

**REGULAR CITY COUNCIL MEETING MINUTES  
APRIL 30, 2013 - 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 and Opper. Also present were Treasurer Szczap, Code Enforcement Officer Brennecka, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Parks & Recreation Clingsmith, Supt. Public Works Kruckenberg, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION:**

Dev Callahan, 502 W. Roosevelt St., addressed the City Council to request reimbursement for vehicle damages caused by a pot hole at the corner Bourn/Garfield St. Dev thought other communities reimbursed residents for damage to vehicles. Her request was on last month's City Council agenda and she was not aware she was supposed to attend the meeting. Mayor Nolan and members of the City Council were not aware of any other communities that reimbursed residents and noted there simply weren't sufficient funds to redo all the roads with the limited revenue received. After further discussion, no further action taken by the City Council.

Jennifer Garafel, 1209 Orchard Lane, inquired what the City Council was going to do to address the lack of police officers and recommended the City pursue options that would allow the department to become more proactive in the community. Jennifer further noted she has been involved in law enforcement for 16 years and felt it was both an officer and public safety issue. Mayor Nolan and members of the City Council stated the City is doing what we can with dollars we have and again noted the bottom line is that there simply aren't sufficient funds with the decreased revenue and increase in expenses.

**JEREMY ADAMS APPOINTMENT WARD 4 ALDERMAN – APPROVED**

Moved by Logan, seconded by Opper to appoint Jeremy Adams as Ward 4 Alderman. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan and Opper. Clerk Wells administered the Oath of Office and Jeremy Adams was sworn in as Ward 4 Alderman.

**FY2013-2014 BUDGET PUBLIC HEARING**

Mayor Nolan opened the public hearing to review the FY2013/2014 Budget. Clerk Wells noted that the notice of hearing was published in the Northwest Herald on April 16<sup>th</sup>, 2013, according to state statute. Mayor Nolan asked for questions or comments from the audience or members of the City Council. There were none. Moved by Logan, seconded by Clarke to close the hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

**CITY COUNCIL MEETING MINUTES OF 03/26/2013 - APPROVED**

Moved by Logan, seconded by Opper to approve the minutes of the Regular City Council Meeting of March 26<sup>th</sup>, 2013, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

**MCHENRY COUNTY FARM BUREAU TRACTOR TREK JULY 20, 2013 – APPROVED**

Administrator Nelson noted that the McHenry County Farm Bureau request is similar to previous requests to host the Tractor Trek at Milky Way Park on July 20<sup>th</sup>, 2013, with a waiver of fees. Moved by Marzahl, seconded by Ulmer to approve the McHenry County Farm Bureau request to host the 11<sup>th</sup> Annual Tractor Trek at Milky Way Park on July 20<sup>th</sup>, 2013, with a waiver of fees. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

**HARVARD JR. TACKLE REQUEST/WAIVE PERMIT FEES - APPROVED**

Moved by Opper, seconded by Clarke to approve Harvard Jr. Tackle's request for a waiver of building permit fees in the amount of \$5,475.00 for the construction of a new shed/bathroom/concession stand at Milky Way Park. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye and Opper, aye.

**WAIVER OF FEES/HARVARD WAL-MART MIRACLE NETWORK FUNDRAISERS - APPROVED**

Moved by Marzahl, seconded by Musgrove to approve Harvard Wal-Mart's request for a waiver of fees for the use of four softball fields at Milky Way Park for fundraisers as follows:

- 2<sup>nd</sup> Annual Children's Hospital Kickball Tournament Fundraiser, 5/23/13 from 9 am – 7 pm
- 4<sup>th</sup> Annual Children's Hospital Softball Tournament Fundraiser, 5/29/13, from 9 am – 7 pm

Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

**AUTHORIZE EXECUTION OF RESIDENTIAL WASTE DISPOSAL AGREEMENT - APPROVED**

Moved by Logan, seconded by Marzahl to authorize Mayor Nolan's execution of the Residential Waste Disposal Agreement with MDC for the term January 1, 2014 through December 31, 2021. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye; Opper, aye and Leyden, aye. Motion approved eight to zero.

