

**REGULAR CITY COUNCIL MEETING MINUTES
MAY 28, 2013 - 7:00 PM**

Mayor Nolan called the City Council meeting to order at 7:00 pm and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Adams and Opper. Also present were Treasurer Szczap, Supt. Parks & Recreation Clingingsmith, Supt. Utilities Grant and members of the audience.

AWARD PLAQUE/CERTIFICATE OF RECOGNITION TO SCOTT LOGAN

Mayor Nolan presented Scott Logan with a plaque/certificate of recognition for outstanding service as 3rd Ward Alderman from 05/05/2005 - 05/28/2013.

SWEAR IN NEWLY ELECTED OFFICIAL/RAUL MEZA WARD 3 ALDERMAN

Raul Meza was sworn in as Alderman Ward 3 by City Clerk Wells.

CITY COUNCIL COMMITTEE APPOINTMENTS FOR FY2013/2014 - APPROVED

Moved by Marzahl, seconded Clarke to approve the City Council Committee appointments for FY2013/2014. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

CITY COUNCIL MEETING MINUTES OF 04/30/2013 - APPROVED

Moved by Clarke, seconded by Opper to approve the minutes of the Regular and Year End City Council Meeting of April 30th, 2013, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Reuben & Cathy Rivera and Harvard State Bank, Reclassification from M-1 to B3 and Setback Variations at 405 Airport Rd. – Ord. 2013-111 Approved

Chairman Ulmer noted the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on May 7, 2013, to consider the petition submitted by Reuben & Cathy Rivera and The Harvard State Bank for property located at 405 Airport Rd., Harvard. The petitioners are requesting reclassification of subject property from M-1 Manufacturing to B-3 Commercial Use District pursuant to Section 17.52.060 of the Harvard Municipal Code. The petitioners are also seeking variations from the following minimum setback requirements pursuant to Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code: Front Yard, Side Yard, Yard Abutting a Street and Yard Abutting a Residential Zone. The petitioner is further seeking a variation from Section 17.20.130, Building on a Zoning Lot, to permit two buildings on a single zoning lot.

- Front yard requirement of 40' be reduced to 15' as to the south side of the property
- Minimum side yard of 10' to be reduced to 3' as to the east side of the property
- Distance of property abutting street to be reduced from 25' to 15'
- Distance of property abutting a residential zone be reduced from 40' to 3' as to the east side of the property and from 40' to 30' as to the north side of the property
- Permit two buildings on a single zoning lot

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 with respect to the reclassification and variation requests.

Moved by Ulmer, seconded by Opper to authorize City Administrator Nelson to execute the Settlement Agreement between the City of Harvard and The Harvard State Bank. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Motion approved eight to zero.

Moved by Ulmer, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation that the petitioners' requests for reclassification from M-1 Manufacturing to B-3

Commercial Use District and variations as submitted from the minimum setback requirements pursuant to Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code: Front Yard, Side Yard, Yard Abutting a Street and Yard Abutting a Residential Zone as well as a variation from Section 17.20.130, Building on a Zoning Lot, to permit two buildings on a single zoning lot. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye and Leyden, aye. Ordinance 2013-111 approved eight to zero.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

American Community Bank and Solid Rock Community Church, Conditional Use to allow a church on property located at 602 Old Orchard Rd. – Ord. 2013-112 Approved

Chairman Ulmer noted the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on May 7, 2013, to consider the petition submitted by American Community Bank and Solid Rock Community Church for property located at 602 Old Orchard Rd., Harvard, Illinois. The petitioners are requesting a conditional use pursuant to Section 17.52.070 of the Harvard Municipal Code to allow a church in an R-1 Residential District. The petitioners are also requesting the following variations:

- Lot Area Requirements for Particular Uses pursuant to Section 17.20.090 of the Harvard Municipal Code to reduce the minimum lot size from 80,000 sq. ft. to 36,395 sq. ft.
- Variation from the Required Number of Parking Spaces pursuant to Section 17.32.050 of the Harvard Municipal Code from 50 to 27 subject to the condition that, at such time as the Petitioner's membership reaches 100, the petitioner shall provide 45 off-street parking spaces, either within the property or on adjacent property through a written agreement with a third party.

