

REGULAR CITY COUNCIL MEETING MINUTES

May 27, 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, Chief Kazy-Garey, Community Development Director Santeler, City Attorney David McArdle and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 05/13/08 - APPROVED

Moved by Perkins, seconded by Leyden to approve the minutes of the Regular City Council Meeting of May 13, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

CINDY WALDO/HUB LOUNGE, 15 N AYER ST PERMIT REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 7, 2008 - APPROVED

The City Council reviewed Cindy Waldo/Hub Lounge's permit request for Saturday, June 7th, 2008, to block off the sidewalk area on the Front Street side of the building to allow their patrons to have alcohol outside within this area. Chief Kazy-Garey recommended that the fence be no closer than the railing leading into the basement on Front St. The Mayor noted additional stipulations, if the request is approved: the fence needs to be 7' surrounding the sidewalk to be erected Saturday morning before the parade and removed no later than noon on Sunday; the entrance to the area is to be staffed to ensure all patrons have the proper ID; no speakers or other amplification devices outside the building; no outside sales of alcohol, only outside consumption of beverages purchased inside and a permit fee of \$100. Chief Kazy-Garey noted the Police Department's main concern is that the establishments use plastic cups or cans and not glass, and Cindy has addressed that item in her letter. The Mayor noted that the Chief will be visiting all of the establishments with approved permits prior to Milk Days to make sure all the owners are aware of and abide by the rules. Moved by Logan, seconded by Ulmer to approve Cindy Waldo/Hub Lounge's request granting a permit to encroach on the sidewalk with the fence erected as discussed and to allow alcohol to be consumed outdoors under the terms as discussed; the permit fee is \$100. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

RIVERA PLAT OF SUBDIVISION – ORD 2008-118 APPROVED

Clerk Wells reviewed his memo pertaining to the final plat of subdivision for property located at the intersection of Marengo and Airport Rd. In 2006, the Planning and Zoning Commission approved the petitioner's request for rezoning, setback variations, and subdivision pending final legal and platting done in conformance with city code. All county and roadway issues have been dealt with and there are no substantiate changes from the original plat as presented at the hearing and it meets the standards of City code. Moved by Perkins, seconded by Logan to approve the Reuben R. & Cathy L. Rivera's Sunnydale of Harvard Final Plat of Subdivision as presented. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2008-118 approved eight to zero.

TWO DAY LIQUOR LICENSE – HERS LEAGUE ON JUNE 21 & 22 – APPROVED

Moved by Perkins, seconded by Adams to approve the HERS League request for a two-day liquor license on June 21 & 22, 2008, for their annual HERS picnic. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

EVENTS COMMITTEE REQUEST/COUNTRY FAIR JUNE 28th 2008 – APPROVED

Chairman Logan reviewed the Events Committee requests pertaining to the Country Fair on June 28th from 11 a.m. – 4 p.m. Moved by Logan, seconded by Marzahl to approve the Events Committee's requests for the Country Fair on June 28th, 2008,

- permission to use milky way park, the western most pavilion and the overhang space on the new milk days building with the waiver of any and all fees

- permission for the utilities department to hook up and enable us to use a water service from the adjacent hydrant with the waiver of all water fees
- permission for the city public works or parks department to move available picnic tables and garbage cans to this area
- waiver of all outdoor vendor fees with the knowledge that any fees charged to said vendors will be considered part of the event balance sheet and budget
- permission to disconnect the soda vending machine at the pavilion and usage of electrical facilities at the location with waiver of all fees
- permission to block two to three parking spaces for the location of port a pots
- use of the city council chambers for a kite flying seminar prior to the event
- use of the community sign and city property right of ways for advertising signage
- acknowledgement that the vendor portion of ticket sales will be disbursed the day of the event. (only the event committee portion of ticket sale income was included as a line item on the fiscal budget)
- requirement that the Mayor and City Administrator participate in the pie-eating contest

Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

RESOLUTION IDENTIFYING CERTAIN ACQUISITION CONTRACTS TO THE INSTALLMENT PURCHASE CONTRACT BETWEEN THE CITY OF HARVARD AND THE CITY TREASURER RELATING TO THE HARVARD DOWNTOWN REDEVELOPMENT PROJECT AREA – APPROVED

Moved by Logan, seconded by Marzahl to approve Resolution 2008-R-014, Identifying Certain Acquisition Contracts to the Installment Purchase Contract Between the City of Harvard and the City Treasurer Relating to the Harvard Downtown Redevelopment Project Area. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Resolution 2008-R-014 approved eight to zero.

