

## REGULAR CITY COUNCIL MEETING MINUTES

July 28, 2009 - 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 Opper. Aldermen Leyden was absent. Also present were Treasurer Meseck, City Administrator Nelson, Code Enforcement Officer Brennecka, Community Development Director Santeler, Police Chief Kazy-Garey, Public Works Supt. Kruckenber, Utilities Supt. Grant, City Attorney Carlos Arévalo and members of the audience.

### AUDIENCE PARTICIPATION:

Randy Donley, McHenry County Board, District 6 Representative updated the City Council on various issues at the County level with respect to the Alden road expansion and developing new trucking rules and regulations. Randy inquired if there was any project that needed his assistance at the county level. Mayor Nolan reported that the City has been working at the County level on the McGuire Rd/Route 14 project which has been resolved with Randy's assistance.

Jay Schulz, 1503 Pheasant Run, representing the Harvard Community Radio Station 88.5 FM, extended an invitation to the City Council at no charge to the one year anniversary celebration on Saturday, August 8<sup>th</sup>, 2009 at the Stratford Banquet Hall. Anyone interested in tickets should contact Jay.

### CITY COUNCIL MEETING MINUTES OF 07/14/09 - APPROVED

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of July 14, 2009, as presented. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

### TURTLE CROSSING/SUPPLEMENTAL DEVELOPMENT AGREEMENT

Mayor Nolan reviewed the Supplemental Development Agreement between the City of Harvard and Carl Roppolo and Barrington Bank for Turtle Crossing Subdivision. Moved by Logan, seconded by Marzahl to approve the Supplemental Development Agreement as presented. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved seven to zero.

### COUNTRYBROOK SUBDIVISION/LETTER OF CREDIT REDUCTION - APPROVED

Community Development Director Santeler reviewed the Summary of Units and Cost to Complete Public Improvements at Pasquinelli's Countrybrook Subdivision and staff recommendation for a Letter of Credit Reduction. There are currently two Letters of Credit with proposed reductions as follows:

- Unit 1 (two-family homes) in the amount of \$188,887.00 to be reduced to \$80,155.44
- Unit 2 (single family homes) in the amount of \$618,961.00 to be reduced to \$99,505.70

The total amount to be retained for both Unit 1 and Unit 2 is \$179,661.15. Administrator Nelson noted that staff does not recommend assessing the 10% Administrative Fee as the bank and the court receiver have been extremely helpful in working with the City and completing improvements.

Moved by Logan, seconded by Perkins to approve staff recommendation for a reduction in the Letter of Credit for Unit 1 and Unit 2 of Pasquinelli's Countrybrook Subdivision to \$179,661.15 as presented. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Marzahl, aye. Motion approved seven to zero.

### ILLINOIS JOINT PURCHASING REQUISITION/BULK ROCK SALT - APPROVED

Mayor Nolan reviewed staff recommendation to purchase 1900 ton of rock salt at a cost of \$62.15/ton which is a decrease from last year's price of \$140/ton. The City will not mix the salt with sand this year, but the policy will remain the same as last year to salt emergency routes, intersections, inclines, around the schools and Ayer Street. Moved by Logan, seconded by Perkins to approve the Illinois Joint Purchasing Requisition for bulk rock salt. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

**AWARD BID GARFIELD STREET WATERMAIN PROJECT - APPROVED**

Mayor Nolan and Community Development Director Santeler reviewed the bids for the Garfield Street Watermain project. The low bid of \$155,895.93 came in much lower than the estimate of \$225,000.00. Moved by Logan, seconded by Marzahl to approve staff recommendation to award the bid for the Garfield Street Watermain Project to Maneval Construction, 1015 N. Corporate Circle, Grayslake, IL at their low bid of \$155,895.93. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

**RESOLUTIONS TO RELEASE CERTAIN CLOSED SESSION MINUTES INTO THE OPEN MINUTES BOOK AND AUTHORIZING THE DESTRUCTION OF CERTAIN AUDIO RECORDINGS OF CLOSED SESSION MEETINGS - APPROVED**

Moved by Perkins, seconded by Marzahl to approve the following resolutions:

- Resolution to release the following closed session minutes into the open minutes book of the City Clerk: April 21, 2009 – May 23, 2009
- Resolution authorizing the destruction of audio recordings of the following closed session meetings: November 13, 2007 – February 11, 2008 – February 26, 2008

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

**ORDINANCE AUTHORIZING NEGOTIATION AND RIGHT OF EMINENT DOMAIN BY CONDEMNATION PROCEEDINGS FOR PROPERTY ON MCGUIRE RD. – ORD. 2009-123 APPROVED**

Mayor Nolan reviewed the proposed ordinance and noted he has tried to work with the owner of the property for the past year without any success to secure the property for a turn lane on McGuire Road. Moved by Perkins, seconded by Adams to approve Ordinance 2009-123, Authorizing Negotiation and Right of Eminent Domain by Condemnation Proceedings for Privately Owned Property for Right of Way Purposes on McGuire Rd. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Ordinance 2009-123 approved seven to zero.

