

**REGULAR CITY COUNCIL MEETING MINUTES  
DECEMBER 11, 2007 - 7:00 P.M.**

City Clerk Wells 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 City Administrator Nelson, Chief Kazy-Garey, Public Works Supt. Kruckenberg and members of the audience.

In Mayor Nolan's absence, it was moved by Logan, seconded by Ulmer to appoint Alderman Hay as Mayor Pro-tem for the City Council Meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**AUDIENCE PARTICIPATION: NONE**

**CITY COUNCIL MEETING MINUTES OF 11/27/07 - APPROVED**

Moved by Perkins, seconded by Adams to approve the Regular City Council Meeting Minutes of November 27, 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**

**School District #50/Accessory Use Variation Jefferson & Washington Schools - Ord. 2007-144 Approved**

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on December 4, 2007, for a hearing in the petitions of Harvard Community Unit School District #50. The petitioner is requesting a variation from Section 17.36.050, Size of Accessory Use, to increase the size of a single accessory use at Washington School and Jefferson School from 576 sq. ft. to 5,880 sq. ft. to erect temporary mobile classrooms at Washington School, 305 N. Hutchinson and Jefferson School, 1200 N. Jefferson St. The Planning and Zoning Commission recommends to the City Council approval of the petitioner's requests as submitted.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation and Ordinance 2007-144, granting the single accessory use variation to increase the size to 5,880 sq. ft. at Washington School and Jefferson School. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2007-144 approved eight to zero.

**D'Aprile Equity Partners/Ali Conditional Use for Retail Center/5508 S. US Highway 14 - Ord. 2007-145 Approved**

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on December 4, 2007, for a hearing in the petition of D'Aprile Equity Partners. The petitioners are requesting a Conditional Use for a 10,000 sq. ft. retail center to be located at 5508 S. 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 2007-145, granting a Conditional Use Permit for a 10,000 sq. ft. retail center at 5508 S. US Highway 14. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2007-145 approved eight to zero.

**Henson Re-Zoning/Variation for Property Located on Dewey off of Rte 173 – Continued**

Moved by Perkins, seconded by Logan, that at the petitioner's request, the Henson zoning petition be continued to January 22, 2008. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**ANNUAL TREASURER'S REPORT – APPROVED**

Moved by Logan, seconded by Marzahl to approve the Annual Treasurer's Report for FY Ending April 30, 2006. 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.

**VIDEO SERVICES ORDINANCES – ORD. 2007-146, 2007-147, 2007-148 APPROVED**

Moved by Logan, seconded by Marzahl to approve the Video Services Ordinances (pertaining to Project Lightspeed) as follows:

1. Ordinance 2007-146, Amend Section 6.18, Utilities in Right of Way
2. Ordinance 2007-147, Add Section 21.15, Cable and Video Customer Protection Law
3. Ordinance 2007-148, Add Section 23.09, Cable/Video Service Provider Fee

Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinances 2007-146, 2007-147 and 2007-148 approved eight to zero.

**VENDING LICENSES 2008 APPROVED**

Moved by Perkins, seconded by Logan to approve the 2008 Vending Licenses upon payment of fees including those that may come in between now and December 31<sup>st</sup>, 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.

