

REGULAR CITY COUNCIL MEETING MINUTES
January 26, 2010 - 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, Szczap, Adams, Logan, Perkins and Opper. Alderman Leyden was absent. Also present were Treasurer Meseck, Administrator Nelson, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Public Works Kruckenberg, Utilities Supt. Grant, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION:

Roger Gilbert addressed the City Council with respect to Item #5 on the agenda to oppose granting a fee waiver for Charter Communications for the Peddler's and Solicitor's Permit Fee.

Randy Donley, McHenry County Board, District 6 Representative reported on the state of the county which is in remarkable financial position with a four month cash reserve. Randy also reported that the 2030 Plan as it is proposed right now will be at the Harvard High School from March 1-6, 2010. Randy further noted his availability to get involved with any projects that the City needs help with on the County level.

CITY COUNCIL MEETING MINUTES OF 12/15/09 - APPROVED

Moved by Marzahl, seconded by Opper to approve the minutes of the Regular City Council Meeting of December 15th, 2009, with a correction regarding the vote on the appointment of Alderman Perkins to the Events Committee as he did not vote on that issue. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

POLICE DEPARTMENT SERGEANT APPOINTMENT

Chief Kazy-Garey reported that a sergeant's test was recently conducted and Officer Edward Kohn who has been with the department for five years will be appointed to the rank of sergeant. Officer Edward Kohn was sworn in by City Clerk Wells.

POLICE DEPARTMENT AWARDS

Chief Kazy-Garey presented the following awards:

- Officer Darrell Tennant who responded to the Harvard Credit Union on March 9th, 2009, for a robbery that occurred; due to Officer Tennant's timely and systematic response, the suspect was apprehended, the money recovered and the crime solved.
- Officer Baldowsky, Officer Palmer and Officer Sadoski who apprehended two suspects on February 26th, 2009, who were responsible for several crimes throughout McHenry County including a stolen car and armed robbery, as well as a robbery at Sullivan's Foods in Harvard.

Mayor Nolan commended Chief Kazy-Garey and the department for a job well done.

GREG SINGH, CHARTER COMMUNICATIONS/REQUEST FOR WAIVER OF PEDDLAR & SOLICITOR'S PERMIT FEES - DENIED

Moved by Logan, seconded by Perkins to deny Greg Singh, Charter Communications request for a waiver of fees for the Peddler's and Solicitor's License permit. Alderman Logan noted that City code clearly states that the fee is \$500 plus \$10 a day for a maximum of thirty days and should the petitioner decide to proceed, that the permit be limited to thirty days. The Mayor noted that in the past, the City has allowed the thirty days to be spread out over a period of time up to a year. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved seven to zero.

WISCONSIN BICYCLING RACING REQUEST - APPROVED

Carl Wilkins, Wisconsin Bicycling Racing, addressed the City Council and noted this is the seventh year they have conducted races at Milky Way Park. They anticipate over 150 riders in Harvard which requires City Council approval. The Mayor noted that the fees have been paid and that there were no problems last year.

Moved by Logan, seconded by Perkins to approve the Wisconsin Bicycling Racing request to conduct time trials at Milky Way Park using the west shelter on Saturday, June 12th, 2010, from 7:30 a.m. – 1:00 p.m. with more than 150 participants. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

WALGREEN'S CLASS B LIQUOR LICENSE APPLICATION – APPROVED

Pat Disaronno, District Manager for Walgreens Harvard, 810 Mason Lane, Lake in The Hills, IL and Linda Jo Finstrom, Harvard Store Manager, 620 Lake Plumlie Way, Algonquin, IL were present to answer any questions. Mayor Nolan reported that the background check was handled and all fees have been paid. Chief Kazy-Garey had no objections. Moved by Logan, seconded by Marzahl to approve a Class B Liquor License to Walgreens Store #11411, 395 S. Division St., Harvard. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Marzahl, aye. Motion approved seven to zero.

