

**REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 13, 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, Community Development Director Santeler, Supt. Utilities Gibson, City Attorney David McArdle and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 10/23/07 - APPROVED

Moved by Perkins, seconded by Marzahl to approve the Regular City Council Meeting Minutes of October 23, 2007, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Richard Lipinsky, 106 Burbank St., Accessory Use Size Variation - Ord. 2007-139 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on November 6, 2007, for a hearing in the petition of Richard Lipinsky, 106 Burbank St. The petitioner is requesting a variation from Section 17.36.050, Size of Accessory Use, to increase the size of a single accessory use from 576 sq. ft. to 832 sq. ft. to build a new garage at his residence. The Planning and Zoning Commission recommends to the City Council approval of the petitioner's request as submitted.

Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-139, granting the single accessory use variation to increase the size to 832 sq. ft. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2007-139 approved eight to zero.

Alimohd/Ali Conditional Use for Retail Center/corner of Admiral Dr. and US Highway 14 - Ord. 2007-140 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on November 6, 2007, for a hearing in the petition of Aslam A. Alimohd and Mohd Saleem J. Ali. The petitioners are requesting a Conditional Use for a 7,500 sq. ft. retail center to be located at the corner of Admiral Drive and US Highway 14. The Planning and Zoning Commission recommends to the City Council approval of the petitioner's request as submitted.

Moved by Hay, seconded by Adams to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-140, granting a Conditional Use Permit for a 7,500 sq. ft. retail center at the corner of Admiral Dr./US Highway 14. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2007-140 approved eight to zero.

CLOSED SESSION

Mayor Nolan noted Item #23: Closed Session should read Section 2(c)(5) Purchase or Lease of Real Estate.

CERTIFICATE OF RECOGNITION GERDES WHOLESALE NURSERY - APPROVED

Moved by Logan, seconded by Ulmer to approve a Certificate of Recognition to Jason Gerdes, Gerdes Nursery for his donation of two semi-loads of trees and shrubs which were planted at Milky Way Park and Northfield Ave. Park. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

BEN'S CHRISTMAS TREE FARM SIGN REQUEST - APPROVED

Moved by Logan, seconded by Marzahl to approve Ben Czarnowski, Ben's Christmas Tree Farm's request to place directional signs at the intersections of Route 14/173 and Route 14/23 from November 17th thru December 31st, 2007. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

NISRA ARTICLES OF AGREEMENT - APPROVED

Administrator Nelson reviewed the Articles of Agreement which cap the amount of dues to a certain tax rate not to exceed \$.0175 of each member districts' equalized assessed valuation from the previous taxing year. Moved by Logan, seconded by Perkins to approve the NISRA Articles of Agreement as presented. 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.

HARVARD SNOW GOPHERS SNOWMOBILE CLUB REQUEST – ORD. 2007-141 APPROVED

The Harvard Snow Gophers Snowmobile Club has submitted recommended changes to Section 15.19A to expand the designated snowmobile routes to include Airport Road within the city limits, Marengo Road South of Airport Road within the city limits, Diggins Road (IL Route 173) between Galvin Parkway and Harvard Hills Road, Harvard Hills Road within the city limits, Crowley Road within the city limits, U.S. Route 14 from Crowley Road to Northfield Avenue and Northfield Avenue connecting to Lonesome Road connecting to Lilac Street connecting to Hollyhock Street and continuing thru the Oak Grove Crossing Subdivision to Bayberry Street, whatever portion of these Avenues, Roads and Streets are within the city limits. Chief Kazy-Garey indicated he had no concerns with the proposed changes. Moved by Logan, seconded by Perkins to approve the Snow Gopher's recommended changes and Ordinance 2007-141, Amending Section 15.19A to include the expanded routes as presented. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2007-141 approved eight to zero.

AWARD CONTRACT WELL #10 SUBMERSIBLE PUMP – APPROVED

Administrator Nelson noted that some of the bids received did not meet the bid specifications. Moved by Logan, seconded by Marzahl to approve Smith Engineering's recommendation to award the bid for the Well #10 Submersible Pump to the low qualified bidder that satisfied all the specification requirements which was Water Well Solutions for the price of \$145,134.00 as shown in their bid package. 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.

BLUE CROSS/BLUE SHIELD OF ILLINOIS HEALTH INSURANCE RENEWAL – APPROVED

Administrator Nelson reported that he has been involved with McHenry County Council of Governments Health Insurance Co-op for over a year; the price received from competing interests was about 15% higher than BC/BS and recommended approval of the BC/BS renewal as presented. Administrator Nelson indicated he has opted out of the co-op. Moved by Hay, seconded by Marzahl to approve the health/dental/prescription drug and life insurance renewal with Blue Cross/Blue Shield for calendar year 2008 as presented. Premium increases range from 5-8% depending on the coverage. 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.

