

**CITY OF MARENGO
COUNCIL MINUTES
October 22, 2007**

CALL TO ORDER

At 7:02pm, Mayor Lockhart called to order the October 22, 2007 Marengo City Council meeting and then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

Dave Diamond, the Riley Township Highway Commissioner, of 602 Bauman in Marengo came forward and wanted to emphasize that the Council confirm that the development (with regard to Seven Oaks) is a first class development. He did not want the Council to feel obligated to approve the development just because the developer had been in the process for an extended period of time. He also wanted to advise the Council that he did not feel the adjacent agricultural road network could support the volume of traffic that the development proposed. He understood that the developer would be paying certain fees for road improvement, but the road was a farm-to-market road that would need to be upgraded.

PUBLIC HEARING

ANNEXATION AGREEMENT BETWEEN MARENGO G.P. AND THE CITY OF MARENGO

Roll was called again for the public hearing. Those present were: Alderman Shelton, Alderman DeBoer, Alderman Hall, Alderman Bradbury, Alderman Smith, Alderman Secor, Alderman Signore and Mayor Lockhart.

Joseph Gottmoller, attorney for the petitioners and the petitioner, Joe Rupe, were present. Mr. Gottmoller said that the matter was put before the Planning and Zoning Commission (PZC). Recommendations made by PZC were incorporated with the Annexation Agreement. Mr. Gottmoller said that he or the petitioner would answer any questions.

Mayor Lockhart asked if any member of the public had questions regarding the public hearing for the Annexation Agreement between Marengo G.P. and the City of Marengo. There were no questions from the public so Mayor Lockhart asked for a motion to close the Public Hearing portion of the meeting.

Motion was made by Alderman Signore to close the public hearing and was seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

CONSENT AGENDA

Alderman Shelton said that on page three of the City Council Meeting Minutes, paragraph four, the proper spelling of the person's last name was Martinek, not Marnick. [Correction to the minutes was made as requested.]

Alderman Shelton made a motion to approve the items listed on the Consent Agenda. The motion was seconded by Alderman Secor and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor. Alderman DeBoer abstained from the portion of the Consent Agenda approving the September 10, 2007 meeting minutes.

NEW BUSINESS

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

Alderman Shelton requested clarification on the sales tax issue. Administrator Hartman referred the question to Attorney Gottmoller and Mr. Rupe. Administrator Hartman explained that the Council wanted to know if the City of Marengo would receive sales tax generated at the Marengo Grand Rental Station site. Mr. Rupe said that each store prepares its own reports. Sales tax earnings are reported and filed separately by each store so that any sales tax received in Marengo would benefit the City of Marengo.

Mayor Lockhart asked if the Council had any other questions. There were no other questions. Mayor Lockhart asked for a motion to approve. Alderman Signore made a motion to approve the Ordinance Approving and Authorizing the execution of Annexation Agreement for Marengo Center G. P. The motion was seconded by Alderman Shelton and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall, Secor and Mayor Lockhart.

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

Alderman Shelton made a motion to approve the Ordinance Annexing certain territory to the City of Marengo (Grand Rental Station Parcel). The motion was seconded by Alderman Secor and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

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

Alderman Smith made a motion to approve the Ordinance Zoning certain newly annexed territory and granting a Special use Permit for a Planned Unit Development and Granting variations (Grand Rental Station Parcel). Alderman Hall seconded the motion which passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

Mr. Rupe wanted to thank the Council and said that he was glad to be back in the City of Marengo.

ORDINANCE GRANTING VARIANCES FROM THE MARENGO ZONING ORDINANCE: PZC CASE #07-11: 510 N. TAYLOR

At 7:13p.m., Alderman Signore recused himself from discussion and voting on this ordinance as the owner of the property, Mr. Martin, was a client.

