

**REGULAR CITY COUNCIL MEETING MINUTES  
JULY 22, 2014 - 7:00 PM**

Mayor Nolan called the Regular City Council Meeting to order at 7:00 p.m. Clerk Wells called roll. Aldermen present: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. Aldermen Leyden and Opper were absent. Also present were City Administrator Nelson, Supt. Parks & Rec Clingingsmith, Supt. Public Works Kruckenberg, Code Enforcement Officer Nutley, Community Development Director Santeler, Chief of Police Krause, Deputy Chief Bauman, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION: NONE**

**SWEAR IN MICHAEL VEST AS OFFICE OF EMERGENCY MANAGEMENT (OEM)**

Agenda Item tabled.

**CITY COUNCIL MEETING MINUTES OF 06/24/2014 - APPROVED**

Moved by Clarke, seconded by Adams to approve the Regular City Council Meeting minutes of June 24, 2014, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

**HOME OCCUPATION PERMIT/MASSAGE THERAPIST LICENSE APPLICATION - APPROVED**

Humberto Pasillas d/b/a HP Vibrations Therapeutic Massage, 511 Meadow Ln. - Ord. 2014-118 Approved

The City Council reviewed the application for a Home Occupation Permit and Massage Therapist License for Humberto Pasillas, d/b/a HP Vibrations Therapeutic Massage at 511 Meadow Lane. The requisite notice was sent to adjoining property owners and no objections were received. A letter of support was submitted by William and Ellen Leysen, 515 Meadow Lane. Alderman Adams indicated that both he and Alderman Opper received phone calls from William and Ellen Leysen in support of the petitioner. Petitioner Humberto Pasillas, 511 Meadow Lane, Harvard was in attendance and indicated he would have a certain room in his home dedicated to the business; much of his business is done through referrals but he has a website through some of the professional organizations he has joined. His driveway would suffice as he can only do a massage for one client at a time. There wouldn't be any signs in the yard. Mr. Pasillas further noted that his home occupation would be an ancillary location as he works in two other locations: Marengo and Lakemoor. Typical hours of operation are 10 am - 6 pm. His goal would be to build up enough business to open a retail location in Harvard.

Adjoining home owner, Teresa Taylor, 507 Meadow Lane addressed the City Council and noted she purchased her home in that area because she has a special needs child and there is only one way in and out of the area. Subsequent to the opening of Crosby Elementary School, there is more traffic in the area and the bus stops in front of her home which is adjacent to the proposed business. Ms. Taylor said she didn't have a problem with a business being run out of the home but felt there were unanswered questions such as how big the business would be allowed to get before it would be considered too large for a home business. Ms. Taylor further noted a lack of handicap parking or accessibility and the potential of her mailbox being blocked in the event there isn't sufficient room in the driveway for clients to park.

Moved by Clarke, seconded by Meza to approve a Massage Therapist License for Humberto Pasillas, d/b/a HP Vibrations Therapeutic Massage. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

Moved by Clarke, seconded by Meza to approve a Home Occupations Permit for Humberto Pasillas, d/b/a HP Vibrations Therapeutic Massage at 511 Meadow Lane with the home occupation permit to be re-evaluated on May 1<sup>st</sup>, 2015, at the renewal of the Massage Therapist License, with the following stipulations: no more than one client at a time and hours of operation limited to 10 am - 7 pm. Roll call vote: Marzahl, aye; Ulmer, aye; Marzahl, aye; Clarke, aye; Meza, aye and Adams, aye. Ordinance 2014-118 approved six to zero.

**WILLIAM PEREZ/HOME SERVICES UNLIMITED ONE YEAR EXTENSION OF HARD SURFACING AGREEMENT - APPROVED**

Mr. Perez was granted a one year extension of the Hard Surfacing Agreement for various properties by the City Council on July 23, 2013, to be reviewed in one year. Pursuant to staff report, Mr. Perez has hard surfaced two of his properties within the past six months: 207 W. Blackman St. and 606 Lincoln St. Moved by Ulmer, seconded by Clarke to renew the Hard Surfacing Agreement for a year with Mr. Perez to complete hard surfacing of two additional properties prioritizing driveways of occupied residences first. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Marzahl, aye. Motion approved six to zero.

