

REGULAR CITY COUNCIL MEETING MINUTES
October 28, 2008 - 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 Andy Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, Administrator Nelson, Community Development Director Santeler, Police Chief Kazy-Garey, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 10/14/08 - APPROVED

Moved by Logan, seconded by Adams to approve the minutes of the Regular City Council Meeting of October 14, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

SEELEY'S PHARMACY REQUEST/SIGN ON SIDEWALK FOR BLOOD DRIVE – APPROVED

Seeley's Pharmacy is hosting a Blood Drive courtesy of the Rock River Valley Blood Center on Monday, November 10, 2008 from noon – 4 p.m. and is requesting permission to place a sandwich sign on the sidewalk in front of the store during the event hours and to block off three parallel parking spaces on the south side of Sumner Street from Ayer Street to the alley for the placement of the mobile coach unit. Moved by Perkins, seconded by Marzahl to approve Seeley's Pharmacy request as submitted to place a sign on the sidewalk in front of the store during event hours and to block off three parking spaces. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

KELLY REQUEST/301 AND 303 MARENGO RD. TO GRANT TEMPORARY EXCEPTION FROM REQUIREMENTS TO USE MUNICIPAL WATER FACILITIES – ORD. 2008-137

Administrator Nelson related that the property in question is located just directly south of Highway 173. There is a stub of a water main that goes to the kitty corner of the second home and any water service hookup would have to be at an angle to hook up; it's a dead end water main. Charles and Denise Kelly are requesting a temporary exception from the requirements to use municipal water facilities for 301 and 303 Marengo Road until such time as the Marengo Road water main hooks into Route 173. Moved by Perkins, seconded by Logan to approve the request and Ordinance 2007-137, Granting Temporary Exceptions from the Harvard Municipal Code Requirements to Use Municipal Water Facilities for Property at 301 and 303 Marengo Road until such time as the water main connects to Highway 173 at which time they will be required to tap on. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2008-137 approved eight to zero.

EXECUTION OF A LEASE AGREEMENT/UNION PACIFIC RAILROAD – APPROVED

Administrator Nelson reviewed the lease agreement and noted that a price was negotiated with Union Pacific Railroad in the amount of \$10,500 per year. Moved by Perkins, seconded by Ulmer to authorize the execution of a Lease Agreement with Union Pacific Railroad for commuter parking at the Metra Train Station. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, and Leyden, aye. Motion approved eight to zero.

NO INTEREST LOAN - \$25,000 TO HERMELINDO DELAROSA, 25 N. AYER ST. - APPROVED

Mayor Nolan and Administrator Nelson reported that the appropriate application has been filled out and the background and credit checks have been conducted for a revolving loan to Hermelindo Delarosa for building improvements at 25 N. Ayer St. Mr. Delarosa meets all the eligibility requirements. Moved by Perkins, seconded by Marzahl to approve a no interest loan to Hermelindo Delarosa in the amount of \$25,000. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Leyden, aye. Motion approved eight to zero.

TOBACCO LICENSE APPLICATION/HARVARD MARATHON, 360 S DIVISION - APPROVED

Moved by Perkins, seconded by Logan to approve the Tobacco License Application submitted by Krunal Patel, Krunal Petroleum, Inc., d/b/a Harvard Marathon, 360 S. Division St., Harvard. Said license to be issued from October 28th, 2008 thru April 30, 2009. Roll call vote: Szczap, aye; Adams, aye; Logan,

aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

APPOINTMENTS TO EVENTS COMMITTEE - APPROVED

Moved by Logan, seconded by Perkins to approve the Mayor's recommendation to appoint Crystal Musgrove and Cathy Pescinski to the Events Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of October 21, 2008.

Identity Theft Prevention Program – Resolution Approved

The Committee reviewed federal regulations which require the holders of covered accounts to have an Identity Theft Prevention Program and recommends to the City Council approval of the Resolution to Adopt the Identify Theft Prevention Program.

Moved by Hay, seconded by Logan to approve Resolution 2008-026, Adopting the Identity Theft Prevention Program. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Resolution 2008-026 approved eight to zero.

Office of Emergency Management – Ordinance 2008-138 Approved

The Committee reviewed the proposed ordinance to create the Office of Emergency Management and recommends to the City Council approval of the proposed ordinance with the City Administrator and City Clerk to determine the appropriate chapter and to move Section 2.01(J) Designating An Emergency Interim Executive and any other pertaining sections to that chapter.

Moved by Hay, seconded by Marzahl to approve the Ordinance Committee's recommendation and Ordinance 2008-138, Creating the Office of Emergency Management as discussed. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Ordinance 2008-138 approved eight to zero.

