

**Marengo City Council Minutes
April 10, 2006**

CALL TO ORDER

Mayor Lockhart called to order the April 10, 2006, Marengo City Council meeting at 7:03 p.m. and then led the “Pledge of Allegiance”.

ROLL CALL

Present for roll call were: Mayor Lockhart, Alderman Signore, Alderman Spear, Alderman Secor, Aldermen Genot, Alderman Trainor, Alderman Otis and Alderman Jennings. Alderman Shelton was absent.

PUBLIC PARTICIPATION

Jerry Doane, President of the Marengo Park District, addressed the members regarding Grand Pointe Homes. He stated the Park District has not met yet with representatives from Grand Pointe Homes. He had seen temporary plans that show a small park which the Park Board is totally against as little parks are a maintenance nightmare. The Park District would rather see cash in lieu of land. They will be meeting with them at their meeting next Wednesday. He felt the members couldn't approve this tonight as the Park Board has not signed off approving this project as required by our Subdivision Ordinance.

TREASURER'S REPORT

The budget trend report, the financial statement and the statement of accounts and investment holdings were included in the packet.

Treasurer Hall stated the Treasurer's Dept. would be sending out for bid rates on CDs for six months to a year as interest rates are on the increase. We could look at a longer term but the issue with this is there is not a huge spread between a one, five and ten year term.

Alderman Otis made a motion to approve the Treasurer's report; seconded by Alderman Signore. The motion passed with an aye voice vote from Alderman: Signore, Trainor, Genot, Jennings, Spear, Secor and Otis.

NEW BUSINESS

APPROVAL OF THE MARCH 27, 2006, COUNCIL MINUTES

Alderman Otis made and Alderman Jennings seconded a motion to approve the March 27, 2006, Marengo City Council meeting minutes. The motion passed with an aye voice vote from Alderman: Secor, Otis, Spear, Signore and Jennings. Alderman Genot and Trainor abstained.

LIST OF BILLS

There were several questions regarding the list of bills for spray deodorant, zoning map revisions, pliers set, Teska engineering (planning services), line location service for 21804 W Grant (for the record-is located next to House of Bottles, not in the country) and how our retained personnel fund worked.

Alderman Signore again mentioned the negative balance in the general corporate fund. Administrator Hartman advised this was correct; however, we will be receiving revenue money in April to bring that amount down as we received a \$30,000 check today from the State.

Alderman Signore advised we could make adjustments during the course of the year if we know we are going to be in the arrears. Alderman Signore felt it was too late to do anything this year but felt in the future, if they notice a trend in spending, then perhaps the departments would not be able to make all the purchases allocated during the budgetary process to keep us in the “black” or break even.

Alderman Secor made a motion to accept the list of bills; seconded by Alderman Genot. Motion passed with an aye voice vote from Alderman: Jennings, Otis, Trainor, Spear, Secor, Genot and Signore.

SPRING FLING REQUESTS

We have received several requests for approval from Settlers Days Inc. including waiving the permit fee for the carnival and advertising on the community sign for a week and the closing of parking lot 2 on Thursday, Friday, Saturday and Sunday, April 27-30th in order for them to have their annual “Spring Fling” fundraiser.

Alderman Otis made a motion to approve the request; seconded by Alderman Trainor. Alderman Signore had a question, however. He wanted to know if we were going to have any opportunity to review what is going to be set up in the parking lot. Administrator Hartman advised Chief Kottke and Supt. Craney were going to be meeting with them regarding the setup. Historically, however, we have not signed off on what specifically they were going to put in place. We could require this if the members so choose. Alderman Signore felt they should be in a position to say yes or no with the activities that go on as it is on our property and we should have a sign off on the activities to determine if they present an issue for law enforcement or safety in general. We know what we are getting with the amusement rides company but what else would we be getting?

Administrator Hartman advised if they wanted this as a requirement for next year, he would put it in their approval letter this year. It was suggested to start this in fall for Settlers Days.

Alderman Signore did not see us as an additional insurer on the certificate of insurance from Settlers Days. He would like to see a new certificate from them.

A motion was made and seconded to approve the request with the condition we receive a new certificate of insurance listing us as an additional insurer from Settlers Days Inc. The members were advised there already was a motion on the floor.

