

**REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 25, 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, Musgrove, Clarke, Meza, Adams and Opper. Alderman Ulmer was absent. Also present were Supt. Parks & Rec Clingsmith, Code Enforcement Officer Nutley, Chief of Police Krause, Community Development Director Santeler, Supt. Public Works Kruckenberg, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

POLICE DEPARTMENT COMMENDATIONS

Chief Krause presented Sgt. Stephen Dixon and Officer Dean Burton with a commendation for their actions in response to a 911 call for a domestic disturbance on Tuesday, November 11th, 2014 which resulted in an arrest for domestic offenses and arson.

AUDIENCE PARTICIPATION

Mayor Nolan opened the floor to public comment to address the City Council for anything not on the City Council Agenda. There was none.

TAX LEVY HEARING

Mayor Nolan called the Tax Levy Hearing to order and opened the floor to comments from the audience. Duffy Seyller, 606 Old Orchard Rd., addressed the City Council with respect to the increase in the City's tax levy and asked the City Council to take into consideration increasing property taxes and declining assessed values. Mayor Nolan asked for any additional comments; there were none. City Clerk Wells entered into record the Notice of Publication pursuant to state statute. Moved by Opper, seconded by Marzahl to close the hearing. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried. At Alderman Clarke's inquiry, City Clerk Wells indicated that the vote was just to close the hearing; the actual ordinance will come before the City Council at their regular meeting on December 16th, 2014.

CITY COUNCIL MEETING MINUTES OF 10/28/2014 - APPROVED

Moved by Clarke, seconded by Meza to approve the Regular City Council Meeting minutes of October 28, 2014, as presented. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Ruben Acevedo/Tony Norton 304 S. Eastman St. - Ordinance 2014-124 Approved

Alderman Opper read the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on November 4, 2014, Ruben Acevedo (owner) and Tony Norton (contract purchaser) for property located at 304 S. Eastman St., Harvard, Illinois. The Petitioners are seeking relief from Section 17.20.080, Lot Area, Yard and Bulk Regulations (Table 1) to allow for lesser Lot Area, Front and Rear Yard Setback Requirements. The Petitioners are further seeking relief from Section 17.20.090B.2, Minimal Standards--Residential Dwellings--Size--Appearance to allow for a lesser total floor area of the building. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council to approve the petitioner's request for relief as follows:

1. Front yard requirement of 25' - Front north corner relief of 5.35' to 19.65' and front south corner relief of 5.66' to 19.34'
2. Rear yard requirement of 30' - Rear yard relief of 10' to 20'
3. Lot area requirement of 8712 sq. ft. - Relief of 3953 sq. ft. to 4759 sq. ft.
4. Total floor area of building requirement of 1,200 sq. ft. - Relief of 326 sq. ft. to 874 sq. ft.

Additionally, this recommendation is conditional on the successful closing and transfer of property title to Tony Norton personally or in his capacity as a majority shareholder in a corporation or trust.

The petitioners were in attendance to answer any questions by the City Council; there were none. Moved by Opper, seconded by Clarke to approve the Planning and Zoning Commission's recommendation as submitted and Ordinance 2014-124, Granting a Variation from the Harvard Zoning Ordinance for Property Commonly Known as 304 S. Eastman St. Roll call vote: Leyden, aye; Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Ordinance 2014-124 approved seven to zero.

RELINQUISH CLASS B LIQUOR LICENSE FOR ASLAM ALIMOH, HARVARD FOOD & LIQUOR, 100 ADMIRAL DR. - APPROVED

Moved by Opper, seconded by Meza to accept the letter submitted by Aslam Alimohd to relinquish the Class B Liquor License for Harvard Food & Liquor, 100 Admiral Dr. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

CLASS B LIQUOR LICENSE AND TOBACCO LICENSE/SUNRISE HARVARD, INC. - APPROVED

Moved by Opper, seconded by Marzahl to approve a Class B Liquor License and Tobacco License to Sunrise Harvard, Inc., d/b/a Sunrise Food & Liquor, 100 Admiral Dr., Ste. #1, Harvard. The background check was satisfactory, fees have been paid and insurance submitted. Roll call vote: Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye and Leyden, aye. Motion approved seven to zero.

SPRINT AMENDMENT NO. 1 TO SITE AGREEMENT/HARVARD WATER TOWER-BROWN STREET - APPROVED

Mayor Nolan indicated that Sprint would like to add one antenna to the water tower with an increase in monthly rental fees. There are no structural concerns. Moved by Opper, seconded by Marzahl to authorize the execution of Amendment No. 1 to the Site Agreement to allow for Sprint modifications on the Harvard Water Tank-Brown St. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved seven to zero.

