

REGULAR CITY COUNCIL MEETING MINUTES
August 24, 2010 - 7:00 P.M.

Mayor Nolan called the City Council meeting to order at 7:00 p.m. Clerk Wells called roll. Aldermen present: Marzahl, Ulmer, Szczap, Logan and Oppen. Aldermen Leyden, Adams and Perkins were absent. Also present were City Treasurer Meseck, City Administrator Nelson, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Public Works Kruckenberg, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 07/27/2010 - APPROVED

Moved by Logan, seconded by Marzahl to approve the minutes of the Regular City Council Meeting of July 27, 2010, as presented. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan and Oppen. All ayes. Motion carried.

ANIMAL SERVICES AND ASSISTANCE PROGRAM (ASAP) AMEND CHAPTER 12 – REFERRED TO ORD. COMMITTEE

Cindy Gaffney, 19309 Kishwaukee Valley Rd., Marengo, IL and Betty Schlieben, 5315 Stillwell Dr., Wonder Lake, IL from the Animal Services and Assistance Program, Inc. presented information packets on the Feral Cat Trap-Neuter-Release (TNR) Program and requested that the City Council consider amending Chapter 12, Dogs, Cats and Other Animals (B) Running At Large to add an exception regarding feral cat colonies as managed according to the definition of the McHenry County Animal Control ordinance. Current City ordinance does not allow for the release of feral cats after the TNR Program back into colony. After discussion, the program was referred to the Ordinance Committee for further review.

ORRIN KINNEY BANQUET HALL REQUEST FOR EXCEPTION - APPROVED

Attorney Joel Berg, 16 N. Ayer St., addressed the City Council on behalf of Orrin Kinney, P.O. Box 368, who is the owner of the Starline Building. Attorney Berg noted that the roof on the center section of the Starline Building has been repaired and fixed up into a 13,000 sq. ft. continuous open space. The space has complete handicapped accessible washrooms, new electrical rewiring and smoke detectors. Mr. Kinney has been approached by several organizations who would like to use the space for fund raising activities. The property, however, is not zoned for that use and is zoned manufacturing. Attorney Berg requested the City Council authorize an exception for September 23rd & 24th, 2010 for the McHenry County Land Conservancy Fund Raiser/Art Show and October 9th, 2010 for the McHenry County Historical Society to hold a banquet for approximately 200 people, to celebrate businesses in McHenry County that have been in business for 75 years or more. The Women for Harvard have also requested use of the space for Christmas in Harvard Visit With Santa in December. Mr. Kinney is not providing food, alcohol or anything other than a space for any of the activities. This would give Mr. Kinney the opportunity to see if this is a feasible use in the event Mr. Kinney would like to make it a more permanent use of the property which would require rezoning/exceptions. There is a parking lot across the street that takes up half a city block that is owned by Mr. Kinney that can be utilized for parking. Mayor Nolan said he would like to have the Building Dept. and Fire Dept. check out the space. The petitioner had no objection to the inspections. Moved by Logan, seconded by Marzahl to grant the exception for the use of the property on the dates specified with the inspection conditions stipulated by Mayor Nolan. Community Development Director Santeler was directed to set up a date with Mr. Kinney and the Fire Dept. to coordinate an inspection. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye and Oppen, aye. Motion approved five to zero.

SURPLUS PARK PROPERTY BID – ORD. 2010-114 APPROVED

Chairman Ulmer opened and read the Surplus Park Property bid received from Daryl Ransom, 1007 Dewey St., Harvard in the amount of \$150 for Lot 40. Mayor Nolan clarified that the City Council declared the property as surplus at a minimum bid of \$150 plus any associated surveying and legal fees. Moved by Logan, seconded by Oppen that the Harvard City Council award the bid to adjoining property owner Daryl Ransom. Roll call vote: Ulmer, aye; Szczap, aye; Logan, aye; Oppen, aye and Marzahl, aye. Ordinance 2010-114 approved five to zero.

