

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

CALL TO ORDER

At 7:04 p.m., Mayor Lockhart called to order the February 26, 2007, Marengo City Council meeting and then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

A resident on Fifth Avenue stated it was unbelievable the great job the City crew does removing the snow. He wanted to know if we enforced our ordinance for snow removal on all City sidewalks as he has seen kids and people with dogs walking out in the street when they should be on the sidewalks. Mayor Lockhart stated this had been discussed recently at a City Council meeting and we intend to enforce it at this time.

NEW BUSINESS

APPROVAL OF THE FEBRUARY 7, 2007, COMMITTEE OF THE WHOLE MEETING MINUTES

Administrator Hartman advised there was a change to the minutes that were e-mailed to the members on Friday. That change was on the last paragraph on page 3 before "ADJOURNMENT". It should read after the March 1st County Planning meeting, not Council meeting.

Alderman Jennings made a motion to approve the February 7, 2007, COW minutes with the noted change; seconded by Alderman Genot. The motion passed with an aye voice vote from Mayor Lockhart, Alderman Genot, Alderman Jennings, Alderman Otis and Alderman Signore. Alderman Secor and Shelton abstained.

APPROVAL FOR FEBRUARY 12, 2007, PUBIC HEARING MINUTES-SEVEN OAKS ANNEXATION

Alderman Jennings made and Alderman Otis seconded a motion to approve the February 12, 2007, Public Hearing minutes for the annexation of Seven Oaks. The motion passed with an aye voice vote from Alderman: Jennings, Otis, Signore, Secor and Mayor Lockhart. Alderman Shelton and Genot abstained.

APPROVAL OF THE FEBRUARY 12, 2007, COUNCIL MEETING MINUTES

Alderman Jennings made and Alderman Otis seconded the motion to approve the February 12, 2007, City Council minutes. The motion passed with an aye voice vote from Mayor Lockhart and Alderman: Signore, Secor, Jennings and Otis. Alderman Genot and Shelton abstained.

ORDINANCE 07-2-3-ADOPTING BUILDING CODE WITH AMENDMENTS

Commissioner Shull stated the proposed codes and amendments were unanimously approved by CDC at their meeting. The changes included adopting the 2003 International Code series and two of the 2006 series. A lot of ideas had been brought to the table as well as concerns of the aldermen. They have been incorporated into the proposal before them tonight.

Mayor Lockhart thanked Commissioner Shull and the CDC for the fine job in putting this together for passage. Alderman Otis was happy to finally see the adoption of the Existing Building Code.

Alderman Jennings asked Commissioner Shull if he wanted it to read every occupancy shall have two means of egress or at least two means of egress on page two. Commissioner Shull felt it was a good point and should probably read a minimum of two egresses. He will amend the language to further clarify it.

Alderman Signore made a motion to approve this ordinance with the noted change; seconded by Alderman Genot. The motion passed with an aye voice vote from Alderman: Otis, Shelton, Signore, Jennings, Secor and Genot.

February 26, 2007

Council Minutes

ORDINANCE 07-2-4-AMENDING SECTION 4.12, POLICE TRAINING REIMBURSEMENT PROGRAM AND ADOPT THE MARENGO POLICE DEPARTMENT PRE-EMPLOYMENT AGREEMENT

Administrator Hartman advised this ordinance basically incorporates the pre-employment agreement into the City Code.

Alderman Shelton asked if the City has had a situation arise where we had to implement this. Deputy Chief Hallman stated it has always been on the books but there has never been the need to use it. Basically it is just changing the title and a few other things like the straightening out of the payback formula.

Alderman Shelton made a motion to approve this ordinance; seconded by Alderman Secor. The motion passed with an aye voice vote from Alderman: Genot, Otis, Shelton, Secor, Signore and Jennings.

SALVATION ARMY REQUESTS

The City has received a request from the Salvation Army to conduct their annual fund raising events which includes "Donut Days" on June 1st & 2nd and their "Red Kettle" campaign November 16th-December 24th.

Alderman Genot made a motion to approve their requests; seconded by Alderman Jennings. The motion passed with an aye voice vote from Alderman: Signore, Secor, Jennings, Genot, Shelton and Otis.

