

**REGULAR CITY COUNCIL MEETING MINUTES**  
**March 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 Santeler, Public Works Supt. Carbonetti, Parks Supt. Burkart, Utilities Supt. Gibson, Attorney McArdle, Gary Rozwadowski of Smith Engineering and members of the press and audience.

**AUDIENCE PARTICIPATION:**

Bruce Edgecomb, 310 Jefferson St., addressed the City Council with regard to the second sewer backup at his home within the last year that occurred on March 12<sup>th</sup>, and what he felt was a lack of response from the City. Mayor Nolan stated that Mr. Edgecomb has been sent a claim form which will be forwarded to the City's insurance company for consideration and the Chairman of the Water and Sewer Committee has been asked to set up a committee meeting to discuss policy for these situations. Mr. Edgecomb related his unsuccessful attempts at getting Service Master or other company to come in and clean up his basement because of the cost which may or may not be covered by the City's insurance and asked for further help from the City to assist in clean-up.

**CITY COUNCIL MINUTES 02/28/06 - APPROVED**

Moved by Logan, seconded by Perkins to approve the Regular City Council Meeting Minutes of February 28, 2006. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

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

Oak Grove Crossings, Phase 4, Setback Variation, Cul-de-sac lots 147 thru 152 – Ordinance 2006-106 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on March 7, 2006, for a hearing in the petition of Harvard Homes LLC/William Ryan Homes. The petitioners are requesting a variation from Section 17.20.080(D) as to the rear yard setback requirements for Lots 147, 148, 149, 150, 151 and 152 in Oak Grove Crossings, Unit 4 from 30' to 15'. The Planning and Zoning Commission recommends to the City Council that the petitioner's request be approved subject to the following condition: with respect to the additional 15' in the rear yard, the petitioners will be restricted to the construction of a single story "morning room". Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and Ordinance 2006-106, approving the rear yard setback variation to 15' subject to the condition as stipulated; a Memorandum of Ordinance also to be drafted, with both documents recorded with the McHenry County Recorder of Deeds. Alderman Ulmer asked for verification that the property behind subject lots is not buildable. Stan Torstenson, owner of Oak Grove Crossings noted that the property behind the lots is where the lake is, and that he has advised purchasers that they can only build a single story "morning room" in the rear yard; otherwise they must abide by the 30' setback. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2006-106 approved eight to zero.

Richard Toepper, Final Plat of Subdivision/201 Marengo Rd. – Ordinance 2006-107 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on March 7, 2006, for a hearing in the petition of Richard Toepper to subdivide the property located at 201 Marengo Rd. Moved by Hay, seconded by Perkins to approve the Planning and Zoning Commission's recommendation and Ordinance 2006-107 approving the Final Plat of Subdivision as submitted. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2006-107 approved eight to zero.

**HARVARD MAIN STREET REQUEST/4<sup>th</sup> ANNUAL CINCO DE MAYO - APPROVED**

Cathy Pescinski, Director of Harvard Main Street outlined their request for the 4<sup>th</sup> Cinco De Mayo. Moved by Berg, seconded by Perkins to approve Harvard Main Street's requests for their 4<sup>th</sup> Annual Cinco De Mayo Festival on May 5<sup>th</sup> as follows:

1. Block off Brainard St. from Ayer St. to Eastman St. from 4:30-10 p.m.
2. Block off first three rows of parking in City lot at corner of Eastman and Brainard from 3-10 p.m. for art and craft vendors. (A few business owners noted they might have to park on the street in front of their business for late afternoon/early evening longer than two hours.
3. Post "No Parking Friday, May 5, 2006, from 3-10 p.m." signs in and around parking lot at Eastman and Brainard two days before the event
4. City to provide four large and eight small barricades and twelve garbage containers placed in City parking lot at corner of Eastman and Brainard
5. Permission to place a portable toilet in City parking lot at corner of Eastman and Brainard
6. Raffle Request (on Consent Agenda)

Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes.  
Motion carried.

Cathy noted that tickets are still available for the Murder Mystery Dinner on March 28<sup>th</sup>.

**RESOLUTION AWARDING CONTRACT/JEFFERSON ST. BRIDGE REHABILITATION - APPROVED**

Moved by Berg, seconded by Logan to approve a Resolution Awarding Contract for the Jefferson Street Bridge Rehabilitation to Civil Constructors, Inc. at their low bid of \$96,977.00. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Resolution approved eight to zero.

**RESOLUTION AWARDING CONTRACT/2006 MFT ROAD PROGRAM - APPROVED**

Moved by Berg, seconded by Adams to approve a Resolution Awarding the Contract for the 2006 MFT Road Program to Payne and Dolan, Inc. at their low bid of 49,324.40. Administrator Nelson clarified that the price reflects that latest revision to the Road Program and does not include the Front Street portion which is under separate contract using the recycled pavement at an approximate cost of \$19,000. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Resolution approved eight to zero.

**RESOLUTIONS AUTHORIZING EXECUTION OF AGREEMENTS WITH UNION PACIFIC - APPROVED**

Administrator Nelson reviewed the license agreements with Union Pacific Railroad with respect to the subdivision for Kennedy Homes for water and sewer to come in under the railroad tracks to the Northfield Avenue lift station which will be paid for by Kennedy Homes. Moved by Berg, seconded by Ulmer to approve Resolutions Authorizing the Mayor and City Clerk to Execute Pipeline Crossing Agreements with Union Pacific Railroad Co. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Leyden, aye; Ulmer, aye and Berg, aye. Resolutions approved eight to zero.

