

**REGULAR CITY COUNCIL MEETING MINUTES**  
**October 23, 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, City Administrator Nelson, Supt. Parks & Rec Burkart, Supt. Public Works Kruckenerg, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION: NONE**

**CITY COUNCIL MEETING MINUTES OF 09/25/2012 - APPROVED**

Moved by Logan, seconded by Marzahl to approve the minutes of the Regular City Council Meeting of September 25<sup>th</sup>, 2012 and the Joint Public Property/Parks & Recreation Committee Closed Session Meeting of October 9<sup>th</sup>, 2012, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

**RESOLUTION IN RECOGNITION OF THE ROCK RIVER VALLEY BLOOD CENTER 60<sup>th</sup> ANNIVERSARY - APPROVED**

Moved by Logan, seconded by Perkins to approve a resolution in recognition of the Rock River Valley Blood Center's 60<sup>th</sup> Anniversary. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried. Wanda Marzahl was present on behalf of the RRVBC to accept the resolution.

**PARHAS/FLEMING VARIATION FROM SECTION 14.04C, SIGNS IN B2 ZONING DISTRICT FOR PROPERTY LOCATED AT 69 N. AYER ST. – ORD. 2012-128 APPROVED**

Phil Fleming, 809 Busse Rd., Marengo reviewed the petition for a sign variation for Skinny Coffee Café, 69 N. Ayer St. The proposed sign would be 36" x 66" and would be constructed out of two laminated pieces of plywood that are varnished and finished, painted white with contrasting lettering. The farthest edge of the proposed sign would extend 72" from the face of the building. Phil indicated there were lights on the façade so the sign itself would not be lit. Moved by Logan, seconded by Clarke to approve Ordinance 2012-128, granting a variation from Section 14.04C, Signs B-2 Zoning District for the installation of a sign that would extend 72" from the face of the building so long as the bottom of said sign is the same height and does not extend further from the building than the "Angelo's" sign. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2012-128 approved eight to zero. Mr. Fleming was directed to contact the Community Development Dept. to obtain a building permit.

**HERRERA/RIOS DRIVEWAY VARIATION FROM SECTION 19.15B.3 TO WIDEN DRIVEWAY FOR PROPERTY LOCATED AT 1008 JOSHUA TREE LN. - ORD. 2012-129 APPROVED TO DENY PETITION**

Jennifer Herrera, 1008 Joshua Tree, Harvard reviewed her petition for a variation to widen the driveway 11' into the side yard, which would be 8' from the lot line to park a 30' camper. The current side yard extends 19.4' from the house. The property currently meets the off street parking requirement of two vehicles and can park an additional 4 vehicles legally. Administrator Nelson noted that part of the intent of the driveway ordinance was to limit how much impervious paving there is in a residential neighborhood. After further discussion it was moved by Logan, seconded by Marzahl to deny the petition for a variation. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Ordinance 2012-129 approved eight to zero to deny the petition for a driveway variation.

**INTERGOVERNMENTAL AGREEMENT BETWEEN VILLAGE OF CAPRON AND THE CITY OF HARVARD - APPROVED**

The agreement is for Public Works cooperation and the sharing of Public Work's machinery and equipment. Moved by Perkins, seconded by Opper to authorize the execution of the Intergovernmental Agreement Between the Village of Capron and the City of Harvard. Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

**AUTHORITY TO EXECUTE GRANT APPLICATION TO MCHENRY COUNTY COMMUNITY FOUNDATION - APPROVED**

Moved by Opper, seconded by Logan to authorize the Mayor's execution of a grant application to the McHenry County Community Foundation for the production of a DVD depicting the narrative and visuals of the history of Harvard Milk Days at no cost to the City. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**TAX LEVY – ORD 2012-130 APPROVED**

Administrator Nelson noted that the ordinance represents a 4% increase over last year's extension; it is estimated that the total increase will be 3.36% which will increase taxes \$18/\$19 on average per household. Moved by Logan, seconded by Perkins to approve Ordinance 2012-130, Tax Levy. Attorney Arévalo noted that public hearing was not required as the levy will not exceed 105% of the amount extended last year and recommended that the City Clerk be directed to incorporate language in the ordinance that a public hearing was not required and that the provisions of State Statute have been complied with. Aldermen Logan and Perkins amended their motion and second respectively to include the Attorney's recommendation. Roll call vote: Musgrove, aye; Clarke, no; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, no. Ordinance 2012-130 approved six to two.

**ABATE TAX SERIES 2004, 2006 & 2011A BONDS – ORD 2012-131 APPROVED**

Moved by Logan, seconded by Leyden to approve Ordinance 2012-132, An Ordinance 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 and 2006 and on Certain General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2011A of the City of Harvard. Roll call vote: Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2012-131 approved eight to zero.

**SPECIAL AD-HOC COMMITTEE'S RECOMMENDATIONS**

Mayor Nolan reviewed the Special Ad Hoc Meeting Minutes of September 28, 2012.

