

**REGULAR CITY COUNCIL MEETING MINUTES
JULY 23, 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, Meza and Adams. Alderman Opper and Treasurer Szczap were absent. Also present were City Administrator Nelson, Code Enforcement Officer Brennecka, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

HARVARD FIRE PROTECTION DISTRICT & POLICE DEPT. COMMENDATION

Tyler Kurth was presented with the Chief's Award of Valor from Chief of Police Daniel Kazy-Garey and the Certificate of Lifesaving Merit Award from Tom Condon, President of the Harvard Fire Protection District for his courageous actions in the catastrophic incident that occurred on July 8th, 2013. Tyler jumped into a detention pond located north of Apple Valley Rd. to assist several youths in distress whose canoe had capsized. Tyler brought a 12 year old boy safely to shore and went back into the detention pond to try and locate another boy who tragically perished in the accident.

Harvard Fire Protection District members Lt/EMT-B Pete Livdahl and Firefighter/Paramedic Charles Lorenz were also presented with the Certificate of Lifesaving Merit Award from HFPD Board President Tom Condon for their actions in the accident which resulted in saving the life of another boy.

AUDIENCE PARTICIPATION:

Fran Webb, 1601 8th St., Harvard addressed the City Council with respect to the farming on residential land in Turtle Crossing Subdivision which is two feet from her property line. Mayor Nolan noted the issue is on the City Council agenda to be referred to the Planning and Zoning Commission for a public hearing so that farming in the subdivision doesn't occur in the future. At Fran's inquiry about future development of the subdivision, Community Development Director Santeler said the investor has no plans for the immediate future, but noted there are some "For Sale" signs on some of the lots. Fran further reported the weeds are very high in the lot behind her which Steve will look into.

CITY COUNCIL MEETING MINUTES OF 06/25/2013 - APPROVED

Moved by Leyden, seconded by Clarke to approve the minutes of the Regular City Council Meeting of June 25th, 2013, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

ALONZO DRIVEWAY VARIATION PETITION/703 LINCOLN ST – ORD. 2013-120 APPROVED

Jose Alonzo, 703 Lincoln St., Harvard reviewed his petition for a variation from Section 19.13.B3, Driveways and Parking Lots, to extend the driveway 4.5' to the south. The residence at 703 Lincoln St. currently has a one car garage. The proposed improvement will be 6' from the adjoining neighbor's fence. The requisite notice was sent to adjoining property owners and no objections have been received. Community Development Director Santeler indicated that the proposed improvement will meet all setback requirements; the variation request is from Section 19.15B3 which requires that driveways and parking areas shall be aligned with the garage doors. Moved by Marzahl, seconded by Meza to approve the petition for a variation from Section 19.15B3 to widen the driveway at 703 Lincoln St. pursuant to the submitted petition. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Ordinance 2013-120 approved seven to zero.

WILLIAM PEREZ HARD SURFACING AGREEMENT – APPROVED ONE YR EXTENSION

William Perez, 25817 Streit Rd., Harvard, addressed the City Council to request additional time to hard surface following driveway/parking areas due to economic conditions: 101 S. Hart St. , 407 E. Park St., 303 W. Diggins St. , 313 S. Division St. , 204 W. Washington St., 601 Second St./207 Blackman St., 202 Hayes St., 407 W. Diggins St. and 606 N. Lincoln St. Mr. Perez reviewed the list of properties and improvements he has made and requested more time to fulfill his obligations. After discussion, Mayor Nolan suggested that the City Council grant a one year extension to be reviewed July 1st, 2014, with Mr. Perez to hard surface one of the properties during 2013. Moved by Marzahl, seconded by Clarke to grant Mr. Perez an extension

to hard surface the subject properties with the understanding that he will work with the Community Development Dept. to complete the hard surfacing of one of the properties during 2013 with the matter to be reviewed in one year. Mr. Perez was in agreement that he could have one of the properties hard surfaced in 2013. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Leyden, aye. Motion approved seven to zero.

RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN AUDIO RECORDINGS OF CLOSED SESSION MEETINGS - APPROVED

Moved by Marzahl, seconded by Leyden to approve a Resolution Authorizing the Destruction of Audio Recordings of the following closed session meetings: March 16, 2011; April 26, 2011; June 28, 2011 and August 23, 2011. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

PROPOSED ORDINANCE AMENDING SECTION 2.04, CITY TREASURER - ORD. 2013-121 APPROVED

Moved by Clarke, seconded by Ulmer to approve Ordinance 2013-121, Amending Section 2.04 City Treasurer, of the Harvard Municipal Code, to establish that the position of City Treasurer shall be an appointed position. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Leyden, aye and Marzahl, aye. Ordinance 2013-121 approved seven to zero.

PROPOSED ORDINANCE DECLARING SURPLUS PROPERTY – ORD. 2013-122 APPROVED

Moved by Leyden, seconded by Marzahl to approve the proposed ordinance which provides for three radar units to be declared as surplus property. The radar units were traded in for new units with a \$300 credit. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2013-122 approved seven to zero.

PROPOSED ORDINANCE AMENDING SECTION 17.20.100, USES PERMITTED IN ZONING DISTRICTS, TABLE 3 AND SECTION 17.56 DEFINITIONS – REFERRED TO PLANNING AND ZONING COMMISSION

Administrator Nelson noted the proposed text amendment to the zoning code which establishes regulations and definitions for agricultural uses in residential districts. Moved by Ulmer, seconded by Meza to refer the text amendment to the Planning and Zoning Commission for a public hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Ulmer reviewed the Ordinance Committee Meeting minutes of Tuesday, July 9th, 2013.

