

CITY OF MARENGO  
AUGUST 14, 2006, COUNCIL MINUTES

**CALL TO ORDER**

At 7:00 p.m., Mayor Lockhart called to order the August 14, 2006, Marengo City Council meeting. He then led the "Pledge of Allegiance".

**ROLL CALL**

Mayor Lockhart, Alderman Signore, Alderman Spear, Alderman Secor, Alderman Genot, Alderman Otis, Alderman Trainor, Alderman Shelton and Alderman Jennings were present for roll.

**PUBLIC PARTICIPATION**

No one addressed the members.

**NEW BUSINESS**

**JULY 19, 2005, COMMITTEE OF THE WHOLE MINUTES**

Alderman Secor made and Alderman Genot seconded a motion to approve the July 19, 2005, Committee of the Whole minutes. Motion passed with an aye voice vote from Alderman: Shelton, Trainor, Genot, Spear, Jennings, Otis, Secor and Signore.

**NOVEMBER 8, 2005, COMMITTEE OF THE WHOLE MINUTES**

Alderman Otis made a motion to approve the November 8, 2005, Committee of the Whole minutes; seconded by Alderman Trainor. Motion passed with an aye voice vote from Alderman: Jennings, Otis, Trainor, Genot, Spear, and Secor. Alderman Signore and Alderman Shelton abstained.

**DECEMBER 1, 2005, COMMITTEE OF THE WHOLE MINUTES**

Alderman Otis made and Alderman Secor seconded a motion to approve the December 1, 2005, Committee of the Whole minutes. The motion passed with an aye voice vote from Alderman: Signore, Secor, Spear, Shelton, Trainor, Genot and Otis. Alderman Jennings abstained.

**JULY 13, 2006, SPECIAL CITY COUNCIL MEETING**

Alderman Shelton made and Alderman Jennings seconded a motion to approve the July 13, 2006, Special City Council minutes. The motion passed with an aye voice vote from Alderman: Otis, Shelton, Signore, Trainor, Jennings and Spear. Abstaining were Alderman Secor and Alderman Genot.

**JULY 13, 2006, COMMITTEE OF THE WHOLE MINUTES**

Alderman Secor made and Alderman Genot seconded a motion to approve the July 13, 2006, Committee of the Whole minutes. Motion passed with an aye voice vote from Alderman: Spear, Genot, Trainor, Shelton, Secor, Signore and Jennings.

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Alderman Otis abstained.

#### JULY 24, 2006, MARENGO CITY COUNCIL MINUTES

Alderman Jennings made a motion to approve the July 24, 2006, Marengo City Council minutes; seconded by Alderman Shelton. Motion passed with an aye voice vote from Alderman: Signore, Secor, Jennings, Genot, Shelton, and Otis. Alderman Trainor and Alderman Spear abstained.

#### LIST OF BILLS

Alderman Otis wanted an explanation of the cost for Baxter & Woodman's invoice 112975 & 112976 for box culvert structural inspections at Hale & 2<sup>nd</sup> and Taylor and 1<sup>st</sup> and pedestrian bridge inspection at Taylor and 1<sup>st</sup>.

The engineer stated he would have to check on why the bill was just coming thru now as these inspections were done months ago. He would get back to the members with the information.

Alderman Jennings made a motion to approve the List of Bills as presented minus invoice 112975 and 112976 totaling \$8,351.11 for the Baxter & Woodman bill. Motion was seconded by Alderman Secor. Motion passed with an aye voice vote from Alderman: Secor, Genot, Trainor, Shelton, Otis, Jennings, Signore and Spear.

#### GRACE COURT BLOCK PARTY REQUEST

The members received a request for a block part on August 26, 2006, 2-10:00 p.m. for Grace Court in the Doral Ridge/Brayton Knolls Subdivision.

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

#### ORDINANCES CONVEYING LANDMARK DESIGNATION

Due to the fact that the Public Notice Hearing publication for Landmark Designation for property located at 206 West Washington, 329 West Grant, 304 East Washington and 125 South State was not done in a timely matter per our ordinance, it was felt the publication should be done in accordance with our ordinance so no one could come back in the future to question the legality of it. Thus, this item was tabled until a later date. Administrator Hartman and Chairman Wyrostek will touch base tomorrow to discuss what the different options are that we have for this.

