

REGULAR CITY COUNCIL MEETING MINUTES

June 15, 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, Logan, Dikun, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Kruckenberg, Acting Chief Oparyk, Public Works Supt. Carbonetti, City Attorney McArdle, Gary Rozwadowski of Smith Engineering and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES OF 05/25/05 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes, the TIF Public Hearing Minutes and the Olson Annexation Agreement Hearing Minutes, all of May 25, 2005. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Chairman Hay reported on the findings of fact submitted by Chairman Harry Stafford, Planning and Zoning Commission, which met on June 14, 2005, for a hearing on the following petitions:

Cruz/Ojeda – Conditional Use Permit 18 N. Ayer St. - Denied

Chairman Hay read the recommendations to the City Council and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of Eva Cruz and Saul Ojeda for a conditional use permit for property located at 18 N. Ayer St. to allow two residential apartments on the second floor of property located in a B-2 Use District. The Planning and Zoning Commission recommends to the City Council that the Petitioner's request be denied. Moved by Hay, seconded by Dikun to approve the Planning and Zoning Commission's recommendation to deny the petition. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Dikun, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero to deny petition.

Clark Rezoning/Preliminary Plat of Subdivision/Shadow Glen – Ordinances 2005-133 and 2004-134 Approved

Chairman Hay read the recommendations to the City Council and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission, in the petition of Will and Casey Clark for reclassification from R-1 to R-2 Use District for Shadow Glen Subdivision located west of Marengo Rd. The Planning and Zoning Commission recommends to the City Council approval of the Petitioner's request to reclassify the subject property to R2 Single and Two Family Residence District. Moved by Hay, seconded by Berg to approve the Planning and Zoning Commission's recommendation and Ordinance 2005-133 to approve the petitioners' request for reclassification to R-2 Use District. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Dikun, aye; Logan, aye; Perkins, abstain; Hay, aye and Leyden, aye. Ordinance 2005-133 approved seven to zero, with one abstention.

Casey Clark addressed the City Council with respect to the preliminary plat of subdivision for Shadow Glen and submitted a site plan prepared by Haeger and Associates, with a revision date of June 15, 2005. The plan was revised to address the density concerns that were expressed by the Planning and Zoning Commission and consists of 35 units - 15 single family lots concentrated to the north and east and 10 duplex lots to the south and west, with an overall density of 3.96 units/net area. Mr. Clark indicated that the reconfiguration will require an extra easement in order to fit the lots on the subject property as requested by the Planning and Zoning Commission. There was discussion about the City's desire that a homeowner's association be formed to maintain the detention pond. Moved by Berg, seconded by Logan to approve the Preliminary Plat of Subdivision/Concept Plan, dated June 15, 2005, and that the approval be subject to retention easements contained in the plat as delineated subject to final engineering approval and either a.) a homeowner's association is required to maintain the retention areas or b.) that the individual property owners be required to maintain the retention areas. Mr. Clark responded to an inquiry that the overall retention area has not been compromised from the first plan. There was further discussion about the park area which will be located in the center retention area. Alderman Berg conferred with the

City Engineer who recommends that the City not permit private ownership and responsibility for the maintenance of the retention area and amended his motion to require that a homeowner's association be created for everyone in the subdivision to maintain the retention areas, Alderman Logan amended his second. Alderman Logan inquired about the retention areas; Administrator Nelson stated that the determination on whether the proposed retention area will meet city/county code will be reviewed by the City Engineers when final engineering is submitted. Roll call vote: Ulmer, aye; Berg, aye; Dikun, aye; Logan, aye; Perkins, abstain; Hay, aye; Leyden, aye and Marzahl, aye. Ordinance 2005-134 approved seven to zero, with one abstention.

ISSUANCE AND SALE OF \$750,000 SSA#3 REFUNDING BONDS – ORD. 2005-135 APPROVED

Administrator Nelson noted a breakdown in the aldermen's folders and upon resale and refinancing of the bonds, on average a homeowner of a single family home will save \$100.86/year and a homeowner of a cluster home and/or duplex will save on average \$74.66 per year. Moved by Berg, seconded by Perkins to approve the Proposed Ordinance Authorizing and Providing for the Issuance and Sale of \$750,000 Special Service Area No. 3 Unlimited Tax Refunding Bonds, Series 2005A, of the City of Harvard, McHenry County, Illinois; Providing for the Levy of a Special Tax in Harvard Special Service Area No. 3 for the Payment of Principal and Interest on those Bonds; and concerning related matters. Roll call vote: Berg, aye; Dikun, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2005-135 approved eight to zero.

