

**CITY OF MARENGO  
COUNCIL MINUTES  
DECEMBER 11, 2006**

**CALL TO ORDER**

*At 7:05 p.m., Mayor Lockhart called to order the December 11, 2006, Marengo City Council meeting and then led the "Pledge of Allegiance".*

**ROLL CALL**

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

*Mayor Lockhart announced Alderman Secor had emergency surgery. He and the members wished him a speedy recovery.*

**INTRODUCTION OF NEW POLICE DEPARTMENT PERSONNEL  
ADMINISTRATION OF PATROL OATH-SHAUN BOECKH**

*Mayor Lockhart swore in Shaun Boeckh as a policeman for the City of Marengo. He will start PTI school next month.*

*In order to put a face to a name, Chief Kottke introduced Maria Joseph who was hired in September as a telecommunicator for the Police Department.*

**2006 TAX LEVY PUBLIC HEARING**

*At 7:10 p.m., the 2006 Tax Levy Public Hearing was opened. Administrator Hartman stated at the November 13, 2006, meeting, the members passed a resolution to establish the tax levy to be requested for the 2006/2007 year in the amount of \$1,411,652.00 which represents a 20% increase over last years actual property tax receipts.*

*The City is subject to the Property Tax Cap which will limit the overall property tax revenue we receive from McHenry County. The levy each year aims at establishing a higher level of tax levy in order to capture all new growth from the previous fiscal year. This means the 20% figure does not necessarily mean property taxes will go up that amount. It establishes an amount sufficient to capture all new growth.*

*The property tax levy requested last year was 20% over the previous year. The actual increase amounted to about 8.4% overall with a nominal increase to individual properties. The increase is based on the assessed valuation of the property. As the value of the property increases, the amount on the property tax increases.*

*December 11, 2006*

*The floor was then opened to the public for questions on the subject. No one in the public sector had a question nor did an alderman, so, Alderman Jennings made and Alderman Shelton seconded a motion at 7:14 p.m., to close the 2006 Tax Levy Public Hearing. The motion passed with an aye voice vote from Alderman: Signore, Spear, Otis, Jennings, Genot and Shelton.*

### **PUBLIC PARTICIPATION**

*Fire Chief, Bob Bradbury, 701 Georgeann Court, gave kudos to the Street Department for the great snow removal job they did last Friday that dumped 12+inches. He had an engine company standing by the whole time because with weather conditions like we had, they usually get a lot of accident calls. They didn't receive one call as the streets were clear and people were able to get around. He felt they needed to be commended and from the Fire Dept.'s point of view they did a very, very nice job. Mayor Lockhart was happy to hear this and thanked Chief Bradbury.*

### **NEW BUSINESS**

#### **APPROVAL OF THE NOVEMBER 27, 2006, REGULAR & EXECUTIVE SESSION MINUTES**

*Alderman Otis so moved to approve the above mentioned minutes; seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Shelton, Genot, Spear, Jennings, Otis and Signore.*

#### **LIST OF BILLS**

*Administrator Hartman stated he was removing two invoices totaling \$2,000 on page 4 for Teska Associates. These invoices were for work they did on the Northeast Area Sub Plan. Centex is not going to be developing the Bartman Farm as this project has been cancelled. Centex will be paying Teska directly for these bills.*

*After a question regarding a bill for computer software was answered, Alderman Genot made a motion to approve the bills payable list minus Administrator Hartman's change; seconded by Alderman Spear. The motion passed with an aye voice vote from Alderman: Jennings, Otis, Shelton, Genot, Signore and Spear.*

#### **ORDINANCE 06-12-1-2006/2007 ANNUAL TAX LEVY**

*Alderman Shelton moved to adopt Ordinance 06-12-1, 2006/2007 Tax Levy; seconded by Alderman Otis. The motion passed with an aye voice vote from Alderman: Signore, Spear, Shelton, Jennings, Genot and Otis.*