REVISED CONCEPT PLAN REVIEW-RIVER RIDGE (POPE FARM)

Tom Williams advised the members information had been gathered since the last time he appeared before them with the concept plan for the Pope farm. From the data collected, the concept plan they had previously approved needed to have changes made for environmental issues namely. So, they presented the new concept plan to the PZC last week and are now presenting it to the members.

Jason Schmitt, Condon Engineering, summarized what the changes were and why they had to be changed. A wetland and floodplain study was done. Upon overlaying the studies with the approved sketched concept plan, they realized there were several problems that needed addressing so they went back to the drawing board and prepared a new layout.

The biggest change is on the north half of the property. It was previously duplex and single family lots. Due to the wetlands and floodplain problems, there weren't a lot of buildable lots for this vicinity so they had to get the density back up to make the project feasible for the developer.

The new concept plan has roughly 13,000 linear feet of roadway compared to 16,000 in the other plan which will be less maintenance for the City.

The new plan has 102 single family lots and 71 multi-family lots; the previous version had 148 single family lots and 22 duplex lots.

In the old plan there were six separate wetland crossings; now there are only two as they are making every attempt not to disturb the wetlands.

In the other plan there was an east-west collector road for the City's master plan all the way to the south. After taking a look at a topographic map, there were two areas (floodplain and wetland) that are on Conservation property. They tried to figure out where there would be less environmental impact on the MCCD property. So,

they have moved the collector road to the middle of the site as they feel it makes more sense to keep everything to the north side of the floodplain area.

Some the items then discussed included: Developer has had several conversations with MCCD and they thought the plan was positive; developer gave MCCD an opportunity to purchase 14 acres in the back of this piece of property which they declined due to the price; the ad hoc Transportation Committee would like to see West Grant be connected to East Grant via Meyer Road and Franks Road and this cannot happen

February 26, 2007

Council Minutes

in some respect with MCCD because they can't sell their land but they can do land exchanges; due to extreme wetland area in the northeast corner of the Brackmann property, the extension of Courtney Drive has to occur further south so this project could kill this connector; ad hoc committee would like to get all the parties together to discuss the possibility of this connector route; Mr. Williams is willing to discuss it; our engineer's report requested Mr. Williams show the Grand Pointe Homes development along with his when they go for preliminary plat so they would have the reference for the connector route; developer envisions the north-south collector route accommodating three lanes of traffic; our engineer is trying to keep driveways off of this as much as possible so it doesn't have traffic safety issues; will have screening for the multi-family area; explained the 20/80 ratio talked about at the PZC meeting that was requested by Alderman Otis; the area being farmed right now is envisioned to be used as comp storage, be considered open space, will be turned over to the Homeowner's Assoc. and will have native vegetation; retaining walls and the some problems the Brayton Knolls Subdivision has with them; Mr. Williams will be involved in constructing some of the homes but is still planning on selling some of the lots to other smaller local builders to show off their product as it is not feasible for his size of company to build it all; have not marketed this development as he is not sure what the development is going to look like; comment was made was glad to see familiar names of builders, trade people, material and appliance suppliers listed in his brochure so not only would we be getting what seems like a nice subdivision, it would also be supporting local people; need an informal approval of this concept plan so a preliminary plat can be done since there have been changes to the first conceptual plan they approved; Alderman Otis felt she was not able to vote on this because the Courtney Drive connector route issue needed to get resolved first; Mr. Williams has made provisions for this in his plan as it is just a matter of him moving the ROW north or south- whatever way they tell him they want it to come in; didn't think they had to stop dead in their tracks for concept approval as the developer was aware the Courtney Drive issue needed to be resolved and the members present gave the nod to the plan based on the resolution of Courtney Drive.

OLD BUSINESS

There was no "Old Business" for discussion.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart announced the continuance of the Seven Oaks Annexation Agreement to will be held on Monday, March 12, at 6:00 p.m. The West Grant Development Company and the Chicago Title Trust property will also have a hearing at the same date and time.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

A written report was submitted. Commissioner Shull stated a future permit report maybe be delayed due to server problems. Alderman Genot thanked Commissioner Shull and his department for the quick action on two items he brought to his attention.

PUBLIC WORKS

The WWTP report was submitted in the packet. The Water & Sewer Dept. and Street Department reports were distributed this evening. Orally, Supt. Craney announced there was a little leak at the WWTP and the generator was down for a while but they got that up and running today.