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 a church in an R1 Residential District. The Planning and Zoning Commission further recommends to the City Council approval of variations as originally stated in Ordinance 2006-127 with the exception of the five year window. Should the parking become an issue because of impervious surface, offsite parking alone would satisfy the recommendations of the Commission. If the petitioners do need to pave, the watershed ordinance would automatically kick in as the City has adopted McHenry County's watershed ordinance as part of the City code.

Moved by Ulmer, seconded by Opper to approve the Planning and Zoning Commission's recommendation with the additional stipulation that the conditional use and variations follow the property owner, Solid Rock Community Church, as opposed to following the property. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. Ordinance 2013-112 approved eight to zero.

RELINQUISH CLASS A LIQUOR LICENSE/PETER PARHAS, PARHAS INC. D/B/A JIMMY'S PATIO 71 N. AYER ST. - APPROVED

Moved by Opper, seconded by Clarke to approve Peter Parhas' request to relinquish the Class A Liquor License for Parhas, Inc., d/b/a Jimmy's Patio, 71 N. Ayer St. subject to approval of the Class A Liquor License Application submitted by Kelly Bush d/b/a KB's Bar and Grill, 71 N. Ayer St. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

CLASS A & BEER GARDEN LIQUOR LICENSE/KELLY BUSH D/B/A KB'S BAR AND GRILL, 71 N. AYER ST. - APPROVED

Moved by Clarke, seconded by Meza to approve a Class A and Beer Garden Liquor License to Kelly Bush, d/b/a KB's Bar and Grill, 71 N. Ayer St. Mayor Nolan noted that the background check has been conducted and fees paid. At Alderman Marzahl's inquiry, there was additional discussion as to concerns of an overflow from the bar to the adjacent business at 69 N. Ayer St. Administrator Nelson clarified that the application was strictly for 71 North Ayer St. and that standard enforcement of the City code should address any concerns if we have any complaints or the City could impose additional requirements to seal off that entrance. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

LOUGHRAN DRIVEWAY VARIATION PETITION/1001 N. DIVISION – ORD. 2013-113 APPROVED

Phillip and Deanna Loughran, 1001 N. Division St., reviewed their petition to extend the driveway to the left of the existing garage 8-10'. The residence currently has a narrow one car attached garage and driveway which is approximately 56' long by 9' wide. The proposed variation request would widen the driveway to 20' wide, aligning the driveway edges to the concrete patio stairs and brick edging of a flower garden running along side of the garage. Upon completion, the driveway would exit 21' 3" from the intersection of W. Roosevelt and N. Division St. The requisite notice was sent to adjoining property owners. Mayor Nolan reported that the petitioners have been in contact with Community Development Director Santeler who had no objections to their petition. Administrator Nelson noted that the proposed variation would not cause any traffic impediment. Moved by Opper, seconded by Adams to approve the petition for a variation from Section 19.15B2 & B3 to widen the driveway at 1001 S. Division St. pursuant to the submitted petition. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2013-113 approved eight to zero.

ORRIN KINNEY/STARLINE FACTORY DIRECTIONAL PARKING LOT SIGN ON FIFTH ST. - REFERRED TO PUBLIC PROPERTY COMMITTEE

Orrin Kinney has submitted drawings to install a 16' directional parking lot sign on property he owns on Fifth St. to assist with parking issues during the 4th Friday event held at Starline. Concerns were expressed over the close proximity to the residence. Moved by Clarke to table the item until the next City Council meeting and request Mr. Kinney be in attendance to address City Council concerns/questions. After discussion, Alderman Clarke changed the motion to refer the request to the Public Property Committee on Tuesday, June 11th, 2013, at 6:30 pm for review; motion seconded by Alderman Marzahl. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