Building Commissioner Shull said that Mr. Martin was requesting two variances to the Marengo Zoning Ordinance. One variance pertained to square footage and the other to the side yard set back. Building Commissioner Shull explained that the existing garage was only six inches (6") into the side yard. The resident was proposing to increase the size of the garage, but not increase the amount of the existing set back. The overall square footage would not exceed 890 sq. ft. The PZC unanimously voted to recommend the zoning variance approval to the City Council. Building Commissioner Shull said that no comments were made at the public hearing, nor was any written correspondence received opposing the variance request. Building Commissioner Shull said that the petitioner was present to answer any questions.

Alderman Shelton made a motion to approve the Ordinance granting variances from the Marengo Zoning Ordinance for PZC Case #07-11, 510 North Taylor, per the Planning and Zoning approval. The motion was seconded by Alderman Bradbury and was passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

Alderman Signore returned to the Council meeting at 7:16pm.

ORDINANCE GRANTING A SPECIAL USE PERMIT (GREENHOUSE/FLORIST USE): PZC CASE #07-12: 505 W. GRANT HIGHWAY

Assistant Administrator Joshua Blakemore said that a Special Use Permit was issued to Marengo Greenhouse and Florist. He explained that the original Special Use Permit for the location was written to expire after twenty (20) years from the permit issuance date. Due to an administrative oversight, the Special Use Permit expired in 1996 and was not renewed. Marengo Greenhouse and Florist was looking to correct the situation and renew the Special Use Permit. The PZC approved the request to issue the Special Use Permit subject to the following conditions: Hours of operation would be from 7:00am — 7:00pm, deliveries to properties would occur only during business hours, and no new buildings or driveways to be constructed on the property. Written correspondence from Mr. and Mrs. Sorenson was read into the record of the PZC meeting which essentially stated they did not disapprove of the Special Use Permit, as long as no new buildings were constructed on the property.

Alderman Smith wanted to know if the prohibition of new construction included replacement of existing buildings. Assistant Administrator Blakemore said that it only referred to new construction. He said it did not refer to maintenance of existing buildings.

Assistant Administrator Blakemore said that the current owners were looking to sell the property. The potential new owners were at the PZC meeting and were agreeable to the conditions as set forth by the PZC.

Alderman Signore wanted clarification as to repairs that could be made on the existing buildings. Administrator Hartman said that now would be the time for the Council Members to specify the intent of the Special Use Permit Ordinance with respect to building maintenance. Administrator Hartman said that the public concern was that the business would not expand, and no additional structures would be built on the site. He said that the staff recommendation would be to allow for maintenance and/or replacement without any change to the original "foot print". Building Commissioner Shull said that the Marengo Zoning allows for minor repair on all non-conforming structures, such as roofing, siding and window, providing that it does not alter the footprint.

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Mr. Becker, the attorney representing the petitioner, arrived and was invited to approach the Council.

Building Commission Shull further explained that any building that required replacement would need to be replaced with like materials. The greenhouse could not be replaced with a pole barn, it would need to be replaced with a greenhouse.

Administrator Hartman stated that the Special Use Permit would follow the property and not be terminated with the sale of the property.

Alderman Smith made a motion to approve the Ordinance Granting the Special Use Permit (Greenhouse/Florist Use) for PZC Case #07-12: 505 W. Grant Highway. The motion was seconded by Alderman DeBoer. The motion passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

APPROVAL OF THE SEVEN OAKS PLANNED UNIT DEVELOPMENT PRELIMINARY PLAN

Administrator Hartman said that this development consisted of 295 single family units on 207 acres. Mr. Green, the developer, was present and provided the Council with a revised plan. The plan revision provided notational items specifically related to the location of the park site and tentative placement of the water facility. Administrator Hartman said that Mr. Diamond had spoken during the public comment regarding off site improvements that were incorporated into the Annexation Agreement. Baxter Woodman calculated a proportionate share of the off site improvements, in the amount of \$42,380.00, which the developer agreed to pay.

