

**REGULAR CITY COUNCIL MEETING MINUTES  
MAY 26, 2015 - 7:00 PM**

Mayor Nolan called the Regular City Council Meeting to order at 7:00 pm and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Burlingame, Marzahl, Ulmer, Kelly, Clarke, Meza, Adams and Opper. Treasurer Szczap was absent. Also present were City Administrator Nelson, Code Enforcement Officer Nutley, Chief of Police Krause, Supt. Parks & Rec Clingsmith, Supt. Public Works Kruckenberg, City Attorney Timothy J. Clifton and members of the audience.

**PUBLIC COMMENT: NONE**

**CITY COUNCIL MEETING MINUTES OF 04/28/2015 - APPROVED**

Moved by Clarke, seconded by Opper to approve the minutes of the Regular and Year End City Council Meeting of April 28<sup>th</sup>, 2015, as presented. Aldermen voting aye: Burlingame, Marzahl, Ulmer, Kelly, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

**POLICE DEPARTMENT COMMENDATIONS**

Chief Krause recognized and presented commendations to the following Harvard Police Officers:

- Detective Leard for his investigation of a predatory criminal sexual assault to a Harvard youth which resulted in a suspect arrest, conviction and 18 year sentence.
- Officer Smith for his diligence and awareness that resulted in the arrest of the owner of a suspect vehicle who had active warrants stemming from the recent rash of burglaries that occurred in the City.
- Officer Lara, who on April 18<sup>th</sup>, 2015, conducted an investigative stop that resulted in identifying the offender responsible for several burglaries that occurred in the City.
- Detective Leard for his initiative regarding numerous burglaries that occurred in the City. After a follow-up investigation, Detective Leard was able to get the suspect to come in for an interview, resulting in felony burglary charges.

**PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS**

Peter Parhas/Allen Stott, Conditional Use Tattoo Parlor, 65 N. Ayer St. - Ord. 2015-112 Approved

Alderman Ulmer reviewed the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on May 5, 2015, to consider the petition of Peter Parhas (owner of record) and Allen Stott (petitioner) for a Conditional Use to permit the operation of a tattoo parlor. Subject property is located at 65 N. Ayer St., Harvard. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request for a conditional use to permit the operation of a tattoo parlor, d/b/a Stateline Tattoo, for property located at 65 North Ayer St. be approved subject to compliance with the Illinois Tattoo and Body Piercing Establishment Registration Act and any applicable McHenry County Health Department ordinances and City ordinances as well as conditions outlined in Ordinance 2010-111 that are local compliance regulations.

Moved by Ulmer, seconded by Adams to approve the Planning and Zoning Commission's recommendation as submitted and Ordinance 2015-112, Issuing a Conditional Use Permit to Permit Allen Stott, d/b/a Stateline Tattoo, to Operate a Tattoo Parlor at 65 N. Ayer Street. Roll call vote: Burlingame, aye; Marzahl, aye; Ulmer, aye; Kelly, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Ordinance 2015-112 approved eight to zero.

**HARVARD MILK DAYS, INC. REQUEST FOR A WAIVER OF PARK FEES - APPROVED**

Harvard Milk Days, Inc. is asking that the City Council consider park improvements as an alternate form of payment and a waiver of park fees in the amount of \$2,675 for use of Milky Way Park for their annual festival. Mayor Nolan and Alderman Ulmer noted ongoing park improvements made by Harvard Milk Days which benefit the community at large and not just the Milk Day organization; to date, the fees have resulted in payment of approximately \$155,000 by Harvard Milk Days. Moved by Opper, seconded by Ulmer to approve the waiver. Roll call vote: Marzahl, aye; Ulmer, aye; Kelly, aye; Clarke, aye; Meza, no; Adams, aye; Opper, aye and Burlingame, aye. Motion approved seven to one.

**MILK DAY CERTIFICATE REQUESTS/SATURDAY, JUNE 6<sup>th</sup>, 2015 – APPROVED**

The City Council reviewed permit requests submitted by Bopp's Bar & Grille and the Hub Lounge for Saturday, June 6<sup>th</sup>, 2015, for the outside consumption of alcohol and to encroach on the city sidewalk. The requests are the same as have been submitted for the last several years. Mayor Nolan and Chief Krause indicated there have been no problems the last few years. Moved by Clarke, seconded by Opper to grant permits to Bopp's Bar & Grille and the Hub Lounge to encroach on the sidewalk with a fence erected and to allow alcohol to be consumed outdoors with a \$100 permit fee and \$500 security deposit with the same requirements as last year for each of the establishments and the execution of a hold harmless and indemnification waiver. Aldermen voting aye: Burlingame, Marzahl, Ulmer, Kelly, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

**HARVARD FIRE PROTECTION DISTRICT/DISPATCH SERVICE AGREEMENT - APPROVED**

The proposed Dispatch Service Agreement provides for dispatch service from the City of Harvard to the Harvard Fire Protection District for a term of three years (5/1/15 - 5/1/17) and outlines the fee schedule for the term of the agreement. Moved by Opper, seconded by Marzahl to authorize Mayor Nolan's execution of said agreement. Roll call vote: Ulmer, aye; Kelly, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Burlingame, aye and Marzahl, aye. Motion approved eight to zero.