PARATRANSIT GRANT AGREEMENT WITH PACE FOR CALENDAR YEAR 2015 - APPROVED

Moved by Marzahl, seconded by Opper to approve the Paratransit Grant Agreement with Pace for calendar year 2015. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye and Musgrove, aye. Motion approved seven to zero.

ENTERPRISE ZONE - APPROVED

Attorney Carlos Arévalo commented that the public hearing is for both the City of Harvard and McHenry County. The City of Woodstock has already held their public hearing. Moved by Clarke, seconded by Adams to schedule a public hearing on December 16th, 2014, for the purpose of establishing an Enterprise Zone. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

BLUE CROSS/BLUE SHIELD OF ILLINOIS HEALTH INSURANCE RENEWAL - APPROVED

Moved by Opper, seconded by Marzahl to approve the health/dental/prescription drug renewal with Blue Cross/Blue Shield of Illinois for calendar year 2015 as presented for police and non-union personnel with a premium increase of 4.9%. Roll call vote: Meza, aye; Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Musgrove, aye and Clarke, aye. Motion approved seven to zero.

PROPERTY LIABILITY INSURANCE RENEWAL 2015 - APPROVED

Moved by Opper, seconded by Marzahl to approve the renewal of the property and liability insurance with Brit Global Security/Broker Wine Sergi with an annual premium of \$80,623.00 and to authorize the execution of all necessary documents. The premium increase is 4.4% over last year but also reflects an increase in values of some of the City's property. Roll call vote: Adams, aye; Opper, aye; Leyden, aye; Marzahl, aye; Musgrove, aye; Clarke, aye and Meza, aye. Motion approved seven to zero.

WORKMAN'S COMPENSATION INSURANCE RENEWAL 2015 - APPROVED

Moved by Marzahl, seconded by Adams to approve the renewal of the workman's compensation insurance

with IPRF/Broker Jones Insurance Agency with an annual premium of \$167,943 which is a 25% increase in premiums due to claims experienced and to authorize the execution of all necessary documents. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye and Adams, aye. Motion approved seven to zero.

RESOLUTION ESTABLISHING REGULAR CITY COUNCIL MEETING DATES FOR 2014 & AUTHORIZATION TO PUBLISH – APPROVED

Moved by Opper, seconded by Clarke to approve the Resolution Establishing the Regular City Council Meeting Dates for 2015 and granting authorization to publish. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

REPORT ON PUBLIC PROPERTY COMMITTEE MEETING MINUTES OF NOVEMBER 4, 2014

Chairman Clarke reviewed the Public Property Committee Meeting Minutes of November 4, 2014.

Adopt Rules for Public Comment

The Finance Committee adopted the rules for public comment as outlined and approved by the City Council in Ordinance 2014-121, Adding Section 2.05F to Establish and Record Rules for Comment.

Public Building Capital Improvement Plan

The Committee took a tour of the police facilities and identified some deficiencies in the building. The Committee discussed long term plans for the City of Harvard's Public buildings. After much discussion there was a consensus to have staff work up some preliminary plans for a municipal complex located at 201 W. Diggins Street, and to work on seeking a map amendment of the flood plain at the Public Works Garage. The Committee further felt that there should be no major improvements planned for the current Police Station/City Council Chambers. The only work to be completed at that facility shall be general maintenance and only expenditures that are absolutely necessary. Administrator Nelson reported that there is a roof leak at City Hall and that the air conditioner is broken. Maintenance Supt. Perkins went into further detail on the condition of the roof and air conditioner system. The Committee felt that this should be budgeted for and discussed in detail when we go through the draft budget.

REPORT ON WATER/SEWER COMMITTEE MEETING MINUTES OF NOVEMBER 4, 2014

Chairman Marzahl reviewed the Water & Sewer Committee Meeting Minutes of November 4, 2014.

Three Year Water Rate Ordinance - Ordinance 2014-125 Approved

The Committee discussed the current rate ordinance which expires this year and the next three year water rate ordinance. Mayor Nolan and Administrator Nelson reported on the financial condition of the Water and Sewer utility and highlighted increases in labor, electric and natural gas costs, and regulatory pressures from the IEPA. There was much discussion about the structure of the ordinance and what the Water and Sewer utility needs will be over the next three years. The Committee recommends to adopt an ordinance that increases the base unit charge 5% beginning May of 2015, 5% May of 2016 and 5% May of 2017, and that the flat charges remain at current levels over that same three year period.

Moved by Marzahl, seconded by Musgrove to approve the Committee's recommendation and Ordinance 2014-125, that increases the base unit charge 5% beginning May of 2015, 5% May of 2016 and 5% May of 2017, and that the flat charges remain at current levels over that same three year period. Roll call vote: Leyden, aye; Marzahl, aye; Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye and Opper, aye. Ordinance 2014-125 approved seven to zero.

