REGULAR CITY COUNCIL MEETING MINUTES  
JANUARY 28, 2020 - 7:00 PM

Mayor Kelly called the Regular City Council Meeting to order at 7:00 pm and led the pledge to the flag. City Clerk Moller called roll to establish a quorum. Aldermen present: Schulz, Carncross, Heinsohn, Gorman, Meza, Perkins and Opper. Alderwoman Haderlein was absent. Also present: Treasurer Bejot, Chief Krause, City Administrator Nelson, Code Enforcement Officer Nutley, Community Development Director Santeler, Supt. Parks & Rec Knop, Supt. Public Works Kruckenberg, Supt. Utilities Grant, City Attorney Clifton and members of the audience.

PUBLIC COMMENT
None

POLICE DEPARTMENT COMMENDATIONS
Chief Krause presented Sgt. Spielman and Officer Lara an Award of Commendation for their response on December 11, 2019, to a two-vehicle property damage accident at the intersection of N. Ayer/Sumner St. Upon their arrival and assessment of the scene, they located one of the drivers being a 72-year-old male Harvard resident lying near his vehicle on the ground unconscious, not breathing and no pulse. They started CPR and applied the Automated External Defibrillator (AED), which assessed the patient and applied a shock to the subject. They continued CPR and ultimately resuscitated the subject. Officer Lara and Sgt. Spielman continued to monitor the subject until the arrival of HFPD personnel at which time the scene was turned over to them. Officer Lara and Sgt. Spielman’s quick response and training as a first responder contributed to saving the subject’s life.

PUBLIC HEARING
The purpose of the hearing is to obtain input on the consideration to close the unpaved, gravel portion of Crowley Rd. from Harvard Hills Rd. to its terminus in the corporate limits. At 7:04 pm, a motion was made by Alderwoman Heinsohn, seconded by Alderman Opper to open the hearing. Aldermen voting aye: Schulz, Carncross, Heinsohn, Gorman, Meza, Perkins and Opper. All ayes. Motion carried.

Mayor Kelly opened the floor to comments and noted documents in the packet pertaining to the subject roadway: satellite photo depicting the proposed area to vacate, water main and sanitary connections, annual maintenance cost and state statute that allows the City to vacate the road.

- There was no public comment.
- At Alderman Opper’s inquiry, Supt. Kruckenberg noted the sanitary connection comes down from Huntington Ridge (the section that is built right now) and goes right to the lift station, so it would not be affected. The water main starts at Harvard Hills Rd. and goes halfway down the gravel area; it has never been used and is currently shut off. The plan for the water main and remainder of the sanitary is to abandon them in place. The areas coming into the subdivision off of Fenwick Dr. are all platted, but unimproved and never constructed water/sanitary lines.
- Alderman Gorman inquired if the culvert replacement cost was a onetime cost. Supt. Kruckenberg replied there is another culvert as well as a driveway culvert that will need to be replaced in the future. There was also a cost savings on gravel this year because asphalt grindings were used.
- The proposal is to vacate the roadway to property owners on the north/south side of the road. Once vacated, that portion of road becomes private and would be maintained by the property owners. If vacated, there is no requirement for the City to post barricades, but property owners could do so. There are no property owners that live within corporate limits. The next step is to give City staff direction to move forward with getting preliminary information required to vacate which includes hiring surveyors to obtain legal descriptions of the property. At which point, another public hearing would be held and the affected property owners would be disclosed. Weather permitting with the survey crews, this would likely not happen until the March City Council Meeting.
- Alderman Perkins expressed life safety concerns that vacating the road could add response time for the HFPD and Sheriff’s Dept. depending on their location when the call came in.

A motion was made by Alderman Schulz, seconded by Alderman Carncross to direct City staff to move
forward with getting the preliminary information to bring about another public hearing. Roll call vote: Schulz, aye; Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, no; Perkins, no and Opper, aye. Motion approved five to two. At 7:13 pm, a motion was made by Alderman Carncross, seconded by Alderman Opper to close the hearing. Aldermen voting aye: Schulz, Carncross, Heinsohn, Gorman, Meza, Perkins and Opper. All ayes. Motion carried.

