

**REGULAR CITY COUNCIL MEETING MINUTES**  
**January 24, 2012 - 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 Treasurer Szczap, Chief Kazy-Garey, Code Enforcement Officer Brennecka, Supt. Public Works Kruckenberg, Supt. Utilities Grant, City Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION: NONE**

**POLICE DEPARTMENT RECOGNITION AWARD**

Chief Kazy-Garey presented an honorable mention award to Officer Todd Oczus who received a report on December 17<sup>th</sup>, 2011, of two suspicious subjects in the 300 block of E. Washington St. who were looking into parked vehicles. As a result of his investigation, two individuals were arrested for burglary to a vehicle.

**CITY COUNCIL MEETING MINUTES OF 12/20/2011 - APPROVED**

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of December 20, 2011, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

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

Administrator Nelson noted the response from IDOT dated December 16<sup>th</sup>, 2011, with respect to the possible removal of the existing traffic signals at the old Motorola entrance and Crowley Rd. IDOT has plans for a future resurfacing project along US 14 from State Line to Diggins St. as part of the FY 2012-2017 Highway Improvement Program. The signal removal could be incorporated into the contract; however, removal costs would be shared between IDOT and the City of Harvard, with the City responsible for 100% of the costs associated with the old Motorola entrance and 33.3% of the costs for the Crowley Rd. removal. The City Council discussed contacting IDOT to see if we have the option of having the traffic signals bagged and/or turned off. Mayor Nolan will further discuss the situation with Senator Althoff to see if she can be of any assistance. At Jerry Karr's inquiry about why the lights pose such a problem, Mayor Nolan noted that IDOT bills the City on a monthly basis for the lights.

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

Moved by Logan, seconded by Clarke to deny IDOT's request for City participation in IDOT's LED Traffic Signal Upgrade program which would require local cost participation. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Motion to deny participation approved eight to zero.

**FYI: IDOT CONSTRUCTION UPDATE FY 2012-2017**

Administrator Nelson noted the Management Monitoring Schedule for the IDOT FY2012-2017 Proposed Highway Improvement Program.

**RESOLUTIONS TO RELEASE CERTAIN CLOSED SESSION MINUTES INTO THE OPEN MINUTES BOOK - APPROVED**

Moved by Perkins, seconded by Marzahl to approve a resolution to release the following closed session minutes into the open minutes book of the City Clerk: August 23, 2011. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

**ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Opper reviewed the Ordinance Committee Minutes of January 10, 2012.

**Soliciting in Public Right of Way - Ordinance 2012-101 Approved**

The Committee reviewed proposed regulations for solicitors on public highways and right-of-ways and recommends that the City Council approve the regulations as discussed and directed Administrator Nelson

and Clerk Wells to draft an ordinance adding the regulations to Chapter 22, Peddlers and Solicitors.

Moved by Opper, seconded by Marzahl to approve the Committee's recommendation and Ordinance 2012-101, Amending Chapter 22, Peddlers and Solicitors Regarding Solicitation of Contributions to Occupants of Vehicles, Pedestrians. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Ordinance 2012-101 approved eight to zero.

#### Second Hand Drop-off Containers – Ordinance 2012-102 & 2012-103 Approved

The Committee discussed proposed regulations for second-hand articles drop-off containers and recommends to the City Council that said containers be allowed and regulated for not-for-profit organizations and directed Administrator Nelson and Clerk Wells to draft an ordinance adding the regulations to Chapter 21, Business Regulations. The penalty section shall refer to Section 1.14 with the SOF listed at \$250 and \$500. Chairman Opper noted that after the Committee meeting, he was informed of drop-off containers at various schools for recycled items. After discussion with the Mayor and City Administrator, Chairman Opper proposed that that drop containers be allowed at schools with the units inspected and placement approved by the Building Dept. The Committee also discussed establishing standard regulations for Business Permit Applications (All Business Permits).

Moved by Opper, seconded by Logan to approve the Committee's recommendation and Ordinance 2012-102, Amending Chapter 21 to Establish Standard Regulations for Business Permit Applications and to add Section 21.18, Licensing Second-Hand Articles Drop-Off Containers. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Ordinance 2012-102 approved eight to zero.

Moved by Logan, seconded by Opper to approve the Committee's recommendation and Ordinance 2012-103, Amending Section 1.14-A, Settlement of Offenses Regarding Licensing Second-Hand Articles Drop-Off Containers with the fines at \$250 and \$500 as presented. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2012-103 approved eight to zero.

#### Vehicle Impoundment - Ordinance 2012-104 Approved

The Committee discussed a proposed ordinance amending Section 15.21, Regarding Motor Vehicle Seizure and Impoundment to coincide with new state regulations and recommends to the City Council that the ordinance be approved as presented.