**AUTHORIZE EXECUTION OF FEDEX EXPRESS AGREEMENT - APPROVED**

Moved by Logan, seconded by Marzahl to authorize Administrator Nelson's execution of an agreement with FedEx to locate a drop box at City Hall, 201 W. Diggins St., Harvard. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

**IDOT AGREEMENT/US ROUTE 14 IMPROVEMENTS, FUNDING RESOLUTION AND ORD 2013-105, 106, 107 - APPROVED**

Mayor Nolan noted that the subject improvement includes removal of the stop lights at Highway 14/Motorola and at Highway 14/Crowley Rd. with the cost of the City's share at \$13,450. The projected bid letting is this summer, pending funding. Moved by Logan, seconded by Opper to authorize Mayor Nolan and City Clerk Wells to execute the IDOT Agreement with respect to US Route 14 Improvements from Diggins St. to State Line Rd. and the following resolution/ordinances:

- *Funding Resolution Appropriating \$13,450 for City's share of subject improvement*
- *Ordinance 2013-105, Restricting Parking Along US Route 14 Within City of Harvard*
- *Ordinance 2013-106, Prohibiting Discharge of Sanitary and Industrial Waste into any Storm Sewer or Drainage Facility Constructed as Part of the US Route 14 Improvement*
- *Ordinance 2013-107, Prohibiting Encroachments Within the State of Illinois Right of Way Along US Route 14*

Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion to approve agreement, funding resolution and ordinances approved eight to zero.

**MCHENRY COUNTY COMMUNITY FOUNDATION GRANT AGREEMENT**

The City is the recipient of a \$4,000 grant from the McHenry County Community Foundation for the Cream of the Crop Project (production of a DVD depicting the narrative and visuals of the history of Harvard Milk Day). Administrator Nelson noted that the City agreed to work with Milk Day as the sponsor for the grant as Milk Days did not have the not-for profit status and did not qualify for the grant. Alderman Marzahl clarified the money will not actually go through Milk Day; the individual actually producing the DVD came to the City through Milk Day and the grant is part of his fundraising efforts to produce the DVD. Administrator Nelson noted that grant money is not seed money and will not be disbursed until the City is sure the project will be fully completed.

**AWARD CONTRACT 2013 MFT ROAD PROGRAM - APPROVED**

Moved by Logan, seconded by Marzahl to award the contract for the 2013 MFT Road Program to Peter Baker & Son for their low bid amount in the amount of \$264,214.08 (Alternate 2) which includes the second listing to resurface 22 blocks. Roll call vote: Logan, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved eight to zero.

Community Development Director Santeler reported the project will start after Milk Days and will take about thirty days to complete. Mayor Nolan said the grindings from the road resurfacing will be used in the road extension at Milky Way Park.

**CITY OF HARVARD ANNUAL BUDGET FOR FY2013/2014 — ORD. 2013-108 APPROVED**

Moved by Logan, seconded by Marzahl to approve Ordinance 2013-108, Approving the City of Harvard Annual Budget for Fiscal Year 2013/2014. Roll call vote: Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Logan, aye. Ordinance 2013-108 approved eight to zero.

**ORDINANCE COMMITTEE RECOMMENDATIONS FROM APRIL 9, 2013**

Chairman Opper reviewed the Ordinance Committee Meeting Minutes of April 9<sup>th</sup>, 2013.

Parking on Garfield St. - Ordinance 2013-109 Approved

The Committee and school representatives reviewed City Staff's proposal to correct the parking issues on Garfield St. by the High School. A number of options were discussed and the Ordinance Committee recommends to the City Council that the east side of Garfield St. be posted as no parking from McKinley to Bourn St.; Chief Kazy-Garey and Supt. Kruckenberg to evaluate the west side of Garfield St. and submit a signage recommendation at the City Council meeting on April 30<sup>th</sup>.

Administrator Nelson referred to Chief Kazy-Garey's memo in the aldermen's folders and noted that although not all the signage is up, most of what the Ordinance Committee recommended is already in the code book with one minor change to amend Section 15.06(4) to delete McKinley St. and replace with Bourn St. Moved by Opper, seconded by Logan to approve the Committee's recommendation to amend Section 15.06(4) as discussed. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye and Adams, aye. Ordinance 2013-109 approved eight to zero.

Parking on First Street - Ordinance 2013-109 Approved

The Committee reviewed a complaint received about parking on both sides of First St. between Blackman and McKinley which presents a safety concern as there isn't sufficient room for rescue vehicles to get through and recommends to the City Council that one side of First Street between Blackman St. and McKinley St. be posted no parking with Chief Kazy-Garey and Supt. Kruckenberg to review and make a recommendation at the City Council meeting on April 30<sup>th</sup> as to which side of the street should be no parking.