Alderman Otis then amended her motion to approve the requests subject to the provision of the certificate of insurance listing the City as an additional insured; seconded by Alderman Trainor. Motion passed with an aye voice vote from Alderman: Trainor, Genot, Secor, Spear, Signore, Jennings, and Otis.

MAPLE MEADOWS/GURKE CONCEPT PLAN PRESENTATION

The Planning & Zoning Commission and Teska Associates made some recommendations to the concept plan Mr. Gurke presented on March 21, 2005. The Commission gave a consensus for the plan with the revision date of 2/20/06 to move forward. The PZC, however, requested the building backing up to Maple Street be brick constructed to provide an aesthetic appeal to the Maple Street streetscape which the petitioner agreed to and the Commission also recommended the City not allow the renewal of the cell tower when it expires in 12 years.

Mr. Gurke contacted Administrator Hartman regarding the cell tower. He would like the members to reconsider renewing the cell tower lease. The members also received a letter in their packet from Crown Castle asking the members not to restrict or limit Mr. Gurke's ability to extend the term of the lease and listed their reasons why.

Mr. Gurke gave his presentation for Maple Meadows. He stated he and his wife concurred about the homes being made of brick. However, they would like the members to remove the rider of the cell tower as it provides a service to the community and would have to be replaced elsewhere in the community. The tower is located on one lot and the lot buyers would be aware of the tower as it is included in the covenant when they purchase the lot.

They would like to get the members approval, but were asking to have it tabled tonight as there seems to be some discrepancy on the height of the tower and would like to have this resolved before they vote on it.. There were representatives from Crown Castle to answer any questions the members might have on the tower as well as Matt Stahl, engineer for the project.

Mr. Gurke, Mr. Stahl and Mr. Webber answered questions regarding where the property lines were for the development, the drop off/berm on Building A, a potential water problem to the landscaper south of this property, pervious surfaces, tower area left as green space, tower being left there, fall zone on property, number of single family and duplexes in plan, reason for not renewing cell tower lease was just a quality of life issue, no different than living by a water tower, no baring on the other cell tower proposed in town, tower has been there 13 years with no problems, duplex unit will be around \$250,000 and single family \$250-275,000.

Mr. Webber, Crown Castle, then addressed the members on the safety of the tower. They have over 12,000 towers. Each tower is inspected, as a matter of policy, twice a year and every five years they actually climb the tower to look at every nook and cranny.

They are painted. If there is any rust on bolts or whatnot, they seal that rust, the mount plates are examined twice a year. So, they do whatever to make sure the tower is safe.

This tower provides a platform for other providers to come into Marengo and use this tower for additional locations which provide more choices to the citizens of Marengo. If the tower is taken down, it will leave a gap in coverage until another tower is located.

Upon receiving the information on the height of the tower from Mr. Gurke, the members will then decide if they are in agreement with the concept plan for Maple Meadows.

CORAL BROOK SUBDIVISION PRELIMINARY PLAT AND ZONING APPLICATION-GRAND POINTE HOMES

The members were advised a letter is to be received from Marengo School Districts and Park District prior to the members voting on approval. The Park District will be given the presentation for this subdivision at their meeting next Wednesday per Mr. Zirk, Grand Pointe Homes. Mr. Zirk stated the Teska sub-plan has small parks included in the plan and that is what they went by and tonight Mr. Doane stated the Park District is opposed to this kind of park.

Since we do not have a formal approval from the Park District, Alderman Genot made a motion to table this item. Alderman Trainor thought since there is no action requested on this tonight, it was just to present the proposal and elevations, Mr. Zirk should be allowed to address the members on the plan.

Mr. Zirk gave the presentation. Some of the items included were: where it was located, the zoning of the area, plan is consistent with sub-plan, the lot sizes, types of elevations/homes, commercial area, pervious paving system, ecological wetland /detention area, the park area owned by the Homeowner's Assoc., well site potential, structure of the well house to blend in with the development, traffic flow, landscaping of the plan, bike trail, the width of the streets, street parking of vehicles, tree placement, axis and right of ways to McHenry County Conservation land, and the selling price of the homes.

