

REGULAR CITY COUNCIL MEETING MINUTES
March 26, 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, Schulz, Lavalley, Carncross, Lancaster, Gorman and Perkins. Alderwoman Luna was absent. Also present: City Administrator Leone, Deputy Chief Sacco, Code Enforcement Officer Nutley, Community Development Director Day, Supt. Public Works Lamz, City Attorney Quance and members of the audience.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment on items not on the agenda.

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 24 and March 13, 2024, as presented. Roll call vote: Haderlein, aye; Carncross, aye; Gorman, aye and Perkins, aye. Motion approved four to zero.

TRANSPORTATION COMMITTEE MEETING MINUTES - APPROVED

A motion was made by Alderman Lavalley, seconded by Alderman Schulz to approve the Transportation Committee Meeting Minutes of March 6, 2024, as presented. Roll call vote: Schulz, aye; Lavalley, aye; Gorman, aye and Perkins, aye. Motion approved four 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 City Council Meeting Minutes of February 27, 2024
- b. Administration Committee Meeting Minutes of February 24 & March 13, 2024
- c. Transportation Committee Meeting Minutes of March 6, 2024
- d. Park Board Meeting Minutes of February 26, 2024
- e. Administrators Report
- f. Community Development Department Report
- g. Harvard Diggins Library Directors Report
- h. Parks & Recreation Report
- i. Police Department Report
- j. Public Works Department Report
- k. Utilities Department Report
- l. Proclamation Arbor Day Friday, April 26, 2024

A motion was made by Alderwoman Haderlein, seconded by Alderman Gorman to accept the Consent Agenda, Items #a-l as presented. Roll call vote: Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Haderlein, aye and Schulz, 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 Schulz to approve payment of the bills in the amount of \$392,189.41. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Haderlein, aye; Schulz, aye; Lavalley, aye and Carncross, aye. Motion approved seven to zero.

GW PROPERTIES REQUEST – REFERRED TO TRANSPORTATION COMMITTEE

GW Properties submitted a request for the removal of the sidewalk requirement for their project located at 5508 US-14 (Starbucks). Brian Rosenblum, GW Properties, 2211 N. Halsted, Chicago, IL, was in attendance representing the owner and outlined the justification for their request: safety risks to pedestrians, lack of connectivity anywhere in the intersection and compliance with safety standards.

A motion was made by Alderman Perkins, seconded by Alderman Gorman to deny the request. Additional discussion ensued.

- Alderwoman Haderlein understood the issue with regard to there not being other sidewalks; this is an issue on Route 14 the City is trying to address over time. At her inquiry, Supt. Lamz reported that the nearest sidewalk is at Culvers. Rob said this is also in the MCDOT project area for a proposed pedestrian walkway or multiuse path that extends from Rush Creek to Shadow Creek; timeline is about 5 years out. Alderwoman Haderlein inquired if it was possible to require some type of bond or other security until such time as it makes sense to connect sidewalks.
- Director Day said he discussed an option with Brian to defer the sidewalks for a reasonable amount of time and hold funds in reserve. He also related that City Engineer Gary Rozwadowski did not require sidewalks for Dunkin Donuts due to the grant the City received for sidewalks along that side from Route 14 to Airport Rd.
- Alderman Perkins commented that McDonalds, Culvers and the bank were required to put in sidewalks and there is nothing touching those. The Administration Committee will be looking at residential sidewalk requirements; if businesses are not required to put in sidewalks, how can it be required for residents.
- Brian brought up discussion on the infrastructure and said they would be willing to defer the sidewalks and put up a bond. The estimated cost of sidewalks is \$100,000.
- There was a suggestion to amend the motion to defer the requirement for 1 or 2 years. After discussion, there was no motion or second to amend the standing motion.
- There was discussion of the original mechanics to get developers to develop that area of the City with new infrastructure, including pedestrian.
- There was discussion of IDOT's role in the sidewalk design/pedestrian intersection access approval. The developer is not responsible for pedestrian intersection access which would be done by IDOT.
- The City could risk losing development down this corridor by requiring sidewalks.

Mayor Kelly clarified that an "aye" vote is to deny the petition. Roll call vote: Gorman, aye; Perkins, aye; Haderlein, no; Schulz, no; Lavalley, aye; Carncross, no and Lancaster, no. The motion to deny the request failed four to three.

