

MARENGO CITY COUNCIL MINUTES

JUNE 12, 2006

CALL TO ORDER

At 7:03 p.m., Mayor Lockhart called to order the June 12, 2006, Marengo City Council meeting. He then led the "Pledge of Allegiance".

ROLL CALL

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

PUBLIC PARTICIPATION

There was no public participation.

TREASURER' S REPORT

Written reports were submitted by the Treasurer's Department. Orally, Treasurer Hall stated the rates for short term interest rates are still quiet. The rate we are receiving on our checking accounts is very favorable thus the reason we have not locked in more of our checking funds into CDs.

NEW BUSINESS

APPROVAL OF MAY 22, 2006 REGULAR AND EXECUTIVE SESSION MINUTES

Alderman Shelton made and Alderman Otis seconded the motion to approve the May 22, 2006 regular and Executive Session minutes. The motion passed with an aye voice vote from Alderman: Signore, Spear, Jennings, Shelton, Otis, and Secor. Alderman Genot abstained.

LIST OF BILLS

Questions were raised and answered regarding the bills for flag training, the attorney's bill for alderman's concerns and pulverized soil.

Alderman Secor made and Alderman Jennings seconded a motion to approve the bill list as presented. Motion passed with an aye voice vote from Alderman: Signore, Jennings, Spear, Secor, Shelton, Otis and Genot.

ORDINANCE 06-6-1-SETTING THE PREVAILING WAGE

After Administrator Hartman and our attorney explained why this ordinance had to be approved and the possible ramifications if it didn't, Alderman Signore made and Alderman Jennings seconded the motion to approve Ordinance 06-6-1, Setting the Prevailing Wage. The motion passed with an aye voice vote from Alderman: Genot, Spear, Signore, Jennings, Shelton and Otis. Alderman Secor abstained.

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RELOLULTION 06-6-A- AUTHORIZING PARTICIPATION IN THE ILLINOIS MAIN STREET PROGRAM AND COMMITTING TO PROVIDE PROGRAM FUNDING
John Wyrostek, Chairman of the Historic Preservation Commission, addressed the members regarding the Commission's desire for the City to help provide funding for the "Illinois Main Street Program".

The program entails a three year commitment from the City. The funding, if approved, will be on a matching basis with donations and contributions from businesses. The amount is not to exceed \$15,000 annually.

The members received information giving them an overview on the program, the benefits of the program and how the money is used from the financial commitment from the City and the downtown business/building owners.

Some of the comments made were: perhaps the unanimous donation the City received for downtown renovation/beautification could be used for this program, the dismantling of the canopy downtown, new lighting and benches in the downtown area, the condition of some of the buildings downtown especially on the east side of the street, need to get a positive image of the City which can be done with this program, Mr. Wyrostek has talked to four businesses (2 on the eastside with unanimous support and one tentative support from a building owner) that were in favor of this and has about 20-25 building and business owners to contact yet, the need to get everyone on the same page, some issues might be resolved with our Maintenance Ordinance, perception from the business owners the City is not pro small business, City needing to commit to the program, where the City was going to get the money to support the program, in favor of the program but would like to see a survey of all the property owners in lieu of just four to see if the majority is in favor of moving forward with this, in the past, everyone else is enthusiastic in doing something in the down-town area but the people directly involved are indifferent and would like to see if those people had changed and we could move forward with their support morally, financially, in all ways, spending \$50,000 for ideas and nothing getting done, this program is to promote downtown businesses, if the majority of the business owners don't approve the project is over with, would like to hear from the property owners that they are willing to get on board and step up to the plate, the State wants to make sure a City is serious for this program as the application is going to be 1 ½ -2 inches thick, this will fundamentally change how the downtown area looks, the program doesn't move forward if the downtown business/property owners don't come up with matching funds, money will be returned to whomever contributed if not enough is collected to run the program, the revitalization of the downtown needs to get done and our financial commitment would not be until the next fiscal budget.

Alderman Genot said, "I would make a motion that the City back this and commit to \$15,000 if, if the property owners, the businesses match that fund."

Mayor Lockhart stated we would not know how much participation we will have with this until we go ahead with this commitment and recommended the resolution be passed so this could get started rather than waiting another year as we have to be looking toward the future.

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He has heard a lot of promises thru the years about the downtown and has seen very little action and like Alderman Shelton, stated there is no support. At this point, he finds that hard to believe as he feels some things have changed but it is going to take lots of support from basically all the downtown building owners.

Alderman Signore had a problem with the wording of the resolution and inquired about the possibility of passing a resolution on this annually as they were just not talking \$15,000 but three years at \$15,000 each and would feel better approving this without a three year commitment.

