

**REGULAR CITY COUNCIL MEETING MINUTES  
APRIL 22, 2014 - 7:00 PM**

Mayor Nolan called the Regular City Council Meeting to order at 7:00 p.m. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. Also present were Treasurer Szczap, Code Enforcement Officer Nutley, Community Development Director Santeler, Police Chief Kazy-Garey, Deputy Chief Krause, Supt. Parks & Recreation Clingingsmith, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION**

Jerry Karr, 1308 6<sup>th</sup> St., inquired about the sign across from Central School advertising a pancake house; Mayor Nolan indicated that the sign is temporary.

**FY2014-2015 BUDGET PUBLIC HEARING**

Mayor Nolan opened the public hearing to review the FY2014/2015 Budget. Clerk Wells noted that the notice of hearing was published in the Northwest Herald on April 8<sup>th</sup>, 2014, according to state statute. Mayor Nolan asked for questions or comments from the audience or members of the City Council. There were none. Moved by Marzahl, seconded by Opper to close the hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

**CITY COUNCIL MEETING MINUTES OF 03/25/2014 - APPROVED**

Moved by Clarke, seconded by Meza to approve the regular City Council Meeting minutes of March 25<sup>th</sup>, 2014, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

**RECOGNITION OF K-9 HUNTER'S RETIREMENT (8 YEARS OF SERVICE)**

Chief Kazy-Garey recognized K-9 Officer Sgt. Dixon for eight years of dedicated service with Hunter who has retired.

**SALE AND TRANSFER OF OWNERSHIP OF HUNTER TO SGT DIXON - ORD 2014-104 APPROVED**

Moved by Marzahl, seconded by Ulmer to approve an ordinance declaring K-9 Hunter as surplus property. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Ordinance 2014-104 approved eight to zero.

Moved by Ulmer, seconded by Opper to authorize the sale and transfer of ownership of Hunter to Sgt. Dixon. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Motion approved eight to zero.

**RECOGNITION OF OFFICER LARRY SADOSKI'S RETIREMENT (27 YEARS OF SERVICE)**

Chief Kazy-Garey recognized Officer Larry Sadoski who is retiring effective May 2<sup>nd</sup>, 2014, after 27 years of service. Larry will continue to help the City out on a part time basis.

**RECOGNITION OF CHIEF DAN KAZY-GAREY'S RETIREMENT (30 YEARS OF SERVICE)**

Chief Dan Kazy-Garey will be retiring effective July 3<sup>rd</sup>, 2014 and was presented with a watch and plaque commemorating his 30 years of service. Deputy Chief Krause noted he will also be receiving his retirement badge. Chief Kazy-Garey thanked the Mayor, Aldermen, City Administrator and residents of the community for all their years of support.

**BOOK VARIATION FROM SECTION 27.02A, PROHIBITED FIRES, BURNING IN TURTLE CROSSING-**

Ken Book, 22905 Bunker Hill Rd., Harvard addressed the City Council with respect to a petition submitted by Book Cattle and Grain LLC for relief from Section 27.02A, Prohibited Fires, Burning to allow a controlled burn on Turtle Crossing farm land for cleared trees and brush. Current code prohibits open burning. Watson and Son Excavating will manage the fire. The requisite notice was sent to adjoining property owners and a written objection was received by adjoining owner Fran Webb, 1601 8<sup>th</sup> St. At Alderman Ulmer's inquiry about two piles of brush, Ken Book noted that until he was notified by

Community Development Director Santeler, he was not aware that the second pile which is closer to the retention pond would also have to be disposed of. Alderman Ulmer also inquired if the large pile of brush could be moved farther north. Mr. Book noted that the pile is located approximately 400' from the nearest residence which they thought would be far enough away.

Fran Webb, 1601 8<sup>th</sup> St., noted her objection letter and inquired why the brush couldn't be moved to Mr. Book's farm to be burned. Fran further noted her husband has COPD which would be a health issue and felt that an exception should not be given. Community Development Director Santeler noted that the main brush pile is located 270' from her house, 290' from Casey Seyller's house and 90' from private lots in the subdivision.

Phil Bruchman, 807 Apple Valley Rd., indicated he is about 125' from the secondary pile but is more concerned about the major burn pile and stated he also has COPD and asthma. Mr. Bruchman noted that it would be of benefit if the major burn pile would be moved farther north, but there is a fire hydrant by the current location which would be beneficial if the fire were to become unmanageable. Mr. Bruchman also expressed concern over being able to monitor the burn over the several days it would take to burn. At Mr. Bruchman's inquiry about not being notified as an adjoining owner, Administrator Nelson stated technically he is not considered an adjoining owner as the outlot of the retention pond is between his property and the property subject to the petition.

