

**MARENGO CITY COUNCIL
Regular Meeting Minutes
City Council Chambers
132 E. Prairie Street
Marengo, IL 60152
June 25, 2018**

CALL TO ORDER

Mayor John Koziol called the meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

Mayor Koziol led everyone in the Pledge of Allegiance.

ROLL CALL

Present this evening are Mayor John Koziol; Aldermen Matt Keenum, Mike Miller, Michael Smith, Nicole DeBoer, Dennis Hammortree, Brett Martin, Todd Hall and Steve Mortensen. Also present are City Administrator Joshua Blakemore, Chief of Police Richard Solarz, Public Works Director Howard Moser, Acting City Attorney David McArdle, and City Engineer Tim Hartnett. Finance Director Jennifer Snelten was absent.

PUBLIC PARTICIPATION

A resident questioned the use of roundabouts coming off the toll-way, and suggested that there were other options, one of which could be a diverging diamond, such as being used out West. That design appears to be a little less confusing to the public.

A resident of Crystal Lake spoke to the Council about her experience with the use of solar panels at her home.

APPROVAL OF MINUTES – June 11, 2018 Regular Meeting Minutes

Alderman Nicole DeBoer made a motion, seconded by Alderman Steve Mortensen, to approve the minutes from the meeting. The aldermen voted as follows:

Ayes: Keenum, Mortensen, DeBoer, Miller, Hall, Smith, Hammortree and Martin
Nays: 0

The motion passed.

APPROVAL OF LIST OF BILLS

It was noted that the invoice for the traffic signs should show Newman Signs, not Newman Roofing. This information will be corrected.

Alderman Steve Mortensen made a motion, seconded by Alderman Todd Hall, to approve the list of bills, with the correction. The aldermen voted as follows:

Ayes: Hall, Hammortree, Mortensen, DeBoer, Miller, Martin, Smith and Keenum
Nays: 0

The motion passed.

NEW BUSINESS

- a. *Update on wastewater treatment plant capital improvement plan*

Troy Stinson, from Strand Associates, presented information to the Council on their findings and suggestions for repairs to the various areas of the treatment plant. There was discussion on the SBR's, the Sonalyzer, the anaerobic cover problems, and the clarifiers.

The main concern at this time is the Anaerobic Digestion BioGas problem (deteriorating cover, foaming problem, and methane gas build-up. They are recommending that the City make repairs, in the amount of \$22,323, at this time. Attorney McArdle advised that the Council could give approval at this time to proceed with making these repairs, and then ratify the cost of the repairs at the next meeting. The Council agreed with this recommendation.

- b. Public Hearing on proposed annexation agreement relating to approximately 114.72 acres of property West of Johnson Road and South of Route 20 – Marengo Solar 1 (Johnson & Feddema Property)*

The Public Hearing was opened at 8:11 PM. Notification of the public hearing (for both properties) was provided for the City's records. Attorney McArdle clarified to the public that there are two public hearings being done this evening: one for the West side of Johnson Road (Marengo Solar 1), and the one for the East side of Johnson Road (Marengo Solar 2), and that following the Public Hearings, the Council will be discussing the proposed agreements. If the annexation agreements are adopted, the next action the Council will discuss will be to amend the text of the Marengo Zoning Code to permit solar farms to exist within the City. Attorney McArdle clarified that the City, at this time, is not annexing the property and also not zoning the property tonight. The steps taken tonight are an agreement to adopt and zone the properties in the future.

Attorney Jay Filler, attorney for the petitioner, introduced Reed Wills and Chris Harvey, with Marengo Solar, Candace Ward with Energy Renewal Partners, and Patricia McGarr, with Cohn Resnick . Mr. Wills spoke first to the Council about the proposed solar farm, its location and the surrounding area. Ms. McGarr then spoke about her findings on the affect solar farms have on property values, and presented information for 5 locations (1 in Illinois, 4 in Indiana). Her research has indicated that there does not appear to be any negative impact on adjacent property values. Mr. Wills then gave a slide presentation showing the current property views, and a rendering of what the property owner would see following the installation of the solar panels. The Solar Farm group made the decision to have a privacy fence (7' high cedar) erected so the property owner would not be viewing the panels except for when they are at a high tilt angle.

There was discussion about the Senate bill that was passed (regarding property taxes), as far as revenue that would be generated, that is awaiting the Governor's signature, and if that did not go through the possibility of imposing a fee for usage, similar to the tipping fee that is paid by the mining companies. The Council felt it would be acceptable to wait for the Assessor's Office to assess the property.

Following the presentation, the hearing was opened at 8:50 PM for public questions and comments. A resident questioned if annexation fees were being waived on this project, and if the project is annexed into the City, would the County have oversight on this property? Administrator Blakemore stated that annexation fees would be paid on this project. Attorney McArdle advised that the County would not have any oversight if the property is annexed into the City.