#### **ORDINANCE 06-12-2, TAX ABATEMENT**

*Administrator Hartman advised that as part of the tax levy, the City's General Obligation Alternate Revenue Bonds are included and we have to formally abate the bonds.*

*December 11, 2006*

*This ordinance is abating the bond payments from the general obligation of the City. Alderman Otis so moved; seconded by Alderman Shelton. The motion passed with an aye voice vote from Alderman: Otis, Shelton, Signore, Jennings, Spear and Genot.*

**RESOLUTION 06-12-A, AUTHORIZING THE BORROWING OF \$84,150 FROM HARRIS BANK FOR THE POLICE DEPT'S DISPATCH CONSOLE**

*Mayor Lockhart stated we had this loan for a year and need to renew it (per State Statute, a municipality cannot take out a loan for more than a year). Alderman Otis so move to approve the borrowing of \$84,150.00 from Harris Bank.*

*Alderman Signore wanted to know how long we were going to stretch this payment (dispatch console) out as he thought they were going to pay this off in two years. He was advised by Administrator Hartman that only \$20,000 was allocated for payment in the budget. We have the proagative to pay off the complete amount but it was not established this year. They might want to think about doing so in the next fiscal year.*

*Alderman Signore would like to see a plan to pay this off as would Alderman Otis but she felt right now their hands were tied. Alderman Jennings seconded the motion. The motion passed with an aye voice vote from Alderman: Spear, Genot, Otis, Shelton, Signore and Jennings.*

**RESOLUTION 06-12-B, AUTHORIZING BORROWING OF \$266,500 FROM FIRST NATIONAL BANK OF MARENGO (POLICE DEPT. EXPANSION)**

*Alderman Shelton asked if we had gone out for bids on this. He was advised by Administrator Hartman that Treasurer Hall stated we would not find a better interest rate and recommended not bidding and accept the rate of 3.70% as this is the published bond rate for non-rated municipal bonds.*

*In the future for this amount of money, Alderman Shelton would like us to get bids from the local banks to determine the best rate available. Administrator Hartman stated the Illinois Finance Authority was another source we could borrow money from. He did not check into the Finance Authority for the renewal but did for the initial project. The interest rate is based on aggregate bond issuance and due to this, there was a timing issue involved that would have handicapped this project.*

*Administrator Hartman stated they had the option to pay for this but felt there might be an appropriation issue in doing so.*

*Alderman Genot made a motion to approve Resolution 06-12-B, Authorizing Borrowing of \$266,500.00 (rounded up amount) from First National Bank of Marengo to pay for the Police Department addition. It was seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Signore, Jennings, Genot,  
December 11, 2006*

*Spear and Otis. Alderman Shelton voted nay. Alderman Otis commented she voted for this but felt we should look into other possibilities as our treasurer may not be familiar with what's available thru the State nor was he here to answer any questions they might have.*

**RESOLUTION SUPPORTING THE INSTALLATION OF ELECTRONIC PREEMPTION SYSTEMS ON EXISTING AND FUTURE TRAFFIC SIGNALS**

*We have received a request from the Marengo Rescue Squad for the above mentioned. Alderman Jennings inquired as to how we go about addressing the current signal lights. Administrator Hartman advised anyone could pay to put the system in. This was just a resolution stating the City supports the installation of the electronic preemption system on traffic signals. The cost for the signal is around \$10,000 and roughly \$2,000-2,500 per vehicle.*

*Alderman Jennings made and Alderman Genot seconded the motion to approve Resolution 06-12-C, Supporting the Installation of Electronic Preemption Systems on Existing and Future Traffic Signals. The motion passed with an aye voice vote from Alderman: Shelton, Otis, Genot, Jennings, Signore and Spear.*

**ORDINANCE 06-12-3, AMENDING THE MARENGO ZONING ORDINANCE TO CREATE A BP BUSINESS PARK ZONING CLASSIFICATION (PZC CASE 06-17)**

*Administrator Hartman advised this was a new zoning classification. The PZC went thru the requirements and restrictions. The ordinance incorporates their comments. Their biggest area of concern was in respect to our landscaping ordinance. They would like more specific requirements so staff has been reviewing landscaping ordinances of other municipalities.*

