

## **REGULAR CITY COUNCIL MEETING MINUTES**

**November 9, 2005 - 7:00 P.M.**

Mayor Nolan called the City Council meeting to order and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Chief Oparyk, Public Works Supt. Carbonetti, Utilities Supt. Gibson, Attorney Fetzner, Gary Rozwadowski of Smith Engineering and members of the press and audience.

### **RICK ADAMS RESIGNATION FROM PLANNING/ZONING COMMISSION – APPROVED**

Moved by Logan, seconded by Berg to approve Rick Adams letter of resignation from the Planning and Zoning Commission. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Perkins and Hay. All ayes. Motion carried.

### **OATH OF OFFICE – NEWLY APPOINTED OFFICIAL**

Mayor Nolan noted that Ricky Adams was appointed to fill the vacancy for Ward 3 Alderman at the last City Council meeting. Clerk Wells administered the Oath of Office and Ricky Adams was sworn in as Ward 3 Alderman.

### **AUDIENCE PARTICIPATION: NONE**

### **REGULAR AND CLOSED SESSION CITY COUNCIL MINUTES OF 10/19/05 - APPROVED**

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of October 19, 2005. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

### **PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS**

Chairman Hay reported on the recommendations submitted by the Planning and Zoning Commission, which met on November 8, 2005, for hearings on the following petitions:

#### **Gharib Homes, Inc. Conditional Use for Shopping Center @ 711 E. Diggins St. - Ordinance 2005-157 Approved**

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of Adam Gharib, Gharib Homes, Inc., for property located at 711 E. Diggins St. The petitioner is requesting a Conditional Use Permit for the subject property for a shopping center. The Planning and Zoning Commission recommends to the City Council approval of the petition as submitted based on the findings of fact as presented.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendations and Ordinance 2005-157, Granting Adam Gharib, Gharib Homes, Inc. a conditional use permit for a shopping center for property located at 711 E. Diggins St. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2005-157 approved eight to zero.

#### **State Bank of the Lakes/Kennedy Homes Annexation, Annexation Agreement, Zoning, Preliminary Plat – Ordinances 2005-158, 2005-159, 2005-160 Approved**

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of State Bank of the Lakes and Kennedy Homes Limited Partnership. The subject property is generally located on the east side of Lawrence Road and west of the Union Pacific Railroad about one-quarter mile north of Ramer Road and two miles south of Pearl Street and consists of approximately 140 acres. The petitioners are requesting annexation of the subject property to the City of Harvard. The Planning and Zoning Commission recommends to the City Council that the petitioner's request for annexation be approved. Moved by Hay, seconded by Berg to approve the Planning and Zoning Commission's recommendation to annex the subject property to the City of Harvard.

Andrew Teegan and a representative of Kennedy Homes addressed the City Council on behalf of the petitioners and gave a presentation outlining the proposed development, Fieldstone of Harvard, which consists of 280 Single Family and 36 Duplex Lots (72 units) for a total 352 total units. The petitioners are requesting

that upon annexation, the subject property be zoned R-1B (single family units) and R-2 (duplex units) Residence District. There are 34 acres of open space which will be maintained by a homeowner's association with a backup special service area.

Mayor Nolan asked for the identification and recording of any objectors.

- Joseph Link, 7109 Lawrence Rd. – after being sworn in, Mr. Link noted his objections to the development which is adjacent to his property

Roll call vote on the motion/second to annex the property: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Mayor Nolan, aye. Ordinance 2005-158 approved nine to zero.

Moved by Hay, seconded by Berg to authorize the execution of an Annexation Agreement between the City of Harvard and State Bank of the Lakes and Kennedy Homes Limited Partnership. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Mayor Nolan, aye. Ordinance 2005-159 approved nine to zero.

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petitions of State Bank of the Lakes and Kennedy Homes Limited Partnership, with respect to their request to classify subject property as R2 and R-1B Residence District and for approval of a preliminary plat of subdivision as presented. The Planning and Zoning Commission recommends approval of the petitions as submitted based on the findings of fact as presented. Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendations and Ordinance 2005-160. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2005-160 approved eight to zero.

