

## REGULAR CITY COUNCIL MEETING MINUTES

March 26, 2013 - 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, Musgrove, Clarke, Logan and Opper. Aldermen Leyden and Ulmer were absent. Also present were Treasurer Szczap, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Parks & Recreation Clingsmith, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

### AUDIENCE PARTICIPATION: NONE

### CITY COUNCIL MEETING MINUTES OF 02/26/2013 - APPROVED

Moved by Logan, seconded by Opper to approve the minutes of the Regular City Council Meeting of February 26<sup>th</sup>, 2013, as presented. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

### SWEAR IN NEW POLICE OFFICER

Chief Kazy-Garey introduced candidate Nicholas Hill for the position of police officer. Officer Hill was then sworn in by City Clerk Wells.

### LETTER FROM DENNIS REILLY RE TREE BANK PARKING ON GARFIELD ST. FOR HHS EVENTS - REFERRED TO ORDINANCE COMMITTEE 04/09/13

Dennis Reilly, 1000 N. Hart St., addressed the City Council with regard to his letter outlining parking issues for Harvard High School Events and requested that the issue be addressed prior to graduation. The item was referred to the Ordinance Committee. Chairman Opper called an Ordinance Committee Meeting for Tuesday, April 9<sup>th</sup>, 2013, at 6:30 p.m. to discuss. City Administrator Nelson stated that City staff will be prepared to make a long term recommendation for a permanent solution.

### PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Jose Gomez, Conditional Use Permit Used Car Lot/Front Yard Setback Variation at 1442 S. Division St. - Ord. 2013-104 Approved

Chairman Opper noted the Recommendations/Findings of Fact submitted by Glenda Miller, Chairman Protem of the Planning and Zoning Commission which met on March 5, 2013, to consider the petition submitted by Jose Gomez for property located at 1442 S. Division St., Harvard, Illinois. The petitioner requests a conditional use to allow the operation of an auto repair shop on the subject property. The petitioner further requests a variation from the front yard setback requirements of 40' to 2.1' at the northwest corner and to 1.2' at the southwest corner. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's requests be approved as presented for a conditional use to allow the operation of an Auto Repair shop and to grant a variation from the front yard setback requirements on the subject property. The Planning and Zoning Commission further finds as follows:

1. In light of all of the evidence presented, the proposed conditional use would not be detrimental to the orderly development of the City of Harvard.
2. In light of all of the evidence presented, the proposed conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare of the community of the City of Harvard.

Attorney Bernard Papp and Petitioner Jose Gomez were present to address any questions. Moved by Opper to approve the Planning and Zoning Commission's recommendation and findings of fact as presented and Ordinance 2013-104, Issuing a Conditional Use Permit to operate an Auto Repair Shop and Granting a Variation for Property Commonly Known as 1442 S. Division St. At Alderman Clarke's inquiry about hard surfacing, Community Development Director Santeler noted the petitioner would need to bring up to code the portion of the driveway that fronts the building which will be easier to determine

when the snow melts. Attorney Papp stated that the property is served by a private easement that was created when Mr. Gomez purchased the property which comes in off of Route 14 and extends 25' into the property. The easement is owned and maintained by all the adjoining owners. Administrator Nelson confirmed that pursuant to City code, all vehicles would have to be licensed and titled and would have to be parked on a hard surface. The motion was then seconded by Alderman Logan. At Alderman Clarke's inquiry, Alderman Opper stated the petitioner would have to meet all state regulations and fill current obligations to meet the City's regulations which would include hard surfacing and building code requirements for an EPA license. Roll call vote: Marzahl, no; Musgrove, aye; Clarke, aye; Logan, aye and Opper, aye. Tie vote. Mayor Nolan voted aye. Ordinance 2013-104 approved five to one.

**MASSAGE THERAPIST LICENSE APPLICATION-ANNE DISCEPOLO/NATURAL BALANCE MASSAGE AND WELLNESS AT 28 N. AYER ST. - APPROVED**

Applicant Anne Discepolo, 7114 White Oaks Rd., Harvard was present to answer any questions. Chief Kazy-Garey reported a background check and inspection of premises was conducted and everything appears to be in order. Chief Kazy-Garey recommends approval of the application as submitted. Moved by Opper, seconded by Clarke to issue a Massage Therapist License to Anne Discepolo d/b/a Natural Balance Massage and Wellness at 28 N. Ayer St. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Opper, aye and Marzahl, aye. Motion approved five to zero.

