

REGULAR CITY COUNCIL MEETING MINUTES

February 14, 2006 - 7:00 P.M.

Mayor Nolan called the City Council meeting to order at 7:00 p.m. 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 City Treasurer Meseck, City Administrator Nelson, Building Inspector Kruckenberg, Public Works Supt. Carbonetti, Utilities Supt. Gibson, Attorney McArdle, Gary Rozwadowski of Smith Engineering and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES 01/24/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Annexation Agreement Hearing Minutes and the Regular and Closed Session City Council Meeting Minutes of January 24, 2006. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Green Meadows Farm, LLC: Annexation, Zoning and Variations – Ordinances 2006-104 and 2006-105 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on February 7, 2006, for a hearing in the petition of Green Meadows Farm, LLC. The petitioners are requesting annexation to the City of Harvard. The subject property is located at 20304 McGuire Rd. and consists of 11.09 acres. The Planning and Zoning Commission recommends to the City Council that the petitioner's request for annexation be approved. Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and Ordinance 2006-104, Annexing the Subject Property Located at 20304 McGuire Road to the City of Harvard. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Mayor Nolan, aye. Ordinance 2006-104 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 petition of Green Meadows Farm, LLC with respect to their request to classify subject property as A - Agriculture District and the following variations:

1. Variation pursuant to Section 27.20.090, Lot Area Requirements for Particular Uses which requires a lot area of 20 acres for agriculture uses, to allow for a lot area of 11.09 acres.
2. Variation from Section 17.20.160, Water and Sewer Facilities to allow for the continued use of existing well and septic systems

The Planning and Zoning Commission recommends approval of the petitioners' request as submitted based on the findings of fact as presented subject to the following provisions:

1. At such time as a City potable water main is located adjacent to the Property or is across the street from the Property, the Property shall be connected to the potable water main and the private well abandoned pursuant to McHenry County ordinances.
2. At such time as a City sanitary sewer main is located adjacent to the Property or is across the street from the Property, the Property shall be connected to the sanitary sewer main and the private septic system abandoned pursuant to McHenry County ordinances.
3. The private well and septic system on the Property shall be maintained pursuant to McHenry County ordinances.
4. In the event the private well and/or septic system require reconstruction or replacement before a City potable water main and/or sanitary sewer main abuts the Property or is across the street from the Property, said reconstruction and/or replacement shall be pursuant to McHenry County ordinances.
5. Any ordinances encompassing this variation and passed by the Harvard City Council be recorded with the McHenry County Recorder of Deeds.
6. A Memorandum of Ordinance reference aforementioned ordinance shall be recorded with the McHenry County Recorder of Deeds.

Moved by Hay, seconded Berg to approve the Planning and Zoning Commission's recommendations and Ordinance 2006-105, Rezoning Property to A – Agriculture District and for the variations as requested. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2006-105 approved eight to zero.

HOME OCCUPATION PERMIT APPLICATION/KRISTIN'S K-9 CUTS, 312 GALVIN - APPROVED

Moved by Berg, seconded by Perkins to approve a Home Occupations Permit to Kristin Lischalk to operate a dog grooming business, Kristin's K-9 Cuts, from her residence at 312 Galvin Parkway. Alderman Ulmer inquired about Section 17.36(D)(8) which states that no home occupation shall involve the keeping and care of live animals. Administrator Nelson noted that the intent of the section refers to overnight care and that there are home occupations permits within corporate limits for dog grooming with a restriction for no overnight care. Alderman Ulmer recommended that the zoning code be amended to be more specific. Clerk Wells noted he is putting together a package of text amendments for April or May and he will include this section to be clarified and report back to the City Council for a recommendation on the proposed text amendments. Aldermen Berg and Perkins amended the motion and second to add a restriction for no overnight boarding of pets. The petitioner indicated that she understood that the home occupation permit would be approved subject to that condition. Administrator Nelson stated that the requisite notice was sent to neighboring property owners. Alderman Logan indicated he had one phone call from one neighbor who had questions whom he advised to come to the meeting. Alderman Adams indicated he didn't receive any phone calls. No objectors were present. 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.

