

MARENGO CITY COUNCIL MINUTES
JUNE 26, 2006

CALL TO ORDER

At 7:06 p.m., Mayor Lockhart called to order the June 26, 2006, Marengo City Council meeting. He then led the "Pledge of Allegiance".

ROLL CALL

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

NEW BUSINESS

PRESENTATION CLEAN WATER ACT IL SECTION 404-ARMY CORPS OF ENGINEERING

Kate Bliss, Project Manager for the Army Corps of Engineers for McHenry County, was in attendance. She works with Section 404 of the Clean Water Act which regulates the discharge of fill material into any waters of the U.S.

She presented information to those present to help explain some of the topics that can be pretty complicated.

The first page of the material was an aerial photo of the Marengo area that showed ADID wetlands, wetlands, Rt. 20 marsh, sedge meadows and McHenry County natural area inventory sites.

She first gave a brief history of the Clean Water Act that was passed in 1972. The next topic she talked about was what was jurisdictional under the Clean Water Act and what was defined as the waters of the U.S. Waters of the U.S. are any wetlands, lake or stream that is tributary to a navigable waterway. A McHenry County Ordinance regulates isolated wetlands and waters and requires mitigation for impacts to them because these waters were determined no longer jurisdictional under the Federal Clean Water Act. If there is any question as to what is jurisdictional and what is regulated, there is a jurisdictional determination form that can be completed. This form can be found on their website. They will come out and take a look at the property to determine if there is any Federally Jurisdictional Waters on the property.

Next she talked about ADID (Advanced Identified) wetlands. This is a program the EPA and the Army Corp of Engineers works together with local sponsors to determine what wetlands, waters, etc. are unique in a community. McHenry County participated in this study back in the 90's.

On the aerial photo, the Kishwaukee River is designated as a High Habitat ADID Wetland. This is the highest quality ranking which indicates there is some rare plant or animal species that reside in this wetland.

The High Functioning ADID Wetland area shown on the photo tends to be more important on the landscape level-flood attenuation nutrient, sediment trapping and for water quality.

Regular wetlands on the photo are just that, regular old wetlands.

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There are actually different mitigation ratios depending on the quality of the wetlands. High habit wetlands are highly discouraged to have any impact to them because they are considered irreplaceable or immitigable. Since the early 90's thru trial and error, they have found that man cannot create wetlands as well as nature although man is getting better at doing so.

She then briefly discussed the McHenry County Natural Area Sites which are areas the McHenry County Conservation District has identified as having rare and unique resources. They do not necessarily have to be wetlands. A lot of them have endangered and threatened species within the areas.

She then discussed the regional permit program for residential, commercial and institutional developments which have the most impact on the watershed thru the Corp of Engineers which was included in the information she distributed. Some the requirements are: buffers without any lot lines, conservation easements over high quality wetlands and mitigation for impacts that are over a tenth of an acre.

The packet also contained information on how to use their website for some of the more commonly requested items they receive. The site contains ADID maps which municipalities and developers should use for due diligence if they feel they might have to go thru the permit process especially if there is high habitat wetlands as there might be issues that could throw up red flags.

PUBLIC PARTICIPATION

No one wished to address the members.

SPECIAL RECOGNITION

SGT. PAUL FIRTZ AND OFFICER ERIC BOCKELMANN

Deputy Chief Hallman presented Sgt. Paul Fritz an honorable mention for his action on May 6, 2006, for coming to the aid and saving a child that was reported not breathing.

Officer Eric Bockelmann also assisted but was not able to be present tonight. Mayor Lockhart will present him his recognition tomorrow.

TREASURER'S REPORT

There was no report as Treasurer Hall was unable to attend the meeting tonight.

NEW BUSINESS CONTINUED

APPROVAL OF THE JUNE 12, 2006, COUNCIL & EXECUTIVE SESSION MINUTES

There were no additions or corrections to the minutes, so, Alderman Jennings made a motion to approve the June 12, 2006, Council and Executive Session minutes. Motion was seconded by Alderman Secor. Motion passed with an aye voice vote from Mayor Lockhart and Alderman: Genot, Secor, Jennings and Spear.