Administrator Hartman asked the members for direction as to who is responsible for the payment of the Public Hearing publications, the owner of the property or the City

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as there isn't a set policy in place addressing this. It was decided the City would pay for the publication of these Public Hearing notices.

Alderman Trainor stated she had talked to the Chairman of the Historic Preservation Committee today. She suggested in the future, one public hearing notice could be published for all the properties being land marked to help cut the publishing cost.

#### 2006MFT STREET IMPROVEMENT PROGRAM-BID RESULTS AND CONTRACT AWARD

Even though several bid packets were picked up, we received only one bid from Peter Baker for our 2006 MFT Program. The Program is to mill /resurface Briden Drive from Park Drive to Tioga Trail and Keppler Drive from Park Drive to Eisenhower Drive. An option to do Johnson Drive from Briden to 211' south of Briden Drive and Kennedy Drive from Briden Drive to 180' south of Briden was included in the bid.

The option one bid came in at \$170,895.05 which was about \$6,400 over the budgeted amount and \$204,032.15 with the optional work being done.

Discussion/comments made: Not enough money in the budget to do the whole thing but there is money in the MFT fund to cover the cost of the additional work but in the interest of keeping a balanced budget that could not be accomplished in this fund; will be receiving additional revenue from the special census; some of the MFT reserve money is for the Prospect St. improvement that has been discussed previously; take advantage of having the option done as long as the equipment was going to be here; option if not done, would be a priority probably next year; employees did a great repair job (about 150 T) on West Prairie which was done all by hand; trying to find a machine that would help in making street repairs and there is enough money appropriated to have the optional work done as well.

Alderman Shelton made and Alderman Genot seconded a motion to move to proceed with option 2 with a not to exceed amount of \$204,032.15. The motion passed with an aye voice vote from Alderman: Otis, Jennings, Spear, Shelton, Trainor, Genot, Signore and Secor. The work will be completed by October 14, 2006.

#### DISCUSSION REGARDING UNACCEPTED/UNDEDICATED RIGHT OF WAY MAINTENANCE

Alderman Trainor thanked Administrator Hartman for the information they received regarding the above mentioned as this is what they had asked for at the last meeting.

In the past based on previous direction, the City has taken care of plowing of undedicated streets. Administrator Hartman felt now would be the time to determine

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whether or not to charge for this service because if we do charge, the developer has to be notified before the snow falls.

Discussion/comments were: For safety sake, would like City to be responsible for plowing and bill developer; what amount of snow determines discretion to plow; the Street Dept. should not have to determine whether or not to plow unaccepted streets; Street Dept. currently plows thru unaccepted streets more than one time; Street Dept. in the past has been told if people live there, the streets have to be open for emergency services; the developer should be given notice of this if it is going to be a policy; should have a clear defined responsibility so it does not put the Street Dept. on the spot as to when to start plowing the streets so the developer doesn't come back to say they had their trucks ready to go and might have an issue then of paying their/our trucks for plowing; if City plows, the plowing will be consistent with the way the other streets are being plowed; individuals won't have any different services than other residents do in the City if we do the plowing; developer should have to pay for plow damages if manholes are not at grade or until final lift is on; will have these charges in future annexation agreements, per City Code 6.11, if one or more Certificates of Occupancy have been issued for any structures located on an unaccepted street, the subdivider or developer shall be responsible for snow and ice removal. If required by the City, a subdivider or developer shall enter into a contract with the City for snow and ice removal. The cost of such service shall be approved from time to time by the City Council using the IDOT approved cost schedule; our Public Works Dept. would probably be faster on the scene to snow plow than a private contractor on the undedicated streets; not having enforced 6.11 of our code previously does not mean we can't start now, as it is on the books; perhaps we should start thinking about keeping the manholes out of the street; our code provides for water in the parkway and sanitary sewer in the street; sewer lines are put in the streets for maintenance purposes; if sewer lines are in the street, entire roadway has to be tore up for repairs versus the parkway; watermain break more frequently than sewer lines so it makes more sense to put them in the parkways as you are just breaking up dirt as opposed to asphalt and concrete; snowplows are damaged by manholes and advise the developer will be charged for any damages done to the plows as well.