TRINITY EVANGELICAL LUTHERAN CHURCH REQUEST TO CLOSE GRANT ST. – APPROVED

Moved by Logan, seconded by Marzahl to approve Trinity Evangelical Lutheran Church's request to block Grant Street from Route 173 to Blackman Street on Sunday, August 29th, 2010, from 10 a.m. – 1 p.m. for their annual Rally Day. Alderman Marzahl recommended that the Harvard Fire Protection District and Hebron Rescue Squad be notified as they use that street enroute to the hospital. Chief Kazy-Garey will take care of the notification. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan and Opper. All ayes. Motion carried.

INTERGOVERNMENTAL AGREEMENT SCHOOL DISTRICT 50 – APPROVED.

Administrator Nelson noted that City ordinance requires a bond or letter of credit to be posted for the maintenance or guarantee on road improvements. The City felt that an Intergovernmental Agreement with School District 50 would be easier to take care of instead of posting a bond for the Marengo Road Improvements. Moved by Logan, seconded by Opper to authorize Mayor Nolan to execute the Intergovernmental Agreement with Harvard Community Unit School District 50. Roll call vote: Szczap, aye; Logan, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved five to zero.

PROCLAMATION CONSTITUTION WEEK - APPROVED

Moved by Logan, seconded by Marzahl to approve a Proclamation Designating September 17th – 23rd as Constitution Week. Alderman voting aye: Marzahl, Ulmer, Szczap, Logan and Opper. All ayes. Motion carried.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Szczap reviewed the Ordinance Committee Meeting Minutes of August 4, 2010.

Call Center Marengo Fire & Rescue

The Ordinance Committee reviewed a presentation from Chief Kazy-Garey and Chief Bob Bradbury of the Marengo Fire and Rescue Department with respect to a call center operated out of our Police Dispatch. There are still some issues to review so no action taken at this time.

Text Amendment to Zoning Code/Section 17.44.068 Tattoo Parlor – Approved

The Committee reviewed the Planning and Zoning Commission's recommendation to eliminate Section 17.44.068, Tattoo Parlor and recommends to the City Council to authorize City Administrator Nelson to execute a petition to be submitted to the Planning and Zoning Commission.

Moved by Szczap, seconded by Opper to approve the Committee's recommendation to execute a petition to be submitted to the Planning and Zoning Commission. All ayes. Motion carried. The petition will be on the September 7th, 2010, Planning and Zoning Commission Agenda.

Amend Section 21.03 Vending License – Ord. 2010-115 Approved

The Committee reviewed staff recommendation to add a specific due date for renewal applications with a penalty clause of double the application fee if the renewal application is not received by that date and recommends to the City Council that Section 21.03, Vending Licenses, be amended to include a due date of December 1st with a penalty clause of double the application fee. Upon approval, letters will be sent to all establishments with vending licenses to notify them of the new code provisions.

Code Book Cleanup – Ord. 2010-115 Approved

The Committee reviewed staff recommendations as follows:

- Delete Section 5.08 Landmark Commission which was replaced by Architectural Review Commission in 2009
- Section 1.16, Miscellaneous Charges – move to Chapter 20
- Section 27.16, Tobacco Regulations conflict with Settlement of Offenses. SOF should be listed at \$50 and \$100

The Committee recommends to the City Council that an ordinance be drafted incorporating the changes as recommended by staff.

Moved by Szczap, seconded by Opper to approve the Committee's recommendations and Ordinance 2010-115, Amending Sections 21.03, Vending License; Delete Section 5.08 Landmark Commission; Section 1.16, Misc. Charges moved to Chapter 20 and amending the Settlement of Offenses for Section 27.16, Tobacco Regulations to \$50 and \$100. Roll call vote: Logan, aye; Opper, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Ordinance 2010-115 approved five to zero.

Administrator Nelson advised the Committee that he is in the process of going over Chapter 3, City Administration, and should have a redlined version ready for the Mayor's review in about six weeks.

Clerk Wells advised the Committee that he would be bringing some proposed changes in the liquor code to the Committee after the first of the year. Chief Kazy-Garey distributed a model ordinance on the State of Illinois Liquor Commission BASSET Program.

NO PARKING OF CERTAIN VEHICLES ON TRUCK ROUTES IN RESIDENTIAL AREAS – REFERED TO COMMITTEE

Said item was referred to the Ordinance Committee for review. Alderman Marzahl also noted a complaint received from a UPS truck driver who indicated it was difficult for two cars to pass on Marengo Road when vehicles are parked on the road. Administrator Nelson said that his review of Chapter 3 is also ready for Committee review.