CLASS R2 LIQUOR LICENSE/PETE PARHAS, JIMMY'S PATIO, 71 N. AYER ST. - APPROVED

Pete Parhas noted that it was his intent to apply for an R1 Restaurant Liquor License which is a full liquor license with a separate bar area and not an R2 license as stated in his application which is restrictive to beer and wine. It was noted that the number of Class R1 licenses available is determined by population of one license per 1,600 in population and at the present time, no Class R1 liquor licenses were available. There might be an available R1 license when licenses are renewed May 1st, at which time Pete could apply for an R1 license. Moved by Berg, seconded by Logan to approve a Class R2 Liquor License to Pete Parhas, Jimmy's Patio at 71 North Ayer St. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

VENDING LICENSE APPLICATION – 2 ADDT'L VIDEO MACHINES - APPROVED

Mayor Nolan noted that the additional games are video poker machines which are legal as long as there is no payout. Moved by Logan, seconded by Adams to approve the Vending License Application for two additional machines. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Motion approved eight to zero.

LETTER OF CREDIT REDUCTION/OAK GROVE CROSSINGS, PHASE 3 AND 4 - APPROVED

Moved by Berg, seconded by Logan to approve the Building Department's recommendation for a Letter of Credit Reduction for Oak Grove Crossings, Phase 3 and 4 as follows:

Phase 3 from \$135,153.75 to \$74,145.00

Phase 4 from \$837,000.00 to \$115,951.00

Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Motion approved eight to zero.

AUDIT FY ENDING APRIL 30, 2005 – APPROVED

Moved by Logan, seconded by Berg to approve the Audit for FY Ending April 30, 2005. 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.

PROCLAMATION FEBRUARY AS DENTAL HEALTH MONTH – APPROVED

Moved by Berg, seconded by Adams to approve a Proclamation designating February as Dental Health Month. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

HARVARD MILK DAY RESOLUTIONS/WAIVER OF OUTDOOR MARKET FEES- APPROVED

Moved by Berg, seconded by Ulmer to approve a resolution declaring Harvard Milk Day 2006 a Legal Holiday and a resolution to IDOT to close Route 173 between Garfield and Division St. during the Milk Day Parade on June 3, 2006, and to approve Harvard Milk Day's request for a waiver of Outdoor Market Fees for 2006. Roll call vote: Hay, aye; Leyden, aye; Marzahl, abstain; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero, with one abstention.

PARKS & RECREATION COMMITTEE RECOMMENDATIONS

Chairman Perkins reviewed the Parks & Recreation Committee Meeting Minutes of January 30, 2006.

Pool Fees

The Committee reviewed the pool fees and recommends to the City Council that the fee for pool parties be increased to \$75.00 per hour with a two hour minimum which would include the water slide and water features; the toy dive sticks, gas grill and basketball hoop fees would be separate add on fees per party. Moved by Perkins, seconded by Marzahl to approve the Committee's recommendation to increase the fee for pool parties as stated above. 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.

The Committee further recommends to the City Council that the fee for swimming lessons be changed to \$40 in-town and \$50 out-of-town per person, per session irregardless of the number of children. Moved by Perkins, seconded by Adams to approve the Committee's recommendation pertaining to the fees for swimming lessons. 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.

Northfield Park Walking Path

The Committee reviewed the quotes received for the Northfield Park Walking Path and recommends to the City Council approval of the low quote submitted by Gavers Asphalt Paving and Excavating for 1,250' of asphalt in the amount of \$15,000. Moved by Perkins, seconded by Marzahl to approve the Committee's recommendation to approve the bid submitted by Gavers Asphalt. 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.

