

**REGULAR CITY COUNCIL MEETING MINUTES**  
**October 25, 2011 - 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: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. Also present were City Administrator Nelson, Chief Kazy-Garey, Code Enforcement Officer Brennecka, Supt. Public Works Kruckenberg, , City Attorney Carlos Arévalo and members of the audience.

**TAX LEVY HEARING**

Mayor Nolan called the Tax Levy Hearing to order. Administrator Nelson reviewed the notice and stated that the ordinance will be on the agenda for approval at the City Council meeting in November. Administrator Nelson noted that the property tax cap law will cap what we collect at 5% or the cost of living whichever is less, so the City doesn't actually collect the amount levied. The amount levied is set at a higher amount so that the City can capture any new growth which is yet unidentified and will not be determined by the assessor's office until March or April. Clerk Wells stated that the public notice was published in the Northwest Herald on October 17, 2011, with the estimated total property tax levy for 2011 at \$3,242,822.45. Mayor Nolan asked for comments from the audience and City Council. Questions were answered with respect to current tax rates in Chemung Township. The public hearing was then closed.

**AUDIENCE PARTICIPATION:**

Jeff Franklin, 36 N. Ayer St., Harvard addressed the City Council and noted his objection to continued increases in taxes.

**CITY COUNCIL MEETING MINUTES OF 09/27/2011 - APPROVED**

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of September 27, 2011, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**RESOLUTIONS IN RECOGNITION OF THE HARVARD STATE BANK AND ST. JOSEPH'S CATHOLIC GRADE SCHOOL - APPROVED**

Mayor Nolan read a resolution in recognition of The Harvard State Bank's achievement of 145 Years in Business. The resolution was then presented to Phil Lehmann, Harvard State Bank.

Mayor Nolan read a resolution in recognition of St. Joseph's Catholic Grade School 95<sup>th</sup> Anniversary. The resolution was then presented to Mike Shukis, Principal of St. Joseph's Catholic Grade School.

**ARCHITECTURAL REVIEW COMMISSION/AYER ST MINI MART, 69 N. AYER ST. - APPROVED**

Moved by Opper, seconded by Marzahl to approve the Architectural Review Commission's recommendation to approve the sign for the Ayer Street Mini Mart, 69 N. Ayer St., Harvard with the following conditions:

- Existing dilapidated overhanging sign including bracket and anchor wires to be removed.
- Physical material sample including color to be submitted for consideration.

Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved eight to zero.

**LETTER OF SUPPORT FOR MCHENRY COUNTY'S APPLICATION FOR USEPA BROWNFIELDS ASSESSMENT GRANT FOR HAZARDOUS MATERIALS AND PETROLEUM - APPROVED**

Administrator Nelson indicated that the planning grant will be used to identify and figure out an assessment plan to deal with pollution on a county-wide basis and recommended approval of the letter of support. Moved by Opper, seconded by Ulmer to authorize the Mayor's execution of the letter of support for the McHenry County's Application for the USEPA Brownfields Assessment Grant for Hazardous Materials and Petroleum. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**DONATION OF PROPERTY FROM WELLS FARGO BANK – RESOLUTION 2011-R-113 APPROVED**

Mayor Nolan stated that the City was contacted by Wells Fargo Bank about donating a piece of foreclosed property to the City. Moved by Perkins, seconded by Ulmer to approve Resolution 2011-R-013, Accepting the Donation of Real Property from Wells Fargo Bank. Subject property is located at 706 W. Washington St. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Resolution 2011-R-113 approved eight to zero.

**DECLARING CERTAIN CITY OWNED REAL ESTATE AS SURPLUS PROPERTY AND AUTHORIZING THE SALE OF THE SURPLUS PROPERTY GRANTING MAYOR AUTHORITY TO AWARD BID TO HIGHEST RESPONSIBLE BIDDER – ORD 2011-129 APPROVED**

Moved by Perkins, seconded by Ulmer to approve Ordinance 2011-129, Declaring Certain City Owned Real Estate as Surplus Property and Authorizing the Sale of the Surplus Property, granting the Mayor the authority to award the bid to the highest responsible bidder. Subject property is located at 706 W. Washington St. Minimum bid is \$15,000. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Ordinance 2011-129 approved eight to zero.

**FYI: IDOT INTERGOVERNMENTAL AGREEMENT MASTER CONTRACT TRAFFIC SIGNALS**

Mayor Nolan updated the City Council on the unofficial response from IDOT which came through Representative Jack Franks office. IDOT will be conducting studies and is looking favorably to either take down or bag the traffic signals at US 14 at Crowley Rd. and US 14 @ Motorola. IDOT will schedule a traffic engineer study on Crowley Road to include a 12 hour manual traffic count.

