

CITY COUNCIL HEARING

Thomas Merryman With Regard to an Annexation Agreement

May 12, 2009 – 6:30 p.m.

Mayor Nolan called the public hearing to order at 6:30 p.m. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Logan and Perkins. Also present were Treasurer Meseck, Administrator Nelson and City Attorney Carlos Arévalo. Attorney Mark Saladin and Thomas Merryman were present on behalf of the petitioners.

Mayor Nolan stated that the parties of interest in the petition were present. City Clerk Wells noted the Certificate of Publication from the Northwest Herald with a publication date of April 25, 2009.

Mayor Nolan asked for the identification and recording of any objectors as follows:

- Scott Summers, 20605 E. Brink St., Harvard

Attorney Saladin gave a brief overview of the petitioner's request for zoning and a conditional use for a mining operation. Mayor Nolan asked if there were any questions by City Council members to the petitioners. At Alderman Marzahl's inquiry, Mr. Merryman confirmed that the proposed batch plant is a temporary portable plant that is set up and used for the duration of a single project, after which it is dismantled and removed from the site.

Mayor Nolan asked for the presentation of evidence by objectors. Scott Summers, 20605 E. Brink St., Harvard addressed the City Council and noted he supported the proposed project with the following recommendations and comments:

- The notice was defective in that there wasn't any posting on the property indicating that a public hearing on a zoning matter was pending before city officials. Mr. Summers felt the City should require petitioners to post a signs on property where zoning changes are being contemplated.
- Safety issues with respect to speed on McGuire Rd. with suggestion that speed limit be lowered
- Petitioners should add turn lanes in and out of the pit
- Protection of Rush Creek Conservation Area with respect to overflow
- A cost benefit analysis should be conducted

Mayor Nolan noted that City doesn't have any jurisdiction over McGuire Rd.; the City is working with County to reduce the speed limit. Mayor Nolan also noted that the County will require turn lanes. Mayor Nolan and Administrator Nelson stated that the proposed operation would have the highest payment in McHenry County. Administrator Nelson stated that the overflow drainage of the pond would be regulated by McHenry County Stormwater Management and is in compliance with state law.

There were no further questions or comments.

Attorney Saladin noted further protection to the City in the annexation agreement which is found in paragraph 16 which states that the owner shall comply with all applicable federal, state and county regulatory requirements.

At 6:50 p.m., moved by Logan, seconded by Perkins to adjourn the hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan and Perkins. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date