**USAGAIN LLC SECOND HAND SALES DROP OFF CONTAINER LICENSE APPLICATION FY2014/2015- APPROVED**

Mayor Nolan noted that USAgain did not renew their application on May 1<sup>st</sup> but recently submitted their renewal application. Community Development Director Santeler noted there were some issues in the past in monitoring their bins and subsequent \$500 fines were issued. Moved by Marzahl, seconded by Ulmer to approve USAgain LLC's Second Hand Sales Drop Off Containers License Application for FY14/15 for two containers to be located at Hartman's Auto Repair at 203 W. Park St. with fines issued should they not comply and monitor their bins. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

**CHAMBER OF COMMERCE REQUEST/KELLY MILLER CIRCUS @ MILKY WAY PARK ON SEPTEMBER 7<sup>th</sup>, 2014**

The Chamber of Commerce is requesting permission to proceed with the Kelly Miller Circus at Milky Way Park on September 7<sup>th</sup>, 2014, with a waiver of fees (approximately \$750), the allowance of large circus animals, trash cans and the ability to post event sponsor banners at the park on the day of the event.

Alderman Clarke noted the Parks Committee had previous discussions of not waiving park fees due to the state of the parks budget and felt that the City needs to have a discussion to either enforce and implement fees or make drastic cuts to the budget. Moved by Clarke, seconded by Marzahl to deny the request for a waiver of fees. Roll call vote: Musgrove, abstain; Clarke, aye; Meza, abstain; Adams, aye; Marzahl, aye and Ulmer, no. Motion defeated. No further action taken.

**HARVARD COMMUNITY PARTNERSHIP COALITION @ LIONS PARK ON AUGUST 9, 2014**

The Harvard Community Partnership Coalition is requesting permission to use Lion's Park on August 9<sup>th</sup>, 2014, (large hill behind library, flat grassy areas, baseball field and pavilion) with a waiver of fees, in the amount of \$50. Moved by Marzahl, seconded by Clarke to deny the waiver of fees. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye; Ulmer, no and Musgrove, no. City Clerk Wells stated the vote was four to two and called on Mayor Nolan to vote. Mayor Nolan voted aye. Motion to deny the waiver of fees is approved five to two.

**CLASS B & EXTENDED SATURDAY HOURS LIQUOR LICENSE & TOBACCO LICENSE FOR HARVARD GS INC., 1300 N. DIVISION ST. - APPROVED**

Mayor Nolan noted that the proposed location will be a Shell gas station and has been leased for three years. Chief Krause stated that the application/background check was satisfactory. Moved by Clarke, seconded by Meza to approve a Class B and Extended Saturday Hours Liquor License and Tobacco License to Harvard GS Inc., 1300 N. Division St., Harvard. Roll call vote: Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved six to zero.

**MCRIDE MEMORANDUM OF UNDERSTANDING - APPROVED**

Administrator Nelson noted that the City has an opportunity to partner our services with McHenry County and other communities within the county to increase the Dial-a-Ride service to include services that would take our residents out of town. The City's out of pocket cost is virtually the same as we're paying today with an increase in services and hours of operation. Administrator Nelson recommended the City move forward and explore the opportunity and noted that the Memorandum of Understanding is not binding; there would still be opportunity for the City to back out should we so choose. The City's would no longer administer the program; the City's only role would be payment of our share of fees. Moved by Ulmer,

seconded by Marzahl to authorize Mayor Nolan to execute the MCRide Memorandum of Understanding with the McHenry County Division of Transportation. Roll call vote: Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Meza, aye. Motion approved six to zero.

**ORDINANCE DECLARING SURPLUS PROPERTY - ORD. 2014-119 APPROVED**

The proposed ordinance provides for two street lights which have been replaced at the Metra lot to be declared surplus property. Moved by Clarke, seconded by Meza to approve Ordinance 2014-119, Declaring Surplus Property. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Meza, aye and Adams, aye. Ordinance 2014-119 approved six to zero.

**RESOLUTIONS TO RELEASE CERTAIN CLOSED SESSION MINUTES INTO OPEN MINUTES BOOK AND AUTHORIZING THE DESTRUCTION OF CERTAIN AUDIO RECORDINGS OF CLOSED SESSION MEETINGS - APPROVED**

Moved by Marzahl, seconded by Ulmer to approve the following resolutions:

- Resolution to Release Closed Session Minutes into the Open Minutes Book of the following closed session meeting: January 28, 2014
- Resolution Authorizing the Destruction of Audio Recordings of the following closed session meetings: October 9, 2012 and December 18, 2012

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

**RESOLUTION AUTHORIZING SALE OF CITY OWNED PROPERTY COMMONLY KNOWN AS 700 SECOND STREET PURSUANT TO 65 ILCS 5/22-76-4.2 - APPROVED**

Administrator Nelson noted that there weren't any bids submitted when the property was bid out and the next step would be sell the property outright. Moved by Clarke, seconded by Adams to approve a Resolution Authorizing the Sale of City Owned Property Commonly Known as 700 Second St. Pursuant to 65 ILCS 5/2276-4.2. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Resolution approved six to zero.

