

**REGULAR CITY COUNCIL MEETING MINUTES
MAY 22, 2007 - 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: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Alderman Leyden was absent. Also present were Treasurer Meseck, City Administrator Nelson, Community Development Director Santeler and City Attorney Carlos Arévalo and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

REGULAR CITY COUNCIL MEETING MINUTES OF 05/08/07 - APPROVED

Moved by Perkins, seconded by Logan to approve the Regular City Council Meeting Minutes of May 8, 2007. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

WINDY'S PERMIT APPLICATION FOR JUNE 2, 2007 - APPROVED

The City Council reviewed Patricia Greco/Windy's permit request for Saturday, June 2nd, 2007, to allow patrons to consume alcohol outside within a 6' fenced area behind the tavern with one access to the alley which will be guarded with ID's checked. Chief Kazy-Garey has recommended that the 6' fence Windy's is proposing be constructed of fencing that does not block the view of the interior from the alley, such as snow fence. In addition, Windy's should operate within the designated hours of operation, proper lighting if they remain open after dark, someone employed by Windy's at the entrance to check I.D.'s and a noise permit if Windy's plans on outdoor music. Concerns were expressed about the possibility of patrons passing alcohol over the fence; Mayor Nolan indicated that Windy's would need to be advised their liquor license would be in jeopardy if such an incident occurred.

Moved by Hay, seconded by Ulmer to authorize staff to meet with Patricia Greco to ensure that all concerns and requirements are met with staff discretion to exercise approval of Windy's request to allow alcohol to be consumed outside with payment of a \$100 fee. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, no; Logan, no; Perkins, aye and Hay, aye. Motion approved five to two.

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

Moved by Logan, seconded by Adams to approve the HERS League request for a one-day liquor license on June 24th, 2007, from 10 a.m. – 10 p.m. for their annual HERS picnic. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Marzahl, aye. Motion approved seven to zero.

MCHEMRY COUNTY FARM BUREAU TRACTOR TREK - APPROVED

Moved by Perkins, seconded by Marzahl to approve the McHenry County Farm Bureau's request to use the Milky Way Park West Shelter for the 5th Annual Tractor Trek. with a waiver of the police protection fee (the shelter fee of \$50 would still need to be paid). Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

RELINQUISH CLASS B LIQUOR, LICENSE CARDINAL WINE & SPIRITS – APPROVED

Moved by Logan, seconded by Perkins to approve Akshesh Patel's request to relinquish the Class B Liquor License for Matrooshree, Inc. d/b/a Cardinal Wine & Spirits, 1001 S. Division Street, effective upon the approval of the Class B Liquor License Application submitted by Chandulal M. Patel and Nita C. Patel to be effective at such time as the parties execute closing transactions on or about May 31st, 2007. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

CLASS B LIQUOR LICENSE YOGI INC., CARDINAL WINE & SPIRITS – APPROVED

Moved by Logan, seconded by Perkins to approve a Class B Liquor License and Extended Saturday and Sunday Hours Liquor License to Chandulal M. Patel and Nita C. Patel, Yogi, Inc., d/b/a Cardinal Wine & Spirits, 1001 S. Division St., contingent upon the submittal of fingerprints to the police department to complete the criminal history check, insurance and fee requirements. Roll call vote: Szczap, aye; Adams,

aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

PREVAILING WAGE – ORDINANCE 2007-113 APPROVED

Moved by Marzahl, seconded by Perkins to approve Ordinance 2007-113, Prevailing Wage. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinance 2007-113 approved seven to zero.

SSA #5 REFUNDING BONDS, SERIES 2007 – ORD. 2007-114 APPROVED

Mayor Nolan presented a proposed ordinance for City Council consideration for the issuance and sale of SSA #5 Refunding Bonds, Series 2007. Administrator Nelson noted that the average savings per single family homeowner is \$23 per year or \$383 over the life of the issue. Moved by Perkins, seconded by Hay to approve Ordinance 2007-114, Authorizing and Providing for the Issuance and Sale of \$1,450,000 Special Service Area Number Five Refunding Bonds, Series 2007, of the District and Providing for the Levy of a Special Tax in Harvard Special Service Area Number Five for the Payment of Principal of and Interest on Those Bonds. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Ordinance 2007-114 approved seven to zero.

