

## **REGULAR CITY COUNCIL MEETING MINUTES**

**February 27, 2024 - 7:00 PM**

Mayor Kelly called the Regular City Council Meeting to order and led the pledge to the flag at 7:00 pm. City Clerk Moller called roll to establish a quorum. Aldermen present: Haderlein, Lavallee, Carncross, Lancaster, Gorman, Perkins and Luna. Alderman Schulz was absent. Also present: City Administrator Leone, Treasurer/Finance Director Bejot, Chief Bauman, Deputy Chief Sacco, Code Enforcement Officer Nutley, Community Development Director Day, Supt. Public Works Lamz, City Attorney Clifton and members of the audience.

### **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

David Headley, Aurora, IL addressed the City Council representing Painters District Council 30. He expressed concerns with respect to the proposed contract with Maguire Iron for the water tower assessment management program. He distributed documents and cited Maguire Iron's prior prevailing wage, IEPA and OSHA violations. He recommended that local contractors do the work.

### **TRANSPORTATION COMMITTEE MEETING MINUTES - APPROVED**

A motion was made by Alderman Gorman, seconded by Alderwoman Haderlein to approve the Transportation Committee Meeting Minutes of January 16, 2024, as presented. Roll call vote: Haderlein, aye; Lavallee, aye; Gorman, aye and Perkins, aye. Motion approved four to zero.

### **ADMINISTRATION COMMITTEE MEETING MINUTES - APPROVED**

A motion was made by Alderwoman Haderlein, seconded by Alderman Perkins to approve the Administration Committee Meeting Minutes of February 8, 2024, as presented. Roll call vote: Carncross, aye; Gorman, aye; Perkins, aye and Haderlein, aye. Motion approved four to zero.

### **COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING MINUTES - APPROVED**

A motion was made by Alderwoman Luna, seconded by Alderwoman Lancaster to approve the Community & Economic Development Committee Meeting Minutes of February 12, 2024, as presented. Roll call vote: Carncross, aye; Lancaster, aye and Luna, aye. Motion approved three to zero.

### **CONSENT AGENDA - APPROVED**

The items under the Consent Agenda are acted upon in a single motion. There is no separate discussion of these items prior to the Council vote unless a Council Member requests that an item be removed from the Consent Agenda for separate action.

- a. Regular and Closed Session City Council Meeting Minutes of January 23, 2024
- b. Administration Committee Meeting Minutes February 8, 2024
- c. Park Board Meeting Minutes of January 15, 2024
- d. Planning & Zoning Commission Meeting Minutes of February 6, 2024
- e. Transportation Committee Meeting Minutes of January 16, 2024
- f. Administrators Report
- g. Community Development Department Report
- h. Harvard Diggins Library Directors Report
- i. Parks & Recreation Report
- j. Police Department Report
- k. Public Works Department Report
- l. Utilities Department Report
- m. Accept resignation of Cindy Reese from the Harvard Diggins Library Board and appoint Ivy Talaga to fill said vacancy.
- n. Appoint Jay Wolf to the Tree Board
- o. Realignment of the Park Board and Transportation Committee
- p. Resolution Declaring the 83rd Harvard Milk Days 2024 a Legal Holiday Weekend
- q. Resolution to Close Route 173 between Jefferson St. and Division St. for the Harvard Milk Days Parade on June 1, 2024

A motion was made by Alderman Carncross, seconded by Alderwoman Haderlein to approve the Consent Agenda, Items #7a-q as presented. Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Lavallee, aye. Motion approved seven to zero.

**INDIVIDUAL ACTION CONSENT AGENDA ITEMS**

None

**PAYMENT OF BILLS - APPROVED**

A motion was made by Alderwoman Haderlein, seconded by Alderman Gorman to approve payment of the bills in the amount of \$198,871.49. Roll call vote: Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, aye; Carncross, aye and Lancaster; aye. Motion approved seven to zero.