Neil Bottenfield, 711 Klamon St./Variation Petition from Section 19.15B3, Driveways and Parking Area Requirements – Ord. 2012-132 Approved Granting Variation

The Committee met and noted that the property meets the off street parking requirement of 2 vehicles but cannot accommodate any more parking of vehicles legally. The current side yard is 26.28' and driveway is proposed for 13'. The Committee recommends to the City Council that the petition be approved as presented.

Moved by Logan, seconded by Clarke to approve the Committee's recommendation and Ordinance 2012-132, approving a variation from Section 19.15B.3, Driveways and Parking Area Requirements to extend the driveway 13' to the right side of the garage. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Ordinance 2012-132 approved eight to zero.

**JOINT PUBLIC PROPERTY/PARKS & RECREATION COMMITTEES' RECOMMENDATION**

City Clerk Wells read the Joint Public Property/Parks & Recreation Committee Meeting Minutes of October 9, 2012.

Verizon Lease Easement/Proposed Purchase by Landmark Dividend LLC – Approved

The Joint Committees discussed a proposal by Landmark Dividend LLC in regards to a perpetual lease for property the City owns on Harvard Hills Rd. that is currently being leased by Verizon and improved with a cell phone tower. In essence, Landmark would be taking over the lease and the opportunity for any future leasing from the city in lieu of a lump sum onetime payment of \$325,000.00. The payment made by Landmark would be sufficient to pay off the loan saving approximately \$60,000.00 in interest with a surplus of approximately \$115,000.00. This surplus could be tentatively used for improvements on the park, more specifically to extend the roadway at the end of the park near the parking lot to create an additional entrance/exit into the park. The Committees' concurrent recommendation to the City Council is that Mayor Nolan negotiate and execute the perpetual lease agreement with Landmark Dividend LLC pursuant to final language being approved by our City Attorney. Further that the proceeds from this

agreement be used to pay off the park land loan and that any surplus funds be designated for the sole use of park improvements and that the budget be amended to incorporate said designations.

Moved by Perkins, seconded by Clarke to approve the Committee's recommendation that Mayor Nolan negotiate and execute the perpetual lease agreement with Landmark Dividend LLC pursuant to final language being approved by our City Attorney. Further that the proceeds from this agreement be used to pay off the park land loan and that any surplus funds be designated for the sole use of park improvements and that the budget be amended to incorporate said designations. Roll call vote: Perkins, aye; Opper, no; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Logan, aye. Motion approved seven to one.

#### **EVENTS COMMITTEE'S REQUEST/CHRISTMAS IN HARVARD - APPROVED**

Alderman Logan reviewed the request letter from the Events Committee for Christmas in Harvard which will be held on December 1<sup>st</sup>, 2012. 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.

#### **CONSENT AGENDA:**

▪ Harvard Jr. Tackle/Harvard Stingerz Cheerleading Raffle Request October 27<sup>th</sup>, 2012  
Moved by Perkins, seconded by Marzahl to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

### **COMMITTEE REPORTS**

#### **ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Opper to approve the bills list in the amount of \$290,382.09. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

#### **ALD. LEYDEN – STREETS AND ALLEYS COMMITTEE MEETING**

Alderman Leyden called a Streets and Alleys Committee Meeting for Tuesday, November 6<sup>th</sup>, 2012, at 6:30 p.m. at City Hall to discuss the 2013 Street Program.

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

Harvard will be hosting the McHenry County Council of Governments (MCCOG) Meeting on Wednesday, November 14<sup>th</sup>, 2012, starting at 6 p.m. at the Starline Gallery. Mayor Nolan encouraged the City Council to attend and noted that reservations are required.

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

Administrator Nelson noted the memo, rating sheet and map showing staff recommendation for resurfacing with reference to the 2013 Street Program and recommended that the aldermen take a drive on the streets in question.

#### **CLERK'S REPORT – UPCOMING MEETING DATES**

November 6 Streets & Alley's Committee Meeting, 6:30 pm  
Planning & Zoning Commission - POST TO CANCEL  
November 13 Regular City Council Meeting – POST TO CANCEL  
November 14 MCCOG Dinner, Starline Gallery, 6 pm  
November 20 Regular Events Committee Meeting 5 p.m.  
November 27 Regular City Council Meeting 7 p.m.

#### **NO REPORT**

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

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Supt. Kruckenberg noted that the Public Works Dept. finished brush pick-up last week and has started street sweeping through the whole town to sweep leaves.

Audience member Jerry Carr asked Supt. Kruckenberg if he anticipated any additional wear and tear on the City's equipment with respect to the Intergovernmental Agreement with Capron. Mayor Nolan and Supt. Kruckenberg noted that any time you take out equipment there is a risk and that the City has Intergovernmental Agreements with other entities that would also assist the City of Harvard with the sharing of equipment in the event of an emergency.

At 7:26 p.m., moved by Logan, seconded by Perkins to adjourn the regular City Council meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

11-5-12  
Date