Mayor Nolan asked the petitioners if it would be better if the pile would be moved further north and separated in smaller piles and burned on separate occasions. Mr. Bruchman and Mrs. Webb both indicated they would agree to the request if the burn pile were moved farther north, separated into smaller piles with someone constantly monitoring the fire. Another suggestion was to mulch the brush pile.

Mr. Book commented that the cost to mulch the pile would be astronomical; the major brush pile could be moved at an added cost. Separating the pile into small piles and burning on separate occasions would multiply the chance of things getting out of control and actually have a greater burn time.

After discussion, moved by Marzahl, seconded by Clarke to approve the petition for relief from Section 27.02A, Prohibited Fires, Burning, to allow a controlled burn in Turtle Creek Subdivision, subject to the following conditions:

1. Relocate both burn piles into one pile at the far northeast corner where the dirt mound is.
2. Work with City staff and Harvard Fire Protection District to schedule burn
3. Provide notification to homeowners when the burn is to be conducted.
4. Burn must be under constant surveillance to ensure there are no hazards, working with the wind conditions.

Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. At Mr. Book's inquiry about clarification of wind conditions, Mayor Nolan stated the forecast should be checked to make sure the wind isn't blowing to the north/northwest towards residents' homes. Community Development Director Santeler was directed to make sure homeowners are notified the day before the burn is scheduled.

**SALVATORE & SALLY LIVOLSI/705 GARFIELD ST./DRIVEWAY VARIATION FROM SECTION 19.15B3, DRIVEWAYS AND PRIVATE PARKING LOTS - ORD 2014-105 APPROVED**

Salvatore Livolsi addressed the City Council with respect to their petition to expand the driveway 8' to the south at their residence at 705 Garfield St. The petitioner currently has a one car garage/driveway and the driveway extension would allow the petitioners to park two of their three cars off to the side and allow their handicap van access to the garage directly. The extension would be constructed of concrete to be consistent with the existing driveway. The requisite notice was sent to adjoining property owners and no objections have been received. Moved by Clarke, seconded by Leyden to approve the petition and Ordinance 2014-105 granting a variation from Section 19.15B3. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2014-105 approved eight to zero.

**TRINITY LUTHERAN CHURCH/504 E. DIGGINS ST./ VARIATION FROM SECTION 14.02, SIGNS IN R1, R2, R3 ZONING DISTRICTS - ORD 2014-106 APPROVED**

Jeremy Adams addressed the City Council with respect Trinity Evangelical Lutheran Church's petition to change the inside of the existing sign to include an LED reader pursuant to drawings submitted in the petition. The requisite notice was sent to adjoining property owners. Alderman Leyden inquired if the image would be continually changing and whether or not that would affect neighboring residents. Jeremy said the existing sign has lights and the LED reader has capacity to change to 3 or 4 different messages; the church hasn't decided whether to go with red or amber lighting. Alderman Marzahl received a phone call from the resident at 505 Diggins St. who expressed concern with the petition and noted that the sign would shine to the east so she probably wouldn't see the sign from her house. The general consensus was that the sign shouldn't be any brighter than the downtown sign and that amber would be a better choice. Jeremy will check to see if the sign has the capacity to tone the color down. Moved by Opper, seconded by Marzahl to approve the petition and Ordinance 2014-106, granting a variation from 14.02, Signs in R1, R2, R3 Zoning Districts, pursuant to submitted drawings. Roll call vote: Clarke, aye; Meza, aye; Adams, abstain; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Ordinance 2014-106 approved seven to zero, with one abstention.

**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 2014 for the following: Milk Days Ag/Commercial Tent vendors, Game, Novelty Vendors and Food Concessions at the Milk Day Grounds, Milk Run Booth and Wheelz Show Concessions/Vendors. Aldermen voting aye: Leyden, Ulmer, Musgrove, Meza, Clarke, Adams and Opper. Alderman Marzahl abstained. All ayes. Motion carried.

**HARVARD MILK DAYS REQUEST/MILKY WAY PARK LIGHTING PROPOSAL- APPROVED**

Bryce Bannwolf, 801 E. Brown St., reviewed a lighting proposal submitted by Harvard Milk Days for improvements at Milky Way Park to be conducted in phases as Milk Days can afford the improvements, the first of which will be the installation of 4 light poles on the north side of the drive coming into Milky Way Park off Lawrence Rd. using the City's old downtown light poles. In addition, another 30' pole with flood lights would be installed on the back side by the rodeo arena to provide lighting specifically for events, i.e. antique tractor show, rodeo. All the lights would be powered and controlled from Well #10 and could be set up with timers from dawn to dusk. The LED lights would draw less power than the existing lights that are on the outside of the building at Well #10. The east end improvements are a little more involved and will require establishing another service at the entrance to the park and then working backward towards the parking lot. There was discussion as to who pays for the electricity used. Alderman Marzahl noted that Milk Days is billed for electric usage during Milk Day weekend. At Alderman Opper's inquiry, City Administrator noted that the lights in the parking lot are not affected by the proposal; Milk Days does not have any plans to switch them to LED. Moved by Leyden, seconded by Opper to approve Harvard Milk Days' lighting proposal for Milky Way Park to be completed in phases, at Milk Day's expense, subject to final approval by City Staff. Roll call vote: Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, abstain; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved seven to zero with one abstention.