Administrator Hartman said that the approval conditions requested by the PZC were provided to the Council Members at the meeting. He apologized for not providing this information sooner. The recommendations from the PZC included: 1) All references in the architectural control guidelines which are in violation of the zoning ordinance be removed from the architectural control guidelines; 2) Aluminum siding be removed from the list of approved materials on page 9 of the architectural control guidelines; 3) Five foot (5') setback of the garages from the front of the house in neighborhoods 2 and 3; 4) Garages will be two cars wide facing the street; 5) No windowless walls and the rear elevations will be similar or treated similar to the front elevations; and 6) Bike paths would not be made of asphalt, they are to be constructed of concrete on all streetscapes.

Administrator Hartman said that the agreement reflects and alternate route for the sanitary sewer to follow Park Drive and Briden Drive. There is a concern that adding 295 residential units to that line may exceed its capacity of the eight inch (8") sewer system. The City Engineer suggested that language be added that placed restrictions on the amount of usage by the development as well as flow measurements being required. Should flow measurements show the need for upgrading lines, it will be the requirement of the developer to install such lines. The developer had no issues with the addition to the language with regard sewer.

Alderman Signore wanted to make sure that the Annexation Agreement or covenants could be enforced with reference to architectural guidelines. Attorney Arevalo said that the guidelines, once in place, would be enforced through the building permit process. Any substantial variance to the proposed elevations would require City Council approval.

Jerry Doane, the President of the Park Board, was concerned about the sewer lines running through the Park District. Darryl Gavle, the City Engineer, explained that connecting to and/or through the Park District was not the preferred plan, but an alternate plan, which would be accommodated if there was no other development west of Meyer Road. The preferred plan was to follow the Western Plan for waste water service, which included a major pumping station north of Route 20. This pumping station had the capacity to handle not only this development but other areas farther to the west. Mr. Doane was informed that the Annexation Agreement did not provide for any restrictions to the land use for that land donated to the Park District.

It was agreed by the Council that the requirement of garages being two cars wide facing the street be deleted, that the bike trail be either asphalt or concrete at the direction of the City of Marengo, that there be a five foot (5') setback on all three car garages, that the final plan and plat would be filed within eighteen months of sewer being available at Meyer Road, that the City of Marengo water facility be relocated to south of the collector road, rather than north of same and that a full masonry front would not obligate the developer to a full masonry rear elevation, only that the detail be similar to avoid generic rear elevation applied to all units.

Alderman Shelton made the motion to approve the Seven Oaks Planned Unit Development Preliminary Plan dated October 15, 2007, which was seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

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ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF ANNEXATION AGREEMENT (MARENGO DEVELOPMENT LLC)

Alderman Signore made a motion to approve the Ordinance Approving and Authorizing the Execution of Annexation Agreement with Marengo Development LLC, subject to final review by Attorney Cope. The motion was seconded by Alderman Secor and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall, Secor and Mayor Lockhart.

ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF MARENGO (MARENGO DEVELOPMENT LLC)

Alderman Shelton made a motion to approve the Ordinance Annexing certain territory to the City of Marengo to Marengo Development LLC, which was seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

ORDINANCE ZONING CERTAIN NEWLY ANNEXED TERRITORY AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND GRANTING VARIATIONS (MARENGO DEVELOPMENT LLC)

Alderman Secor made a motion to approve the Ordinance Zoning certain newly Annexed territory and granting a Special Use Permit for a Planned Unit Development and Granting Variations to Marengo Development LLC, as amended with the following changes: Section 3, Paragraph 3, strike continuous adjoining concrete and replace with asphalt or concrete at the direction of the City; Section 3, Paragraph 4 to include language providing for the modifications discussed by the City Council on October 22, 2007 be incorporated into the architectural guidelines; Section 3, paragraph 5 to add where it says building material, "architecture and architectural details to be that of the front elevation"; Section 4, Page 4, strike "one year of the effective date of this ordinance" and replace with "one year after the date the sewer is available at Meyer Road". The motion was seconded by Alderman Hall. The motion passed with an aye voice vote from Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