HARVARD BOYS LEAGUE SPECIAL EVENT LIQUOR LICENSE REQUEST ON SATURDAY, JUNE 8th & SATURDAY JUNE 29th, 2013 AT BOYS LEAGUE FIELD - APPROVED

Moved by Opper, seconded by Ulmer to approve the Boys League Special Event Liquor License requests, with a waiver of fees, as follows:

- Saturday, June 8, 2013 at the Boys League (Moose) Field from 9 am – 10 pm (tournament)
- Saturday, June 29, 2013 at the Boys League (Moose) Field 9 am - midnight (annual picnic)

Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

HERS LEAGUE SPECIAL EVENT LIQUOR LICENSE ON SATURDAY, JUNE 22nd, 2013 AT MILKY WAY PARK/HERS LEAGUE FIELDS AND ON SUNDAY, JUNE 23rd, 2013 AT HERS SOFTBALL FIELD - APPROVED

Moved by Opper, seconded by Meza to approve the HERS League Special Event Liquor License requests, with a waiver of fees, as follows:

- Saturday, June 22, 2013 at Hers League or Milky Way Park (softball fields) from 10 am – 8 pm
- Sunday, June 23, 2013, at the HERS softball fields from 10 am to 10 pm

Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

ALL WORLD MACHINERY SPECIAL EVENT LIQUOR LICENSE - DROPPED FROM AGENDA

Item dropped from agenda.

IGLESIA PENTECOSTAL CHURCH TEMPORARY USE PERMIT/RELIGIOUS MEETING ON SATURDAY, JUNE 15th & 29th, 2013 - APPROVED

Moved by Opper, seconded by Meza to approve a Temporary Use Permit to Iglesia Pentecostal Church to conduct church services in the parking lot at La Rosita, 106 W. Sumner St., on Saturday, June 15th and 29th, 2013, from 3 - 5 pm. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

ST. JOSEPH'S CHURCH REQUEST/USE OF MILKY WAY PARK ON AUGUST 11th, 2013 - APPROVED

Moved by Ulmer, seconded by Marzahl to approve St. Joseph's Church request to host the Hispanic

Ministry's annual fiesta at Milky Way Park using both east and west shelters and athletic fields on Sunday, August 11th, 2013, from noon until 10 pm, with approximately 250 in attendance. St. Joseph's is not requesting a fee waiver. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

MILK DAY CERTIFICATE REQUESTS/SATURDAY, JUNE 1, 2013 – APPROVED

The City Council reviewed permit requests for Saturday, June 1st, 2013, for the outside consumption of alcohol and to encroach on the city sidewalk per the requests submitted by Front Street Tap, Bopp's Bar and Grille and the Hub Lounge. The requests are the same as have been submitted for the last several years. Mayor Nolan indicated there have been no problems the last few of years. Moved by Oppen, seconded by Marzahl to grant permits to Front Street Tap, Bopp's Bar and Grille and the Hub Lounge to encroach on the sidewalk with a fence erected and to allow alcohol to be consumed outdoors with a \$100 permit fee and \$500 security deposit with the same requirements as last year for each of the establishments and the execution of a hold harmless and indemnification waiver. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

BINGO OPERATIONS/SENIOR CENTER - APPROVED

Mayor Nolan reported that the Harvard Sr. Center approached him about the possibility of conducting bingo for money at the senior center. State statute allows the activity provided no more than .50 is charged per card and the payoff cannot be more than \$10. Moved by Ulmer, seconded by Marzahl to approve the Harvard Sr. Center's request to conduct bingo operations at the Harvard Senior Center pursuant to the Bingo License and Tax Act. Roll call vote: Meza, aye; Adams, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved eight to zero.

