

REGULAR CITY COUNCIL MEETING MINUTES

April 27, 2010 - 7:00 P.M.

City Clerk Wells called the City Council meeting to order at 7:00 p.m., led the pledge to the flag and called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. Also present were Treasurer Meseck, City Administrator Nelson, Police Chief Kazy-Garey, Supt. Parks & Recreation Burkart, Supt. Public Works Kruckenberg, Supt. Utilities Grant, City Attorney Carlos Arévalo and members of the audience.

In Mayor Nolan's absence, it was moved by Logan, seconded by Perkins to appoint Alderman Marzahl as Mayor Protem for the City Council meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

AUDIENCE PARTICIPATION

Steve Haerter, Chief Harvard Fire Protection District addressed the City Council with respect to notification policy or procedures for the HFPD monthly training. Administrator Nelson recommended that the most efficient procedure would be for the two departments to coordinate between Chief Haerter and Chief Kazy-Garey who can then notify the City Council via e-mail or personal contact. Administrator Nelson felt that a three-week advance notice to the City Council would be sufficient.

FY2010/2011 BUDGET PUBLIC HEARING

Mayor Protem Marzahl opened the public hearing to review the FY2010/2011 Budget. The Certificate of Publication certifies that the notice of hearing was published in the Northwest Herald on April 17, 2010. Mayor Protem Marzahl asked for additional questions or comments from the audience or members of the City Council. There were none and the hearing was closed.

POLICE DEPARTMENT SERGEANT APPOINTMENT

Chief Kazy-Garey presented Officer Andrew Spielman for promotion to the rank of Sergeant. Officer Spielman was then sworn in by City Clerk Wells.

CITY COUNCIL MEETING MINUTES OF 03/23/2010 - APPROVED

Moved by Logan, seconded by Perkins to approve the minutes of the Regular City Council Meeting of March 23, 2010, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

CASSANDRA MCKINNEY WATER RESOURCES MGR, MCHENRY COUNTY GROUNDWATER PROTECTION TASKFORCE: PRESENTATION AND PROPOSED RESOLUTION – APPROVED

Cassandra McKinney, McHenry Co. Water Resources Manager outlined the Groundwater Protection Action Plan Executive Summary. The County worked with a task force comprised of municipal governments, townships, regional governments, special interest groups, citizens, business and industry to develop a groundwater protection program. The underlying goal of the plan is to preserve and protect the quantity and quality of groundwater absent another layer of government, to ensure a sustainable yield of potable water for current and future generations and to build a stronger base of support for groundwater through education and outreach.

Administrator Nelson recommended adoption of the proposed resolution which doesn't commit the City to any other action than to review and consider the Action Plan within the next year. Moved by Perkins, seconded by Adams to approve a Resolution Agreeing to Review and Consider the McHenry County Water Resources Action Plan Model Policies. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

RESOLUTION IN RECOGNITION OF ALLIED PLUMBING, INC./5 YEARS IN BUSINESS - APPROVED

Mayor Protem Marzahl read the resolution in recognition of Allied Plumbing, Inc.'s achievement of 5 Years in Business. Moved by Logan, seconded by Oppen to approve the resolution. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

RESOLUTION IN RECOGNITION OF BROWN BEAR DAYCARE AND LEARNING CENTER/10 YEARS IN BUSINESS - APPROVED

Mayor Protem Marzahl read the resolution in recognition of Brown Bear Daycare and Learning Center's achievement of 10 Years in Business. Moved by Adams, seconded by Perkins to approve the resolution. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

HARVARD SCHOOL DISTRICT #50 SIGN VARIATION – ORD. 2010-104 APPROVED

Dr. Crosby was present to address any questions. Moved by Ulmer, seconded by Opper to approve School District 50's request for a sign variation for the Richard D. Crosby Elementary School as follows:

1. Increase the square footage from the maximum code requirement of 16' to 110'
2. Reduce the setback off of school property limits at Marengo Rd. from the minimum requirement of 12.5' to 11.5'

Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2010-104 approved eight to zero.

HARVARD SCHOOL DISTRICT #50 INTERGOVERNMENTAL AGREEMENT FOR FIBER OPTIC NETWORK – REFERRED TO PUBLIC PROPERTY COMMITTEE

The Intergovernmental Agreement with School District #50 for a Fiber Optic Network was referred to the Public Property Committee for review.

Chairman Ulmer called a Public Property Committee Meeting for Thursday, May 13th, 2010 at 6:30 p.m. at City Hall, 201 W. Diggins St., Harvard.

ZENAIDA CASTANEDA, SUNNY'S DOLLAR GIFTS & MORE, 43 N AYER ST./REQUEST TO USE PUBLIC SIDEWALK – NO ACTION TAKEN

There was no representative from Sunny's Dollar Gifts & More present at the meeting. No action taken.