**APPOINTMENT/OATH OF OFFICE ELVIS PATNAUDE/PLANNING ZONING COMMISSION - APPROVED**

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve Mayor Kelly's recommendation to appoint Elvis Patnaude to the Planning and Zoning Commission to fill a vacancy with a term to expire April 30, 2027. Roll call vote: Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved seven to zero. Elvis Patnaude was then sworn in by City Clerk Moller.

**PLANNING & ZONING COMMISSION RECOMMENDATIONS – FEBRUARY 6, 2024**

Alfredo Bahena, Gator Auto Parts LLC (Petitioner) and John Stricker (property owner) – Ord. 2024-105 Approved

The petitioner is seeking a conditional use to operate an Auto Parts Recycling business at 10 S. Jefferson St. After reviewing the evidence and testimony presented, the Planning and Zoning Commission unanimously recommends to the City Council that the conditional use permit be granted as outlined in the petition. Mayor Kelly opened the floor for questions/comments:

- At Alderman Gorman's inquiry, the petitioner stated that Auto Parts Recycling is not part of a franchise, but is his own independent business.

A motion was made by Alderman Carncross, seconded by Alderwoman Lancaster to approve the Commission's recommendation and ordinance issuing a conditional use permit to Alfredo Bahena, Gator Auto Parts LLC, to Operate an Auto Parts Recycling Business at 10 S. Jefferson St. Roll call vote: Luna, aye; Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Ordinance 2024-105 approved seven to zero.

**RESOLUTION REGARDING CMAP'S REPORT ENTITLED PLAN OF ACTION FOR REGIONAL TRANSIT (PART) - APPROVED**

A motion was made by Alderman Gorman, seconded by Alderman Carncross to adopt the resolution regarding CMAP's Report Entitled Plan of Action for Regional Transit (PART), as presented. Roll call vote: Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Luna, aye. Motion approved seven to zero.

**MAYOR'S MONARCH PLEDGE - APPROVED**

The Mayor's Monarch pledge supports the National Wildlife Federation initiative to create habitat for pollinators. A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve the pledge commitment for 2024. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Motion approved seven to zero.

**HARVARD 2024-2026 STRATEGIC VISION & GOALS - APPROVED**

Eric Dregne, Next Level, gave an overview of the Harvard 2024-2026 Strategic Vision and Goals. A motion was made by Alderwoman Haderlein, seconded by Alderwoman Luna to adopt the Harvard 2024-2026 Strategic Vision and Goals, as presented. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Motion approved seven to zero.

**PFAS/PFOS WATER SUPPLY CLASS ACTION LAWSUIT – APPROVED**

Attorney Clifton reviewed his memo relating to the PFAS/PFOS Water Supply Class Action Lawsuit. Last summer, the City retained the law firm of Sher Edling to advise the City regarding the national litigation

associated with potential PFAS/PFOS contamination in the City regarding matters related to national litigation. In 2023, it was concluded that the best option was for the City to opt out of any settlement. Earlier this month, as part of the hearing process for the presiding judge to ensure the fairness of the settlement, details in the proposed settlement agreements were clarified in ways that more substantially limited the risk that entering the settlement would effectively foreclose any potential future wastewater claims. The settlement would provide at least additional testing dollars for water providers, like the City, who had no existing problematic levels in its water supply and at least some chance of further recovery if subsequent testing in the near future showed problematic levels. The recommendation from class counsel has changed slightly and it now makes sense for the City to opt back into the settlement as this is likely the City's only chance to recover any funds as a result of past drinking water contamination by the defendants. A motion was made by Alderwoman Haderlein, seconded by Alderman Carncross to authorize the City to opt back into the PFAS/PFOS class action water supply lawsuit. Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; and Lavallee, aye. Motion approved seven to zero.

#### **SHADOW CREEK DEVELOPMENT LLC DEVELOPMENT AGREEMENT - APPROVED**

The agreement is similar with some of other developers except the City is slowly increasing the price as more homes are built.