ORDINANCE ESTABLISHING A NO PARKING ZONE AT THE INTERSECTION OF FORD STREET AND WEST PRAIRIE STREET AND AMENDING SECTION 15.04E OF THE MARENGO MUNICIPAL CODE

Alderman Secor made a motion to table discussion of the Ordinance, which was seconded by Alderman DeBoer. The motion passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

OLD BUSINESS

AUTHORIZATION TO RELEASE REQUEST FOR PROPOSALS: RTAP

Assistant Administrator Blakemore reported that he had consulted with RTAP project manager and a new timeline was set up for releasing the Request for Proposal (RFP). He said that language had been added to the RFP stating that no more than ten percent (10%) of the contract is to be invoiced prior to May 2008. The new budget would be effective May 2008 and the budget would be set up to have the funds available for the remaining contracted amount. At the last City Council Meeting, Alderman Smith had voiced a concern regarding the financial impact to the 2007/2008 budget, as funds were not budgeted for payment of the contract. Mayor Lockhart asked if Alderman Smith if the information provided has sufficiently addressed his concern and met with his approval. Alderman Smith said, "Yes."

Mayor Lockhart asked if anyone else had any questions or comments.

Alderman Shelton wanted to verify that the City was responsible for choosing the firm handling the RTAP contract. Assistant Administrator Blakemore said that the City would make that decision. Administrator Hartman informed the Council that, per the process of the Comprehensive Plan, the Community Development Committee (CDC) would interview the potential contractors as the CDC is the front line for the interviewing process. The CDC makes recommendations to the City Council. Alderman Smith said that a member of the Transportation Committee could be part of the steering committee. Assistant Administrator said that the addition of the Transportation Committee member would be for the project as a whole and not as part of the steering committee.

Alderman Bradbury made a motion to approve releasing the RFP for RTAP, which was seconded by Alderman Secor. The motion passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart had no statements or reports, but wanted to let everyone know that the Main Street, Inc. and the downtown merchants were hosting a Halloween program for trick-or-treaters.

DEPARTMENT HEAD AND STAFF REPORTS

ASSISTANT ADMINISTRATOR

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The City Administrator's report mentions Prairie Shield Regional Alliance (PSRA). This is a regional group consisting of municipalities, counties, fire protection districts and other agencies. The goal of PSRA is to improve the interoperability of telecommunication systems. PSRA will be applying for the Public Safety Interoperability Communications (PSIC) Grant, which provides funding for multi-agency groups to improve telecommunication interoperability. The PSIC Grant offers \$13 million to be distributed over a three year period. The amount that PSRA may get is undetermined, however any amount that is received would be shared among the PSRA members. The cost of membership is a one-time \$2,500.00 fee.

There was some discussion as to what the membership would entail and the value of the membership.

Alderman Bradbury wanted to know why IDOT was unwilling to grant the easement the City requested and whether the City had any recourse. Superintendent Craney said that IDOT requires the City to utilize its permit process. It was implied by IDOT that the City would most likely be granted access when necessary, but the permit process would need to be followed each time the City needed access. Although IDOT was willing to allow access, they were unwilling to give written permission in the form of an easement.

Administrator Hartman said that he and Superintendent Craney had a lengthy conference call with IDOT. Administrator Hartman felt that since IDOT was negotiating land acquisition with the City, this was the best time to approach IDOT regarding the easement. Administrator Hartman confirmed that IDOT was adamant that it would not provide an easement, but said the City would have no problem in obtaining the permit. Administrator Hartman asked that IDOT confirm that in writing, it was unwilling to do so.

Alderman Bradbury wanted to know about the issue with Brookside Meadow III construction traffic. It was explained that the developer failed to apply for the permit extension to allow for construction traffic on a county road. Mayor Lockhart said that the City was attempting to set up a meeting with the Brookside Meadow III developer and some of the County Board members in an effort to quicken the application process. Mayor Lockhart said that in his opinion, the County has not been very cooperative.