**ORDINANCE COMMITTEE MEETING MINUTES OF JANUARY 14, 2020 - APPROVED**

Mayor Kelly called for a roll call vote from Committee members to approve the Ordinance Committee Meeting Minutes of January 14, 2020. Roll call vote: Heinsohn, aye; Gorman, aye and Perkins, aye. Minutes approved three to zero.

**CONSENT AGENDA - APPROVED**

Mayor Kelly stated that items under the Consent Agenda are acted upon in a single motion. There is no separate discussion of these items prior to the Council vote unless a Council Member requests that an item be removed from the Consent Agenda for separate action.

a. Regular City Council Meeting Minutes of December 10, 2019
b. Ordinance Committee Meeting Minutes January 14, 2020
c. Park Board Meeting Minutes December 9, 2019
d. Planning & Zoning Commission Meeting Minutes of January 7, 2020
e. Administrators Report
f. Building & Grounds Report
g. Community Development Department Report
h. Harvard Diggins Library Directors Reports
i. Parks & Recreation Department Report
j. Police Department Report
k. Public Works Department Report
l. Utilities Department Report
m. Resolution 2020 MFT Road Program $285,000
n. Certificate of Recognition/Eagle Scout Award to Joseph H. Wright
o. Harvard Wrestling Club’s request to waive the “No Parking” restrictions in the 1100 block of the west side of Garfield Rd. for the 33rd Annual Harvard Chevy Classic Wrestling Tournament on Sunday, March 22, 2020, at the Harvard High School
p. Accept Michele Luis’ resignation from the Events Committee
q. Appoint Sonia Hernandez to the Events Committee
r. Accept Torey Lawin’s resignation from the Park Board
s. Payment of bills in the amount of $1,687,114.28

A motion was made by Alderman Opper, seconded by Alderman Perkins to approve the Consent Agenda, Items 7a - s, as presented. Roll call vote: Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, aye; Perkins, aye; Opper, aye; and Schulz, aye. Motion approved seven to zero.

**PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS**

Luis Villa/Octavio Salinas (petitioners) and Marc Hathaway, M & A Investments LLC (property owner) Conditional Use to Operate a Body Modification (Tattoo) Establishment at 200 S. Ayer St. - Ord. 2020-101 Approved

Mayor Kelly reviewed the Recommendations/Findings of Fact submitted by Jim Carbonetti, Chairman of the Planning and Zoning Commission which met on January 7, 2020, to consider the petition submitted by Luis Villa/Octavio Salinas and Marc Hathaway, d/b/a M & A Investments. The petitioners are seeking a conditional use pursuant to Table 8-1, General Use Regulations of the UDO to operate a body modification (tattoo) establishment. The subject property is located in Chemung Township and commonly known as 200 S. Ayer St., Harvard. PIN 01-35-453-001 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 be approved as presented.

The petitioners, Luis Villa and Octavio Salinas, 200 S. Ayer St., were present. Mayor Kelly opened the floor to questions or comments.
• At Alderman Carncross’s inquiries, the petitioners replied that the hours of operation would be from approximately 10:30 am to no later than 10 pm, with two tattoo artists on site. Mr. Salinas is currently a tattoo artist at Blue Magic Tattoo in Crystal Lake.
• Alderman Opper inquired if the building was set up to accommodate the use. Mr. Salinas replied that the area was not set up yet. The first step is approval by the City, after which they will get everything set up and will apply to the county to make sure they meet all the necessary requirements.

A motion was made by Alderman Opper, seconded by Alderman Carncross to accept the Planning and Zoning Commission’s recommendation to approve the petition brought before the Commission by the petitioners based on their findings of fact. Roll call vote: Heinsohn, aye; Gorman, aye; Meza, aye; Perkins, aye; Opper, aye; Schulz, aye and Carncross, aye. Ordinance 2020-101 approved seven to zero.