Alderman Otis complimented the City crew for how great the downtown area was cleaned up for people going out for Sunday morning breakfast.

POLICE DEPARTMENT

A written report was submitted for the packet. Alderman Otis commented on the "Letter to the Editor" in the Northwest Herald paper this morning as it did not sit well with her. She called and advised this gentleman if he had any complaints that he could validate, he was to bring them before the members as she felt residents needed to know if there was a complaint, they should bring it to the members if it is a valid one. She didn't feel there was too much validity in this "Letter to the Editor" and she has had calls where people are going to write "Letters to the Editor" complimenting the Police Department.

February 26, 2007

Council Minutes

She stated they weren't blind and weren't sitting there on their laurels as when there is an attack on one of the City's Departments, she felt they wanted to be there for them. Deputy Chief Hallman thanked her for the support.

Alderman Signore asked about the generator the PD was looking into. Deputy Chief Hallman stated the Department is talking about replacing the old one they have that is used for their building only and go into partnership with the Fire Department and City Hall to put all three facilities on one natural gas generator with propane as a backup. This would enable City Hall to be a true shelter facility. The old generator could be put to use at another City facility.

Alderman Signore asked Supt. Craney if this could be a possible backup as they have talked about a backup generator in the past. Supt. Craney stated it possibly could. Alderman Signore thought this might be something for the members to consider.

Mayor Lockhart stated there is the question of wiring, etc. He thought City Hall should be used as a shelter in case of an emergency which would mean we certainly would need proper lighting, etc. to be able to put it to use. If none of the members had an objection (no one did), we will continue to look into this. Mayor Lockhart thought it was good news that the Fire Department is willing to work with us on this.

Alderman Signore would like to find out if this generator is obsolete or if it would be a suitable backup to use at the WWTP. Administrator Hartman thought this generator might be undersized to use at the WWTP, however, it might be able to be used at a lift station. Supt. Craney agreed.

ENGINEER'S REPORT

A written report was submitted in the packet and tonight the engineer passed out an updated (Feb. 26th) version.

Alderman Signore asked if there was an update on the Brackmann/Kennedy Maple Street improvement. Our engineer stated Brackmann's engineer made a submission to the County. The County had some substantial questions and requests. Our engineer didn't know if Brackmann's had completed or were in the process of making the modifications as the intersection is expensive due to the topography and the need to have compliance for a very high speed (55 mph) limit. There is going to have to be a fair amount of grading work and some property acquisition for additional ROW to make the intersection work the way the County wants it to work.

Alderman Signore thought we seem to get in trouble as a community by letting things take place before improvements like intersections are completed. He wondered if there would have been a way for us (like a part of an annexation agreement or whatnot) to have these things engineered and completed prior to build out as it seemed late in the game to say, "Now we have a problem with the topography" as the topography has been there longer than they have been here.

He wondered if there was way for us to know some of this stuff upfront so we could be in a better position to get these things completed while we still have some leverage. Administrator Hartman stated it always was a known issue as it is written in the annexation agreement this intersection needed to get improved. It was delayed until Phase 3 because of all the work and expense involved.

Alderman Signore wanted to know what other communities do. Alderman Jennings stated a lot of times this was a typical developer process to build a subdivision to make money and use that money to fund a project like this.

Alderman Otis questioned if Kennedy Homes would have enough money to help pay for this. Administrator Hartman thought Kennedy would have enough money but we don't have any money in escrow from Kennedy for this. However, Brackmann has the obligation (thru the annexation agreement) to make the improvement. There is a cost sharing that will need to get worked out.

February 26, 2007

Council Minutes

Our engineer advised Kennedy is aware of this as they have been notified. There have been conversations and discussions on what these costs could be with representatives from Kennedy and the Brackmann's. However, Administrator Hartman was correct that there is no written guarantee from Kennedy Homes.

Alderman Signore asked if the City had any leverage with Kennedy Homes. He was advised we have a performance bond which is why we have not yet accepted Brayton Knolls.

Mayor Lockhart stated the sad thing about this all is the County wants to put in a turn lane for 13 cars because of the speed. He felt once the intersection was completed the County would reduce the speed because of the new homes and so forth in the area. It seemed to him this should be done first.

The speed limit goes from 55 mph to 25 mph into the City. It was his personal feeling if the speed limit were to be reduced, the turn lane could be reduced significantly. He has asked the County to turn the road over to us but they refused to do so. The County is attempting to obtain some needed easements for this project. He felt it would be sometime before they would make a final decision.