PROCLAMATION SALVATION ARMY DONUT DAYS – APPROVED

Moved by Perkins, seconded by Logan to approve a proclamation designating June 1st and 2nd, 2007, as *Salvation Army “Donut Days”* in Harvard. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

KROL RESIGNATION FROM POLICE COMMISSION– APPROVED

Moved by Logan, seconded by Perkins to approve Mike Krol’s letter of resignation, effective immediately, from the Police Commission, with regrets. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PUBLIC PROPERTY COMMITTEE RECOMMENDATION

Chairman Ulmer reviewed the Public Property Committee Meeting Minutes of May 16th, 2007.

Incubator Building/Proceeds from Sale

The Public Property Committee and the Harvard Economic Development Corp. met to discuss options for re-investing the proceeds from the sale of the incubator building at 650 Chippewa Dr. which has been sold to All World Machinery for \$400,000. The Committee recommends that City Staff draft a memorandum of agreement with the Harvard EDC over the utilization of the proceeds from the sale of the incubator building with restrictions that the funds not be used for wages or as a loan fund. Administrator Nelson to report back to the Committee in two weeks.

Chairman Ulmer called a Public Property Committee Meeting for Tuesday, May 29th, 2007, at 6:30 p.m.

MCHEMRY CO. ZBA NOTICE OF HEARING WITHIN CITY’S 1½ MILE JURISDICTION

The City Council reviewed the McHenry County ZBA Notice of Hearing to be held on June 6th, 2007 for property located at 4414 State Route 23, with respect to a Conditional Use Permit to allow a utility building, an accessory structure, on a property without a principal structure (Parcel 2). The petitioner also requests a Conditional Use Permit to allow a second dwelling unit to be located above an attached garage on the subject property on the subject property for a disabled son (Parcel 1). There were no objections.

CONSENT AGENDA:

☞ HERS Softball League Raffle Request June 1st – 24th, 2007

☞ American Legion request to conduct flag burning on June 12th

Moved by Perkins, seconded by Ulmer to approve the Consent Agenda as presented. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

Emily Preziti introduced herself as the new reporter for the Northwest Herald who will be covering Harvard.

COMMITTEE REPORTS

ALD. HAY – ORDINANCE COMMITTEE MEETING 05/29/07

Alderman Hay reminded the Council that an Ordinance Committee Meeting is scheduled for Tuesday, May 29th, 2007, at 7 p.m. to discuss overnight parking.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$157,395.22. Roll call vote: Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved seven to zero.

MAYOR’S REPORT

Mayor Nolan reported that staff has been busy with various developers. The Mayor also noted that the final Sesquicentennial event will be held on Friday, May 25, 2007, at 10:30 a.m. with the burying of the time capsule at Milky Way Park. The Mayor noted we will have a luncheon on Wednesday, May 30th at noon in the City Council Chambers for Supt. Carbonetti who will be retiring.

ADMINISTRATOR’S REPORT

Administrator Nelson noted the list of property tax rates in the aldermen’s folders that compares Harvard with surrounding communities.

CLERK’S REPORT - UPCOMING MEETING DATES

May 29	Public Property Committee Meeting, 6:30 p.m.
	Ordinance Committee Meeting, 7 p.m.
June 5	Planning and Zoning Commission Hearing, 7 p.m.
June 12	Regular City Council Meeting, 7 p.m.

TREASURER’S REPORT

Treasurer Meseck noted that the monthly treasurer's report is in the aldermen's folders.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted

NO REPORTS

Attorney Arévalo and Aldermen Perkins, Adams, Szczap, Ulmer and Marzahl had no report at this time.

At 7:23 p.m., moved by Logan, seconded by Adams to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

_____ Date