

**REGULAR CITY COUNCIL MEETING MINUTES
JANUARY 27, 2015 - 7:00 PM**

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

PUBLIC COMMENT: NONE

CITY COUNCIL MEETING MINUTES OF 12/16/2014 - APPROVED

Moved by Marzahl, seconded by Oppen to approve the Regular City Council Meeting minutes of December 16, 2014, as presented. Aldermen voting aye: Marzahl, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

POLICE DEPARTMENT COMMENDATION

Chief Krause presented Officer Aaron Palmer with a commendation for his efforts in organizing and raising \$2,000 to provide a Shop With A Cop program on December 22nd, 2014, to assist two Harvard families. Five children were able to shop for presents and their families given money for necessities.

PUBLIC HEARING - PETITION FOR AMENDMENT OF ANNEXATION AGREEMENT

City Attorney Arévalo stated the public hearing was in the petition of The Chicago Title Land Trust Company under the provisions of a Trust Agreement dated July 17, 1968 and known as Trust Number 53278, c/o Meyer Material Company, 1819 Dot Street, McHenry, Illinois, 60050. City Clerk Wells called roll to establish quorum. Aldermen present: Marzahl, Clarke, Meza, Adams and Oppen. Moved by Oppen, seconded by Clarke to open the public hearing. Aldermen voting aye: Marzahl, Clarke, Meza, Adams and Oppen. All ayes. Motion carried. For the purposes of record, the Certificate of Publication was submitted noting publication in the Northwest Herald on January 12, 2015.

City Attorney Arévalo stated that the amendment to the 1st Amendment to the Annexation Agreement has been on file with the City Clerk's office; the public had opportunity to come in and inspect said agreement. City Attorney Arévalo opened the meeting to public comment. There was none. Moved by Marzahl, seconded by Clarke to close the hearing. Aldermen voting aye: Marzahl, Clarke, Meza, Adams and Oppen. All ayes. Motion carried.

ORDINANCE AUTHORIZING THE EXECUTION OF FIRST AMENDMENT BETWEEN THE CITY OF HARVARD AND MEYER MATERIAL CO., AN ILLINOIS LIMITED LIABILITY CO., AND CHICAGO TITLE LAND TRUST CO., AS TRUSTEE UNDER TRUST NO. 53278 - ORD. 2015-101 APPROVED

Moved by Clarke, seconded by Marzahl to approve the proposed ordinance Authorizing the Execution of First Amendment Between the City of Harvard and Meyer Material Co., an Illinois Limited Liability Co., and Chicago Title Land Trust Co., as Trustee under Trust No. 53278. Roll call vote: Marzahl, aye; Clarke, aye; Meza, aye; Adams, aye; Oppen, aye and Mayor Nolan, aye. Ordinance 2015-101 approved six to zero.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

PT, LLC; BAPA, LLC and MPEC Equity Holdings, 317 S. Division St.- No Action Taken

City Clerk Wells stated that Napa, as contract purchaser, initiated a petition with the Planning and Zoning Commission which has been continued twice. There was a recommendation from the Planning and Zoning Commission regarding hearing fees for the second continuation. Subsequent to the hearing in January, Community Director Santeler received an e-mail from a representative of the petitioners stating that due to site concerns, they wished to withdraw their petition at this time and that they may refile at a later date. City Clerk Wells requested that no action be taken on the initial petition so as not to preclude the petitioners from refiling at later date. Should Napa refile a petition, the process would start over with public notice and hearing fees.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Sheila Henson and Elvis Henson, Trust #21, 21007 McGuire Rd. - Ord. 2015-102 Approved

Alderman Opper read the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on January 6, 2015 to consider the petition of Sheila Henson on behalf of the Elvis J. Henson Trust #21 (owner of record), for property located at 21007 McGuire Rd., Harvard, IL 60033. The petitioners are seeking relief from Section 17.20.080, Lot Area, Yard and Bulk Regulations (Table 1) which requires a 40' side yard setback for a B-3 zone abutting a residential zone. The petitioners seek a reduction of 20'6" to 19'6" for a side yard variation on the east property line for the construction of an addition to the Brown Bear Daycare facility. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's requests for relief be approved as presented and further finds as follows:

1. In light of all of the evidence presented, the variation, if granted will not alter the essential character of the locality; and
2. The granting of the variation will not be detrimental to the public welfare or injurious to other property of improvements in the neighborhood in which the property is located and will, in general conform to the intent and purpose of the zoning ordinance.