**JOHN GIANNASI/FRONT STREET TAP, 106 E. FRONT ST., MILK DAY CERTIFICATE REQUEST/SATURDAY, JUNE 7, 2014- APPROVED**

The City Council reviewed a permit request submitted by John Giannasi, Front Street Tap, 106 E. Front St. for Saturday, June 4<sup>th</sup>, 2014, for the outside consumption of alcohol and to encroach on the city sidewalk. The request is the same as has been submitted for the last several years. Chief Kazy-Garey stated there haven't been any issues with the Milk Day Certificate requests over the last several years. Moved by Opper, seconded by Marzahl to grant a permit to Front Street Tap 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 and the execution of a hold harmless and indemnification waiver. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

**AUTHORIZE MAYOR TO EXECUTE FOP COLLECTIVE BARGAINING AGREEMENT - APPROVED**

Moved by Marzahl, seconded by Opper to approve the proposed changes for ratification to the Agreement between the Illinois Fraternal Order of Police Labor Council/FOP Lodge #134 and to authorize the Mayor to execute the FOP Contract. Roll call vote: Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Meza, aye. Motion approved eight to zero.

**RESOLUTION TO ACCEPT PLANNING STAFF ASSISTANCE SERVICES DELIVERED BY THE CHICAGO METROPOLITAN AGENCY FOR PLANNING (CMAP) – APPROVED**

Administrator Nelson reported that the City has been awarded the grant funding that was applied for last fall for CMAP staff assistance to update and redo our Comprehensive Land Use Plan which is no longer relevant. The value of the grant is \$60,000 - \$70,000 in planning assistance. The grant would be for 100% funding with no match; all that is involved on the City end is staff time. Moved by Opper, seconded by Marzahl to approve a *Resolution to Accept Planning Staff Assistance Services Delivered by the Chicago Metropolitan Agency for Planning (CMAP)* and to authorize Administrator Nelson to execute the Local Technical Assistance Program Agreement. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Resolution 2014-R-110 approved eight to zero.

**AUTHORIZE EXECUTION OF 2014 SENIOR SERVICES GRANT CONTRACT – APPROVED**

Administrator Nelson reported that the McHenry County Senior Services Grant Commission has awarded \$20,000.00 to the Harvard Senior Citizens Center. Moved by Opper, seconded by Clarke to authorize the Mayor's execution of the grant documents. 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.

**ABATE TAX WATER/SEWER REFUNDING BONDS SERIES 2014 – ORD 2014-107 APPROVED**

Administrator Nelson stated this is the new bond series that the City refinanced. There was a typo in the previously approved abatement ordinance which the McHenry County Clerk will not accept so the passage of a new ordinance is required. Moved by Meza, seconded by Marzahl to adopt Ordinance 2014-107, An Ordinance Abating a Portion of Taxes Levied to Pay Principal of and Interest on Certain General Waterworks and Sewerage Refunding Bonds (Alternate Revenue Source), Series, 2014, of the City of Harvard. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye and Leyden, aye. Ordinance 2014-107 approved eight to zero.

**AMEND CHAPTER 11 REGARDING CHRONIC NUISANCES – ORD 2014-108 APPROVED**

Administrator Nelson stated that the proposed ordinance was drafted pursuant to committee discussions held over the last several months. Mayor Nolan asked for any comments from the audience; there were none. Moved by Clarke, seconded by Ulmer to adopt Ordinance 2014-108, An Ordinance Amending Chapter 11, Nuisances, of the Harvard Municipal Code Regarding Chronic Nuisances. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. Ordinance 2014-108 approved eight to zero.

