

City of Marengo
City Council Meeting Minutes
City Council Chambers
132 E. Prairie Street
Marengo, IL 60152
July 25, 2011

CALL TO ORDER

Mayor Donald Lockhart called the July 25, 2011 Regular Meeting of the Marengo City council to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Mayor Lockhart led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Mayor Donald Lockhart, Aldermen: Carole Bartman, Corey Brackmann, Michael Smith, Mike Secor, Pat Signore, Todd Hall, and Steve DiMaria. Also present are City Attorney Carlos Arévalo, Acting Chief of Police Joseph Hallman, Public Works/Building Commissioner Jayson Shull and Assistant City Administrator Joshua Blakemore. Absent this evening is Alderman Erik DeBoer.

PUBLIC PARTICIPATION

Bob Levin, (Levin's Shoes and Dry Goods - 212 S. State Street, Marengo) is the president of Marengo Main Street. Mr. Levin introduced their new director, Amanda Segó. He thanked the City of Marengo for their support this past year. Mentioned the downtown barn quilt festival. The community garage sale was very successful and went very smoothly. Thanked the Police for their help during this activity. Things are progressing nicely for the Saturday Night on Main Street (Settler's Days). They will get written reports to the City when possible.

Alderman Steve DiMaria added: "The time and the effort that is being put in with the consulting firm and the people that have been contributing, but what has been identified is, and I appreciate you coming here and acknowledging the support of the City to the Main Street, the biggest hurdle that the City and the Main Street (of the City of Marengo) is to get the community to buy-in and the businesses that are in the downtown to buy-in. And that is the only way that the Main Street is going to completely be successful. I hope that it continues to get out through the media and through other ways of how necessary that is for this community to buy into their Main Street if they want it to be successful. I do appreciate your efforts."

Matt Keenum, 603 E. Washington Street, Marengo. Attending this evening as a continuation of their opposition to the special use by the Florence Nursing Home at 546 E. Grant Highway. The objectors attended a meeting, initiated by Alderman Corey Brackmann, and discussed with the petitioner various options. Also mentioned a possible discrepancy on the vote that occurred at the previous meeting, and requested clarification of that.

Glen Borhart, 710 Stanford Drive, Marengo. (Zion Lutheran Church Pastor) Pastor Borhart expressed a concern for the assisted living addition that is being proposed by the Florence Nursing Home. There is a need for this type of facility in Marengo. His hope is that is for a compromise to be reached.

APPROVAL OF MINUTES

Alderman Pat Signore made a motion, seconded by Alderman Michael Smith, to approve the minutes of the July 11, 2011 Regular City Council Meeting. The motion passed with an aye vote by Aldermen: Brackmann, DiMaria, Hall, Bartman, Smith, Secor and Signore.

PUBLIC HEARING

a. FY 2011/2012 Appropriations Ordinance

Alderman Carole Bartman made a motion, seconded by Alderman Mike Secor, to open the public hearing for the appropriations ordinance for fiscal year 2011/2012. The motion passed with an aye vote by Aldermen: Hall, Smith, Brackmann, DiMaria, Signore, Secor and Bartman.

The Public Hearing opened at 7:14 p.m.

Present for the Public Hearing are Mayor Donald Lockhart, Aldermen: Todd Hall, Michael Smith, Corey Brackmann, Steve DiMaria, Pat Signore, Mike Secor and Carole Bartman. Absent this evening is Alderman Erik DeBoer.

City Attorney Carlos Arévalo requested whether notices of the public hearing were properly published, and Assistant City Administrator Joshua Blakemore confirmed that they were. Attorney Arévalo then requested any member of the public present, who had any comments to offer with respect to the appropriations ordinance, to please come forward. There were no comments.

Attorney Arévalo requested a motion to close the Public Hearing. Alderman Pat Signore made a motion, seconded by Alderman Steve DiMaria, to close the public hearing. The motion passed with an aye vote by Aldermen: Signore, DiMaria, Hall, Smith, Secor, Bartman and Brackmann.