The administrator was directed to inform the developers with undedicated streets that we will be enforcing 6.11 of our code and charge for snow plowing and for any repair/replacement of snowplow damage which will include any damage to the truck.

## **OLD BUSINESS**

### **ORDINANCE 06-8-1, AMENDING CHAPTER 16-SIGNS AND CHAPTER 1-GENERAL PROVISIONS**

Alderman Genot made a motion to approve the revisions to Chapter 16, per the attached Exhibit A of the Marengo Municipal Code and Chapter 1.07, Citations and August 14, 2006

Hang on tickets to be amended as read in the attached Exhibit B. Additionally, the Marengo Historic Preservation Commission will be charged with the responsibility of

reviewing proposed sign permit applications within the overlay as defined by such ordinance; seconded by Alderman Otis. Motion passed with an aye voice vote from Alderman: Spear, Trainor, Secor, Otis, Signore, Jennings, Genot and Shelton.

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

Mayor Lockhart announced tomorrow the Marengo Historic Preservation Commission will have the Illinois Main Street Program representatives here. They will be touring the downtown area at 10:30 am and will have a lunch presentation at Flatlander's Market at noon.

Discussion ensued about a roof painted a bright orange in the commercial area. Building Commissioner Shull was asked if shingles could legally be painted. He stated he would have to check on the manufacturer's specifications.

It was stated the CDC would be willing to look at some options. Perhaps we could have a visual overlay district like they have with the signs. The administrator was given the directive to check with other neighboring communities to see if they have anything put in place regarding this matter.

Administrator Hartman advised the members West Dundee has an Appearance Review Commission for this purpose. It governs any exterior changes for commercial and non-residential property. He will have the information requested to the CDC for their meeting on September 5.

## **DEPARTMENT HEAD AND STAFF REPORTS**

### **BUILDING DEPARTMENT**

Several reports were submitted by the Building Department. Commissioner Shull reported the Department had a kind of light month in July fee wise but was busy. Single family home permits have slowed down for one reason or another.

Commissioner Shull was asked if economic hardship was a stall tactic for a driveway zoning violation on Taylor Street as this has been going on for some time now. Commissioner Shull stated he assumed this may go back into legal action or more citation will be issued as it have been going on for over a year now and should have been resolved by now.

Alderman Signore asked if any of the members had been to the property located at 701 Ridge (pool setback violation). He had received an e mail from the resident stating he had visited the property and had given a representation that it would be addressed at the Council level. He has never been on the property.

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Alderman Otis stated she had visited the property, left a note stating she had observed it and that's about all she said. Alderman Signore is going to forward the e mail to Alderman Otis along with his response which is to give them the rest of the season to have the pool

where it is located but next season the pool has to be located in the appropriate area. If they fail to do so, further steps will have to be taken. Commissioner Shull felt this was a good idea. He stated his department has been at the site and there is enough area to put the pool in for it to be in compliance.

Alderman Shelton inquired if there was a way we could help the M.O.R.E. facility move along as this has been dragging on forever. Commissioner Shull stated he had talked to Mr. Botts today. Engineering has been a big factor from the beginning. This property has floodplain issues dealing with comp storage, parking, site design and a couple of other issues.

The comments addressed by Baxter & Woodman weren't initially addressed after the first two reviews by their engineer. Our engineer has been trying to get in contact with their engineer; however, they are not returning the phone calls. Commissioner Shull felt we had gone the extra mile above and beyond what they typically do for projects like this. However, with the storm water and floodplain issues there are certain requirements we have to meet to keep everything in compliance.

In regard to the FEMA Digital FIRM Map, Alderman Otis said, "I thought there was a change between the floodway and the flood change based upon what the high school had found out when they built down there."

Commissioner Shull stated the high school was a depressional area that gets a lot of runoff which is ponding. It is not tied to a water course like a tributary or stream. Similar pockets have been removed from the map but anything regarding the ditch thru town and the unnamed creek have not been changed thru lack of funding from FEMA as they have not allocated funds to do any restudying of flood areas. They are just updating the maps in digital format; not the information.