MOTION TO CLOSE THE PUBLIC HEARING

Alderman Nicole DeBoer made a motion, seconded by Alderman Todd Hall, to close the Public Hearing. The aldermen voted as follows:

Ayes: Martin, Mortensen, Hall, Smith, Hammortree, DeBoer, Keenum and Miller

Nays: 0

The motion passed. *The Public Hearing adjourned at 8:54 PM.*

- c. **Public Hearing** on proposed annexation agreement relating to approximately 120.8 acres of property East of Johnson Road and South of Route 20 – Marengo Solar II (Nelligan Investments LLC Property)

The Public Hearing was opened at 8:54 PM for public comment. There was none.

MOTION TO CLOSE THE PUBLIC HEARING

Alderman Matt Keenum made a motion, seconded by Alderman Nicole DeBoer, to close the public hearing. The aldermen voted as follows:

Ayes: Martin, Mortensen, Hall, Smith, Hammortree, DeBoer, Keenum and Miller

Nays: 0

The motion passed. *The Public Hearing adjourned at 8:55 PM.*

- d. *Motion to approve an ordinance authorizing the execution of an annexation agreement between the City of Marengo and Marengo Solar LLC for approximately 114.72 acres of property West of Johnson Road and South of Route 20 – Marengo Solar I (Johnson & Feddema Property)*

Attorney McArdle reviewed the annexation agreements with the Council, drawing specific attention to various areas of the agreement under section A - Obligations of the City. The deadline for the petitioner to comply with the conditions outlined is June 1, 2021. If the obligations are not completed by that date, the annexation is null and void. Under Section B – Obligations of the Owner, Attorney McArdle questioned if the wording “in general compliance” met with the Council’s approval regarding the original site plan, and the lack of specifications in the plans. This was discussed in detail by Attorney Filler, City Engineer Hartnett and Chris Harvey. Following this discussion, the Council felt comfortable with the original wording. Annexation fees were outlined, with those fees being secured through an irrevocable letter of credit. A LOC will also be issued to cover decommissioning costs, and also one to cover any possible damage to Johnson Road. Attorney McArdle questioned the use of an international bank for the LOC’s. Mr. Harvey will provide more information to the City on the bank. Attorney McArdle then reviewed the various Exhibits that will be attached to the annexation agreement.

Alderman Nicole DeBoer made a motion, seconded by Alderman Todd Hall, to authorize execution of an annexation agreement between the City of Marengo and Marengo Solar LLC, for approximately 114.72 acres of property West of Johnson Road and South of Route 20 – Marengo Solar I (Johnson and Feddema Property), subject to the following conditions being met: 1. Approval by the City attorney of all letters of credit referenced in annexation agreement relating to substance, amounts, form and the issuing bank; 2. Correction, if any, to legal descriptions; 3. H.R. Greens approval of Exhibit F. The aldermen voted as follows:

Ayes: Martin, Hall, Smith, DeBoer, Mortensen, Miller, Keenum (reluctantly agreed), and Mayor Koziol

Nays: Hammortree

The motion passed.

- e. *Motion to approve an ordinance authorizing the execution of an annexation agreement between the City of Marengo and Marengo Solar LLC for approximately 120.8 acres of property East of Johnson Road and South of Route 20 – Marengo Solar II (Nelligan Investments LLC Property, subject to the following conditions being met: 1. Approval by the City attorney of all letters of*

credit referenced in annexation agreement relating to substance, amounts, form and the issuing bank; 2. Correction, if any, to legal descriptions, and 3. H.R. Greens approval of Exhibit F.

Alderman Nicole DeBoer made a motion, seconded by Alderman Todd Hall, to authorize the execution of an annexation agreement between the City of Marengo and Marengo Solar LLC for approximately 120.8 acres of property East of Johnson Road and South of Route 20 – Marengo Solar II (Nelligan Investments LLC Property), subject to the following conditions being met: 1. Approval by the City attorney of all letters of credit referenced in annexation agreement relating to substance, amounts, form and the issuing bank; 2. Correction, if any, to legal descriptions; and 3. H.R. Greens approval of Exhibit F. The aldermen voted as follows:

Ayes: Keenum (reluctantly), Martin, Smith, Miller, Hall, Mortensen, DeBoer and Mayor Koziol

Nays: Hammortree

The motion passed.

f. Motion to approve an ordinance amending the Marengo Zoning Ordinance to add a ground mounted solar energy system (solar farm) as a special use in the ER – Estate Residential zoning district

Alderman Nicole DeBoer made a motion, seconded by Alderman Todd Hall, to approve an ordinance amending the Marengo Zoning Ordinance to add a ground mounted solar energy system (solar farm) as a special use in the ER – Estate Residential – zoning district. The aldermen voted as follows:

Ayes: Miller, Smith, DeBoer, Mortensen, Keenum, Hall and Martin

Nays: Hammortree

The motion passed.

g. Motion to approve an ordinance establishing the prevailing wage rates for the City of Marengo

Alderman Nicole DeBoer made a motion, seconded by Alderman Steve Mortensen, to approve an ordinance establishing the prevailing wage rates for the City of Marengo. The aldermen voted as follows:

Ayes: Smith, DeBoer, Martin, Miller, Mortensen, Keenum, Hammortree and Hall

Nays: 0

The motion passed.