REPORT ON PARKS & REC COMMITTEE MEETING MINUTES OF NOVEMBER 20, 2014

Chairman Leyden reviewed the Parks & Recreation Committee Meeting Minutes of November 20, 2014.

Fee Schedule for Hard Costs, Field Charges and Ordinance Changes- Ordinance 2014-126 Approved

The Committee continued discussions on the fee schedule for hard costs, field charges and ordinance changes at which time Alderman Leyden proposed that the City move forward with the ordinance as presented which makes provision for a fee structure with the actual fee schedule established during

upcoming budget discussions. The fee schedule would be implemented after the 2015 season, giving the leagues a one year waiver. The leagues would be notified in April of 2015 of fees that would be charged for the 2016 season. After further discussion, the Committee recommends to the City Council approval of the ordinance as presented. Moved by Leyden to approve the Parks & Recreation Committee's recommendation and Ordinance 2014-126, Amending Section 6.13.H, Park Use Permits, User Fees, Fee Requirements. Mayor Nolan opened the floor to comments. Jose Saucedo, Alderman Musgrove and Duffy Seyller expressed their objections to the proposed ordinance. Areas discussed were concern that the ordinance was being approved without knowing exactly what the various organizations are going to be charged and the park budget deficit as stated in the Statement of Summary Condition. City Clerk Wells clarified that the ordinance provides the mechanism to institute fees and further references an Exhibit A which will be determined during the budget process and will require approval by the City Council. Alderman Marzahl seconded the motion. Roll call vote: Marzahl, aye; Musgrove, no; Clarke, aye; Meza, no, Adams, aye; Oppen, aye and Leyden, aye. Ordinance 2014-126 approved five to two.

MCHEMRY CO. ZBA NOTICE OF HEARING WITHIN CITY'S 1½ MILE JURISDICTION

The City Council reviewed the McHenry County ZBA Notice of Hearing on November 26th, 2014, in the petition of Russell Hastings for a Conditional Use Permit to allow storage of commercial vehicles and equipment both indoors and outdoors, and to allow the operation of an asphalt business. Petitioner requests variations for use of existing driveway, employee parking on a gravel surface and a single sign on premises. The subject property is located at 17801 Oak Grove Road, Harvard which is within the City's 1½ mile jurisdiction. There were no objections.

MCHEMRY CO. ZBA NOTICE OF HEARING WITHIN CITY'S 1½ MILE JURISDICTION

The City Council reviewed the McHenry County ZBA Notice of Hearing on December 11th, 2014, in the petition of Bravehearts Therapeutic Riding and Educational Center for a Conditional Use Permit to allow retreat activities and to allow the existing sign at the entrance of the premises. The subject property is located at 7319 Maxon Rd., Harvard which is within the City's 1½ mile jurisdiction. There were no objections.

COMMITTEE REPORTS

ALD. OPPER- BILLS APPROVED

Chairman Oppen noted a revised bills listing and noted that that the bill for Randal W. Baudin (Atty Fees) in the amount of \$260 was not carried over into the totals. Moved by Oppen, seconded by Marzahl to approve the revised bills list as presented in the amount of \$595,652.35. Roll call vote: Musgrove, aye; Clarke, aye; Meza, aye; Adams, aye; Oppen, aye; Leyden, aye and Marzahl, aye. Motion approved seven to zero.

ALDERMAN CLARKE

Alderman Clarke thanked Chief Krause for the tour of the police facilities which was very informational.

ALDERMAN MUSGROVE

Alderman Musgrove recommended that a meeting be called review the public works and police department fees to try and get a fee structure in place and implemented for next year. The consensus was to refer to the Ordinance Committee after the holidays.

MAYOR'S REPORT

Mayor Nolan wished everyone a Happy Thanksgiving.

CLERK'S REPORT – UPCOMING MEETING DATES

December 2 Planning & Zoning Commission - 7 pm
December 16 Regular Events Committee Meeting, 5 pm
Regular City Council Meeting, 7 pm

City Clerk Wells mentioned that the filing period for candidate petitions for the April 7th, 2015, Consolidated Election is from December 15th - 22nd, 2014.

TREASURER'S REPORT

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

ENGINEERING & DEPARTMENT HEADS REPORTS

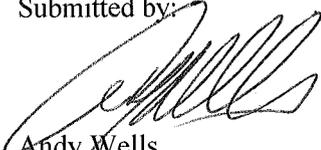
Dept. Heads: Reports as submitted.

NO REPORT

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

At 7:44 p.m., moved by Clarke, seconded by Marzahl to adjourn the regular City Council meeting. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Meza and Adams. All ayes. Motion carried.

Submitted by:


Andy Wells,
City Clerk

12-2-14
Date