- At Alderwoman Haderlein's inquiry, it was clarified that the homes will be built in Oak Grove Crossings Subdivision by Shadow Creek Development LLC.
- At Alderman Perkins' inquiry, City Administrator Leone related that some of the inspection fees have been waived. Finance Director Bejot said fees will go into the water/sewer tap on and park money market accounts.
- Mayor Kelly indicated there are 40-50 buildable lots in Oak Grove Crossing Subdivision with one currently under construction.
- Jay Wolf, 800 Lincoln St., inquired what the homes would cost; the projected cost is \$275,000.
- Alderwoman Haderlein inquired about the extension language in the memo. City Administrator Leone noted the language was in error and will be deleted from the agreement.

A motion was made by Alderman Carncross, seconded by Alderman Gorman to approve an agreement with Shadow Creek Development LLC to reduce the building permit fee from \$9,000 to \$5,500 per home, with 4 homes built in 2 years and authorizing the Mayor's execution of the agreement. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, aye and Carncross, aye. Motion approved seven to zero.

#### **2024 ZONING MAP UPDATE - ORD. 2024-106 APPROVED**

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve the 2024 Zoning Map as presented and to authorize the City Clerk to publish in the Northwest Herald. At Alderman Lavallee's inquiry, it was noted that the only change in the zoning map is the property on Airport Rd. which was rezoned B-2. Roll call vote: Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, aye; Carncross, aye and Lancaster, aye. Ordinance 2024-106 approved seven to zero.

#### **ADMINISTRATION COMMITTEE RECOMMENDATION/WATER TOWER PROGRAM REFERRED BACK TO THE ADMINISTRATION COMMITTEE**

A motion was made by Alderwoman Haderlein, seconded by Alderman Perkins to send the contract with Maguire Iron for a 10 year water tower asset management program back to the Administration Committee for review to address the concerns brought up by David Headley. There was discussion whether a review of the contract was necessary. Roll call vote: Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, no; Carncross, aye; Lancaster, aye and Gorman, no. Motion approved five to two. City staff will research the issue both with the contractor and the representative from the painters union.

#### **ADMINISTRATION COMMITTEE RECOMMENDATION - LEAD WATER SERVICE LINE INVENTORY/REPLACEMENT PROGRAM - APPROVED**

A motion was made by Alderman Perkins, seconded by Alderman Carncross to approve the Committee's recommendation to approve the proposal from Christopher B. Burke Engineering to assist the City in completing the Lead Water Service Line Material Inventory and to develop the Initial Lead Water Service Line Replacement Plan at a cost of \$32,636; the 50% upfront cost will be paid through the sewer/water tap on

fund to be replaced when grant funds are received. Roll call vote: Luna, aye; Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Motion approved seven to zero.

**ADMINISTRATION COMMITTEE RECOMMENDATION - MILKY WAY PARK PIT/PUMP - APPROVED**

A motion was made by Alderwoman Haderlein, seconded by Alderman Perkins to approve the Committee's recommendation to move forward with the Milky Way Park Pit/Pump project with Hartwig Mechanical, Inc. in the amount of \$32,515. Roll call vote: Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Luna, aye. Motion approved seven to zero.

**ADMINISTRATION COMMITTEE RECOMMENDATION SURPLUS PROPERTY DECLARATION – ORD. 2024-107 APPROVED**

A motion was made by Alderman Carncross, seconded by Alderwoman Haderlein to approve the Committee's recommendation to adopt the proposed ordinance Declaring Surplus Property. The surplus property listing includes ammunition, 2007 Dodge Dakota, Bucket 710, plate compactor, 16" walk behind saw, black toolbox, decommissioned/replaced street signs, two printers, police equipment and a wooden cabinet with welding supplies. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Ordinance 2024-107 approved seven to zero.

