

REGULAR CITY COUNCIL MEETING MINUTES
December 8, 2004 - 7:10 P.M.

Mayor Henning called the City Council meeting to order and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Chief Mrozek, Attorney McArdle, Gary Rozwadowski of Smith Engineering and members of the press and audience.

AUDIENCE PARTICIPATION:

Mayor Henning noted that he would allow one half hour for audience participation with a three minute time limit for each individual to speak. The following individuals addressed the City Council with questions or statements with respect to the proposed Meyer Material gravel pit: Cheryl, a resident of Dream Acres subdivision, Al Tegtmeier, Kurt Beystehner, Donald Esch, Sonja Brook and Bill O'Malley.

ANNEXATION AGREEMENT HEARING AND CITY COUNCIL MINUTES OF 11/17/04 - APPROVED

Moved by Berg, seconded by Hay to approve the Meyer Material Annexation Agreement Hearing Minutes and the Regular and Closed Session (as revised) City Council Meeting Minutes of November 17, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDINGS OF FACT IN THE PETITION OF MEYER MATERIAL

Alderman Hay noted the Findings of Fact and Recommendations to the City Council by the Planning and Zoning Commission in the petition of Meyer Material Inc. for a proposed gravel pit. Attorney McArdle presented and reviewed the proposed ordinances to the City Council and asked Meyer Material for their input with respect to Alderman Nolan's recommendation to charge an additional \$.02 royalty fee per ton and Mayor Henning's proposed recommendations with respect to the asphalt plant. Attorney Zanck stated he had opportunity to discuss both proposals with his clients during the recess and asked if the funds generated by the additional .02 fee would be managed by the City in consultation with School District #50 and Chemung Township Highway Commission. Alderman Nolan clarified his proposal that an additional \$.02 per ton fee to be earmarked in a separate fund with a committee comprised of representatives of School District #50, Chemung Township Highway Comm. and the City of Harvard to determine where the money will be spent. Attorney Zanck stated that on that basis Meyer Material would agree on the proposal. Further Meyer Material has no question with respect to the limitations on the asphalt plant and those suggestions would also be acceptable to Meyer Material.

Attorney McArdle recommended the following language be added to paragraph 25 with respect to the .02 fee: In addition to the \$.04 referred to above, the owners will also pay to the City an additional \$.02 for each ton of the gross amount of sand, gravel and other aggregate products excavated from the mining operations on the property to the City to be used as the City determines after it consults with representatives of the Chemung Road District and School District #50.

Attorney McArdle recommended that the following language be added with regard to the asphalt plant: The Conditional Use Permit for the operation of a bituminous asphalt plant is subject to the following additional conditions:

- i. That no permit for the operation of a bituminous asphalt plant will be issued before January 1, 2010.
- ii. The operational entity of the asphalt plant must pay to the City of Harvard the sum of \$.30 for each ton of asphalt hauled from the property as established by loading or weight tickets from petitioner's scale. Payment of these sums shall begin on the first quarter anniversary of the commencement of the operation of the bituminous asphalt plant property and on the anniversary of each quarter thereafter.

- iii. The asphalt fee shall increase by \$.01 on January 1 of each and every year the asphalt plant is in operation after January 1, 2010.
- iv. The bituminous asphalt plant must be state of the art at the time it begins operation.
- v. As a condition to the issuance of an operating permit for the asphalt plant, Meyer Material Company must waive its right to have an asphalt plant at its McGuire Road pit in Harvard, Illinois.

Moved by Berg, seconded by Hay to approve Ordinance 2004-159, Providing for the Approval of an Annexation Agreement between the City of Harvard and Meyer Material, as amended by discussion and identified by Attorney McArdle relating to the additional \$.02 per ton and the conditions on the bituminous asphalt plant. Alderman Dikun brought up discussion pertaining to the additional \$.02 fee and how the funds would be used. Attorney McArdle noted that an intergovernmental government agreement could be entered into with School District #50 and Chemung Township Road District. Mayor Henning stated he envisioned that a representative from the City, School and Chemung Township would meet to decide where the funds are used. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye, Bellon, aye; Perkins, aye; Hay, aye and Mayor Henning, aye. Ordinance 2004-159 approved nine to zero.

Moved by Berg, seconded by Dikun to approve Ordinance 2004-160, Annexing Certain Property to the City of Harvard. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Mayor Henning, aye. Ordinance 2004-160 approved nine to zero.