Alderman Signore thought the developer would have a good idea going in as to what their obligations were going to cost based on the existing conditions. The longer you wait on anything, the more it is going to cost. He knew these annexation agreements were old but wondered if there was something they could learn from them that people would fulfill their obligations so 10-15 years down the road, we are not still waiting for it to take place.

Administrator Hartman didn't feel it was a matter of someone not fulfilling their obligation. There was nothing in the Brayton Knolls development since it was not in an annexation agreement as it has been incorporated and in the City for sometime. So, there was not an annexation agreement that underlined this property. However, Brookside Meadows does have that obligation to make the connection. He felt Brackmann's have been demonstrating that they are going to fulfill their obligation.

Alderman Signore stated, "But their concern is that Kennedy won't." Administrator Hartman again stated we have the performance bond from Kennedy. He felt the bigger issue was in respect to the design of the intersection. He also stated we have repeatedly requested the County to not look at the intersection as it exists today as it is not a question of if this intersection will happen but it is when it will happen. To go ahead and look at the speed as it stands today and say it doesn't warrant a reduction and then tomorrow there is an intersection with residents entering and existing Maple which going to create a safety hazard if the speed is not reduced. By the time they get down to reducing the speed, they have oversized improvements and it's going to be quite sometime before the speed limit reduction actually takes place. We have argued not to look at today's conditions but look at tomorrow's as it is inevitable this intersection will happen.

Alderman Signore inquired if there was some timeline where if the County doesn't make a change, we could start it as he felt it sounded like we can play the waiting game and wait for the County to make an adjustment to the speed and as the Mayor stated, they aren't going to do that. Mayor Lockhart didn't think anything could get started until they receive the easements needed. Administrator Hartman stated the worst case scenario is the intersection has to be built to the current speed limit of 55 mph.

Our engineer wanted to reinforce the City has attempted to reduce the speed thru speed studies. We have attempted to get a jurisdictional transfer for Maple which was not accepted by County as they have firmly stated it is their roadway; it is a 55mph speed limit and they are going to require the intersection road improvements to be capable of handling that kind of speed limit with the traffic volume. What this amounts to is a left turn lane, a thru lane and a right turn lane going north and south bound which widens the intersection substantially to go onto Courtney.

Mayor Lockhart believes they will be lowering the speed limit there in the future whether they like to or not due to situations coming up and requiring this to be built as a 55 mph speed limit was ridiculous. He felt we should be looking ahead for future planning of the Courtney extension and other reductions for things

February 26, 2007

Council Minutes

coming into the City. Obviously, the County Transportation Committee doesn't agree with him. The study they did for this was done five years ago and a lot has changed in Marengo traffic wise since then. The study then indicated the speed could be reduced 5 miles but they didn't do anything about it so it has expired. He felt if a study was done now, it probably could be reduced 10 mph. Our engineer advised if it were to be reduced 10 mph, it would change the turn lanes substantially.

CITY ADMINISTRATOR

A report was included in the packet. He stated he met with the developer of the TIF District/Infill Market Proposal this morning. They are going to be moving forward with the application for rezoning and the PUD for the town homes at the April, 2007, PZC meeting. They are going to finalize some additional figures for the proposed TIF District so this will be moving forward.

In approximately 30 days, the Municipal Survey will probably be going out.

CITY ATTORNEY

Our attorney had no report.

EXECUTIVE SESSION

Mayor Lockhart stated a motion was needed for them to go into Executive Session tonight to discuss personnel. Alderman Genot so moved; seconded by Alderman Secor at 8:10 p.m. The motion passed with an aye voice vote from Alderman: Secor, Genot, Shelton, Otis, Jennings and Signore.

The members returned to Open Session at 8:35 p.m. Present for roll were: Mayor Lockhart, Alderman Jennings, Alderman Shelton, Alderman Otis, Alderman Signore, Alderman Secor and Alderman Genot. Absent were Alderman Trainor and Alderman Spear.

ADJOURNMENT

With there being no further business for discussion, Alderman Jennings made and Alderman Genot seconded a motion to adjourn the February 26, 2006, Marengo City Council meeting at 8:37 p.m. The motion passed with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,
Acting City Clerk