

APPROVED
6/22/2015

**Marengo City Council
Regular Meeting Minutes
City Council Chambers
132 E. Prairie Street
Marengo, IL 60152
June 8, 2015**

CALL TO ORDER

Mayor Donald B. Lockhart called the Regular Meeting of the Marengo City Council to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Alderman James Regelin led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Mayor Donald Lockhart; Aldermen James Regelin, Michael Smith, Nicole DeBoer, Dennis Hammortree, Brett Martin, Todd Hall and Steve Mortensen. Also present are City Administrator Gary Boden, Assistant City Administrator Joshua Blakemore, Chief of Police Joseph Hallman, City Attorney Carlos Arevalo, City Engineer Tim Hartnett and Finance Director Jennifer Snelten. Alderman Matt Keenum was absent.

PUBLIC PARTICIPATION

Three property owners that reside on Ritz Road, spoke to the Council this evening about their concerns from the contamination issue that exists. Their statements are attached, as public record.

APPROVAL OF MINUTES – May 26, 2015

Alderman Steve Mortensen made a motion, seconded by Alderman Michael Smith, to approve the minutes from the May 26, 2015 regular meeting. The aldermen voted as follows:

Ayes: Mortensen, DeBoer, Hall, Regelin, Smith, Hammortree and Martin
Nays: 0
Abstain: 0

The motion passed.

CONSENT AGENDA

- a. **List of Bills**
- b. **Faith & Family Day Request**
- c. **Authorization to Execute Labor Contract with Fraternal Order of Police**

Item C was removed from the agenda.

Alderman Nicole DeBoer made a motion, seconded by Alderman Todd Hall, to approve consent agenda items A & B. The aldermen voted as follows:

Ayes: Regelin, Smith, Mortensen, DeBoer, Martin and Hall
Nays: Hammortree
Abstain: 0

The motion passed.

NEW BUSINESS

- A. **Status Update Regarding Issues Related to Arnold Engineering Groundwater Contamination**

Ed Coggin reviewed the summary report that has been received from the test wells done at various locations around Arnold Engineering (300 West LLC). He spoke about the wells and what was found on each one. He addressed concerns expressed by the residents that live on Ritz Road, as well as Council

members. Mayor Lockhart assured the residents of this area, that the City has no plans to annex their properties into the City. Mr. Coggin explained to everyone that the City is no position to force Arnold Engineering to do anything. All the properties in question are outside the City limits and therefore outside our jurisdiction and control.

B. Request of Direction Regarding the Disposal of City Property

The City has received a request from two property owners on Woodland Lane, whose property backs onto City property, to purchase the strip of land from the City. The Council members recommended going ahead with this, but requested that the City not incur any cost in the process. The City Attorney will work with the City Administrator and prepare the necessary documents needed to complete this transaction.

C. Ordinance Amending Chapter 25, Water and Wastewater Department, Regarding Water & Sewer Rates

As had been discussed in putting together the FY 15/16 Budget, the amending of Chapter 25 would increase the debt service charges to \$10.05 (\$39.00 per quarter) for all residents. This amount will be split between the water line (\$5.02) and the wastewater line (\$5.03). This change will take effect beginning on bills read June 1, 2015 and after.

Alderman Nicole DeBoer made a motion, seconded by Alderman Michael Smith to approve an Ordinance Amending Chapter 25, Water and Wastewater Department, regarding Water and Sewer Rates. The aldermen voted as follows:

Ayes:	Martin, Hall, Mortensen, Regelin, DeBoer and Smith
Nays:	Hammortree
Abstain:	0

The motion passed.

D. Discussion Request for Direction Regarding the Administration of the Public Works Function

Alderman Smith read, for the record, an email from Alderman Matt Keenum: "It is my opinion that the role of Director of Public Works should report to the City Administrator for all day-to-day activities including, but not limited to, job performance review and discipline. However the City Administrator position shall NOT have exclusive and unilateral responsibilities as it relates to the hiring and/or dismissal of an individual for the role of Director of Public Works. This highly visible position should remain a Mayoral appointment with the consent of City Council."