PUBLIC PROPERTY COMMITTEE RECOMMENDATIONS

Chairman Ulmer reviewed the Public Property Committee Meeting Minutes of February 5, 2006.

TIF South Developer Agreement

The Committee discussed the TIF South Developer Agreement between the City and the developer and reviewed Administrator Nelson's memo outlining the monetary risk to the City that upon the building of a 20,000 sq. ft. building the City shall reimburse the Developer for the Eligible Project Costs not to exceed a total amount of \$600,000. After discussion on assessment issues and requiring the developer to construct a masonry structure, the Committee recommends that Mayor Nolan be authorized to renegotiate the Developer Agreement adding language on the construction issues after which the agreement will be brought to the City Council for final approval. Moved by Ulmer, seconded by Perkins to approve the Committee's recommendation authorizing Mayor Nolan to renegotiate the Developer Agreement as discussed. At Alderman Berg's inquiry, Administrator Nelson and Chairman Ulmer confirmed that after renegotiation, the final document will be brought before the City Council for approval. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Squad Cars

The Committee discussed the squad car replacement program and recommends to the City Council the purchase of two squad cars according to the state bid in the amount of \$34,259.34. Moved by Ulmer, seconded by Berg to approve the recommendation of the Committee for the purchase of two squad cars as discussed. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

TOPOGRAPHIC SURVEY WAIVER/ 201 MARENGO RD. – APPROVED

City Clerk explained his request in relation to a petition for a simple subdivision of one lot into two for the Toepper property on Marengo Road/Metzen St. for a waiver of the topographical survey requirements as outlined in Chapter 16. Moved by Berg, seconded by Logan to approve the City Clerk's request for a waiver of the Topographic Survey requirement in relation to the hearing for the Toepper Plat of Subdivision, 201 Marengo Rd. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Motion approved eight to zero.

INFORMATION – MCCOG MEETING

The City of Harvard hosts the McHenry County Council of Governments Meeting on February 22, 2006, at Adriana's Restaurant.

CONSENT AGENDA

- Harvard Milk Day Raffle Request, February 25th – June 4th, 2006
- Salvation Army Donut Days, June 2 – 3, 2006
- Salvation Army Christmas Kettle Program, November 17th – December 23rd, 2006

Moved by Berg, seconded by Logan 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 – FEBRUARY 6, 2006

Chairman Hay reviewed the minutes of the Ordinance Committee Meeting held on February 6, 2006, to discuss trucks and Chapter 20-Development. No action necessary at this time.

ALD. LOGAN – FINANCE COMMITTEE MEETING – FEBRUARY 8, 2006

Chairman Logan reviewed the minutes of the Finance Committee Meeting held February 8, 2006, to review the quarterly budget and the preliminary budget for FY06/07. No action necessary at this time.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$107,996.75. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Motion approved eight to zero.

ALD. LOGAN – FINANCIAL WORKSHOP – FEBRUARY 18, 2006

Alderman Logan noted the Financial Workshop scheduled for Saturday, February 18, 2006, sat 8 a.m., to work on the budget for FY06/07.

MAYOR'S REPORT

Mayor Nolan noted an electrical outage on Wednesday, February 15th, from University to Church and N. Lincoln St. from 9 a.m. – 3 p.m. for ComEd to change a transformer.

The EDC Dinner is Wednesday, February 15th, at Adriana's.

CLERK'S REPORT - UPCOMING MEETING DATES

- February 18 Financial Workshop – 8:00 a.m.
- February 28 Regular City Council Meeting – 7:00 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 & Dept. Heads Reports as submitted.

Supt. Carbonetti reported on the replacement of the sanitary manhole on Dewey/Hart.

NO REPORTS

Attorney McArdle, Administrator Nelson and Aldermen Adams, Berg, Ulmer, Marzahl and Leyden had no report.

At 7:45 p.m., moved by Hay, seconded by Logan to adjourn the meeting. 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.

Submitted by:

Andy Wells,
City Clerk

Date