Richard Haynes – Variations Lot Size and Setbacks, 707 6<sup>th</sup> St. – Ordinance 2005-161 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of Richard Haynes, with respect to his petition for lot size and set back variations for property located at 707 6<sup>th</sup> St. The Planning and Zoning Commission recommends that the variation request to reduce the lot size from 12,300 sq. ft. to 8,731 sq. ft. be denied. The Planning and Zoning Commission also recommends that the petitioner's request for a variation of the front yard setback requirements on a corner lot be approved to from 25 sq. ft. to 11.3 sq. ft. and 10.5 sq. ft. respectively.

After being sworn in by Clerk Wells, Richard Haynes requested that the City Council reconsider the recommendation of the Planning and Zoning Commission and allow him continued use of the subject property as a duplex. Moved by Hay, seconded by Berg to approve the Planning and Zoning Commission's recommendations and Ordinance 2005-161, granting the variation from the front yard setback requirements on a corner lot as requested. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2005-161 approved eight to zero.

City of Harvard Text Amendment – Ordinance 2005-162 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of the City of Harvard for a text amendment to Chapter 17 of the Harvard Municipal Code. The Planning and Zoning Commission recommends approval of the request for a text amendment as presented to add Section 17.44.055, Apartments Above First Floor Business Uses.

Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and Ordinance 2005-162, Amending Chapter 17 of the Harvard Municipal Code to add Section 17.44.055, Apartments Above First Floor Businesses. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Ordinance 2005-162 approved eight to zero.

**NATHAN HILL/KISHWAUKEE RIVER ECOSYSTEM PARTNERSHIP PRESENTATION**

Nathan Hill gave a brief presentation outlining projects within the Kishwaukee River Ecosystem Partnership.

There was discussion of working with the Kishwaukee River Ecosystem Partnership on a grant application for federal grant funds for those areas of the Mokeler Creek that are degraded. Nathan noted that the Sustainable Development Guide is available on their website.

**PROCLAMATION SALVATION ARMY “RED KETTLE DAY” ON 12/10/05 - APPROVED**

Mayor Nolan presented Capt. Dave Warner of the Salvation Army with a Mayoral Proclamation designating December 10<sup>th</sup> as the Salvation Army “Red Kettle Day” in the City of Harvard. Capt. Warner thanked the City Council for their support and outlined the Salvation Army’s Service Extension program in Harvard which is located at the First Presbyterian Church to meet the needs of the people in our community. Volunteers are needed for the Red Kettle effort which will run from November 18<sup>th</sup> – December 24<sup>th</sup> to staff the various kettle locations.

**APPOINTMENT – CARL OPPER TO PLANNING AND ZONING COMMISSION – APPROVED**

Moved by Berg, seconded by Perkins to approve the Mayor’s recommendation to appoint Carl Opper to the Planning and Zoning Commission. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

**IMLRMA MIN/MAX CONTRIBUTION AGREEMENT – ORD. 2005-163 APPROVED**

Administrator Nelson reviewed the City’s property/liability insurance pool through the Illinois Municipal League Risk Management Association (IMLRMA) which offers a Minimum/Maximum Program which lowers our premium rate. The City lowers our claims to the insurance company through risk management thereby maintaining our costs at a lower level. Moved by Logan, seconded by Marzahl to approve Ordinance 2005-163, Authorizing the Execution of the IMLRMA Min/Max Contribution Agreement. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Ordinance 2005-163 approved eight to zero.

**PARKS AND RECREATION COMMITTEE**

Chairman Perkins reviewed the Parks and Recreation Committee Meeting Minutes of October 26, 2005.

**Parks Capital Improvements**

The Committee discussed Park Capital Improvements for FY06/07 and recommends to the City Council approval of the following capital improvements:

- Milky Way Park - \$80,000 – hard surfacing parking lot to be bid out requesting options for both asphalt and concrete
- Northfield Park - \$20,000 – trees and walking path

Administrator Nelson noted that the park improvements will be paid for solely by the issuance of new building permits. Moved by Perkins, seconded by Berg to approve the Parks and Recreation Committee recommendations for capital improvements for FY06/07. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

**WATER AND SEWER COMMITTEE MEETING**

Chairman Marzahl reviewed the Water and Sewer Committee Meeting Minutes of November 7, 2005.