JOANNE MORRIS ONE DAY LIQUOR LICENSE/MILKY WAY PARK JULY 24, 2010 - APPROVED

The City Council reviewed Joanne Morris' request for a One Day Liquor License at the Milky Way Park East Shelter on Saturday, July 24, 2010, from 10 a.m. – 8 p.m. Administrator Nelson noted that everything is in order for the rental of the park with the exception of dram shop insurance. Moved by Logan, seconded by Perkins to approve a One Day Liquor License for the consumption of alcohol at Milky Way Park on Saturday, July 24th, 2010, from 10 a.m. – 8:00 p.m., contingent upon the receipt of dram shop insurance. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion approved eight to zero. Joanne Morris submitted a Certificate of Insurance issued with host liquor coverage.

ST. PAUL LUTHERAN CHURCH WAIVER OF OUTDOOR MARKET FEES – APPROVED

Moved by Opper, seconded by Ulmer to approve St. Paul Lutheran Church's request for a waiver from Section 21.07, Outdoor Market Fees for the St. Paul Lutheran Youth Group food booth at Central School on Saturday, June 6th, 2010, during the Harvard Milk Days Parade. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

ST. PAUL LUTHERAN CHURCH WAIVER OF BUILDING PERMIT FEES – APPROVED

Moved by Logan, seconded by Ulmer to approve St. Paul Lutheran Church's request for a waiver of building permit fees in the amount of \$509.85 for fire damage repairs to the church. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved eight to zero.

HARVARD MILK DAYS REQUEST FOR A WAIVER OF OUTDOOR MARKET FEES - APPROVED

Moved by Logan, seconded by Adams to approve Harvard Milk Days' Request for a waiver from Section 21.07, Outdoor Market Fees for Harvard Milk Days 2010 for the following vendors:

1. Milk Days Ag/Commercial Tent vendors
2. Craft Show vendors
3. Game, Novelty vendors and Food concessions at the Milk Day Grounds
4. Horse Show Concessions/Vendors
5. Milk Run Booth

Roll call vote: Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, abstain; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved seven to zero with one abstention.

HARVARD MILK DAYS REQUEST TO CALL PARKS & RECREATION COMMITTEE MEETING

Mayor Protem Marzahl referred to a written request from Mike Bannwolf, Festival Grounds Chairman to call a Parks and Recreation Committee meeting to discuss upgrades and improvements to Milky Way Park.

Chairman Perkins called a Parks & Recreation Committee Meeting for Tuesday, May 4, 2010, at 6:30 p.m. at City Hall, 201 W. Diggins St., Harvard.

PROCLAMATION “LOOK AT LOCAL HISTORY” MONTH - APPROVED

Moved by Perkins, seconded by Adams to approve a Proclamation Designating May, 2010 as “*Look at Local History*” Month in the City of Harvard. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

W. DIGGINS ST. PROJECT – STAFF AUTHORITY TO PROCEED - APPROVED

Mayor Protem Marzahl reported that the bid opening for the West Diggins Street Reconstruction and Resurfacing Project was held on Monday, April 26th, 2010, with the apparent low bidder Schroeder Asphalt in the amount of \$281,881.81. Mayor Protem Marzahl further noted there is an IDOT requirement for a 10-day waiting period after the bid opening before the contract can be awarded. Administrator Nelson noted the project is part of a \$335,000 grant from the State of Illinois. The funds are restricted and the City cannot use the grant funds for anything other than the construction project so upgrades will be made to the project to spend the full amount of the grant. Moved by Logan, seconded by Perkins to grant City staff the authority to proceed with Schroeder Asphalt, Inc. Roll call vote: Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

RELEASE OF COUNTRY BROOK SUBDIVISION LETTERS OF CREDIT - APPROVED

Administrator Nelson referred to the memo from Community Development Director Santeler and reported that Harris Bank has made arrangements to sell the vacant lots in Country Brook Subdivision to one holder of all the properties. The City’s plan is to meet with an agent of the new owner and replace Amcore’s letter of credit with a new letter of credit issued by the new owner. Moved by Perkins, seconded by Logan to release the Letters of Credit for Country Brook Subdivision Unit 1 Letter of Credit No. S2004-186 and the Unit 2 Letter of Credit No. S2004-184 upon the issuance of a new letter of credit in the amount of \$30,000.00. Roll call vote: Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

FIRST AMENDMENT TO MERRYMAN ANNEXATION AGREEMENT – PUBLIC HEARING SET

Moved by Perkins, seconded by Logan set a Public Hearing for Tuesday, May 25th, 2010, at 7:00 p.m. before the regular City Council Meeting to discuss the First Amendment to the Annexation Agreement By and Between the City of Harvard and Thomas Merryman. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

ADOPTION OF PACE DRUG AND ALCOHOL TESTING POLICY – APPROVED

Moved by Perkins, seconded by Oppen to adopt the PACE Drug and Alcohol Policy and Testing Program. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Oppen. All ayes. Motion carried.