ORDINANCE 06-6-3, GRANTING A ZONING MAP AMENDMENT AND VARIANCE-K&E CONTRACTING-204 AND 236 EAST PRAIRIE

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The above stated ordinance was for a zoning map amendment for 236 East Prairie from R-2 Single Family to B-1 Central Business District and a zoning variance to allow less than the minimum required parking spaces on the site for 204 East Prairie.

The plan has changed somewhat from what the petitioners first presented. They are not going to raze the house on the site and have now reduced the size of the office building in order to reduce the degree of the variance required for parking.

The single family home with the rezoning will allow for businesses to operate out of the building and become part of the redevelopment of the entire site. An apartment use will be allowed on the second story, if approved.

After the public hearings, the Planning & Zoning Commission recommended the members approve the request for the zoning map amendment and a variance to allow 73% of the required parking space for 204 East Prairie with three conditions:

- (a) Construction of the building shall be in accordance with the design and materials as depicted in the elevation/rendering approved by the City Council

- (b) An easement or dedication for a bike trail along the north property line be granted to the City of Marengo in a width to be approved by the City Engineer
- (c) A final site plan and landscape plan be approved by City staff with the input of the Chairman of the Marengo Planning & Zoning Commission

Administrator Hartman advised the elevation will be coming before the members at a later date. The approval of this ordinance is not giving them carte blanc for the elevation. This will be approved later. Right now, they would be taking care of the zoning part of the ordinance.

Alderman Genot was told the integrity of the house will be maintained. The developer is going leave the house set as is.

Administrator Hartman then stated because the site is small, there is discussion regarding the vacating of Page Street. This ordinance takes into account the 73% of the required parking but the next item will be a subsequent discussion on whether or not the members would be in support of vacating Page Street as the two go hand in hand.

MCCD has an easement to the east of this site that is 25' wide for the bike path. Our engineer is recommending that 25' be extended across this property along the north edge. The developer will cooperate in extending the easement but the exact width in this area will have to be determined though as they are trying to maintain an adequate amount of parking. They feel the narrowing of the 25' requested easement would not deter from the enjoyment of the path. They need to discuss this with our engineer which has not happened yet.

Administrator Hartman advised since the site is so small and in order to facilitate the redevelopment, we put a requirement in the ordinance for an easement or dedication for a bike trail along the north property line. When site and landscape plans are done, a conversation will be held

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with the City engineer to configure the site plan so there will be an adequate bike path, an allowance for routine construction and maintenance and not too much of an impact on the space needed for parking.

Alderman Genot made a motion to accept the recommendations of the Planning and Zoning Commission and adopt ordinance 06-6-3 to rezone 236 East Prairie from R-2 Single-family to B-1, Central Business District and grant a variation to

Section 8.07 of the Marengo Zoning Ordinance to permit 73% of the required parking spaces for 204 East Prairie subject to conditions outlined in the staff report and adopt the findings of fact by the Planning and Zoning Commission; seconded by Alderman Secor. Motion passed with an aye voice vote from Alderman Secor, Alderman Spear, Alderman Jennings, Alderman Genot and Mayor Lockhart.

DISCUSSION REGARD VACATING A PORTION OF SOUTH PAGE STREET

Administrator Hartman inquired if the members would be in support of vacating Page Street to allow the redevelopment of the property on East Prairie being done by K&E. The four aldermen in attendance would support it. Administrator Hartman stated one on one discussion could be held with the other alderman to find out if they supported it or not. The intention was to get their thoughts so the paperwork could get going. The petitioner for 204 East Prairie will be preparing the plat of vacation and necessary paper involved.

NORTHEAST SUBAREA PLAN PROPOSAL BY TESKA ASSOCIATES

Administrator Hartman advised the members there was a revised proposal for the Northeast Sub-area Plan from Teska Associates on their desk this evening dated June 23.

After talking to Teska, Administrator Hartman requested additional items be spelled out. These included having an additional meeting with the ad hoc transportation committee, additional copies for distribution and reduction in the cost of the proposal.

The Planning & Zoning Commission saw the need to do some master planning for the Northeast

Area that is in relationship to the Centex proposal (Bartman Farm) and for property on north 176

for the plan presented very informally to the members by John Schmuckal.