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

Moved by Opper, seconded by Clarke to approve Harvard Milk Days' request for a waiver from Section 21.07, Outdoor Market Fees for Harvard Milk Days 2013 for the following: Milk Days Ag/Commercial Tent vendors, Game, Novelty Vendors and Food Concessions at the Milk Day Grounds, Horse Show Concessions/Vendors, Milk Run Booth and Wheelz Show Concessions/Vendors. Aldermen voting aye: Musgrove, Logan, Clarke and Opper. Alderman Marzahl abstained. All ayes. Motion carried.

**HARVARD FARMERS MARKET REQUEST FOR WAIVER OF OUTDOOR MARKET FEES - APPROVED**

Moved by Opper, seconded by Clarke to approve Jane Siebert/Harvard Farmer's Market request as presented for a waiver from the fee requirement in Section 21.07, Outdoor Markets for the vendors at the Harvard Farmer's Market from June 8<sup>th</sup> - October 26<sup>th</sup>, 2013. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

**PROCLAMATION NATIONAL TELECOMMUNICATOR'S WEEK APRIL 14-20, 2013 - APPROVED**

Moved by Logan, seconded by Marzahl to approve a Proclamation designating April 14<sup>th</sup> - 20<sup>th</sup>, 2013, as National Telecommunicator's Week. Dispatch Supervisor Mike Vest thanked the City Council for approval of the proclamation and noted this is the 63<sup>rd</sup> year where a week is set aside to honor telecommunicators worldwide. Aldermen voting aye: Marzahl, Musgrove, Logan, Clarke and Opper. All ayes. Motion carried.

**RENEW CITY HALL LOAN WITH CASTLE BANK - APPROVED**

Mayor Nolan reported he has been in contact with Castle Bank for a rate reduction on the City Hall loan which will save around \$18,000 per year on loan payments. Moved by Logan, seconded by Marzahl to authorize Mayor Nolan to negotiate and execute loan documents to replace the existing loan for City Hall. Roll call vote: Clarke, aye; Logan, aye; Opper, aye; Marzahl, aye and Musgrove, aye. Motion approved five to zero.

**CONSULTING AGREEMENT WITH ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC. - APPROVED**

Administrator Nelson reported on his meeting with a consulting firm to assist the City in putting together appropriate bid specs for the City's risk management/property/liability/workmen's compensation insurance for a two year bid. The consulting firm will also take a look at where the City may be over or under insured. The consulting firm will review submitted bids and make a recommendation to City staff which will be brought before the City Council for final approval. City Administrator Nelson stated he will be coming back to the City Council with a similar proposal for health insurance. Moved by Marzahl, seconded by

Opper to authorize City Administrator Nelson to execute the consulting agreement with Arthur J. Gallagher Risk Management Services, Inc. to provide risk management consulting and to develop a Request for Proposals to be used by the City in the acquisition of a Property/Casualty Insurance Program at a cost of \$3,000. Roll call vote: Logan, aye; Opper, aye; Marzahl, aye; Musgrove, aye and Clarke, aye. Motion approved five to zero.

**AWARD CONTRACT 2013 MFT ROAD PROGRAM – APPROVED**

Moved by Logan, seconded by Clarke to award the contract for the 2013 MFT Road Program to the lowest responsible bidder and to authorize Mayor Nolan and City Clerk Wells to execute the contract per staff review. The bid opening is scheduled for April 9<sup>th</sup>, 2013, at 9 a.m. Roll call vote: Opper, aye; Marzahl, aye; Musgrove, aye; Clarke, aye and Logan, aye. Motion approved five to zero.

**2013 ZONING MAP UPDATE - APPROVED**

Moved by Clarke, seconded by Marzahl to approve the updated Zoning Map as presented and to grant City Clerk Wells authorization to publish. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

**BUDGET COMMITTEE UPDATE**

Chairman Logan reviewed the minutes of the Finance Committee Meeting of February 23<sup>rd</sup>, 2013. The Committee conducted a final review of the proposed FY2013/2014 Budget and made several adjustments. A budget hearing will be conducted at the next City Council Meeting on April 30<sup>th</sup>, 2013.

**PARKS & RECREATION COMMITTEE UPDATE/MINUTES 03/06/2013**

Alderman Musgrove reviewed the Parks and Recreation Committee Meeting minutes of March 6<sup>th</sup>, 2013.

**Fee Schedule**

The Committee discussed the current fee schedule for parks and the swimming pool and reviewed area communities' pool pass rates. The general consensus was not to make any changes to the fee structure this year. Also discussed offering swimming lessons on Saturdays and evenings and to change pool hours as needed.

**PARKS & RECREATION PURCHASE OF EQUIPMENT – APPROVED**

Moved by Logan, seconded by Opper to authorize the Parks & Recreation Department to purchase equipment for the concession stand at a cost not to exceed \$1,000 Roll call vote: Marzahl, aye; Musgrove, aye; Clarke, aye; Logan, aye and Opper, aye. Motion approved five to zero.

