

## REGULAR CITY COUNCIL MEETING MINUTES

June 28, 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: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. Also present were Treasurer Szczap, City Administrator Nelson, Community Development Director Santeler, Deputy Police Chief Krause, Supt. Public Works Supt. Kruckenber, Utilities Supt. Grant, City Attorney Carlos Arévalo and members of the audience.

### AUDIENCE PARTICIPATION: NONE

### CITY COUNCIL MEETING MINUTES OF 05/24/2011 - APPROVED

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of April 26, 2011, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

### SPECIAL EVENT LIQUOR LICENSE APPLICATIONS - APPROVED

Moved by Perkins, seconded by Ulmer to approve the following Special Event Liquor License applications:

- Harvard Boys League – July 16<sup>th</sup>, 2011
- Chamber of Commerce (Tri County Pro Rodeo) July 30<sup>th</sup> & 31<sup>st</sup>, 2011
- St. Joseph's Catholic School – August 27<sup>th</sup>, 2011

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

### EMIL ODLING/SOUTH SIDE VARIATION FROM LIQUOR CODE TO ALLOW FOR BEER GARDEN – REFERRED TO ORDINANCE COMMITTEE

Emil Odling, 705 W. Brink St., Harvard, addressed the City Council with respect to his petition for a variation from the liquor code to allow for a beer garden behind the South Side, 111 S. Ayer St., Harvard. Mayor Nolan expressed concern that if a variation were granted, other establishments would also seek a variance and recommended that the City Council refer the item to the Ordinance Committee for discussion on amending the liquor code and establishing regulations for a beer garden. Moved by Logan, seconded by Opper to refer to the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

### MCGUIRE ROAD STONE LLC HOURS OF OPERATION – REQUEST DENIED

Rick Zirk and Don Fortin, representing McGuire Road Stone LLC, addressed the City Council with respect to their written request that the City Council authorize the Mayor or City Administrator to allow temporary extensions of work hours until 9 p.m. on a case by case basis which would allow the production capacity necessary to accommodate the current market. At Mayor Nolan's inquiry, Mr. Fortin stated that the screener cannot keep up with the crusher and they need to be able to screen beyond the normal hours of operation which are set at 6 a.m. to 6 p.m., Monday through Friday and 7 a.m. to 3 p.m. on Saturday. Mayor Nolan noted that the facility has not been complying with the set hours of operation and that both he and the City Council have been lied to in the past by McGuire Road Stone. Mayor Nolan recommended that if the City Council wished to consider their request that absolutely no crushing should be allowed beyond the established hours of operation. Mayor Nolan inquired if McGuire Road Stone could compromise with a lesser time of 7:30 or 8 p.m. for the screening plant, which is a lot less noisy. The response from McGuire Road Stone was that it would be difficult because of the time it takes to screen the raw material as well as other factors such as equipment breakdown. Administrator Nelson noted that as a normal cost of business, if you have to produce more, you purchase more equipment. The City Council expressed concerns about McGuire Road Stone's past history of not abiding by the rules and that it would be difficult to monitor on a case by case basis. Moved by Musgrove, seconded by Marzahl to deny McGuire Road LLC's request for temporary extensions of work hours until 9 p.m. on a case by case basis. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion to deny the request was approved eight to zero.

**DUNHAM TOWNSHIP TOUCH A TRUCK AT MILKY WAY PARK MAY 19, 2012 - APPROVED**

Moved by Perkins, seconded by Logan to approve Dunham Township's request to host the Touch-A-Truck event at Milky Way Park on Saturday, May 19, 2011, from 8 a.m. – 4 p.m., with a waiver of fees. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Oppen. All ayes. Motion carried.

**AUTHORIZING CITY OF HARVARD STAFF TO BEGIN EMINENT DOMAIN PROCEEDINGS FOR ACQUISITION OF EASEMENT FOR EXTENSION OF WATER MAIN – ORD. 2011-123 APPROVED**

Attorney Arévalo gave a brief background and updated the City Council on the status of obtaining the easement from the property owner for property along McGuire Rd. Moved by Ulmer, seconded by Marzahl to approve Ordinance 2011-123, Authorizing City of Harvard Staff to Begin Eminent Domain Proceedings for the Acquisition of an Easement for the Extension of a Water Main. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, no; Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye and Marzahl, aye. Ordinance 2011-123 approved seven to one.

**ADOPT FIREWORKS REGULATION ACT OF ILLINOIS – REFERRED TO ORDINANCE COMMITTEE**

Moved by Oppen, seconded by Logan to refer amending Section 27.06 to adopt the Fireworks Regulation Act of Illinois to the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Oppen. All ayes. Motion carried.

**AUTHORIZE EXECUTION OF CONTRACT AND BANK DOCUMENTS TO PURCHASE PARK LAND – APPROVED**

Moved by Perkins, seconded by Marzahl to authorize the Mayor and City Clerk's execution of the contract and bank documents to purchase park land (Milky Way Park). At Alderman Clarke's inquiry, Mayor Nolan noted that the land being purchased is a vacant, 11 acre parcel. The city received an OSLAD grant for 50% of the purchase price of \$425,000, but the City has to come up with the full amount in order to get the state reimbursement. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

**STREET SWEEPINGS DISPOSAL**

Administrator Nelson stated that disposal site we were using will no longer accept street sweepings. Moved by Logan, seconded by Perkins to authorize the execution of the necessary documents to dispose of street sweepings at the Winnebago County Land Fill. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Oppen. All ayes. Motion carried.