Settlement of Offenses – Ordinance 2008-139 Approved

The Committee reviewed Chief Kazy Garey's memo reference the following Settlement of Offenses:

1. Section 25.16, Public Consumption – increase fine amounts from 50/100 to 100/200
2. Section 26.12, Weapons – increase fine amount from 25/50 to 50/100 (refers to paint balls guns, b-b guns, etc.)
3. Add fine amounts reference 410 ILCS 82/15, Smoke Free Illinois Act with the following fines applied:
 - a. 100/200 individual
 - b. 250/500 first offense owner
 - c. 500/1000 second offense owner
 - d. 2500/2500 third offense owner

The Committee also reviewed Chief Kazy-Garey's memo to amend Section 12.04(F), Dogs and Cats, Animal Waste and stated that the section currently does not have language requiring owners to clean up animal waste on private property and recommended that "or private properties" be added to Section 12.04(F) and to amend Section 27.20(A), Defecation or Urination In Public to add language "or in the view of another" and to amend 27.20(B) Penalty to increase the not less than fine from \$25 to \$100 so that the ordinance matches the SOF. The Ordinance Committee recommends to the City Council that all the changes be approved as discussed.

Moved by Hay, seconded by Perkins to amend Section 1.14, Section 12.04(F) Dogs and Cats, Animal Waste, Section 27.20 A, Defecation or Urination in Public and 27.20(B) Penalty as recommended. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Ordinance 2008-139 approved eight to zero.

Chapter 17 Text Amendments

The Committee reviewed proposed zoning code text amendments as follows:

1. Amend section 17.20.08(K)(1), Lot Area Bulk Regulations, Height of Accessory Use. Current language says “no accessory building or other structure on any lot, other than a manufacturing district lot, shall be pursuant to Table 1, Column 15 and 16, herein” Amend to eliminate word “no”.
2. Delete Table 2, Lot Area for Particular Uses
3. Delete 17.20.090, Lot Area Requirements for Particular Uses
Clerk Wells noted that all of the particular uses are conditional uses in Table 3 of the Zoning Code
4. Amend Section 17.36.020, Location of Accessory Uses to allow accessory uses in a business zoning district. Accessory uses are currently not allowed in a business zoning district. Staff recommends that Sections 17.36.020 (B)2 and (C)3 be amended to add language “or in a business zoning district” to allow accessory uses in a business zoning district with the same requirements as a manufacturing district.

The Committee recommends to the City Council that the City Clerk be authorized to draft a petition to the Planning and Zoning Commission incorporating the proposed amendments as discussed.

Moved by Hay, seconded by Perkins to approve the Ordinance Committee’s recommendation authorizing the City Clerk to draft a petition to the Planning and Zoning Commission as discussed. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

City Clerk Wells indicated he would wait to submit the petition until the Planning and Zoning Commission calls a meeting.

MCHEMRY CO. ZBA NOTICE OF HEARING WITHIN CITY’S 1½ MILE JURISDICTION

The City Council reviewed the McHenry County ZBA Notice of Hearing to be held on November 19, 2008, for the following property:

- Reclassification of Property Located at 23203 State Line Road, Harvard from A-1 Agriculture to A-2 Agriculture District

There were no objections.

CONSENT AGENDA:

- St. Joseph’s Raffle Application October 14, 2008 to October 13, 2009

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$581,771.62. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

ALD MARZAH

Alderman Marzahl complimented Mayor Nolan, Community Dev. Director Santeler and the city crew for a job well done on the Downtown Streetscape.

MAYOR’S REPORT

Mayor Nolan reported on the following:

- status of the Downtown Ayer Street Streetscape Project. Ayer Street will be striped Monday, Nov 3rd and work will begin on the reconstruction of the Eastman Street parking lot. Front Street will be completed in the next couple weeks. There are also a couple brick sidewalks that will be completed in the next week. The Mayor reported that despite rumors, the project came in under budget enough to complete the Eastman Street parking lot. The Mayor commended Community Dev. Director Santeler for a great job on the project.
- Castle Bank is scheduled to close sometime in December; the City will be utilizing the Building Department for improvements at the bank.

- The developer has pulled the permit for the small shopping center at Admiral Dr./Highway 14
- The developer at the corner of McGuire Rd./Highway 14 has stated they have a contractor to remove the old motel and are waiting for some disconnects
- Walgreen's will open in January or February
- There will be a Ribbon Cutting Ceremony for Ayer St. on Friday, Nov 21st at 4:30 p.m.

ADMINISTRATOR'S REPORT

Administrator Nelson reported that the Tax Levy Hearing will be held at the next City Council Meeting, November 11, 2008, at 7 p.m.

CLERK'S REPORT - UPCOMING MEETING DATES

October 30 Events Committee Meeting, 4:30 p.m.
 November 4 Regular Planning and Zoning Commission Meeting CANCELLED
 November 6 Annual TIF Joint Review Board, 2:30 p.m.
 November 11 Regular City Council Meeting, 7 p.m.

Clerk Wells noted he has received information reference Metra's proposed budget as well as information on the conversion to digital TV.

TREASURER'S REPORT

Treasurer Meseck noted that the monthly treasurer's report is in the aldermen's folders.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

NO REPORTS

City Attorney Arévalo and Aldermen Leyden, Ulmer, Szczap, Adams and Perkins had no specific report at this time.

At 7:20 p.m., moved by Perkins, seconded by Logan to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan and Perkins. All ayes. Motion carried.

Submitted by:

Andy Wells,
 City Clerk

_____ Date