

**REGULAR CITY COUNCIL MEETING MINUTES**  
**December 20, 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: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. Aldermen Leyden was absent. Also present were Treasurer Szczap, Chief Kazy-Garey, Deputy Chief Krause, Code Enforcement Officer Brennecka, Community Development Director Santeler, Supt. Public Works Kruckenbergh, Supt. Utilities Grant, City Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION: NONE**

**POLICE DEPARTMENT RECOGNITION AWARDS**

Chief Kazy-Garey presented the following honorable mention awards:

- Officer Robert Schultz who responded to a Harvard residence for a well-being check on November 7<sup>th</sup>, 2011. All initial indications were that said resident was gone but Officer Schultz continued the investigation of the call and the resident was indeed at home and in a state of medical distress. The resident was subsequently transported to the hospital for medical care.
- Deputy Chief Mark Krause and Officer Dean Burton who took a report for a missing 15 year old youth on December 6<sup>th</sup>, 2011. Due to their diligent follow-up investigation, the youth was determined to be involved in a ruse with her boyfriend and was subsequently found on a bus on her way to Mexico; the bus was intercepted and youth was returned to her parents.

**CITY COUNCIL MEETING MINUTES OF 11/22/2011 - APPROVED**

Moved by Perkins, seconded by Marzahl to approve the minutes of the Regular City Council Meeting of November 22, 2011, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS**

Allen and Lois Wilkening, Variations from Section 17.36.050, Accessory Use Sizes, 22222 Oak Grove Rd., Harvard - Ordinance 2011-136 Approved

Chairman Opper noted the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on December 6, 2011 for a hearing in the petition submitted by Allen and Lois Wilkening for property located at 22222 Oak Grove Road, Harvard, Illinois. The petitioners request a variation from Section 17.36.050A, Size of Accessory Uses to put up a pole barn to store farm machinery. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request be approved for a variation from Section 17.36.050A, Size of Accessory Uses to increase the Single Accessory Use to 7,200 sq. ft. (relief of 6,624 sq. ft.) and to increase the Total Accessory Use to 17,165 sq. ft. (relief of 16,509 sq. ft.).

Moved by Marzahl, seconded by Opper to approve the Planning and Zoning Commission's recommendation and findings of fact as presented and Ordinance 2011-136, granting variations from the Harvard Zoning Code regarding the Size of Accessory Uses. The petitioners were present. Mayor Nolan opened the floor to questions of the petitioners; there were none. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins and Opper, aye. Ordinance 2011-136 approved seven to zero.

**EDWARD/ADELINE JACKSON VARIATION REQUEST OF CITY WATER/SEWER REQUIREMENT FOR PROPERTY LOCATED AT 210 S. JEFFERSON – ORD. 2011-137 TO DENY REQUEST APPROVED**

Petitioner Edward Jackson, 701 Garfield St., reviewed his petition for a variation from Section 13A.02(D) which requires hookup to City water and sewer. The petitioner purchased the property in October, 2011, and intends to use subject property for storage of his personal property. The petitioner stated that he was aware that water and sewer would be required. Per Community Development Director Santeler's memo, the past use of the property was an auto body shop, commonly known as Cliff's Body Shop. The previous owner was able to utilize the property without these utilities, due to a legal non-conforming status. Said use

was discontinued a couple years ago upon the owners retirement with the use considered abandoned. Mayor Nolan noted that approval of a variation would go with the property if sold. Moved by Marzahl, seconded by Ulmer to deny the petitioner's request for a variation of the City water/sewer hookup requirements. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Marzahl, aye. Ordinance 2011-137 to deny the variation was approved seven to zero.

