

REGULAR CITY COUNCIL MEETING MINUTES

January 23, 2024 - 7:00 PM

Mayor Kelly called the Regular City Council Meeting to order and led the pledge to the flag at 7:00 pm. City Clerk Moller called roll to establish a quorum. Aldermen present: Haderlein, Schulz, Lavallee, Carncross, Lancaster, Gorman, Perkins and Luna. Also present: City Administrator Leone, Treasurer/Finance Director Bejot, Chief Bauman, Deputy Chief Sacco, Code Enforcement Officer Nutley, Community Development Director Day, Supt. Public Works Lamz, City Attorney Clifton and members of the audience.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

There was no public comment on items not on the agenda.

CONSENT AGENDA - APPROVED

The 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 and Closed Session City Council Meeting Minutes of December 12, 2023
- b. Park Board Meeting Minutes of November 20 and December 11, 2023
- c. Planning & Zoning Commission Meeting Minutes of December 5, 2023
- d. Administrators Report
- e. Community Development Department Report
- f. Harvard Diggins Library Directors Report
- g. Parks & Recreation Report
- h. Police Department Reports
- i. Public Works Department Report
- j. Utilities Department Report
- k. Resolution Releasing Closed Session Minutes into Open Session Minutes

A motion was made by Alderwoman Haderlein, seconded by Alderwoman Lancaster to approve the Consent Agenda, Items #4a-k as presented. Roll call vote: Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Luna, aye. Motion approved eight to zero.

INDIVIDUAL ACTION CONSENT AGENDA ITEMS

None

PAYMENT OF BILLS - APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Schulz to approve payment of the bills in the amount of \$1,911,890.52. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Schulz, aye. Motion approved eight to zero.

PLANNING & ZONING COMMISSION RECOMMENDATIONS – DECEMBER 5, 2023

City of Harvard (Petitioner) Text Amendment Backyard Chickens – Referred to Administration Committee

The City of Harvard submitted a petition seeking a text amendment to the Unified Development Ordinance (UDO) to Amend Section 2.3, Definition of General Terms and Section 9.3, Accessory Structures and Uses, of the UDO to include Backyard Chickens in Residential Zoning Districts. The Planning and Zoning Commission reviewed the Approval Standards for Text Amendments as outlined in Section 14.2.E.2 of the UDO. After reviewing the evidence and testimony presented, the Planning and Zoning Commission recommends to the City Council by a vote of four to two that the petitioner's request to Amend Section 2.3, Definition of General Terms and Section 9.3, Accessory Structures and Uses to include Backyard Chickens in Residential Districts be approved as follows:

1. (A) – *Keeping of Chickens* – As is
2. (B) *Number* – Adjust as follows:

Lot Size	Number of Chickens Allowed
3—10 net acres	12 birds
4—3 2-3 net acres	8 birds
Less than 4 2 net acres	4 birds

3. (C) – *Minimum Requirements*: As is
4. (D) – *Screening*: As is
5. (F) *Permitting Enforcement*: Add verbiage to include a 10’ minimum setback from residential properties for a coop; the City to set a chicken registration fee on a per chicken basis and outline that a vaccination record is required. Attorney Clifton suggested that the verbiage for a 10’ coop setback be added to Section (C)4 which states that “Enclosures shall be treated as accessory structures per section 9.3 of the UDO”. Community Development Director Day stated that the setback for accessory structures in Section 9.3 of the UDO is 4’ from property lines not residential buildings. Commissioner Albertson concurred that Section (C)4 would be the more appropriate section to add the setback requirement and recommended that the minimum requirement be both: 10’ from a residential building, 4’ from the property line, whichever happens to be the greater distance.
6. Add language that the use would be for a probationary period of two years as a conditional use. Attorney Clifton confirmed that during the two year period, this use would be a conditional use requiring that a petition be filed for a conditional use. A conditional use would require a public hearing for each petition.

A motion was made by Alderwoman Haderlein to approve the Planning and Zoning Commission’s recommendation. Alderman Gorman requested some type of presentation on the final version and noted he has some concerns he would like to discuss after which Alderwoman Haderlein withdrew her motion.

Community Development Director Donovan Day reviewed his memo outlining the Planning & Zoning Commission’s and staff’s recommendations. At Alderman Schulz’ inquiry, Donovan related that Fox Lake instituted chicken permits in 2013 with approximately 4-5 permits issued since 2018. Evanston adopted their ordinance in 2010; they have issued 50 permits since then with 27 currently active. Rolling Meadows adopted their ordinance in 2019 with a limit of 25 permits; they have issued about 3 permits. Spring Grove has issued one permit since April, 2023 and Hebron has issued 3 permits since October, 2019.