ORD AUTHORIZING EXECUTION OF INSTALLMENT PURCHASE CONTRACT AND ISSUANCE, SALE AND DELIVERY OF \$2,500,000 GENERAL OBLIGATION DEBT CERTIFICATES, SERIES 2008A WITH RESPECT TO THE HARVARD INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA – ORD. 2008-116 APPROVED

Moved by Perkins, seconded by Adams to approve Ordinance 2008-116 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 Industrial Park Redevelopment Project Area Within the City and (2) Refunding the Outstanding \$1,255,358 Debt Certificates, Series 2005, of the City Issued to Finance Eligible Redevelopment Project Costs Associated with that Redevelopment Plan, and (B) the Issuance, Sale and Delivery of \$2,500,000 General Obligation Debt Certificates, Series, 2008A, 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 2008A, Providing for the Security for and Sources of Payment of the Installment Purchase Contract and the General Obligation Debt Certificates, Series, 2008A, and Concerning Related Matters. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Ordinance 2008-116 approved eight to zero.

RESOLUTION IDENTIFYING CERTAIN ACQUISITION CONTRACTS TO THE INSTALLMENT PURCHASE CONTRACT BETWEEN THE CITY OF HARVARD AND THE CITY TREASURER RELATING TO THE HARVARD INDUSTRIAL PARK REDEVELOPMENT PROJECT AREA – APPROVED

Moved by Logan, seconded by Perkins to approve Resolution 2008-R-015, Identifying Certain Acquisition Contracts to the Installment Purchase Contract Between the City of Harvard and the City Treasurer Relating to the Harvard Industrial Park Redevelopment Project Area. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Resolution 2008-R-015 approved eight to zero.

ORD AUTHORIZING EXECUTION OF INSTALLMENT PURCHASE CONTRACT AND ISSUANCE, SALE AND DELIVERY OF \$600,000 GENERAL OBLIGATION DEBT CERTIFICATES, SERIES 2008B WITH RESPECT TO THE US ROUTE 14 AND AIRPORT ROAD REDEVELOPMENT PROJECT AREA – ORD. 2008-117 APPROVED

Moved by Perkins, seconded by Adams to approve Ordinance 2008-117 of the City of Harvard, McHenry County, Illinois, Authorizing and Providing for (A) The Execution and Delivery of an Installment Purchase Contract for the Purposes of 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 US Route 14 and Airport Road Redevelopment Project Area Within the City and (B) the Issuance, Sale and Delivery of \$600,000 General Obligation Debt Certificates, Series, 2008B, 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 2008B, Providing for the Security for and Sources of Payment of the Installment Purchase Contract and the General Obligation Debt Certificates, Series, 2008B, and Concerning Related Matters. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinance 2008-117 approved eight to zero.

RESOLUTION IDENTIFYING CERTAIN ACQUISITION CONTRACTS TO THE INSTALLMENT PURCHASE CONTRACT BETWEEN THE CITY OF HARVARD AND THE CITY TREASURER RELATING TO THE US ROUTE 14 AND AIRPORT ROAD REDEVELOPMENT PROJECT AREA – APPROVED

Moved by Logan, seconded by Perkins to approve Resolution 2008-R-016, Identifying Certain Acquisition Contracts to the Installment Purchase Contract Between the City of Harvard and the City Treasurer Relating to the US Route 14 and Airport Road Redevelopment Project Area. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye Adams, aye. Resolution 2008-R-016 approved eight to zero.