BUILDING DEPARTMENT

Building Commission Shull provided a report for review. Building Commissioner Shull said that there was some commercial activity at the Northwest Center for Commerce. "Joe's Place" is undergoing excavation. The plans have been submitted. He added that Joe's brother, John Miceli, who owns the property to the east of the new "Joe's Place" location, is working on plans for a new warehouse and office facility, and the November Planning and Zoning Committee meeting may include Karsten's looking to move to the area as well. He then discussed the photo array that was available for viewing. The photos showed areas in the City that had gravel parkways. He welcomed the Council to view the photos and offer any suggestions and/or comments.

Alderman Signore said that because of all the rain this year, the City saw considerably more sand and gravel in its sewer system. He said that the Community Development Committee was reviewing the problem areas to see what could be done.

PUBLIC WORKS

Superintendent Craney said that he had submitted reports. He said that Maple Street construction has begun and the watermain has been hit three times. It appears as though the watermain does not follow a straight line. The Street Department is attempting to finish some last minute street repairs before winter. There were no questions for Superintendent Craney.

POLICE DEPARTMENT

Deputy Chief Hallman had a report he had submitted for review under separate cover. Deputy Chief Hallman said that Settlers' Days was uneventful, as far as any problems were concerned. There were no questions for Deputy Chief.

ENGINEERING DEPARTMENT

Darryl Gavle of Baxter Woodman was present and said that the report had been submitted. Mr. Gavle said that as a follow-up to questions from a previous meeting, he brought a handbook for sanitary sewer backup control. He said that the handbook was plagiarized from the Downers Grove Sanitary District. Mayor Lockhart thanked Mr. Gavle for bringing the information.

CITY ADMINISTRATOR

Administrator Hartman said he submitted a report in the packet. He wanted to remind the Council and members of the public that the first regularly scheduled City Council Meeting would be held Tuesday, November 13, 2007 in observance of Veteran's Day.

The City received net proceeds from the McHenry County Council Government Auction in the amount of \$1,164.21. The money will be placed in the general revenue account.

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Although the report states that there is nothing further to report on Trails of Marengo, Administrator Hartman said that Mr. Schmuckal met with him at City Hall and discussed sharing the cost of a sub-area plan. This would be a Northeast Plan to give the City Council direction to identify development and transportation needs for the area. Administrator Hartman said that he and the Mayor met with the Bartmans previously and discussed the topic. Mr. Schmuckal was in favor of sharing the cost, Administrator Hartman was going to discuss this with the Bartmans. Alderman Signore said that he would like to have the sub area plan done in-house as a possible option. Administrator Hartman said that it was always an option and could be done in-house beginning with the Transportation Committee. The Transportation Committee would provide the forethought of the major collector network and connection to Route 176, subject to the approval of IDOT. He said that it may not be as pretty and may not contain the "buzz" words, but it could be done.

Alderman Signore said that a sub-area plan prepared by the City would allow for the City to create what it needs and wants. Mayor Lockhart agreed and said that it would also include public input and public hearings. He suggested that there may be several areas that could be done in-house rather than be outsourced.

ATTORNEY

Attorney Arevalo had no report, and there were no questions for the City Attorney.

Mayor Lockhart asked if anyone else had questions or comments. Alderman Bradbury wanted to know if Marengo Economic Development Committee was doing anything to promote small businesses moving into the vacant stores in the downtown Marengo area. She said it was a little disheartening to see development in the County and the amount of taxes the developments provide, then nothing in Marengo. Mayor Lockhart agreed. He said that he believed that the EDC was having issues bring new development to Marengo due to population. He said that there were rumors of another drug store coming to town, however no documentation has been filed with the City at this point.

Mayor Lockhart offered to have the EDC come to a City Council Meeting in November and provide a report. Alderman Signore also wanted status of the Hotel.

ADJOURNMENT

Mayor Lockhart asked for a motion to adjourn the October 22, 2007, Marengo City Council meeting at 8:52p.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