Mr. Wyrostek felt we would not want to start and stop with this as it would not work the way it is intended to work by doing this. If the funding isn't there, the program cannot go forward and the Main Street designation will get pulled and we will not have access to any of the resources available to us. This is a serious commitment and has to be looked as such.

Alderman Signore wanted to know if in the third year, we got only \$2,000 in donations, would the City still be locked in for the \$15,000. Mr. Wyrostek replied, "It should be." He stated there was no way of controlling the amount of donations every year but there has to be a commitment from the business owners every year as they will have to join this every year like a Chamber of Commerce.

Mr. Wyrostek stated we would be taking a risk. It was a positive, good one and long term it was the right thing to do. If we pull the rug out at any time, the program is done and this would create bad feelings and we would be no better off. If it is the intent to improve the downtown, this is what has to be done to do it. This is defining moment for the City. If the members vote to do this, things are going to change. They (Commission) are going to make sure they change because they have a commitment to do it but they can't do it without the City or the business owners.

Alderman Genot commented, "Without taking away from Chairman Trainor on the ad hoc committee for developer fees, there is something built into the fee structure that we will be presenting to the Council and hopefully presenting to the developers with the downtown in mind and that's all that I'm at liberty to say at the time."

Mr. Wyrostek stated his Commission is ready to work on this project and they will get it done. Mayor Lockhart stated Mr. Wyrostek is a very committed person putting his heart and soul into his involvements. This was more than just the money; it was Marengo doing something for our City.

Mayor Lockhart asked if there was a second to the motion made. Alderman Otis seconded the motion. Aldermen Genot, Spear, Secor, Otis and Mayor Lockhart voted aye. Alderman Jennings, Signore and Shelton voted nay. Motion passed.

The attorney then answered Alderman Genot's question regarding the legal bill for aldermen's concerns. Alderman Genot was satisfied with the explanation.

ORDINANCE 06-6-2-ORDINANCE GRANTING A ZONING VARIANCE FOR ZION LUTHERAN CHURCH

Zion Lutheran's attorney, Richard Eickstaedt, advised the members the Planning & Zoning Commission unanimously approved the variance Zion has requested to construct additional class-

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rooms and office space. He was asking for the member's approval as well as they would like to get as much construction done as possible before school starts in fall.

The normal policy is for the members not to vote on anything approved by the Planning & Zoning Commission until they have approved their meeting minutes pertaining to the item. However, Alderman Otis felt this was something that did call for an exception to the policy.

Alderman Genot concurred and made a motion to adopt the findings of fact as presented in the variance request for case #06-04 to construct a 2,800 sq. foot addition that encroaches into the required yard and will exceed the maximum amount of coverage for Zion Lutheran School. Alderman Otis seconded the motion.

Alderman Signore stated he had submitted a question to Administrator Hartman that had made its way to Building Commissioner Shull. He had heard there might be an issue with the street to the east of the current school and church in that we may or may not have easements under the street.

Commissioner Shull stated our attorney, David McArdle and Zion Lutheran were looking into this but did not know what the outcome was. He asked Attorney Arevalo if he was aware of this. He stated he recalled some of this but couldn't say specifically what the outcome of this search was.

Alderman Signore stated he had heard that possibly Zion owned the property our street was on and they could ask the City to vacate the street. Several other aldermen stated they had also heard this.

Alderman Signore wondered if this wouldn't be the time to make certain we have the necessary easements if this was indeed the case for dedication of the right of way. Attorney Eickstaedt thought we had a prescriptive easement if nothing else because as long as he has been in this town, there has been traffic that has been going up and down the street. He had no information to share on this one way or another but personally, in his opinion, felt Zion would not want to get into the land management business dealing with a street but he could not speak for the congregation. He personally would vote to give it back to the City if this was the case.

Administrator Hartman thought this could be cleaned up by putting a condition on the easement which meant Alderman Genot would have to withdraw his original motion from the floor to add the condition Zion Lutheran Church provide dedication of the right of way to the City (East Street).

Attorney Eickstaedt assumed whatever addendum we wanted to add to the ordinance would be fine. He suggested if we wanted to amend it, to add as a condition of approval, that if any easement exists, it be rededicated back to the City. We also have control thru building and occupancy permits as well.

The members were advised Ni-Cor and water and sewer lines run thru the area in question.

Alderman Genot withdrew his motion and made a motion to okay the zoning variance to the Marengo Zoning Ordinance, Section 10.04D, R-2 Single Family District Lot & Building Requirements for property located at 408 Jackson, Zion Lutheran, Ordinance 06-6-2 with the under
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-standing this hinges on the rededication of the right of way (East Street) to the City of Marengo and adopting the findings of fact as presented. Alderman Signore seconded the motion. The motion passed with an aye voice vote from Alderman: Secor, Signore, Spear, Jennings, Genot, Shelton and Otis.