Alderman Todd Hall stated: “I vote yes, but only because we basically have to. The State (of Illinois) has a gun to our head.” Alderman DeBoer agreed with this comment.

h. Motion to approve an ordinance amending Chapter 6, Streets, Sidewalks and Public Ways; amending Chapter 38, Construction of Utility Facilities in the Right of Way; and Providing for the Regulation of, and Application for, Small Wireless Facilities in the City of Marengo

Administrator Blakemore explained that this change has been dictated by the State of Illinois and information on the changes were outlined, in a letter from Ruth Schlossberg (attorney with Zukowski, Rogers, Flood & McArdle).

Alderman Steve Mortensen made a motion, seconded by Alderman Michael Smith, to table this matter to the July 9th meeting. The aldermen voted as follows:

Ayes: DeBoer, Mortensen, Smith, Miller, Hall and Martin
Nays: Hammortree and Keenum
The motion passed.

This matter is removed from the agenda, and will be re-visited when additional information is available. The City has until the end of July to enact regulations on "small cell" devices.

MAYOR'S STATEMENT AND REPORT

Mayor John Koziol reported that the City has interviewed 2 candidates for the position of Economic Development Consultant. He reminded everyone about the festivities on Saturday, noting that the fireworks are completely covered from generous donations, and therefore monies that had been budgeted for this will not be necessary.

DEPARTMENT HEAD AND STAFF REPORTS

Public Works Director Howard Moser reported that the milling on Eisenhower and Keppler is almost complete. The engraving on the welcome signs should be done by Wednesday. Gillian Mobley is the new administrative assistant at the Public Works building.

Chief of Police Rich Solarz noted that extra staff will be on hand for Saturday. Officer Wajda will be graduating next Friday, and will be starting his field training shortly thereafter.

Tim Ring, in charge of parking for the Summer Fest on Saturday, stated that there will be signs directing cars for where to park. Both the high school and UniCarriers have offered their parking lots for the event.

City Engineer Tim Hartnett reported that the toll-way project is coming along. He will provide a report to the Council in July on this and other projects. The water main projects are out to bid, with the opening of bids occurring in July, and the award of job in August. They have been working with Marengo Solar, and also with IDOT for the project that Corey Brackmann is involved with on the East end of town.

City Administrator Joshua Blakemore updated the Council on the toll-way project, and also the roundabouts. He has received a rough preliminary draft to the IGA from the County DOT, outlining procedures for right-of-way acquisitions for the toll-way. This would establish the toll-way as the lead agency. Included in the board packet were the treasurer's report and the budget trend for May. The next agenda should include the appropriations ordinance, and also information on the possible hiring of the Economic Development Consultant, as well as information on the possible lobbyist.

The Council questioned when a report from the cemetery board would be received. Josh will check on this and advise.

Acting City Attorney David McArdle noted that he has information regarding 300 West LLC/Arnold Engineering and will discuss it in Executive Session.

REPORTS AND STATEMENTS FROM CITY COUNCIL

Alderman Hammortree thanked Attorney McArdle for looking out for the City's best interests, regarding the Letter of Credit with the solar farm.

EXECUTIVE SESSION

- a. *Discussion of pending or imminent litigation pursuant to 5 ILCS 120/2 (c) (11)*

Alderman Nicole DeBoer made a motion, seconded by Alderman Steve Mortensen, to go to Executive Session for the purpose of a discussion of pending or imminent litigation pursuant to 5 ILCS 120/2 (c) (11). The aldermen voted as follows:

Ayes: Smith, Keenum, Martin, Hall, DeBoer, Miller, Hammortree and Mortensen

Nays: 0

The motion passed.

The regular meeting recessed at 10:14 PM.

The regular meeting reconvened at 10:30 PM.

ROLL CALL

Returning from Executive Session are the following persons: Mayor John Koziol; Aldermen Brett Martin, Dennis Hammortree, Todd Hall, Michael Smith, Nicole DeBoer, Steve Mortensen, Mike Miller and Matt Keenum. Also present are City Administrator Joshua Blakemore and Acting City Attorney David McArdle.

ADJOURNMENT

Alderman Nicole DeBoer made a motion, seconded by Alderman Matt Keenum, to adjourn the meeting. The motion passed with a voice vote. The meeting adjourned at 10:33 PM.



Constance J. Borleitner
City Clerk

The City Council approved these minutes on July 9, 2018.