

REGULAR CITY COUNCIL MEETING MINUTES

April 10, 2012 - 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, Clarke, Logan, Perkins and Opper. Alderman Leyden was absent. Also present were Treasurer Szczap, City Administrator Nelson, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION:

Mary Donner, Pace Community Relations Representative Government Affairs, updated the City Council with respect to Pace service improvements in McHenry County.

CITY COUNCIL MEETING MINUTES OF 03/27/2012 - APPROVED

Moved by Logan, seconded by Marzahl to approve the minutes of the Regular City Council Meeting of March 27, 2012, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Logan, Clarke, Perkins and Opper. All ayes. Motion carried.

ORDINANCE AUTHORIZING THE ISSUANCE OF: (A) GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2012A; AND (B) GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2012B, OF THE CITY OF HARVARD, MCHENRY COUNTY, ILLINOIS PROVIDING THE DETAILS OF SUCH BONDS AND FOR, AS APPLICABLE, ALTERNATE REVENUE SOURCES AND LEVIES OF DIRECT ANNUAL TAXES SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS - ORD. 2012-109 APPROVED

Moved by Logan, seconded by Perkins to authorize the Mayor to secure the lowest possible interest rates and to approve an Ordinance Authorizing the Issuance of: (A) General Obligation Refunding Bonds (Alternate Revenue Source), Series 2012A; and (B) General Obligation Refunding Bonds (Alternate Revenue Source), Series 2012B, of the City of Harvard, McHenry County, Illinois, Providing the Details of Such Bonds and for, as Applicable, Alternate Revenue Sources and Levies of Direct Annual Taxes Sufficient to Pay the Principal of and Interest on Such Bonds, and Related Matters and. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2012-109 approved seven to zero.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Harvard Savings Bank Property Located at known 215 E. Front St., Units 4 & 5, for a Conditional Use to permit the operation of an Auto Repair Shop – Ord. 2012-110 Approved

Chairman Opper noted the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on April 3, 2012, for a hearing in the petition submitted by Harvard Savings Bank for property located at 215 E. Front St., Units 4 & 5 (lower level), Harvard, Illinois. The petitioner requests a conditional use to allow the operation of an auto repair shop on the subject property. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request be approved as presented for a conditional use to allow the operation of an auto repair shop on the subject property.

Moved by Opper, seconded by Logan to approve the Planning and Zoning Commission's recommendation and findings of fact as presented and Ordinance 2012-106, granting a conditional use to allow the operation of an auto repair shop at 215 E. Front St., Units 4 & 5 (lower level), Harvard, Illinois. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins; Opper, aye and Marzahl, aye. Ordinance 2012-110 approved seven to zero.

City of Harvard, Text Amendment to Section 17.52.020(D4), Contents of Notice, to Eliminate the Requirements to Publish the Legal Description – Ord. 2012-111 Approved

Chairman Opper noted the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on April 3, 2012, to consider the petition submitted by the City of Harvard for a text amendment to Section 17.52.020(D4), Contents of Notice, to eliminate the requirements to publish the legal description. 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 Opper, seconded by Perkins to approve an Ordinance Amending Section 17.52.020-D4, Contents of Notice, of the Harvard Zoning Ordinance Pursuant to Public Act 96-336. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Ordinance 2012-111 approved seven to zero.

LAWRENCE DURKEE REQUEST/VARIATION OF CITY WATER & SEWER REQUIREMENTS AT 20920 E. BRINK ST. – ORD. 2012-112 APPROVED TO DENY VARIATION

Petitioner Larry Durkee addressed the City Council with respect to his request for a waiver from Sections 13A.02-D and 13B.03 for property commonly known as 20920 E. Brink Street, noting the property was forcibly annexed to the City. Mr. Durkee indicated he will be unable to sell his property without the variation from the city water/sewer hookup requirements at an estimated cost of \$20,000 - \$25,000.

Realtor Jose Rey, 707 Old Orchard Rd., Harvard stated he was hired by the petitioner to sell his property and felt that it was not economically feasible for the City to force the owner to hook up city water and sewer at the present time. Jose noted a letter from the prospective buyers, Chuck and Melanie Romano, who are adjoining property owners and are willing to hook up to city water and sewer when it becomes available across their property. Jose also noted a letter from Schaid Appraisals, Inc., indicating that under current real estate market conditions, it is their opinion that the cost is prohibitive and would be highly adverse to the marketability of the subject and add minimal to no value.