MIKE ABERLE, HARVARD CIGARETTE DEPOT 360 S. DIVISION #9/RELINQUISH CLASS B LIQUOR LICENSE AND RAJENDRA PATEL, BEER & CIGARETTE DEPOT, 360 S. DIVISION #9 CLASS B LIQUOR LICENSE APPLICATION - APPROVED

Mayor Nolan reported that the background check was conducted, all fees have been paid, and insurance provided. Chief Kazy-Garey had no objections. Moved by Perkins, seconded by Adams to approve Mike Aberle, Harvard Cigarette Depot's relinquishment of the Class B Liquor License contingent upon the completion of the sale of the Harvard Cigarette Depot to Rajendra Patel and the transfer of said Class B Liquor License to Rajendra Patel, Beer & Cigarette Depot, 360 S. Division St. #9, Harvard. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

RAJENDRA PATEL, BEER & CIGARETTE DEPOT, 360 S. DIVISION #9 TOBACCO SALES LICENSE APPLICATION – APPROVED

Moved by Perkins, seconded by Opper to approve a Tobacco License for Rajendra Patel, Beer & Cigarette Depot, 360 S. Division St., #9, Harvard. Roll call vote: Adams, aye; Logan, aye; Perkins, aye, Opper, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

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

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

- Resolution to release the following closed session minutes into the open minutes book of the City Clerk: August 26, 2008 and June 23, 2009
- Resolution authorizing the destruction of audio recordings of the following closed session meetings: January 24, 2006

Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

AUTHORITY TO EXECUTE AND SUBMIT POLICE DEPT IDOT GRANT - APPROVED

Moved by Logan, seconded by Perkins to authorize Chief Kazy Garey and Sgt. Krause to execute and submit a grant to the Illinois Department of Transportation for the Highway Safety Project, Sustained Traffic Enforcement Program (STEP). Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

APPOINT FREEDOM OF INFORMATION OFFICERS – APPROVED

City Administrator Nelson reported that the FOIA regulations were changed effective January 1st, 2010. The proposed officers have been trained and all information has been posted in compliance with the new laws. Moved by Perkins, seconded by Logan to appoint Freedom of Information Officers as follows: City Administrator David Nelson and Admin. Asst. Lori Moller at City Hall and Chief Dan Kazy-Garey and Records Clerk Colleen O'Brien at the Police Dept. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

APPOINT ADMINISTRATOR NELSON AS OPEN MEETINGS ACT OFFICER – APPROVED

City Administrator Nelson reported that new regulations went into effect January 1st, 2010, and the Attorney General's office anticipates putting the training on line as of February 1st, 2010 at which time he will complete the training to be in compliance. Moved by Logan, seconded by Opper to appoint City Administrator David Nelson as the Open Meetings Act Officer. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

INCREASE LINE OF CREDIT FROM HARVARD STATE BANK – APPROVED

Mayor Nolan reviewed the graph showing the City's line of credit balance from 2002 to the present. Moved by Perkins, seconded by Marzahl to increase the line of credit from the Harvard State Bank from \$800,000 to \$1,200,000. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved seven to zero.

CONSENT AGENDA:

- Harvard Wrestling Club Raffle Request, January 30th, 2010
- Sanction Mayor's Approval of Eagle Scout Award for David Hegge

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

COMMITTEE REPORTS

ALD. MARZAHL

Alderman Marzahl commended Chief Kazy-Garey and staff for a job well done.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$121,497.98. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye; Motion approved seven to zero.

MAYOR'S REPORT

Mayor Nolan reported that the City has begun budget process with more tough decisions to make this year.

ADMINISTRATOR'S REPORT

Administrator Nelson reported he and Mayor Nolan are working to secure grant funds for the Highway 14/McGuire Rd. intersection through federal funding. This is part of the project that includes Wal Mart's \$575,000. The City will know for sure in March if we have received an additional \$425,000 through the McHenry County Council of Governments. Dave has to complete some procedural items in order to access the money for advance funding. The anticipated construction would be in July, 2010.

CLERK'S REPORT - UPCOMING MEETING DATES

February 2	Planning & Zoning Commission Meeting
February 9	Regular City Council Meeting, 7 p.m. POST TO CANCEL
February 16	Regular Events Committee Meeting 5 p.m.
February 23	Regular City Council Meeting, 7 p.m.

Clerk Wells reported that he has submitted the annual listing to the McHenry County Clerk for the Economic Interest Statements. Individual Economic Interest Statements must be filed annually with the County Clerk by May 1st, 2010.

DEPARTMENT HEADS REPORTS

Smith Engineering and Dept. Heads: Reports as submitted.

NO REPORTS

City Attorney Carlos Arévalo, Treasurer Meseck and Aldermen Ulmer, Szczap, Adams, Perkins and Opper had no specific report.

At 7:25 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

02/02/10
Date