SPECIAL EVENT LIQUOR LICENSE/HERS LEAGUE - APPROVED
The HERS League is requesting a Special Event Liquor License for Saturday, June 27, 2020 (scholarship tournament) and Sunday, June 28, 2020 (picnic) from 11 am - 6 pm at the HERS Softball Fields. The fees have been paid. A motion was made by Alderman Opper, seconded by Alderman Schulz to approve the application as presented, pending submission of dram shop insurance. Roll call vote: Gorman, aye; Meza, aye; Perkins, aye; Opper, aye; Schulz, aye; Carncross, aye and Heinsohn, abstain. Motion approved six to zero with one abstention.

SURPLUS PROPERTY BIDS/VACANT LOT ON 9TH ST. - APPROVED
The City offered for sale property located at vacant lot on 9th St. with a minimum bid of $4,500.00. Clerk Moller opened the bids as follows:
1. Joe and Tammy Herrera, 203 Grant St., Harvard Bid Amount $4,700
2. James and Michelle Platt, Foxtail Properties, 605 E. Blaine St., Harvard Bid Amount $6,000

A motion was made by Alderman Opper, seconded by Alderman Carncross to accept the high bid of $6,000 submitted by James and Michelle Platt. Roll call vote: Meza, aye; Perkins, aye; Opper, aye; Schulz, aye; Carncross, aye; Heinsohn, aye and Gorman, aye. Motion approved seven to zero.

SURPLUS PROPERTY BIDS/209½ RATZLAF ST. - APPROVED
The City offered for sale property located at 209½ Ratzlaff St. There was no minimum bid. Clerk Moller opened the bids as follows:
1. Kevin and Mary O’Neill, 301 Ratzlaff St., Harvard, IL Bid Amount $ 300
2. Deborah Allen, VVA Enterprises, 4414 Valley View Rd. Crystal Lake, IL Bid Amount $1,000

A motion was made by Alderman Opper, seconded by Alderman Perkins to accept the high bid of $1,000 submitted by Deborah Allen, VVA Enterprises. Roll call vote: Perkins, aye; Opper, aye; Schulz, aye; Carncross, aye; Heinsohn, aye; Gorman, aye and Meza, aye. Motion approved seven to zero.

SURPLUS PROPERTY BIDS/200 JOHNSON ST. - APPROVED
The City offered for sale property located at 200 Johnson St. There was no minimum bid. Clerk Moller opened the bids as follows:
1. Jose Meza, 606 Third St., Harvard Bid Amount $2,501
2. Joe and Tammy Herrera, 203 Grant St., Harvard Bid Amount $2,000

A motion was made by Alderman Schulz, seconded by Alderman Carncross to accept the high bid of $2,501 submitted by Jose Meza. Roll call vote: Opper, aye; Schulz, aye; Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, abstain and Perkins, aye. Motion approved six to zero with one abstention.

VIDEO GAMING LICENSE APPLICATIONS - APPROVED
Alderman Schulz recused himself from the meeting at 7:22 pm.

A motion was made by Alderman Perkins, seconded by Alderman Opper to approve the video gaming license applications as submitted. The applications reflect approval pursuant to the Illinois Video Gaming Act which increased the number of terminals licensees may have on their premises up to six.
Roll call vote: Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, aye; Perkins, aye and Opper, aye. Motion approved six to zero.

Alderman Schulz returned to the meeting at 7:23 pm.

**VENDING LICENSE APPLICATION/HARVARD MOOSE LODGE - APPROVED**

The vending license application does not represent a late application, but is a new application submitted by the Harvard Moose Lodge. A motion was made by Alderman Opper, seconded by Alderman Perkins to approve the application as presented. Roll call vote: Opper, aye; Haderlein, aye; Schulz, abstain; Carncross, aye; Heinsohn, aye; Gorman, aye and Perkins, aye. Motion approved six to zero with one abstention.

**RESOLUTION AUTHORIZING 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 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. A motion was made by Alderman Opper, seconded by Alderman Carncross to approve the proposed resolution. Roll call vote: Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, aye; Perkins, aye; Opper, aye and Schulz, aye. Motion approved seven to zero.

**FORMATION OF SPECIAL COMMITTEE FOR THE POLICE STATION BUILDING - APPROVED**

A motion was made by Alderman Carncross, seconded by Alderman Schulz to form a special committee consisting of the Mayor and Chairman of the Finance Committee to meet with staff on a weekly basis, tentatively on Friday afternoons, to provide oversight to the project and approve any contracts and change orders as necessary.

