

**REGULAR CITY COUNCIL MEETING MINUTES  
JANUARY 22, 2008 - 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, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Chief Kazy-Garey, Community Development Director Santeler, City Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION:**

Randy Donley and Roger Naylor, candidates in the upcoming election on February 5<sup>th</sup> for the McHenry County Board, District 6, addressed the City Council.

**CITY COUNCIL MEETING MINUTES OF 01/11/08 - APPROVED**

Moved by Logan, seconded by Adams to approve the Regular City Council Meeting Minutes of January 11, 2008, changing the first line to read “The Mayor called the meeting to order...”. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

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

**Henson Rezoning & Variation for Property on Dewey off of Route 173 – Petition Denied Ord. 1008-101**

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on December 4, 2007, for a hearing in the petition of Elvis and Carolyn Henson. The petitioners are requesting that the subject property be classified R-55 and that upon rezoning, a variation from Section 17.20.130 be approved to construct multiple buildings on the subject property for senior housing. The Planning and Zoning Commission recommends to the City Council that the petitioner’s request be denied as submitted.

Attorney Jay Filler was present on behalf of the petitioners and addressed the City Council with respect to the Henson’s petition to build R-55 housing on the subject property. The senior housing would consist of 42 units primarily occupied by one resident per unit whereas a residential development would yield about 17 lots and consist of more people than the proposed senior housing. Attorney Filler felt that the proposed petition was a logical transitional use for the neighborhood without adding students to the school system. Attorney Filler noted that many of the issues raised at the Planning and Zoning Commission hearing can be worked out with the city to create a development that would be acceptable and appear as much like single family housing as possible. Attorney Filler noted that the City’s zoning ordinance allows 20% occupancy by non-seniors and stated there is a waiting list for the proposed housing. Kelly Henson, 1503 Pheasant Run, indicated that the housing complex on Northfield currently has two non-seniors. There was discussion as to the findings of the Planning and Zoning Commission.

**Audience Comments:**

- Joel Brouillette’s, 303 Shawnee Lane, addressed the City Council in objection to the proposed petition. At Mr. Brouillette’s inquiry, Administrator Nelson clarified that the local code requires 100% occupancy by seniors 55 years of age or older; the 20% provision is a federal code.

**City Council Comments:**

- Alderman Logan noted that the proposed reclassification would result in a change from the City’s lowest residential density to the highest residential density.
- Alderman Hay commented on his opposition to multi-family dwellings over the years and indicated he felt the City had enough multi-family residences at this time and did not feel the petition was in the city’s best interest and would have a negative impact on surrounding property and would not support the petition.
- Alderman Adams concurred with Alderman Hay and commented that the senior complex was proposed between two residential developments and noted one of the Planning and Zoning Commissioner’s made a point that we need to be responsible for what we leave behind.
- Alderman Ulmer commented that he thought the project had merit; however, not at the proposed location which he felt is too narrow and constitutes spot zoning.

- Alderman Marzahl indicated he would like to have seen more detailed drawings of the proposed project. Kelly Henson stated that they wanted concept approval before they moved forward with more detailed architectural/engineering drawings that would be tailored to what the Commission recommended.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation to deny the petitioner's requests that the subject property be classified R-55 and that upon rezoning, a variation from Section 17.20.130 be approved to construct multiple buildings on the subject property for senior housing Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinance 2008-101 approved eight to zero.

#### **PUBLIC PROPERTY COMMITTEE RECOMMENDATIONS**

Chairman Ulmer reviewed the Public Property Committee Meeting Minutes of January 14, 2008.

##### Ayer Street Update/Downtown Streetscape

The Committee reviewed the engineer's estimate, the revised cost estimate and financing options for the proposed downtown streetscape improvements on Ayer St. The Committee recommends to the City Council that staff be authorized to proceed with the proposed downtown streetscape with financing of up to \$2.1 million using Option Plan 1 payable over twenty years.

Moved by Ulmer, seconded by Perkins to approve the Public Property Committee's recommendation as presented. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved eight to zero.

##### IDOT Agreements

The Committee discussed the Intergovernmental Agreement with IDOT for the local maintenance of traffic signals. The City is paying 100% of the cost of maintenance of the traffic signals on Highway 14 in front of the Motorola building which is vacant. The contract does not expire until June 30, 2011, but there is provision in the agreement to renegotiate with IDOT. The Committee recommends to the City Council that the Mayor and Administrator Nelson be authorized to renegotiate the contract with IDOT with respect to the stop lights on Highway 14 at the Motorola entrance to either reduce the cost or shut down the signals.

Moved by Ulmer, seconded by Perkins to approve the Public Property Committee's recommendation as presented. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

##### Public Works Intergovernmental Agreements with MCCOG

The Committee reviewed the proposed Public Works Emergency and Non-Emergency Mutual Aid Intergovernmental Service Agreements with MCCOG which is designed to cover liability issues and recommends to the City Council approval of the Intergovernmental Agreements with MCCOG as presented.