There was no clear decision made by the Council on this item, so it was decided to pass on it at this time.

MAYOR'S STATEMENTS AND REPORTS

Mayor Lockhart had nothing to report this evening.

DEPARTMENT HEAD AND STAFF REPORTS

Assistant City Administrator Joshua Blakemore report on the following items: current status on the wastewater treatment plant project (things are improving), transite project (coming along with just a couple of glitches), water main break last week (Sponable St), recommended a Valve Exercise program (to facilitate in making speedy repairs when needed), need to replace some fire hydrants, and grass mowing contractor seems to be going well.

Finance Director Jennifer Snelten had nothing to report, but advised the Council that they would be receiving the May month end report in the next packet.

Chief of Police Joseph Hallman had no formal report, but did advise that the sergeant's examination complete report for a list by next month. The department is working on completing their state mandated range qualification.

City Engineer Tim Hartnett updated the Council on the Route 23 transite project, and provided information on a meeting that was held on June 1st with the toll authority. The bridge designers reported that they are just under 30% done on their part of the project. He will keep the Council updated with the two options that are being discussed on ramp configuration. If all goes as expected, the projected bid opening on this project will be in 2016, with construction to start in 2017.

City Administrator Gary Boden reported on a storm sewer collapse, and it was determined that the repairs are the responsibility of the City. He also reported that the Democrats have passed a budget (for the State), and there does not appear to be any reduction in the funds earmarked for the City. Hopefully it will be signed soon, and we will know for sure.

City Attorney Carlos Arevalo had no report.

City Clerk Connie Boxleitner had no report.

REPORTS AND STATEMENTS FROM CITY COUNCIL

There were none this evening.

ADJOURNMENT

Alderman Nicole DeBoer made a motion, seconded by Alderman Steve Mortensen, to adjourn the meeting. The motion passed with a voice vote. The meeting adjourned at 9:08 PM.


Constance J Boxleitner
City Clerk

These minutes were approved by the City Council on June 22, 2015.

My name is Ray Anthony. I live at 4106 Ritz Rd in Marengo Township. Last month we decided to list and sell our home. The realtor that came to our house told us that it would be very difficult to get someone that would be willing to take on this water contamination problem. Basically we wouldn't fair market value. This is also an urgent matter for my mother who owns the farm at the end of Ritz Rd. She now resides in a nursing home and is paying out of pocket for nursing home care. Very soon she will need to sell her property in order to continue to pay for her care. Because of what we were told about selling our property, you can surely understand why this is a gigantic problem! My mother should not have to sell her property for pennies because of a problem created by Arnold Engineering. We understand that 300 West LLC and the City of Marengo have been discussing running city water down our street. We would like to be informed of all aspects of these negotiations. Please include this statement in the City Council Meeting minutes.

My name is Ann Anthony. My husband, Steve, and I live at 4805 Ritz Rd in Marengo Township. Two years ago we were notified by the Illinois Department of Public Health that our well water was contaminated with volatile organics and toxic inorganics which made the water unsafe for human or animal consumption. We've been told that the contamination is a result of materials used and disposed of by Arnold Engineering. Two years from the time that we were notified that our well water was contaminated we are not even one step closer to a resolution to this horrible problem. Arnold has been supplying us with bottled water for drinking and cooking purposes. Arnolds has not even identified the boundaries of groundwater contamination and, to date, there has been absolutely no effort to clean up the contaminated site.

Throughout this two year period, we have consistently been treated like second-class citizens and as if we, and not Arnolds, are the bad guys. Every bit of information that we have asked for from Arnolds, the Illinois Attorney General, the Illinois EPA, as well as the City of Marengo has been given under duress and frequently the information we receive is incomplete, untimely or simply denied. We've repeatedly asked our State Representative Jack Franks to meet with the affected homeowners, locally in the evening so that all the working residents could attend, to hear our concerns about how this matter is being handled. Even though he's had time to talk to Mr. Boden from the City of Marengo, he has not been able to fit us, township residents, into his busy schedule. Just today I received a call from Bridget, in Frank's office, stating that Representative Franks would be willing to meet with us tomorrow at 2:30 in the afternoon in Springfield. Most of us are working folks. He knows full well this meeting would not be feasible.

