

**EXECUTIVE SESSION OF THE CITY COUNCIL
CITY COUNCIL CHAMBERS
201 W. FRONT ST., HARVARD, ILLINOIS
June 23, 2009 – 7:10 p.m.**

Mayor Nolan called the meeting to order to discuss Section 2(c)(11) Litigation. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. Also present were City Administrator Nelson, Treasurer Meseck, City Attorney McArdle and Community Development Director Santeler.

Litigation

Turtle Crossing Subdivision/Carl Roppolo

City Attorney McArdle and Administrator Nelson updated the City Council on the mortgage foreclosure filed by Barrington Bank.

In addition, the developer has breached their obligation to complete public improvements and the City is attempting to draw on the Letter of Credit. Attorney McArdle noted that according to the terms of the Letter of Credit, the City is entitled to the funds and according the law the bank has seven days to consider the request which expired today. If the bank does not issue the funds, the next step would be to file suit to collect the money under the terms of the Letter of Credit. The consensus was to proceed and to report back to the City Council.

Huntington Ridge Phase 1 Subdivision/Montalbano Builders

City Attorney McArdle and Administrator Nelson updated the City Council on issues with Montalbano Builders/Huntington Ridge Phase 1 Subdivision on Harvard Hills/Crowley Rd. Montalbano Builders has not completed the pumping station and discontinued having the sewage pumped. The City is paying to have the sewage pumped at a cost of \$150/week. The pumping station is 90% complete with the exception of the installation of the sewage pumps at cost of \$48,870.00. Mayor Nolan and Administrator Nelson are meeting with Carmine Naccarato/Harvard Ridge Subdivision who is the other party involved in the developer agreement to try and resolve the issue. The consensus was to proceed to install the sewage pump and to proceed to file suit if necessary to collect the money and to report back to the City Council.

Closed session was adjourned at 7:24 p.m.

Submitted by:

Andy Wells,
City Clerk

Date