nothing further to report.

CITY ATTORNEY

Attorney Arevalo said he had nothing further to report.

Having nothing further to discuss, Alderman Shelton made a motion to move to Executive Session to discuss personnel. The motion was seconded by Alderman Secor and passed with an aye voice vote from Alderman: Smith, Shelton, Trainor, Bradbury, Hall, Secor and DeBoer.

Council Minutes, October 8, 2007

ADJOURNMENT

Upon returning from Executive Session, Mayor Lockhart asked for a motion to adjourn the October 8, 2007, Marengo City Council meeting at 8:25p.m. Alderman Signore so moved; seconded by Alderman Shelton. The motion passed with a unanimous aye voice vote.

Submitted by: Theresa A. Hoschouer,
City Clerk