LETTER OF CREDIT REDUCTION-BROOKSIDE MEADOW PHASES I AND II
Administrator Hartman felt this item was pretty straight forward. After Supt. Craney answered Alderman Shelton's question as to what was left to do, he made a motion to have the Letter of Credit reduction be approved. Alderman Otis seconded the motion. The motion carried with an aye voice vote from Alderman: Signore, Shelton, Jennings, Spear, Genot, Otis and Secor.

The current LOC amount for Phase I is \$343,412.50 and this reduction is for \$153,303.75 leaving the new LOC amount of \$190,108.75.

The current LOC amount for Phase II is \$512,079.00 and this reduction is for \$452,320.25 leaving the new LOC amount at \$59,758.75

AUTHORIZATION TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE MARENGO FIRE PROTECTION DISTRICT FOR PLAN REVIEW AND CODE ENFORCEMENT

Administrator Hartman advised this was an amendment to previous agreement with the Fire Protection District. Building Commissioner Shull worked with the Fire District in setting up the fees and amendments and could probably speak a little more on the details or if there are no questions, he recommended it be approved. Alderman Signore so moved if there were no questions, seconded by Alderman Secor.

Alderman Otis had a concern regarding the BOCA Code his department is working under because we are moving toward the proposal of adopting the International Building Code. She was wondering if this was going to create a conflict. Alderman Jennings pointed out this was addressed in item 3 of the agreement.

Roll was taken. The motion passed with an aye voice vote from Alderman: Spear, Secor, Genot, Signore, Jennings and Shelton. Alderman Otis voted nay.

OLD BUSINESS

Alderman Jennings wanted to know if there was anything in place that addresses the members not voting on any Planning and Zoning issues until the Commission had approved the minutes from their meeting.

Administrator Hartman advised, "Well, there are actually two things. City Council direction but a strict interpretation of the Zoning Ordinance would say that approved minutes accompany recommendations for Planning and Zoning Commission."

However, as a matter of practice, we try to expedite variances because of construction season but as Alderman Otis pointed out, we want to make sure they have a full recount of the meetings and issues that were discussed.

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Our attorney felt this would be a more critical issue if the Planning & Zoning Commission had denied the petitioner's request

MAYOR'S STATEMENTS AND REPORTS

COW-BUDGET MEETING-JULY 12, 2006

Mayor Lockhart, as promised, wanted to have a Committee of the Whole meeting on July 12, 2006, to see and discuss how things were looking on the current budget.

He discovered he had a conflict with that date and wanted to know if July 13, 2006 at 7:00 p.m. would be okay. It was okay with the members.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

Commissioner Shull submitted a written report. Alderman Signore inquired as to whether we were looking to hosting the

Administrative Adjudication. Commissioner Shull advised we were not and all the details had not been worked out. At the next meeting, it will be discussed as to who is aboard 100% and then they will start hashing out more details from there.

He advised with our fine structure being so low, this was not going to be a money making proposition; however, his hope is this will be a compliance producer. The types of cases that can be heard are building, zoning and non-moving violations. Per State Statues, moving violations cannot be heard in this type of setting.

Mayor Lockhart advised that last week, Marengo Marketplace presented a check to Brackmann's in full payment for their sewer line hookup.

In response to Alderman Jennings's question, Commissioner Shull advised his department does footing, wall and backfill inspections prior to requiring a spot survey. No framing is allowed until the spot survey is approved.

PUBLIC WORKS DEPARTMENT

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

Steve Fiepke from the WWTP was in attendance and stated the flows during the summer months usually decline as the rain fall is not as high as in the springtime. He does not foresee any high flow problems occurring in the summer.

Administrator Hartman advised thru one of the associations the WWTP belongs to, we can get free smoke testing that can help determine if there is any break or illegal connection(s) tied into the sanitary sewer. They are leaning to have this done on the City's north side. The members will be receiving more information when we receive it. It was suggested to review our fine fees for illegal connections before they do the smoke test.

Mr. Fiepke was asked when he felt we would hear from IEPA and did he feel they would put us on a restricted status. He talked to the inspector two weeks ago who was going to keep him informed.

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So far, he hasn't heard anything from her. With restrictions, EPA will take a look at connections and with critical review; we can't make any connections to the system. At the last inspection, the inspector was recommending us for restrictive which depends on the sewer connections we have for new developments plus the flow going to the WWTP.

Mayor Lockhart advised the members he has asked Supt. Craney to come up with a plan on the drainage ditch on Deerpass and Rt. 176. He wants the plan to contain how many years and how do we keep that ditch cleaned out so it doesn't fill up with topsoil, trees, etc. If this were to clog up, he felt we would have some serious drainage problems in Marengo. We

don't have the money to clean it every one-three years so perhaps it can be done in stages.