Mr. Zirk told the members to feel free to walk on this property. Action on the proposed development will be brought before the members at a later date.

ORDINANCE ADOPTING THE IL CONSERVATION CODE 06-4-1

Building Commissioner Shull stated the State of Illinois has mandated a State Energy Conservation Code. To ducktail this on the residential side, a proposal to adopt the 2004 International Energy Conservation Code Supplement has been made part of the ordinance as well. The effective date of the implementation of the use of energy in commercial buildings was April 8, 2006.

Commissioner Shull felt as long as we are mandated to adopt one for commercial; we might as well adopt a residential at the same time.

Alderman Otis suggested the City think about adopting the 2003 International Existing Building Code. This would help the owners of the older buildings, especially in the down town area as they would not have to comply with a stricter code that creates a hardship on the owners.

Commissioner Shull stated adopting this is not as easy as presented here tonight as this is a very in depth book that would take a lot of review time and lots of CDC meetings as this is not something that we can just put on the table and adopt. There are certain parts in this code that may not necessarily fit our standards we have implemented in the past. He said it was a good code book that could compliment the redevelopment of our older structures.

The question was raised if the property owners affected would even be interested as some might not be interested in reinvesting in their property even if certain items were relaxed.

It was suggested to have Alderman Otis go thru this code book and highlight some of the portions she feels we might want to address.

Alderman Signore echoed Commissioner Shull's sentiment that a newer version or form is not always better. Many of the companies he deals with have chosen not to adopt the revised ISO form on many of the coverage's as it is not in their best interest to do so.

After questioning why this was being discussed when they were suppose to be talking about the code listed on the agenda, Alderman Genot made a motion to adopt ordinance 06-4-1, amending Chapter 24.01 (9) to adopt the Illinois Energy Conservation Code and create 24.01 (10) to adopt the 2004 International Energy Conservation Code Supplement. Motion was seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Secor, Genot, Spear, Signore, Jennings, Otis and Trainor.

RESOLUTION 06-4-A OPPOSING SB 2620

This bill was brought to our attention by Attorney Arevalo. The bill proposal would establish a five year term on jurisdictional boundary agreements, require notification to be provided to affected property owners and require a public hearing to be held before adopting a jurisdictional boundary agreement.

Administrator Hartman stated it was probably in our best interest to take a formal position to oppose the provisions of this bill and request Senator Althoff and Representative Franks in their capacities oppose it as well.

Mayor Lockhart stated he had a breakfast meeting with Senator Althoff and Representatives Franks and Tyron during the Governor's Conference in Springfield. He verbally explained to them he felt setting a five year term boundary agreements, in his opinion, was crazy. He felt they were all on the same page. Mayor Lockhart was told they thought this came out of the Hampshire area and he had no problem with the resolution.

Alderman Otis made a motion that we send this resolution down to them with the stipulation that we also send a cover letter to McHenry County Council of Governments; seconded by Alderman Genot. Motion carried with an aye voice vote from Alderman: Signore, Otis, Secor, Jennings, Genot and Spear. Alderman Trainor was absent at the time of roll.

Administrator Hartman advised he would be sending a copy of this to Representative Tyron as well even though he is not a representative for this area as he works together and closely with Senator Althoff and Representative Franks.

RELEASE OF JULY 14 AND 28, 2003 EXECUTIVE SESSION MINUTES

Alderman Signore moved to release the July 13, 2003 and July 28, 2003 Executive Session minutes. Motion was seconded by Alderman Otis. Motion carried with an aye voice vote from Alderman: Jennings, Genot, Otis Spear, Trainor, Secor and Signore.

2006/07 BUDGET DISCUSSION

The members received a copy of the draft budget. Administrator Hartman was looking for discussion/direction. His cover letter explained the methodology used for revenue and expenditures. He explained the difference between the two formats they received.

A motion was made by Alderman Otis to table the 2006/07 budget and have a C.O.W. meeting to discuss this; seconded by Alderman Jennings. Motion passed with an aye voice vote from Alderman: Trainor, Signore, Otis, Spear, Secor, Jennings and Genot.

