

**REGULAR CITY COUNCIL MEETING MINUTES
OCTOBER 22, 2013 - 7:00 PM**

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, Meza and Adams. Aldermen Leyden and Opper were absent. Also present were City Administrator Nelson, Community Development Director Santeler, Police Chief Kazy-Garey, Supt. Parks & Rec Clingingsmith, Supt. Utilities Grant, Public Works Supt. Kruckenberg, Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 09/24/2013 - APPROVED

Moved by Clarke, seconded by Adams to approve the minutes of the Regular City Council Meeting of September 24th, 2013, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza, and Adams. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Edward/Elaine Cassens Variation Size of Accessory Use - Ordinance 2013-125 Approved

Alderman Ulmer referred to the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on October 1, 2013, to consider the petition submitted by Edward and Elaine Cassens for property located at 713 Klamon St., Harvard, Illinois. The petitioners are seeking relief from Section 17.36.050, Size of Accessory Use of the Harvard Municipal Code for a variation to increase the total accessory use from 656 sq. ft. to 805 sq. ft. to build a garage. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request for relief be approved as presented for a variation to increase the total accessory use from 656 sq. ft. to 805 sq. ft. to build a garage. The Planning and Zoning Commission further finds as follows:

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

Moved by Ulmer, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation as submitted and Ordinance 2013-125 to grant a variation from Section 17.36.040, Size of Accessory Use from 656 sq. ft. to 805 sq. ft. to build a garage. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Ordinance 2013-125 approved six to zero.

Harvard Division Investments LLC/Casey's Retail Co. Conditional Use to Allow Operation of Gasoline Service Station, Variation Rear Yard Abutting a Residential Zone & Fence Varition - Ordinance 2013-126 Approved

Project Manager Ryan Swanson with ARC Design Resources addressed the City Council and gave a brief overview of the proposed project for Casey's Retail Co. to redevelop the current parcel which is located on the northwest corner of Division St. and South Park Ave. Mr. Swanson addressed various questions from the City Council with respect to signs which will conform to City code, access to property and turn lanes which would be regulated by IDOT. There was one adjoining neighbor present at the Planning and Zoning Commission hearing who had questions answered with respect to the proposed fencing and lighting to make sure his privacy was maintained. The current plan is for the station to be open 24 hours.

Alderman Ulmer referred to the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on October 1, 2013, to consider the petition submitted by Harvard Division Investments LLC (owner) and Casey's Retail Co. (contract purchaser) for property located at the northwest corner of US Highway 14 (Division St.) and South Park Avenue, Harvard, Illinois. The petitioners are seeking a conditional use to operate a gasoline service station. The petitioners are also seeking relief from Section 17.20.080, Lot Area, Yard & Bulk

Regulations (Table 1) of the Harvard Municipal Code for a variation to reduce the rear yard setback requirement of 40' abutting a residential district to 24' at the southwest corner of the parcel continuing northward 131.81' commencing with an increase in setback to 34.9' to the northwest limits of the parcel and from Section 17.110.040, Solid Fences for a variation to allow for a solid 6' fence which will be put along the rear of the property and continue on that portion of Park Avenue that is considered front yard to shield residential properties. 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 a gasoline service station at the subject property and to grant variations from the rear yard setback and fence requirements as requested. 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.

Moved by Ulmer, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation as submitted and Ordinance 2013-126 to grant a conditional use to allow the operation of a gasoline service station and variations as follows:

- a) Section 17.20.080, Lot Area, Yard & Bulk Regulations (Table 1) of the Harvard Municipal Code for variations to reduce the rear yard setback requirement of 40' abutting a residential district to 24' at the southwest corner of the parcel continuing northward 131.81' commencing with an increase in setback to 34.9' to the northwest limits of the parcel.
- b) Section 17.110.040, Solid Fences for a variation to allow for a solid 6' fence which will be put along the rear of the property and continue on that portion of Park Avenue that is considered front yard to shield residential properties.

Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Marzahl, aye. Ordinance 2013-125 approved six to zero.

City of Harvard Text Amendment to Establish Regulations for Agricultural Uses in a Residential District- Ordinance 2013-127 Approved

Alderman Ulmer referred to the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on October 1, 2013, to consider the petition submitted by the City of Harvard for a text amendment to amend Section 17.20.100, Permitted Uses in Zoning Districts, Table 3 and Section 17.56, Definitions to establish regulations for agricultural uses in a residential zoning district. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the text amendment and proposed ordinance be approved amending the language in Section 3 of the proposed ordinance under the definition of Farming/Agricultural Uses as follows: *"The cultivation or preparation of soil in order to produce a crop for profit or for other than personal consumption."*

Moved by Ulmer, seconded by Clarke to approve the Planning and Zoning Commission's recommendation as submitted and Ordinance 2013-127 to Establish Regulations for Agricultural Uses in a Residential District. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye and Ulmer, aye. Ordinance 2013-125 approved six to zero.

