

**REGULAR CITY COUNCIL MEETING MINUTES
JULY 10, 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, Logan, Adams, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building and Zoning Officer Perkins, Code Enforcement Officer Brennecka, Supt. of Public Works Kruckenberg, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 06/26/07 - APPROVED

Moved by Perkins, seconded by Marzahl to approve the Regular City Council Meeting Minutes of June 26, 2007. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Frank L./Harriet A. Lenhart Individually and as Trustees: Annexation Agreement, Annexation, Zoning – Ordinances 2007-118, 2007-119, 2007-120 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 3, 2007, for a hearing in the petition of Frank L./Harriet A. Lenhart, individually and as trustees under the Provisions of a Declaration of Trust dated September 6, 1996, and known as the Harriet A. Lenhart Revocable Trust. The petitioners are requesting annexation and zoning of 18.72 acres and re-classification of 3.5 acres (Lot 1 in Voss Subdivision, Unit 2). The subject property is located east of US Route 14, north of its intersection with Northfield Avenue.

Moved by Hay, seconded by Logan to approve Ordinance 2007-118, Authorizing the Execution of an Annexation Agreement between the City of Harvard and Frank L. Lenhart and Harriet A. Lenhart, Trustees (owners). Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Mayor Nolan, aye. Ordinance 2007-118 approved nine to zero.

Moved by Hay, seconded by Adams to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-119, annexing the subject property consisting of 18.72 acres as depicted on the Plat of Annexation to the City of Harvard. Roll call vote on annexing the subject parcel: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Mayor Nolan, aye. Ordinance 2007-119 approved nine to zero.

Moved by Hay, seconded by Perkins to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-120, zoning the subject property as depicted on the Zoning Plat. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Ordinance 2007-120 approved eight to zero.

Text Amendment

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on July 3, 2007, for a hearing in the petition of the City of Harvard. The petitioners are requesting text amendments to the Zoning Code amending Section 17.32.030(C), Parking Setbacks, Regulations and Section 17.32.030(D), Access. The Planning and Zoning Commission recommends to the City Council approval of the text amendments as submitted in the proposed ordinance.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-121, Amending Section 17.32.030(C), Parking Setbacks, Regulations; Section 17.32.030(D), Access and Section 19.15(B), Driveways and Parking Area Requirements. At Alderman Ulmer's inquiry, Administrator Nelson clarified provisions of the ordinance. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance

2007-121 approved eight to zero.

ORDINANCE COMMITTEE RECOMMENDATIONS – ORDINANCE 2007-122 APPROVED

Chairman Hay noted the Ordinance Committee Meeting Minutes of June 13, 2007, at which time a public hearing was conducted to discuss and review a draft ordinance implementing a city-wide overnight parking ban on public roadways from 2-5 a.m. The Ordinance Committee recommends to the City Council approval of the proposed ordinance to implement a city-wide overnight parking ban on public roadways from 2-5 a.m. with the addition of language that would provide for a variation procedure for special permit parking, as long as the resident shows hardship that is acceptable to the City Council and sunset provisions similar to the variation provisions outlined for tree bank parking with an open time frame for a variation hearing in front of the committee at no charge, after which residents would still be allowed to file a petition for a variation hearing in front of the City Council at normal fees which is currently set at \$100.

Moved by Hay, seconded by Marzahl to approve the Ordinance Committee's recommendation to approve the proposed ordinance amending Sections 1.14-A, Payments; Section 15.04, Parking, Permit; Section 15.07-C, Overnight Parking to Provide for Additional Parking Requirements. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinance 2007-122 approved eight to zero.

PRESBYTERIAN CHURCH REQUEST FOR WAIVER OF FEES - APPROVED

The Presbyterian Church is requesting that the permit fees be waived for the erection of a 12-14' gazebo behind the church which is being donated by Harry and Sonya Stafford in memory of their son, Jeff (approximate permit fee would be \$27.50) Moved by Logan, seconded by Ulmer to approve the Presbyterian Church's request as presented. 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.

BOYS LEAGUE ONE DAY LIQUOR LICENSE 07/28/07 & RAFFLE LICENSE - APPROVED

Moved by Perkins, seconded by Adams to approve the Boys League request for a one-day liquor license on July 28th, 2007, from 11 a.m. – 11 p.m. for their annual picnic and a Raffle License from April thru July 28th, 2007. 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.

HARVARD FIRE PROTECTION DISTRICT REQUEST TO USE MILKY WAY PARK - APPROVED

Mayor Nolan reviewed the letter from the Harvard Fire Protection District requesting the use Milky Way Park on July 11th for training purposes from 6-10 p.m. Moved by Hay, seconded by Logan to approve the Fire District's request as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Motion approved eight to zero.

GAZEBO WORK CREW JULY 28TH NORTHFIELD PARK

Mayor Nolan reported that the City has received a grant through Representative Jack Franks which is being used for the purchase of pre-manufactured gazebos to be placed at Northfield Park on July 28th. Any volunteers to assist should be at the park at 8 a.m. on July 28th.

RESOLUTION IN SUPPORT OF WESTERN BYPASS IN ALGONQUIN - APPROVED

Moved by Logan, seconded by Perkins to approve a resolution in support of the Western Bypass in Algonquin and other McHenry County Road Projects. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Motion approved eight to zero.

CONSENT AGENDA:

☞ Chamber of Commerce Raffle for Golf Outing, July 11th – August 15th, 2007

Moved by Perkins, seconded by Adams to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Perkins and Hay. Alderman Logan abstained.

COMMITTEE REPORTS

ALD. HAY – ORDINANCE COMMITTEE MEETING 07/25/07

Chairman Hay called an Ordinance Committee Meeting for Wednesday, July 25th, 2007 at 7:00 p.m. to review the occupancy ordinance, the settlement of fines, review fines on vicious dogs and to review the provisions of the historic preservation ordinance. Administrator Nelson also noted that with respect to the ban on overnight parking, the City Attorney has advised that the sunset provisions be done by City Council motion, so the Committee needs to discuss appropriate time frames. Clerk Wells noted that the Committee should also review Chapter 20 with reference to the Financial Workshop recommendations to amend the building fees from 10% to 3% effective January 1, 2008.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Marzahl to approve the bills as presented in the amount of \$390,610.78. 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.

MAYOR'S REPORT

Mayor Nolan noted that with respect to the overnight parking ban, notices will be posted on vehicles that are on the street between now and August 1st, after which violators will be ticketed. Mayor Nolan noted the design proposal being passed around for the baseball stadium that the EDC has been working on for the last four years. Alderman Ulmer's inquiry, the Mayor indicated that the closing for the incubator building is scheduled for July 31st.

ADMINISTRATOR'S REPORT

Administrator Nelson noted a copy of his written monthly report in the packet, and highlighted that he is working with McHenry County on water and road issues and the regional planning commission meetings which will take place over the next 18-24 months.

CLERK'S REPORT - UPCOMING MEETING DATES

July 24 Regular City Council Meeting - 7 p.m.
July 25 Ordinance Committee Meeting - 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted

Supt. of Public Works Kruckenberg noted that public works has been noticeably busy. Alderman Hay noted that sometimes the wood chips collect below the chipper and debris is left on the roadway; Supt. Kruckenberg will bring that to his crew's attention.

Mayor Nolan commended both Supt. Kruckenberg and Code Enforcement Officer Brennecka for doing a great job.

NO REPORTS

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

At 7:19 p.m., moved by Logan, seconded by Hay 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