

## **REGULAR CITY COUNCIL MEETING MINUTES**

**April 25, 2006 - 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: Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. Alderman Leyden was absent. Also present were City Administrator Nelson, Building Inspector Santeler, Parks Supt. Burkart, Police Chief Oparyk, Public Works Supt. Carbonetti, Attorney Rob Fetzner, Gary Rozwadowski, Smith Engineering and members of the audience.

### **AUDIENCE PARTICIPATION: NONE**

### **CITY COUNCIL MINUTES 04/11/06 - APPROVED**

Moved by Adams, seconded by Logan to approve the Regular and Closed Session City Council Meeting Minutes of April 11, 2006. Aldermen voting aye: Marzahl, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

### **CHAMBER OF COMMERCE REQUEST/CIRCUS @ MILKY WAY PARK June 27<sup>th</sup>, 2006 - APPROVED**

The City Council discussed the Chamber of Commerce's request to use Milky Way Park on Tuesday, June 27<sup>th</sup>, to host the Carson and Barnes Circus; performances will be at 4:30 and 7:30 p.m. with capacity for 2,000 at each show. The Chamber also requests the following:

- permission to hang a couple of banners at Milky Way Park up to three weeks in advance of their performance
- waiver of the water usage fee for the circus to hook to the fire hydrant which must be flushed 24 hours prior to the circus arrival
- grant variation to requirement for three police officers and have two officers from 4-10 p.m. for traffic control with the Chamber and City each paying half the cost

Moved by Berg, seconded by Logan to approve the Chamber of Commerce's request as presented.

Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

### **CENTRAL SCHOOL REQUEST/USE OF NORTHFIELD PARK ON MAY 11<sup>th</sup> & 12<sup>th</sup>, 2006 - APPROVED**

Moved by Berg, seconded by Ulmer to approve Central School's request for the use of Northfield Park and Tennis Courts on May 11<sup>th</sup>, 2006, from 8 a.m. – 2:15 p.m. and on May 12<sup>th</sup>, 2006, from 8 a.m. until noon (rain dates May 18<sup>th</sup> and 19<sup>th</sup>). Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

### **AUTHORIZE EXECUTION OF SETTLEMENT AGREEMENT/IMF MUNICIPAL FEE – APPROVED**

Moved by Logan, seconded by Berg to authorize the execution of the Settlement Agreement and Release with respect to the IMF Municipal Fee Litigation. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Marzahl, aye. Motion approved seven to zero.

### **TURTLE CROSSING ENTRANCE SIGN – APPROVED**

Moved by Logan, seconded by Marzahl to approve the Turtle Crossing Entrance Sign pursuant to the drawing submitted and contingent upon the execution of the Developer's Agreement. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

### **HANDICAP PARKING FINES – ORDINANCE 2006-111 APPROVED**

Mayor Nolan reviewed Chief Oparyk's memo with respect to handicap parking fines noting that pursuant to state statute the fine is \$250, but municipalities by ordinance may impose a fine up to \$350 and shall display signs indicating the fine imposed. Chief Oparyk stated that the handicap parking fine is currently in our settlement of offenses with the first fine at \$100 and \$200 after seven days. Alderman Logan inquired if handicap signs on private property would also need to be changed; Chief Oparyk noted that you wouldn't be required to change signs on private property. Also that the fine would be enforceable on private property. Moved by Logan, seconded by Berg to approve an ordinance increasing the handicap

parking fines to \$350. There was further discussion to clarify whether or not the fine should be a minimum/maximum amount or a flat fine of \$350. The minimum is what is posted on the sign. The general consensus was that the fine should be a flat \$350. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2006-111 approved seven to zero.

**RESOLUTION AYER ST. SURFACE TRANSPORTATION PROGRAM FUNDING - APPROVED**

Moved by Berg, seconded by Perkins to enact a Resolution Approving the Local Match for Certain Street Improvements Through the McHenry County Council of Mayors Surface Transportation Program. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Resolution approved seven to zero.

**50/50 SIDEWALK – ORDINANCE 2006-112 APPROVED**

Moved by Berg, seconded by Logan to enact an ordinance adopting policy for the City's 50/50 Sidewalk Program. Roll call vote: Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye and Logan, aye. Ordinance 2006-112 approved seven to zero.

**FINANCE COMMITTEE RECOMMENDATIONS**

Chairman Logan reviewed the Finance Committee Meeting Minutes of April 13, 2006.

Budget FY06/07 - Approved

The Committee reviewed the final draft of the proposed budget for FY06/07 and recommends to the City Council that the Budget for FY06/07 be approved as presented.

Moved by Logan, seconded by Ulmer to approve the Budget for FY06/07, a copy of which is in the aldermen's folders. Roll call vote: Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero.

