

**REGULAR CITY COUNCIL MEETING MINUTES
AUGUST 8, 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: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Attorney Rob Fetzner and members of the press and audience.

AUDIENCE PARTICIPATION:

Maryanne Devito, 1109 O'Brien St.; Ruth McCarthy, 707 University St.; Larry Nieman, 705 5th St. and Gerry Berryhill, 803 Lincoln St addressed the City Council objection to the proposed 5% gas tax because of the impact to senior citizens and requested that the City look at a different way to fund a code enforcement officer.

Roger Gilbert, 201 W. McKinley addressed the City Council reference a noise complaint he called in to the Police Dept. resulting from a party at a neighbor's house and asked that the City consider contacting adjoining neighbors when music permits are issued.

REGULAR CITY COUNCIL MINUTES 08/25/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes of July 25, 2006, Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

HARVARD MAIN STREET UPDATE & REQUEST FOR FALL FAMILY FEST - APPROVED

Cathy Pescinski, Director Harvard Main Street updated the City Council on recent and upcoming activities, their new website and store front renovations in progress. Main Street is working to obtain the necessary signatures from business owners to establish a historic preservation district. Cathy outlined specific details and requests with respect to the Fall Family Fest.

Moved by Berg, seconded by Logan to approve Harvard Main Street's request as submitted with reference to the Fall Family Fest on Saturday, September 16th, 2006, as follows:

- Close off Ayer St. between 5 points and Sumner for canopy street booths and pedestrian traffic from 6 a.m. – 4:00 p.m.
- Close off Ayer St. from Sumner to Brainard for classic car show from 10:45 a.m. – 4:00 p.m. (Sumner and Brainard will be left open for cross traffic)
- Allow for hand-led pony rides by "Ponies that Party" in vacant lot at 5-Points
- (8) large barricades with sponsorship banners on barricades
- Six picnic tables and eight garbage cans
- Permission to place portable toilet on sidewalk at Main Street's expense
- Allow temporary "15 Minute Pharmacy Parking" on E. Sumner for Seeley's
- Allow signage for "No Parking on Saturday from 10:30 – 3:30" along second block of Ayer St.
- Use of sidewalks between 5-Points and Sumner and wherever any downtown business merchant would like to have an outdoor display/table
- Raffle permit

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

REBECCA GABRYS, CAPITAL CREAM REQUEST MUSIC ON BRAINARD ST. – APPROVED

Rebecca Gabrys, Capital Cream outlined her written request to allow "Music on Brainard Street" for a youth concert on Saturday, August 26th, September 9th or 16th from 3:30 p.m. – 8:00 p.m. Rebecca has spoken with the Post Office who can re-route their trucks if given advance notice. A fee of approximately \$6 would be charged – portions of which could be donated to the City and used to offset the cost of security. Alderman Berg felt excess funds should not be donated to the City but to a charity of their choice. The City Council discussed having one or two police officers to provide security. Moved by Logan, seconded by Adams to grant the request as presented to allow music on Brainard St. from 3:30 p.m. to 8:00 p.m., with Rebecca

coordinating the actual date and security with Chief Oparyk; excess funds to be donated to Harvard Main Street. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

TURTLE CROSSING, PHASE 1/LETTER OF CREDIT REDUCTION – APPROVED

Administrator Nelson indicated that City staff has reviewed Turtle Crossing's Letter of Credit Reduction Request #2 and all public improvements indicated have been completed and meet the City's acceptance. Moved by Perkins, seconded by Hay to approve the Letter of Credit Reduction Request #2 for Turtle Crossings as follows:

☞ Phase 1 from \$2,200,000.00 to \$856,645.11

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

PROCLAMATION “VETERANS’ APPRECIATION WEEKEND AUG. 18th – 20th” – APPROVED

Moved by Berg, seconded by Ulmer to approve a Proclamation designating August 18th – 20th, 2006, as Veteran's Appreciation Weekend in the City of Harvard. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

ORDINANCE RE UTILITIES IN CITY'S RIGHT OF WAY – ORD. 2006-130 APPROVED

Moved by Berg, seconded by Perkins to enact Ordinance 2006-130, Amending Chapter 6, Public Properties, to Add Section 6.18, Utilities in Right of Way. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2006-130 approved eight to zero.

ORDINANCE AMENDING ORD. 98-153, HISTORIC PRESERVATION – ORD. 2006-131 APPROVED

Mayor Nolan reviewed a request to amend the Historic Preservation Ordinance to amend the requirements for the composition of the Historic Preservation Commission to include individuals that live outside city limits. Moved by Logan, seconded by Adams to approve Ordinance 2006-131, Amending Ord. 98-153, Historic Preservation Ordinance, Regarding Commission Residency Requirements as presented. At Alderman Berg's inquiry, Attorney Fetzner stated that he has reviewed state statute and there is no residency requirement for individuals to serve on a historic preservation commission. Alderman Berg expressed concerns in that residents outside of city limits do not have the same vested interest as residents/property owners that reside in corporate limits on decisions that impact the community. After discussion, Alderman Logan and Adams moved and seconded that the original motion be amended with language in the ordinance to read “The Harvard Historic Preservation Commission shall consist of six (6) voting members, residents of the City of Harvard and/or real property owners within the Historic Preservation District, appointed by the Mayor and approved by the City Council.” Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2006-131 approved eight to zero.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 27, 2006.