This sub plan takes the Comp Plan and focuses it on the area to help define transportation networks, park locations, and formal commitment from the schools, park district and library as to what they want/need in this area.

Administrator Hartman advised there is not any money in the budget for this. If this were to be approved, he recommended it be with the funding being required from an outside source, not from the City's General Fund.

Mr. Schmuckal stated as one of the participants in the area, he would go on record that he would participate in the funding, if this was a problem with the City.

Mayor Lockhart felt if they were able to do it, the members should vote on it tonight to get this moving on as quickly as possible as we have people waiting to go. He did not want to wait another two weeks.

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Alderman Jennings was advised the agreement did not include revisions to the zoning revisions as this would be an additional expense of around \$26,000.

Mayor Lockhart asked if there was a motion. Alderman Genot made a motion to approve the Northeast Sub-area Plan proposed by Teska Associates dated June 23, 2006 with a not to exceed amount of \$19,000 and funding to be secured by a third party. The motion was seconded by Alderman Spear. Motion carried with an aye voice vote from Mayor Lockhart, Alderman Spear, Alderman Jennings, Alderman Secor and Alderman Genot.

SPECIAL EVENTS SIGN FOR WAYNE'S COUNTRY MEAT

Roger Brandt, owner of Wayne's Country Market, has asked the members for their consideration to allow him to put up a vinyl banner Friday and Saturday's for the remainder of the warm weather season, weather permitting, to help promote lunches cooked (brats, burgers) near the front of the property line and to later promote the farm stand at harvest time. The banner will be put up and taken down each day after they are done. Per Section 16.02, 1, Permitted Signs, #3 states, "Special event signs are allowed when approved by the City Council".

After questions regarding the size and location of the banners and what brought this on to come before the members were answered, Alderman Jennings made and Alderman Secor seconded the motion to allow Roger Brandt, Wayne's County Market, to install temporary special event signs on Friday and Saturdays for the remainder of the warm weather season. The motion passed with an aye voice vote from Mayor Lockhart, Alderman Genot, Alderman Spear, Alderman Jennings and Alderman Secor.

ANNUAL APPOINTMENT OF CITY OFFICERS

Pursuant to Chapter 3.10 of the City Municipal Code, Mayor Lockhart requested the member's approval for the annual appointment for: Administrator-Scott Hartman, Treasurer-Todd Hall, Chief of Police-Leslie Kottke, Superintendent of Public Works-Donald J. Craney, Building Commissioner, Jayson Shull, ESDA Coordinator, Joseph Hallman, City Engineer-Baxter & Woodman and City Attorney-Zukowski, Rogers, Flood & McArdle. He also requested the reappointment of William Ryman to the Marengo Police Pension Board for another two years.

Alderman Genot made a motion to accept the appointments as written; seconded by Alderman Spear. Motion passed with an aye voice vote from Alderman Genot, Alderman Secor, Alderman Spear, Alderman Jennings and Mayor Lockhart.

2006/07 MFT ROAD IMPROVEMENT PROGRAM-RESOLUTION 06-6-A TO EXPEND MFT FUNDS AND AUTHORIZATION TO SOLICIT BIDS

Supt. Of Public Works, Jim Craney, advised the members what street improvements he is proposing to have done this year with an estimated cost of \$162,180 along with an option to bid on Johnson (from Briden to 211' south of Briden) and Kennedy (from Briden Drive to 180' south of Briden) for an approximate additional cost of \$18,850.

Alderman Secor was advised reclamite is not part of this program. Administrator Hartman advised the budget has \$164,500 allocated for the program. Briden Drive (from Park to Tioga Trail) and Keppler (from Park to Eisenhower Drive) is the recommended 2006/07 MFT Program.

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The other two streets are being proposed to be bid as options. The members will have the option to accept the bid and authorize the expenditure of the additional MFT money if the bids come in favorable and we accept the additional work.

The members were advised there were two separate motions to be approved. One was to adopt the resolution and the second was to give City staff and Baxter & Woodman authorization to solicit bids for the improvements as outlined.