**SURFACE TRANSPORTATION PROGRAM (STP) LOCAL FUNDING MATCH RESOLUTIONS - APPROVED**

City Administrator noted that the resolution provides for the required local 20% match for the proposed STP projects. Moved by Marzahl, seconded by Ulmer to approve Surface Transportation Program (STP) Local Funding Match Resolutions for the following projects:

- a) Resurfacing of Marengo Rd.
- b) Resurfacing of West Diggins St.
- c) Resurfacing of Garfield St.

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

**IDOT RESOLUTION FOR MAINTENANCE OF STREETS & HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE - APPROVED**

Moved by Clarke, seconded by Marzahl to approve the IDOT Resolution for Maintenance of Streets & Highways by Municipality Under the Illinois Highway Code appropriating \$200,000 MFT Runds for the 2014 Local Road Program. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

**REPORT ON PARKS & RECREATION COMMITTEE MEETING MINUTES OF JULY 10, 2014**

Co-Chairman Musgrove reviewed the Parks & Recreation Committee Meeting Minutes of July 10<sup>th</sup>, 2014.

**Park System User Fees**

The Committee reviewed Administrator Nelson's memo pertaining to user fees for the park system with his recommendation for a fee structure starting in 2015 for organized sports activities charging \$5 per participant per sport (out of town participant fees would be higher) that would gradually increase by \$5 per year over the next three years. After discussion, the Committee tabled the proposal directing staff to come up with ideas on how to cut back on expenses.

Co-Chairman Musgrove called a Parks & Recreation Committee Meeting for Wednesday, July 30<sup>th</sup>, 2014, at 6 p.m.

**CONSENT AGENDA:**

- First Presbyterian Church Raffle Request August 16<sup>th</sup>, 2014
- Free Spirit Siberian Rescue Tag Days, Saturday, August 23<sup>rd</sup>, 2014
- Harvard Jr. Tackle Raffle Request July 27<sup>th</sup> – November 10<sup>th</sup>, 2014
- Harvard Jr. Tackle Raffle Request Saturdays & Sundays in Sept & Oct. at Home Games
- Harvard Jr. Tackle Raffle Request September 20<sup>th</sup>, 2014

Moved by Adams, seconded by Musgrove to accept the Consent Agenda. Roll call vote: Musgrove, aye; Clarke, no; Meza, aye; Adams, aye; Marzahl, no and Ulmer, no. Motion defeated three to three.

**COMMITTEE REPORTS**

**ALD. ULMER - BILLS APPROVED**

Moved by Ulmer, seconded by Marzahl to approve the bills list as presented in the amount of \$444,798.60. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved six to zero.

**MAYOR'S REPORT**

Mayor Nolan noted that two lights in the Metra lot were replaced.

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

- July 30 Parks & Rec Committee Meeting, 6 pm
- August 5 Planning & Zoning Commission - POST TO CANCEL
- August 12 City Council Meeting - POST TO CANCEL
- August 19 Regular Events Committee Meeting, 5 pm
- August 26 Regular City Council Meeting, 7 pm

**TREASURER'S REPORT**

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

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Mayor Nolan introduced Tyson Bauman as the new Deputy Chief who was sworn in Monday, July 1st.

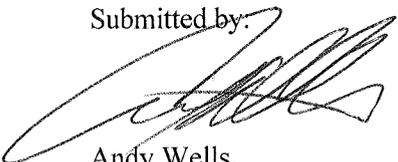
Chief Krause noted both new squad cars are in service, Recruit Officer Spencer Smith is entering his 3<sup>rd</sup> week of field training with seven more to go and David Lackey ended up leaving the City to work for the Elgin Police Dept.

**NO REPORT**

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

At 7:30 p.m., moved by Clarke, seconded by Adams to adjourn the regular City Council meeting. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

7-29-14

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Date