ISSUANCE AND SALE OF \$1,370,000 SSA#5 REFUNDING BONDS – ORD. 2005-136 APPROVED

Moved by Berg, seconded by Dikun to approve the Proposed Ordinance Authorizing and Providing for the Issuance and Sale of \$1,370,000 Special Service Area No. 5 Unlimited Tax Refunding Bonds, Series 2005B, of the City of Harvard, McHenry County, Illinois; Providing for the Levy of a Special Tax in Harvard Special Service Area No. 5 for the Payment of Principal and Interest on those Bonds; and concerning related matters. Roll call vote: Dikun, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2005-136 approved eight to zero.

TIF DISTRICT U.S. ROUTE 14/AIRPORT RD. – ORD. 2005-137, 2005-138 AND 2005-139 APPROVED

Moved by Dikun, seconded by Perkins to approve the following proposed ordinances pertaining to the TIF District U.S. Route 14/Airport Rd.:

- Ordinance 2005-137 of the City of Harvard, McHenry County, Illinois, Approving a Tax Increment Redevelopment Plan and Project for the U.S. Route 14 and Airport Road Redevelopment Project Area
- Ordinance 2005-138 of the City of Harvard, McHenry County, Illinois, Designating the U.S. Route 14 and Airport Road Redevelopment Project Area Pursuant to the *Tax Increment Allocation Redevelopment Act*
- Ordinance 2005-139 of the City of Harvard, McHenry County, Illinois, Adopting Tax Increment Allocation Financing for the U.S. Route 14 and Airport Road Redevelopment Project Area

Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Dikun, aye. Ordinances 2005-137, 2005-138 and 2005-139 approved eight to zero.

LOW BID FOR ROADWAY IMPROVEMENTS FOURTH ST. AND E. BLACKMAN - APPROVED

Mayor Nolan stated that two bids were received for the project with the low bid submitted by Landmark Construction. Moved by Berg, seconded by Ulmer to approve the low bid submitted by Landmark Construction in the amount of \$44,547.15 for the Roadway Improvements at Fourth St. and E. Blackman St. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Dikun, aye; and Logan, aye. Motion approved eight to zero.

AUTHORIZATION TO PREPARE CDBG GRANT – APPROVED

Moved by Perkins, seconded by Hay to authorize City Administrator Nelson to prepare a CDBG Grant for the next phase of Metzen St. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins and Hay. All ayes. Motion carried.

PUBLIC PROPERTY COMM. RECOMMENDATION FROM MEETING ON JUNE 8, 2005

Chairman Dikun reviewed the Public Property Committee Meeting Minutes of June 8, 2005. The Committee toured City Hall and the Police Department and discussed the future of the City Hall Building.

The general consensus was that City Hall should stay at its current location for the next twenty-five years or until such time as the City reaches a population of 18,000. Alderman Dikun noted that all the improvements that are currently underway such as tile, carpet, etc. are budgeted items for this fiscal year.

ZONING, PLANNING & ORDINANCE COMM. RECOMMENDATION FROM MEETING ON JUNE 8, 2005

Chairman Hay reviewed the Zoning, Planning and Ordinance Committee Meeting Minutes of June 8, 2005.

Perez Variation Request

The Committee reviewed the minutes of the meeting with Mayor Nolan, Admin. Nelson and Mr. Perez who has purchased about 95% of Bill Sharp's properties and is requesting variations from the hard surfacing ordinance requirements from one year to two years for properties located at 504 Second St., 101 S. Hart St., 107 E. Park St. and 313 S. Division St. This will allow sufficient time for contractors to convert the buildings to a reduced residential density as outlined. Mr. Perez is not asking for any variations on the balance of the properties he purchased from Mr. Sharp and they will be hard surfaced within the one year requirement. It was noted that the City Council would grant any similar request that met the same criteria. The Planning, Zoning and Ordinance Committee recommends to the City Council that Mr. Perez's requests for variations be granted pursuant to the minutes of the May 17th meeting and subject to a written agreement to be recorded with the McHenry County Recorder's office. Alderman Berg will prepare the Memorandum of Agreement.

Moved by Hay, seconded by Dikun to approve the Planning, Zoning and Ordinance Committee's recommendation and Ordinance 2005-140 Granting a Variation from Section 19.15-D, Hard Surfacing of Gravel Driveways, for an Extension of the Hard Surfacing Requirements for 504 Second St., 101 E. Hart St., 107 E. Park St. and 313 S. Division St. from one year to two years. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Dikun, aye; Logan, aye and Perkins, aye. Ordinance 2005-140 approved eight to zero.

