

**REGULAR CITY COUNCIL MEETING MINUTES
FEBRUARY 24, 2015 - 7:00 PM**

Mayor Protem Marzahl called the Regular 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, Adams and Opper. Aldermen Leyden and Meza were absent. Also present were City Administrator Nelson, Code Enforcement Officer Nutley, Deputy Chief of Police Bauman, Community Development Director Santeler, Supt. Parks & Rec Clingsmith, Supt. Public Works Kruckenberg, Supt. Utilities Grant, Attorney Carlos Arévalo and members of the audience.

PUBLIC COMMENT

Mary Donner, Pace Community Relations Representative Government Affairs, updated the City Council and distributed brochures for the City's participation in the multi-community MCRide Program which will start in Harvard on Monday, March 2nd, 2015.

CITY COUNCIL MEETING MINUTES OF 01/27/2015 - APPROVED

Moved by Marzahl, seconded by Opper to approve the Regular City Council Meeting minutes of January 27, 2015, as presented. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Adams and Opper. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Gerald/Julienne Zell, 401 E. Park St. - Ord. 2015-104 Approved

Alderman Ulmer reviewed the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on February 3, 2015, to consider the petition of Gerald and Julienne Zell (owners of record). The petitioners are seeking reclassification of property pursuant to Section 17.52.060 of the Harvard Zoning Ordinance from M-1 Manufacturing to R-3 Residential Use District. Subject property is located at 401 East Park St., Harvard.

After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request for rezoning 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 based on the finding of facts as submitted and Ordinance 2015-104, Rezoning Certain Property Commonly Known as 401 East Park St. Roll call vote: Marzahl, aye; Ulmer, abstain; Musgrove, aye; Clarke, aye; Adams, aye and Opper, aye. Ordinance 2015-104 approved five to zero, with one abstention.

Frank and Harriet Lenhart, 37 and 39 North Ayer St. - Ord. 2015-105 Approved

Alderman Ulmer reviewed the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on February 3, 2015, to consider the petition of Frank and Harriet Lenhart (owners of record). The petitioners are seeking a conditional use pursuant to Section 17.44.072 of the Harvard Zoning Ordinance to allow an apartment above a first floor business use in the B-2 Central Business District. Subject Property is located at 37 North Ayer St. and 39 North Ayer St. (residential living quarters above each property).

After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council that the petitioner's request for a conditional use to allow an apartment above a first floor business in the B-2 Central District for property located at 37 North Ayer and 39 North Ayer St. be approved as presented, contingent on property being subject to an inspection by the

Community Development Dept. prior to the issuance of an occupancy permit. The Planning and Zoning Commission further finds as follows:

1. In light of all of the evidence presented, the conditional use, if granted will not alter the essential character of the locality; and
2. The granting of the conditional use 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 Ulmer, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation based on the finding of facts as submitted and Ordinance 2015-105, Issuing a Conditional Use Permit for an Apartment Above a First Floor Business at 37 North Ayer St. and 39 North Ayer St., contingent upon the property being subject to an inspection by the Community Development Dept. prior to the issuance of an occupancy permit. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Adams, aye; Opper, aye and Marzahl, aye. Ordinance 2015-105 approved six to zero.

HARVARD BOYS LEAGUE SPECIAL EVENT LIQUOR LICENSE REQUEST ON SATURDAY, JUNE 27TH AT BOYS LEAGUE FIELD - APPROVED WITH WAIVER OF FEE

Administrator Nelson stated the Boys League is requesting a waiver of the special event liquor license fee of \$30; this does not include the waiver of park rental fees. Moved by Ulmer, seconded by Clarke to approve the Boys League Special Event Liquor License, with a waiver of fees, for their annual picnic on Saturday, June 28th, 2015 at the Boys League (Moose) Field 9 am - midnight. Roll call vote: Musgrove, aye; Clarke, aye; Adams, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved six to zero.

TOBACCO LICENSE/VAPOR EFFECT LLC/360 S. DIVISION ST. - APPROVED

Jeffrey Thurow, Vapor Effect, LLC has submitted a tobacco license application at 360 S. Division St., #3. The fees have been paid. Moved by Clarke, seconded by Adams to approve a Tobacco License to Vapor Effect LLC, 360 S. Division St., #3. Roll call vote: Clarke, aye; Adams, aye; Opper, aye; Marzahl, aye; Ulmer, aye and Musgrove, aye. Motion approved six to zero.

RESOLUTIONS HARVARD MILK DAYS 2015 - APPROVED

Moved by Musgrove, seconded by Clarke to approve the following resolutions as presented; if however a fee is put in place at the next budget meeting for road closings, Milk Day would be made aware of said fee:

- a) Declare the 74th Harvard Milk Days TM June 5th, 6th, & 7th a Legal Holiday
- b) Close Route 173 between Jefferson and Division Streets

Aldermen voting aye: Ulmer, Musgrove, Clarke, Adams and Opper. Alderman Marzahl abstained. All ayes. Motion carried.