Chief Kazy-Garey indicated that posting the east side as First St. no parking between Blackman and McKinley St. would be consistent with everything else. Moved by Opper, seconded by Clarke to approve the Ordinance Committee's and Chief's recommendations to amend Section 15.07, Parking Prohibitions to add no parking on the east side of First St. between Blackman and McKinley St. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye and Opper, aye. Motion approved eight to zero. City Clerk Wells stated that the recommendation would be inclusive in the previous Ordinance 2013-109.

Section 21.05B.2, Massage Establishments and Services - Ordinance 2013-110 Approved

The Committee reviewed Chief Kazy-Garey's memo noting that the licensing of masseurs is covered by the state as the sole licensing authority and recommended that we eliminate any language in City ordinance pertaining to the licensing of the masseur but to retain licensing the premise. The Committee recommends to the City Council to delete Section 21.05B.2 which reads as follows: *Masseurs: No person shall practice massage as a masseur, employee or otherwise, unless he has a valid masseur's permit issued to him by the City pursuant to the provisions of this chapter.*

Moved by Opper, seconded by Logan to approve the Committee's recommendation to delete Section 21.05B.2 as discussed. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Adams, aye; Opper, aye and Leyden, aye. Ordinance 2013-110 approved eight to zero.

Section 25.13A.6, Regulate Minors on Licensed Premise - Tabled

The Committee reviewed Chief Kazy-Garey's recommendation to add regulations to regulate minors on licensed premises that sell, give or deliver alcoholic liquor for consumption on the premises which is not currently regulated through state statute. This would exclude those establishments whose principal

business is primarily a restaurant. After discussion, the item was tabled for further research and review. Chief Kazy-Garey will survey other communities' regulations.

Chairman Oppen noted the Chief's memo in the aldermen's packets reference restricting minors on licensed premises and tabled the item to allow for review; upon review to decide whether or not to bring back to the Ordinance Committee or on the next City Council agenda.

Section 27.24, Retail Theft Under \$150 - Tabled

The Committee reviewed Chief Kazy-Garey's proposal to add Section 27.24, Retail Theft Under \$150 for individuals 18 years of age or older using the Village of Richmond's ordinance as a model whereby violators would receive a notice to appear in traffic court. Individuals under age 18 would continue to be handled through the juvenile process.

Chief Kazy-Garey noted his memo which provides a sample ordinance. Chairman Oppen referred to Committee for review.

**CONSENT AGENDA:**

- Brown Bear Daycare Raffle Request during Cinco De Mayo on May 5<sup>th</sup>, 2013
- Milk Day Chainsaw Carving Raffle Request April 30th - June 2<sup>nd</sup>, 2013

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

**COMMITTEE REPORTS**

**ALD. OPPER**

Alderman Oppen indicated he would review the information submitted by Chief Kazy-Garey and get with the other members of the Ordinance Committee to set a date to review the last two items on the April 9<sup>th</sup> agenda.

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Marzahl to approve the bills list in the amount of \$334,938.99. Roll call vote: Ulmer, aye; Musgrove aye; Clarke, aye; Logan, aye; Adams, aye; Oppen, abstain; Leyden, aye and Marzahl, aye. Motion approved seven to zero with one abstention.

**MAYOR'S REPORT**

The Mayor thanked the aldermen for their work and time spent on the budget over the last six months.

**ADMINISTRATOR'S REPORT**

Administrator Nelson also thanked the City Council for their work and efforts on the budget trying to figure out what was in the best interest of the community. Also, the State of Illinois passed a new law that requires that an Audit Committee be created to review our audit. Before the state passed the law, the city had already complied and did a report to the full City Council. This year, it will be a requirement and the audit begins at the end of May.

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

May 7	Planning & Zoning Commission, 7 pm
May 14	Regular City Council Meeting, POST TO CANCEL
May 21	Regular Events Committee Meeting, 5 p.m.
May 28	Regular City Council Meeting, 7 pm

City Clerk Wells also noted that beginning next month, administrative staff would like to implement a new sign in sheet to expedite attendance records for payroll at meetings that will be passed around at each meeting.

**TREASURER'S REPORT**

Treasurer Szczap stated that the monthly treasurer's report for April, 2013 is in the packet.

**NO REPORT**

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

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Supt. Kruckenberg noted it has been an exceptionally bad year for pot holes and the Public Works Dept. is out every day they can filling them. Brush pick-up begins Monday, May 13<sup>th</sup>.

Supt. Clingingsmith noted he is working to get the pool ready to open Memorial Day weekend.

At 7:40 p.m., moved by Logan, seconded by Opper to adjourn the regular City Council meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

5-7-13

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Date