The Public Hearing closed at 7:15 p.m.

CONSENT AGENDA

a. List of Bills

b. 50/50 Sidewalk Request

Alderman Steve DiMaria made a motion, seconded by Alderman Todd Hall, to approve the Consent Agenda items. The motion passed with an aye vote by Aldermen: Bartman, Smith, Brackmann, DiMaria, Signore, Hall and Secor.

NEW BUSINESS

a. Appropriations Ordinance for Fiscal Year 2011/2012

Alderman Carole Bartman made a motion, seconded by Alderman Pat Signore, to approve the Appropriations Ordinance for fiscal year 2011/2012. The motion passed with an aye vote by Aldermen: Signore, Secor, Hall, Brackmann, DiMaria, Bartman and Smith.

b. Annual Marengo Cemetery Report – George Bauman

George Bauman, Treasurer of the Marengo Cemetery Board of Managers, reviewed the annual report with the Council.

Alderman Pat Signore made a motion, seconded by Alderman Mike Secor, to accept the Marengo Cemetery Report. The motion carried with an aye vote by Aldermen: Smith, Brackmann, Signore, DiMaria, Bartman, Hall and Secor.

c. **Authorization to Execute Settlement Agreement with Charter Cable on outstanding franchise fees.**

Assistant City Administrator Joshua Blakemore updated the Council on the negotiated settlement between Azavar (on behalf of the City of Marengo) and Charter. The amount being offered in this settlement is \$201,104.31.

Alderman Steve DiMaria made a motion, seconded by Alderman Michael Smith, for authorization to execute the settlement agreement with Charter Cable on the outstanding franchise fees. The motion passed with an aye vote by Aldermen: Hall, DiMaria, Smith, Brackmann, Secor, Signore and Bartman.

Council requested that the City contact Comcast to see if they would be interested in presenting a bid to the City for service.

OLD BUSINESS

a. **Ordinance Amending a Special Use permit for 546 E. Grant Hwy (Florence Nursing Home) and Rezoning a portion of the property to R-5 Multiple Family Residential.**

Alderman Pat Signore requested that the agenda include information on specific voting requirements for issues to pass. (i.e. – super majority, simple majority, etc) Attorney Arévalo will get that information included on future agendas.

Joe Misiak, 533 E. Washington, Marengo. Spoke on the importance of being in attendance when a request is made of the City.

Alderman Brackmann spoke on the meeting that was held this evening with the petitioner and the objectors, and the various options that were discussed. There had been a mis-communication between the petitioner and the City, as to when this issue would be brought before the Council for consideration.

Matt Keenum spoke about his previous meeting with Alderman Brackmann on this issue.

Joe Brandman, 546 E. Grant Hwy, Marengo. He is the petitioner requesting the Special Use permit and the rezoning to R-5 Multiple Family Residential.

Alderman Secor requested clarification from Jayson Shull on the current height limitations, and they are: 3 stories (50') in R-5, and 2 stories (30') for R-3.

Attorney Arévalo clarified the voting that was done at the previous meeting on this issue. There was a motion to approve, with certain conditions. That motion was made and the vote followed. But, there were not enough votes for the motion for the request to be approved. The result of that was that there was no action taken on the vote. When there is no action taken, then the next question was whether there was a motion to deny the request. There was no such motion that

followed. As there was no motion to deny the request, it was as if nothing happened. That being the case, this could then be given back to the petitioner to allow them and the parties to meet and discuss a potential resolution of the issues in light of the comments that were made regarding the petitioners absence as well as other conditions.

Alderman Corey Brackmann made a motion, seconded by Alderman Carole Bartman, to approve the Special Use permit (for Property Commonly known as 546 E. Grant Hwy) with 14' trees (recommended Colorado Spruce trees) on top of a 4' berm (recommended a total of 16 trees), as many of the existing trees to remain, and the storm water issues being addressed by ordinance at the time of the engineering. Voting yes on this motion are Aldermen: Secor, Bartman, Brackmann, Hall, and Smith. Voting no on this motion are Aldermen: DiMaria, and Signore. The motion failed. (6 yes votes are needed to pass.)