Alderman Jennings made a motion to adopt the Resolution for Maintenance of Streets and Highways by Municipalities under the Illinois Highway Code to allow for the expenditures of MFT Funds; seconded by Alderman Secor. Motion passed with an aye voice vote from Alderman Spear, Alderman Secor, Alderman Jennings, Alderman Genot and Mayor Lockhart.

Alderman Secor made and Alderman Spear seconded a motion to authorize Baxter & Woodman to solicit bids for the improvements as outlined on the attached summary. The motion passed with an aye voice vote from Alderman Jennings, Alderman Genot, Alderman Secor, Alderman Spear and Mayor Lockhart.

ORDINANCE 06-6-4-AMENDING CHAPTER 6 OF THE MARNEGO MUNICIPAL CODE TO REGULATE UTILITY CONSTRUCTION IN THE RIGHT OF WAY AND EXHIBIT A OF CHAPTER 24

Administrator Hartman advised there really wasn't much discussion on this as it was basically a potential gap in our ordinance due to deregulation in the 1990's and the elimination of franchise agreements for AT&T (formerly SBC). This ordinance reestablishes/addresses any governing work in the right of way for any utility that does not have a franchise agreement.

Our attorney is recommending the member's consideration of the ordinance to make sure when the City undertakes a project or requires a developer to work in our right of way, any utilities located within the ROW must be moved at the utility company's expense.

Utilities having an existing franchise agreement with us are not subject to this ordinance as they are governed under the franchise agreement.

Administrator Hartman made the members aware of the fact the ordinance, as written, references a fee but no fee is provided as we have no idea what the administrative cost will be. If the members at this time want to set a fee, the ordinance could be changed to insert the fee. The fee will be added as an amendment to Chapter 24 Exhibit A, Fee Schedule or they could leave it as is. It will then be a zero amount permit fee until otherwise determined by the members. It will not be until the first permit is issued that we would know how much work this places on City staff to determine the amount of the fee to charge.

Alderman Genot made a motion to approve an ordinance amending Section 6.03, Encroachments on Streets, Chapter 6, Streets, Sidewalks and Public Ways and Exhibit A of Chapter 24 of the Marengo Municipal Code regarding utilities in the right of way and determine a fee when appropriate; seconded by Alderman Jennings.

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The motion passed with an aye voice vote from Mayor Lockhart, Alderman Jennings, Alderman Secor, Alderman Genot and Alderman Spear.

OLD BUSINESS

MAPLE MEADOWS/GURKE CONCEPT PLAN PRESENTATION

At the April 10, 2006, a concept plan was presented to the members for Maple Meadows. At that time, Dale Gurke advised the members there was some discrepancy on the height of the cell tower located on the property for this development.

The height of the cell tower issue has been resolved. It is 165' which revises the fall zone which means the lots on the inside of Meadow Lane radius will not be able to be built on. This in turn has changed the concept plan the members were given at the April 10th meeting.

The revised plan has 18 units and due to the location of lots 1-4, there will be a deed restriction to render them not buildable until the cell tower is removed.

Administrator Hartman stated as a concept plan, all that was being asked for tonight was a nod of approval to move forward with the preliminary plat; no formal action needed to be taken.

After Administrator Hartman explained what the next step of the process would be to Alderman Spear, a consensus was given by the members to move forward on this development.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart announced due to the storm that went thru the area yesterday, there was some flooding but it didn't last long. One of the ditches (across from Hubbs) was plugged up and once that was taken care of, the water receded within an hour. By Brackmann's development, there are silt covers on the drains required by our engineer. Once these covers were removed, the water diverted into the detention pond. There was hail damage but no wind damages.

DEPARTMENT HEAD AND STAFF REPORTS

BUILDING DEPARTMENT

Commissioner Shull submitted a written report. Orally, he thanked the members for his reappointment and was looking forward to another good year. He noted headway is being made in property maintenance.

It was also mentioned the Building Department, via E-mail or fax, will be providing the Police Department with permits that have been issued for their reference use on weekends and holidays.

PUBLIC WORKS

A written report was submitted by the Street Department and the WWTP. Orally, Superintendent Craney thanked the members for his reappointment as well.