Moved by Opper, seconded by Marzahl to approve the Committee's recommendation and Ordinance 2012-104, Amending Section 15.21 Regarding Motor Vehicle Seizure and Impoundment. Roll call vote: Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2012-104 approved eight to zero.

#### Synthetic Drug Control

The Committee discussed synthetic drug control ordinances in other communities.

Administrator Nelson has consulted with City Attorney Carlos Arévalo who indicated we could add regulations to our tobacco and liquor regulations. Moved by Opper, seconded by Logan directing Administrator Nelson and Clerk Wells to begin drafting an ordinance for synthetic drug control to be presented at the next City Council meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

#### Chief's Memo/Recommendations – Ord. 2012-105 Approved

The Committee reviewed Chief Kazy-Garey's memo/recommendations outlining proposed amendments to the Municipal Code and recommends to the City Council that Section 4.08, Police Pension Fund and Police Pension Board and Section 25.13(A)1, Prohibited Activities by Licensees, be amended as presented and directed Administrator Nelson and Clerk Wells to draft an ordinance amending Section 4.08 and 25.13(A)1 as discussed.

Moved by Opper, seconded by Logan to approve Ordinance 2012-105, Amending Section 4.08, Police Pension Fund and Police Pension. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Ordinance 2012-105 approved eight to zero.

With respect to the Chief's recommendation pertaining to Chapter 25.13(A)1, Prohibited Activities by Licensees, Clerk Wells noted that upon investigation, it was discovered that the language was inadvertently removed due to clerical error and was subsequently added back in to Chapter 25; no ordinance is required.

#### **EVENTS COMMITTEE RECOMMENDATIONS - APPROVED**

##### **Events Committee Appointment - Approved**

Moved by Logan, seconded by Ulmer to approve the Events Committee's recommendation to appoint Laura Evers to fill an open position on the Events Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Opper and Perkins. All ayes. Motion carried.

##### **Events Committee Resignation - Approved**

Moved by Logan, seconded by Opper to approve Darrell Perkins resignation from the Events Committee due to work commitments, with regrets. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke and Opper. Alderman Perkins abstained. All ayes. Motion carried.

#### **CALL WATER/SEWER COMMITTEE MEETING**

Chairman Marzahl called a Water/Sewer Committee Meeting for Saturday, February 11, 2012, at 8:00 a.m. to discuss water/sewer rates and capital improvements.

#### **CALL FINANCE COMMITTEE MEETING**

Chairman Logan called a Finance Committee Meeting for Saturday, February 11, 2012, at 8:00 a.m. immediately after the Water/Sewer Committee to discuss the FY2012/2013 Budget.

#### **CONSENT AGENDA:**

- Harvard Wrestling Club Meat Raffle 1/28/12

Moved by Logan, seconded by Ulmer to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, 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 \$678,626.46. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke and Logan, aye. Motion approved eight to zero.

#### **MAYOR'S REPORT**

- The February City Council meeting will be held in the conference room at the library.
- The Mayor noted that while it is still slow, he fielded a few calls for development.

#### **ADMINISTRATOR'S REPORT**

City Administrator Nelson reported on a law passed by the General Assembly amending the FOIA requirements and pension code that requires the City to post wages, compensation, days off, health insurance benefits, etc. on our website. City staff is building the spread sheet with the required information. Administrator Nelson and Mayor Nolan will finalize their review and will forward the spread sheet to the City Council via-e-mail on Wed., Jan. 25<sup>th</sup>. The 2011 Compensation Package will be posted on the City's website Monday under Departments on the Administration page.

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

February 7 Planning & Zoning Commission Meeting, 7 p.m.  
February 11 Water/Sewer Committee Meeting – 8 a.m.  
Finance Committee Meeting – 8 a.m.  
February 14 Regular City Council Meeting, 7 p.m. POST TO CANCEL  
February 21 Regular Events Committee Meeting, 5 p.m.  
February 28 Regular City Council Meeting, 7 p.m. (held at the Library)

Clerk Wells is working with City Staff to update the Settlement of Offenses section of the code book to be completed in early spring at which time an Ordinance Committee meeting will be called.

**TREASURER'S REPORT**

The monthly treasurer's report for January, 2012 is in the packet.

**ATTORNEY'S REPORT**

City Attorney Arévalo gave a reminder of the OMA Training Requirements. Administrator Nelson will e-mail the link to the Attorney General's website to the City Council to complete the online training.

City Attorney Carlos Arévalo updated the City Council on the status of the FOP arbitration. Briefs were submitted on Monday, January 23<sup>rd</sup>, 2011, and a decision should be made within 60 days.

**NO REPORT**

Aldermen Opper, Perkins, Clarke, Musgrove, Ulmer, Marzahl, Leyden had no specific report.

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Chief Kazy-Garey noted his monthly report includes the annual report which shows a breakdown of all calls that Police Dept. handled in 2011.

At 7:30 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

01/31/12  
Date