

REGULAR CITY COUNCIL MEETING MINUTES

July 11, 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 Treasurer Meseck, City Administrator Nelson, Attorney David McArdle and members of the press and audience.

AUDIENCE PARTICIPATION:

Scott Schlendorf, 1601 Wildflower Lane, addressed the City Council with respect to a notice he received that he was not in compliance with the City's swimming pool fence requirements. Mr. Schlendorf met the requirements for fencing when the pool was constructed five years ago at 48"; the City code pertaining to fencing has increased to 60" and he requested that the existing fence be grandfathered because he doesn't meet the 15% leeway. Chairman Hay called an Ordinance Committee Meeting to continue discussions on the issue for Tuesday, July 18th, 2006, at 7 p.m. (NOTE: Meeting date was later changed to July 27th at 6:30 p.m.)

REGULAR AND CLOSED SESSION CITY COUNCIL MINUTES 06/27/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of June 27, 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

John Green/Solid Rock Community Church/602 Old Orchard Rd.,

Conditional Use, Lot Size and Parking Variations – Ordinance 2006-127 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on July 5, 2006, for a hearing in the petition of John Green (owner) and Solid Rock Community Church, Inc. (Contract Purchasers). With respect to the petitioners' request for a conditional use to allow a church in a R-1 Residential District on the subject property which is the subject matter of its Petition, the Planning and Zoning Commission hereby recommends approval of the Petitioner's request for a conditional use.

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on July 5, 2006, for a hearing in the petition of John Green (owner) and Solid Rock Community Church, Inc. (Contract Purchasers). With respect to the petitioners' request for lot size and parking variations which is the subject matter of its Petition, the Planning and Zoning Commission hereby recommends the approval of the Petitioners' request to reduce the minimum lot size requirement from 80,000 sq. ft. to 36,395 sq. ft. and to reduce the minimum number of parking spaces from 50 to 27 subject to the condition that at such time the congregation is deemed to have 100 members or after five years, whichever comes first, that the subject property shall provide for a minimum of 45 spaces of off-street parking either through on-premise upgrades or through a written agreement with a third party.

Moved by Hay to approve the Planning and Zoning Commission's recommendations and Ordinance 2006-127 to grant a conditional use, lot size variation and parking space variation with the specified condition. Mayor Nolan noted that the petitioner and counsel were present. The petitioner submitted a plan, as requested at the Commission Meeting, which shows the availability of 45 parking spaces. Mayor Nolan recommended that should on-street parking become an issue on Old Orchard or Garfield at any time, the City Council can require that additional parking spaces be constructed or the conditional use terminated. Alderman Berg suggested that should on-street parking become an issue, to either ban on-street parking or make it resident only parking. Alderman Ulmer noted that should the extra parking spaces be put in adjacent to residential Lot 2, a barrier would also need to be in; Administrator Nelson noted that could be done with landscaping. Rev. Dave Gardner stated that they have an agreement with Harvard Mercy Hospital to use their parking lot for overflow parking and are working with School District #50 to make alternate parking arrangements. Alderman Berg seconded the motion. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye;

Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion and Ordinance 2006-127 approved eight to zero.

HARVARD BOYS LEAGUE ONE DAY LIQUOR LICENSE JULY 29, 2006 – APPROVED

Moved by Ulmer, seconded by Marzahl to approve the Harvard Boys League One Day Liquor License for their annual picnic at the Moose Field on W. Diggins Street on July 29, 2006 from 10 a.m. – midnight. 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.

NORTHWEST WOOD PRODUCTS ONE DAY LIQUOR LICENSE/PIG ROAST JULY 29 - APPROVED

Moved by Berg, seconded by Logan to approve Northwest Wood Products request for a one day liquor license and pig roast on Saturday, July 29th, 2006 for a company picnic to be held at Milky Way Park from 1-9 p.m. 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.

TURTLE CROSSING, PHASE 1/LETTER OF CREDIT REDUCTION – APPROVED

City staff has reviewed Turtle Crossing's request for a Letter of Credit reduction and all public improvements indicated have been completed and meet the City's acceptance. Moved by Berg, seconded by Perkins to approve the request for a Letter of Credit reduction for Turtle Crossings as follows:

☞ Phase 1 from \$2,200,000.00 to \$1,418,405.55

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.