I feel as we are being treated like uneducated country bumpkins, which we are not! Our consultant, who just happens to be my father, has 40 years of experience in environmental engineering dealing primarily with hazardous wastes and ground water contamination issues.

I spent a lot of time today listening to audio recordings of past Marengo City Council meetings as well as meetings held by 300 West LLC with the residents who have been affected by the ground water contamination. At those meetings there were representatives from the AG's office, the IEPA, IDPH, as well as the City of Marengo. There was a very lengthy discussion during the city council meeting on September 22, 2014 regarding an agreement between the City and 300 West LLC, which was signed by 300 West's' manager John Daley, to extend city water to the Ritz Rd homes. At that time the Ritz Rd residents knew nothing about a plan to run city water down our street. The council members repeatedly referred to the written agreement that they were looking at during the city council meeting. On October 15, 2014, John Daley flat out denied the existence of said agreement at a meeting hosted by 300 West LLC.

Although supplying our homes with city water would resolve our issue with unsafe, contaminated water, I would like to make it absolutely clear that it was 300 West LLC who approached the City of Marengo with the idea to run city water down Ritz Rd, NOT the Ritz Rd residents. This plan would satisfy the requirements placed on 300 West by the AG's office to provide the residents with safe water. That being said, we feel that part of the agreement between the City and 300 West should include that the payment for the city water should be the

responsibility of Arnold Engineering/300 West and not the residents. The only reason in the entire world the Ritz Rd residents would even need the city water is because of the contamination caused by Arnold Engineering.

The Ritz Rd residents had a meeting this past Friday and developed a list of what we would be satisfied with as a resolution to the water contamination problem:

1. We would like clean, safe water in our homes. If that means bringing city water down our road, so be it.
2. All costs associated with bringing water down Ritz Road and connecting to the existing and any future homes should be absorbed by Arnold Engineering and 300 West. This includes monthly water usage costs. This should be done until the ground water is cleaned up and we are allowed to again use our private wells for water consumption.
3. We would like a written guarantee from the City that our properties would not be annexed into the City of Marengo simply because the city water has been extended to our homes. I don't feel that this should be a problem because in those audio recordings that I listened to today Mayor Lockhart is heard several times promising that we would not be annexed as well as an assurance from John Daley that annexation of our properties would definitely not happen.
4. We would like getting clean water to the affected homes to be a separate entity from the cleanup of the contaminated site. The litigation that is in progress between the AG's office, the IDPH, and Arnold Engineering/300 west LLC will probably continue on for years. We don't want to live with bottled water for that entire time.

Please include this statement in the city council minutes.

My name is Mike Lewis. I live at 4913 Ritz Rd in Marengo Township. On June 6, 2013, we received a letter from the Illinois Department of Public Health stating that our water had been contaminated and, I quote from that letter, "we recommend that you do not use your water for drinking, cooking, or bathing." Even though the quarterly water sampling shows that the levels of contamination are worse than June of 2013, through the power of negotiation, it is now ok to take very short, cold showers as long as the exhaust fan is on and the window is open. Following these recommendations certainly does not make for comfortable living. I find it crazy that, two years after being notified that our water is poisonous, 300 West LLC and Arnold Engineering is not one step closer to resolving this problem.

In the fall of 2013, we were going to allow 300 West/Arnold to install a carbon treatment/reverse osmosis system in our home, to remove the contamination from our water. They inspected our well set-up. We heard nothing further about this until the fall of 2014, a year later, when in a meeting hosted by 300 West, they stated that the proposed system was too expensive!!

Please include this statement in the city council minutes.