Moved by Opper, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and finding of facts as submitted and Ordinance 2015-102, Granting a Variation from the Harvard Zoning Ordinance for Property Commonly Known as 21007 McGuire Rd. The petitioners and architect were in attendance to address any questions; there were none. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Opper, aye and Marzahl, aye. Ordinance 2015-102 approved five to zero.

PAUL HERELEY, 509 OLD ORCHARD RD., DRIVEWAY VARIATION FROM SECTION 19.15B3, DRIVEWAYS AND PRIVATE PARKING LOTS - ORD 2015-103 APPROVED

Paul Hereley reviewed his petition to widen the driveway at his residence at 509 Old Orchard Rd. with 18" x 56' concrete ribbons on each side of the existing driveway and a 10' x 20' concrete slab on the east side of the existing driveway. The requisite notice was sent to adjoining property owners and no objections have been received. Alderman Opper opened the floor to comments/objections from the audience; there were none. Moved by Opper, seconded by Clarke to approve the petition and Ordinance 2015-103 granting a variation from Section 19.15B3 pursuant to submitted plans. Roll call vote: Meza, aye; Adams, aye; Opper, aye; Marzahl, aye and Clarke, aye. Ordinance 2015-103 approved five to zero.

HARVARD WRESTLING CLUB REQUEST - APPROVED

The Harvard Wrestling Club is hosting the 32nd Annual Dean's Classic Wrestling Tournament on Sunday, March 15th, 2015, at Harvard High School and is requesting a waiver of the "no parking" restrictions in the 1100 block on the west side of Garfield St. for the event. HWC will bag the "no parking" signs and remove them after the tournament. The east side of Garfield and the north/south sides of Blaine St. are still subject to parking restrictions. Chief Krause had no objection to the request. Moved by Opper, seconded by Adams to approve the request to allow street parking on the east side of the 1100 block of the west side of Garfield St. Aldermen voting aye: Marzahl, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

EXTENDED SUNDAY HOURS LIQUOR LICENSE/SUNRISE HARVARD, INC. - APPROVED

Moved by Meza, seconded by Adams to approve an Extended Sunday Hours Liquor License to Sunrise Harvard, Inc., d/b/a Sunrise Food & Liquor, 100 Admiral Dr., Ste. #1, Harvard. The requisite fee has been paid. Chief Krause had no concerns. Roll call vote: Adams, aye; Opper, aye; Marzahl, aye; Clarke, aye and Meza, aye. Motion approved five to zero.

CLASS A LIQUOR LICENSE JAY'S LANES, 5507 DIVISION ST. - APPROVED

Mayor Nolan stated Sean McGarry currently holds a liquor license at the subject property and intends to transfer said license to a new location, but has not yet done so. The liquor license application for Jay Schulz, d/b/a Jay's Lanes could be approved contingent on the transfer of Mr. McGarry's license to another address or the abandonment of the license which could take 60 days pursuant to City ordinance. The background check was satisfactory, fees have been paid and insurance will be submitted upon approval.

Moved by Clarke, seconded by Marzahl to approve a Class A Liquor License to Jay Schulz, d/b/a Jay's Lanes, 5507 Route 14, contingent on the transfer or abandonment of Mr. McGarry's license. Roll call vote: Oppen, aye; Marzahl, aye; Clarke, aye; Meza, aye and Adams, aye. Motion approved five to zero.

AUTHORIZE EXECUTION OF LETTER OF CREDIT/HARVARD STATE BANK \$1,050,000 - APPROVED

Mayor Nolan reported last year \$145,000 was borrowed in May on the line of credit and paid off in June; the prior year \$345,000 was borrowed in May and paid off in June. At Alderman Meza's inquiry, Administrator Nelson thought there was an annual fee of approximately \$250. Moved by Oppen, seconded by Marzahl to authorize the Mayor and City Clerk to execute the Line of Credit with Harvard State Bank in the amount of \$1,050,000 with terms the same as last year, with a maximum annual fee of \$250. Roll call vote: Marzahl, aye; Clarke, aye; Meza, aye; Adams, aye and Oppen, aye. Motion approved five to zero.

RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTHERN ILLINOIS MUNICIPAL ELECTRIC COLLABORATIVE (NIMEC) AND AUTHORIZING THE MAYOR TO APPROVE A CONTRACT WITH THE LOWEST COST ELECTRICITY PROVIDER FOR A PERIOD UP TO 24 MONTHS - APPROVED

The proposed resolution is for the NIMEC bid for the City's commercial accounts at the water and wastewater treatment plant that are not part of the municipal aggregation. The resolution authorizes the Mayor and City Clerk to execute all necessary contract documents and grants the Mayor authority to name the City Administrator as his designee in matters concerning the bid. Moved by Oppen, seconded by Adams to approve the proposed resolution. Roll call vote: Clarke, aye; Meza, aye; Adams, aye; Oppen, aye and Marzahl, aye. Motion approved five to zero.