EVENTS COMMITTEE/LAURA EVERS RESIGNATION - ACCEPTED

Moved by Opper, seconded by Ulmer to approve the Events Committee's recommendation to accept Laura Evers' resignation from the Events Committee, with regrets. Aldermen voting aye: Marzahl, Ulmer, Musgrove, Clarke, Adams and Opper. All ayes. Motion carried.

PURCHASE OF VEHICLE FISCAL YEAR 2015/2016 - APPROVED

Administrator Nelson noted that the purchase is the culmination of the last budget committee meeting. In order to take advantage of the cost savings, we need to preadvace the order to be under state purchase; the vehicle takes anwhere from 8-22 weeks for delivery. Moved by Opper, seconded by Ulmer to approve the purchase of a 2015 Utility Police Interceptor in the amount of \$35,345.00. Roll call vote: Adams, aye; Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye and Clarke, aye. Motion approved six to zero.

PUBLIC PROPERTY COMMITTEE MEETING MINUTES OF FEBRUARY 5, 2015

Chairman Clarke reviewed the Public Property Committee Meeting Minutes of February 5th, 2015:

Charter Communications Franchise Renewal

The Committee discussed the Charter Communications Franchise Renewal with the general consensus to direct Attorney Smoron to follow-up with Charter Communications to propose a 10 year extension of the

existing agreement, with an exclusion on internet service, leaving that option open for further discussion should internet become taxable at a future point in time.

Resident Request to Purchase City Owned Property in Park Pointe Subdivision - Ord. 2015-106 Approved

A resident in Park Pointe Subdivision has inquired about purchasing the 10' piece of city-owned property (Outlot A) that adjoins his property and is adjacent to the pond in Park Pointe Subdivision. Administrator Nelson reviewed past procedure whereby the City held an open bidding process for many of the lots in Park Pointe adjacent to the pond. There are still five lots left that were not purchased through the previous sealed bid in 2010. The Public Property Committee recommends to the City Council to declare Lots 37, 39, 43, 45 and 46 as surplus property to be sold through a sealed bid process, with a minimum bid of \$200.

Alderman Clarke has notified the three adjoining property owners. Moved by Clarke, seconded by Opper to declare Lots 37, 39, 43, 45 and 46 in Park Pointe Subdivision as surplus property to be sold through a sealed bid process, with a minimum bid of \$200. Administrator Nelson indicated that because February is a short month, in order to meet statutory publication requirements, the bids cannot be opened until the April 24th meeting. Roll call vote: Opper, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye and Adams, aye. Ordinance 2015-106 approved six to zero.

FINANCE COMMITTEE MEETING MINUTES OF FEBRUARY 5, 2015

Chairman Opper reviewed the Finance Committee Meeting Minutes of February 5th, 2015:

FY2015/2016 Budget

Administrator Nelson gave a presentation on the overall picture of the City finances in the corporate general fund and highlighted major factors on the revenues and expenses of the City. The committee then heard presentations on the Administration, Street and Police Departments. There was discussion concerning each department and what each department head considers their priorities.

The Committee reviewed the information from the presentations and made the following changes.

			FROM	TO
	01-00-4407	SALES TAX	\$ 1,115,300.00	\$ 1,120,000.00
	01-02-5401	STREET SALARIES	\$ 296,011.00	\$ 282,000.00
	01-02-5800	STREET NEW EQUIPMENT	\$ 162,000.00	\$ 36,000.00
	01-03-5617	POLICE GAS OIL GREASE	\$ 55,000.00	\$ 50,000.00
	01-03-5800	POLICE NEW EQUIPMENT	\$ 95,000.00	\$ 72,000.00

There was discussion concerning new equipment in the police department and street department for this current fiscal year. The Committee recommends to amend the current budget as follows:

	01-02-5513	STREET EQUIPMENT MAINT	\$ 35,000.00	\$ 29,000.00
	01-02-5800	STREET NEW EQUIPMENT	\$ 50,000.00	\$ 56,000.00
	01-03-5617	POLICE GASOLINE	\$ 55,000.00	\$ 49,000.00
	01-03-5800	POLICE NEW EQUIPMENT	\$ 118,000.00	\$ 124,000.00

Moved by Opper, seconded by Ulmer to approve the Finance Committee's recommendation to amend the FY2014/2015 Budget as discussed and Ordinance 2015-107. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Adams, aye and Opper, aye. Ordinance 2015-107 approved six to zero.