The City recently denied a similar request a few months ago with the difference being that the other property had water/sewer running in front of the property. The property owner also knew of the requirement to hook up before purchasing the property.

City Administrator's memo recommended the petition be denied, noting the street does not have public water and sewer mains in the right of way but there are several other properties that could share in the cost of connecting to the City's utility system. City Administrator Nelson stated that if the City Council was inclined to do anything, they should at least require an agreement be signed by the buyer under certain conditions that you tap on at a certain point. The current property owner would not be required to tap on until such time as they sell the property after which the new owner would have one year to tap on. The concern was expressed that the City would end up in court when the buyer defaults on the agreement and does not tap onto city water and sewer.

Moved by Logan that the waiver as requested be denied, but that the City enter into an agreement that within five years from the date of sale, the property will have to be tapped on. After discussion with Attorney Arevalo, Alderman Logan amended his motion to approve the variation with a condition that there be an agreement to connect both water and sewer in five years from the date of sale with the agreement be executed and presented to the City within 60 days of the City Council meeting. Alderman Clarke seconded the motion. Roll call vote: Clarke, aye; Logan, aye; Perkins, no; Opper, aye; Marzahl, no; Ulmer, no and Musgrove, no. Motion denied four to three.

Moved by Perkins, seconded by Musgrove to deny the request for a waiver from Sections 13A.02-D and 13B.03 for property commonly known as 20920 E. Brink Street. Roll call vote: Logan, no; Perkins, aye; Opper, no; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, no. City Attorney Arévalo indicated the Mayor would be required to vote in effect to break a tie. Mayor Nolan voted aye to deny the petition. Motion to deny the request and Ordinance 2012-112 approved five to three.

HARVARD SCHOOL DISTRICT 50 DRAINAGE/ENCROACHMENT CITY RIGHT OF WAY - APPROVED

Moved by Logan, seconded by Clarke to approve Harvard School District 50's request for an encroachment into the right of way of Garfield Street to make certain parking lot and drainage improvements for private use. Roll call vote: Perkins, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Logan, aye. Motion approved seven to zero.

EVENTS COMMITTEE MUD VOLLEYBALL AT MILKY WAY PARK AUGUST 18th, 2012 - APPROVED

Chairman Logan reviewed the Events Committee's request and noted the Mud Volleyball Tournament will essentially use the same area as the rodeo, specifically the rodeo arena, dairy barn and west shelter. The Events Committee is in the process of obtaining quotes for dram shop insurance. Alcohol sales will use the same procedures as the rodeo with wristbands. Proceeds of the event will go towards building a permanent arena at Milky Way Park. At Alderman Marzah's inquiry, Chairman Logan noted that usage of the barn will be the overhang area and temporary storage of items in the barn. Alderman Opper inquired about any cost for police protection. Administrator Nelson noted that Chief Kazy-Garey intends to have officers at the event but enough details aren't known to calculate the cost. Chairman Logan will discuss with the Chief to see what his requirements are going to be.

Moved by Perkins, seconded by Clarke to approve the Events Committee's request to host a Mud Volleyball Tournament at Milky Way Park, specifically the rodeo arena, dairy barn and west shelter on August 18th, 2012, with a Special Events Liquor License for said event. Roll call vote: Opper, no; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye and Perkins, aye. Motion approved six to one.

CONSENT AGENDA: NONE

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Opper to approve the bills list as presented in the amount of \$37,757.76. Treasurer Szczap noted that the actual amount approved is correct but the third and fourth pages of the detailed finance report are actually duplicates of the first two pages and should be taken out. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved seven to zero.

MAYOR'S REPORT

Mayor Nolan reported that Bev Meseck had a massive heart attack and is in intensive care in Woodstock.

ADMINISTRATOR'S REPORT

City Administrator Nelson reminded the City Council of the E-Cycle Event on Saturday, May 5th, 2012, in the back parking lot at City Hall from 8 am – noon. There was an article in the April issue of the Main Line, as part of the City's newsletter and the flyer has been posted on the website. There will be another article in the May Main Line which comes out the day before the event.

CLERK'S REPORT - UPCOMING MEETING DATES

April 17 Regular Events Committee Meeting, 5 p.m.
April 24 Budget Hearing, Regular and Year End City Council Meeting, 7 p.m.

NO REPORT

Aldermen Opper, Perkins, Clarke, Musgrove, Ulmer, Marzahl had no specific report.

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

At 7:40 p.m., moved by Perkins, seconded by Opper to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:


Andy Wells,
City Clerk

9-17-12
Date