ADOPTION OF PACE SYSTEM SECURITY AND EMERGENCY PREPAREDNESS PLAN – APPROVED

Moved by Perkins, seconded by Adams to adopt the PACE System Security and Emergency Preparedness Plan (SSEPP). Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

CITY OF HARVARD ANNUAL BUDGET FOR FY2010/2011 – ORD. 2010-105 APPROVED

Administrator Nelson noted that the proposed budget is down 1.6% from the previous year and 11% from two years ago. Moved by Logan, seconded by Perkins to approve Ordinance 2010-105, Approving the City of Harvard Annual Budget for Fiscal Year 2010/2011. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2010-105 approved eight to zero.

CONSENT AGENDA:

- Women For Harvard Solicitation at 5-Points May 7th & 8th (Rain date May 14th & 15th)
- Harvard Milk Days Horse Show Raffle Request May 29th, 2010
- Harvard Milk Days Cow Chip Lotto, May 1st – June 6th, 2010
- American Legion Post #265 Request Poppy Days, May 14th & 15th, 2010
- American Legion Post #265 Memorial Day Parade, May 31st, 2010

Moved by Perkins, seconded by Opper to approve the Consent Agenda, removing the rain dates from the Women For Harvard's request which conflict with the primary dates for the American Legion Poppy Days. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Moved by Opper, seconded by Adams to approve the addition to the Consent Agenda: Harvard Milk Days Wheelz Show Raffle Request May 1st – 29th, 2010. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills in the amount of \$522,630.75. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion approved eight to zero.

ALD. LOGAN – EVENTS COMMITTEE

Alderman Logan reported that the Events Committee is holding a special committee meeting on Tuesday, May 4th, 2010, at 5 p.m. to discuss what the committee can do to support the planned pig roast in August which is a fund raiser for the new Food Pantry/Sr. Citizen Center.

ALD. PERKINS – ADOPT A HIGHWAY PROGRAM

Alderman Perkins scheduled a highway clean up on Saturday, May 22nd, 2010, at 7 a.m. on Highway 173 from the Public Works garage to Ayer Street.

DEPARTMENT HEADS REPORTS

SEC Group, Inc., an HR Green Company and Dept. Heads: Reports as submitted.

Chief Kazy-Garey reported that Officer Burton is working well in the schools. A gang awareness meeting was held at the High School on April 19th which was well attended as well as a School Resource Officer Meeting in the City Council Chambers attended by county school officials and other school resource officers within the county.

Supt. Public Works Kruckenberg reported that brush pick-up will start Monday, May 3rd, 2010, which is a week earlier than previously scheduled.

Supt. Utilities Grant reported that hydrant flushing is underway. Staff is leaving the caps off and greasing them as part of their routine so there isn't an issue getting the cap off during a fire.

ADMINISTRATOR'S REPORT

City Administrator Nelson noted his memo outlining various projects that he is working on with the Mayor's office.

The resurfacing of Garfield St. from McKinley to Deerpath using federal funds is scheduled to begin the first part of May.

CLERK'S REPORT - UPCOMING MEETING DATES

- May 4 Planning & Zoning Commission Meeting POST TO CANCEL
Special Events Committee Meeting, 5 p.m.
Parks & Recreation Committee Meeting, 6:30 p.m.
- May 11 Regular City Council Meeting, 7 p.m. POST TO CANCEL
- May 13 Public Property Committee Meeting, 6:30 p.m.
- May 18 Regular Events Committee Meeting 5 p.m.
- May 25 Public Hearing Merryman First Amendment to Annexation Agreement
Regular City Council Meeting, 7 p.m.

TREASURER'S REPORT

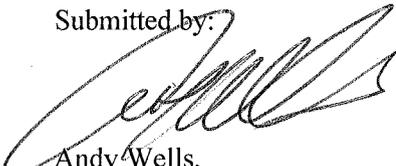
Treasurer Meseck noted that the monthly treasurer's report for April, 2010, was in the aldermen's folders.

NO REPORTS

City Attorney Carlos Arévalo and Aldermen Leyden, Marzahl, Ulmer, Szczap, Adams and Opper had no specific report.

At 7:36 p.m., moved by Logan, seconded by Adams to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

05/12/10
Date