

**REGULAR CITY COUNCIL MEETING MINUTES
MARCH 25, 2014 - 7:00 PM**

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, Musgrove, Clarke, Meza, Adams and Opper. Treasurer Szczap, Aldermen Leyden and Ulmer were absent. Also present were City Administrator Nelson, Code Enforcement Officer Nutley, Community Development Director Santeler, Supt. Public Works Kruckenberg, Police Chief Kazy-Garey, Deputy Chief Krause, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

INTRODUCTION OF NEW POLICE OFFICERS

Chief Kazy-Garey introduced the two new police officers: Spencer Smith and David Lackey.

CITY COUNCIL MEETING MINUTES OF 02/25/2014 - APPROVED

Moved by Clarke, seconded by Marzahl to approve the regular and closed session City Council Meeting minutes of February 25th, 2014, as presented. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

RESOLUTION IN RECOGNITION OF HARVARD PRE-SCHOOL'S 40TH ANNIVERSARY - APPROVED

Moved by Opper, seconded by Clarke to approve a resolution in recognition of Harvard Pre-School's 40th Anniversary. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried. Mayor Nolan presented the resolution to Kelly Crone, Director Harvard Pre-School.

AGREEMENT WITH WIPFLI FOR AUDIT FY ENDING APRIL 30, 2014 - APPROVED

Administrator Nelson reported that Wipfli LLP is the same auditing firm used by the City the last several years and recommended approval of the proposed agreement. Moved by Opper, seconded by Clarke to authorize Administrator Nelson to execute the Agreement with Wipfli LLP to provide the audit for the year ended April 30, 2014. Roll call vote: Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Motion approved six to zero.

RESOLUTION TO AWARD CONTRACT US RTE 14 SANITARY SEWER/LIFT STATION - APPROVED

Moved by Marzahl, seconded by Adams to approve staff recommendation and a resolution to award the contract for the US Route 14 Sanitary Sewer and Lift Station to Stenstrom Construction of Rockford, Illinois at their low bid of \$359,584.00 and to authorize execution of all necessary contract/documents in conjunction with said project. At Alderman Opper's inquiry, Administrator Nelson noted that the bid was 30% higher than the engineer's estimate of \$240,000.00. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye and Marzahl, aye. Motion approved six to zero.

RESOLUTION OBJECTING TO SENATE BILL 2829 - APPROVED

Attorney Carlos Arévalo reviewed issues with legislation proposed by Senator Terry Link:

- The proposed legislation would allow anyone dissatisfied with findings made by a municipal administrative adjudication municipal court to pursue action and then be entitled to attorney's fees. It is not reciprocal in that if an individual sued and was found to be wrong, the City couldn't seek reimbursement of attorney fees.
- Attorneys would be a little more inclined to take the case due to the attorney fee provision which would create leverage that would put the municipality at a disadvantage.

Moved by Opper, seconded by Clarke to adopt a resolution objecting to Senate Bill 2829. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

PARKS & RECREATION COMMITTEE RECOMMENDATIONS

Alderman Musgrove reviewed the Parks & Recreation Committee Meeting Minutes of March 6th, 2014.

Milk Day Lighting Proposal - Tabled

Harvard Milk Days tabled the lighting proposal.

Milk Day Request for Relocation of Jr. Tackle Building - Approved

The Committee reviewed Harvard Milk Day's proposal to move the current Jr. Tackle shed to the northwest corner of the Milk Day barn and recommends approval to relocate the shed as proposed.

Calendar Palace

Chairman Leyden updated the Committee on a community calendar that would be no cost to the Park and Recreation system. Each private sports entity would have access to the calendar and be able to post items and events. The program has the capability to send e-mail for update on events or reminders to people who sign up for it. Alderman Adams thought that this could be very useful in getting out information to all involved. There was a discussion about the last program that we purchased for \$4,000 two years ago and why we are not using that. Chairman Leyden updated the Committee that the vendor of the software was not the most reliable and that the software is 2 years old. Alderman Clarke thought we should be seeking some type of refund or compensation for poor service. Other than that, the Committee felt that the community calendar idea is a good one as long as there was a segregation of duties between the City and the other entities that would be using the calendar.

Park & Pool User Fees - Approved

The Committee reviewed a spread sheet of park user fees that Supt. Clingingsmith provided through a survey. It was noted that the other area towns are charging a fee for use of the fields and for sports lighting. Alderman Meza inquired if we got survey results from North Boone or Hebron. Supt. Clingingsmith noted that he sent surveys to members of NISRA of which those two are not part of. There was a general discussion concerning a fee schedule and a realization that the current revenue system that we have is not sustainable. Chairman Leyden directed the staff to complete a cost analysis of extra time that we dedicate to sports fields.