Attorney Arévalo stated that for this issue to not come before the Council, there would have to be a motion to deny made. However, the petitioner then requested to amend his application, and only build a single story building on the property, and not include space for assisted living. This change would increase the current beds by 19. The objectors responded that they would withdraw their objections if the building were to be single story.

Alderman Corey Brackmann made a motion, to approve the Special Use Permit (for 546 E. Grant Hwy – Florence Nursing Home) by 19 beds.

Mayor Lockhart requested a 10-minute recess at this time, to allow for conversation on this issue between Attorney Arévalo and the objectors. The meeting recessed at 8:25 p.m. The meeting reconvened at 8:34 p.m.

Dorothy Rogers, 333 Elder Lane, Belvidere. She is the Director of Nursing at the Florence Nursing Home. She spoke on the importance of the Florence Nursing Home to the community of Marengo.

Attorney Arévalo stated that there is an objection that is being withdrawn contingent upon the applicant withdrawing his application for Special Use for a 2-story building facility, and his agreement to reduce the application to 19 beds and limiting it to 1 story. Withdrawal is executed by the objectors, with the exception of Stephanie Keenum. Mr. Keenum agreed to obtain Stephanie Keenum's signature and then return to the City.

Alderman Corey Brackmann requested that his initial motion be withdrawn. Mayor Lockhart approved his request.

Alderman Corey Brackmann made a motion, seconded by Alderman Carole Bartman, for a 1-story nursing home addition only. Limited to 19 rooms, so that the Special Use will increase by 19 rooms. There will not be a berming requirement, but that the property landscape plan be held to – with 3 pine trees that are existing remain, and that 10 Colorado Spruce – of 6' in height - be put in there instead. This is all subject to the second set of drawings dated June 24, 2011. The motion passed with an aye vote by Aldermen: Secor, DiMaria, Brackmann, Smith, Bartman, Signore and Hall. The Special Use Permit, as amended in the motion, passes.

b. **Authorization to Execute Agreement with Voorhees Associates for City Administrator Search.**

Alderman Steve DiMaria made a motion, seconded by Alderman Pat Signore, for authorization to execute an agreement with Voorhees Associates for the City Administrator search. The motion passed with an aye vote by Aldermen: Hall, Smith, DiMaria and Signore. Also voting on this issue (with an aye vote) is Mayor Lockhart. Voting no on this motion are Aldermen: Bartman, Secor and Brackmann.

MAYOR'S STATEMENTS AND REPORTS

The City is receiving a \$500,000 grant from the Council of Mayors, for the work being done on Prospect Street. This is on top of the original \$1,000,000 already received from the Council of Mayors.

DEPARTMENT HEAD AND STAFF REPORTS

Public Works/Building Commissioner Jayson Shull.

Report already given out. The bike racks have been installed downtown. The two BBQ pits are being installed at Calvin Spencer Park. Riley Drive water main improvements are about 90% completed. Discussed briefly the situation at the Wastewater Treatment Plant.

Acting Chief of Police Joseph Hallman. Report in board packet.

Assistant City Administrator Joshua Blakemore. Updated the Council on the Wastewater Treatment plant and what repairs will be necessary. Malfunctions continue to occur. Individual has approached the City to rent/lease the property at 837 W Grant. She is looking at possibly opening a hot dog type of restaurant at that location. George Roach was in last week and has started the audit.

Mayor Lockhart has called for a meeting on Wednesday, the 27th of July, for a Committee of the Whole to work on the rate structure to repay the loan for the Wastewater Treatment project. The meeting will start at 7 p.m.

City Attorney Carlos Arévalo. No report.

EXECUTIVE SESSION

Mayor Lockhart stated that there would not be an Executive Session this evening.

ADJOURNMENT.

Alderman Michael Smith made a motion, seconded by Alderman Steve DiMaria, to adjourn the meeting. The motion passed with a voice vote.

The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Constance J. Boxleitner
City Clerk