

**REGULAR CITY COUNCIL MEETING MINUTES
JUNE 12, 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: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Chief Kazy-Garey, Building Inspector Perkins, Code Enforcement Officer Brennecka, Supt. Public Works Kruckenberg, City Attorney Carlos Arévalo and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

REGULAR CITY COUNCIL MEETING MINUTES OF 05/22/07 - APPROVED

Moved by Perkins, seconded by Logan to approve the Regular City Council Meeting Minutes of May 22, 2007. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATIONS AND FINDING OF FACTS

Glendon Whaples Jr./Side Yard Setback Variation Property Located at 803 W. Metzen St. – Ord. 2007-115 Approved
Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on June 5, 2007, for a hearing in the petition of Glendon Whaples Jr. for a variation from Section 17.20.080(E), Side Yard Setback Requirements for property located at 803 W. Metzen St. The Planning and Zoning Commission recommends to the City Council that the petitioner's request be approved as presented that the required side yard setback of 6' be reduced to 3' to add a second story to a portion of the existing non-conforming structure.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-115 to grant a variation from the required side yard setback for property located at 803 W. Metzen St. Mayor Nolan noted a memo in the packet regarding a fax that the City received the day after the hearing in objection to the petition. Administrator Nelson stated that there were no objections at the public hearing. Further that the section of the house that is being repaired by Mr. Whaples, including the windows, was ordered by the Building Dept. The petitioner Glen Whaples was present. Alderman Logan inquired about the time frame for completion of the project and compliance with current zoning specs; Mr. Whaples anticipated that the outside would be done before winter. Administrator Nelson noted that the proposed addition will follow the building code. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2007-115 approved eight to zero.

WAL MART SIGN VARIATION – ORD. 2007-116 APPROVED

Moved by Perkins, seconded by Hay to approve Ordinance 2007-116, approving Wal Mart's request for a variation from Section 14.05 of the City of Harvard's sign ordinance, pursuant to the submitted signage schedule which proposes 948.9 square feet of building signage. Alderman Logan inquired if there would be any free standing signs; Admin. Nelson thought it was included in the signage schedule. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

ONE DAY LIQUOR LICENSE – KISH-ROCK WATER OPERATORS ASSOC. ON JULY 20 – APPROVED

Moved by Logan, seconded by Marzahl to approve the Kish-Rock Water Operators Association's request for a one-day liquor license on July 20th, 2007, from 11 a.m. – 5 p.m. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

FYI: CONCEPT PLAN TERRESTRIS/RESIDENTIAL LAND FUND

Mayor Nolan noted the concept plan for Terrestriis/Residential Land Fund which was approved and zoned by the City Council a couple years ago. The developers are looking to move forward with a public hearing on August 7th.

RESOLUTION IN SUPPORT OF METRA CONNECTS CAPITAL EXPANSION PROGRAM – APPROVED

Moved by Logan, seconded by Perkins to approve a resolution in support of the Metra Capital Expansion Program “Metra Connects”. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

TAX ABATEMENT, SSA #5, SERIES 2002 – ORD. 2007-117 APPROVED

Moved by Logan, seconded by Ulmer to approve Ordinance 2007-117, Providing for the Authority for the Abatement of the *Ad Valorem* Taxes Levied to Pay Principal of and Interest on the Harvard Special Service Area No. 5 Unlimited Tax Bonds, Series 2002, of the City of Harvard Illinois and Repealing Ordinance No. 2005-142; and Concerning Related Matters. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

AUTHORIZE MAYOR TO EXECUTE CDBG AGREEMENT - APPROVED

Moved by Perkins, seconded by Hay to authorize the Mayor’s execution of the CDBG Agreement for the Metzen Street Storm Sewer Phase V Project - \$110,000. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved eight to zero.

PUBLIC PROPERTY COMMITTEE RECOMMENDATION

Chairman Ulmer reviewed the Public Property Committee Meeting Minutes of May 29th, 2007.

