

**EXECUTIVE SESSION OF THE CITY COUNCIL
CITY COUNCIL CHAMBERS
201 W. FRONT ST., HARVARD, ILLINOIS
SEPTEMBER 7, 2005 – 7:30 p.m.**

Mayor Nolan called the meeting to order to discuss Section 2(c)(11) Litigation and Section 2(c)(5) Purchase or Lease of Real Estate. Clerk Wells called roll. Aldermen present: Marzahl, Ulmer, Berg, Logan, Perkins and Hay. Alderman Leyden was absent. Also present were Treasurer Meseck, Administrator Nelson and Attorney McArdle.

Litigation

Steven Podkulski - Attorney McArdle reviewed the lawsuit filed by Steven Podkulski against the City of Harvard and the McHenry County Sheriff's Dept. Mr. Podkulski was arrested in 2002, and alleges that the City took his vehicle, personal possessions and bond. Attorney McArdle reported that the bond money was returned by court order to Mr. Podkulski's sister who posted the bond and the vehicle was forfeited by court order. The general consensus was to refer the lawsuit to our insurance company.

Peggye Bankson - Attorney McArdle reviewed a letter from Attorney Fuksa of Franks Gerkin McKenna on behalf of Peggye Bankson re potential litigation with reference to the flooding on her property at 206 E. Park St. It was noted that the flooding is not a result of water runoff from Trakside Storage, which is going into the storm sewers, as designed. Ms. Bankson's property is located in an area with no curb/gutter and her driveway, which is now paved, runs from the street downward towards her house. Alderman Berg will contact the attorney and explain the situation that the slope of the driveway is the issue and is not a result of anything that the City did, and that the remedy to the flooding would be for Ms. Bankson to backfill the foundation away from the house.

Purchase or Lease of Real Estate

Mayor Nolan reported that the City has made a verbal offer to Castle Bank with a request for a response by Thanksgiving.

Closed session was adjourned at 7:45 p.m.

Submitted by:

Andy Wells,
City Clerk

Date