Alderman Gorman’s initiated discussion on areas that he would like to see further addressed:

- Is a 2-year probationary period necessary as there is an application process/yearly inspection already in place should the petitioner violate the rules. Is the conditional use needed? There was discussion of developing a checklist to be administered through staff, which could include notifying adjoining neighbors. Also discussed administrative benefits through the Planning & Zoning hearing process.
- At Alderman Perkin’s inquiry, Donovan related that none of these communities have a conditional use process for this use. Alderman Perkins felt the fee and privacy fence requirements were outrageous. It was clarified that the proposed regulations require screening, not a privacy fence.
- Define the requirement and standard of what a chicken coop is.
- Change the language in C.3 to not allow any free range grazing.
- It was clarified that the Commission’s intent was that the 2-year probationary period was proposed as a way to re-evaluate the program after two years for the conditional use requirement. Donovan indicated that a 2-year period would allow staff time to evaluate the program, provide an annual report and keep track of complaints, etc. Attorney Clifton recommended that the City Council clarify the sunset provision for the 2-year probationary period; as it is currently drafted there could be some confusion at the end of the two-year period.
- Address the individuals who currently have illegal chickens to specify that they would not be grandfathered and would be required to follow the regulations.

Mayor Kelly suggested that the Planning & Zoning Commission’s recommendation be referred back to the Administration Committee to hammer out the details. A motion was made by Alderman Gorman, seconded by Alderwoman Lancaster to return the recommendation to the Administration Committee for further review.

Mayor Kelly opened the floor to the public for additional questions/comments with a limit of 3 minutes per person. The following individuals addressed the City Council:

- Dave Helmeid, 308 N. Jefferson St., thanked Alderman Gorman and agreed with most everything he presented. Concerning the 2-year limit for a conditional use, he felt it would be an ineffective way of measuring the success or failure of the program because the cost is going to prohibit a lot of people from

participating in the program. He further commented on the Commission hearing and felt they were ill prepared to do their job. Part of the progress of our community isn't just measured by what businesses come to town but in having a populace that's involved in local government and community law changes. It should be wrapped up and streamlined otherwise people are less likely to participate.

- Sara Berg, 508 Old Orchard St., asked the City Council keep the conditional use in place and to find a way to make it cost effective and acceptable for people who want chickens but still allows people that are concerned to have input. She said there are other cities that do a conditional use.
- Jessica Helmeid, 308 N. Jefferson St., inquired if there was a way instead of having hearings, to work into the permit to bring in your neighbors' signatures. Also, if the program is done after the two-year probationary period, what happens to the chickens that people already have?
- Sara Thompson, 319 Marengo Rd., commented there are too many costs to make it accessible to people. She also asked for consideration regarding the barrier for individuals who have more than two acres.
- Robert Thompson, 319 Marengo Rd., said he has the same concerns with the conditional use and asked what happens if the City decides to cancel the program? What do they do with the chickens? That does seem like a concern not only for the homeowners, but for the chickens themselves. He requested that the City Council reevaluate the costs to make it feasible for people who want to do it, especially the legal route. He did agree that having a standard for coop design was logical, but said there lots of coop designs out there. He has been researching mobile designs that allows the coop to move around every day.
- Nissi Rockcastle, 202 N. Jefferson St., expressed concern with the conditional use permit process and felt it has to be affordable. If we are comparing our program to other surrounding cities and their rules, fees and regulations, it should closely align with their regulations. The per chicken registration fee is nickel and diming. She asked the City Council to reassess the conditional use requirement.
- Paul Durkee, 310 Garfield St. At his inquiry, Mayor Kelly said the aldermen would be the ones voting. Paul noted he is a lifelong resident and with regard to chickens, these are residential lots; he felt it's a farm use and that chickens belong on farms. He inquired how it would be enforced and who would be responsible if neighbors don't have fence and a dog were to get ahold of a chicken. We can't enforce the ordinances we have now. What happens when the roosters come? What happens after 5 pm?

Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye and Lavallee, aye. Motion approved eight to zero.

INTERGOVERNMENTAL AGREEMENT POLICE SOCIAL WORKER PROGRAM - APPROVED

Chief Bauman reported that Taylor Keegan is the social worker assigned to Harvard and Woodstock Police Depts. The program has been very successful and is an asset to the department and community. A motion was made by Alderman Gorman, seconded by Alderman Perkins to authorize the Mayor's execution of an Intergovernmental Agreement with McHenry County for the Police Social Worker Program; the term of the agreement is May 1, 2024 – April 30, 2028. Roll call vote: Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye and Carncross, aye. Motion approved eight to zero.