**RAJENDRA PATEL, BEER & CIGARETTE DEPOT, 360 S. DIVISION ST./RELINQUISH CLASS B LIQUOR LICENSE – APPROVED**

Moved by Logan, seconded by Opper to approve Rajendra Patel's request to relinquish the Class B Liquor License for Beer and Cigarette Depot, 360 S. Division St., effective upon the approval of the Class B Liquor License Application submitted by Jagruti Patel, Harvard Beer & Wine, Inc. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**JAGRUTI PATEL, HARVARD BEER & WINE, INC., 360 S. DIVISION ST./APPROVE CLASS B LIQUOR LICENSE AND TOBACCO SALES LICENSE – APPROVED**

Mayor Nolan reported that the background check was conducted, all fees have been paid, and insurance provided. Chief Kazy-Garey had no objections. Moved by Opper, seconded by Perkins to approve a Class B Liquor License and Tobacco License to Jagruti Patel, Harvard Beer & Wine, Inc., 360 S. Division St. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

**IDOT INTERGOVERNMENTAL AGREEMENT MASTER CONTRACT TRAFFIC SIGNALS - TABLED**

Mayor Nolan noted that the agreement has been tabled pending further correspondence from IDOT.

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

Mayor Nolan noted that the agreement has been tabled pending further correspondence from IDOT.

**VENDING LICENSES 2012 - APPROVED**

Mayor Nolan noted that all vending license applications have been paid. Moved by Logan, seconded by Clarke to approve the 2012 Vending Licenses as presented. Roll call vote: Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved seven to zero.

NAME OF ESTABLISHMENT	AMOUNT DUE	PAID	LICENSE #
Hartwig Plumbing Airport Road Laundromat 110 Airport Rd.	\$540.00	Ck #263	2012-01
John Schneider Bopp's Grille and Saloon 103 E. Front St.	\$360.00	Cash	2012-02
Joe Ocello Bravo Pizza 337 S. Division St.	\$300.00	Ck #263	2012-03
Tim Galvin Cool Music Stop Bar & Grille 10 N. Ayer St.	\$610.00	Ck #263	2012-04
John Giannasi Front Street Tap 106 E. Front St.	\$375.00	Ck #2480	2012-05
Bob Ocon Harvard Coin Wash 307 Randall St.	\$ 60.00	Cash	2012-06
Mike Bannwolf, Admin. Harvard Moose Lodge #1289 Route 173 West	\$305.00	Ck #28233	2012-07

Cindy Waldo Hub Lounge 15 N. Ayer St.	\$545.00	Cash	2012-08
Pete Parhas Jimmy's Patio 71 N. Ayer St.	\$185.00	Ck #1039	2012-09
Sean McGarry McGarry's Bowl 5507 S. Division St.	\$250.00	Ck #5298	2012-10
J. Prokop Service Inc. Site Location South Side 111 S Ayer St.	\$490.00 <del>\$245.00</del>	Ck #18600	2012-11
Adam Gharib Stingerz 703 E. Diggins St.	\$310.00	Cash	2012-12
Redbox Automated Retail LLC Site Location Walgreen's 395 S. Division St.	\$120.00	Ck #200000360	2012-13
Red-Box Automated Retail Site Location Wal-Mart Supercenter 21101 McGuire Rd.	\$120.00	Ck #200000360	2012-14
National Entertainment Network Inc. Site Location Wal-Mart 21101 McGuire Rd.	\$300.00	Ck #56-3821412	2012-15

**LIBRARY BOARD RECOMMENDATION – APPROVED**

Moved by Marzahl, seconded by Logan to approve the Harvard Library Board's recommendation that John Gaffney's term as a board trustee be terminated effective immediately. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. Alderman Clarke abstained. All ayes. Motion carried.

**HARVARD MILK DAY REQUEST TO DELETE SECTION 5.04, HARVARD MILK DAYS BOARD – ORD. 2011-138 APPROVED**

Mayor Nolan and Administrator Nelson reviewed Milk Days request and noted that it is cumbersome for Milk Days to go about their business as a board of the City and indicated that the request is amicable. Moved by Logan, seconded by Perkins to repeal Section 5.04, Harvard Milk Days Board, reserving the section number. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Ordinance 2011-138 approved seven to zero.

**ABATE TAX SERIES 2004 BONDS – ORD 2011-139 APPROVED**

Administrator Nelson noted a request from the McHenry County Clerk's office to add clarifying language in the abatement ordinance to abate to zero instead of actual numbers which don't always match the extension. Moved by Logan, seconded by Clarke to approve Ordinance 2011-139, Repealing that Portion of Ordinance 2011-132 which pertains to the Series 2004 Bonds and Abating a Portion of Taxes Levied to Pay Principal of and Interest on Certain General Obligation and General Obligation Alternate Bonds (Waterworks and Sewerage System Alternate Revenue Source) Series 2004 of the City of Harvard. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Logan, aye. Ordinance 2011-139 approved seven to zero.