ZONING, PLANNING & ORDINANCE COMMITTEE MEETING MINUTES OF FEBRUARY 10, 2015

Chairman Ulmer reviewed the Zoning, Planning & Ordinance Committee Meeting Minutes of February 10th, 2015:

Turtle Creek Subdivision/Failure of Ditch Discharge at Retention Pond

The Committee reviewed Community Director Santeler's memo concerning Turtle Creek. Attorney Arévalo reviewed the legal options that the City Council has in dealing with this matter. The Committee

recommends to the City Council to authorize staff to prepare a letter giving the owners 45 days to repair the discharge ditch or be in default of the developer's agreement and to get prices on repairing the discharge ditch in the event that the City has to make repairs. No action needed at this time.

Thomas Merryman Breach of Annexation Agreement

Administrator Nelson reviewed with the committee that Merryman Aggregates is in default of the annexation agreement. Attorney Arévalo reviewed the City's legal options to enforce the annexation agreement. Attorney Arévalo will prepare an additional default letter to Mr. Merryman and have it served personally giving him 30 days to come into compliance. In the event that Mr. Merryman does not comply, the Committee recommends the following actions:

1. Prepare for public hearings to revoke the special use for extraction of gravel
2. Authorize the staff to issue any stop work orders that may be necessary
3. Prepare to make a claim on the insurance bonds for reclamation of the area
4. File enforcement action with the courts

Administrator Nelson related his conversation with Mr. Merryman who is aware of what the City desires to accomplish. Attorney Arévalo indicated that the default letter was served to Mr. Merryman's attorney on Monday, February 23rd. Upon the Mayor's return, a meeting will be scheduled with Mr. Merryman to discuss what options are available to him. No action needed at this time.

Amendment to Building Code - Ord. 2015-108 Approved

The Committee reviewed Community Director Santeler's memo regarding his recommendations for updating the current building code and recommends to the City Council to authorize the staff to prepare an ordinance to adopt the following building codes excluding the requirement for residential sprinklers:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Mechanical Code
- 2012 International Property Maintenance Code
- 2012 International Fuel Gas Code
- 2012 International Fire Code
- 2011 National Electric Code
- State of Illinois Plumbing License Law Latest Edition
- Illinois Accessibility Code Latest Addition
- NFPA 13 Fire Sprinkler Code
- 2013 edition NFPA 72 Fire Alarm Code

Moved by Ulmer, seconded by Musgrove to approve the Committee's recommendation and Ordinance 2015-108, Amending Section 19.01, Building Code Adoption and Section 19.02, Exceptions, to be effective in 45 days. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Adams, aye; Opper, aye and Marzahl, aye. Ordinance 2015-108 approved six to zero.

FYI: COMPREHENSIVE PLAN MEETING - MARCH 5TH, 2015

A Comprehensive Plan Meeting will be held at Harvard Diggins Library on Thursday, March 5th, 2015, from 6:30 - 8 pm. The purpose of the meeting is to seek public input on what the comprehensive plan should address. Administrator Nelson noted this is from the grant received from CMAP to assist the City in developing a comprehensive land use plan at an approximate value of \$60,000.

COMMITTEE REPORTS

ALD. OPPER- BILLS APPROVED

Moved by Opper, seconded by Adams to approve payment of the bills as presented in the amount of \$253,188.04. Roll call vote: Musgrove, aye; Clarke, aye; Adams, aye; Opper, aye; Marzahl, aye and Ulmer, aye. Motion approved six to zero.

ALD. OPPER- FINANCE COMMITTEE MEETING

Alderman Opper called a Finance Committee Meeting to be held at City Hall, 201 W. Diggins, on Saturday, March 7th, 2015, at 8 am, with a tentative continuation date, if needed, of Tuesday, March 10th, 2015.

ADMINISTRATOR NELSON'S REPORT

City Administrator Nelson referred to his e-mail correspondence to the City Council pertaining to Governor Rauner's budget proposal to reduce the Local Government Distributive Fund (LGDF) share and the ramifications to the City. Dave recommended that an agenda item be included on the Finance Committee Agenda on March 7th to discuss the impact on the City's budget and a contingency plan to address the proposed revenue reduction.

City Administrator Nelson noted an invitation from the Economic Development Corporation in the aldermen's folders for the EDC annual Appreciation Dinner on Wednesday, March 11th, 2015. There will be a presentation on the benefits of Enterprise Zone Status to Harvard businesses and residents.

CLERK'S REPORT – UPCOMING MEETING DATES

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

TREASURER'S REPORT

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

ENGINEERING & DEPARTMENT HEADS REPORTS

Dept. Heads: Reports as submitted.

NO REPORT

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

Harvard Diggins Library Director Karen Sutera thanked the City Council for meeting at the library to help celebrate Love Your Library month.

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

Submitted by:



Andy Wells,
City Clerk

02-27-15
Date