Some of the items discussed about the budget were: whacking all bottled water related expenses, not renewing the newspaper subscription, getting a magazine for the Planning & Zoning Commission members, getting more help for the Building Dept., Police Dept. responding to more calls already this year than last year, feeling the budget was within reason without micromanaging it, interest income will be higher than listed on draft copy, will be meeting with department heads to see if there is more than can be cut out off, the cost of gasoline, the unknown expenses, budget with money left over or when we know we are going to finish in the arrears, cuts start being made immediately during the course of the year and last minute purchases made as we can't afford them, last minute purchases being made the first purchases, haven't been good money caretakers the last couple of years, had lots of uncontrollable expenses which doesn't make for bad money caretakers, council wanting an additional attorney (Cope) and possible annexation money coming in.

The meeting date to discuss the budget further will be held on April 21, at 6:00 p. m.

ORDINANCE AMENDING CHAPTER 16-SIGNS

Alderman Signore made a motion to table the ordinance amending Chapter 16-Signs as they will be discussing this at the CDC meeting on April 19; seconded by Alderman Jennings. Motion passed with an aye voice vote from Alderman: Jennings, Otis, Trainor, Secor, Spear and Signore. Alderman Genot voted, nay.

OLD BUSINESS

No Old Business for discussion

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart felt he had said enough already tonight but did wish everyone a happy holiday.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

A written report was submitted. Commissioner Shull was asked how many employees were in his department. He replied there were 3 full time and he shared the Public Works Dept. secretary. He felt even though there is quite a lot of development "on the books", given the state of each of the developments and the time it is taking to get each development approved, he felt this fiscal year the department was safe. He thought if they were to get in 15 homes a week to review, the waiting time to get a permit will still be two weeks.

PUBLIC WORKS

Written reports were submitted by the Street Department, WWTP and the Water & Sewer Department.

Street Dept. Foreman, Tom Zwicky, was filling in for Supt. Craney who was out ill. Foreman Zwicky stated he had talked to Steve at the WWTP today. He advised Tom the WWTP's numbers are getting up as to where the EPA will be watching us closely. The gritter machine is causing some problems. It is still running but they are trying to rebuild it to keep it running for the next couple of years until the next phase gets done.

Our engineer once again explained how the EPA will be looking closely at all the permit applications being submitted by developers. He suggested we might want to consider restricting the number of permits given to developers. An example would be rather than give all the permits to developer A, give some to B, C, etc. as this is an issue for us. There is going to have to be a fair amount of effort that is going to be necessary before the City has WWTP capacity over and above what we currently have.

Alderman Otis has requested information regarding the money that was bonded for the WWTP. In speaking to former members, there were three phases for the WWTP and she wanted to know if the money received from the bonds was just for the first phase or for all three as she has been told by previous members, there is money left. So, she wanted to know where it was at and how much. Administrator Hartman will take a look into this.

Alderman Signore found the WWTP report very alarming and felt this would be on the top of his list of important things for the community. Looking at the chapter Attorney Cope provided for their packet on the study for impact fees, he felt it would prudent for the members to engage the services for someone to help guide the ad hoc committee that has been charged to look at our impact fees. He would really like to see some of the developers coming before them, pay for this. We would be foolish not to ask developers right now to sponsor some help so that our committee can get the answers in a timely fashion and we can be in a better position to ask the right question and ask for the right things. This was not a knock at the committee. He just felt they might like some professional help with this.

Alderman Trainor, chairperson of the ad hoc committee, stated in talking to several individuals who deal with this topic, the answers are not going to come from just the three people on this committee in their capacity of knowledge. This didn't mean they weren't adding to the process by researching and meeting with others to see what they are doing. There are things they will need from our engineers and other experts that can supply the committee with the data they need. She personally felt we have to bring in some experts. Some of these experts might be sitting at this table and some may not as this is what has not been determined. She stated what we are trying to do is appropriately address what that development costs this community and the better and faster we can figure this out, the faster we can work forward with a decision. So, it works for everyone's favor in the end. She felt it was worth discussing this with a developer but in the mean time, we should continue the process we have.