Budget Officer – Ordinance 2006-113 Approved

The Committee reviewed the concept of a budget officer style of financing as compared to the appropriation system which the City currently uses. The budget officer style would still require a public hearing to approve the budget. The Finance Committee recommends to the City Council that the budget officer system be adopted to be effective with FY07/08.

Moved by Logan, seconded by Adams to approve the Finance Committee's recommendation and an ordinance to adopt the budget officer system effective with FY07/08. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2006-113 approved seven to zero.

**ZONING, PLANNING & ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Hay reviewed the Zoning, Planning & Ordinance Committee Meeting Minutes of April 19, 2006.

Electric Vehicles

No City Council action necessary.

Lulofs Annexation Agreement

No City Council action necessary.

McHenry County Sheriff's Dept. Special Event Request

The Committee reviewed the McHenry County Sheriff's Department request for a waiver of fees for the use of two softball fields in Milky Way Park on May 6<sup>th</sup> and recommends to the City Council approval of their request as submitted.

Chairman Hay noted that the Sheriff's Dept. has since requested use of all four softball fields. Moved by Hay, seconded by Berg to approve a fee waiver for the use of four softball fields at Milky Way Park for the McHenry County Sheriff's Department as requested. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**RESIGNATION MARY D. AYER APARTMENT BOARD OF TRUSTEES – APPROVED**

Moved by Logan, seconded by Adams to approve Sandra Nolan’s letter of resignation from the Mary D. Ayer Apartment Board of Trustees, effective immediately. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**CONSENT AGENDA:**

➤ Women for Harvard Raffle Request – April 25<sup>th</sup> – July 15<sup>th</sup>, 2006

Moved by Logan, seconded by Berg to approve the Consent Agenda. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

**AUDIENCE PARTICIPATION**

The Mayor opened the floor to Pat Mills, 106 Grant Street, who addressed the City Council and stated that she purchased the home in 2001 and has had an ongoing problem since she moved in with flooding that occurs at her residence from water runoff whenever it rains. Administrator Nelson stated that the Public Works Dept. will take a look at the problem and report back to the Mayor for further direction. Mayor Nolan noted that the City does not have funds for curbing at this time.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$389,995.43. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Marzahl, aye. Motion approved seven to zero.

**ALD. LOGAN – FINANCIAL WORKSHOP – 06/10/06**

Chairman Logan called a Financial Workshop for Saturday, June 10<sup>th</sup>, 2006, from 8 a.m. until noon.

**ALD. ULMER – PUBLIC PROPERTY COMMITTEE MEETING 05/03/06**

Chairman Ulmer called a Public Property Committee Meeting for Wednesday, May 3<sup>rd</sup>, 2006, at 6:30 p.m. to discuss the Metra Parking Lot, Trees on Ayer Street and a review of the 50/50 Sidewalk Program.

**ADMINISTRATOR’S REPORT**

Administrator Nelson made note of his written report.

**CLERK’S REPORT - UPCOMING MEETING DATES**

May 2 Planning and Zoning Commission Meeting, 7 p.m.  
➤ Blair Setback Variation  
➤ City of Harvard Text Amendment  
May 3 Public Property Committee Meeting – 6:30 p.m.  
May 9 Next Regular City Council Meeting – 7:00 p.m.

**TREASURER’S REPORT**

Mayor Nolan noted that the monthly treasurer's report is in the aldermen's folders.

**DEPARTMENT HEADS REPORTS**

Smith Engineering & Dept. Heads Reports as submitted.

Gary Rozwadowski, Smith Engineering Consultants, introduced Dave Johanson who is assisting him to coordinate the City’s various projects. In the event Gary is out of the office or unable to attend meetings, Dave will fill in.

Supt. Carbonetti reported on behalf of the Harvard Fire Protection District that starting May 1<sup>st</sup>, 2006, the Harvard FPD will have 24 hour coverage in the station for emergency/medical purposes.

Supt. Burkart reported on donations received:

- Crystal Lake Park District donation of 400 ton of baseball mix for Milky Way Park
- Harvard Rotary Club donation of \$3,200 in picnic tables and assisted in assembling them at Milky Way Park

Building Inspector Santeler reported on the 50/50 Sidewalk Program. All walks that were being replaced were excavated and framed-up on Monday, Aug. 24<sup>th</sup> to be poured later this week, with restoration next week.

**NO REPORTS**

Mayor Nolan, Attorney Fetzner and Aldermen Hay, Perkins, Berg, Adams, Marzahl had no report at this time.

At 7:30 p.m., moved by Berg, seconded by Logan to adjourn the meeting. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Berg, aye and Adams, aye. Motion approved seven to zero.

Submitted by:

Andy Wells,  
City Clerk

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Date