

REGULAR CITY COUNCIL MEETING MINUTES

June 13, 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 Administrator Nelson, Police Chief Oparyk, Supt. Public Works Carbonetti, Attorney Rob Fetzner, Dave Johanson of Smith Engineering and members of the press and audience.

AUDIENCE PARTICIPATION

Scott Summers, 20605 Brink St., Harvard, addressed the City Council with regard to the pending Wal-Mart proposal and remarked on the way the Planning and Zoning Commission Hearing was conducted and suggested that the petitioner should address the commission first after which the public should be given the opportunity to address the petitioner. Secondly, that draft ordinances were not available for public inspection prior to the City Council meeting and requested that the City Council defer consideration of the Wal Mart proposal until such time as the public can have opportunity to comment.

CITY COUNCIL MINUTES 05/23/06 - APPROVED

Moved by Logan, seconded by Perkins to approve the Regular City Council Meeting Minutes of May 23, 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

At 7:04 p.m., Mayor Nolan turned the meeting over to Alderman Hay and noted correspondence from his accountant in the aldermen's folders indicating that he sold the subject property on February 9, 2004. Mayor Nolan then excused himself from the meeting for discussion on the Wal Mart petitions.

Wal Mart Proposal – Approved

Cindy Flower, McClure Engineering, addressed the City Council on behalf of Wal-Mart Stores, Inc. and noted that representatives for the proposed Wal-Mart were available for any questions. At Alderman Berg's inquiry, Administrator Nelson clarified that the proposed plans meet all zoning and parking requirements and that the stormwater runoff will follow the standards of the McHenry County Stormwater Management Ordinance. Administrator Nelson noted that the proposed written ordinances are not ready as of yet which is normal procedure for many cases where the City Council grants approval pending final approval of the City Attorney. Upon approval of the Planning and Zoning Commission recommendations, proposed ordinances will be drafted by the City Attorney and presented to the City Council for final approval. There were no further questions by the City Council.

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on June 6, 2006, for a hearing in the petition of Leon and Meredith Henson; Elvis and Carolyn Henson (owners) and Wal-Mart Stores, Inc. (contract purchaser). The petitioners are requesting annexation pursuant to the Plat of Annexation submitted to the City of Harvard. The Planning and Zoning Commission recommends to the City Council that the petitioners' request for annexation be approved as presented. Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation to annex the subject property. Chairman Hay opened the floor to any objectors in the audience.

1. Scott Summers again noted that ordinances should be available for the public inspection prior to City Council approval. Chairman Hay and Alderman Berg explained that ordinances will be drafted and that the public will have access to said ordinances prior to City Council action.
2. Linda Bowlick, 9907 Knickerbocker Rd., Harvard, addressed the City Council in agreement with Mr. Summers and asked for clarification of comments made at the Planning and Zoning Commission that Wal-Mart is really going to be good for the community.

Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Mayor Nolan, absent. Motion approved eight to zero.

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on June 6, 2006, for a hearing in the petition of Leon and Meredith Henson; Elvis and Carolyn Henson (owners) and Wal-Mart Stores, Inc. (contract purchasers). The petitioners are requesting that upon annexation, the subject property be classified to B-3 Commercial Zoning District. The Planning and Zoning Commission recommends to the City Council approval of the petitioners' request as submitted to reclassify the subject property to B-3 Commercial District.

Chairman Hay read the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on June 6, 2006, for a hearing in the petition of Leon and Meredith Henson; Elvis and Carolyn Henson; Jay and Sandra Nolan (owners) and Wal-Mart Stores, Inc. (contract purchaser). The petitioners are requesting a conditional use to allow an oil change facility on the subject property and a Preliminary Plat of Subdivision as prepared by McClure Engineering, dated 05-10-06. The Planning and Zoning Commission recommends the approval of the Petitioner's request as submitted for a conditional use to allow an oil change facility and approval of the Preliminary Plat of Subdivision as submitted.

Moved by Hay, seconded by Berg to approve the Planning and Zoning Commission's recommendations for approval pertaining to zoning to B-3 Commercial District, a conditional use to allow an oil change facility and approval of the Preliminary Plat of Subdivision as presented. 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.

Chairman Hay turned the meeting back over to Mayor Nolan.

ONE DAY LIQUOR LICENSE – HERS LEAGUE ON JUNE 24 – APPROVED

Moved by Berg, seconded by Adams to approve the HERS League request for a one-day liquor license on June 24th, 2006, for their annual HERS picnic. 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.