**FINANCE COMMITTEE RECOMMENDATIONS/BUDGET ADJUSTMENTS – APPROVED**

Chairman Logan reviewed the Finance Committee meeting minutes of June 7, 2011. The Committee reviewed the effect of the drop in assessed value on property tax revenue and recommended approval of Administrator Nelson's recommendations for budget adjustments as follows:

- Adjust police salaries downward \$95,000 and police health insurance downward \$12,000 for a savings of \$107,000 in the general fund;
- Adjust property tax revenue in corporate general fund downward \$46,000 and add transfer out of corporate general fund to downtown TIF \$112,000, which increases expenses by \$158,000.
- These changes leave the corporate general fund short by \$51,000; use cash balance in money market designated for roads to the general fund.

Moved by Logan, seconded by Clarke to approve the Committee's recommendations. Roll call vote: Clarke, aye; Logan, aye; Perkins, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved eight to zero.

**MUNICIPAL ELECTRIC AGGREGATION UPDATE**

Chairman Perkins noted the Municipal Electric Aggregation Committee Meetings of June 7 and 23, 2011. The Committee awarded the municipal electric aggregation bid to Direct Energy and authorized City Administrator Nelson to sign the necessary documents and contracts pending the City Attorney's approval. The average residential customer will save 13-14% on their total electrical bill.

**LAND CONSERVANCY OF MCHENRY CO./HARVARD GATEWAY PARK CONCEPT PLAN**

Lisa Haderlein, 904 N. Jefferson St., Harvard, was present on behalf of the Land Conservancy of McHenry County. Mayor Nolan updated the City Council on the proposal submitted by the Land Conservancy to preserve and develop a fifteen acre natural park at the intersection of Route 14, Route 23 and Heritage Lane on the south end of Harvard. The Land Conservancy would purchase the property through matching grants and resident pledges. Once the mortgage is paid off, the Land Conservancy would turn the property over to City and retain a conservation easement and long-term management responsibility. The property is currently not within the corporate limits and Administrator Nelson recommended that the property be annexed when the Land Conservancy is ready to deed the property to the City. The consensus of the City Council was to move forward with the concept plan.

**CONSENT AGENDA:**

▪ VFW Post #8249 Buddy Poppy Program Fri., July 1<sup>st</sup> and Sat., July 2<sup>nd</sup>  
Moved by Opper, seconded by Ulmer to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**AUDIENCE PARTICIPATION:**

Randy Donley, McHenry County Board, District 6 Representative reported that the financial state of the county is good with a ten month cash reserve. Randy further noted his availability to get involved with any projects that the City needs help with on the County level. Mayor Nolan indicated he might need his assistance with the McHenry County DOT reference an issue on McGuire Road.

**COMMITTEE REPORTS**

**ALD. OPPER – ORDINANCE COMMITTEE MEETING**

Alderman Opper called an Ordinance Committee Meeting for Tuesday, August 2<sup>nd</sup>, 2011, at 6:30 p.m. to discuss the liquor code and fireworks. Mr. Odling will be notified of the meeting date.

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Perkins to approve the bills list as presented in the amount of \$607,746.64  
Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved eight to zero.

**ALD. MARZAHL**

Alderman Marzahl thanked the Police Dept. and Public Works Dept. for all their work which contributed to a successful Milk Day.

**MAYOR'S REPORT**

Mayor Nolan reported there is some interest in commercial property and building store fronts.

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

July 5	Events Committee (Tri-County Pro Rodeo), 5 p.m. Planning & Zoning Commission Meeting, 7 p.m. POST TO CANCEL
July 12	Regular City Council Meeting, 7 p.m. POST TO CANCEL
July 19	Regular Events Committee Meeting, 5 p.m.
July 26	Regular City Council Meeting, 7 p.m.
August 2	Ordinance Committee Meeting, 6:30 p.m.

**TREASURER'S REPORT**

Treasurer Szczap noted that the monthly treasurer's report for June, 2011 was in the packet. Treasurer Szczap also reported that the balance of the letter of credit settlements from Montalbano Homes and Turtle Crossings after completion of road improvements was \$216,000. After consulting with the Mayor and City Administrator, the funds were invested in a 4-year CD at a 2.15% interest rate.

**NO REPORT**

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

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Supt. Utilities Grant updated the City Council on Well #7. The engineer has submitted a preliminary drawing and information to the City and the IEPA for their approval to proceed. Also, new pumps will be installed at the Marengo Road Lift Station; the pumps needed to be replaced with the addition of Crosby Elementary to the system. Supt. Grant is working with Alderman Clarke to schedule a tour of the WWTP. Mayor Nolan requested that Supt. Grant advise when a date is set and suggested touring all the City facilities for anyone wishing to do so.

Supt. Public Works Kruckenberg reported that Public Works is busy repairing/replacing storm drains and sanitary manholes.

Mayor Nolan introduced Deputy Chief Mark Krause.

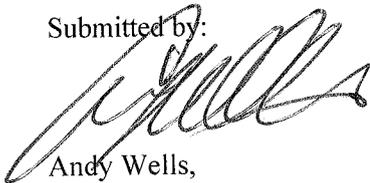
Community Development Director Santeler reported that the Ayer Street Bridge should be opened up in the next couple of weeks.

At 7:57 p.m., moved by Logan, seconded by Opper to go into closed session to discuss Section 2(c)(2) Collective Bargaining. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Logan, aye. Motion approved eight to zero.

At 8:21 p.m., moved by Opper, seconded by Perkins to reconvene the open session. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Musgrove, aye; Ulmer, aye; Clarke, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

At 8:22 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

07/07/11  
Date