A motion was made by Alderman Schulz, seconded by Alderwoman Lancaster to send the issue back to the Transportation Committee to discuss an option to require a 3-5 year bond with growth attached to it. At Alderman Perkins inquiry, City Administrator Leone responded in order to keep the project moving forward, it was brought directly before the City Council and not to the Transportation Committee first. No further discussion. All ayes. Motion carried.

Alderman Schulz recused himself from the meeting at 7:28 pm.

RELINQUISH CLASS A LIQUOR LICENSE - APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Carncross to accept the relinquishment of the Class A Liquor License as submitted by Ward Green, Redjellyfish, Inc., d/b/a Bunks Place, 703 E. Diggins St., upon approval of a license issued to Jeff and Dan Rutkowski, d/b/a R & R Alehouse LLC. It was noted that the correct name on the agenda should be Jeff and "Todd" Rutkowski. Roll call vote: Perkins, aye; Haderlein, aye; Lavalley, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved six to zero.

CLASS A LIQUOR LICENSE - APPROVED

Jeff and Todd Rutkowski submitted a Class A Liquor License Application for R & R Alehouse, 703 W. Diggins St. Mayor Kelly referred to a memo from Deputy Chief Sacco indicating that the fingerprint check on Jeff Rutkowski has been held up by the Bureau of Identification Division of the Illinois State Police. However, the application at this point appears to be good with nothing that would be a major disqualifier in either applicant's background. The applicants will be opening up a sports bar with food.

A motion was made by Alderman Carncross, seconded by Alderwoman Haderlein to approve the license application as presented, pending the background check, submission of insurance and payment of fees, to be

effective May 1, 2024. Roll call vote: Haderlein, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Motion approved six to zero.

At 7:32 pm, Alderman Schulz returned to the meeting.

TRANSPORTATION COMMITTEE RECOMMENDATION - MFT ROAD PROGRAM - APPROVED

Mayor Kelly noted that the Committee's recommendation is to accept the rejuvenation and crack filling locations as presented; "stop gap" patching locations haven't been determined yet. A motion was made by Alderman Schulz, seconded by Alderman Lavallee to accept the Committee's recommendation. Roll call vote: Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Motion approved seven to zero.

ADMINISTRATION COMMITTEE RECOMMENDATION - FOP EQUIPMENT DONATION - APPROVED

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to approve the Committee's recommendation to accept the FOP's donation of a Mavic 3 Drone to the City of Harvard to be utilized by the Police Dept. and other departments as necessary. Originally the FOP held a fundraiser to cover the cost of the drone (\$7,202) which was purchased in 2023.

- Alderman Schulz recommended that organizations such as the Parks Foundation and FOP that are fundraising for specific things should make it clear to the general public that the donation can be used for the entire City, not just a specific department. Administrator Leone will write a policy.
- Alderwoman Haderlein inquired about the cost of training to use the drone since it's a very expensive piece of equipment. City Administrator Leone said it would require an FAA Drone License at a cost of \$500-\$600 with 8-16 hours of training if flown over 300', below that is basic training. Any employee wishing to take the training would have to agree to continue working for the City for a certain period of time to cover the cost; should an employee leave sooner, they would have to pay the difference.

Roll call vote: Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Haderlein, aye. Motion approved seven to zero.

ADMINISTRATION COMMITTEE RECOMMENDATION - WATER TOWER PROGRAM - APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Carncross to approve the Committee's recommendation to enter into a contract with Maguire Iron for a 10 year water tower asset management program. Alderman Carncross thanked City staff for their quick response to the concerns brought up at the last City Council meeting. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Haderlein, aye and Schulz, aye. Motion approved seven to zero.

**ADMINISTRATION COMMITTEE RECOMMENDATION - BACKYARD CHICKENS
ORD 2024-108 APPROVED**

A motion was made by Alderwoman Haderlein, seconded by Alderwoman Lancaster to approve the Committee's recommendation to adopt the proposed ordinance amending sections of the Unified Development Ordinance and Section 12.05, Dogs, Cats & Other Animals, to regulate backyard chickens. Director Day indicated that the proposed ordinance is subject to legal counsel. Alderwomen Haderlein and Lancaster amended their motion and second respectively to include that language.