**PROPOSED ORDINANCE AMENDING SECTION 17.20.100 USES PERMITTED IN ZONING DISTRICTS, TABLE 3 AND SECTION 17.56, DEFINITIONS REGARDING GROUP HOMES – TEXT AMENDMENT TO ZONING CODE REFERRED TO PLANNING AND ZONING COMMISSION**

The City Council reviewed staff request which provides for an amendment to the Zoning Code with respect to group homes in order to be eligible to preserve the City's chances at receiving federal money through the McHenry County CDBG. Alderman Opper inquired if there were square foot requirements based on the number of residents in a group home. Administrator Nelson noted that the occupancy code provides standards that would apply to a group home as far as size of bedrooms, kitchenettes, etc. City Clerk Wells stated that the proposed ordinance basically changes the zoning code to make the group home use a permitted use as opposed to a conditional use and that all building codes would still apply. Moved by Ulmer, seconded by Opper to approve staff recommendation to refer the proposed text amendment to the Planning & Zoning Commission for a public hearing. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

City Clerk Wells indicated that he will place the proposed text amendment for Group Homes as well as the previous staff recommendation for a proposed text amendment relating to Conditional Uses on the Planning and Zoning Commission Agenda for the June 3<sup>rd</sup>, 2014, meeting.

**CITY OF HARVARD ANNUAL BUDGET FOR FY2014/2015— ORD. 2014-109 APPROVED**

Alderman Opper noted the following changes to the Budget for FY2014/2015:

1. Park Revenue Fund, reduce Real Estate Taxes to \$73,500.00
2. Park Revenue Fund, increase Transfer In to \$23,300.00
3. Park Revenue Fund, increase Cash on Hand to \$32,300.00
4. NISRA Expenditures Fund, reduce Transfer Out to Parks to \$17,000.00

Moved by Opper, seconded by Marzahl to approve Ordinance 2014-109, Approving the City of Harvard Annual Budget for Fiscal Year 2014/2015, as amended. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Ordinance 2014-109 approved eight to zero.

**FYI: ADOPT A HIGHWAY PROGRAM/ROUTE 173 CLEAN-UP**

Alderman Opper reported there will be a cleanup on Highway 173 from the Public Works garage to Ayer Street as part of the Adopt A Highway Program which was started many years ago by Darrell Perkins on Saturday, April 26<sup>th</sup> beginning at 8 a.m., meeting at the Public Works garage.

**CONSENT AGENDA:**

- American Legion Poppy Day, May 16<sup>th</sup> & 17<sup>th</sup>, 2014

Moved by Opper, seconded by Clarke to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Meza, 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 \$518,951.45. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved eight to zero.

**ALD. CLARKE**

Alderman Clarke reported that the McHenry County Dept. of Health will host an Electronics Recycling Event on Saturday, May 3<sup>rd</sup>, 2014, at the Administration Building on Ware Rd., from 8 am - 1 pm. Accepted items include tv's, dvds, computers, printers, vcr's, alkaline batteries. For an additional charge paint will be accepted. Alderman Clarke noted he is working to possibly partner with the MCDH to host an e-cycle event in Harvard for the fall of next year.

**ALD. MUSGROVE**

Alderman Musgrove noted a correction in the listings for street resurfacing improvements as presented at the last meeting: Bourn/Garfield/O'Brien and O'Brien/Bourn/McKinley should be moved from the A List to the B List.

**ALD. ULMER**

Alderman Ulmer related complaints he has received about parking on Sage Ln. as you enter Turtle Creek Subdivision by the boulevard. During the winter months, it is difficult to get around parked cars as you enter the subdivision. Alderman Ulmer would like the Streets and Alleys Committee to consider no parking on both sides. Chairman Musgrove would like to have additional items on the agenda before calling a meeting. Staff will measure distances curb to curb.

**ALD. MARZAHL**

Alderman Marzahl thanked the retiring officers and K-9 Hunter for their years of service to the community.

**MAYOR'S REPORT**

Mayor Nolan reported that staff met with the developer last week reference Turtle Creek Subdivision and noted there is a party interested in building single family homes.

**ADMINISTRATOR'S REPORT**

Administrator Nelson thanked the City Council for the passage of the budget and referenced his recommendations in the Executive Summary and noted he would like to have some kind of discussion with the City Council on each of those recommendations.

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

May 6	Planning & Zoning Commission - POST TO CANCEL
May 13	City Council Meeting - POST TO CANCEL
May 20	Regular Events Committee Meeting, 5 pm
May 27	Regular City Council Meeting, 7 pm

**TREASURER'S REPORT**

The monthly treasurer's report for April, 2014 is in the packet.

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted.

Chief Kazy-Garey thanked the City Council for allowing him to serve the community over the last 30 years, the last seven as Chief of Police.

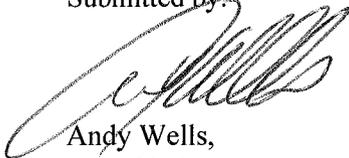
Deputy Chief Krause reported that Officers Spencer and Lackey are doing well at police adacemy.

**NO REPORT**

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

At 8:12 p.m., moved by Clarke, seconded by Opper 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

4-30-14  
\_\_\_\_\_ Date