*There is one existing building in this zoning classification that would be exempt from the landscaping requirements. It will be required on all buildings constructed after January, 2007. They wanted to see trees and shrubs to make it look more appealing than just having a lawn.*

*Alderman Genot made a motion to approve Ordinance 06-12-3, Amending Section 11, Business Districts, of the Marengo Zoning Code to Add Section 11.05, BP, Business Park District; seconded by Alderman Jennings. The motion carried with an aye voice vote from Alderman: Genot, Jennings, Spear, Otis, Shelton and Signore.*

*December 11, 2006*

**ORDINANCE 06-12-4, GRANTING A ZONING MAP AMENDMENT TO RECLASSIFY LOTS 2-8 & 12-17 IN THE NORTHWEST CENTER FOR COMMERCE FROM M-MANUFACTURING TO BP-SUSINESS PARK ZONING DISTRICT (PZC CASE #06-18)**

*Alderman Genot moved to approve Ordinance 06-12-4, Granting An Amendment To The City Of Marengo Zoning Map For Lots 2-8 & 12-17 Of The Northwest Center For Commerce*

*From M-Manufacturing To BP-Business Park. The motion was seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Otis, Jennings, Spear, Shelton, Genot and Signore.*

#### **DOWNTOWN SNOW REMOVAL DISCUSSION**

*Alderman Otis passed out a sheet of paper containing information relating to where she was coming from regarding the above mentioned subject as she was rather shocked when she came downtown. She appreciated the comments made by Chief Bradbury tonight and others commending the great job the guys did with all the snow we received last Friday. She also commended them for a great job but felt we had a unique situation downtown. She gave them a chance to read the sheet she had distributed and asked the other members for their opinion regarding the subject.*

*Some of the comments made included: the alley ways are cleaned so the owners can prepare to open up their business for customers; the access for the customer to get to the business seems to be the problem; the crew has a lot more miles of streets to cover now with no additional equipment and personnel to help them which makes the downtown area suffer where we want them to "Shop Local First"; need to do better in the downtown area; lack of cooperation with IDOT; vehicles could go down the middle of the road but if they wanted to give our businesses any business, it was difficult; snow removal started at 12:30 a.m. and continued until 7:00 p.m. and they were back at midnight to clean the rest of the downtown area until 6:30 a.m. as it is hard to clean the downtown area when there is a lot of traffic; all three parking lots were cleared of snow by 7:00 p.m.; parking lots, alleys, side streets were great but the downtown area was not per Alderman Otis; crew started cleaning the downtown area at 3:00 p.m. Friday afternoon and by 7:00 p.m. when they quit, 60% of the downtown area was cleaned out; Supt. Craney had a tough time plowing the downtown area with vehicles parked there; there is an employee safety concern; IDOT pushes the snow up on the sidewalk making it difficult for the business owner to shovel the weight of the snow that is packed in and pushed up on the sidewalk; perhaps do what they do in Woodstock and collect a fee from each downtown business and hire someone to remove the snow; can't clean the downtown until it stops snowing; safest place to be that Friday was at home; thought to have all of that snow removed in 24 hours was phenomenal; thought the removal plan should be left up to the Supt. of Public Works; Supt. Craney almost pulled the crew off of the streets due to the dangerous 35 m.p.h. wind that accompanied the falling snow causing a "white out"*

*December 11, 2006*

*effect; trying to coordinate with IDOT is a lost cause; IDOT plows were in the ditch on Rt. 176; various highways in the area were closed due to the snow; Rockford declared a snow emergency anyone caught on the streets was given a ticket and they called in 129 contracted snowplows in addition to their own; there are 48 cul de sacs that need to get cleaned out with each one taking 20-25 minutes or more to clean; there are 150 lane miles in Marengo some of which they have to go over four times in order to get the snow to the curb; felt it would be IDOT's responsibility for clearing; any business owner serious about doing business would make sure the entrance to and from their business was taken care of; Friday & Saturday avoided the*