- At Alderman Gorman’s inquiry, Administrator Nelson replied that the committee would award contracts and approve change orders. The City is acting as its own general contractor which saves 8% off the top of the contract. Change orders over $10,000 would still come before the City Council for approval. Alderman Opper indicated that anything major should have a straw poll to let everyone know what’s going on prior to making a decision. City staff will issue a separate report to the City Council on a monthly basis on the Committee’s behalf.

- Alderman Perkins suggested a member of the Public Property Comm. be appointed as well and made a motion to appoint a member to the committee. Attorney Clifton noted there was a pending motion and second that either needs to be amended or voted on prior to new action. Alderman Carncross was open to amending his motion if there was a volunteer that wanted to be on the committee. Alderman Meza felt as Chairman of the Public Property Committee, he didn’t need to attend on a weekly basis. Alderman Perkins wasn’t sure if his schedule would allow him to attend. A change to the committee could be made in the future once a firm day/time is set. Aldermen are also free to attend the meeting, the only requirement being to post an agenda 48 hours prior to the meeting. After discussion, the original motion stands and Alderman Schulz called for the question. Roll call vote: Heinsohn, aye; Gorman, aye; Perkins, aye; Opper, aye; Schulz, aye and Carncross, aye. Motion approved seven to zero.
PARK BOARD RECOMMENDATION TO AWARD BID REPLACE POOL BOILER - APPROVED
Supt. Knop obtained three bids for the boiler with Northern Mechanical as the low bidder. He also talked to them and payment can be deferred to after May 1st. City Administrator Nelson related that the boiler is manufactured for the City so it will take 6-8 weeks. A motion was made by Alderman Perkins, seconded by Alderman Gorman to approve the Park Board’s recommendation to award the bid to replace the swimming pool boiler to Northern Mechanical Inc. for their bid amount of $29,000 and to authorize the Mayor to sign all contract documents. Roll call vote: Gorman, aye; Meza, aye; Perkins, aye; Opper, aye; Schulz, aye; Carncross, aye and Heinsohn, aye. Motion approved seven to zero.

ORDINANCE COMMITTEE RECOMMENDATION TO PETITION THE PLANNING & ZONING COMMISSION - APPROVED
A motion was made by Alderwoman Heinsohn, seconded by Alderman Perkins to approve the Ordinance Committee’s recommendation to direct staff to petition the Planning & Zoning Commission to amend the UDO to eliminate the 2-parking spot rule for residential units in the B-1 RC and B-1 MU Zoning Districts. This is the area downtown off of Ayer St. Roll call vote: Meza, aye; Perkins, aye; Opper, no; Schulz, aye; Carncross, aye; Heinsohn, aye and Gorman, aye. Motion approved six to one.

RECOMMENDATION TO PETITION THE PLANNING & ZONING COMMISSION - APPROVED
The Zoning Map approved with the adoption of the UDO inadvertently included City Hall in a residential zoning district. A motion was made by Alderwoman Heinsohn, seconded by Alderman Perkins to direct staff to petition the Planning & Zoning Commission for a zoning map amendment to rezone City Hall from R-3Traditional Residential District to B-1-MU Mixed Use Sub-District. Roll call vote: Perkins, aye; Opper, aye; Schulz, aye; Carncross, aye; Heinsohn, aye; Gorman, aye and Meza, aye. Motion approved seven to zero.

ORDINANCE COMMITTEE RECOMMENDATION TO ADD SECTION 27.25, CANNABIS REGULATION AND TAX ACT & AMEND SECTION 1.14, SETTLEMENT OF OFFENSES - ORD. 2020-102 APPROVED
At the Mayor’s request, Chief Krause clarified that the proposed ordinance is primarily for underage and public consumption. A motion was made by Alderman Perkins, seconded by Alderwoman Heinsohn to approve the proposed ordinance as presented. Roll call vote: Opper, aye; Schulz, aye; Carncross, aye; Heinsohn, aye; Gorman, aye; Meza, aye and Perkins, aye. Ordinance 2020-102 approved seven to zero.

