

REGULAR CITY COUNCIL MEETING MINUTES
September 9, 2008 - 7:00 P.M.

Mayor Nolan called the City Council meeting to order at 7:00 p.m. and led the pledge to the flag. City Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Also present were Treasurer Meseck, Administrator Nelson, Public Works Supt. Kruckenberg, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION:

Jay Schulz, 1503 Pheasant Run, addressed the City Council proposing that recycling bins with proper signage should be made available at all public picnic shelters and concession stands and at all city owned buildings with regular collection of recyclables at each of these locations. Mr. Schulz felt it was important that we take care of the environment and promote recycling within our community. Mayor Nolan responded he has been in contact with Marengo Disposal on the subject.

CITY COUNCIL MEETING MINUTES OF 08/26/08 - APPROVED

Moved by Logan, seconded by Perkins to approve the minutes of the Regular and Closed Session City Council Meeting minutes of August 26, 2008, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

Trinity Lutheran Church/Harvard Montessori Conditional Use Instructional Day Care – Ord. 2008-130 Approved

Chairman Hay read the recommendations and Findings of Fact submitted by Glenda Miller, Chairman Protem of the Planning and Zoning Commission which met on September 2, 2008, for a hearing in the petition of Trinity Lutheran Church and Harvard Community Montessori for a Conditional Use to allow for the use of existing structures for a Montessori Instructional Day Care on property located at 504 E. Diggins St., Harvard. The Planning and Zoning Commission recommends approval of the petition as submitted.

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendations as submitted and Ordinance 2008-130, granting a conditional use to allow for a Montessori Instructional Day Care for property located at 504 E. Diggins St., Harvard. Petitioner Naomi Peterson was present to answer any questions; there were none. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Ordinance 2008-130 approved eight to zero.

Harvard Leasing LLC and T & M Biofuel LLC Conditional Use Biodiesel Manufacturing Facility and Variation to Install a Raw Material Tank External to the Structure – Ord. 2008-131 Approved to Deny Petition

Chairman Hay read the recommendations and Findings of Fact submitted by Glenda Miller, Chairman Protem of the Planning and Zoning Commission which met on September 2, 2008, for a hearing in the petition of Harvard Leasing LLC and T & M Biofuel LLC, for a Conditional Use to allow for a biodiesel manufacturing facility and a variation to install a raw material storage tank external to the structure at property located at 1001 W. Roosevelt Street, Harvard, IL. The Planning and Zoning Commission recommends approval of the petition as submitted subject to the following conditions/restrictions:

1. The external storage tank is limited to a 5,000 gallon capacity and shall meet all state, local and municipal fire and safety codes.
2. Truck route access for delivery/distribution shall be restricted to Northfield Avenue

Petitioner Michael Woodrich, 40W425 Harper Dr., Hampshire, IL, 60140 was present. Mayor Nolan opened the floor to questions/comments from the City Council. Areas discussed were other plant locations in the country, production capacity, employee training, tank design/containment, EPA and OSHA requirements. Mr. Woodrich noted one of the reasons this site was chosen was due to it's location to an active rail spur.

Mayor Nolan opened up the floor to audience comments. The following individuals objected to the petition:

- Phil Lehmann, 1306 Primrose Lane, Harvard expressed a concern that he heard there would be college students running the plant as well as the plant's close proximity to multi-family apartments and a 170

home subdivision which has one entrance/exit. Phil felt the best location for the facility would be in the industrial park which is also connected to a rail spur

- Crystal Musgrove, 1300 Primrose Lane, felt the concept was great but should be in a different location
- Scott Schlendorf, 1601 Wildflower Lane, Harvard, expressed concern about containment in the event of a leak as it pertains to plumbing going into the facility from the tank. There was additional discussion relative to containment in the event of leaks. Mr. Woodrich stated that a concrete channel is created for the pipes going into the building with containment around the channel itself. There are also methanol sniffers that will detect the presence of methanol where it's not supposed to be at which point the process would be shut down. Once production commences, the plant will be manned 24/7. Mayor Nolan asked the petitioner if he would be willing to build another containment around the tank that would hold the 5,000 gallons, to which Mr. Woodrich replied he would.

Asst. Fire Chief Alan Styles was asked if the Harvard Fire Protection District was currently equipped to handle an incident at the proposed site based on the design of the facility with the 5,000 gallons methanol and other various chemicals present onsite. Asst. Fire Chief Styles responded that the HFPD has not seen the design yet but would work with the petitioner. In addition, the HFPD is part of the McHenry County/Lake County HAZMAT Response Team with employees trained in hazardous materials. The HFPD has the ability to handle an incident, but depending on the level presented, an event could be beyond their resources and require additional responders. The HFPD inspects every business that falls within the HFPD at least once a year. Mayor Nolan opened the floor to further questions to the Fire Dept.; there were none.

Moved by Szczap, seconded by Ulmer to deny the Planning and Zoning Commission's recommendation and to enact an ordinance denying the petition for a conditional use to allow for a biodiesel manufacturing facility and a variation to install a raw material storage tank external to the structure for property located at 1001 W. Roosevelt St. based upon Section 17.44.030 Standards For All Conditional Uses which states that the proposed use is necessary or desirable at the location involved and the finding of fact that the proposed operation it is not the best location due to the close proximity to Oak Grove Crossing Subdivision and other multi-family apartments. Roll call vote: Marzahl, no; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, no; Hay, aye and Leyden, aye. Ordinance 2008-131 approved six to two. Petition denies.