Swimming Pool Requirements – Ordinance 2006-132 Approved

The Committee reviewed a request from Scott Schlendorf, 1601 Wildflower Lane, pertaining to a notice he received from the City that he was not in compliance with the City's swimming pool fence requirements and requested that the existing fence be grandfathered because it met the requirements when the pool was constructed five years ago. The Ordinance Committee recommends to the City Council that the swimming pool requirements be amended to grandfather in those residences which received notices of non-compliance and that the ordinance is to be pro-active only; all new swimming pool permits would be required to meet the current code as passed by the City Council. If said pool is replaced, no matter who owns it, the pool must be brought into compliance with the new ordinance.

Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation and Ordinance 2006-132, Amending Section 19.08, Swimming Pool Requirements. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Ordinance 2006-132 approved eight to zero.

Overnight Parking

The Committee discussed a proposal for a city-wide overnight parking ban similar to the current overnight parking ban in Ward 4 on both sides of the street between 2 and 6 a.m. After much discussion, aldermen of each ward were directed to report back to the Ordinance Committee their recommendations as how to solve the parking problems within their respective ward so emergency vehicles have full access on all streets.

FINANCE COMMITTEE RECOMMENDATIONS

Chairman Logan reviewed the Finance Committee Meeting Minutes of July 27, 2006.

Proposed Gas Tax – Approved

The Committee reviewed a proposed natural gas tax. After much discussion, the Finance Committee recommends to the City Council by a vote of three to one that the City enact a 5% Natural Gas Tax to be used for code enforcement, extra police enforcement, park land acquisition and city wide beautification.

Moved by Logan, seconded by Hay to approve the Finance Committee’s recommendation as presented. Alderman Hay clarified reasons as to why the Police Department is not equipped to handle code enforcement which is a specialty area and would require someone trained and familiar with building codes and noted that the building inspectors do not have time to be engaged in full-time code enforcement. Alderman Berg noted he hasn’t received this many phone calls on any single issue in his six years as alderman and noted that although he believes that all the items presented are needed and would be of great benefit to the community, it is with great reluctance that he would not support the proposed gas tax because of the objections/concerns raised by his constituents. Roll call vote: Hay, aye; Leyden, no; Marzahl, aye; Ulmer, no; Berg, no; Adams, aye; Logan, aye and Perkins, aye. Motion approved five to three.

ADAMS APPOINTMENT AS TRUSTEE OF HARVARD DIGGINS LIBRARY BOARD – APPROVED

Moved by Berg, seconded by Ulmer to approve the appointment of Alderman Adams as a Trustee of the Harvard Diggins Library Board. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

BEETSTRA APPOINTMENT AS TRUSTEE OF MARY D. AYER APARTMENT BOARD – APPROVED

Moved by Berg to approve the appointment of Amy Beetstra as a Trustee of the Mary D. Ayer Apartment Board. Mayor Nolan pointed out that Amy resides outside of city limits. Alderman Berg indicated his motion stands. Motion seconded by Perkins. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Adams, Perkins and Hay. All ayes. Motion carried.

INFORMATION: MCHENRY COUNTY COUNCIL OF GOVERNMENTS MEETING

The next McHenry County Council of Governments Meeting is scheduled for Wednesday, August 23rd at Niko’s Pub and Grill in Huntley at 6 p.m. RSVP is due by August 18th.

CONSENT AGENDA:

☞ City of Harvard Sesquicentennial Commission Raffle Request – August 19th, 2006 at USO Dance

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Adams to approve the bills as presented in the amount of \$253,225.41. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

MAYOR’S REPORT

The Mayor noted that the City is working on an Intergovernmental Agreement with Dunham Township for the use of their wood chipper in trade for some of our equipment until the amount can be budgeted for the purchase of a chipper next year (approx. cost is \$40,000); to be on the next City Council Agenda for approval.

The Mayor reminded the City Council of the Sesquicentennial Veteran's Appreciation Weekend from August 18th – 20th. The Traveling Wall will be on display from Friday, Aug. 18th at 3 p.m. until Sunday, Aug. 20th at 3 p.m. WWII Re-enactments will be held at Lion's Park on Saturday at 11 a.m. and 3 p.m. and on Sunday at 11 a.m. A USO Dance will be held on Saturday evening at the Stratford at 7 p.m.

CLERK'S REPORT - UPCOMING MEETING DATES

August 18-20 City of Harvard Sesquicentennial "Veteran's Appreciation Weekend"
August 22 Regular City Council Meeting, 7 p.m.

Clerk Wells reported that he has information on the seminar conducted prior to the McHenry Council of Governments meeting on Progressive Planning for anyone that is interested.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

Chief Oparyk reported that Officer Speilman graduated from police academy and is currently in training. The Neighborhood Watch for Oak Grove Crossings will hold their second organizational meeting on August 12th.

NO REPORTS

Administrator Nelson, Attorney Fetzner and Aldermen Hay, Perkins, Adams, Marzahl, Leyden, Ulmer and Berg had no report at this time.

Item #25: Closed Session dropped from the agenda.

At 7:55 p.m., moved by Berg, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date