CONSENT AGENDA:

- Harvard Harmony Raffle Request August 27th – October 22nd, 2010
- Free Spirit Siberian Rescue Tag Days, August 28th & 29th, 2010
- Harvard High School Homecoming Parade, September 17th, 2010
- Knights of Columbus Tootsie Roll Drive September 17th & 18th, 2010
- Benefit for Bart Iverson Raffle Request, September 18th, 2010

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

AUDIENCE PARTICIPATION:

Randy Donley, McHenry County Board, District 6 Representative updated the City Council on the financial shape of the County. At this point, no employees have been laid off, but the County is starting to look at the possibility of the layoff scenario if the economy does not pick up. The Health Dept. would like to report on telephone scams whereby individuals are representing themselves as county health dept. employees trying to sell mandatory OSHA medical kits to businesses with health permits and trying to set up appointments with senior citizens with important information about Medicare. Both are absolutely false. Representative Donley inquired if there any issues that the City would like assistance from him at the County level. Mayor Nolan indicated that the City may need his assistance with the County Highway Dept. reference the turn lane on McGuire Rd.

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED,

Moved by Logan, seconded by Marzahl to approve the bills list as presented in the amount of \$181,961.70. Roll call vote: Opper, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Logan, aye. Motion approved five to zero.

ALD. LOGAN – “PORK FOR THE PANTRY” PIG ROAST FUNDRAISER

Alderman Logan thanked everyone who helped out with the Pig Roast Fundraiser on Saturday, August 21st.

ALD. SCZAP – ORDINANCE COMMITTEE

Chairman Szczap called an Ordinance Committee for September 7, 2010, at 6:00 p.m., in the City Council Chambers, to discuss no parking of vehicles on certain truck routes, parking on Marengo Road between Ayer St. and Route 173, Chapter 12 with reference to feral cats and to review staff recommendations for Chapter 3, City Administration.

ALD. MARZAHL

Alderman Marzahl noted a conversation with Supt. Grant on flushing the well and inquired how it went. City Administrator Nelson reported that the sample had been submitted and staff should know tomorrow.

MAYOR'S REPORT

Mayor Nolan noted the tremendous support from the community on the Pork for the Pantry Pig Roast Fundraiser which raised a little over \$20,000 for the new Food Pantry/Sr. Center Building.

ADMINISTRATOR'S REPORT

City Administrator Nelson noted a letter from Com Ed in the aldermen's folders regarding their tree trimming program. City Administrator Nelson also updated the City Council on the Ayer Street Bridge which is closed with a detour. The schedule for the project is a November letting and it is anticipated that the project will be awarded in time for some winter construction. The bridge will be totally removed in the spring of 2011 and opened back up in the summer of 2011. This is a regularly Federal funded program where the City will receive 80% of the construction cost from the Federal government.

CLERK'S REPORT - UPCOMING MEETING DATES

- Sept 7 Ordinance Committee Meeting 6:00 p.m.
- Planning & Zoning Commission Meeting, 7 p.m.
- Sept 14 Regular City Council Meeting, 7 p.m. POST TO CANCEL
- Sept 21 Regular Events Committee Meeting 5 p.m.
- Sept 28 Regular City Council Meeting, 7 p.m.

Clerk Wells reported that he has received notice from the McHenry County Clerk that petitions for the April 5th, 2011, Consolidated Election will be available as of September 21st.

NO REPORTS

City Attorney Arévalo, Treasurer Meseck and Aldermen Ulmer and Opper had no specific report.

DEPARTMENT HEADS REPORTS

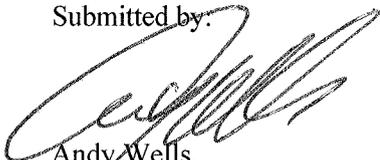
SEC Group, Inc., an HR Green Company and Dept. Heads: Reports as submitted.

Mayor Nolan reported that our City Engineer, Gary Rozwadowski is no longer with Smith Engineering.

Community Development Director Santeler reported that the Garfield Sidewalk by Trinity Lutheran Church at the northeast corner of Garfield and East Diggins is currently underway.

At 7:55 p.m., moved by Logan, seconded by Opper to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

Date