TURTLE CROSSING SUBDIVISION/DITCH DISCHARGE AT RETENTION - REFERRED TO COMMITTEE

The ditch discharge at the retention pond in Turtle Crossing Subdivision was referred to the Ordinance Committee for review.

Chairman Oppen called an Ordinance Committee Meeting for Tuesday, February 10th, 2015 at 6 pm.

RESIDENT REQUEST TO PURCHASE CITY OWNED PROPERTY (OUTLOT A) IN PARK POINTE SUBDIVISION - REFERRED TO COMMITTEE

Jeremy Mortimer, 1005 Dewey St., would like to purchase city-owned property (Outlot A) that adjoins his property and is adjacent to the pond in Park Pointe subdivision. Administrator Nelson briefly past procedure whereby the City held an open bidding process for many of the lots in Park Pointe adjacent to the pond. There were vacant lots at the time that were not bid on. The request was referred to the Public Property for a recommendation.

Chairman Clarke called a Public Property Committee meeting for Thursday, February 5th, 2015, at 6 pm.

MERRYMAN NOTICE OF BREACH OF ANNEXATION AGREEMENT - REFERRED TO COMMITTEE

Administrator Nelson noted his letter dated December 3, 2014, which was sent via certified mail to Thomas Merryman as the City's formal notice that he was in breach of the annexation agreement. The certified letter was not picked up so the letter was sent via First Class Mail and e-mail to Mr. Merryman's last known address. The item was referred to the Ordinance Committee for review.

CHARTER COMMUNICATION FRANCHISE RENEWAL - REFERRED TO PUBLIC COMMITTEE

The Charter Communication Franchise renewal was referred to the Public Property Committee for review.

AMEND SECTION 19.01 BUILDING CODE ADOPTION - REFERRED TO COMMITTEE

The Building Code amendment was referred to the Ordinance Committee Meeting for review.

SCHEDULE FINANCIAL WORKSHOP

Chairman Oppen called a Finance Committee Meeting for Saturday, February 7th, 2015, at 8 am.

FYI: FEBRUARY LOVE YOUR LIBRARY MONTH

Mayor Nolan reported that in recognition of Love Your Library Month, the February 24th, 2015, City Council meeting will be held in the conference room at the library. Mayor Nolan stated he would not be in attendance and appointed Alderman Marzahl as his designee for the meeting.

COMMITTEE REPORTS

ALD. OPPER- BILLS APPROVED

Moved by Opper, seconded by Adams to approve payment of the bills as presented in the amount of \$972,163.17. Roll call vote: Meza, aye; Adams, aye; Opper, aye; Marzahl, aye and Clarke, aye. Motion approved five to zero.

CLERK'S REPORT – UPCOMING MEETING DATES

February 3 Planning & Zoning Commission - 7 pm
February 5 Public Property Committee Meeting - 6 pm
February 7 Finance Committee Meeting - 8 am
February 10 Regular City Council Meeting - POST TO CANCEL
Ordinance Committee Meeting - 6 pm
February 17 Regular Events Committee Meeting, 5 pm
February 24 Regular City Council Meeting, 7 pm

Zoning Map - City Clerk Wells reported that state statute requires an annual review of the zoning map. There have been no boundary or zoning changes which would necessitate an update to the zoning map. The zoning map as published in March, 2014, will remain in effect.

Economic Interest - City Clerk Wells has submitted the annual Economic Interest listing to the County Clerk. City Council members will receive the form in the mail to be completed and returned to the McHenry County Clerk by May 1st.

April 7th Consolidated Election - City Clerk Wells reported the Certificate of Ballot has been finalized and submitted to the McHenry Co. Clerk for the upcoming election.

TREASURER'S REPORT

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

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

NO REPORT

Attorney Carlos Arévalo, Mayor Nolan, City Administrator Nelson and Aldermen Marzahl, Clarke, Meza and Adams had no specific report.

At 7:28 p.m., moved by Clarke, seconded by Marzahl to adjourn the regular City Council meeting. Aldermen voting aye: Marzahl, Clarke, Meza, Adams and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,
City Clerk

1-30-15

Date