AMEND SECTION 5.01, HARVARD ARCHITECTURAL REVIEW COMMISSION - ORD 2008-119 APPROVED

The Mayor noted recent legislation that allows municipalities to form an Architectural Review Commission in all of the business districts which would expand the City's capabilities into a broader geographic area than the Downtown Historic Preservation District. All petitions will come before the City Council for final review and approval. Moved by Perkins, seconded by Marzahl to approve Ordinance 2008-119, Amending Section 5.01 to establish the Harvard Architectural Review Commission. Alderman Logan clarified that the review commission was for the business district only. City Clerk Wells brought up discussion of Section 5.01E(1) with respect to a minimum number of meetings per year; the consensus was to delete the last line "There shall be a minimum of _____ meetings per year." Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Ordinance 2008-119 approved eight to zero.

CUNAT INDUCEMENT RESOLUTION, PRAIRIE APARTMENTS, 201 W HARRISON - APPROVED

John Cunat addressed the City Council with respect to their request seeking the city's agreement to approve an inducement resolution for \$2,000,000 of multifamily housing bonds in order to obtain lower cost financing for Cunat's acquisition and rehabilitation of the Prairie Apartments complex located at 201 W. Harrison St. Attorney McArdle related Administrator Nelson's inquiry as to whether or not Cunat's would be open to a possible fee for the City which can be negotiated separately from the inducement resolution. John indicated he was not aware of Cunat's ever paying a fee to a city to grant an inducement resolution. At Mayor Nolan's inquiry, Attorney McArdle related that this does not reduce the City's borrowing power nor is the City at any risk; the City is strictly a conduit for the bond issue. Moved by Hay, seconded by Marzahl to approve a Resolution Authorizing the Execution of a Memorandum of Agreement (Prairie Apartments Project). Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan and Perkins, aye. Resolution 2008-R-017 approved eight to zero.

UNION PACIFIC BEAUTIFICATION LEASE - APPROVED

Moved by Logan, seconded by Perkins to approve the Union Pacific Beautification Agreement. 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.

ITEMS FOR CONSIDERATION/SPENDING FREEZE

Chairman Logan reviewed the list of items for consideration that were budgeted, but due to the spending freeze, must come before either the Finance Committee or City Council for approval. Moved by Logan, seconded by Hay to approve the purchase of the following items: leaf blower at a maximum cost of \$400 (parks), club cart at a maximum cost of \$9,000 (parks), drying beds at a maximum cost of \$18,000 (WWTP), salt shed roof at a maximum cost of \$13,500 (public works) and a copy machine at a maximum cost of \$7,775 (administration). Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

REIMBURSEMENT HARVARD MILK DAYS \$5,000/CONCRETE JR. DAIRY PAVILION - APPROVED

Moved by Perkins, seconded by Logan to reimburse Harvard Milk Days in the amount of \$5,000 towards the concrete at the Jr. Dairy Cattle Pavilion located at Milky Way Park. Roll call vote: Leyden, aye; Marzahl, abstention; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero with one abstention.

CONSENT AGENDA: NONE

COMMITTEE REPORTS

ALD. PERKINS – ADOPT A HIGHWAY PROGRAM

Alderman Perkins scheduled a highway clean up on Saturday, May 31st at 8 a.m. on Highway 173 from the Public Works garage to Ayer Street.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$102,372.22. 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.

ALD. LOGAN – FINANCIAL WORKSHOP

Chairman Logan called a Financial Workshop for Saturday, June 21st at 8 a.m.

MAYOR’S REPORT

Mayor Nolan noted that Ayer Street will be covered over by Friday to be ready for the Milk Day Bed Races. The street lights have been delivered. The Mayor also updated the City Council on the progress of the well house; brick work should start next week.

CLERK’S REPORT - UPCOMING MEETING DATES

May 31	Highway Clean-up, 8 a.m.
June 3	Planning & Zoning Commission Meeting CANCELLED
June 10	Regular City Council Meeting, 7 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.

Chief Kazy-Garey updated the City Council on rapid response training for the officers, summer gang details in conjunction with the Sheriff’s Dept., Ride Along Program which will start in the near future and vehicles awarded during drug seizures. Chief Kazy Garey also noted he is working with the Sheriff’s Department for a road crew from the jail to clean up the creek before Milk Day; they may also come out after Milk Day to clean up Milky Way Park.

NO REPORTS

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

At 7:32 p.m., moved by Perkins, seconded by Logan 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