The Committee reviewed a spread sheet for pool user fees that Supt. Clingingsmith provided through a survey. There was general discussion concerning nonresident fees and the size of families for pool passes. The Committee recommends to the City Council to set the base family size at 4 persons and leave the fee for pool pass the same. Any families over 4 persons shall pay an additional \$15.00 per person. Nonresident pool passes shall be lowered 20% across the board.

Moved by Musgrove, seconded by Marzahl to approve the Parks & Recreation Committee recommendation to to set the base family size at 4 persons and leave the fee for pool pass the same. Any families over 4 persons shall pay an additional \$15.00 per person. Nonresident pool passes shall be lowered 20% across the board. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Marzahl, aye and Musgrove, aye. Motion approved six to zero.

ORDINANCE COMMITTEE RECOMMENDATIONS

Alderman Opper reviewed the Ordinance Committee Meeting Minutes of March 11th, 2014.

Chronic Nuisances

Connor Brown of the Illinois Association of Realtors was in attendance to offer input. The Committee reviewed fees and fines and directed Administrator Nelson to work with the City Attorney to draft an ordinance for Committee review.

Text Amendment to Zoning Code re Conditional Use Permits - Referred to Planning and Zoning Commission

The Committee reviewed City Clerk Wells proposed text amendment to Section 17.44, Conditional Uses, of the Harvard Zoning Code and Section 21.14, Home Occupations Permit which addresses compliance and revocation. The Committee recommends to the City Council that the proposed text amendment be referred to the Planning and Zoning Commission for a public hearing at the next available meeting.

Moved by Opper, seconded by Clarke to approve the Committee's recommendation to refer the proposed text amendment to the Planning & Zoning Commission for a public hearing. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

STREETS & ALLEYS COMMITTEE RECOMMENDATIONS

Alderman Musgrove reviewed the Streets & Alleys Committee Meeting Minutes of March 18th, 2014.

2014 Street Program

The Streets and Alley’s Committee discussed the proposed roads for repairs. Supt. Kruckenberg reviewed the street ratings list which includes up to 50 blocks that need repair. There is only enough funding to do 12-14 blocks. The Committee recommends to the City Council to authorize staff to prepare bid packages for the street resurfacing improvements prioritized as follows, with the bid specs drawn up with an A-LIST bid which includes the first group and an alternate bid to include the B-LIST:

A-LIST

| Priority in order | Feet | Blocks |
|--------------------------|-------------|---------------|
| Howard/Diggins/North End | 400 | 2 |
| Galvin/Brown/Diggins | 300 | 1 |
| Hayes/Bourn/Blaine | 300 | 1 |
| Blaine/Grant/Hayes | 200 | 1 |
| Bourn/Grant/Garfield | 300 | 1 |
| Bourn/Hayes/Grant | 300 | 1 |
| Bourn/O'Brien/Hayes | 300 | 1 |
| McKinley/Garfield/Grant | 200 | 1 |
| McKinley/Grant/Hayes | 200 | 1 |
| McKinley/Hayes/O'Brien | 200 | 1 |
| O'Brien/Bourn/McKinley | <u>900</u> | <u>3</u> |
| TOTAL | 3,600 | 14 |

B-LIST

| Priority in order | Feet | Blocks |
|---------------------------|-------------|---------------|
| Brown/3rd/2 nd | 300 | 1 |
| Brown/2nd/1 st | 300 | 1 |
| Brown/4th/3 rd | 300 | 1 |
| Fourth/Brown/Burbank | <u>300</u> | <u>1</u> |
| TOTAL | 1,200 | 4 |

Moved by Musgrove, seconded by Marzahl to approve the Committee’s recommendation to authorize staff to prepare bid packages for the street resurfacing improvements prioritized as follows, with the bid specs drawn up with an A-LIST bid which includes the first group and an alternate bid to include the B-LIST as presented to be completed in FY14/15. Roll call vote: Meza, aye; Adams, aye; Opper, aye; Marzahl, aye; Musgrove, aye and Clarke, aye. Motion approved six to zero.

Metra Parking Lot Fees - Ord. 2014-103 Approved

Mayor Nolan and Administrator Nelson made a proposal to increase the METRA parking lot (cash only) fee from \$1.50 per day to \$2.00 per day. The price to pay with a credit/debit card made on line shall stay the same. The Committee recommends to the City Council to change the parking fee at the METRA lot (cash only) to \$2.00 per day, and that the change become effective May 1st, 2014.

