

**REGULAR CITY COUNCIL MEETING MINUTES**  
**September 28, 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: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. Alderman Adams was absent. Also present were City Administrator Nelson, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Utilities Grant, City Attorney Carlos Arévalo and members of the audience.

Mayor Nolan noted an additional sub-item under Mayor's Report: a) Resolution Accepting Hereley Drive for Maintenance and Marengo Road Improvements and an addition to the Consent Agenda: St. Joseph's School Raffle Request October 1<sup>st</sup> – November 30<sup>th</sup>, 2010.

**AUDIENCE PARTICIPATION:**

Roger Gilbert commented on Agenda Item #15 Halloween Trick or Treat Hours and suggested that the City Council consider moving the hours to the afternoon when it is still light outside.

**CITY COUNCIL MEETING MINUTES OF 08/24/2010 - APPROVED**

Moved by Perkins, seconded by Opper to approve the minutes of the Regular City Council Meeting of August 24, 2010, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried.

**PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS**

Richard Lind/Jessica Castallanos, Drop N Wash, to Amend Section 17.20.100, Permitted Uses to Allow for a Non-Retail Laundry as a Conditional Use in a B2 Zoning District and Approval of a Conditional Use for Non-Retail Laundry at 22 N. Ayer St., Harvard - Ordinance 2010-116 Approved

Chairman Szczap noted the Recommendations/Findings of Fact submitted by Glenda Miller, Chairman Protem of the Planning and Zoning Commission which met on September 7<sup>th</sup>, 2010 for a hearing in the petition submitted by Richard Lind/Jessica Castallanos to amend the zoning code to allow for a non-retail laundry service at 22 N. Ayer Street, Harvard. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends that Section 17.20.100, Uses Permitted in Zoning Districts be amended to allow a non-retail laundry service as a conditional use in a B-2 Zoning District and further that the petitioner's request be granted to allow for a non-retail laundry service as a conditional use at 22 N. Ayer St., Harvard, Illinois, with the stipulation that the conditional use permit shall not run with the land and shall expire at such time as the petitioner's lease interest in the property ceases to be in effect.

Moved by Logan, seconded by Perkins to approve the Planning and Zoning Commission's recommendations as presented and Ordinance 2010-116, to amend Section 17.20.100, Uses Permitted in Zoning Districts to allow a non-retail laundry service as a conditional use in a B-2 Zoning District and further that the petitioner's request be granted to allow for a non-retail laundry service as a conditional use at 22 N. Ayer St., Harvard, Illinois, with the stipulation that the conditional use permit shall not run with the land and shall expire at such time as the petitioner's lease interest in the property ceases to be in effect. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye; Perkins and Opper, aye. Ordinance 2010-116 approved seven to zero.

City of Harvard Text Amendment to Delete Section 17.44.068, Tattoo Parlor – Ordinance 2010-117 Approved

Chairman Szczap noted the Recommendations/Findings of Fact submitted by Glenda Miller, Chairman Protem of the Planning and Zoning Commission which met on September 7<sup>th</sup>, 2010 for a hearing in the petition submitted by the City of Harvard for a text amendment to delete Section 17.44.068, Tattoo Parlor. The City presented evidence and testimony in support of the petition and testified that it is not desirable to allow for a moveable conditional use for tattoo parlors within the B-2 Zoning District. Any proposed tattoo parlor should be required to submit a petition to the Planning and Zoning Commission and meet all the requirements as outlined in Section 17.44.030, Standards For All Conditional Uses. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the text amendment be approved as submitted.

Moved by Logan, seconded by Perkins to approve the Planning and Zoning Commission's recommendation and Ordinance 2010-117, to delete Section 17.44.068, Tattoo Parlors. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Ordinance 2010-117 approved seven to zero.

**RESOLUTION IN RECOGNITION OF HARVARD CHAMBER OF COMMERCE 80<sup>TH</sup> ANNIVERSARY**

Mayor Nolan read the resolution in recognition of the Harvard Chamber of Commerce and Industry for their 80<sup>th</sup> Anniversary. Moved by Perkins, seconded by Marzahl to approve the resolution as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried. The resolution was presented to President Jim Olson and Chamber Director Crystal Musgrove.