VENDING LICENSE APPLICATION/CINDY WALDO, HUB LOUNGE, 19 N. AYER ST. – TABLED

The Vending License application is for three Electronic Amusement devices which were not previously licensed. The mayor noted that the devices are video gambling machines which are legal as long as the establishment is not paying out on the machines. City Administrator Nelson stated that there have not been any hearings at this point either before the McHenry County Circuit Court or the Harvard Liquor Commissioner pertaining to any alleged illegal payout of the machines. Further, payout would be an enforcement issue not a license issue. Attorney Fetzner reported that a complaint is being drafted and upon serving, a hearing date will be set. Moved by Berg, seconded by Logan to table the vending license application until the next City Council meeting to determine the outcome of the hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

SWEAR IN NEW K-9 POLICE OFFICER “HUNTER”

Officer Steve Dixon's new partner, a 2-year-old German shepherd named Hunter, was sworn into the Police Department by City Clerk Wells and given a badge. Lee Harrison, Director of Illinois Vest a Dog, and donors, Mr. & Mrs. Dieter Gutt, presented K-9 Hunter with a bullet and stab resistant vest. Alderman Hay, as a retired sheriff's deputy, thanked the donors for their support of law enforcement and the K-9 unit.

CLASS A LIQUOR LICENSE –JOHN SCHNEIDER/BOPP'S TAVERN 103 E. FRONT - APPROVED

Alderman Berg left the meeting.

Moved by Logan, seconded by Ulmer granting Mayor Nolan as Liquor Commissioner the authority to transfer the license between Mike Rose, Bopp's Tavern and John Schneider, at such time as the parties execute closing transactions and upon Mike Rose relinquishing the liquor license and the license fee is

paid with appropriate insurance submitted to the City. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero with one absent.

BUILDING PERMIT FEES - APPROVED

Moved by Berg, seconded by Perkins that the Building Permit Fee Schedule set forth in the Special City Council Meeting Minutes of June 10, 2006, be adopted as presented, to go into effect January 1, 2007. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Motion approved eight to zero.

Mayor Nolan noted that the balance of the financial recommendations from the Special City Council Meeting pertaining to Water/Sewer Charges; the Settlement of Offenses and Miscellaneous Fees and Charges, will be brought before the City Council for approval at a later date.

REVOLVING LOAN FUND/GEORGE AMBAT - GRACE FUEL - APPROVED

Administrator Nelson noted that the loan application submitted by George Ambat/Grace Fuel meets the requirements of the Harvard Economic Development Corp. and the Loan Committee which is comprised of the three bank presidents. Moved by Logan, seconded by Marzahl to approve the loan application for George Ambat, Grace Fuel. 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.

AUTHORIZATION TO HIRE TWO PART TIME PUBLIC WORKS EMPLOYEES - APPROVED

Moved by Logan, seconded by Perkins to authorize Mayor Nolan to hire to part-time public works employees. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, abstain; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero, with one abstention.

AUTHORIZATION TO SIGN CDBC CONTRACT/ENGINEERING FOR METZEN AND HOWARD ST.- APPROVED

Administrator Nelson noted this is a grant written a year ago through McHenry County in amount of \$35,000 for engineering for the continuation of the Metzen/Howard Street Storm Sewer Study and Road Reconstruction. Moved by Berg, seconded by Ulmer to authorize the execution of the CDBG Contract. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye Hay, aye. Motion approved eight to zero.

AUTHORIZATION TO SIGN CHANGE ORDER/DOWNTOWN WATER TOWER – APPROVED

Moved by Perkins, seconded by Adams to authorize the execution of a change order to put the City logo on the downtown water tower. 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.

CONSENT AGENDA:

➤ VFW Post #8249 Poppy Day, Friday July 30th and Saturday, July 1st

Moved by Berg, seconded by Perkins to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, 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 \$278,008.78. 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.

MAYOR'S REPORT

Mayor Nolan noted that Steel Heart has donated a \$500 granite bench which is located on Ayer St. just before the tracks.

Mayor Nolan noted the next McHenry County Council of Governments Meeting to be held on June 28th, at Magnolia's in Richmond.

CLERK'S REPORT - UPCOMING MEETING DATES

June 27 Regular City Council Meeting

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

Chief Oparyk reported that Andrew Spielman is in his sixth week of training with graduation scheduled for July 27th. After training, he should be on the street by the end of September.

Chief Oparyk also reported on a group of residents from Oak Grove Crossing who are interested in starting up a Neighborhood Watch Program. A meeting has been scheduled for Wednesday, June 14th at 7 p.m. in the conference room.

NO REPORTS

Attorney Fetzner, Treasurer Meseck, Administrator Nelson and Aldermen Hay, Perkins, Adams, Berg, Ulmer, Marzahl and Leyden had no report at this time.

At 7:20 p.m., moved by Berg, seconded by Perkins 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

Date