FINANCE COMMITTEE MEETINGS - SATURDAY, FEBRUARY 8 & 15, 2020
Chairman Opper scheduled Finance Committee Meetings to discuss the FY20/21 Budget for Saturday, February 8, 2020, at 8 am and Saturday, February 15, 2020, at 7 am.

FYI: FEBRUARY LOVE YOUR LIBRARY MONTH
Mayor Kelly reported that in recognition of Love Your Library Month, the February 25, 2020, City Council meeting will be held in the conference room at the library. Mayor Kelly will be out of town next month and Alderman Opper will serve as Mayor Protem for the meeting.

DEPT HEADS REPORT
Reports as submitted.

Utilities Supt. Grant updated the City Council on the status of the motor for Well #10. He spoke with Kyle from Great Lakes; the motor is being built in Texas and is about 20 days out. The well should be back on line the last week in February or the first week in March.

Public Works Supt. Kruckenberg reported Public Works spent 300+ hours in January on salting and snow removal.

Chief Krause reported on several personnel matters:
• Detective Verle Leard has retired after 26 years. Mayor Kelly noted that Detective Leard did not want any kind of recognition or retirement party.
• New officer Trent Tobias is starting his 5th week of field training and is doing well.
• Deputy Chief Bauman is recuperating after he broke his leg at home and should be back to work in the next week or so.
COMMITTEE REPORTS

ALDERMAN OPPER, PERKINS, CARNCROSS
Aldermen Opper, Perkins and Carncross complimented the Police Department and staff on an excellent job and their response to the communities’ needs.

ALDERMAN MEZA
Alderman Meza suggested the City look into resident education relative to the new recreational cannabis regulations. There are public educational materials available and Chief Krause will work with Katie Sumano to add information to the City’s website in both English and Spanish.

ALDERMAN SCHULZ
Alderman Schulz thanked the City Council for their approval of the boiler. Painting the pool should be on the next agenda for Council consideration. Impellers also need to be purchased.

CITY ADMINISTRATOR’S REPORT
City Administrator Nelson indicated that he provided budget worksheets to the City Council for the upcoming budget workshop.

NO REPORT
City Attorney Clifton, Treasurer Bejot and Aldermen Gorman and Heinsohn had no additional report.

CLERK’S REPORT
February 4  Planning & Zoning Commission Meeting - POST TO CANCEL
February 8  Finance Committee Meeting - 8 am
February 15  Finance Committee Meeting - 7 am
February 17  Regular Park Board Meeting - 6 pm
February 18  Regular Events Committee Meeting - 5:30 pm
February 25  Regular City Council Meeting, Harvard Diggins Library - 7 pm

The McHenry County Clerk will be sending out e-mails for the electronic submission of Economic Interest Statements. The filing deadline is May 1st.

MAYOR’S REPORT
• Mayor Kelly reported on the status of the ongoing lawsuit with Edward Gong. The City was awarded the default judgment declaring the building abandoned and allowing the City access to the property. An appraisal of the property is being done. The City is petitioning the Canadians to change their injunction against the property so it can change hands. The City does not want ownership of the property. Ideally a judicial deed would be awarded and sit in limbo until the Canadians agree and then awarded to a third property through a true transparent bid process. An entity purchased the back taxes on the property and they may choose to foreclose on the property if that time lapses which is later this year.
• Mayor Kelly met with local clergy trying to create an association of faith-based groups to find ways to collaborate with the City. The Chamber is having an Expo in April and the clergy would like to create a resource there to connect residents with various resources throughout the community and county. There is a not-for-profit called People in Need in McHenry Co. that held a forum at MCC this last Saturday. There were about 300 vendor participants and the Mayor met with many of them individually. The goal is to piggyback with the Chamber’s Expo in April to hold a resource fair at the same time.

At 7:53 pm, a motion was made by Alderman Schulz, seconded by Alderman Opper to adjourn the meeting. Aldermen voting aye: Schulz, Carncross, Heinsohn, Gorman, Meza, Perkins and Opper. All ayes. Motion carried.

Respectfully submitted:
Lori Moller, City Clerk

February 4, 2020