DAVIDSON DRIVEWAY VARIATION PETITION/1009 3RD ST. – ORD. 2013-128 APPROVED

Kenneth Davidson, 1009 3rd St., Harvard reviewed his petition for relief from Section 19.15B3, Driveways and Parking Lots, for a variation to widen the existing concrete driveway 4' to the north side. The requisite notice was sent to adjoining property owners and no objections have been received. Moved by Ulmer, seconded by Meza to approve the petition for relief from Section 19.15B3 for a variation to widen the driveway at 1009 3rd St. pursuant to the submitted petition, not to exceed 4'. Roll call vote:

Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2013-128 approved six to zero.

ROSALES DRIVEWAY VARIATION PETITION/104 MARENGO RD. – ORD. 2013-129 APPROVED

Marisa Rosales, 104 Marengo Rd., Harvard reviewed her petition for relief from Section 19.15.B3, Driveways and Parking Lots, for a variation to have parking along side of the garage, 10' wide to the rear of the garage. Community Development Director Santeler reported that the petitioner currently has a two-car garage that isn't very big and will only accommodate one vehicle. The petitioners don't have sufficient room for their vehicles and have been issued citations for parking on the right-of-way. After discussion, moved by Clarke, seconded by Ulmer to approve the petition for relief from Section 19.15B3 for a variation to widen the driveway at 104 Marengo Rd. pursuant to the submitted petition, with the requirement that the entire driveway be paved within one year. Roll call vote: Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Ordinance 2013-129 approved six to zero.

HARVARD MOOSE LODGE BURN REQUEST - APPROVED

Mike Bannwolf, Administrator of the Harvard Moose Lodge presented their request for permission to burn the brush and tree limbs that have been cleared from their east and north property lines. The brush will be piled to the center of the 20 acre parcel and will be 300' from the nearest structure. The proposed burn will be supervised by Moose members and Don Staver, Chemung Township Road Commissioner. Mike indicated there would be additional burn requests at a future date as they continue to clean up the property which will include the removal of 19 ash trees. If approved, the plan is to burn at the end of this week or the beginning of next week. Chief Kazy-Garey did not have any objections. Moved by Clarke, seconded by Adams to approve the Moose Lodge request, contingent on notification to the Harvard Fire Protection District and adjoining neighbors prior to burning. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

MCHEMRY CO BOARD OF REVIEW – ASSESSMENT APPEALS FOR 2013 ASSESSMENTS

Mayor Nolan reviewed the assessment appeals received from the McHenry County Board of Review for 2013 assessments:

- a) AFH Commercial Prop LLC, 490 Comanche Circle - 3 parcels
- b) 1000 Northfield LLC - 5 parcels

Administrator Nelson reported that both properties are industrial complexes seeking to reduce their assessed value by more than \$100,000. Regardless of whether or not the City appeals, the bottom line would be that the City would collect the same amount overall in the property taxes. After discussion, the consensus was not to take any action to intervene on the appeals.

ORDINANCE COMMITTEE RECOMMENDATION TO AMEND SECTION 6.11C, TREES, BUSHES AND SHRUBS - ORD. 2013-130 APPROVED

Chairman Ulmer reviewed the Ordinance Committee Meeting minutes of Tuesday, September 17, 2013, pertaining to the Committee's recommendation to amend Section 6.11C, Trees, Bushes & Shrubs to delete the listings for Patmore Green Ash and Summit Ash from the list of trees permitted to be planted in the right-of-way. Moved by Ulmer, seconded by Clarke to approve the proposed ordinance as submitted. Roll call vote: Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Meza, aye. Ordinance 2013-130 approved six to zero.

ANNUAL TREASURER'S REPORT - APPROVED

Moved by Marzahl, seconded by Clarke to approve the Annual Treasurer's Report as submitted. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Treasurer's Report approved six to zero.

PROPOSED TAX LEVY ORDINANCE - REFERRED TO FINANCE COMMITTEE

Mayor Nolan referred the proposed tax levy ordinance to the Finance Committee Meeting on Tuesday, October 29th, 2013, at 6:15 p.m.