*highways and used side streets, parked their vehicle in the parking lot and walked to the downtown businesses and felt others could have done the same thing; Supt. Craney thanked the Police Dept. for their help in removing vehicles; felt the crew Supt. Craney had was a very dedicated group that rises to the occasion when need be; felt we would get more complaints from the business owners if they were to amend the no parking in the CBD; didn't feel there was a better answer as to what we currently have in place; lots of traffic downtown at 4:00 a.m. making it difficult for snow removal; could see potential lawsuit if there was a fire or medical emergency on a side street that didn't get plowed because we were fooling around downtown; on heavy snow falls, get additional help for Supt. Craney and didn't want to bury the trucks so the snow couldn't be put at the WWTP as the ground wasn't frozen.*

*The consensus of the members felt Supt. Craney's crew did a great job and should continue doing what they have been doing.*

## **OLD BUSINESS**

### **MAPLE STREET PROFESSIONAL SERVICES AGREEMENT**

*The above mentioned item had been tabled from the last meeting. Our engineer stated they amended the amount to engineer this project as they took out the portion that is the County's. Their revised fee reflects this.*

*The engineer advised Forest does not qualify for the LAPP since it is not rated as a Federal Aid Urban route. They could do a study to determine whether or not it would qualify. He felt the fee to do this would be around \$3,000. It would include doing a study/traffic count, attending a council meeting and making an application to the State. He wasn't sure how long this would take but would check into it and give them a ballpark figure.*

*Alderman Shelton mentioned the original cost was \$18,227 to do 4,800'. The revised plan to do approximately 40% of that is \$13,750. The engineer explained a certain portion of that is just the base project. They still have to do a design and felt our portion of the road is in worse shape and wider. Alderman Shelton agreed the City's*

*December 11, 2006*

*and County's portion needs to be replaced but felt the new proposed rate was not proportionate to the decrease in length for our share.*

*As stated at the last meeting, if the members want this to happen they need to approve this ASAP as the design has to be done by February 9 to quality for the August, 2007, bid letting in order to have the road done by mid October, 2007.*

*Supt. Craney felt Maple Street should probably get done now rather than later. He thought perhaps the bad road conditions were due to Marengo Disposal when it was located on Maple. He felt the construction traffic for the new subdivision would not bother it as the County road to Autumn Drive is about one block.*

*A member commented that in his opinion, we should negotiate with Four Seasons Point in Time. Instead of having them do anything on Maple, we should go ahead with this project and negotiate with them to fix Forest instead.*

*It was noted the house on the corner Maple & Forest will probably have to tear out the retaining wall and rebuild it when the sidewalk goes in.*

*With the different types of sidewalks on both sides and different distances from the street, the questions was raised if there could be an alternative to the sidewalk like the possibility of widening the street to the point of maybe having a bike and pedestrian trail in lieu of a sidewalk as the sidewalk almost seemed prohibitive.*

*Alderman Shelton stated he appreciated the map Supt. Craney gave them regarding the sidewalk situation on Maple as he felt it was the most concise thing they had put before them to make a decision.*

*Alderman Signore suggested to pick one side and if need be, remove the bad sidewalk on the other side to discourage use as we currently have just a patch work here. Each side has its problems so we are not going to win on either side of the street entirely from Rt. 23 to Maple. He asked Supt. Craney which side he would prefer to have the sidewalk. Supt. Craney stated he probably would like to see it on the south side; Alderman Jennings agreed with him.*

*Alderman Jennings again stated he felt they should go forward with this project and entertain more negotiations with Four Seasons when the time was more appropriate. Alderman Shelton felt Maple definitely needed to get done as by springtime it would be an absolute mess.*

*Administrator Hartman advised we would be liable for 20% of the construction and supervision cost for this LAPP Grant and \$13,750 for the design engineering.*

*December 11, 2006*

*Alderman Jennings made a motion to enter into a professional service agreement with Baxter & Woodman for the Maple Street Improvement Design at a cost not to exceed \$13,750. The motion was seconded by Alderman Genot. The motion passed with an aye voice vote from Alderman: Spear, Otis, Signore, Jennings, Genot and Shelton.*