**WILLIAM PEREZ HARD SURFACING AGREEMENT – APPROVED ONE YR EXTENSION**

Administrator Nelson referred to the staff report and his memo in relation to the 2005 agreement with Mr. Perez which granted a two year extension for the hard surfacing of driveway/parking areas. To date, six of the eleven properties have not been hard surfaced: 504 Second St. (occupied), 101 S. Hart St. (occupied), 407 E. Park St. (vacant), 303 W. Diggins St. (vacant), 313 S. Division St. (occupied) and 204 W. Washington St. (vacant). William Perez, 25817 Streit Rd., Harvard, addressed the City Council and stated that it is not his intent not to do the required work, but the inability to do so because of current real estate issues. Mr. Perez reviewed the list of properties and the improvements he has made to each property and requested more time to fulfill his obligations. Mayor Nolan suggested that due to the economic times we're going through, to grant a one year extension with staff working with Mr. Perez to resolve the matter and to review in a year. Alderman Marzahl recommended having Mr. Perez hard surface one of the properties by spring, with an extension on the balance. Mr. Perez was in agreement that he could have one of the properties hard surfaced by spring, 2011. Moved by Logan, seconded by Marzahl to grant William Perez an extension until September 1, 2011, to hard surface the subject properties with the understanding that Mr. Perez will work with the Community Development Dept. and City Hall to expedite and complete the hard surfacing of one of the properties by spring. Roll call vote: Ulmer, aye; Szczap, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved seven to zero.

**MERRYMAN ANNEXATION AGREEMENT**

Administrator Nelson and Mayor Nolan reported that Thomas Merryman is in breach of the annexation agreement. Items not completed are hard surfacing, fencing and payment of first mining fee of \$48,500 which was due September 1<sup>st</sup>, 2010. City Attorney Arévalo stated that a Notice of Breach of Annexation Agreement has already been sent with respect to the hard surfacing and fencing requirements. With respect to the fee, a new notice of violation and time to cure needs to be sent to Mr. Merryman. Moved by Logan, seconded by Marzahl to proceed simultaneously with litigation to enforce the annexation agreement and to conduct a public hearing with respect to the zoning issues. Roll call vote: Szczap, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

**HARVARD JR TACKLE REQUEST/INSTALL SCOREBOARD AT MILKY WAY PARK – APPROVED**

Moved by Perkins, seconded by Opper to approve Harvard Jr. Tackle's request to install a permanent scoreboard in the Southwest corner of the football field at Milky Way Park with City staff to work out concept details and location. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

**RATIFY APPROVAL OF PARK PROPERTY BID SUBMITTED BY DARYL RANSOM – APPROVED**

Attorney Arévalo noted that a super majority is required for approval of the bid and several aldermen were absent at the last City Council meeting. Moved by Logan, seconded by Opper to ratify the action taken at the City Council Meeting on September 24, 2010, approving the bid received from adjoining property owner Daryl Ransom, 1007 Dewey St., Harvard, in the amount of \$150 for Lot 40. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, Ulmer, aye; Szczap, aye and Logan, aye. Motion approved seven to zero.

**BUSINESS LOAN AGREEMENT HARVARD STATE BANK FOR RIGHT TURN LANE ON HWY 14 AT WALGREEN'S - APPROVED**

Mayor Nolan reviewed the proposed improvements and indicated that the loan would be tied to the TIF District to complete the turn lane. Moved by Logan, seconded by Ulmer to authorize the Mayor and City Clerk's execution of the Business Loan Agreement with the Harvard State Bank for a right turn lane on Highway 14 at Walgreen's in the amount of \$185,000. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye and Perkins, aye. Motion approved seven to zero.

**SALE OF SURPLUS PROPERTY (SQUAD CAR) BY SEALED BID – ORD. 2010-118 APPROVED**

Moved by Logan, seconded by Perkins to approve an ordinance authorizing the sale of surplus property (Chief's squad car) by sealed bid. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2010-118 approved seven to zero.