**RESOLUTION AUTHORIZING A BINDING PUBLIC QUESTION ON THE NOVEMBER 5, 2024, GENERAL ELECTION BALLOT ON THE QUESTION OF APPOINTING THE CITY OF HARVARD CLERK - APPROVED**

A motion was made by Alderwoman Haderlein, seconded by Alderwoman Lancaster to approve the Committee's recommendation to adopt a Resolution Authorizing a Binding Public Question on the November 5, 2024, General Election Ballot on the Question of Appointing the City of Harvard Clerk. The effective date to be inserted in the resolution is May 1, 2025. At Alderman Lavallee's inquiry, Mayor Kelly responded a downside could be that the Mayor seeks to appoint someone that the Council wouldn't want appointed, but any appointment would be ratified by the City Council which provides a check and balance. Attorney Clifton indicated that you're going from allowing the public to elect a person to allowing the Mayor and City Council to decide which could be viewed as a negative, but that's why it goes to a referendum allowing the people to decide. City Administrator Leone noted that the clerk being an elected position is reflective of the community where an appointed position could be anybody or somebody just outside of city limits. Lou also reported that 16 of the 28 municipalities in McHenry County have moved to an appointed rather than elected City Clerk. At Alderman Lavallee's inquiry, City Clerk Moller related that she concurred with the Committee's recommendation. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Resolution approved seven to zero.

**COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION CITY LOGO - APPROVED**

A motion was made by Alderman Carncross, seconded by Alderwoman Luna to approve the Committee's recommendation to adopt a new City logo as depicted below:



There were 4 different logo designs reviewed by the City staff committee which voted three to one on the selected logo. Alderwoman Haderlein commented that she did agree with Deb on a different option. She also commended City staff for coming up with good options in a very cost effective way. City Administrator Leone related that the logo represents Harvard's dairy and aviation history and ties into Harvard Milk Days. The City purchased the rights to all 4 designs which can be used as needed. The cost to develop the new logo was approximately \$500 and will be implemented over time. Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Lavallee, aye. Motion approved seven to zero.

**COMMUNITY DEVELOPMENT COMMITTEE RECOMMENDATION - REQUEST FOR PROPOSAL (RFP) INTERNET FEASIBILITY STUDY - APPROVED**

Alderman Carncross inquired about the time frame; City Administrator Leone said the RFP will go out possibly as soon as tomorrow with a 30 day return. A motion was made by Alderwoman Haderlein, seconded by Alderman Gorman to approve the Committee's recommendation to approve the (RFP) for the Broadband Feasibility Study to be published as submitted, with the inclusion of a timeline. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Lavallee, aye and Carncross, aye. Motion approved seven to zero.

**PARK BOARD RECOMMENDATION SOCCER FIELD LANDSCAPING - APPROVED**

A motion was made by Alderwoman Luna, seconded by Alderman Carncross to approve the Park Board's recommendation to move forward with the soccer field landscaping at Milky Way Park with Summerview Landscapes, Inc., in the amount of \$6,300.00. Roll call vote: Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Lavalley, aye; Carncross, aye and Lancaster, aye. Motion approved seven to zero.

**PARK BOARD RECOMMENDATION FEE WAIVER REQUEST - APPROVED**

A motion was made by Alderman Perkins, seconded by Alderwoman Lancaster to approve the Park Board's recommendation granting the fee waiver request submitted by Harvard Jr. Hornets Soccer. Roll call vote: Perkins, aye; Luna, aye; Haderlein, aye; Lavalley, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved seven to zero.

**DEPT. HEADS REPORT**

Written reports as submitted.

Police Chief Tyson Bauman

Sgt. Tobias submitted his resignation effective March 10<sup>th</sup> to join the Sheriff's Dept. The next person on the sergeant's promotional list is Detective Eric See who has accepted and will be sworn in on March 11<sup>th</sup>. The detective position will be posted internally for the interview/selection process. An individual on the eligibility list has accepted as a new hire and will meet with the Chief to go over everything preliminarily to start the background. That leaves one eligible person on the list, and a Police Commission Meeting is scheduled for March 1<sup>st</sup> to discuss the testing process for new hires.

