

REGULAR CITY COUNCIL MEETING MINUTES

March 22, 2011 - 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, Musgrove, Logan, Perkins and Opper. Aldermen Leyden and Adams were absent. Also present were Treasurer Meseck, City Administrator Nelson, Code Enforcement Officer Brennecka, 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 02/22/2011 - APPROVED

Moved by Logan, seconded by Perkins to approve the minutes of the Regular City Council Meeting of February 22, 2011, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried.

ANN OTTO REQUEST TO SOLICIT FOR AMERICAN CANCER SOCIETY - APPROVED

Moved by Logan, seconded by Marzahl to approve Ann Otto's request to solicit for cash donations for the American Cancer Society during their relay for life event during May and June. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried.

EVENTS COMMITTEE RECOMMENDATION/HARVARD FARMERS MARKET

Chairman Logan reviewed the Events Committee minutes pertaining to the Harvard Farmers Market. At Alderman Ulmer's inquiry, Alderman Logan confirmed that all the merchants that would be affected by the farmer's market were contacted and all were in favor of the event. Chief Kazy-Garey had no objections. Moved by Logan, seconded by Ulmer to approve the Event Committee's recommendation to approve Tammy Herrera/Harvard Farmer's Market request as presented:

1. Waiver from Section 21.07, Outdoor Markets for the vendors at the Harvard Farmers Market. The market will be held every Saturday from 9 a.m. to 1 p.m. beginning May 7th thru October 29th (excluding Milk Day weekend).
2. Use of sidewalks on the corner of Ayer St. and Front St. to set up and hold the market.
3. Block off the east side parking spots of Ayer St. in front of Roaches Hardware building and on the south side parking spots of Front St. in front of Bopp's Tavern. Depending on the number of vendors, the market would extend west on Front St. towards the water tower and north on Ayer St. If the market has enough committed vendors requiring the market to extend, they would request use of one parking spot per vendor blocked off in front of the Hub Lounge, Town & Country Restaurant and Friends Country Market.

Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved six to zero.

ARCHITECTURAL REVIEW COMMISSION/PETE PARHAS SIGN AT 67 N AYER ST - APPROVED

Moved by Ulmer, seconded by Logan to approve to approve the Architectural Review Commission's recommendation to approve the sign for Pete Parhas, Sunkissed Tanning, 67 N. Ayer St., Harvard as submitted. Roll call vote: Ulmer, aye; Musgrove, aye; Logan, aye; Perkins, aye; Opper, aye and Marzahl, aye. Motion approved six to zero.

MESSAGE THERAPIST LICENSE APPLICATION TIERA TRACY, DBA THE RELAXATION STATION, 67 N. AYER ST., SUITE 108 - APPROVED

Moved by Logan, seconded by Opper to approve the Massage Therapist License Application for Tiera Tracy, d/b/a The Relaxation Station, 67 N. Ayer St., Suite 108, Harvard, pending compliance with Section 21.05 Massage Establishments and Services and obtaining an Illinois Massage Therapist License from the Illinois Department of Financial and Professional Regulation as outlined in Chief Kazy-Garey's memo with confirmation of completion either by Chief Kazy-Garey and/or Community Dev. Director

Santeler. Said license to be effective May 1, 2011 thru April 30, 2012. Roll call vote: Musgrove, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved six to zero.

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

Moved by Ulmer, seconded by Opper to approve Harvard Milk Days' request for a waiver from Section 21.07, Outdoor Market Fees for Harvard Milk Days 2011 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; Opper, aye; Marzahl, abstain; Ulmer, aye and Musgrove, aye. Motion approved five to zero with one abstention.

SET PUBLIC HEARING FOR BUDGET

Moved by Logan, seconded by Perkins to conduct a public hearing for the FY2011/2012 Budget on April 26, 2011, at 7 p.m. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried.

