

REGULAR CITY COUNCIL MEETING MINUTES
September 23, 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. Acting Clerk Moller called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, Administrator Nelson, Police Chief Kazy-Garey, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION:

Randy Donley, McHenry County Board, District 6 Representative reported to the City Council that the county has conducted interviews and should appoint a new Planning Director by mid October. Randy also stated that all four District 6 County Board members are aware of the McGuire Road situation and will be united in their unanimous support of Harvard to resolve the issue with the Transportation Committee. Mayor Nolan and Administrator Nelson reviewed the access issues with the County Transportation Dept. The Mayor will be attending a Transportation Committee Meeting next Wednesday.

CITY COUNCIL MEETING MINUTES OF 09/09/08 - APPROVED

Moved by Logan, seconded by Perkins to approve the minutes of the Regular City Council Meeting minutes of September 9, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

REQUEST TO CLOSE HAYES COURT ON OCTOBER 31ST - APPROVED

Amy Bittner, 714 Hayes Court, reviewed her request to close Hayes Court on October 31st, 2008, from 5-8 p.m. Pursuant to their written request, they would like to block Hayes Court to all traffic, except to the people that live on the court, and to have a Headless Horseman on the property. Amy stated that the horse is basically a live prop and will only be on their property, not in the street; both the rider and trainer will be present at all times. Alderman Marzahl contacted a couple of the neighbors who have no problem with the request. Chief Kazy-Garey had no objection to closing the road, but was concerned about livestock in town. There was discussion on safety and liability issues. Attorney Arévalo noted that liability would be the responsibility of the owner of the horse and the homeowner. Moved by Marzahl, seconded by Perkins to approve the request to close Hayes Court on October 31st and allow a horse on the petitioner's property from 5-8 p.m., with the condition that the owner of the horse provide the City with a letter of indemnification, limited to public property, that would hold the City harmless in the event the City were sued. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

AIRPORT ROAD PLAZA ESCROW - APPROVED

Administrator Nelson reviewed the Airport Road Plaza Escrow/Consent to Assignment and noted that Attorney Arévalo does not recommend that the City sign the agreement in it's current form. Administrator Nelson recommended that the City Council grant authority to Mayor Nolan and Attorney Arévalo to execute the agreement in a form approved by both the Mayor and City Attorney with a thirteen day window. In the event that the agreement is not negotiated within thirteen days, staff will come back to the City Council. Moved by Hay, seconded by Perkins to authorize the execution of the agreement as outlined by Administrator Nelson. 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.

ORDINANCE COMMITTEE RECOMMENDATIONS FROM PUBLIC HEARING

Proposed Ordinance. Section 6.20, Newspaper Dispensing Devices – Ord. 2008-134 Approved

Chairman Hay reviewed the public hearing conducted on September 16th, 2008, regarding newsstand regulations.

Moved by Hay, seconded by Perkins to approve the proposed ordinance adding Section 6.20, Newspaper Dispensing Devices. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2008-134 approved eight to zero.

ANNUAL TREASURER'S REPORT – APPROVED

Moved by Logan, seconded by Marzahl to approve the Annual Treasurer's Report for FY Ending April 30, 2008 and to authorize publication in the Northwest Herald. 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.

REVISED NISRA ARTICLES OF AGREEMENT

Administrator Nelson reviewed the revised NISRA Articles of Agreement and recommended approval. Moved by Perkins, seconded by Marzahl to approve the revised NISRA Articles of Agreement. 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.

INFO: LIFE CHAIN, SUNDAY, OCTOBER 5

Mayor Nolan noted the National Life Chain to be held locally on Sunday, October 5th, 2008, from 2:30 – 3:30 p.m. at the intersection of Route 14/Diggins St/Ayer St.

INFO: HARVARD SCHOOL DISTRICT #50 ANNUAL REPORT/IMPACT FEES

Mayor Nolan noted the annual report from Harvard School District #50 setting forth fees collected and disbursements made from impact fees collected during FY2007/2008.

MCHENRY CO. ZBA NOTICE OF HEARING WITHIN CITY'S 1½ MILE JURISDICTION

The City Council reviewed the McHenry County ZBA Notice of Hearing to be held on October 8th, 2008, for the following property:

- Variations for property located at 6011 Pine Street, Harvard pertaining to minimum yard abutting a road or street, to permit a two story accessory building in a R-1 Residential and a variation from height of accessory use from 14' to 18'

There were no objections.

CONSENT AGENDA:

- Harvard Harmony Raffle Application, Sept. 19th – Oct. 10th
- Harvard Main Street Raffle Application, Sept. 23rd – Dec. 6th
- Halloween Trick-or-Treat Hours, October 31st, 2008 from 5-8 p.m.
- St. Joseph's "Night of Knights" Raffle Request, April 4, 2009

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. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$386,405.99. 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.

Alderman Logan thanked City staff for their help with the Kelly Miller Circus that was sponsored by the Chamber of Commerce on Sept. 15th.

MAYOR'S REPORT

Mayor Nolan updated the City Council on the status of the Ayer Street project and noted that construction is still on target to be completed by November 1st.

ADMINISTRATOR'S REPORT

Administrator Nelson reported that the City received grant funding in the amount of \$400,000 - \$500,000 for the three grant applications that were submitted for road improvements on E. McKinley St. from Highway 14 to Garfield Street, S. Ayer Street from 173 to the new improvements on Ayer Street and on Marengo Road from 173 to Ayer Street.

CLERK'S REPORT - UPCOMING MEETING DATES

October 7 Planning and Zoning Commission Hearing, 7 p.m.

October 14 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.

NO REPORTS

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

At 7:30 p.m., moved by Logan, seconded by Adams 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