Deputy Chief Carmen Sacco

The two new squads that were ordered are accounted for and should be coming soon. With Detective See's promotion, in the interim, Carmen will be spearheading a lot of the investigative duties, i.e. liquor licenses and things like that.

Public Works Supt. Rob Lamz

- Public Works is working on the streets as time allows.
- Secondary interviews are being conducted with the candidates for the open position at Public Works.
- Rob thanked the City Council for their support with the lead service line inventory; the grant opened up and the City is working with Christopher B. Burke Engineering on document submission.

Code Enforcement Officer Anne Nutley

Bryan Tracy, Shadow Creek Development, is ready to pull two more permits.

Community & Economic Development Director Donovan Day

- Inspections were conducted today on two Habitat For Humanity homes on Forest Downs.
- Anne completed her second day of training on the 2021 International Residential Building Code; the goal is for her to test and get her certification this year.
- The department will do training next week on the permitting software; the company is working with iCloud to get online permits set up.

**COMMITTEE REPORTS**

**ALDERMAN CARNCROSS**

Alderman Carncross will schedule a Community & Economic Development Committee Meeting for next month once Alderman Schulz returns from vacation.

**ALDERWOMAN HADERLEIN**

The next Administration Committee Meeting is March 13, 2024, at 6:30 pm. Agenda items include the water tower management program, an FOP equipment donation and backyard chickens.

**ALDERMAN PERKINS**

Alderman Perkins requested that the Administration Committee be kept more aware of personnel matters; Mayor Kelly said that the City Administrator would take note and issue notifications.

**ALDERMAN GORMAN**

Alderman Gorman called a Transportation Committee Meeting for Wednesday, March 6<sup>th</sup> at 6:30 pm. Items for discussion include revisiting parking in front of the Starline Factory and updates on the post office stairs and the rejuvenation/skip patching program.

**TREASURER’S REPORT**

Report as submitted. Finance Director Bejot indicated one of the agenda items for the Community & Economic Development Committee meeting is the potential business permit program.

**ADMINISTRATOR’S REPORT**

City Administrator Leone complimented the Police Dept. on their successful effort regarding 2-hour parking on Ayer St. so customers have a place to park. Lou complimented the Police Dept. and Public Works on documentation and graffiti removal at Lion’s, Northfield & Milky Way Parks. He thanked the Park Board and City Council for their recent support with the changeover in the Parks & Rec Dept. and going in a new direction with the strategic vision, ordinances/codes to move forward to spur more growth.

**NO REPORT**

Aldermen Lavallee, Luna and Lancaster and City Attorney Clifton had no additional report.

**CLERK’S REPORT – UPCOMING MEETING DATES**

- March 5 Planning & Zoning Commission Meeting, POST TO CANCEL
- March 6 Transportation Committee Meeting, 6:30 pm
- March 13 Administration Committee Meeting 6:30 pm
- March 18 Park Board Meeting, 6 pm
- March 26 City Council Meeting, 7 pm

**MAYOR’S REPORT**

Mayor Kelly reviewed the realignment of the Park Board and Transportation Committees as approved under the Consent Agenda. Alderman Schulz recently stepped down as the Chairman of the Park Board. Alderman Schulz and Alderwoman Haderlein swapped committees (Park Board and Transportation Committee respectively). Mayor Kelly commented on the many positive changes in the Parks Dept. and thanked Alderman Schulz for his time and leadership as Chairperson for the Park Board. Alderman Lavallee is now the Chairman with Alderwoman Luna as Co-Chairman.

Mayor Kelly said he was pleased with everything happening the past month in terms of community development, ideas moving forward with parks and in public works. He thanked the City Council for their due diligence in various committees as reflected in the number of action items on the agenda.

A motion was made by Alderman Perkins, seconded by Alderman Carncross to adjourn the meeting. Aldermen voting aye: Haderlein, Lavallee, Carncross, Gorman, Lancaster, Perkins and Luna. All ayes. Motion carried.

Meeting adjourned at 8:18 pm.

Respectfully submitted:  
Lori Moller, City Clerk

March 8, 2024