

**REGULAR CITY COUNCIL MEETING MINUTES  
FEBRUARY 26, 2008 - 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, Code Enforcement Officer Brennecka, City Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION:**

Charles Butler of Woodstock addressed the City Council to request a change in a tenant's high water bill for property located at 301 Admiral Dr. Mr. Butler felt there was something wrong with the meter and indicated that the water usage went down significantly after a new meter was installed and noted there wasn't any sign of a leak or other changes at the property to account for the difference. Administrator Nelson stated that the water meter was tested at the residence before it was changed and it tested fine.

**CITY COUNCIL MEETING MINUTES OF 02/11/08 - APPROVED**

Moved by Perkins, seconded by Marzahl to approve the Regular and Closed Session City Council Meeting Minutes of February 11, 2008. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**NISRA BUDGET - APPROVED**

Moved by Perkins, seconded by Adams to approve the Northern Illinois Special Recreation Association (NISRA) Proposed Budget for FY08/09. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

**ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of February 19, 2008.

**Front Street Commons (mixed residential/commercial condominium project)**

The Committee discussed reducing the building fees for Willie Perez's Front Street Commons project at 105 E. Front Street from \$80,000 to \$15,000. The Committee recommends to the City Council that Willie Perez's portion of building permit fees for Front Street Commons not exceed \$15,000 with all impact fees paid except for water/sewer; the balance of building permit fees would be logged as a debt towards the TIF. The Mayor clarified that this does not include school impact fees which is a separate issue.

Moved by Hay, seconded by Logan to approve the Committee's recommendation to reduce the fees as presented. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Marzahl, aye. Motion approved seven to zero.

**Sign Ordinance – Ord. 2008-106 Approved**

The Committee reviewed staff research and recommendations on how to require businesses to remove their signs if they move or go out of business and how to have non-conforming signs comply with the code more quickly. The Ordinance Committee makes the following recommendations to the City Council:

1. Amend Section 14.04, with regard to signs in B-2 Zoning Districts, reducing the total square foot requirement from 128 sq. ft. to 64 sq. ft.
2. Amend Section 14.08, Non-Conforming Signs, to add #3, to read as follows: "Upon the issuance of a permit, non-conforming signs shall comply with the requirements of this chapter."
3. With respect to businesses that move, staff feels the sign would be considered an off-premise advertisement which is prohibited under Section 14.09, Off Premise Signs. The Committee discussed the intent of the original ordinance with the general consensus that off-premise signs would include smaller signs as well as billboards.
4. With respect to businesses that close, staff can issue a notice to have the sign removed within 1-2 weeks. A ticket would be issued if the sign is not removed within the requested time frame.

Moved by Hay, seconded by Perkins to approve the Ordinance Committee's recommendations and Ordinance 2008-106, Amending Chapter 14, Signs as presented. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye and Ulmer aye. Ordinance 2008-106 approved seven to zero.

**FINANCE COMMITTEE MEETING**

Chairman Logan reviewed the Finance Committee Meeting Minutes of February 19, 2008. The Committee reviewed preliminary budget information for FY08/09. No action taken at this time.

**INTRA FUND TRANSFER CAPITAL FUND**

The Mayor indicated that the transfer will allow the City to pay now for the downtown streetscape benches, trashcans and planters and get free freight which is an approximate \$3,800 savings. The improvements are being sponsored by various individuals/businesses and the capital improvement fund will be reimbursed as they are sold. Moved by Logan, seconded by Perkins to approve an intrafund transfer in the amount of \$64,320 from Capital Improvements to the Downtown TIF District for the purchase of streetscape furniture. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

**INFO: SURVEY OF AREA COMMUNITIES' WATER/SEWER CHARGES**

The Mayor noted a survey in the packets pertaining to a survey of area communities' water/sewer charges. Harvard is in the lower end of the survey.

**UPDATE: MCHENRY CO. BOARD OF REVIEW**

City Attorney Carlos Arévalo noted the correspondence from the McHenry County Board of Review reference the request for a change in assessed value for the Wal-Mart building located at 1201-1299 S. Division Street. The request has been cancelled because the building has been occupied for the full year that they were requesting a tax appeal from.

**CONSENT AGENDA: NONE**

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$339,117.48. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved seven to zero.

**MAYOR'S REPORT**

Mayor Nolan reported the following:

- ☞ Staff is reviewing the prints for the Downtown Streetscape Project
- ☞ Salt (88 tons) was delivered today
- ☞ Harvard hosts the next MCCOG Meeting on Wed., February 27<sup>th</sup> at Adriana's

**ADMINISTRATOR'S REPORT**

Administrator Nelson noted his written report in the aldermen's packets and updated the City Council on the difficulty in completing the 2006 Audit using two separate auditors. Dave has been in consultation with the City Attorney on how to coerce the latest consultant to finish their work which has gone on for approximately 13 months. The Mayor and Dave have directed the City Attorney to come up with a draft complaint to file with the McHenry County Circuit Court with the intention of suing for breach of contract. The incomplete 2006 Audit is holding up the 2007 Audit and could become a serious situation with the State of Illinois with grants and for financing construction projects.

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

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| March 4  | Regular Planning and Zoning Commission Meeting, 7 p.m. |
| March 10 | Historic Preservation Commission, 6:30 p.m.            |
| March 11 | Regular City Council Meeting, 7 p.m.                   |
|          | Events Committee Community Hearing 7:30 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**

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

At 7:21 p.m., moved by Logan, seconded by Perkins to go into Closed Session to discuss Section 2(c)(5) Purchase or Lease of Real Estate. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

At 7:25 p.m., moved by Perkins, seconded by Logan to reconvene the Open Session. Roll call vote: Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved seven to zero.

At 7:26 p.m., moved by Perkins, seconded by Hay to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,  
City Clerk

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Date