Neighborhood Conservation Overlay District

The Committee continued discussion on the Neighborhood Conservation Overlay District and reviewed Administrator Nelson's synopsis of the concept which would provide a tool for property owners to establish an overlay district which would regulate, prohibit or restrict rental uses of single family homes within R1, R1A, R1B and R2 residential zoning districts. The Committee clarified Uses Allowed in Neighborhood Overlay Districts with the general consensus to proceed with further research to establish the overlay district with a special use permit for all rentals. The Committee also clarified various petition procedures with consensus as follows:

- The petition must contain the signature and addresses of two-thirds of parcel owners with a livable dwelling unit within the proposed boundaries of the overlay district.
- There must be at least 50 separate dwelling units lots/parcels within the proposed district.
- When submitted, no signature dated earlier than six months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.

Administrator Nelson and City Clerk Wells will incorporate the Committee's recommendations into ordinance form and bring back to the committee for further review. The Neighborhood Conservation Overlay District will require a public hearing before the Planning and Zoning Commission for a text amendment to the zoning code.

Right of Way Landscaping

The Committee discussed right of way landscaping with the general consensus not to change current procedures at this time.

Distribution of Handbills

The Committee discussed residential complaints regarding the littering of newspapers, handbills, etc. which was discussed several years ago at which time no action was taken. The Village of Cary recently approved an ordinance addressing the issue. Also discussed was whether or not the City could regulate and enforce the distribution of unsolicited materials. City Administrator Nelson will draft an ordinance for Committee review to adopt Section 8.60.020, Distribution of Handbills, of Cary's ordinance.

Administrator Nelson reported the draft ordinance has been prepared for review pending the calling of a Public Property Committee Meeting. Meeting to be called at the next City Council meeting for September.

EVENTS COMMITTEE/AMY BITTNER RESIGNATION - ACCEPTED

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

INFO: ELECTRONIC RECYCLING/COM2 RECYCLING SOLUTIONS

Alderman Clarke noted the free E-Recycling Event for city residents and businesses on Saturday, August 10th, 2013, from 8 a.m. until noon at City Hall, 201 W. Diggins St. There is no cost to the City or the general public. Alderman Clarke will be distributing the flyers around town.

FYI: IDOT RESURFACING PROJECT ON US 14 FROM IL 173 TO STATE LINE RD.

Mayor Nolan noted an IDOT project which consists of 5.25 miles of resurfacing of US 14 from Diggins St. (IL 173) to State Line Rd. in Harvard and unincorporated Chemung Township. The bid for said project was awarded to Peter Baker & Son Co. with construction scheduled to begin August 12th, 2013.*

INFO: LIFE CHAIN, SUNDAY, OCTOBER 7th, 2012

Info: The Knights of Columbus will be sponsoring the National Life Chain to be held on Sunday, October 6th, 2013, from 2:00 – 3:30 p.m. on the sidewalk at the intersection of Route 14/Diggins St/Ayer St.

CONSENT AGENDA:

- Sanction Mayor's Approval of St. Joseph Hispanic Ministry Raffle Request 6/30/2013 - 08/11/ 2013
- Sanction Mayor's Approval of Christian Robles Family Benefit Raffle Request July 12, 2013
- Presbyterian Church Raffle Request August 17th, 2013
- Knights of Columbus Tootsie Roll Drive, September 13th & 14th, 2013

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

COMMITTEE REPORTS

ALD. ULMER - BILLS APPROVED

Moved by Ulmer, seconded by Marzahl to approve the bills list as presented in the amount of \$442,437.12. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved seven to zero.

ALD. MARZAH

Alderman Marzahl commented it is nice to see young citizens willing to do things and be involved in our community.

Alderman Marzahl also noted that the Events Committee has several vacancies if the City Council knows of anyone who might be interested.

MAYOR'S REPORT

Mayor Nolan reported that he has been working with State Senator Pam Althoff over the last year on obtaining state funds for roads. Senator Althoff called yesterday and the City has been awarded \$150,000 for road repairs for Northfield Avenue. Since Peter Baker is already in the area with the City's road program and IDOT's resurfacing project, the City could save a substantial amount of money if we do the project now. Funds would have to come out of the general fund to be reimbursed by the state at a later time. Administrator Nelson reported that staff has been comparing the cost of the City's local road program with other communities and because Peter Baker is already doing work in the area, the quantity based contract that we have for our local program is the lowest in the county. Mayor Nolan polled the City Council with a unanimous consensus of approval for staff to move forward. This will be on the next City Council agenda to appropriate the funds.

The proposed road in Milky Way Park is scheduled to begin August 5th, 2013, using grindings from the IDOT Route 14 resurfacing project as the base.

Citizen Jerry Carr inquired if the state would repair the concrete around the utility cover by the cow; Community Development Director Santeler will look into it.

CLERK'S REPORT – UPCOMING MEETING DATES

- August 6 Planning & Zoning Commission, POST TO CANCEL
- August 10 E-Recycling Event, 8 am - noon
- August 13 Regular City Council Meeting, POST TO CANCEL
- August 20 Regular Events Committee Meeting, 5 pm
- August 27 Regular City Council Meeting, 7 pm

TREASURER'S REPORT

The monthly treasurer's report for July, 2013 is in the packet.

NO REPORT

Attorney Carlos Arévalo, City Administrator Nelson and Aldermen Adams, Clarke, Meza, Musgrove and Leyden had no specific report.

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

Community Development Director Santeler reported that the local road program has started; weather permitting the program should be completed late next week.

The Tri County Pro Rodeo will be held Friday, July 26th and Saturday, July 27th, 2013.

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

Submitted by:


Andy Wells,
City Clerk

07/31/13
Date