**AMEND SECTION 20.02, REIMBURSEMENT OF FEES – ORD. 2006-108 APPROVED**

Moved by Berg, seconded by Perkins to approve Ordinance 2006-108, Amending Section 20.02, Reimbursement of Fees. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Leyden, aye; Ulmer, aye; Berg, aye and Adams, aye. Ordinance 2006-108 approved eight to zero.

**ZONING MAP UPDATE - APPROVED**

Moved by Berg, seconded by Marzahl to approve the updated Zoning Map as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**CONTRACT LAKE COUNTY VETZ/VIETNAM VETERANS MEMORIAL "THE WALL" – APPROVED**

Moved by Hay, seconded by Marzahl authorizing the Mayor to execute the Contract with Lake County Vetz for the half scale replica of The Vietnam Veteran's Memorial "The Wall" with term of said contract from midnight, August 15, 2006, until midnight on August 21, 2006, with a voucher and check to be drawn in the amount of \$1,000.00. 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.

### **WATER & SEWER COMMITTEE RECOMMENDATIONS**

Chairman Marzahl reviewed the Water & Sewer Committee Meeting Minutes of March 8, 2006.

#### **Painting Downtown Water Tower – Approved**

The Committee discussed the estimates received for the exterior painting of the downtown water tower. Moved by Marzahl, seconded by Hay to approve the Water and Sewer Committee recommendation to waive the bidding procedure and to hire Jetco, Ltd. for the exterior painting of the downtown water tower directing staff to work with Jetco to obtain artist drawings for the artwork/design. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

#### **Northfield Ave. Sewer**

The Committee reviewed the Northfield Lift Station Report.

### **PARKS & RECREATION COMMITTEE RECOMMENDATIONS**

Chairman Perkins reviewed the Parks & Recreation Committee Meeting Minutes of March 9, 2006.

#### **Milky Way Park /Parking Lot Improvements – Approved**

The Committee discussed the bids received for the Milky Way Park, Parking Lot Improvements which was bid for both bituminous and concrete pavement. Moved by Perkins, seconded by Logan to approve the Parks & Recreation Committee recommendation to award the bid for the Milky Way Parking Lot Improvements for the concrete alternative to Ron Finke, Finke Construction inc., Harvard in accordance with the low bid of \$80,000. 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.

### **APPOINT SONYA STAFFORD TO MARY D. AYER APARTMENT BOARD – APPROVED**

Moved by Berg, seconded by Marzahl to approve the Mayor's recommendation to appoint Sonya Stafford to fill the vacancy on the Mary D. Ayer Apartment Board of Trustees. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

### **CONSENT AGENDA**

- Harvard Boys League Raffle Request: March 1-July 29, 2006
- Harvard Main Street Raffle Request: May 5, 2006
- Sullivan's Foods Request/Temporary Metered Water Hookup for Lawn and Garden Center
- Proclamation to Designate June, 2006 as Myasthenia Gravis Awareness Month
- Harvard Main Street Raffle Request: March 18, 2006

Moved by Berg, seconded by Marzahl 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 – 03/22/06**

Mayor Nolan requested that Chairman Hay call an Ordinance Committee Meeting for a review of the liquor code and to discuss the Metra Parking Lot. Chairman Hay called a Zoning, Planning and Ordinance Committee Meeting for Wednesday, March 22, 2006 @ 7 p.m. Clerk Wells inquired about putting text amendments to the zoning code on the upcoming agenda for Table 2, Lot Size for Particular Uses and a review of Home Occupations which was okay with Chairman Hay.

#### **ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$190,005.93 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.

#### **ALD. LOGAN - BUDGET**

Alderman Logan inquired as to the status of the budget. Administrator Nelson noted his intent to have the final draft budget ready for the Mayor and Chairman's review next week and to the City Council by March 28<sup>th</sup>.

**ALD. ADAMS REQUEST FOR COMMITTEE DISCUSSION**

Alderman Adams addressed the issue with respect to Mr. Edgecomb’s sewer back up and apologized for being unable to help him and requested that this issue be further discussed at a committee meeting with a clear action plan put in place when this issue comes up again.

**ALD. MARZ AHL – WATER & SEWER COMMITTEE MEETING – 03/21/06**

Chairman Marzahl called a Water & Sewer Committee Meeting for Wednesday, March 21, 2006, at 7 p.m. to discuss an action plan for sewer back-up’s, review the artist’s renditions for the water tower and to review the sanitary sewer bypass plan.

**MAYOR’S REPORT**

Mayor Nolan noted he nothing further than calling the committee meetings.

**ADMINISTRATOR’S REPORT**

Administrator Nelson noted he had no report in open session.

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

March 21	Water & Sewer Committee Meeting – 7 p.m.
March 22	Zoning, Planning and Ordinance Committee Meeting – 7 p.m.
March 28	Regular City Council Meeting – 7:00 p.m.

**DEPARTMENT HEADS REPORTS**

Smith Engineering & Dept. Heads                      Reports as submitted.

Supt. of Utilities Gibson stated he would have drawings for the water tower for the Committee meeting.

Building Inspector Santeler reported that the housing inspections in the downtown TIF District will be completed on Wednesday, March 15<sup>th</sup>, after which a spread sheet will be compiled for the City Council showing violations found.

The Mayor noted that Chief Oparyk is attending training.

**NO REPORTS**

Attorney McArdle, Treasurer Meseck, Aldermen Perkins, Berg, Ulmer, Leyden had no report at this time.

At 7:40 p.m., moved by Berg, seconded by Perkins to go into closed session after a five minute break to discuss Section 2(c)(1) Personnel and Section 2(c)(5) Sale or Lease of Real Estate. 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.

At 7:56, moved by Berg, seconded by Marzahl to reconvene the open session. 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.

Moved by Berg, seconded by Logan to adjourn the meeting. 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.

Submitted by:

Andy Wells,  
City Clerk

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