City of Harvard Text Amendment Section 17.110 Fences – Ord. 2008-132 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Glenda Miller, Chairman Protom of the Planning and Zoning Commission which met on September 2, 2008, for a hearing in the petition of the City of Harvard for a text amendment to Chapter 17 of the Harvard Municipal Code with respect to Section 17.110, Fences. The Planning and Zoning Commission hereby recommends the denial of the section of the Petitioner's request as submitted which reads as follows:

Add Section 17.110.060 A. no fences shall be permitted in any front yard in any zoning district and to Delete all references to front yards in Sections 17.110.030 and .040

The Planning and Zoning Commission also recommends the approval of the section of the Petitioner's request as submitted as follows and further recommends amendments:

Amend Section 17.110.020(B) to delete the following line: .. , except that the required open space in louver-type fences may be viewed from any angle.

Add Section 17.110.060 Restriction

- A. All front yard fences shall be set back two feet from the property line.
- B. For the purposes of this Chapter, on a corner lot any yard abutting a roadway shall be considered a front yard

Moved by Hay, seconded by Logan to approve the Planning and Zoning Commission's recommendation and Ordinance 2008-133, Amending Section 17.110. Alderman Logan brought up further discussion on the non-conforming portion and recommended an inclusion that should an existing legal non-conforming fence be 50% destroyed, the fence must be brought to code. Aldermen Hay and Logan amended the

motion and second respectively to include the addition as discussed. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Ordinance 2008-132 approved eight to zero.

HOME OCCUPATION PERMIT SUSANA CARBAJAL, 102 MARENGO RD. - APPROVED

Susana Carbajal was in attendance with respect to her Home Occupations Permit Application to operate a business, Servicios MGS, from her residence at 102 Marengo Road, Harvard. The proposed business would offer consulting/translation and income tax services. Parking concerns were discussed because of the close proximity of the residence to the stop sign on Marengo Rd. at Ayer St. The petitioner stated she planned on making parking improvements and would only have clients in the evening and would not have a lot of traffic. Moved by Marzahl, seconded by Adams to approve the Home Occupations Permit Application as submitted. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, no; Hay, no; Leyden, no; Marzahl, aye and Ulmer, aye. Motion approved five to three. Mayor Nolan advised the petitioner that if she puts in more parking, it must be hard surfaced and requires a building permit.

ST. JOSEPH'S CHURCH REQUEST TO WAIVE PERMIT FEE - APPROVED

Moved by Logan, seconded by Adams to approve St. Joseph's Church request for a waiver of demolition permit fees to remove the structure at 205 N. Johnson St. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved eight to zero.

ORDINANCE REGULATING PAWNBROKERS, SECONDHAND MERCHANDISE SALES & LAUNDROMATS – ORD. 2008-133 APPROVED

Moved by Hay, seconded by Perkins to approve Ordinance 2008-133, Establishing Regulations for Pawnbrokers, Secondhand Merchandise Sales and Laundromats. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Ordinance 2008-133 approved eight to zero.

SALT 2008/2009 WINTER SEASON

Mayor Nolan reported that salt prices have gone up from \$40/ton last year to \$140+/ton this year. The City has secured 915 ton which will be mixed with sand. This is not enough to get through a normal winter where the City uses about 3,000/ton of salt. Supt. Kruckenberg outlined proposed policy to salt emergency routes, around the schools and Ayer Street; the balance will be plowed but only intersections and inclines will be salted. The Mayor noted that the newsletter will come out late October and an article will be included to educate residents that streets won't be as clear as last year and people will have to drive more carefully.

Moved by Hay, seconded by Logan to approve Administrator Nelson's recommendation to place an order with Conserv FS for 215 ton of salt in the amount of \$30,315 which will save the City \$20 per ton. If the City orders and pays in advance, Conserv FS is willing to ship when we need it. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Motion approved eight to zero.

Moved by Logan, seconded by Marzahl to transfer \$40,000 from the road maintenance budget to the salt budget. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved eight to zero.

CONSENT AGENDA:

- Harvard Main Street Raffle Application, Sept. 9th – Oct. 10th
- Lion's Club Candy Days, October 3rd and 4th
- Salvation Army "Red Kettle" Campaign November 21st – December 24th
- Knights of Columbus Tootsie Roll Drive, September 19, 20, 21

Moved by Perkins, seconded by Logan to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$546,865.14. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

MAYOR'S REPORT

Mayor Nolan updated the City Council on the status of the Ayer Street project and reported that the sidewalks are being resealed with a coating to protect from ice/salt. The wall by the Metra Station has been repaired.

ADMINISTRATOR'S REPORT

Administrator Nelson reported three grant applications have been submitted for road improvements on E. McKinley St. from Highway 14 to the hospital, S. Ayer Street from 173 to the new improvements on Ayer Street and on Marengo Road from 173 to Ayer Street. Administrator Nelson will report back to the City Council after next week's meeting on whether or not the City will receive grant funding; federal share is 80%/City share 20%.

CLERK'S REPORT - UPCOMING MEETING DATES

Sept 16	Events Committee Meeting, 5 p.m.
	Ordinance Committee Meeting (Public Hearing Newsstand Regulations), 7 p.m.
Sept 23	Regular City Council Meeting, 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

NO REPORTS

City Attorney Arévalo, Treasurer Meseck and Aldermen Leyden, Marzahl, Ulmer, Szczap, Adams, Perkins and Hay had no specific report at this time.

At 8:08 p.m., moved by Logan, seconded by Adams to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date