#### PUBLIC WORKS

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

Supt. Craney stated the smoke testing was done on West Grant. They found a 4" field tile that ran directly into the sewer so this will be rectified.

Alderman Signore thanked Supt. Craney for the great repair job the Street Department did on West Prairie.

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Alderman Otis said, "It would be nice to have an explanation to the Council members regarding the information that was shared this morning with the Indian Trails Community

about changing the type of product that you will be hopefully putting in the mains to either suspend or reduce the release of iron into the water.” Supt. Craney stated he was sorry but was unable to attend the meeting due to an emergency dental appointment. So, he could not speak on it.

Mayor Lockhart stated he was at this meeting and Administrator Hartman thought they might be referring to the meeting they had regarding changing the chemical from C5 to a different one and asked if he could give a review on that meeting.

Supt. Craney stated the chemical we are planning to use rather than the current one is supposed to suspend the iron a lot longer. We are hoping it will clean up the mains as well so we will stop getting this rusty water. The company will help to set this up. There is some initial cost the company will absorb to get us started. This chemical is supposed to be cheaper than what we are currently using. We are currently waiting to hear from the State for their approval to use this product.

Our engineer was asked for his comments on why even with water softeners and filtration systems, the water is still rusty. He stated when some chemicals are put in to sequester the iron, it also allows it to pass off thru water softeners as well. It doesn't get chemically removed in softeners. So when you add certain types of polyphosphates, the softeners basically lose their effectiveness. He stated it does differ upon the chemicals added to the water but it is a definite side effect.

The engineer was also asked if he was familiar with the product we are considering using. He was not familiar with it. Administrator Hartman stated this product was a recommendation from Ed Nadeau of the Water Dept. He has done his homework on it. He is the most familiar with our system, knows the issues the system is facing and has to field all the complaints received.

Our engineer stated the only thing that would solve this issue 100% is if we were to put on infiltration units at the well houses to remove it before it gets into the system. We then wouldn't have to rely on the chemicals as they are only effective up to a part per million of iron. Anything over that, it doesn't matter what is added to the water as we will have rusty water period. The cost for this could be a couple of million dollars.

Some of the members felt this new chemical was worth the try. Supt. Craney stated this company said that hopefully in six months, we would see the difference.

Alderman Spear was asked by a resident if speed bumps could be installed at Sponable & Washington as some cars barely stop there. However, he wasn't sure after the August 14, 2006

conversation on snowplowing if this would be feasible. Supt. Craney stated he wouldn't recommend having them. He suggested getting license plate numbers to turn over to the Police Department to see what they could do.

Alderman Spear advised Administrator Hartman it happens at all times of the day, not just a specific time. There are semi trucks that go thru this area as well even though there are signs posted, "Deliveries Only".

Alderman Signore stated he would speak to this as well. He sees a lot of this at four o'clock, five o'clock especially when school is in session. He has seen them blow thru this stop sign and then by the time they get to the end of West Street, they are really, really going.

Supt. Craney suggested putting up Stop signs on both sides of the street but wasn't sure if that could be done. Mayor Lockhart felt it was an enforcement issue and knew Deputy Chief Hallman has written this information down and was sure he would take care of it.

Alderman Signore stated there is a presence of squad cars in this area but maybe they could camp further down Sponable and Alderman Spear's comment was correct in that it was an issue. He thought a "Slow Children" sign wouldn't hurt.

Supt. Craney stated he wouldn't recommend the sign because if it is knocked down, he felt the City would then be liable if someone were to get hurt. He felt we should probably get a legal opinion on this.

Alderman Signore stated instead of leaving the exposed brick, we put a nice pavement down and now the street is skateboard central and kids are in the street all the time.

#### POLICE DEPARTMENT

A written was submitted by the Police Dept. Alderman Signore wanted to commend Deputy Chief Hallman on the grants as he assumed he was the one writing them.

Alderman Shelton inquired on what types of violations were served in the downtown commercial area per the report. He was advised it was a little of everything- speeding tickets, improper lane usage, not stopping for pedestrians in cross walks, etc.