GRANT REQUIRED WAIVERS REGARDING DISTANCES FROM EXISTING TANKS AND PIPLINES IN A GASOLINE STATION LOCATED IN HENSON SHOPPING PLAZA – ORD 2011-108 APPROVED

Administrator Nelson related this in reference to the right-of-way easements for improvements to Route 14/McGuire Rd. at the right turn lane at McGuire Rd. Moved by Perkins, seconded by Marzahl to approve Ordinance 2011-108, Granting Required Waivers Regarding Distances from Existing Tanks and Pipelines in a Gasoline Station Located in Henson Shopping Plaza. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Logan, aye. Ordinance 2011-108 approved eight to zero.

CODE BOOK CLEAN-UP, SECTION 14.04 SIGNS B-2 ZONING DISTRICT – ORD 2011-109 APPROVED

Community Development Director Santeler reviewed his memo pertaining to code book clean-up in Chapter 14. Moved by Logan, seconded by Marzahl to approve Ordinance 2011-109 to amend Section 14.04 (B) & (C), Signs B-2 Zoning District. Roll call vote: Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye and Perkins, aye. Ord. 2011-109 approved six to zero.

ADD STOP SIGN ON HART AT ROUTE 173 NORTH BOUND LANE - ORD 2011-110 - APPROVED

Moved by Logan, seconded by Perkins to approve Ordinance 2011-110 to add a stop sign on Hart Street at Route 173 at the north bound lane. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2011-110 approved six to zero.

ORDINANCE AUTHORIZING THE ISSUANCE OF: (A) GENERAL OBLIGATION WATERWORKS AND SEWERAGE REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2011A AND (B) GENERAL OBLIGATION REFUNDING BONDSK SERIES 2011B – ORD 2011-111 APPROVED

Administrator Nelson noted that the bond ordinance that was approved at the last City Council meeting didn't have numbers plugged in and bond counsel has requested that the City Council pass a new ordinance which has final numbers. The savings are more than originally anticipated. Moved by Perkins, seconded by Marzahl to authorize the Mayor and City Clerk to sign Ordinance 2011-111, An Ordinance Authorizing the Issuance of: (A) General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2011A; and (B) General Obligation Refunding Bonds, Series 2011B, of the City of Harvard, McHenry County, Illinois, Providing the Details of Such Bonds and for, as Applicable, an Alternate Revenue Source and the Levies of Direct Annual Taxes Sufficient to Pay the Principal of and Interest on Such Bonds, and Related Matters, upon the Mayor's authority of saving more than \$100,000. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2011-111 approved six to zero.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Opper reviewed the Zoning, Planning & Ordinance Comm. Meeting Minutes of March 1, 2011.

Open Burning/Outdoor Recreational Fire – Ord 2011-112 Approved

The Committee discussed amending current ordinance to make it acceptable to burn clean firewood in devices manufactured and designed for recreational purposes as well as other burners designed for recreation or commercial use. City staff was directed to prepare a draft ordinance for review to be placed on the next City Council agenda.

Moved by Opper, seconded by Marzahl to approve the Committee's recommendation and Ordinance 2011-112, Amending Section 27.02 (A) & (B) regarding burning. Roll call vote: Musgrove, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Ordinance 2011-112 approved six to zero.

McHenry County Stormwater Management

The Committee reviewed the history and purpose of the McHenry County Stormwater Management Ordinance which was adopted by the City in 2004. Initially the City became a certified community by default but rescinded the certification in 2007 due to issues with developers who didn't comply with the county regulations. In the past three years, Director Santeler has had the opportunity to become educated on storm water management and the City's petition for recertification has been granted by the County. The Mayor indicated that the City's recertification would expedite the process for local development. The Committee further reviewed the Proposed Fee Structure for Storm Water Management Permits.

Moved by Opper, seconded by Ulmer to direct City staff to draft an ordinance Amend Chapter 20 to include the proposed fee structure and to amend Chapter 8 and Chapter 1 as needed with fines at double the permit fee. Aldermen voting aye: Marzahl, Ulmer, Szczap, Logan, Perkins and Opper. All ayes. Motion carried.

Private Towing

The Committee discussed the towing of vehicles off of private property. Some of the apartment complexes are towing vehicles as far away as Union which poses an inconvenience to residents. All the lots are posted and McHenry County opted out of the ICC regulations so there aren't current regulations for private towing companies. The general consensus was not to get take any action at this time.