**IDOT AGREEMENT LED TRAFFIC SIGNAL UPDATE - TABLED**

The City Council reviewed the IDOT Agreement on the proposal to upgrade traffic signals in the City with LED modules. Cost breakdown is State - \$175,633.75, City - \$3,910.00 and County \$2,156.00. The City would not realize any cost savings in electricity because we currently only pay maintenance fees for traffic signals, but it is not known at this time what the maintenance agreement will be. City Administrator Nelson recommended waiting until after we receive an official response from IDOT on the traffic signal agreement, after which a decision can be made. Moved by Opper, seconded by Perkins to table said agreement. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**FYI: PARC GRANT APPLICATION MILKY WAY PARK EXPANSION**

Administrator Nelson referred to notification received from the Illinois DNR that we didn't receive the PARC Grant for development of the recently purchased park property for soccer fields, road, water and sewer.

**ANNUAL FINANCIAL REPORT 2010/2011**

Moved by Logan, seconded by Marzahl to accept the Annual Financial Report for the year ending April 30, 2011. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

**EVENTS COMMITTEE'S REQUESTS**

Events Committee Officer

Moved by Logan, seconded by Leyden to approve the Events Committee's recommendation to appoint Mark Lancaster as Co-Chairman of the Events Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Christmas in Harvard December 3<sup>rd</sup>, 2011

Alderman Logan reviewed the request letter from the Events Committee for Christmas in Harvard which will be held on December 3<sup>rd</sup>, 2011. Moved by Logan, seconded by Opper to approve the Events Committee's request as submitted. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Oppen reviewed the Ordinance Committee Minutes of October 11<sup>th</sup>, 2011.

**Chapter 25, Alcoholic Liquor Dealers, Beer Gardens**

The Committee reviewed a proposed amendment for beer gardens and recommends that the City Attorney draft an ordinance concerning beer gardens and sidewalk cafes for review.

**Amend Section 20.07, Proposed Municipal Bond Fee – Ordinance 2011-130 Approved**

The Committee recommended approval of Chief Kazy-Garey’s proposal to amend Section 20.07 as it relates to a \$20 municipal bond fee with the stipulation that if the defendant is found not guilty, the \$20 would be returned upon request.

Moved by Oppen, seconded by Logan to approve the Committee’s recommendation and an ordinance amending Section 20.07, Miscellaneous Fees, to provide for a bond fee. Roll call vote: Clarke, aye; Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2011-130 approved eight to zero.

**Amend Section 1.14, Increase Fine for Possession of Cannabis**

The Committee discussed amending Section 1.14 to add drug paraphernalia to the settlement of offenses and to increase the fine for the unlawful possession of cannabis and recommends that the City Attorney draft an ordinance for said changes.

**Soliciting at Five-Points**

The Committee discussed solicitors on public highways and right of ways and directed City Administrator Nelson to look at additional regulations and report back to the Committee.

Administrator Nelson noted his memo with the following items for consideration which will be referred to the next Ordinance Committee Meeting:

1. Outlining ideas for regulations concerning solicitors
2. Mayor’s request that the Committee address the second hand drop off boxes.

**CONSENT AGENDA:**

- Sanction Mayor’s Approval of Lions Club Candy Days October 21<sup>st</sup> & 22<sup>nd</sup>, 2011
  - Women of the Moose Raffle Request, November 12<sup>th</sup>, 2011
  - Added: City Basketball Camp for 3<sup>rd</sup>- 6<sup>th</sup> Grades Fundraiser to Purchase Equipment
- Moved by Logan, seconded by Marzahl to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Oppen. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills list as presented in the amount of \$364,652.79. Roll call vote: Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved eight to zero.

**ALD. MARZAHN**

Alderman Marzahl congratulated The Harvard State Bank on their 145 years in business.

**MAYOR’S REPORT**

Mayor Nolan referred to information in the aldermen’s folders with respect to Jason Gerdes, Gerdes Wholesale Nursery, Inc. who donated 377 plants and shrubs that have been planted throughout the City’s parks. This is the fourth year in a row that Gerdes has donated plantings to the City.

**CITY ADMINISTRATOR'S REPORT**

City Administrator Nelson reported that the City has received the Milky Way Park grant reimbursement in the amount of \$195,000 and is working the bank to buy down the principal and refinance; this will be on the City Council agenda next month.

City Administrator Nelson noted his suggestion that it would be nice if IDOT used funds to fill potholes.

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

- November 1 Planning & Zoning Commission Meeting, 7 p.m. POST TO CANCEL  
Events Committee Meeting, 5 p.m.
- November 8 Regular City Council Meeting, 7 p.m. POST TO CANCEL
- November 15 Regular Events Committee Meeting, 5 p.m.
- November 22 Regular City Council Meeting, 7 p.m.

**TREASURER'S REPORT**

The monthly treasurer's report for October, 2011 is in the packet.

**NO REPORT**

City Attorney Arévalo, Aldermen Opper, Perkins, Clarke, Musgrove, Ulmer and Leyden had no specific report.

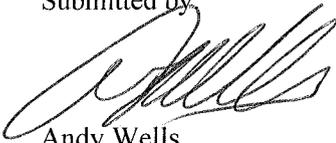
**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted

Chief Kazy-Garey reported that he received notification of the bulletproof vest grant award and noted that the police commission met and is finalizing the final applicant list.

At 7:35 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

11-9-11  
Date