- Alderwoman Haderlein thanked Alderman Gorman and the rest of the Committee for going through all the issues brought up by the community, pro and against. Backyard chickens are a two year trial program which is consistent with what the Planning & Zoning Commission wanted.
- Alderman Carncross thanked everyone for an excellent detailed ordinance.
- Mayor Kelly brought up the requirement that only properties that are owner-occupied are permitted to obtain a permit to keep chickens on the property. Director Day responded the provision was included due to a concern that a tenant could move out and leave the chickens behind. He further noted the ordinance contains a variance provision that would allow a renter to apply for a permit.
- At Alderman Perkin's inquiry, Director Day responded that the proposed ordinance also includes language to amend Section 20.06, Building Permit Fees, to add a permit fee of \$300.00 and an annual inspection fee of \$25.00.

Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Haderlein, aye; Schulz, aye and Lavallee, no. Ordinance 2024-108 approved six to one.

PARKS & REC BOARD RECOMMENDATION - FEE WAIVER REQUEST - APPROVED

A motion was made by Alderman Schulz, seconded by Alderman Carncross to approve the Committee's recommendation to approve Harvard Milk Days' request for a waiver of fees. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Haderlein, aye; Schulz, aye; Lavalley, aye and Carncross, aye. Motion approved seven to zero.

PARKS & REC BOARD RECOMMENDATION - AMEND 2015 PARKS MASTER PLAN - APPROVED

A motion was made by Alderwoman Lancaster, seconded by Alderman Gorman to approve the Committee's recommendation to adopt the proposed amendment to the 2015 Parks Master Plan regarding Milky Way Park.

- At Alderman Perkins' inquiry, City Administrator Leone indicated the City's focus isn't shifting to Milky Way Park. Rather, the amendment will help the City's get points for the OSLAD grant. Alderman Perkins also commented on the Park & Rec Board's minutes regarding not being on track with the Master Plan which is due to costs and fees. While not being able to do the big things, the smaller things that we told the community we would do if the referendum passed were done.

Roll call vote: Gorman, aye; Perkins, aye; Haderlein, no; Schulz, aye; Lavalley, aye; Carncross, aye and Lancaster, aye. Motion approved six to one.

PARKS & REC BOARD RECOMMENDATION - OSLAD GRANT PROPOSAL - APPROVED

A motion was made by Alderman Carncross, seconded by Alderwoman Lancaster to approve the Committee's recommendation to approve Christopher B. Burke's proposal to create a Master Park Plan for Milky Way Park and assist the City in completing the necessary steps required prior to submitting an OSLAD grant application.

- Alderman Perkins inquired about the Parks Money Market paying for the grant; will be reimbursed by selling a vehicle which was approved for purchase in 2022. It was noted that the new Parks Supt will use the retired police cruiser that is in the Admin fleet. If a pickup is required, one could be borrowed from Public Works.
- City Administrator Leone said the OSLAD Grant is for acquisition or development of said property.
- Alderwoman Haderlein pointed out that she is not in favor of the proposal. The language refers to a Master Park Plan for Milky Way Park that is aimed at obtaining a grant to do something that is not in the 2015 Master Parks Plan. Mayor Kelly related that it's really mistitled as a master plan, rather it is a development plan.
- Alderman Schulz clarified that the 2022 OSLAD grant that was applied for was to complete the requirement from a previous OSLAD grant that was received in the early teens to develop the 10 acres of land on the south side of the park. He had no issue moving forward with applying for another OSLAD grant and hiring a professional to prepare the application. He recommended that at some point in the future, the City consider hiring a professional grant writer.

Roll call vote: Perkins, aye; Haderlein, no; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved six to one.

PARKS & REC RECOMMENDATION – PROGRAMMING FEE STRUCTURE - APPROVED

The current fee structure for non-residents is 10% over the resident fee. At Alderman Carncross' inquiry, it was noted there hasn't been any data collected to date comparing resident/non-resident participation but data will be collected going forward. A motion was made by Alderman Carncross, seconded by Alderman Schulz to approve the Committee's recommendation to increase the non-resident fees to 30% over resident fees for all programming. Roll call vote: Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Motion approved seven to zero.