**STREETS & ALLEY'S COMMITTEE MEETING MINUTES OF MAY 12<sup>th</sup>, 2015**

Chairman Adams reviewed the Finance Committee Meeting Minutes of May 12<sup>th</sup>, 2015.

**Dunnett Overnight Parking Request on E. Brainard St. - Request Denied**

The Committee reviewed Mr. Dunnett's request to have two parking spots available for his tenants either in front of 202 E. Brainard St. or across the street for overnight parking with a waiver of fees. The Committee recommends to the City Council to deny Mr. Dunnett's request. No City Council action is required.

**ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES OF MAY 12<sup>th</sup>, 2015**

Chairman Ulmer reviewed the Finance Committee Meeting Minutes of May 12<sup>th</sup>, 2015.

**Chief Krause's Proposal to Adopt the Illinois Vehicle Code - Ordinance 2015-113 Approved**

The Committee reviewed Chief Krause's proposal to adopt the Illinois Vehicle Code in its entirety as was recommended by the City's prosecuting attorney. The Committee recommends that the proposal be included on the May 26<sup>th</sup> City Council agenda with Chief Krause to put together a summary identifying the specifics.

Chief Krause gave an overview and noted that Chapter 15 of the Harvard Municipal Code adopts portions of the Illinois Vehicle Code (IVC) with a couple of exceptions, one of which deals with license plate registration. Those portions of the IVC which have not been adopted require tickets to be written slightly different. If the IVC is adopted in its entirety, it is easier and more efficient for the City's prosecuting attorney and streamlines the process to make any changes/corrections. His investigation didn't come up with any reason why the IVC wasn't fully adopted in the past. Moved by Ulmer, seconded by Meza to approve Chief Krause's proposal and Ordinance 2015-113, Adopting the Illinois Vehicle Code in its entirety and any portion of the Settlement of Offenses that is needed to implement said adoption. Roll call vote: Kelly, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Burlingame, aye; Marzahl, aye and Ulmer, aye. Ordinance 2015-113 approved eight to zero.

**Proposed Ordinance Establishing a 3% Amusement Tax - Referred Back to Ordinance Committee 06/02/2015**

Chairman Ulmer read the minutes of the Ordinance Committee meeting pertaining to the proposed ordinance establishing a 3% amusement Tax. The Ordinance Committee recommends approval with changes as discussed to be effective January 1, 2016, with the City Clerk to incorporate the discussed changes into the proposed ordinance. A motion was made by Alderman Ulmer to approve the proposed ordinance as amended. Alderman Clarke expressed his opposition to the proposed ordinance and noted his original understanding was that the tax would be imposed on vendors that use park lands instead of just various businesses in the community which he felt would be detrimental. Mayor Nolan asked for a second to the motion to allow for further discussion. Alderman Marzahl seconded the motion.

Mayor Nolan asked for questions/comments from the audience. The following individuals addressed the City Council with a respect to the proposed ordinance:

- Jay Schulz, 1503 Pheasant Run and manager of Jay's Lanes, 5507 Route 14. At Jay's inquiries, City Administrator Nelson indicated that the deficit in the park fund is minus several hundred thousand dollars; park funds come from general fund and property taxes which are capped; estimated revenue from the proposed tax is unknown; proposed revenue from park fees is \$2,700 per year not including the fees waived for Milk Days; not-for-profit organizations would be exempt from the tax under the current ordinance; businesses such as Anytime Fitness would fit the definition of amusement; the 3% tax is the maximum allowed under state law for non-home rule communities; definition of amusement and ordinance follow state law; the cost to regulate the tax would be minor. Jay suggested an additional tax on Red Box to increase revenue. Jay indicated the proposed tax could negatively affect the bowling alley. Alderman Opper clarified the tax would not be on the bowling alley's total revenue, but strictly on the games bowled.
- Anna Marie Platt Miller, 702 Deer Path Rd., felt the plan was shortsighted and asked the City Council to reconsider; she further suggested developing a long term plan for the parks. Anna Marie noted she is part of Harvard Harmony which is a 501.3.(c) not-for-profit but they partner with businesses to offer entertainment and inquired if the tax would apply. At Alderman Meza's inquiry as to whether or not Milk Day's fee should be waived, Anna Marie noted that if you're going to tax, it should be done fairly.
- Sherri Foster, 113 Shawnee Ln., noted she would be deterred to spend money in the community if the tax were imposed especially after waiving the Milk Day fee and felt the City Council should explore other options.
- Lynn Saunders, 23412 Norma Ln., felt that the tax wouldn't generate enough revenue and would be regressive and businesses that are looking to come to Harvard might look elsewhere.
- Zachary Platt, 702 Deer Path Rd. said the 3% tax might not seem like a lot, but it could affect and alienate children and teenagers wanting to stay and spend their money in the community.
- Alderman Ulmer pointed out that the City Council is trying to balance the park budget which has an ongoing deficit and with Governor's proposal to reduce municipal funds, revenue is uncertain at this time. He further noted valid points had been made and he would be open to withdrawing his motion to allow for additional discussion.
- Alderman Opper suggested discussion to include a clause for a three year exemption for new businesses and looking at Jay's suggestion reference Red Box.
- Kelly Henson Schulz, 1503 Pheasant Run, noted her objection to the tax and said Harvard has a low per capita income and while it might not seem like a lot, a 3% tax could inhibit people from bowling or other entertainment. At Kelly's inquiry, Administrator Nelson stated that video gaming revenue goes into the general fund and ultimately towards mandated pension payments.
- Jerry Carr, 1308 Sixth St., noted people should take into consideration the true cost of going outside of Harvard which would reflect the cost of gas.