Alderman Signore stated he has noticed a stepped up police presence on Rt. 20. He is very appreciative of this. Deputy Chief Hallman will pass this on.

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ENGINEER'S REPORT

A written report was submitted by Baxter & Woodman. Alderman Genot inquired on the outcome of the discussion they had at the last meeting regarding the posting of the box culvert on Second Avenue and Hale.

Our attorney advised a letter was sent to Administrator Hartman with a proposed ordinance for posting purposes that will probably be on the next agenda.

#### TREASURER'S REPORT

Written reports were submitted by the Treasurer's office. Orally, Treasurer Hall stated were we still getting very favorable rates on our checking account. This is the reason why we have not moved a lot of money at this point.

Alderman Genot felt Treasurer Hall has done a good job making money for the City. Mayor Lockhart commented we have had lots of cooperation from local banks and deserved credit as well for helping us but Treasurer Hall has done a good job.

Alderman Otis wanted to know what Treasurer Hall's projection was for increased revenue at this rate. He felt long term CD's will be getting better rate returns. However, the economy is not as strong or robust with increased energy/gas rates.

Alderman Signore then asked if the engineer had received a copy of the annual report from the McHenry County Council of Mayors. He stated he had not. This report talked about road projects and he wanted to know if Baxter & Woodman represented any of the municipalities listed that were awarded money. He was advised they didn't represent any of the communities listed but they could find out who did.

Alderman Signore wanted to know if this is what we had submitted for Prospect St. He was advised it was. Alderman Signore stated this report stated there were additional funds that haven't been claimed. So, they were calling for additional projects to be submitted. Administrator Hartman advised we have submitted the Maple Street Project for this.

Alderman Signore felt Crystal Lake might be going about this the right way and assumed they submitted more than the three they were awarded. He felt that perhaps by us going for Prospect St. all at once, we got ourselves thrown out. He suggested in the future, maybe we should ask for a mix of projects if we have them.

Administrator Hartman advised these were CMAQ Projects that were awarded to Crystal Lake. He stated he had to back up. The Maple Street Project was submitted for STP funding not CMAQ. CMAQ is basically for air quality to help improve

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traffic flow and traffic control from stuff basically caused from vehicles sitting idling to promote alternate modes of transportation. We didn't submit for CMAQ funding.

Alderman Otis mentioned at a meeting she had attended some time ago, the people there from Crystal Lake commented that the small towns do not request things they could and expressed empathy for communities like ours. She suggested Administrator Hartman be diligent on this and bring information to the Transportation Committee. Administrator Hartman said he would bring CMAQ information as to what grants are available along with the requirements for STP funding.

Alderman Genot asked Deputy Chief Hallman if anyone had come to look for a missing bicycle yet. He was advised they will be doing this August 26 for 8-10:00 a.m.

#### CITY ADMINISTRATOR

Administrator Hartman submitted a written report. Orally, he reported he had a meeting tomorrow with Baxter & Woodman and the County regarding Maple Street-Courtney Lane connection as to figure out what the standards are and secondly, for a temporary axis at that point for the Brackmann development. They will be discussing their temporary construction axis which will help remove some of the construction traffic off of Mildred. The Mayor and Brackmann's have received some complaints regarding this. The County didn't want to meet with them (Brackmann) for the temporary axis until they met with the City.

The members were advised we have received Brackmann's Letter of Credit.

Alderman Signore asked for an explanation of the meeting he and the Mayor will be having with Seven Oaks to discuss financing options for the sanitary sewer line construction.

Administrator Hartman advised they want to talk about a potential SSA with participation of other property owners in the area for funding the sewer line on Meyer Road that will connect to a new lift station required to service this area and any western sanitary sewer line(s). It eventually will work its way to the plant to the tune of about four and half million dollar improvement.

Their project is not large enough to absorb this cost. They have talked to some of the adjacent property owners about participating in a SSA. This is different than a homeowner's SSA. With this one, they will buy capacity in this line to cover the cost of the constructions and then when the properties were to develop, they could pay off the bonds with the sale of the properties and homes.

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They presented information regarding this to the Mayor and himself and explained the concept to them. This is a very common way infrastructure is funded. This would be the City's commitment. They do not want a recapture agreement.