**WWTP – Facilities Planning Area**

The Committee discussed the Proposal/Agreement submitted by Smith Engineering Consultants for the Final Facility Plan Amendment for Future Wastewater Treatment Needs and NIPC Application Process at a cost not to exceed \$87,820. Administrator Nelson indicated that there are administrative items, such as data collection and population projections, that could be completed in-house which would reduce the cost. Mayor Nolan noted that that future WWTP expansion will be paid for by new development and not existing residents. The Water and Sewer Committee recommends to the City Council that staff be authorized to proceed at a cost not to exceed \$80,000.

Moved by Marzahl, seconded by Ulmer to approve the Water and Sewer Committee’s recommendation that staff be authorized to proceed at a cost not to exceed \$80,000. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

Well #10

Administrator Nelson reported on negotiations with Smith Engineering Consultants to plan/design Well #10. City staff is not comfortable with the proposed cost of \$87,000 and is working with Smith Engineering to reduce the cost.

Water/Sewer Capital Improvements

Chairman Marzahl reviewed Administrator Nelson’s recommendation for next year’s capital improvements. The tv’ing of the sanitary system on Northfield Ave. showed some lines that are broken resulting in infiltration in several locations with groundwater equivalent to 160 homes that is being treated at the wastewater treatment plant. The Committee also discussed doing improvements to the Northfield Ave. Lift Station at the same time. The general consensus was for Administrator Nelson to proceed to plug into the budget and refine costs.

**CONSENT AGENDA**

- St. Joseph’s Catholic School Raffle Request, November 21<sup>st</sup> – December 31<sup>st</sup>, 2005
  - St. Joseph’s Church and School Raffle Request, November 9<sup>th</sup>, 2005 – November 9<sup>th</sup>, 2006
- Moved by Logan, seconded by Berg to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. HAY – ORDINANCE COMMITTEE MEETING – 11/14/05**

Chairman Hay called an Ordinance Committee Meeting for Monday, November 14, 2005, at 7 p.m., for discussion on Home Rule.

**ALD. PERKINS – PARKS & RECREATION COMMITTEE MEETING – 11/14/05**

Alderman Perkins called a Parks and Recreation Committee Meeting for Monday, November 14, 2005, at 6:30 p.m. to discuss the lease of property.

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$190,276.45. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

**ALD. LOGAN – FINANCE COMMITTEE MEETING – 11/14/05**

Alderman Logan called a Finance Committee Meeting for Monday, November 14, 2005, at 7:30 for a quarterly financial review.

**MAYOR’S REPORT**

Mayor Nolan noted that he and Administrator Nelson have been busy with new subdivisions. Mayor Nolan also welcomed Alderman Adams and Carl Oppen as a new member of the Planning and Zoning Commission.

**ADMINISTRATOR’S REPORT**

Administrator Nelson noted his written report in the aldermen’s folders.

**CLERK’S REPORT - UPCOMING MEETING DATES**

- November 14 Parks & Recreation Committee Meeting, 6:30 p.m.  
Ordinance Committee Meeting, 7:00 p.m.  
Finance Committee Meeting, 7:30 p.m.
- November 22 Sesquicentennial Meeting, 7 p.m.
- November 30 Regular City Council Meeting, 7 p.m.

**TREASURER'S REPORT**

Treasurer Meseck noted that the monthly treasurer's report is in the aldermen's folders.

**DEPARTMENT HEADS REPORTS**

Smith Engineering      Report as submitted.  
Dept. Heads              Reports as submitted.

**NO REPORTS**

Attorney Fetzner and Aldermen Adams, Ulmer, Berg and Leyden had no reports.

At 7:45 p.m., moved by Berg, seconded by Perkins to adjourn the meeting. Roll call vote: Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

Submitted by:

Andy Wells,  
City Clerk

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Date