Foreman Zwicky stated he stopped over by Gluth Bros. who are doing the sewer hookups on Rt. 20. They should be done by the end of the week He also stopped out by Ed Nadeau who is doing the sewer hookup at Miceli's. They have 225' in so far and have

another 400 + feet left. They have run into some problems-the logistics of elevation. Our engineer explained the problem Ed is facing.

Alderman Otis wanted to know what the legal fees for Miceli were for. Our attorney felt this bill was for trying to work out the agreement and looking at the various options we had, determining what the terms of the annexation were and meetings.

POLICE DEPARTMENT

A written report was submitted. Chief Kottke advised the vehicle safety check point for May 26th will be the same as last year. The State Police will do all the advertising and determine the numbers of cars they stop i.e. every three or every five. We will have three squads and the McHenry County Sheriff's Department will have three squads as well. It will be set up on the east side of town rather than the west side this time.

ENGINEER'S REPORT

A written report was submitted for their review.

CITY ADMINISTRATOR

Administrator Hartman submitted a written report. Orally, he reported Marengo Disposal's bulk collection will begin this Friday. They are going to get out some form of communication to advise the residents of this service.

Mayor Lockhart announced Alderman Trainor, Administrator Hartman and he were going to be meeting with the mayor from Huntley to discuss boundary agreements. He wanted to talk to Huntley before finalizing anything with Union.

Alderman Signore commented he met with Administrator Hartman on Friday morning and he had sent e-mails to the other members except Alderman Genot as he had the wrong e-mail address for him.

It centered on the agenda for tonight's meeting and the amount of material the members are asked to read, comprehend and prepare questions to ask. It was 10:10 pm. already and two items, the budget and sign ordinance, were taken off. If they had not been removed, who knows how long they would be there.

He asked that future agendas be a little more sensitive to the individuals who are being asked to evaluate them. Many of the items might not be new for the administrator and other staff members but are brand new to them. They often do not have time to read the material that will be presented to them a month later because they are trying to work on items that are being presented to them right now.

He has received some replies back and they felt the materials being received were a bit much to receive on a Thursday night. He has asked to get the material more in advance or have the agendas get leaner so they can properly evaluate the information and ask pertinent questions.

Mayor Lockhart asked if it would help to have another meeting a month as some things have to get done in a timely fashion per our ordinances. He suggested saving some the

COW meetings and just going for a third meeting. It was suggested to discuss this as the next COW meeting.

Mayor Lockhart stated he was trying to speed this along as he has received complaints from several aldermen that these things take too long and that's what he is trying to do and they keep getting off of these subjects. So, this will be postponed until the COW meeting.

EXECUTIVE SESSION

At 10:15 p.m., Alderman Secor made and Alderman Otis seconded the motion to go into Executive Session to discuss personnel. Motion carried with an aye voice vote from Alderman: Otis, Genot, Secor, Spear, Signore, Jennings and Trainor.

The members returned from Executive Session at 10:26 p.m.

ROLL CALL

Present for roll call were: Mayor Lockhart, Alderman Jennings, Alderman Otis, Alderman Trainor, Alderman Secor, Alderman Spear, Alderman Signore and Alderman Genot.

POLICE OFFICER AGREEMENT

Alderman Signore made and Alderman Jennings seconded a motion to approve and accept the Employee Benefit Settlement Agreement, Release and Waiver in the amount of \$7,914.21 contingent upon receiving a letter of resignation effective April 8, 2006, from Officer Kelly Given.

The motion passed with an aye voice vote from Alderman: Otis, Trainor, Genot, Secor, Spear, Signore and Jennings.

Mayor Lockhart reminded the members "Clean Sweep" Day sponsored by the Marengo-Union Chamber is scheduled for May 6. It was mentioned it would be nice if they would have a better system to notify the participants if the event was going to be cancelled and suggested perhaps the various Scout Troops could help out for this event.

Other items brought up: the need to cancel the bottled water service, engaging someone for the impact study, the need for a large development to come and help pay for WWTP and trying not to make the same mistakes that have been made in the past.

With there being no further business for discussion, Alderman Jennings made and Alderman Otis seconded the motion to adjourn the April 10, 2006, Marengo City Council meeting at 10:40 p.m.

Submitted by:

Diane L Schwoch,
Deputy City Clerk