SECONDHAND MERCHANDISE LICENSE/HARVARD RESALE SHOP, 110 AIRPORT RD. - APPROVED

Mayor Nolan reported the license application for Harvard Resale Shop was not previously submitted in time for the year end meeting in April. A license application has been submitted for consideration under a new owner. Mayor Nolan indicated that Chief Kazy-Garey had no objections provided that the new owner meet with Administrator Nelson and Chief Kazy-Garey to review city regulations. Moved by Clarke, seconded by Marzahl to approve a Secondhand Merchandise License to Javier Castillo, Harvard Resale Shop, 110 Airport Rd., Unit 1, Harvard for FY2013/2014, subject to the applicant meeting with Administrator Nelson and Chief Kazy-Garey. Roll call vote: Adams, aye; Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, no; Clarke, aye and Meza, aye. Motion approved seven to one.

AGREEMENT WITH WIPFLI FOR AUDIT FY ENDING APRIL 30, 2013 - APPROVED

Administrator Nelson reported that Wipfli LLP is the same auditing firm used by the City the last several years and recommended approval of the proposed agreement. Administrator Nelson would like to bid out the audit for next year. Moved by Oppen, seconded by Marzahl to authorize Administrator Nelson to execute the Agreement with Wipfli LLP to provide the audit for the year ended April 30, 2013. Roll call vote: Oppen, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Motion approved eight to zero.

CMAP GRANT/COMPREHENSIVE LAND USE PLAN - APPROVED

Administrator Nelson reported that the City has an opportunity through the Chicago Metropolitan Planning Agency (CMAP) to write a grant for planning money to update and redo our Comprehensive Land Use Plan. The current plan is outdated as it was completed in 1996 during the time that Motorola was still in the community. One of the criteria for the grant is the financial need of the community; the grant would be for 100% funding with no match. At Alderman Clarke's inquiry, Administrator Nelson indicated cost of updating the land use plan could range from \$40-60,000. Moved by Leyden, seconded by Ulmer to authorize City Administrator Nelson to write a CMAP Grant to update the City's Comprehensive Land Use Plan. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

SIMPLE CAFETERIA PLAN FOR CITY EMPLOYEES - ORD. 2013-114 APPROVED

Administrator Nelson reviewed the proposed simple cafeteria plan which is an IRS plan that allows City

employees to tax defer their health insurance premiums and allows for additional vendors with supplemental insurance such as Aflac to come in and have deferred premiums. Our current plan has been in place for about fifteen years and was written to favor one company whereas the proposed simple cafeteria plan will allow different vendors to come in and have premiums tax deferred under IRS rules. The proposed plan is a benefit to our employees at no cost to the city. Moved by Ulmer, seconded by Musgrove to approve Ordinance 2013-114, Adopting a Simple Cafeteria Plan for City Employees. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Ordinance 2013-114 approved eight to zero.

TABLED ORDINANCE COMMITTEE AGENDA ITEMS - ORD. COMMITTEE MEETING 6/4/2013

Chairman Ulmer called an Ordinance Committee Meeting for Tuesday, June 4th, 2013, at 6:30 pm to discuss the following items:

1. Amend Section 25.13A.6, Regulate Minors on Licensed Premise
2. Add Section 27.24, Retail Theft Under \$150
3. Residential Rental Zoning

WATER & SEWER COMMITTEE 6/11/2013

Chairman Marzahl called a Water & Sewer Committee Meeting for Tuesday, June 11th, 2013, at 6:30 pm to discuss sewer problems along Route 14 and the Well #10 water main extension.

ELECTRONIC RECYCLING/COM2 RECYCLING SOLUTIONS

Public Property Committee Chairman Clarke reported that along with himself, Mayor Nolan and Administrator Nelson met with Andy Micetich, COM2 Recycling Solutions on May 14th, 2013. The City will offer an E-Recycling Event for city residents on Saturday, August 10th, 2013, from 8 a.m. until noon at City Hall, 201 W. Diggins St. similar to the previous e-recycling event held last May. Electronic items that can be dropped off include printers, computers and monitors, televisions, copiers and fax machines, microwaves, data storage media, stereos, VCRs and DVD players. There was discussion on whether or not to offer the recycling to city residents only which would be hard to enforce. The consensus was to publicize that the event is for City residents only. There is no cost to the City or the public.