**ABATE TAX SERIES 2011A BONDS – ORD. 2011-140 APPROVED**

Administrator Nelson noted that adding clarifying language also pertains to the Series 2011A Bonds. Moved by Perkins, seconded by Logan to approve Ordinance 2011-140, Repealing Ordinance 2011-133 in its entirety and Abating a Portion of Taxes Levied to Pay Principal of and Interest on Certain General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2011A. Roll call vote: Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye and Perkins, aye. 2011-140 approved seven to zero.

**DECLARING SQUAD CARS AS SURPLUS PROPERTY – ORD. 2011-141 APPROVED**

Moved by Logan, seconded by Opper to declare two squad cars as surplus property to be disposed of or sold depending on the condition of the vehicles. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2011-141 approved seven to zero.

**FYI: OPEN MEETINGS ACT UPDATE**

Mayor Nolan referred to correspondence from Attorney Arévalo reference an update to the Open Meetings Act which requires elected and appointed officials to complete the Public Access Counselor's electronic training curriculum regarding the Open Meetings Act. Existing officials will need to complete training within one year of January 1, 2012. Newly elected or appointed officials who take office after January 1, 2012, must complete the training course within ninety days. Administrator Nelson stated that after completion of the course, a copy of the certificate is to be filed with the City Clerk's office. The training program can be found at [http://foia.ilattorneygeneral.net/electronic\\_foia\\_training.aspx](http://foia.ilattorneygeneral.net/electronic_foia_training.aspx)

**CONSENT AGENDA:**

- Girl Scouts 2012 Cookie Sales: January thru March

Moved by Perkins, seconded by Opper to approve the Consent Agenda as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Clarke to approve the bills list as presented in the amount of \$313,705.72. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Marzahl, aye. Motion approved seven to zero.

**ALD. CLARKE**

Alderman Clarke reported on behalf of Director Karen Sutera that Harvard Diggins Library now has Wi-Fi available and effective February 29<sup>th</sup>, 2012, patrons can begin subscriptions for Kindle and Nook for electronic books which can be downloaded at home through a system called OverDrive.

**ALD. MARZAHN**

Alderman Marzahl commended the Public Works Dept. and Police Dept. for an outstanding job.

**MAYOR'S REPORT**

Mayor Nolan noted that it has been really slow in the office and reminded the Council that the February meeting will be held at Harvard Diggins Library.

**ADMINISTRATOR'S REPORT**

City Administrator Nelson reported that his office completed department budget worksheets which have been forwarded to Mayor Nolan and Finance Chairman Logan for review.

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

January 3	Planning & Zoning Commission Meeting, 7 p.m. POST TO CANCEL
January 10	Regular City Council Meeting, 7 p.m. POST TO CANCEL
January 17	Regular Events Committee Meeting, 5 p.m.
January 24	Regular City Council Meeting, 7 p.m.

**TREASURER'S REPORT**

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

**NO REPORT**

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

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

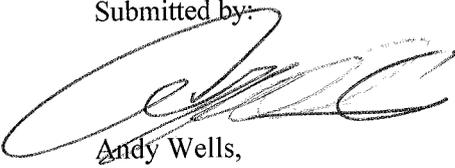
Supt. Grant updated the City Council on the status of Well #7 and noted that the state EPA is requiring additional testing to make sure that the ultraviolet treatment will be sufficient; the engineer has secured the necessary equipment to perform the testing in house. The state is also looking for six months of data of information.

Supt. Kruckenbergs noted there are only 70 days of winter left and that the first day out for inclement weather was the previous Saturday to salt.

Chief Kazy-Garey requested that an Ordinance Committee be called to discuss several items. Chairman Opper called an Ordinance Committee meeting for Tuesday, January 10<sup>th</sup>, 2012, at 6:30 p.m. to discuss the Chief's items as well as liquor licenses, drop boxes and solicitation.

At 7:31 p.m., moved by Perkins, seconded by Logan to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

01/03/12  
Date