APPROPRIATION – ORD. 2006-128 APPROVED

Moved by Perkins, seconded by Adams to approve the revised Ordinance 2006-128, Making the Annual Appropriation for Corporation Purposes for the Fiscal Year from May 1, 2006 - April 30, 2007, with typo corrections on pgs. 1 and 8. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2006-128 approved eight to zero.

AUTHORIZATION TO WRITE CDBG GRANT – APPROVED

Moved by Hay, seconded by Leyden to authorize City Administrator Nelson to prepare a CDBG Grant for the next phase of Metzen St. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

AUTHORIZE PAYMENT TO LAKE CO. VETZ FOR “THE WALL” – APPROVED

Moved by Berg, seconded by Logan to authorize payment of the balance due to the Lake County Vetz for the Vietnam Veteran's Memorial, “The Wall”, in the amount of \$2,000.00. 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.

INFORMATION: PUBLIC HEARING FACILITY PLANNING AREA

Mayor Nolan noted that a Public Hearing has been published for the Facility Planning Area on August 23rd, from 4-6 p.m. to be held in the City Council Chambers, 201 W. Front St., Harvard.

INFORMATION: MCHENRY COUNTY COUNCIL OF GOVERNMENTS MEETING

The next McHenry County Council of Governments Meeting is scheduled for Wednesday, July 26th at the Crystal Lake Holiday Inn at 6 p.m. Administrator Nelson encouraged the City Council to attend the training session that is scheduled prior to the meeting from 4-6 p.m. on Strategic Planning. RSVP for the seminars are due by July 17th and for the dinner by July 21st.

CONSENT AGENDA:

- ☞ Authorize Execution of Letter to McHenry County Terminating Intergovernmental Agreement
- ☞ Karen Cerceo/Ed Detlefsen request for Pig Roast at Boy's League on August 12th
- ☞ Free Spirit Siberian Rescue Tag Days – August 19th and 20th

Moved by Berg, seconded by Adams 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 \$137,120.37. 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.

ALD. LOGAN – FINANCE COMM. MEETING 07/27 – 6:30 P.M.

Chairman Logan called a Finance Committee Meeting for Thursday, July 27th, 2006, at 6:30 p.m. to discuss a natural gas tax.

ALD. ULMER – PUBLIC PROPERTY COMM. MEETING 07/12 – 6:30 P.M.

Chairman Ulmer noted a Public Property Committee Meeting scheduled for July 12th at 6:30 p.m.

MAYOR’S REPORT

Mayor Nolan noted that the painting of the downtown water is completed. Also, the Mayor will be on vacation next week.

ADMINISTRATOR’S REPORT

Administrator Nelson noted that the speaker for the McHenry Co. Council of Governments meeting on July 26th is ComEd who will be discussing their plan for their open market for electricity and noted the cost is anticipated to increase by 30-35%. Administrator Nelson and Mayor Nolan have met with an electricity broker about setting up a municipal co-op to try and lower costs. The City has also received notice of an increase in blacktop by \$10/ton which represents a 40% increase, effective July 1st.

CLERK'S REPORT - UPCOMING MEETING DATES

July 12	Public Property Committee Meeting, 6:30 p.m.
July 18	Ordinance Committee Meeting, 7:00 p.m.
July 25	Regular City Council Meeting, 7:00 p.m.
July 27	Finance Committee Meeting, 6:30 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

Chief Oparyk reported the following: Liquor I.D. classes are being conducted on Wed., July 12th at the Fire Station; 15 establishments have signed up for the class (39 attendees for the 1:30 p.m. class and 10 for the 5 p.m. class). Officer Andrew Spielman is scheduled to graduate from Police Academy on July 27th. The Police Department will be participating in the National Night Out Against Crime on August 1st from 6-9 p.m, in conjunction with Capital Cream Cruise Night. More advertising/details will be forthcoming. The Mayor noted the Police Dept. Monthly Activity Report which shows police activity up from last year and commended the Chief and Police Department for a job well done.

NO REPORTS

Attorney McArdle, Treasurer Meseck and Aldermen Hay, Perkins, Adams, Berg, Marzahl and Leyden had no report at this time.

Item #23: Closed Session dropped from the agenda. At 7:34 p.m., moved by Berg, seconded by Logan to adjourn the meeting. Aldermen voting aye: Marzahl, Berg, Adams, Logan, Perkins, Hay and Leyden. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date