Moved by Musgrove, seconded by Opper to approve the Committee’s recommendation to amend Section 15.14 Metra Parking Lots and Section 20.07, Miscellaneous Fees to to change the parking fee at the METRA lot (cash only) to \$2.00 per day, and that the change become effective May 1st, 2014. Roll call vote: Adams, aye; Opper, aye; Marzahl, aye; Musgrove, aye; Clarke, aye and Meza, aye. Ordinance 2014-103 approved six to zero.

FINANCE COMMITTEE RECOMMENDATIONS

Alderman Opper reviewed the Finance Committee Meeting Minutes of March 18th, 2014.

Video Gaming License Fees - Ord. 2014-102 Approved

The Committee reviewed a proposal from the Mayor to charge a \$25.00 annual license fee for video gaming terminals. Currently there is no fee. The Committee recommends to the City Council to charge an annual fee of \$25.00 effective May 1st, 2014, to be concurrent with the liquor license.

Moved by Opper, seconded by Adams to approve the Committee's recommendation to Amend Section 15.06, Beer Garden, Milk Day, Sidewalk Café Certificates; Section 25.13A9 and Section 27.907-A, Unlawful Acts to charge a \$25.00 annual license fee for video gaming terminals, to run concurrent with liquor licenses, pending final language approved by the City Attorney. Roll call vote: Opper, aye; Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Ordinance 2014-102 approved six to zero.

SET PUBLIC HEARING FOR BUDGET - APRIL 22ND, 2014 @ 7 pm

A public hearing for the FY2014/2015 Budget will be conducted on April 22, 2014, at 7 p.m.

INFO: CORRESPONDENCE FROM IDOT REFERENCE IMPROVEMENTS US 14 (DIVISION ST.) FROM ILLINOIS ROUTE 23 TO BRINK ST.

Mayor Nolan noted the correspondence from IDOT reference improvements on US 14 from Illinois Route 23 to Brink St. Administrator Nelson thought the improvements would be done this summer and is planning to coordinate the City's bid for MFT road improvements with both the state and county to get a better price on the road program.

INFO: MCHENRY COUNTY ZBA NOTICE OF PUBLIC HEARING ON APRIL 2ND, 2014

Mayor Nolan noted the McHenry County ZBA Notice of Public Hearing on April 2nd, 2014, for the purpose of accepting public comments and recommending adoption of a McHenry County Unified Development Ordinance (UDO).

CONSENT AGENDA:

- HHS Baseball Program Raffle Request March 29th, 2014
- HERS Softball Raffle Request March 6th - June 22nd, 2014
- HFPD Illinois Burn Camp Fundraiser @ 5-Points, April 25th & 26th, 2014
- Harvard Snow Gophers Snowmobile Club Raffle Request May 1st, 2014 - February 1st, 2015

Administrator Nelson reported that per state statute, the City can't regulate Fire Districts for solicitation but they are working with the City to make sure they don't conflict with another organization. Moved by Opper, seconded by Clarke to approve the Consent Agenda as presented. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Opper. Alderman Clarke abstained with respect to the HHS Baseball Program raffle request and Alderman Adams abstained with respect to the HFPD Illinois Burn Camp Fundraiser. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. OPPER - BILLS APPROVED

Moved by Opper, seconded by Adams to approve the bills list as presented in the amount of \$221,146.26. Roll call vote: Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Motion approved six to zero.

ALD. MARZAHL

Alderman Marzahl welcomed the new police officers and commended the public works dept. for their hard work with snow plowing, main breaks, etc., this winter.

MAYOR'S REPORT

Mayor Nolan welcomed Anne Nutley as the new Code Enforcement Officer.

CLERK'S REPORT – UPCOMING MEETING DATES

April 1 Planning & Zoning Commission - POST TO CANCEL
April 8 City Council Meeting - POST TO CANCEL
April 15 Regular Events Committee Meeting, 5 pm
April 22 Budget Hearing, 7 pm
Regular and Year End City Council Meeting, 7 pm

City Clerk wells noted that City Council members should have received their Economic Interest Statements which must be filed with the McHenry County Clerk by May 1st, 2014.

TREASURER'S REPORT

The monthly treasurer's report for March, 2014 is in the packet.

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

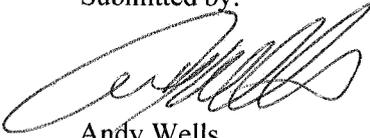
Chief Kazy-Garey noted that both new police officers will be leaving for Police Academy April 6th and will be back to work Milk Day weekend. They will be return from academy the early part of July.

NO REPORT

Administrator Nelson, Aldermen Adams, Meza, Clarke, Musgrove and Attorney Carlos Arévalo had no specific report.

At 7:27 p.m., moved by Oppen, seconded by Clarke to adjourn the regular City Council meeting. Aldermen voting aye: Marzahl, Musgrove, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

3-31-14

Date