Administrator Nelson noted he received an e-mail from MCCOG with concerns over the liability indemnification provisions of the agreement; there is also some minor tweaking amongst the other communities. Moved by Ulmer, seconded by Marzahl to approve the Public Property Committee's recommendation, pending final approval by the City Attorney. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

#### **ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of January 16, 2008.

##### Illinois Clean Indoor Act/Smoke Free Illinois Act – Ordinance 2008-102 Approved

The Committee reviewed Attorney Arévalo's correspondence and draft ordinance adopting The Smoke Free Illinois Act which went into effect on January 1, 2008. Chief Kazy-Garey recommended that it be handled through the local SOF. The Committee recommends to the City Council that the proposed

ordinance be approved adding language to amend Section 1.14, Settlement of Offenses with fines for individuals to be set at \$100/\$200; fines for the proprietor to be set at \$250/\$500.

Moved by Hay, seconded by Adams to approve the Ordinance Committee's recommendation and Ordinance 2008-102, Amending the Harvard Municipal Code to Add Section 27.15, No Smoking and to Amend Section 1.14, Settlement of Offenses. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2008-102 approved eight to zero.

Building Fee Schedule/Transportation Improvement Fees – Ord. 2008-103 Approved

Administrator Nelson noted that the ordinance which increased the regular Building Fee Schedule inadvertently omitted the Transportation Improvement Fee; the Mayor and Dave are recommending that the fee be increased by 3%. The Committee recommends to the City Council that an ordinance be approved amending Chapter 20 to increase the Transportation Improvement Fee by 3% to \$1.55/sq. ft.

Moved by Hay, seconded by Logan to approve the Ordinance Committee's recommendation and Ordinance 2008-103, Amending Section 20.06, Building/Permit Fees. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2008-103 approved eight to zero.

**WATER & SEWER COMMITTEE RECOMMENDATIONS**

Chairman Marzahl reviewed the Water & Sewer Committee Meeting Minutes of January 16, 2008.

Well #7

The Committee discussed correspondence from Layne-Western with respect to the repairs needed to put Well #7 back on line. Although Wells #6 and #9 are sufficient for the current demand, Supt. Gibson recommends that the City have all three wells in operation in case of a future problem with any of the wells.

The pump needs to be replaced at an approximate cost of a \$10,000. Layne Western feels that the repairs to the motor will only be minor, but in the event the repairs would be more extensive and would exceed the cost of a replacement motor, the cost for the exchange motor is approximately \$29,054.00 less a trade in credit of \$2,390. The Committee recommends to the City Council authorization to spend up to \$50,000 for Well #7 repairs.

Moved by Marzahl, seconded by Ulmer to approve the Committee's recommendation to grant authorization to spend up to \$50,000 for Well #7 repairs. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

**RESOLUTIONS TO RELEASE CERTAIN CLOSED SESSION MINUTES INTO THE OPEN MINUTES BOOK AND AUTHORIZING THE DESTRUCTION OF CERTAIN AUDIO RECORDINGS OF CLOSED SESSION MEETINGS - APPROVED**

Moved by Logan, seconded by Perkins to approve a resolution to release the following closed session minutes into the open minutes book of the City Clerk: September 12, 2006 – November 13, 2007. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Resolution approved eight to zero.

Moved by Perkins, seconded by Adams to approve a resolution authorizing the destruction of audio recordings of the following closed session meetings: March 14, 2006 – April 11, 2006 – May 5, 2006 – June 27, 2006. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Resolution approved eight to zero.

**CONSENT AGENDA:**

☛ Harvard Main Street Raffle Application: February 5<sup>th</sup>, 2008

Moved by Perkins, seconded by Hay to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Adams to approve the bills as presented in the amount of \$181,054.97. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved eight to zero.

**ALD. MARZ AHL – WATER & SEWER COMMITTEE MEETING 01/28/08**

Chairman Marzahl called a Water & Sewer Committee Meeting for Monday, January 28<sup>th</sup>, 2008, at 6:30 p.m. to discuss Capital Improvements and Well #10.

**MAYOR’S REPORT**

Mayor Nolan reminded the City Council of the EDC Dinner on February 13<sup>th</sup> at Adriana’s. The Mayor noted that the City will host the MCCOG meeting on February 20<sup>th</sup> at Adriana’s.

**ADMINISTRATOR NELSON’S REPORT**

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

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

January 28	Water & Sewer Committee Meeting, 6:30 p.m.
February 5	Planning & Zoning Commission Hearing, 7 p.m. <ul style="list-style-type: none"><li>➤ Peters Conditional Use, 59 N. Ayer St.</li><li>➤ Text Amendment – Accessory Uses</li></ul>
February 11	Regular City Council Meeting, 7 p.m.

City Clerk Wells clarified that the next regular City Council Meeting is on a Monday as February 12<sup>th</sup> is Lincoln’s Birthday and a public meeting cannot be held that day.

**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.

**NO REPORTS**

City Attorney Carlos Arévalo and Aldermen Leyden, Ulmer, Szczap, Adams, Perkins and Hay had no report at this time.

At 7:45 p.m., moved by Logan, seconded by Adams to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,  
City Clerk

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Date