PARKS & REC COMMITTEE RECOMMENDATION – SURPLUS PROPERTY - APPROVED

A motion was made by Alderman Schulz, seconded by Alderman Lavalley to approve the Committee's recommendation to declare the 2022 Ford Pickup Truck F150 as surplus, with a minimum bid of \$30,000.

- Alderman Schulz related the truck was purchased during Covid; Ryan had expressed a need for a truck and the 4-wheel drive was all that was available at the time.
- Aldermen Perkins and Carncross inquired if the truck would be better fit in another department. City Administrator Leone said the focus of the Parks & Rec Board was to get rid of this particular vehicle which was purchased with capital improvement funds designated for the parks; when sold, the funds

will go back into that fund and will be used to offset the cost of doing the design plan.

- Aldermen Perkins and Carncross felt that there shouldn't be a request during a budget workshop in the next couple of years for this type of truck.

Roll call vote: Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, no. Motion approved six to one.

TREE BOARD APPOINTMENTS - APPROVED

A motion was made by Alderman Perkins, seconded by Alderman Schulz to approve the Mayor's recommendation to appoint the following individuals to the Tree Board: Shawn Kingzette, Shannon Westphal, Janet Hugg and Joel Kriete with Alderwoman Haderlein who will be the Chairperson. Roll call vote: Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Haderlein, aye. Motion approved seven to zero.

SPECIAL PARKS & REC BOARD MEETING

A Special Parks & Rec Board Meeting was called for Thursday, April 4th, 2024, at 6 pm for final candidate interviews for the Parks & Rec Supt. position. There are two candidates with the final candidate to be approved at the April 23rd City Council Meeting. At Alderman Schulz inquiry, City Administrator Leone felt confident that everything is underway for opening the pool on time. Jason will be the pool manager and he and Lou are working on staffing.

DEPT. HEADS REPORT

Written reports as submitted.

Community & Economic Development Director Donovan Day

- Donovan congratulated Anne Nutley who celebrated her 10 years with the City.
- The department is working on entering permits using the Community Core software program. They are working on kinks in the software but will do their best to get all permits filed from January 1st and hope to provide a full report at the April meeting.
- Donovan was asked to join the Naturally McHenry County Board of Directors; he has accepted and his first meeting is April 4th.
- Donovan received a Certificate in Workforce Development Fundamentals from IEDC after taking an 8-week course which goes towards him becoming a certified economic developer.
- The church at 309 N. Division St. is being converted into 3 rental apartments.
- The engineering plans for the Jefferson School addition are just about wrapped up which now go to the state for plan review; the City does not have a hand in the plan review for the building.
- Donovan related that Alderman Perkins brought to his attention that a career hiring site indicates that Panera Bread is looking for a manager in Harvard.
- Badger Fulfillment Group is hosting a Cars and Coffee on April 30th at 9 am at the local coffee shop who has also signed up to be a coffee vendor at the Soccer Tournament on July 27th & 28th.
- On April 2nd, the Planning & Zoning Commission will consider a petition submitted by Greenway Properties seeking a variation for several lots in Turtle Crossing. Recently, the petitioner was able to move the lines to make some of the homes fit which can be done administratively and doesn't require a variance. However, there are lots where the petitioner still needs a 1½ foot variance on each side.
- Community Development Committee Meeting items for discussion: business registration, updated building codes and the TIF proposal for Tesca for the old City Hall/Police Station.

Public Works Supt. Rob Lamz

- Rob reported that the 2007 Dodge Dakota sold at auction for \$8,500 of which the City will collect \$7,550. Additional items will be posted on the GovDeals auction site.
- Public Works is getting ready for spring construction season, marking for skip patching, moving the Shadow Creek tennis courts and removal of the library cut through from the parking lot to the park.

Code Enforcement Officer Anne Nutley

Anne reported that during her first 9 years with the City there was about 1 new house built a year; this last month, 10 building permits were issued.

Deputy Chief Carmen Sacco

- Melanie Bowden has been hired as a part-time Parking Enforcement Officer.
- Candidate Daniel Monreal is going through the testing process; should have a decision by April 15th. He is a 5-year Chicago PD officer and if all works out, will be a lateral hire which does not require Police Academy.
- Two candidates were interviewed for the detective investigation vacancy; the Chief will be conducting interviews one on one after which a decision will be made.
- Taser is almost done; DC Sacco thanked Lou for his participation.