The question was raised if there was any sense of urgency at the WWTP with the storm water runoff. Supt. Craney advised it went up a little but it was back to normal by noon today.

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Mayor Lockhart received one phone call relating to yesterday's weather which was followed up per Superintendent Craney.

POLICE DEPARTMENT

A written report was submitted for the packet. Orally, Deputy Chief Hallman thanked the members for reappointing Chief Kottke for another year as he is the right man for the job.

He also advised the members ESDA has been working with a McHenry County wide "Pandemic Influenza Steering Committee" to kick around ideas in the event this thing actually takes hold as far as business continuity planning and government continuity planning.

At the August 9 Chamber luncheon/workshop, he will be giving a presentation on the topic of "Business Continuity Planning". They will be talking about these ideas to the businesses to get people thinking about it as it applies to many other situations.

An open house for the Police Dept. building expansion is being planned but they are still waiting for office furniture that is on order. They are tentively looking at the end of July for the open house.

Mayor Lockhart received a phone call over the weekend from a gentlemen living on 8th Avenue regarding a barking dog and wanted to know if that had been resolved yet. He was advised an E-mail had been sent to confine the animal inside for the time being until they can be picked up by McHenry County Animal Control.

ENGINEER'S REPORT

Baxter & Woodman submitted a written report and orally thanked the members for appointing them for another year.

CITY ADMINISTRATOR

Administrator Hartman furnished a written report for the packet. He announced a public hearing for the 2006/07 Appropriation Ordinance will be held at the July 10th meeting to fulfill our annual requirement to establish our legal spending authority.

The Planning & Zoning Commission did not approve the Sponable site for the US Cellular tower. The members will be seeing this application to ultimately approve or deny it. However, in the mean time, there has been discussion with the US Cellular regarding a plan B which is to have the tower put on City

property by well 7. The property is currently vacant but there is pending residential development.

Administrator Hartman wanted to know what the feelings of the members were as to whether or not this would be a viable site. If not, US Cellular will look outside of town for a site.

Mayor Lockhart stated there were 4 or 5 residents objecting to the Sponable site at the Planning and Zoning hearing. The vote from the Planning & Zoning members was six against and one for the site. He personally was for the site as he felt it would be urban renewal but apparently he was incorrect in his thinking.
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In order for us to get a lease and bring income in, the members will have to override the Planning & Zoning's recommendation by a super majority for the Sponable site or find a new one inside the City limits or a third option would be to forget it and lose the potential revenue.

Administrator Hartman advised if the cell tower were put up at the well 7 site, no zoning action would be needed but wanted to know, knowing there are pending residential subdivisions (one has final plat approval but is on hold due to outstanding issues and the other is going thru the final plat process but has not moved forward as it is intertwined with the project on hold) for this area, is this something the members wanted to entertain.

Administrator Hartman felt the well 7 site was flexible so that there would not be any lots involved in the fall zone and unless there is an objection, staff would like to explore this site because of the supermajority votes that will be necessary to overthrow the Planning & Zoning recommendation. It was decided to look into having this as a potential site for the cell tower.

Administrator Hartman announced City Hall will be closed on July 3rd in addition to July 4th. (Building Department and Public Works Departments are also closed on the 3rd)

Mayor Lockhart announced the employees at City Hall had time coming (vacation, comp time, etc.) that they will be using.

Mayor Lockhart reminded the members of the July 13th C.O.W. meeting to discuss where the City was at with the 2006/07 budget for the first quarter.

EXECUTIVE SESSION

Alderman Genot made and Alderman Spear seconded a motion to go into Executive Session to discuss collective bargaining at 8:17 p.m. Motion passed

with an aye voice vote from Alderman Genot, Alderman Secor, Alderman Spear, Alderman Jennings and Mayor Lockhart.

Members arrived out of Executive Session at 8:42 p.m.

ADJOURNMENT

Alderman Genot made and Alderman Spear seconded a motion to adjourn the June 26, 2006, Marengo City Council meeting at 8:43 p.m. The motion passed with a unanimous aye voice vote from all present.

Submitted by: Diane L. Schwoch,
Acting Clerk