

REGULAR CITY COUNCIL MEETING MINUTES

May 13, 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. City 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, Code Enforcement Officer Brennecka, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 04/22/08 - APPROVED

Moved by Perkins, seconded by Marzahl to approve the minutes of the Budget Hearing, Regular City Council Meeting and Year-End City Council Meeting of April 22, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

ORD AUTHORIZING EXECUTION OF INSTALLMENT PURCHASE CONTRACT AND ISSUANCE, SALE AND DELIVERY OF \$3,400,000 GENERAL OBLIGATION DEBT CERTIFICATES, SERIES 2008 WITH RESPECT TO DOWNTOWN TIF – ORD. 2008-113 APPROVED

Moved by Hay, seconded by Logan to approve an Ordinance of the City of Harvard, McHenry County, Illinois, Authorizing and Providing for (A) The Execution and Delivery of an Installment Purchase Contract for the Purpose of (1) Paying the Costs of Acquiring, Constructing and Equipping Public Infrastructure and Related Improvements Constituting Eligible Redevelopment Project Costs as Part of the Redevelopment Plan for the Harvard Downtown Redevelopment Project Area Within the City and (2) Refunding the Outstanding \$918,586.57 Debt Certificate, Series 2002, of the City Issued to Finance Eligible Redevelopment Project Costs Associated with that Redevelopment Plan, and (B) the Issuance, Sale and Delivery of \$3,400,000 General Obligation Debt Certificates, Series, 2008, of the City Evidencing the Rights to Payment Under the Installment Purchase Contract, Approving the Form and Terms of the Installment Purchase Contract, Prescribing the Form and Terms of the General Obligation Debt Certificates, Series 2008, Providing for the Security for and Sources of Payment of the Installment Purchase Contract and the General Obligation Debt Certificates, Series, 2008, and Concerning Related Matters. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2008-113 approved eight to zero.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

WAS Harvard LLC, c/o Shiner Management Group/Reclassification & Conditional Use for Property Located on SE Corner of US Route 14 and Brink St. – Ord. 2008-114 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on May 6th, 2008, for a hearing in the petition of the WAS Harvard, LLC c/o Shiner Management Group, Inc., 3100 W. Dundee Rd., Suite 304, Northbrook, IL 60062. The petitioners are requesting reclassification of subject property from M1 & M2 Manufacturing District to B3 Commercial District, upon reclassification a Conditional Use for a shopping center and preliminary approval of the site plan. The Planning and Zoning Commission recommends approval of the petitioner's requests as submitted.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendations as submitted and Ordinance 2008-114, reclassifying the subject property to B3 Commercial District, upon reclassification a Conditional Use for a shopping center and preliminary approval of the site plan. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2008-114 approved eight to zero.

AMENDMENT TO PRAIRIE GREEN REDEVELOPMENT AGREEMENT – ORD 2008-115 APPROVED

The Mayor reviewed the amendment to the Prairie Green Redevelopment Agreement between the City of Harvard and Carl Roppolo. Said agreement addresses improvements with respect to the Walgreen's construction. Moved by Perkins, seconded by Hay to approve Ordinance 2008-115, Authorizing the Mayor and City Clerk to Enter into a Certain Second Amendment to Redevelopment Agreement Regarding the TIF US Route 14 and Airport Road Redevelopment Project Area. Roll call vote: Ulmer,

aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Ordinance 2008-115 approved eight to zero.

PEDDLAR & SOLICITOR LICENSE APPLICATION: CHARTER COMMUNICATIONS - APPROVED

Moved by Logan, seconded by Perkins to approve the Peddler and Solicitor Application as submitted by Charter Communications for Spencer Cuiffo and Kevin Krening; all fees have been paid. Administrator Nelson noted that photo ID's will be issued by the City as part of the licensing process. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PEDDLAR & SOLICITOR LICENSE APPLICATION/WAIVE FEES: KARA BOUGH & PATRICIA MCDONOUGH - APPROVED

Moved by Logan, seconded by Marzahl to approve the Peddler and Solicitor Application, with a waiver of fees, as submitted by Kara Bough and Patricia McDonough. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

JOHN GIANNASI/FRONT STREET TAP PERMIT REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 7, 2008 - APPROVED

The City Council reviewed John Giannasi/Front Street Tap's permit request for Saturday, June 7th, 2008, to erect a 7' plastic safety fence surrounding the sidewalk area in front of Front Street Tap to allow their patrons to have alcohol outside within this area. No alcohol will be sold outside and no speakers for music will be placed outside. Chief Kazy-Garey noted that Police Department does not have any concerns. Moved by Logan, seconded by Marzahl to approve Front Street Tap's request granting a permit to encroach on the sidewalk with the fence erected pursuant to their request and to allow alcohol to be consumed outdoors under the same terms as last year; fee is \$100. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

BOPP'S GRILLE & SALOON REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 7, 2008 - APPROVED

The City Council reviewed John Schneider/Bopp's Grille & Saloon's permit request for Saturday, June 7th, 2008, to erect a 7' plastic safety fence portioning off part of the alley east of Bopp's to allow their patrons to have alcohol outside within this area. No alcohol will be sold outside and no speakers for music will be placed outside. Chief Kazy-Garey noted that Police Dept. doesn't have any concerns, but noted that a question arose this afternoon with respect to glass bottles outside. The Police Dept. would recommend that plastic cups be used instead of glass bottles. Moved by Logan, seconded by Ulmer to approve Bopp's Grille and Saloon's request granting a permit to encroach on the sidewalk with the fence erected pursuant to their request and to allow alcohol to be consumed outdoors under the same terms as last year; fee is \$100. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

ITEM #12, 13, 14 PULLED FROM AGENDA

Items #12, 13, and 14, pertaining to a Liquor License and Tobacco License for Rasabehari Kumar/Midwestern Petroleum Inc., d/b/a Harvard BP, 501 S. Division have been pulled from the agenda as the petitioners are not ready to proceed.

RESOLUTION SUPPORTING A LAND USE POLICY PROPOSAL FOR MCHENRY CO. - APPROVED

Moved by Perkins, seconded by Adams to approve a Resolution Supporting a Land Use Policy Proposal for McHenry County. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

CONSENT AGENDA:

- ☞ Women for Harvard Raffle Request May – November, 2008
- ☞ American Legion Post #265 Request Poppy Days, May 16th & 17th, 2008
- ☞ American Legion Post #265 Memorial Day Parade, May 26th, 2008
- ☞ HERS Raffle Request, May – June 22nd

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$183,074.55. 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.

MAYOR'S REPORT

Mayor Nolan noted the MCCOG Meeting on Wed., May 28th, to be held at Woodstock Country Club and reported that work in the downtown has begun on the south side doing some underground work.

CLERK'S REPORT - UPCOMING MEETING DATES

May 20 Events Committee Meeting, 5 p.m.
May 27 Regular City Council Meeting, 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

SWEAR IN NEW POLICE OFFICER

Chief Kazy-Garey introduced candidate Brian Hilligoss for position of police officer. Officer Hilligoss was then sworn in by City Clerk Wells.

NO REPORTS

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

At 7:13 p.m., moved by Perkins, seconded by Hay to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date