

**CITY OF MARENGO
COUNCIL MINUTES
NOVEMBER 26, 2007**

CALL TO ORDER

At 7:03pm, Mayor Lockhart called to order the November 26, 2007 Marengo City Council meeting and then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

There was no public participation at the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: November 13, 2007 Regular and Executive Session Minutes
2. ORDINANCE AMENDING THE MARENGO MUNICIPAL CODE REGARDING CONSTRUCTION OF UTILITY FACILITIES IN THE RIGHTS OF WAY
3. ORDINANCE ESTABLISHING CHAPTER 27, CABLE/VIDEO SERVICE PROVIDER FEE IN THE MARENGO MUNICIPAL CODE
4. ORDINANCE ESTABLISHING CHAPTER 28, CABLE & VIDEO CUSTOMER PROTECTION LAW, OF THE MARENGO MUNICIPAL CODE

The Approval of Minutes was removed from the consent agenda as the Council Members only received the minutes to review Sunday evening and the Executive Session minutes would need to be discussed in Executive Session. Alderman Shelton moved that the remaining items on the Consent Agenda be approved. The motion was seconded by Alderman Secor and passed with an aye voice vote by Alderman: Shelton, DeBoer, Hall, Bradbury, Secor and Signore.

NEW BUSINESS

2006/2007 COMPREHENSIVE ANNUAL FINANCIAL REPORT

George Roach, of George Roach and Associates, P.C., conducted the audit and was present for the meeting. He said that the audit did not uncover any irregularities or any questionable items within the internal control structure.

Alderman Smith arrived at 7:08pm.

Mr. Roach briefly explained the report provided and the exhibits attached. He said that this year, one series of bonds was retired and next year another series of bonds will be retired, which will leave only two bond series remaining. Administrator Hartman further explained that the bond series that was retired, for 1997, and the one scheduled to be retired in 2008, the 2000 bond series, were refinanced to a lower interest rate, or advance refunding. The debt service payments would be consistent in an aggregate amount as they payments would cover the 2003 and 2005 bond series.

Alderman Signore wanted to talk about the page in the report that reflected the combined budgetary-basis statement. Alderman Signore felt that the page reflected a "bleak picture" of the City's financial situation. He was concerned that the City of Marengo had almost \$225,000 more in expenditures than revenue. Alderman Signore asked Mr. Roach if there was a suggested amount, or number of months, that a city should retain in the general operating fund. Mr. Roach said that there was really no suggested minimum amount or number of months to be retained in the general balance. Alderman Signore wanted to know the balance currently in the General Fund. Administrator Hartman said that as of the end of September, the General Fund account balance was \$987,600. At the end of October, the balance was \$1,110,369.

Mayor Lockhart asked if anyone else had any questions. Mr. Roach said that if any of the Council Members had questions, he or she could call him.

Alderman Shelton asked Mr. Roach his opinion of the City's position for bonding. Mr. Roach said that bonding would be dependent upon revenues, expenditures and current outstanding bonds over a three year period. He said that if the City needed \$100, it would need to generate \$125.

Alderman Signore said that he brought up the deficit on the financial report in order to bring this to the attention of the other Aldermen and to emphasize he did not want the City to "abate ourselves into a big hole". He said, "There are some projects that would take place in our community without a tax abatement and right now we have a general fund balance but it is half of what it was when I started and I am not proud to say that. I think that is something we always have to have in the back of our minds."

Alderman Signore then made a motion to accept the fiscal year 2006/2007 comprehensive annual financial report prepared by George Roach and Associates. The motion was seconded by Alderman Hall and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

CONCURRENCE FOR EASEMENT AND ACQUISITION OF CITY PROPERTY FOR IDOT ROUTE 23 BRIDGE RECONSTRUCTION PROJECT

Superintendent Craney said that these are the parcels that IDOT has requested in order to raise the bridge over the Kiswaukee River. IDOT has included a driveway off the north side of the parcel. Superintendent Craney explained that IDOT was not willing to give the easement over the property as requested by the City, but were willing to assist the City with the required application process. The City had been hoping to negotiate the easement with the acquisition of the property, however, the concern was that IDOT would take said property without any financial benefit to the City. IDOT implied the City would have "no problem" obtaining permits and/or easements should the City limits expand to the North, but were unwilling to give the City anything in writing to that effect.

Administrator Hartman said that IDOT did make considerable changes to provide the City with access to other City owned property in the area. The original IDOT design made a ten acre parcel owned by the City virtually inaccessible.