POLICE DEPARTMENT

A written report was submitted for their review. Orally, Chief Kottke stated the department had applied for a 75/25 grant thru the Illinois Criminal Justice Authority for in car computers. If we are approved for the grant, our portion would be \$2,500-3,000.

Alderman Otis had a concern on the 45 mph speed limit on Rt. 176 as residents, especially students of the development on the north side of Rt. 176, have a problem trying to cross the intersection to get to school. Supt. Craney placed a phone call to the State this morning on this.

Alderman Signore wanted to know what happened to our No Left Turn signs on Ford Street and what will be done with the bollard that was snapped off. Supt. Craney advised we will have to replace the bollard and repair the sidewalk square at our expense as we did not catch the person who ran into it and the signs have been order.

Alderman Otis felt the flower pots did a real good job and asked why we went thru all the expense for the bollards. Alderman Signore stated Supt. Craney was given the direction to put the bollards up from the members as it was not Jim's decision to do so.

ENGINEER

A written report was submitted by Baxter & Woodman. Alderman Signore wanted to know if anyone from the City knew how to operate our computerized water model. He was informed we would need the very technical software which is about \$10,000. We have paper copies of the model but we do not have a disk.

Alderman Signore stated in the last three years, he has raised this question before and nothing has been done on this. He felt we should at least a get a copy of the findings to have more than just a paper copy as we have purchased the product. We don't have the software to use it but felt we should have a copy of what we have purchased that would and could be operable if for ay reason, we would not be using Baxter & Woodman any more. This wasn't meant just for Baxter & Woodman. It was for anyone who has performed that type of work for us as we should have a copy. Administrator Hartman advised he did ask Mr. Gavle to provide this, however, he has not followed up on this request.

The members were advised Baxter & Woodman can supply this and with this copy, if we ever wanted another consultant to use it, they could use the model with the appropriate software.

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Alderman Signore felt down the road, it might be cost effective for us to possibly purchase the software for this with all the development we have coming. He is aware a lot of it is charged back as retained personnel but eventually

there has to become a break even situation on being able to operate this in house.

The engineer felt we should consider the expertise we would need to run it. Some bigger communities can as they have an engineer on staff.

ADMINISTRATOR'S REPORT

A written report was submitted. Orally, Administrator Hartman advised them we have a petition pending before the Planning & Zoning Commission meeting on June 19th for the well #3 site on Sponable for the proposed cell tower. Per our requirements based on the size of the lot it is prohibitive for the equipment and buildings to be placed on the lot. So, we are asking for a variance to allow buildings within the required yards.

The Northeast Sub-Area Plan, as noted on his report, is a recommendation from the Planning and Zoning Commission based on some of the development proposals as there needs to be some master planning.

We received a proposal today. It will go in front of the Planning and Zoning Commission for their review and they in turn will make a recommendation to the members. The proposed amount is \$19,500 and like the Southeast Area Sub Plan, we hope to have developers front the cost.

Alderman Signore wanted to know if there were any guidelines on the City or County level that would restrict US Cellular from going to an adjacent property to solicit their land for the tower. Administrator Hartman advised our Zoning Ordinance restricts it. If it is on municipal property, it is an increment use which makes it a fairly easy process. It is a special use or an administrative re-approved use based on certain criteria on our property so there is additional steps that we would have to review going on someone else's property.

Alderman Signore then wanted to know how this would affect people living under the tower as to whether they would be able to get reception. Administrator Hartman felt there were stipulations governed by the FCC on the different signals and bands that are out there.

Alderman Otis suggested perhaps the Mayor could review the information she had on the 2006 Metropolitan Planning Council Burnham Award for excellence in planning and perhaps have the Building Commissioner put the things together to submit our Comprehensive Use Plan as there is the possibility of receiving \$5,000.

Alderman Signore wanted to know if there was still discussion with residential properties on Prospect Street for the TIF District or was it just the pallet factory. Administrator Hartman advised this was going to be up the members. The last map included residential properties. Based on a conversation with Mr. Walsh, they might not be included.

A question was then raised if the Treasurer's Report needed to be approved. Administrator Hartman advised it just needed to be presented, however, it could be approved if they so choose.

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

EXECUTIVE SESSION

At 8:37 p.m., Alderman Signore made, seconded by Alderman Shelton, a motion to go into Executive Session to discuss, personnel, collective bargaining and litigation. The motion passed with an aye voice vote from Alderman: Otis, Genot, Shelton, Secor, Jennings, Spear and Signore.

The members returned from Executive Session at 9:30 p.m.

ADJOURNMENT

Since there was no further business for discussion, Alderman Genot made a motion to adjourn the June 12, 2006, Marengo City Council meeting at 9:32 p.m. Motion was seconded by Alderman Spear. Motion carried with a unanimous aye voice vote.

Submitted by: Diane L. Schwoch,
Acting City Clerk