The question was raised as to whether we were putting the cart before the horse in that the WWTP needs to have improvements made in order to accommodate these new projects. Administrator Hartman advised the plans have been submitted and are being reviewed by the EPA. As a matter of fact, the IEPA pretty much expedited their review of our plans.

The question was raised as to how we plan to fund this if this development is having problems connecting with our existing system from a funding standpoint. Administrator Hartman advised as part of the SSA, they would put in contributions for the WWTP. They would fund from the other properties what their capacity would be. They would also buy the capacity at the WWTP expansion so it would provide upfront revenues for construction.

The SSA works on a commitment. The other property owners need a commitment from the City that they are going to be annexed and given a certain amount of density. Once they get this commitment, they will come to the table and buy into the SSA. Once the property sells, they have a guarantee of annexation and a certain amount of density.

Alderman Signore then said, "But in the mean time, we have a mental plant and no way to fund it. Administrator Hartman said, "At this point, yes- 8.5 million dollars for the improvements. Alderman Signore felt it was a creative approach but did not see how it would benefit us. He thought it might be worth a meeting to hear about it.

Administrator Hartman stated, "Where we left it, the Mayor and I left it with getting in touch with the City's attorney, Ron Cope who is very schooled in SSAs and this type of approach for financing infrastructure improvement. He would be the expert to defer to and for any presentation; obviously, he would be the one to advise the City Council on how to approach it."

## **EXECUTIVE SESSION**

Mayor Lockhart asked for a motion to go into Executive Session to discuss personnel, collective bargaining and litigation at 8:30 p.m. So moved by Alderman Signore; seconded by Alderman Shelton. Motion passed with an aye voice vote from Alderman: Secor, Shelton, Otis, Jennings, Trainor, Spear, Signore and Genot.

The members returned from Executive Session at 9:45 p.m.

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## **ROLL CALL**

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

Mayor Lockhart asked if there was any other City business. Alderman Signore stated he would like to request a special meeting of the City Council to review the Comprehensive Plan to see if it is still what they feel is the vision for the City as it has been 3½ years. Alderman Otis and Alderman Jennings agreed it needed to be reviewed.

Alderman Signore stated it didn't mean we had to hire a consultant as the changes weren't "wholesale".

Alderman Jennings stated there were some items that needed to be changed as this is the document that is being held over their head by developers and that is not the way the game needs to be played. We need to establish the rules and make the game so the developer is told we have the document and we have control over developers.

Mayor Lockhart wanted to know what in particular they were looking for. Lots sizes, the type of development like higher density perhaps and more open space were stated. Our attorney advised this could be done in our Subdivision Ordinance.

It was stated the Watershed Group was close to finalizing their report and there are areas that are going to have to be identified as non-buildable for protection for one reason or another. Some of the transportation issues the ad hoc committee is looking at are really not defined and it basically was a good plan but it needs to get tweaked.

It was also noted that Kon Savoy from Teska commented that this wasn't a final document; it's a work of progress.

It was mentioned it appears we aren't even getting proposals that reflect some of the minimum guidelines that have been established by the comp plan in terms of lot sizes. We have a 14,000 sq. ft. minimum and we still keep seeing 9-11,000 sq. ft. lots.

It was decided to set up a meeting sometime after they receive the Watershed Group's recommendation(s).

Alderman Secor commented on the number of real estate signs that go up over the weekend when City staff is not around. It was stated there were more than just real estate signs going up.

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Mayor Lockhart stated these comments were correct but we really don't have City staff working on Saturdays. Down the road, he felt we probably would. Due to the possible Pandemic that is possibly coming, he has asked to have all the people be cross trained as we could lose 4 out of 10 people if this Pandemic does come. He would like to see someone work on Saturday and have a day off during the week. For example, if water needs to be

turned on, someone would not have to come in at 1.5 which would save the City money. He is looking into doing this maybe sometime next spring.

Alderman Genot thought cross training was a good idea as places in the private sector usually do this.

After several comments about weeds and mowing them were made, Alderman Genot made a motion to adjourn the August 14, 2006, at 10:00 p.m. It was seconded by Alderman Trainor. Motion carried with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,  
Acting City Clerk