Alderman Smith wanted to know if the application for the permit could be applied for immediately and, if the permit was approved, would it be good indefinitely or for a limited period of time. Superintendent Craney said that before a permit could be requested, the City would need to provide plans and engineering design for the improved area. The City Engineer said that permits are valid for one year. If construction or the proposed upgrades do not begin within that one year timeframe, IDOT could disallow the permit.

Alderman Bradbury said that it was nice that the Council was made aware of the situation, but did not give the Council much choice. Alderman Smith then made a motion to authorize Mayor Lockhart to sign the Concurrence with the IDOT proposed acquisition and proposed improvement. The motion was seconded by Alderman Bradbury and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

SECOND QUARTER FINANCIAL REPORT

Administrator Hartman said that the City lost some ground from the first quarter report with respect to budget projections. Administrator Hartman explained the position of the City now as opposed to where the City should be, based on historical trend.

Alderman Shelton questioned the inconsistency mentioned from the last report. Administrator Hartman said that a cell in the spreadsheet he used to provide the report did not carry over

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correctly. Alderman Smith wanted clarification on cumulative projections for the past six months. Administrator Hartman confirmed that the City has been below projections for the last five of six months. The Seven Oaks development will provide the City with impact fees which will appear on the third quarter report.

Alderman Signore said he appreciated the Mayor agreeing to providing the quarterly reports to the Council Members, which he felt were much easier to follow than the month-to-month treasurer report. He said, "However, I do think we need to keep in mind, number wise, where we are at and we need to be choosy when we give abatements and preferential treatment to folks coming into town, because whether it's a TIF district or whether it's a tax abatement on a commercial property, it is money that we won't see. So, from the standpoint of a commercial project, my feeling is that you can get that money back in the form of sales tax or other things, but in the form of an abatement or a TIF on a residential project, I don't know if we ever get that money back that we lose, or just not in a timely manner. Something to keep in mind."

Mayor Lockhart said that he appreciated the kind words, but felt it was something that needed to be provided. He said that the quarterly financial report was to everyone's advantage to avoid any surprises.

OLD BUSINESS

There was no old business on the agenda to discuss.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart said that he is sure the Aldermen have seen in their packets information on Walgreens. He said that Alderman Trainor had written a four-page email outlining her issues. Mayor Lockhart said that application process for Walgreens needs to be moved along as quickly as possible, as closing is pending for the end of March, 2008. The developer wishes to begin demolition as of April 1. If the building is not completed before Labor Day, Walgreens will then postpone moving into the building until after the first of the year. He said that there was very little time for the City to work on this and strongly suggested that "everyone get together and see if we could get it worked out as soon as possible". Mayor Lockhart referenced one of the issues Alderman Trainor listed in her e-mail and said the omission of curb cuts on Route 23 and Route 176 were the recommendations of IDOT. He said that according the survey the City previously conducted, the members of the community would like to see a Walgreens in Marengo. He requested that the Council review the material included in the packet and work in a joint effort to fast-track the process.

The developer for the Walgreens building would be appearing before the Transportation Committee on December 1, the Planning and Zoning Committee on December 3, then would hopefully be brought to the Council Members for review on December 10. Mayor Lockhart asked if anyone had a problem with the proposed schedule. He hoped that the Aldermen could work together to allow approval as soon as possible.

DEPARTMENT HEAD AND STAFF REPORTS

ASSISTANT ADMINISTRATOR

Joshua Blakemore, the assistant to the Administrator, had no report

BUILDING DEPARTMENT

Building Superintendent Jayson Shull was not present at the meeting, however, did provide a building department report for review.

WWTP AND PUBLIC WORKS DEPARTMENT

Superintendent Craney said that a report had been provided for Council review. The last brush pick-up for the year had been started. He said that he expected the department to be active over the next couple months.

POLICE DEPARTMENT

Deputy Chief Hallman said that reports had been provided. He provided a brief synopsis of the K-9 detail, which was conducted on the twenty-first. The Marengo Police Department worked in conjunction with the McHenry County Sheriff's department and its K-9 detail for traffic enforcement. The detail afforded a couple arrests, eleven citations, twenty-two written warnings; McHenry County had three citations and one warning. The K-9 was utilized at five of the traffic stops with negative results.