VIDEO SERVICE ORDINANCES – REFERRED TO ORD. COMMITTEE

Administrator Nelson noted that the proposed model Video Service Ordinances from the Illinois Municipal League deals with AT & T's proposed "Project Lightspeed" which the City Council discussed previously. AT & T has filed a petition with the ICC to install boxes in a service territory in which the City is included. Many communities are adopting the model ordinance which provides for service levels, payment of fees and taxes and landscaping provisions. AT & T has not contacted the City reference this project to offer this video service. Alderman Hay called an Ordinance Committee Meeting for Monday, November 26, 2007, at 7 p.m. to review the proposed ordinances. Administrator Nelson will forward the model ordinances to the aldermen.

EVENTS COMMITTEE RECOMMENDATIONS

Alderman Logan reviewed the Events Committee Meeting Minutes held earlier this evening. The parade route was mapped out for the Christmas in Harvard parade on December 1st and the Committee recommends to the City Council the following:

1. Block Washington St. from Jackman to Hutchinson from 11 a.m. to the end of the parade
2. Block Hutchinson St. from Thompson to Washington from 11 a.m. to the end of the parade

3. Block Washington St. from Hutchinson to Ayer from noon until the end of the parade
4. Block Ayer St. from Washington to five-points from noon until the end of the parade
5. Use of Mary's Park as a staging area for any horses in the parade
6. Allow horses in the parade to use Diggins Street to Ratzlaff back to the park to return to the staging area after the parade
7. Allow for free parking in all the City lots, including Metra, for that day
8. Block parking on the west side of Hart St. to allow for trolley set up and to allow the trolley to stop at various points on Ayer St.

Moved by Logan, seconded by Perkins to approve the Events Committee's request as presented. Chief Kazy-Garey had no concerns and will have officers available. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

CONSENT AGENDA:

☞ Harvard Moose Lodge Raffle Request 11/01/2007 thru 11/01/2008

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

COMMITTEE REPORTS

ALD. PERKINS – PARKS & RECREATION COMMITTEE MEETING 12/05/07

Chairman Perkins called a Parks & Recreation Committee Meeting to review Harvard Milk Days' plans for the proposed building at Milky Way Park on Wednesday, December 5th, 2007, at 6:30 p.m.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills list as presented in the amount of \$214,998.10. 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.

MAYOR'S REPORT

Mayor Nolan noted a letter in the aldermen's folders from commuters reference the pay boxes at the METRA Station for parking indicating that a solution would be for the commuters to get up a little earlier.

ADMINISTRATOR'S REPORT

Administrator Nelson noted his written report in the packet, in particular his attendance at the monthly McHenry County Water Resource Committee which is in response to the failure of the Kishwaukee Valley Water Authority. Dave has attended six meetings and noted he has concerns with the group; he will forward information to the City Council that he received today along with a memo.

CLERK'S REPORT

Clerk Wells noted he has received the legal description for the Historic Preservation Ordinance; the ordinance will be recorded and notices sent to all affected individuals.

CLERK'S REPORT - UPCOMING MEETING DATES

November 26	Ordinance Committee Meeting, 7 p.m.
November 27	Events Committee, 5 p.m.
November 27	Regular City Council Meeting, 7 p.m.
December 4	Planning and Zoning Commission, 7 p.m.
December 5	Parks & Recreation Committee Meeting, 6:30 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

NO REPORTS

Attorney McArdle, Administrator Nelson, and Aldermen Leyden, Marzahl, Ulmer, Szczap, Adams and Hay had no report at this time.

OTHER

A representative from Municipal Well & Pump addressed the City Council with respect to the bid they submitted for the Well #10 Submersible Pump. Administrator Nelson and Mayor Nolan noted that pursuant to the City Engineer, the bid submitted by Municipal Well & Pump did not meet the bid specifications and the bid was awarded to the lowest responsible bidder that met the specifications. The representative indicated they bid the pump two ways, the water filled motor at \$107,652 which they felt would perform the required duties for the well and the oil filled which came in higher than the bid submitted by Water Well Solutions. Mayor Nolan noted that the City depends on the City Engineer's recommendations which was to award the bid for the oil pump to Water Well Solutions.

At 7:20 p.m., moved by Perkins, seconded by Hay to go into Closed Session to discuss Section 2(c)(5) Purchase or Lease of Real Estate. 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 7:28 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.

AUTHORIZE MAYOR'S EXECUTION OF CONTRACT TO PURCHASE REAL ESTATE - APPROVED

Moved by Perkins, seconded by Logan to authorize Mayor Nolan to sign an extension of the contract for the purchase of 201 W. Diggins Street from Castle Bank to August 31, 2008, with an amendment to the original contract to reduce the purchase price to \$550,000. In addition, every month beyond the closing date of August 31, 2008, the purchase price drops by \$5,000. 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 7:29 p.m., moved by Logan, seconded by Marzahl to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date