NAME OF ESTABLISHMENT	AMOUNT DUE	PAID
Hartwig Plumbing/Airport Road Laundromat/110 Airport Rd.	\$480.00	
Tim Galvin/Bar Time/10 N. Ayer St.	\$610.00	Ck. #60
John Schneider/Bopp's Grille and Saloon/103 E. Front St.	\$300.00	
John Giannasi/Front Street Tap/106 E. Front St.	\$490.00	Ck. #143
Miguel Lopez/Guacamole Restaurant/5204 S. Route 14	\$ 60.00	
Ed Serritella/Harvard Coin Wash/307 Randall St.	\$ 60.00	Ck. #2011
Ralph Cobb, Admin./Harvard Moose Lodge #1289/Route 173 West	\$ 365.00	Ck. #25248
Cindy Waldo/Hub Lounge/15 N. Ayer St.	\$485.00	
Pete Parhas/Jimmy's Patio/71 N. Ayer St.	\$545.00	Ck. #1248
Sean McGarry/McGarry's Bowl/5507 S. Division St.	\$490.00	
Sandra Schaffer/Sandy's Place/111 S. Ayer St.	\$365.00	Ck. #2850
Wal Mart/c/o (Coinstar Entertainment)/1201 S. Division St.	\$300.00	Ck. #424168
Wal Mart/c/o Redbox Automated Retail/1201 S. Division St.	\$ 60.00	Ck. #16597
Patricia Greco/Windy's/19 N. Ayer St.	\$245.00	

**FINANCE COMMITTEE RECOMMENDATIONS**

Chairman Logan reviewed the Finance Committee Meeting Minutes of 12/05/07.

Line of Credit

The Committee recommends that the Line of Credit be increased by \$200,000.00 to a total of \$600,000.00. Moved by Logan, seconded by Ulmer to approve the Finance Committee's recommendation to increase the Line of Credit to \$600,000.00. 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.

**RESOLUTION ESTABLISHING REGULAR CITY COUNCIL MEETING DATES FOR 2008 – APPROVED**

Moved by Perkins, seconded by Logan to approve a Resolution Establishing the Regular City Council Meeting Dates for 2008 and granting authorization to publish; Clerk Wells will check to determine whether or not a City Council meeting can be held on February 12<sup>th</sup>, 2008 which is Lincoln's Birthday. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

**MCHENRY CO. BOARD OF REVIEW/REQUEST FOR CHANGE IN ASSESSED VALUE**

The City Council reviewed the notice from the McHenry County Board of Review for a change in assessed value for 1201-1299 S. Division St. for Assessment Year 2007. Moved by Logan, seconded by Ulmer to direct the City Attorney to draft and file a letter of objection with the McHenry County Board of Review. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**PROCLAMATION NATIONAL DRUNK/DRUGGED DRIVING PREVENTION MONTH – APPROVED**

Moved by Logan, seconded by Marzahl to approve a Proclamation Designating December, 2007, as National Drunk and Drugged Driving Prevention Month. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

**CONSENT AGENDA:**

☞ Girl Scout Cookie Sales: Orders Jan. 5<sup>th</sup> - Jan. 26<sup>th</sup>; Delivering Feb. 22<sup>nd</sup> - March 30<sup>th</sup>  
Moved by Perkins, seconded by Adams 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 reported on the Parks & Recreation Committee Meeting held on Wed., December 5<sup>th</sup>, 2007, to review Harvard Milk Days’ plans for the proposed building at Milky Way Park. No action needed at this time.

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$250,156.34. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

**ADMINISTRATOR’S REPORT**

Administrator Nelson noted a Notice of Hearing in the aldermen’s folders from the McHenry County Zoning Board of Appeals pertaining to a public hearing on January 3, 2008, for property located at 4504 Route 23, Harvard. The petitioners are requesting a conditional use to allow for tours of the structure, Bed and Breakfast, seasonal events open to the public, rental of facilities for private functions, gift shoppe, weddings and receptions, petting farm, and a sign for advertising purposes 4’w x 3’h. Said property is within the City’s 1½ mile jurisdiction (castle on Route 23). There were no objections

Administrator Nelson noted page 2 of his written report with respect to activities with the Downtown TIF District. The City will have a preliminary engineer’s cost estimate in December and will be ready to report to the Public Property Committee in January.

**CLERK’S REPORT - UPCOMING MEETING DATES**

January 8 Regular City Council Meeting, 7 p.m.

**DEPARTMENT HEADS REPORTS**

Smith Engineering & Dept. Heads: Reports as submitted.

**NO REPORTS**

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

At 7:16 p.m., moved by Logan, seconded by Perkins 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