Alderman Smith asked for status on the "alcohol sales to minors" hearing. Mayor Lockhart said that all but one of the citations issued were to first time offenders. Each of the first time offenders was fined \$500.00 plus the pro rata share of the hearing and transcription costs. This was the second offense for one of the businesses, and that hearing was set for December 6, 2007. Mayor Lockhart said that in addition to the fine imposed by the City, the individual that sold alcohol to the minor was also ticketed and would be fined. Mayor Lockhart said that the alcohol sales compliance was at a disappointing low of 47%. He said that typical compliance throughout the state is 85%.

Alderman Smith wanted to know if there were programs available to business owners to assist in spotting fake IDs. Mayor Lockhart said that Basset Training was not only available, but mandated to issue liquor licenses, however, that mandate only extended to the owner or manager of the establishment. He added that the Police Department was willing to provide training to employees.

Alderman Bradbury said that she wanted to commend the Police Department with joining the advocacy program with Turning Point. She said that Turning Point was a fabulous organization and she was pleased to read that the Marengo Police Department was working closer with them. Mayor Lockhart added that Turning Point provided a much needed program.

Alderman Signore wanted to know if an acceptable dispatch proposal would be forthcoming for the City Council Meeting on December 10th. Deputy Chief Hallman said it should be available on the 10th.

ENGINEERING DEPARTMENT

Eric Marauskas with Baxter and Woodman said that a report had been submitted and would answer any questions the Council Members had.

Alderman Shelton wanted to know if the Maple Street project had been completed, up to its current point, without any additional cost. Superintendent Craney said that he thought there would be some additional cost, but he has not yet received notification yet. Alderman Shelton suggested that if some of the issues were the fault of the contractor, the contractor should absorb those cost. Superintendent Craney said that he would argue that point.

Reference was made for payment to the contractor for the Maple Street project. Alderman Signore wanted assurance that the City would not be paying the contractor for any items not yet completed. Superintendent Craney said that the City would be provided another invoice for additional cost. The recommended payment was for Pirtano Construction, who has completed its phase of the Maple Street project.

CITY ADMINISTRATOR

Administrator Hartman said that he included a report in the packet. He advised the Council that the final notification had been sent out for the lead content in City water. The lead content had exceeded IEPA requirements in 2005 and the IEPA requires that certain notifications be sent to the homeowners. He said that the content of lead in the water was dependent upon several things. Older homes may have lead water pipes as well as a lead service line. Administrator Hartman said that there are twenty plus or minus houses designated as testing facilities. There

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can be no water usage for an eight hour period at the testing sites. The first draw of water must be used to fill the containers that will be tested. He explained that although household factors contribute to the lead findings, the City is still required to send out the notifications.

Administrator Hartman said that Main Street was up to its \$15,000 donation level and he reminded the Aldermen that the City had agreed to match the \$15,000 donation.

Alderman Shelton wanted to know the progress in the Deputy Clerk recruitment. Administrator Hartman said that a second offer letter had been sent out last week and he was awaiting a response.

Alderman Bradbury wanted to know the frequency of the lead testing. Superintendent Craney said that he believed testing was completed every four years.

Alderman Bradbury wanted to know when the City would be receiving its dedicated line required for the software upgrades. Administrator Hartman said that AT&T has not yet provided an installation date. Alderman Smith said that he would be the City's advocate if Administrator Hartman would provide him with the required information.

Alderman Bradbury said that she would like to publically commend the Planning and Zoning committee for "their expediency on moving these projects along." She said that the committee members were very well prepared and asked excellent questions. She said that she was very pleased with how quickly PZC was "getting out businesses through."

EXECUTIVE SESSION

Alderman Signore made a motion to move to Executive Session to discuss Executive Session minutes and for personnel. The motion was seconded by Alderman Smith and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

Upon returning from Executive Session, Alderman Secor made a motion to approve the November 13, 2007 Regular Session City Council Meeting minutes. The motion was seconded by Alderman Signore and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

Alderman Signore then made a motion to approve the November 13, 2007 Executive Session meeting minutes, subject to the modification as discussed in Executive Session. The motion was seconded by Alderman Shelton and passed with an aye voice vote by Alderman: Bradbury, Smith, Shelton, DeBoer, Signore, Hall and Secor.

ADJOURNMENT

Mayor Lockhart asked for a motion to adjourn the November 26, 2007, Marengo City Council meeting at 8:12p.m. Alderman Hall so moved; seconded by Alderman Secor. The motion passed with a unanimous aye voice vote.

Submitted by: Theresa A. Hoschouer,
City Clerk