Alderman Ulmer and Alderman Marzahl withdrew their motion and second respectively. Moved by Kelly, seconded by Opper to refer the proposed ordinance to the Ordinance Committee for further review and discussion. Aldermen voting aye: Burlingame, Marzahl, Ulmer, Kelly, Meza, Clarke, Adams and Opper. All ayes. Motion carried.

#### WWTP TOUR

A WWTP tour was scheduled for Saturday, June 13<sup>th</sup>, 2015, at 8 am.

#### CITY DIRECTORY: CLARIFY CITY ATTORNEY APPOINTMENT TO REMOVE CARLOS AREVALO AND APPOINT THE LAW FIRM ZUKOWSKI, ROGERS, FLOOD & MCARDLE - APPROVED

Moved by Clarke, seconded by Opper to clarify the City Attorney Appointment in the City Directory to remove Carlos Arevalo, who is no longer with the firm, and to appoint the law firm Zukowski, Rogers, Flood & McArdle. Aldermen voting aye: Burlingame, Marzahl, Ulmer, Kelly, Meza, Clarke, Adams and Opper. All ayes. Motion carried.

**FYI: ILLINOIS MUNICIPAL LEAGUE 2015 NEWLY ELECTED OFFICIALS WORKSHOP**

The Illinois Municipal League is offering 2015 Newly Elected Officials Workshops at four locations statewide. Information/registration is available on the IML website.

**COMMITTEE REPORTS**

**ALD. OPPER- BILLS APPROVED**

Moved by Opper, seconded by Marzahl to approve payment of the bills as presented in the amount of \$248,037.22. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Burlingame, aye; Marzahl, aye; Ulmer, aye and Kelly, aye. Motion approved eight to zero.

**ALDERMAN CLARKE - PARKS & REC MEETING 06/02/2015**

Alderman Clarke called a Parks & Recreation Committee Meeting for Tuesday, June 2<sup>nd</sup>, 2015, at 6 pm to be held in the City Council Chambers, 201 W. Front St. Agenda items: pool/library bonds which expire in 2018 and long term parks comprehensive plan.

**ALDERMAN ULMER - ORDINANCE COMMITTEE MEETING 06/02/2015**

Alderman Ulmer called an Ordinance Committee Meeting for Tuesday, June 2<sup>nd</sup>, 2015, at 6 pm to be held in the City Council Chambers, 201 W. Front St. Agenda item: proposed 3% amusement tax.

**ALDERMAN MARZAHL**

Alderman Marzahl congratulated Chief Krause and the Police Department for the job they're doing.

**MAYOR'S REPORT**

Mayor Nolan noted pictures will be taken prior to the next City Council meeting on June 23<sup>rd</sup> at City Hall at 6 pm.

**ADMINISTRATOR NELSON'S REPORT**

City Administrator Nelson thanked everyone for their concerns and understanding during his recent health issues.

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

June 2	Planning & Zoning Commission - POST TO CANCEL Parks & Recreation Committee Meeting - 6 pm Ordinance Committee Meeting - 6 pm
June 9	Regular City Council Meeting - POST TO CANCEL
June 13	WWTP Tour, 8 am
June 16	Regular Events Committee Meeting, 5 pm
June 23	City Council Pictures at City Hall, 6 pm Regular City Council Meeting, 7 pm

**TREASURER'S REPORT**

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

**ATTORNEY'S REPORT**

Attorney Timothy Clifton noted he is looking forward to working with the City of Harvard.

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

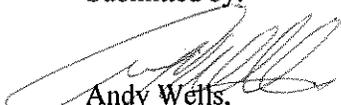
**NO REPORT**

Aldermen Burlingame, Ulmer, Kelly, Meza and Adams had no specific report.

At Alderman Ulmer's inquiry, Supt. Cliningsmith clarified his meeting with School District 50 officials reference changes to their usage policies as they are developing a tier system for fees. Alderman Ulmer requested a report on the final outcome.

At 7:55 p.m., moved by Clarke, seconded by Opper to adjourn the regular City Council meeting. Aldermen voting aye: Burlingame, Marzahl, Ulmer, Kelly, Meza, Clarke, Adams and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

05-29-15  
Date