Library Variation Request

The Committee discussed the library's request for a variation from the city ordinance that requires a certain amount of interior green space within the parking lot. Alderman Berg related that the existing parking lot is flat and level and when the snow is plowed it pushes the salt onto the green space where nothing will grow. The general consensus was that the library should lead by example and put in curb and gutter; approximate cost would be about \$45,000. Mayor Nolan related that a financing option would be to add \$50 to the building permit fees for the library; in two or three years, there would be sufficient funds to put in the curb and gutter. There was discussion about the best method to earmark the additional funds so they are used solely for capital improvements for the library. The general consensus was to add the \$50 to the building permit for library impact fees which will be incorporated into the ordinance presented to the City Council after the financial workshop.

APPOINTMENT TO PLANNING & ZONING COMMISSION – APPROVED

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

INFO: MCHENRY CO. COUNCIL OF GOVERNMENTS MEETING

The next meeting for the McHenry County Council of Governments is Wednesday, June 22nd, at Deeter's in Woodstock.

CONSENT AGENDA

- Sanction Mayor's approval of William J. Metzen Post #265 request to conduct their Annual Flag Burning Ceremony on June 11th
- VFW Request to conduct Annual Poppy Day on Friday July 1st from noon – 5 p.m. and Saturday, July 2nd from 9 a.m. – noon

Moved by Dikun, seconded by Berg to approve the Consent Agenda with the VFW advised that solicitors need to wear reflective vests. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins

and Hay. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Dikun to approve the bills as presented in the amount of \$221,178.80. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Dikun, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

ALD. LOGAN – FINANCE COMMITTEE MEETING 06/16/05 & FINANCIAL WORKSHOP 06/18/05

Alderman Logan noted there is a Finance Committee Meeting scheduled for Thursday, June 16, 2005, at 7 p.m. for a financial overview of municipal finances and a City Council Financial Workshop scheduled for Saturday, June 18, 2005, to discuss fee review.

ALD. DIKUN

Alderman Dikun thanked the Mayor for the clean-up of the council chambers.

ALD. MARZAHN – WATER/SEWER COMMITTEE MEETING 06/30/05 7:00 P.M.

Alderman Marzahl called a Water/Sewer Committee Meeting for Thursday, June 30, 2005, at 7 p.m. to review the WWTP Engineering Analysis and to lay out the foundation for locations of future wastewater treatment plants.

Alderman Marzahl commended the Public Works, Parks and Recreation and Police Dept. for all their preparation and work during the Milk Day festivities.

ALD. BERG – STREETS & ALLEYS COMMITTEE MEETING 06/30/05 – 6:00 P.M.

Alderman Berg called a Streets and Alleys Committee Meeting for Thursday, June 30, 2005, at 6 p.m. to discuss the Transportation Plan.

MAYOR'S REPORT

Mayor Nolan noted that administration has been busy going forward in the WOW Program and noted a report in the aldermen's folders listing structures requiring painting or covering; 41 homeowners were notified of which 32 have already responded to indicate their timeframe for compliance. Mayor Nolan noted the Financial Workshop on Saturday, June 16, 2005, at 8 a.m. Chief Oparyk has been asked to have an officer give a presentation at the end of the meeting about gangs.

ADMINISTRATOR'S REPORT

Administrator Nelson had no report in open session.

CLERK'S REPORT - UPCOMING MEETING DATES

June 16	Finance Committee Meeting, 7 p.m.
June 18	Financial Workshop, 8 a.m. - noon
June 30	Streets and Alleys Committee Meeting, 6 p.m. Water & Sewer Committee Meeting, 7 p.m.
July 4	City Hall closed
July 6	Regular City Council Meeting, 7 p.m.

TREASURER'S REPORT

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

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

Supt. of Public Works Carbonetti noted that Payne and Dolan will start the road program on June 16th.

Chief Oparyk reported on grants awarded to the police department for equipment and laptop computers in the squad cars.

NO REPORTS

Attorney McArdle and Aldermen Leyden, Ulmer, Berg and Perkins had no reports.

At 7:43 p.m., moved by Berg, seconded by Dikun to go into Closed Session after a five minute break to discuss Section 2(c)(1) Personnel; Section 2(c)(5) Purchase or Lease of Real Estate; Section 2(c)(11) Litigation. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins and Hay. All ayes. Motion carried.

At 8:20 p.m., moved by Dikun, seconded by Hay to reconvene the open session. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins and Hay. All ayes. Motion carried.

At 8:21 p.m., moved by Leyden, seconded by Dikun to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Dikun, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date