PARKS & RECREATION COMMITTEE RECOMMENDATIONS

Chairman Perkins reviewed the Parks and Recreation Committee Meeting minutes of March 16th. The Committee reviewed the proposed FY 2011/2012 budget for Parks/Pool. Supt. Burkart submitted information to paint the pool at a cost of \$15,675 and to install a solar thermal pool heating system at a cost of \$21,482.00. The Committee discussed changing pool hours until school lets out on June 16th and increasing the fees for swimming lessons for Sessions 2, 3 and 4 to \$60 per child/per session (In-town) and \$70 per child/per session (Out-of-town). Swimming lessons for Session #1 would remain the same at \$50 per child/per session (In-town) and \$60 per child/per session (Out-of-town). The consensus was to proceed with the increase for the later sessions.

Moved by Perkins, seconded by Logan to approve the Committee's recommendation to increase the fees for swimming lessons for Sessions 2, 3 and 4 to \$60 per child/per session (in-town) and \$70 per child/per session (Out-of-town). Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved six to zero.

RESOLUTION TO SUPPORT EFFORTS TO PRESERVE AND RESTORE OAK WOODLANDS AND SAVANNAS – APPROVED

Moved by Perkins, seconded by Opper to approve a Resolution to Support Efforts to Preserve and Restore Oak Woodlands and Savannas. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried.

ZONING MAP UPDATE - APPROVED

Moved by Perkins, seconded by Marzahl to approve the updated Zoning Map as presented and to grant City

Clerk Wells authorization to publish. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Logan, aye. Motion approved six to zero.

RESIGNATION OF TERRY SMITH FROM PLANNING & ZONING COMMISISON – APPROVED

Moved by Logan, seconded by Marzahl to accept Terry Smith’s resignation from the Planning and Zoning Commission with regrets. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried.

CONSENT AGENDA:

- Bart Iverson Benefit Raffle Request March 23rd – April 30th, 2011
- Harvard Milk Days Horse Show Raffle Request May 28th, 2011
- Harvard Milk Days Wheelz Show Raffle Request May 1st – 28th, 2011
- Harvard Milk Days Cow Chip Lotto Raffle Request May 1st – June 5th, 2011

Moved by Perkins, seconded by Opper to approve the Consent Agenda as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, 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 in the amount of \$536,250.96. Roll call vote: Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye and Perkins, aye. Motion approved six to zero.

ALD. MARZAHL

Alderman Marzahl commended Supt. Kruckenberg and the Public Works Dept. for a good job in getting potholes filled.

MAYOR’S REPORT

Mayor Nolan noted that he and Dave are working on union negotiations with the Teamsters and will keep the City Council posted.

CLERK’S REPORT - UPCOMING MEETING DATES

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| April 5 | Events Committee Meeting, 5 p.m. |
| | Planning & Zoning Commission Meeting, 7 p.m. |
| April 12 | Regular City Council Meeting, 7 p.m. POST TO CANCEL |
| April 19 | Regular Events Committee Meeting, 5 p.m. |
| April 26 | Budget Hearing, Regular and Year End City Council Meeting, 7 p.m. |

TREASURER’S REPORT

Treasurer Meseck noted that the monthly treasurer’s report for March, 2011 was in the packet.

Moved by Logan, seconded by Perkins to accept Bev Meseck’s resignation as City Treasurer, with regrets. City Treasurer Meseck stated that it has been a pleasure working with the City Council. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried. Mayor Nolan presented Bev Meseck with a plaque of recognition.

APPOINT DEBRA SZCZAP AS CITY TREASURER – APPROVED

Moved by Logan, seconded by Marzahl to appoint Debra Szczap as City Treasurer. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved six to zero. Treasurer Szczap was sworn in by City Clerk Wells.

NO REPORT

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

ENGINEERING & DEPARTMENT HEADS REPORTS

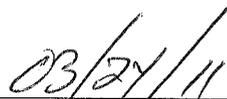
Dept. Heads: Reports as submitted.

Chief Kazy-Garey reported on the recent car burglaries over the last month and noted that an arrest will be noted on the press release in the next few days.

At 7:30 p.m., moved by Perkins, seconded by Opper to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:


Andy Wells,
City Clerk



Date