EVENTS COMMITTEE/JAY SCHULZ RESIGNATION - ACCEPTED

Moved by Marzahl, seconded by Opper to approve the Events Committee's recommendation to accept Jay Schulz' resignation from the Events Committee, with regrets. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

PURCHASE OF CHAIRS FOR POOL - APPROVED

Mayor Nolan reviewed staff's recommendation to purchase lounge chairs and Adirondack chairs for the pool at a cost not to exceed \$4,000. Administrator Nelson noted this is not a budgeted item and will require City Council action to appropriate the funds; actual cash is set aside in the park impact fee account to cover the expenditure. Moved by Opper, seconded by Marzahl to appropriate funds not to exceed \$4,000 for the purchase of lounge chairs and Adirondack chairs for the pool. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, no; Adams, aye; Opper, aye and Leyden, aye. Motion approved seven to one.

FYI: IDOT MANAGEMENT MONITORING SCHEDULE

Mayor Nolan noted an updated IDOT Management Monitoring Schedule on their road resurfacing projects which includes Harvard projects scheduled in FY2015-2017.

CONSENT AGENDA:

- Sanction Mayor's Action to Waive Outdoor Market Fee/4-H at Tractor Supply 05/18/13
- Harvard Milk Days Wheelz Show Raffle Request May 28th - June 8th, 2013
- Free Spirit Siberian Rescue Tag Days, Saturday, August 24th, 2013

Moved by Opper, seconded by Marzahl to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Adams and Opper. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. OPPER - BILLS APPROVED

Moved by Opper, seconded by Marzahl to approve the bills list as presented in the amount of \$281,003.81.
Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

ALD. MEZA

Alderman Meza stated he is excited to be part of the City Council.

ALD. CLARKE - TOWN HALL MEETING WARD 3

Alderman Clarke reported that he will be hosting a Town Hall/Meet 'N Greet for Third Ward residents on Wednesday, June 19th, 2013 at 7 pm, to be held in the conference room at Harvard Diggins Library.

Alderman Clarke also reported that the Friends of the Harvard Diggins Library is now a 501(c)3 charity organization which means donations/gifts are tax deductible. Minimum to join is \$5 for an individual, \$10 for a family and \$100 lifetime membership; all funds go to support the library.

MAYOR'S REPORT

FYI: Photos will be taken prior to the next City Council meeting on June 25th, 2013, from 6 - 6:45 pm.

CLERK'S REPORT – UPCOMING MEETING DATES

June 4	Ordinance Committee Meeting 6:30 pm Planning & Zoning Commission, 7 pm
June 11	Regular City Council Meeting, POST TO CANCEL Water & Sewer Committee Meeting, 6:30 pm Public Property Committee Meeting, 6:30 pm
June 18	Regular Events Committee Meeting, 5 pm
June 25	Regular City Council Meeting, 7 pm

TREASURER'S REPORT

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

NO REPORT

City Administrator Nelson and Aldermen Adams, Musgrove, Ulmer, Marzahl, Leyden had no specific report.

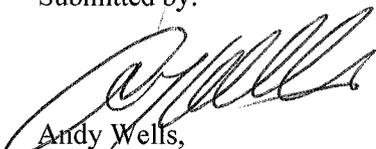
ENGINEERING & DEPARTMENT HEADS REPORTS

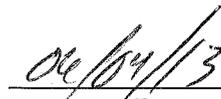
Dept. Heads: Reports as submitted.

Supt. Clingsmith noted the pool was open Memorial Day weekend and will open for the summer on June 1st.

At 7:45 pm, moved by Opper, seconded by Clarke to adjourn the regular City Council meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

Submitted by:


Andy Wells,
City Clerk


Date