Moved by Dikun, seconded by Berg to approve Ordinance 2004-161, Providing for Zoning Classification and Issuance of Conditional Use Permits and Variations with respect to Meyer Material. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Ordinance 2004-161 approved eight to zero.

ZONING, PLANNING AND ORDINANCE COMM. REPORT RE MARILYN HENDRICKS/1102 N. HART

Alderman Hay reviewed the Ordinance Committee Meeting Minutes of December 1, 2004, pertaining to Marilyn Hendricks' request for property located at 1102 N. Hart St. to allow the use of the apartment above the garage which was discontinued for longer than twelve months, thereby losing it's legal, non-conforming status. There was no action taken by the Ordinance Committee.

Marilyn Hendricks asked the City Council to reconsider her request to use the apartment for her family. Alderman Berg clarified that the City Council has never granted an exception to grant a legal, non-conforming once a property has lost it's legal nonconforming status after a period of non-use over twelve months. Further, the property had lost it's legal, non-conforming status five years prior to Ms. Hendricks purchase of the property which she was well aware of prior to purchasing the property.

PARATRANSIT GRANT AGREEMENT WITH PACE FOR 2005 - APPROVED

Moved by Berg, seconded by Dikun to approve the Paratransit Grant Agreement with Pace for calendar year 2005. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Motion approved eight to zero.

ESTABLISHING 2005 CITY COUNCIL MEETING DATES - APPROVED

Moved by Nolan, seconded by Perkins to approve the 2005 City Council Meeting Dates and granting authorization to publish. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

BLUE CROSS/BLUE SHIELD OF ILLINOIS HEALTH INSURANCE RENEWAL - APPROVED

Moved by Hinterlong, seconded by Bellon to put the health insurance out to bid due to the increase in premium after the change in deductible which was supposed to lower our premiums. Administrator Nelson

noted that the premium would be even higher if the City had stayed at a \$100 deductible, and stated that in order to officially bid out the health insurance and change the carrier and terms of our agreement, the City has a contractual obligation to conduct separate negotiations with both the Teamsters and Fraternal Order of Police. The bid process will require about ninety days. Administrator Nelson noted that the health insurance is a thirty day policy which can be cancelled at any time; the renewal guarantees the rate for one year. Bidding out the insurance now would change the insurance from a calendar year renewal which was instituted as a policy of the City Council. Alderman Hinterlong withdrew his motion and Alderman Bellon withdrew his second. Moved by Nolan, seconded by Berg to accept the renewal with Blue Cross/Blue Shield as presented but to put the insurance out to bid with a bid deadline of April 1st, 2005. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Motion approved eight to zero.

RESOLUTION TO RELEASE CERTAIN CLOSED SESSION MINUTES INTO OPEN MINUTES BOOK

Item dropped from the agenda.

NOTICE OF HEARING - MCHENRY CO. ZBA - NO OBJECTIONS

Mayor Henning reviewed the Notice of Hearing received from the McHenry County Zoning Board of Appeals in the petition of Gail Harms for reclassification of property located on the northwest corner of U.S. Route 14 and Windy Hill Road from A-1 to A-2 Agricultural District. The City Council had no objections.

INFO: MCHENRY CO. COUNCIL OF GOVERNMENTS MEETING

Mayor Henning noted the McHenry County Council of Governments Meeting to be held on December 15, 2004, at the McHenry Country Club.

CONSENT AGENDA :

- Girl Scouts Request for 2005 Cookie Sale - January, February and March, 2005
- Harvard Wrestling Club Raffle Request- January 29, 2005

Moved by Dikun, seconded by Bellon to approve the Consent Agenda. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Berg to approve the bills as presented in the amount of \$454,049.13. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Motion approved eight to zero.

ADMINISTRATOR'S REPORT

Administrator Nelson made mention of the Notice to the McHenry County Board of Review Appealing Property Taxes from Motorola in the aldermen's folders.

CLERK'S REPORT - UPCOMING MEETING DATES

December 11	Financial Workshop Regular City Council Meeting, 8 a.m.
December 29	Regular City Council Meeting, 7 p.m.

City Clerk Wells noted that he will be working on the update of the zoning map.

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

NO REPORTS

Attorney McArdle, Treasurer Meseck and Aldermen Hay, Perkins, Bellon, Dikun, Berg, Marzahl and Nolan had no reports.

At 8:15 p.m., moved by Berg, seconded by Dikun to adjourn the meeting. Aldermen voting aye: Nolan, Marzahl, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date