

REGULAR CITY COUNCIL MEETING MINUTES
October 14, 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 Andy Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. Alderman Hay was absent. Also present were Treasurer Meseck, Administrator Nelson, Police Chief Kazy-Garey, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION:

Randy Donley, McHenry County Board, District 6 Representative reported that the McHenry County Board voted today to petition the ICC to remove McHenry County from its membership for relocation and safety towing regulations. When the County Board opted into membership for towing, it was not presented to the Board that their decision would also affect safety towing. Senator Althoff is working with the County Board to opt out of the membership and to refund towers who have paid the license fee.

CITY COUNCIL MEETING MINUTES OF 09/23/08 - APPROVED

Moved by Perkins, seconded by Adams to approve the minutes of the Regular City Council Meeting of September 23, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. All ayes. Motion carried.

CITIZENS CARING FOR KIDS

Julie Lehman, Chairman of Citizens Caring for Kids (CCFK) presented information outlining the referendum to build a new elementary school in School District #50.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Town of Dunham (Dunham Twp) Variations from Accessory Use Height, Size and Location for Property Located at 107 Airport Rd. – Ord. 2008-135 Approved

Alderman Logan read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on October 7, 2008, for a hearing in the petition of the Town of Dunham (Dunham Township) for variations from the Accessory Use Size, Height and Location requirements to construct a salt shed on property located at 107 Airport Rd., Harvard. The Planning and Zoning Commission recommends approval of the petition as submitted for variations as follows:

1. Variation from the Total Accessory Use Size requirement of 656' as stated in Section 17.36.050, to be increased to 1,083 sq. ft.
2. Variation from the Accessory Use Height requirement of 15' as stated in Section 17.20.080(K)1, to be increased to 20'
3. Variation from Section 17.36.020(B) to allow the proposed Accessory Use in the required side yard to be utilized as a salt shed

Moved by Logan, seconded by Perkins to approve the Planning and Zoning Commission's recommendations and Ordinance 2008-135, granting variations from the Accessory Use Size, Height and Location requirements for property located at 107 Airport Rd., Harvard. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Ordinance 2008-135 approved seven to zero.

MPG Harvard, LLC and Vintage Living Development Reclassification from R3 to B3/Conditional Use for Operating Nursing Home, Lot Area Variation, Parking Requirement Variation and Final Plat of Subdivision for Property Located at 5400 Marengo Rd. – Ord. 2008-136 Approved

Alderman Logan noted a Planning and Zoning Commission Hearing held earlier in the evening with respect to the petition submitted by MPG Harvard LLC and Vintage Living Development and turned the meeting over to Clerk Wells. Clerk Wells noted approval from the Commission to present their recommendations and Findings of Fact for said hearing. The petitioners are requesting reclassification from R-3 to B-3, a conditional use for operating a nursing home, a variation from parking requirements and approval of the Final Plat of Subdivision for property located at 5400 Marengo Rd. The Planning and Zoning Commission recommends to the City Council approval of the Final Plat of Subdivision for property located on Marengo Rd. which is the subject matter of its petition and further finds that the subdivision meets the intent

purposes of the zoning ordinance and that the standards set forth in Chapter 17 have been met. Moved by Logan, seconded Perkins to approve the Planning and Zoning Commission's recommendation and Ordinance 2008-137, approving the Final Plat of Subdivision for the subject property as prepared by Manhard Consulting Ltd., dated 09/25/08, authorizing execution by the Mayor and Clerk at the time of closing. Bruce Takes, Vice President of Vintage Living Development was present to answer any questions; there were none. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Leyden, aye. Ordinance 2008-136 approved seven to zero.

The petitioners are also requesting reclassification of the subject property from R-3 to B-3 Use District, a variation from the lot area requirement of 5 acres to 122,450.37 sq. ft., a variation to reduce the required number of parking spaces from 76 to 40 and a conditional use for operating a nursing home. The Planning and Zoning Commission recommends approval of the petitioner's requests with the condition that any intent to discontinue the special use to change the use or to add any uses to the subject property shall require the owner of record at that time to petition the Planning and Zoning Commission for a public hearing and its subsequent approval of the City Council.

Moved by Logan, seconded by Perkins to approve the Planning and Zoning Commission's recommendations Granting the Conditional Use and Approving the requested variations contingent upon closing with a Memorandum of Ordinance drafted and recorded, to be included in Ordinance 2008-136 Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Leyden, aye and Marzahl, aye. Ordinance 2008-137 approved seven to zero.