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

### **PROCLAMATION FOR NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH**

*Mayor Lockhart read a proclamation proclaiming December, 2006, as Drunk and Drugged Driving Prevention Month in the City of Marengo.*

## **DEPARTMENT HEAD AND STAFF REPORTS**

### **BUILDING DEPARTMENT**

*Commissioner Shull submitted written reports.*

*He advised there were a couple of safety concerns of the open structures for Settlers Cove. We have not received any response back from them. Our attorney has been instructed to file a LIS Pending and/or a lien on the property as they have not owned up to their professional fee agreement and also have one building permit that has expired and one will expire on February 1, 2007.*

*Alderman Signore wanted to know if we had the right to secure the property and charge them for it. Commissioner Shull stated he would have to look at our ordinance before he could answer that question. Alderman Signore would like him to do that.*

*Alderman Signore inquired also about the administrative adjudication. He wanted to know how much time Jayson spent on this on a monthly basis. Jayson stated he doesn't spend much time on it. Alderman Signore was please to hear this as he felt even though this was a great idea, it was pretty much a dead issue as it didn't appear anyone was willing to get on board to do it.*

*It was suggested to talk to retired Judge Arnold about this. Commissioner Shull stated he thought the City of McHenry was the only city in McHenry County doing this. He will have an in depth report and his recommendation on this next month.*

*There are municipalities inquiring about it but he felt the biggest thing is smaller towns like us are seeing this as a compliance generator, not a revenue maker. The number of violations sent to court aren't worth staff time.*

*He wants to confirm with Deputy Chief Hallman from his department's standpoint for his full report in January.*

*December 11, 2006*

### **PUBLIC WORKS DEPARTMENT**

*A written report was submitted by the Street Dept., WWTP and Water & Sewer Dept.*

*The question was raised as to what well the new pump was needed for. Supt. Craney advised it was for well 7.*

*Our engineer advised the new motor that was put in went down last week. It will be replaced under warranty. When the equipment was pulled, the pump was severely pitted and needed to be replaced. This equipment is scheduled to be delivered next week, installed by Marengo Well & Pump and be up and running by Friday.*

*He updated the members on the second transmitter installed on the water tower. Since this installation, there hasn't been another occurrence so they feel they have temporarily fixed it. They still need to figure out what the root of the problem is.*

*Mayor Lockhart advised he and Administrator Hartman were at well 7 and viewed the pump that was removed and the pitting. It was just a matter of time that this would have to be replaced, so he gave the authorization to replace it as it made sense to do it as long as the pump was out.*

#### *POLICE DEPARTMENT*

*Chief Kottke had no written report. Orally he stated at the Chamber luncheon in March, the Police Dept. would be giving a short presentation on identity theft; is currently doing six month performance evaluations on the officers and staff; sent a thank you for a donation the P.D. received for ammunition for the range program and to Hubbs Greenhouse for their donation that will be put toward an additional radar unit and camera system; there were no violations for the Tobacco Sting that was conducted and PD is working with Marengo Middle School as they had nine buses that they believed were gang tattooed on the rear of the buses.*

*The question was raised if the P.D. had anything in place to administer to the social and emotional needs of students if a catastrophe were to happen in school. Chief Kottke advised the EMA is currently planning a disaster drill at the school and the school does have a protocol in place.*

#### *ENGINEER'S REPORT*

*Our engineer informed the members when well 7 went down, no alarms went sent out. They had a crew go out to the pumping station today and found out there were a number of alarms not hooked up or hooked up incorrectly and some were dialing up the wrong number. They got this situation straightened out so if we have another failure in the future, we should have a good advanced notice.*

*December 11, 2006*

*The question was raised as to why they weren't hooked up. Our engineer advised it was previously done by U.S. Filter who was responsible for the programming and maintenance of the system. Baxter & Woodman has now taken on this responsibility.*