**AMEND ZONING ORDINANCE – REFERRED TO PLANNING AND ZONING COMMISSION**

Administrator Nelson reviewed his memo with respect to a conflict in the zoning code as it relates to outside storage in the manufacturing districts. The zoning code allows outside storage in the B-3 zoning district and a contractor storage but does not allow for storage in the manufacturing district. Administrator Nelson recommends that the City allow the outside storage of materials in the M-1 District with the area fenced and only in the rear yards. This will require a public hearing before the Planning and Zoning Commission with the City as petitioner for a text amendment to the zoning code. There was discussion about changing storage requirements in the B3 Zoning District which Administrator Nelson indicated could be part of the discussion with the Planning and Zoning Commission.

Moved by Logan, seconded by Perkins to petition the Planning and Zoning Commission at the regular September meeting for a text amendment to the zoning code relating to outside storage in the M-1 Zoning District. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. Motion approved seven to zero.

**MCHEMRY CO. ZBA NOTICE OF HEARING**

The City Council reviewed the McHenry County ZBA Notice of Hearing to be held on August 13, 2009, to amend the McHenry County zoning ordinance by revising the section pertaining to Temporary Uses, adding Off-Road Riding Facility as a new use and minor clarification revisions to the Bulk Chart table. There were no objections.

**CONSENT AGENDA:**

- Harvard Fire/Rescue Assoc. St. Baldrick's Raffle Request August 9<sup>th</sup>, 2009
- Brady Benefit Raffle Request August 15<sup>th</sup>, 2009
- Free Spirit Siberian Rescue Tag Days, August 15<sup>th</sup> & 16<sup>th</sup>, 2009
- Harvard Jr. Tackle Raffle Request June-September, 2009
- Harvard Jr. Tackle Raffle Request Aug. 16<sup>th</sup>, Sept. 6<sup>th</sup>, 27<sup>th</sup> & Oct. 4<sup>th</sup>
- Harvard Jr. Tackle Raffle Request September 19<sup>th</sup>, 2009

Moved by Perkins, seconded by Marzahl to approve the Consent Agenda noting the change for the St. Baldrick's Raffle request which is hosted by the Harvard Fire/Rescue Association not the Harvard Fire Dept. and limiting the Free Spirit Siberian Rescue Tag Days solicitation to the five-points intersection. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Marzahl to approve the bills as presented in the amount of \$205,839.25. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved seven to zero.

**MAYOR'S REPORT**

Mayor Nolan reported on the state of the City's finances and noted he would keep the City Council abreast of what is going on. The Mayor further noted that the City Council may have to make some tough decisions in the next few months.

**ADMINISTRATOR'S REPORT**

Administrator Nelson noted that the end of the first quarter is July 31<sup>st</sup> and he will be preparing the 1<sup>st</sup> quarter budget reports.

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

August 4 Planning and Zoning Commission Meeting, 7 p.m.  
August 11 Regular City Council Meeting, 7 p.m.

**TREASURER'S REPORT**

Treasurer Meseck noted that the monthly treasurer's report for July, 2009, was in the aldermen's folders.

**DEPARTMENT HEADS REPORTS**

Smith Engineering & Dept. Heads: Reports as submitted.

Chief Kazy-Garey reported on the department's participation in National Night Out on August 9<sup>th</sup> at the Harvard Swimming Pool.

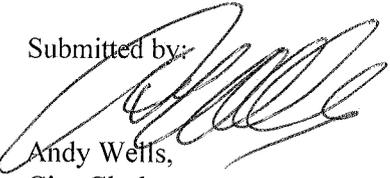
Supt. Kruckenberg advised the City Council that a couple of intersections on Ayer Street will be blocked off on Wed., July 29<sup>th</sup> to seal the concrete.

**NO REPORTS**

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

At 7:36 p.m., moved by Perkins, seconded by Marzahl to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan and Perkins. All ayes. Motion carried

Submitted by:

  
Andy Wells,  
City Clerk

  
\_\_\_\_\_  
Date