**ORDINANCE COMMITTEE RECOMMENDATIONS**

Chairman Szczap reviewed the Ordinance Committee Meeting Minutes of September 7, 2010.

**Animal Services & Assistance Program Request to Amend Chapter 12.04 (B) – Ord. 2010–119 Approved**

The Committee reviewed McHenry County's ordinance pertaining to a Managed Feral Cat Colony and recommends to the City Council that Chapter 12.04(B), Dogs, Cats and Other Animals (B) Running At Large be amended to add an exception that would allow for the release of feral cats into a managed feral cat colony by an individual or program licensed through McHenry County Animal Control. Clerk Wells was directed to prepare a draft ordinance amending Section 12.04(B), to add an exception for a feral cat colony as outlined in a section that would appear at the end of the chapter adopting the McHenry County Animal Control ordinance pertaining to feral cats.

Moved by Szczap, seconded by Logan to approve Ordinance 2010-119, Amending Section 12.04, Dogs & Cats, Biting, Running at Large, Regarding Feral Cats pending final approval by the City Attorney. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Ordinance 2010-119 approved seven to zero.

**Call Center Marengo Fire & Rescue**

Chief Kazy-Garey updated the Committee on the status of the proposed call center out of the City's police dispatch and is working with the Teamsters on the appropriate language. The Harvard Fire Dept. is on board with the program beginning next May should Marengo and Union decide to proceed.

**No Parking of Certain Vehicles on Truck Routes in Residential Areas – Ord. 2010–120 Approved**

The Committee reviewed a citizen's complaint reference semis parking in the street and/or in driveways on the truck route on Eighth Street in a residential area and leaving the truck running throughout the evening and recommends to the City Council to amend Section 15, if necessary, for no parking on both sides of the street or in the driveway on Eighth Street from Roosevelt St. to Northfield St. of any licensed truck over 8,000 lbs. (Class D and up).

City Administrator Nelson reported that it was necessary to amend Section 15 per the committee's discussion.

**No Parking on Marengo Rd. between Ayer St. and Route 173 - Ord. 2010–120 Approved**

Mayor Nolan reported on complaints received from a UPS driver having a hard time getting through with vehicles parked on both sides of Marengo Rd. This will also pose a problem with buses going to Crosby Elementary. The Ordinance Committee recommends to the City Council to amend Chapter 15 for no parking on the west side of Marengo Road between Ayer St. to Route 173.

**Review Chapter 3, City Administration – Ord. 2010 - Ord. 2010–120 Approved**

The Committee reviewed the proposed changes to Chapter 3, City Administration and recommends to the City Council to amend Chapter 3, City Administration and the job descriptions as presented.

Moved by Perkins, seconded by Marzahl to approve Ordinance 2010-120, to amend the following sections of the Harvard Municipal Code:

1. Amending Chapter 15 to add no parking on both sides of the street or in the driveway on Eighth St. from Roosevelt Street to Northfield Avenue of any licensed truck over 8,000 lbs. (Class D and up).
2. Amend Chapter 15 to add no parking on the west side of Marengo Road from Ayer Street to Route 173.
3. Amend Chapter 3, City Administration per the Committee's discussion.

Roll call vote: Ulmer, aye; Szczap, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Ordinance 2010-120 approved seven to zero.

#### Review Chapter 25, Alcoholic Liquor Dealers

The Committee directed City Clerk Wells to research licensing fees, renewal compliance regulations, creating a license classification for beer gardens and BASSET Certification requirements.

City Clerk Wells stated that he will be ready by the next City Council meeting to call a committee meeting to review his research on Chapter 25.

#### EVENTS COMMITTEE RECOMMENDATION

Amend Section 5.05(A), Hvd Events Committee, Creation, Appointment – Ord. 2010 – 121 Approved  
Chairman Logan referred to the Events Committee Meeting Minutes of September 21, 2010. The Committee has one member who will be moving away and two area residents who would like to become members. The Events Committee recommends to the City Council that Section 5.05(A), Harvard Events Committee, Creation, Appointment be amended to expand membership “up to 11 members”.