**SET PUBLIC HEARING FOR BUDGET**

Moved by Logan, seconded by Clarke to conduct a public hearing for the FY2013/2014 Budget on April 30, 2013, at 7 p.m. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

**INFO: DEV CALAHAN/AUTO DAMAGE CAUSED BY POTHOLES**

Mayor Nolan noted the bill presented by Dev Calahan for auto damage caused by potholes; no action needed.

**INFO: CITY COUNCIL MEETING OF APRIL 23<sup>RD</sup>, 2013 TO BE MOVED TO APRIL 30<sup>TH</sup>, 2013**

Mayor Nolan reported that the City Council Meeting of April 23<sup>rd</sup> will be cancelled and the Regular and Year End City Council Meeting will be held on April 30<sup>th</sup>, 2013.

**CONSENT AGENDA:**

- Hers Softball Raffle Request 3/12/2013 – 6/23/2013
- Harvard Fire Protection District “Fill the Boot” on May 3<sup>rd</sup> & 4<sup>th</sup>
- Harvard Snow Gophers Snowmobile Club Raffle Request 06/01/2013 – 02/02/2013
- Lion’s Club, Tootsie Roll Pop on April 26<sup>th</sup> & 27<sup>th</sup>
- Lion’s Club, Candy Days on October 4<sup>th</sup> & 5<sup>th</sup>
- St. Joseph’s School, Night of Knights Raffle Request, April 27<sup>th</sup>

Administrator Nelson reported that per state statute, the City can't regulate Fire Districts for solicitation so their request can't be counted as one of the six allowed by City ordinance; safety and time requirements can be applied. Moved by Opper, seconded by Clarke to approve the Consent Agenda as presented; with respect to the HFPD Request, they would be subject to the time requirements outlined in Section 22.14, Solicitation by Charitable Organizations. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

### COMMITTEE REPORTS

#### ALD. OPPER - ORDINANCE COMMITTEE MEETING APRIL 9, 2013

Chairman Opper called an Ordinance Committee Meeting for Tuesday, April 9<sup>th</sup>, 2013, at 6:30 p.m. to discuss parking on Garfield Street and First Street. Chief Kazy-Garey also has a couple of ordinance concerns to be reviewed.

#### ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Clarke to approve the bills list in the amount of \$196,163.34. Roll call vote: Musgrove, aye; Clarke, aye; Logan, aye; Opper, aye and Marzahl, aye. Motion approved five to zero.

#### ALD. CLARKE

Alderman Clarke updated the City Council on the most recent Library Board monthly meeting. Also, the Library will have a booth at the upcoming Chamber Expo.

#### ALD. MUSGROVE

Alderman Musgrove reported that two fundraisers were held over the last two weeks for resident Barb Rowe with almost \$10,000 raised to go towards medical bills. Alderman Musgrove thanked all those in the community who came out in support of the fundraisers.

#### MAYOR'S REPORT

The Mayor reported that not a great deal is going on. City staff is still in communication with current owners of the old Motorola building but nothing is really going on. Also O'Reilly's Automotive Stores will be pulling a permit to start their building at the corner of McGuire Rd./Highway 14.

#### ADMINISTRATOR'S REPORT

Administrator Nelson thanked the City Council for their understanding while he was out with a hip replacement.

#### CLERK'S REPORT – UPCOMING MEETING DATES

April 2	Spirit of 76 Scholarship Meeting 10 am Planning & Zoning Commission, POST TO CANCEL
April 9	Ordinance Committee Meeting, 6:30 pm Regular City Council Meeting, POST TO CANCEL Consolidated Election
April 16	Regular Events Committee Meeting, 5 p.m.
April 23	Regular City Council Meeting posted to extend to April 30
April 30	2013/2014 Budget Hearing, 7 pm Regular and Year End City Council Meeting 7 p.m.

Clerk Wells noted that Economic Interest Statements must be filed with the McHenry County Clerk by May 1<sup>st</sup>, 2013.

#### TREASURER'S REPORT

Treasurer Szczap stated that the monthly treasurer's report for March, 2013 is in the packet.

#### NO REPORT

Attorney Carlos Arévalo and Alderman Marzahl had no specific report.

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Supt. Clingingsmith noted he is working to get the pool ready.

Supt. Grant updated the City Council on the status of Well #7 which is scheduled to be abandoned; the work to be done by Binz and Sons per IEPA regulations.

At 7:32 p.m., moved by Logan, seconded by Marzahl to adjourn the regular City Council meeting. Aldermen voting aye: Marzahl, Musgrove, Clarke, Logan and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk

4-4-13

\_\_\_\_\_  
Date