COMMITTEE REPORTS

ALDERMAN CARNCROSS

- Alderman Carncross scheduled a Community & Economic Development Committee Meeting for Wednesday, April 10, 2024, at 6:30 pm.
- Alderman Carncross thanked City staff for the work that was put in on the chicken ordinance. He appreciated everyone's time and energy in trying to find a good balance that was a compromise between the fors and against, finding a good middle ground. This is a testament to this body's ability to handle a difficult subject and come up with something to be proud of.

ALDERMAN LAVALLEE

Alderman Lavallee was at the Library's meeting last Thursday. They are planning on getting the parking lot done mid-August, so hopefully Public Works can get their portion done before that.

ALDERMAN SCHULZ

- Alderman Schulz said he started to get involved with the City in 2009 after he left Motorola and was appointed to the Harvard Events Committee by then Mayor Jay Nolan. He started Community Movie Night that fall which he has been running for the last 15 years. His last movie night is in April and it will be passed on to the radio station. He thanked Lori Moller for her assistance behind the scenes during that time with licensing and printing flyers.
- Alderman Schulz was contacted by a Harvard resident who built a business on Diggins St. in 1983. The City banned burning leaves in City limits in 1988; since that time leaves were picked up by MDC or whoever until the fall of last year. MDC is now saying they don't have to as it isn't in the contract which only requires residential pickup not business. Alderman Schulz asked City Administrator Leone to see if there is anything the City can do.

ALDERWOMAN HADERLEIN

Alderwoman Haderlein scheduled an Administration Committee Meeting for Wednesday, April 17, 2024, at 6:30 pm.

ALDERMAN PERKINS

At Alderman Perkins inquiry, it was noted that the proposed ordinance for the gaming fee increase will be on the April City Council Meeting. Data was provided to the City Council on fees charged by area communities. Alderman Schulz said Woodstock's website indicates their fee is \$500 per gaming machine.

ALDERMAN GORMAN

Alderman Gorman called a Transportation Committee Meeting for Wednesday, April 3rd, 2024, at 6:30 pm to discuss a bond option for the GW Properties/Starbucks.

TREASURER'S REPORT

Report as submitted.

ADMINISTRATOR'S REPORT

City Administrator Leone commented that the City's focus going forward is more data collection and staff training. He thanked the Council for allocating training funds in the budget.

NO REPORT

Alderwoman Lancaster and City Attorney Quance had no additional report.

CLERK'S REPORT – UPCOMING MEETING DATES

April 2 Planning & Zoning Commission Meeting, 7 pm
April 3 Transportation Committee Meeting, 6:30 pm
April 4 Special Parks & Rec Board Meeting, 6 pm
April 10 Community & Economic Development Committee Meeting, 6:30 pm
April 15 Parks & Rec Board Meeting, 6 pm
April 17 Administration Committee Meeting 6:30 pm
April 23 Regular and Year End City Council Meetings, 7 pm

MAYOR'S REPORT

- Mayor Kelly commented that the City currently has the most grants in process that we have ever had. He agreed that it would be in the City's best interest to hire a grant writer, but it wasn't budgeted for this year. He has had conversations with the City Administrator to have a grant writer on staff and perhaps explore opportunities to share grant writing with other communities; this isn't always advantageous when competing for the same grant funds. The Mayor hopes to have a proposal for council for the next fiscal year to obtain a grant writer that is part of the staff.
- Mayor Kelly said there were several candidates for the Parks & Rec Supt. position which has been narrowed down to two to be interviewed by the Parks & Rec Board on April 4th in anticipation to appoint the new Supt. at the April City Council meeting to start shortly thereafter.
- Mayor Kelly reported that new staff is on board. The water billing clerk, Rubi Vega, has started and is working out well. Anticipation is to hire a new front desk person later this summer; the candidate has been identified and accepted the position to fulfill that role but won't start until June 3rd. City Administrator Leone related the process with Jannette who will help train the front desk candidate and then work with Lori who is retiring in September for the Admin Asst position. Pending the referendum, Jannette may also end up being the City Clerk with the two positions merged.

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

Meeting adjourned at 8:32 pm.

Respectfully submitted:
Lori Moller, City Clerk

April 9, 2024