ARCHITECTURAL REVIEW/SIGN AT 109 S. AYER ST. - APPROVED

The City Council, acting in their capacity as the Architectural Review Commission, reviewed the proposed sign for Sherril's Pet Grooming at 109 S. Ayer St. The proposed sign will be affixed flat on the building. Staff recommendation is to approve the sign as submitted. Moved by Logan, seconded by Adams to approve the proposed sign as submitted. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

ARCHITECTURAL REVIEW/25 N. AYER ST. - APPROVED

The City Council, acting in their capacity as the Architectural Review Commission, reviewed the proposed building improvements at 25 N. Ayer St. which include brick replacement and removal and replacement of the existing back-lit sign with a sign similar to the approved sign at 109 S. Ayer St. Staff recommendation is to approve the building improvements as submitted. Moved by Logan, seconded by Adams to approve the improvements as discussed. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

MEYER MATERIAL DEVELOPER AGREEMENT – APPROVED

Administrator Nelson reviewed the Meyer Material Developer Agreement which is a culmination of the lawsuit involving Meyer Material and the McHenry County Defenders which was won on appeal. The case has been dropped and the plaintiff's have not responded and met any time requirements. Meyer Material felt it was still important to have an agreement with the City on how they would deal with environmental issues on the site. Said agreement presents no liability to the City of Harvard. Moved by Perkins, seconded by Marzahl to approve the Meyer Material Developer Agreement. Roll call vote: Logan, aye; Perkins, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved seven to zero.

MCHENRY COUNTY GANG TASK FORCE INTERGOVERNMENTAL AGREEMENT – APPROVED

Administrator Nelson reviewed and recommended approval of the McHenry County Gang Task Force Intergovernmental Agreement which was revised to increase insurance limits. Moved by Marzahl, seconded by Perkins to approve the revised Intergovernmental Agreement. Roll call vote: Perkins, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved seven to zero.

IDENTITY THEFT PREVENTION PROGRAM – REFERRED TO ORDINANCE COMMITTEE

Administrator Nelson noted that the Federal Trade Commission and federal government require any covered accounts to have an identity theft program; the City has covered accounts with water billing.

Alderman Logan called an Ordinance Committee for Tuesday, October 21st, 2008 at 6:30 p.m.

OFFICE OF EMERGENCY MANAGEMENT – REFERRED TO ORDINANCE COMMITTEE

Chief Kazy-Garey would like the City Council to consider creating the Office of Emergency Management. Said item will be added to the Ordinance Committee Meeting Agenda on October 21st.

RESOLUTION IN RECOGNITION OF RED’S TAVERN/50 YRS IN BUSINESS/DROPPED FROM AGENDA

Mayor Nolan noted the resolution in recognition of Red’s Tavern 50 Years in Business was dropped from the agenda as Red’s 50 Year Anniversary is not until next year.

RESOLUTION IN RECOGNITION OF DR. PATTERSON/ 50 YRS IN BUSINESS – APPROVED

Mayor Nolan read the resolution in honor of Dr. Norbert Patterson, Optometrist achievement of 50 Years in Business. Moved by Marzahl, seconded by Logan to approve the resolution. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. Motion approved seven to zero. Crystal Musgrove, Executive Director of the Harvard Chamber of Commerce and Mayor Nolan presented the resolution to Dr. Patterson. Mayor Nolan commended Crystal for a job well done as Executive Director for the Chamber.

RESIGNATION FROM EVENTS COMMITTEE - APPROVED

Moved by Perkins, seconded by Marzahl to accept Laura Evers letter of resignation from the Events Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. All ayes. Motion carried.

APPOINT CHAIRMAN FOR EVENTS COMMITTEE - APPROVED

Moved by Perkins, seconded by Logan to approve the Mayor’s recommendation to appoint Scott Logan as Chairman of the Events Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. All ayes. Motion carried.

CONSENT AGENDA:

- Harvard High School Homecoming Parade – October 10th
- St. Joseph’s “Night of Knights” Raffle Request, Jan 1 - April 4, 2009
- Boy Scouts Food Drive Oct 18-19, 25-26 and Oct 31-Nov 1

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$512,558.05. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero.

ALD MARZAHL

Alderman Marzahl noted comments he has received on how nice the downtown is starting to look.

MAYOR’S REPORT

Mayor Nolan reported on the status of the Downtown Ayer Street Streetscape Project and reviewed the financial spreadsheet. The project is coming in under budget which will allow the Eastman St. parking lot to be reconstructed. Meyer Material will give the city a break on the concrete as they have throughout the entire project; the Mayor estimated Meyer Material has saved the city about a quarter million dollars. Blacktopping should start on Thursday, Oct. 16th. The project is on schedule and should be completed in about three weeks. The Mayor noted he will be out of town from October 15th -22nd.

CLERK’S REPORT - UPCOMING MEETING DATES

October 21 Events Committee Meeting, 5 p.m.
 Ordinance Committee Meeting, 6:30 p.m.

October 28 Regular City Council Meeting, 7 p.m.

Clerk Wells asked that text amendments to Chapter 17 be included on the Ordinance Committee Agenda. Administrator Nelson noted that the Police Dept. would also like the Settlement of Offenses on the agenda for a clarification on settlement of fines.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

Chief Kazy-Garey noted his written report in the packets and reported that Officer Oligney has been retained for the time being but Officer Oczus will be deployed shortly.

NO REPORTS

City Attorney Arévalo, Treasurer Meseck and Aldermen Leyden, Ulmer, Szczap, Adams and Perkins had no specific report at this time.

At 7:25 p.m., moved by Perkins, seconded by Logan to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date