**ABATE TAX WATER/SEWER BONDS SERIES 2004, 2006 & 2011A & TIF BONDS SERIES 2012A & 2012B
– ORD 2013-131 APPROVED**

Administrator Nelson stated there is sufficient revenue to pay the principal and interest on the bonds. Moved by Meza, seconded by Marzahl to approve Ordinance 2013-131, An Ordinance Abating a Portion of Taxes Levied to Pay Principal of and Interest on Certain General Obligation and General Obligation Alternate Bonds, (Waterworks and Sewerage System Alternate Revenue Source, Series 2004 and 2006; Certain General Obligation Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series 2011A and (Alternate Revenue Source), Series 2012A, and General Obligation Refunding Bonds (Alternate Revenue Source), Series 2012B, (Harvard Downtown Incremental Taxes and Harvard Industrial Park Incremental Taxes) of the City of Harvard. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Marzahl, aye. Ordinance 2013-131 approved six to zero.

AUTHORIZING SALE OF SURPLUS PERSONAL PROPERTY – ORD. 2013-132 APPROVED

Moved by Ulmer, seconded by Marzahl to approve Ordinance 2013-132, Authorizing the Sale of Personal Property Owned by the City (items from 700 Second St., Harvard). Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye and Ulmer, aye. Ordinance 2013-132 approved six to zero.

DONLEY AUCTION SERVICES, INC. AGREEMENT/SALE OF SURUPLUS PROPERTY - APPROVED

Moved by Marzahl, seconded by Clarke to sanction the City Administrator's execution of the Consignment Item Agreement with Donley Auction Services, Inc. which provides for the sale of surplus property to be offered for sale at a public auction. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved six to zero.

CITY TREASURER APPOINTMENT/DEBRA SZCZAP - APPROVED

Moved by Ulmer, seconded by Marzahl to approve the Mayor's recommendation to appoint Debra Szczap as City Treasurer. Roll call vote: Meza, aye; Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved six to zero.

EVENTS COMMITTEE'S REQUEST/CHRISTMAS IN HARVARD - APPROVED

Alderman Marzahl reviewed the request letter from the Events Committee for Christmas in Harvard which will be held on Saturday, December 7th, 2013. Chief Kazy-Garey noted that he attended the Events Committee Meeting and had no objections; volunteers will handle intersections for the parade. Moved by Meza, seconded by Adams to approve the Events Committee's request as submitted. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

FINANCE COMMITTEE MEETING OCTOBER 29, 2013

A Finance Committee was called for Tuesday, October 29th, 2013 at 6:30 p.m. to review the City's Audit for FY Ending April 30, 2013. The City's auditors will be present to review the audit.

CONSENT AGENDA:

- Harvard Jr. Tackle/Harvard Stingerz Cheerleading Raffle Request October 19, 2013
- Salvation Army Christmas Red Kettle Campaign November 15 - December 24, 2013
- Nancy Merklng Lyme Disease Medical Expense Fundraiser Raffle Request, November 16, 2013
- Ben's Christmas Tree Farm Temporary Sign Request November 15th - December 31st, 2013, with the permit fee waived in exchange for the Christmas tree that will be at City Hall.

Moved by Marzahl, seconded by Ulmer to approve the Consent Agenda as presented. Aldermen voting aye: 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 \$199,148.33. Roll call vote: Adams, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Meza, aye. Motion approved six to zero.

MAYOR'S REPORT

Mayor Nolan reported that the property owners indicated that a permit for Casey's General Store will be pulled by the end of October with groundbreaking first thing in the spring. Also, Northfield Ave. was striped today.

ADMINISTRATOR'S REPORT

Administrator Nelson reported that the City received approval on the CMAP Grant that was submitted to rewrite the comprehensive land use plan. Details will be forthcoming.

CLERK'S REPORT – UPCOMING MEETING DATES

- October 29 Finance Info Meeting on Tax Levy 6:15 p.m.
Finance Committee Meeting, 6:30 p.m.
- November 5 Planning & Zoning Commission, POST TO CANCEL
- November 12 Regular City Council Meeting, POST TO CANCEL
- November 19 Regular Events Committee Meeting, 5 pm
- November 26 Regular City Council Meeting, 7 pm

TREASURER'S REPORT

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

NO REPORT

Attorney Carlos Arévalo and Aldermen Adams, Meza, Clarke, Musgrove and Marzahl had no specific report.

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

Supt. Kruckenberg reported that Public Works is working to finish last scheduled brush pickup. The City had the first main breaks of the season this week. Also, Gary Krabbe is retiring with his last day on November 1st, 2013.

Supt. Parks & Recreation Cliningsmith reported that the pool and pool house have been winterized. Additionally he is working with the School District on various programs.

At 7:35 p.m., moved by Marzahl, seconded by Clarke to adjourn the regular City Council meeting. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Meza and Adams . All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

10-28-13
Date