Moved by Logan, seconded by Ulmer to approve the Events Committee's recommendation to amend Section 5.05(A), Harvard Events Committee, Creation, Appointment to expand membership “up to 11 members”. Roll call vote: Szczap, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2010-121 approved seven to zero. Attorney Arévalo stated that once the ordinance is enacted, new members can be appointed to the committee. The appointment of Mark Lancaster and Mike Vest to the Events Committee will be on the agenda for next month's meeting.

#### HALLOWEEN TRICK OR TREAT HOURS - APPROVED

Mayor Nolan noted that the traditional hours for trick or treating has been 5-8 p.m. Halloween falls on a Sunday this year and Chief Kazy-Garey recommended that we change the hours to 4-7 p.m. so that kids can get out a little while there is a little daylight left. Moved by Ulmer, seconded by Szczap to approve the Chief's recommendation to change Halloween Trick or Treat hours to 4-7 p.m. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried.

#### INFO: LIFE CHAIN, SUNDAY, OCTOBER 3

Mayor Nolan noted correspondence from the Knights of Columbus who will be sponsoring the National Life Chain to be held locally on Sunday, October 3<sup>rd</sup>, 2010, from 2:00 – 3:30 p.m. on the sidewalk at the intersection of Route 14/Diggins St/Ayer St.

#### CONSENT AGENDA:

- Lions Club Candy Days October 1<sup>st</sup> & 2<sup>nd</sup>, 2010
  - St. Joseph's School Raffle Request October 1<sup>st</sup> – November 30<sup>th</sup>, 2010
- Moved by Perkins, seconded by Marzahl to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried.

#### ALDERMAN SZCZAP RESIGNATION - APPROVED

Alderman Szczap noted a change to letter of resignation with an effective date of September 29<sup>th</sup>, 2010, instead of the 28<sup>th</sup>. Moved by Logan, seconded by Perkins to accept Alderman Szczap's resignation, with regrets, as Alderman Ward 2 effective September 29<sup>th</sup>, 2010. Aldermen voting aye: Leyden, Marzahl, Ulmer, Logan, Perkins and Opper. All ayes. Motion carried.

**APPOINT ALDERMAN OPPER CHAIRMAN ORDINANCE COMM. - APPROVED**

Moved by Logan, seconded by Perkins to approve the Mayor's recommendation to appoint Alderman Opper as Chairman of the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Logan, Perkins and Opper. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills list as presented including the addendum in the folders in the amount of \$470,494.22. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

**MAYOR'S REPORT**

**Resolution Accepting Hereley Drive for Maintenance & Marengo Road Improvements**

Moved by Perkins, seconded by Marzahl to approve a resolution Accepting Hereley Drive for Maintenance and the Marengo Road Improvements. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Logan, aye. Resolution approved seven to zero.

Mayor Nolan noted his regret at seeing Alderman Szczap leave the City Council but felt that she would be a good asset to the City in her new position.

**CLERK'S REPORT - UPCOMING MEETING DATES**

- October 5        Events Committee Meeting, 5 p.m.
- Planning & Zoning Commission Meeting, 7 p.m. POST TO CANCEL
- October 12     Regular City Council Meeting, 7 p.m. POST TO CANCEL
- October 19     Regular Events Committee Meeting 5 p.m.
- October 26     Regular City Council Meeting, 7 p.m.

Clerk Wells reported that that candidate packets are available for the April 5<sup>th</sup>, 2011, Consolidated Election. The filing period is in December.

**TREASURER'S REPORT**

Mayor Nolan noted that the monthly treasurer's report for September, 2010, was in the aldermen's folders.

**NO REPORTS**

City Attorney Arévalo, City Administrator Nelson and Aldermen Opper, Perkins, Szczap, Ulmer, Marzahl and Leyden had no specific report.

**DEPARTMENT HEADS REPORTS**

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

Supt. Grant updated the City Council on the status of Well 7 which has been offline for the last year. The Utilities Dept. has made some head way with the well treatment and narrowed it down to one nuisance bacteria. Supt. Grant has turned over all information to a consultant for recommendations.

At 8:00 p.m., moved by Marzahl, seconded by Opper to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

10-08-10  
Date