*There was discussion as to who provides the checks and balances when work is performed like U.S. Filter did to make sure it is done properly.*

*It was also suggested once we have this brown water situation "nailed down" and have it corrected, the public should be notified as to what the problem was as some of the residents in Alderman Genot's ward have asked for a follow up on the information he had given them.*

*Our engineer again mentioned getting a unidirectional flushing program by next spring that they feel will help push the iron out and help keep the mains clean. Supt. Craney advised he*

*had given Mr. Gavle a copy of our flushing routine to look over to see if ours is correct before making up another one.*

*Mayor Lockhart stated the night he brought in the "brown water" sample, Mr. Gavle asked to have a meeting with him. At this meeting, Mayor Lockhart was advised Baxter & Woodman, up to this point, had not been involved in trying to correct the problem. He told Mr. Gavle to go and check our system out as the members were in agreement we would do whatever needed to get done to correct the problem. In doing so, we have found other problems that have been corrected to alleviate problems we have been having. He felt someone should obviously be held responsible to test these alarms every so often to make sure they are working properly.*

*He stated he has talked to Administrator Hartman about sending out some type of communication to the residents once the problem is corrected/completed.*

*Alderman Genot wanted to publicly apologize to Mr. Gavle as he leaned pretty hard on him at the meeting regarding the "brown" water. He was also not aware that Baxter & Woodman wasn't involved at that point.*

#### **CITY ADMINISTRATOR**

*Administrator Hartman submitted a written report.*

*Alderman Signore stated he felt they needed to set a date to discuss developer fees. He would like to sit down with the schools to come up with realistic numbers and formulate a number to adopt. He would also like to meet with the Village of Union regarding this; Alderman Genot agreed.*

*December 11, 2006*

*Alderman Signore stated at the last meeting they had regarding this, everyone that came before them to speak, felt the proposed fees were excessive.*

*Alderman Jennings stated this was due to the fact that there has been nothing up to now. He felt we pretty much had the information they needed in paper form from the schools, rescue squad and fire department.*

*Alderman Signore thought they were confusing annexation agreements and impact fees. Our attorney advised an annexation agreement would allow the parties to come in, develop and have agreed amounts to contribute whereas impact fees would be imposed upon them due to the effect the development will have.*

*Alderman Signore felt they were in a no win situation because if they were to go along with the numbers the schools want, they then might be closing the door to development that the community possibly needs. If they don't go along with the numbers the schools want, then the*

*members would look bad in the eyes of the schools. However, he felt they should move forward with this so developers would know things upfront before they put money down on land or engage in engineering, contracts, etc.*

*They decided to have a Committee of the Whole meeting January 17, 2007 at 7:00 p.m.*

#### **TREASURER'S REPORT**

*Written reports were submitted in the packet for the members review.*

#### **EXECUTIVE SESSION**

*At 8:43 p.m., Mayor Lockhart asked for a motion to go into Executive Session to discuss personnel and collective bargaining. Alderman Genot so moved; seconded by Alderman Signore. The motion passed with an aye voice vote from Alderman: Shelton, Otis, Jennings, Spear, Signore and Genot.*

*The members returned from Executive Session at 9:31 p.m. Roll was taken with Mayor Lockhart, Alderman Jennings, Alderman Shelton, Alderman Otis, Alderman Genot, Alderman Spear and Alderman Signore present. Alderman Secor and Alderman Trainor were absent.*

*Alderman Jennings made a motion to give Administrator Hartman a 3.5% wage increase. The motion was seconded by Alderman Genot. The motion passed with an aye voice vote from Alderman: Jennings, Genot, Shelton, Spear, Otis and Signore.*

**December 11, 2006**

#### **ADJOURNMENT**

*With there being no further business for discussion, Alderman Jennings made a motion to adjourn the December 11, 2006, Marengo City Council meeting at 9:35 p.m.; seconded by Alderman Signore. The motion passed with a unanimous aye voice vote.*

*Submitted by: Diane L. Schwoch,  
Acting City Clerk*