Agreement between City/EDC Proceeds from Sale

The Public Property Committee met to review the draft of the Memorandum of Agreement between the City of Harvard and the Harvard EDC that was drawn up pursuant to direction from the last Public Property Committee Meeting. The Committee recommends to the City Council that the City enter into the Memorandum of Agreement with the Harvard EDC and to authorize the Mayor and City Clerk to sign all pertaining documents subject to the following conditions:

1. The City Attorney to do a final review of said document and implement any language changes he deems applicable.
2. The amount of the grant money to be determined by the total proceeds received upon closing sale of the incubator building.

Moved by Ulmer, seconded by Marzahl to approve the Public Property’s recommendation that the City enter into the Memorandum of Agreement with the Harvard EDC as presented. Administrator Nelson stated that the City is still working through closing issues with the lawyers. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved eight to zero.

ORDINANCE COMMITTEE RECOMMENDATION

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of May 29th, 2007. The Committee met to discuss implementing a city-wide overnight parking ban on public roadways and reviewed a draft ordinance regarding parking requirements. The Committee discussed a timetable for public hearings for the parking restrictions and the zoning code changes as follows:

- June 12 - proposed ordinances to be presented to City Council for perusal prior to public hearing
- June 13 – Zoning, Planning, Ordinance Committee Meeting to be held as a public hearing re proposed parking restriction ordinance
- July 3 – Planning and Zoning Commission hearing re code text amendment re parking restrictions
- July 10 – recommendations from all hearings presented to City Council

The Ordinance Committee recommends to the City Council that staff be directed to draft and file for hearing with the Planning and Zoning Commission a petition for a text amendment pursuant to sections referenced in the draft ordinance as amended herein and subject to any other language changes the committee deems appropriate following the public hearing on June 13th.

Clerk Wells noted that the petition and draft ordinance are in the aldermen's folders. Moved by Hay, seconded by Logan to approve the Committee's recommendation as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

CONSENT AGENDA:

☞ VFW Post #8249 Poppy Days on June 29th & 30th

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

COMMITTEE REPORTS

ALD. HAY – ORDINANCE COMMITTEE MEETING (PUBLIC HEARING) 06/13/07

Alderman Hay reminded the Council that an Ordinance Committee Meeting is scheduled for Wednesday, June 13th, 2007, at 7 p.m. as a public hearing to discuss a city-wide overnight parking ban. Mayor Nolan urged all of the City Council members to attend.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$296,952.42. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

ALD. LOGAN – FINANCIAL WORKSHOP

Alderman Logan reminded the City Council that a Financial Workshop is scheduled for Saturday, June 16, 2007 from 8 a.m. until noon.

MAYOR'S REPORT

Mayor Nolan reported that staff is working with McHenry County on the Wal Mart entrance.

ADMINISTRATOR'S REPORT

Administrator Nelson noted a copy of his written monthly report in the packet.

CLERK'S REPORT

Clerk Wells noted that pursuant to Committee direction he met with the Mayor, City Administrator and Chief to draft a proposed ordinance reference overnight parking requirements which has been reviewed by the City Attorney with minor language changes, a copy of which is in the aldermen's folders. Said ordinance will be presented for discussion at the public hearing tomorrow evening.

CLERK'S REPORT - UPCOMING MEETING DATES

June 13	Public Property Committee Meeting, 6:30 p.m.
June 16	Financial Workshop, 8 a.m.
June 26	Regular City Council Meeting, 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted

Chief Kazy-Garey reported that Officer Todd Oczus passed his first exam at the police academy. The Chief also noted that Milk Days went well even with transitions in both the Police and Public Works Dept.

NO REPORTS

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

At 7:15 p.m., moved by Logan, seconded by Hay to go into Closed Session to discuss Section 2(c)(11) Litigation. Roll call vote: Hay, aye; Leyden, aye;

Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

At 7:26 p.m., moved by Perkins, seconded by Logan to reconvene the Open Session. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

Moved by Logan, seconded by Perkins to approve a resolution Settling Harris Trust No. HTX 7112, John Christy and Delores Helen Christy, as Beneficial Owners, v. McHenry County, Illinois, a Body Politic, and the City of Harvard, Illinois, an Illinois Municipal Corporation (Case No. 06 MR 87) and Repealing the 2005 Lawrence Road Intergovernmental Agreement. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Resolution approved eight to zero.

Moved by Perkins, seconded by Logan to ratify Mayor Nolan's execution of the Christy Settlement Agreement and Lease. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

At 7:28 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date