PURCHASE OF PROPERTY – APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderwoman Luna to sanction City Council action at the December 12, 2023, City Council meeting to place a bid on property located at 503-B S. Eastman St. in the amount of \$814 and to authorize execution of the purchase contract with McHenry County. Roll call vote: Gorman, aye; Perkins, no; Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye and Lancaster, aye. Motion approved seven to one.

TURTLE CROSSING MONEY MARKET ACCOUNT - APPROVED

A motion was made by Alderman Schulz, seconded by Alderman Carncross to re-allocate the accumulated interest in the Turtle Crossing Money Market Account in the amount of \$50,232.00 to start-up the Revolving Loan Interior Improvements Program.

- Alderwoman Haderlein inquired if there would still be sufficient funds in the account to cover any future expenses/improvements that the City may be obligated to in Turtle Crossing since it's not fully built out. Mayor Kelly indicated that the principal amount is restricted but the interest is not. This is a staff recommendation. The City is looking for an opportunity to fund the Interior Revolving Loan Program and this would provide that funding. The principal would still remain in that fund to be utilized in Turtle Crossing as its intended for infrastructure (street improvements, water/sewer improvements) in that neighborhood.

- Alderman Schulz said a study has been requested with respect to the islands in the subdivision which the City has been mowing to see if there is an alternate option that doesn't require mowing.
- At Alderman Perkins' inquiry, the Mayor responded that the current revolving loan program, by policy, is used for façades in the downtown district. Staff would like to expand that program to help businesses obtain very low interest loans for interior improvements. Policy needs to be determined and possibly be expanded beyond Ayer St.; this will be on the next Community Development Committee Meeting Agenda.

Roll call vote: Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye and Gorman, aye. Motion approved eight to zero.

ORDINANCE OPEN MEETINGS ACT - ORD. 2024-101 APPROVED

A motion was made by Alderwoman Haderlein, seconded by Alderman Carncross to adopt the proposed ordinance Amending Section 2.05, Regulating Electronic Attendance at Public Meetings, in accordance with the Open Meetings Act. Roll call vote: Luna, aye; Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye and Perkins, aye. Ordinance 2024-101 approved eight to zero.

ORDINANCE AMENDING THE FY2023/2024 BUDGET - ORD. 2024-102 APPROVED

A motion was made by Alderman Carncross, seconded by Alderman Schulz to adopt the proposed ordinance for a budget amendment to meet the auditor's recommendations to clear the Park Fund Deficit. Roll call vote: Haderlein, aye; Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; and Luna, aye. Ordinance 2024-102 approved eight to zero.

ORDINANCE AMENDING SECTION 20, CITY FEES & CHARGES - ORD. 2024-103 APPROVED

A motion was made by Alderman Carncross, seconded by Alderman Schulz to adopt the proposed ordinance to create a new subsection 20.09, Entitled Chartered Transportation Drop-Off License. City Administrator Leone reported that the City has contacts with the County and County Emergency Management, as well as communications with local churches who have offered to provide space if needed. A donation was received from people in Woodstock for 41 sets of male/female adult and child jackets and warm apparel. Mayor Kelly gave an overview of the proposed ordinance which would require a bus company to notify the City prior to coming so the City would be prepared in the event they were going to bring in a busload of passengers to presumably connect with Metra to gain transportation to downtown Chicago. Roll call vote: Schulz, aye; Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye and Haderlein, aye. Ordinance 2024-103 approved eight to zero.

ORDINANCE QUALITY BASED SELECTION PROCESS FOR IDOT - ORD. 2024-105 APPROVED

A motion was made by Alderman Perkins, seconded by Alderwoman Haderlein to adopt the proposed ordinance approving a Qualification Based Selection (QBS) Process for Federal Funded Projects. Supt. Lamz gave an overview of the QBS Process which is required for certain federal and state funded projects, where the threshold of engineering costs is expected to be greater than \$40,000, in the selection of consulting services depending on the source of the funding. Roll call vote: Lavallee, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye and Schulz, aye. Ordinance 2024-105 approved eight to zero.

CALL COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING

Alderman Carncross called a Community & Economic Development Community Meeting for Tuesday, February 13, 2024, at 6:30 pm.

DEPT. HEADS REPORT

Written reports as submitted.

Police Chief Tyson Bauman

Detective Eric See was recognized by the McHenry County Police Chiefs Association for his Officer of the Year Nomination. He wasn't the winner but was recognized for his nomination.

Parks & Rec Supt. Ryan Knop

- Week 3 of the ESL Program is January 24.
- The Limber Life Program registration is live and the next session starts January 30.
- The Basketball Program is going well.
- Details are being organized for a Soccer League Tournament to be held the end of July.

Public Works Supt. Rob Lamz

- Public Works has been busy with weather related events and main breaks.
- He and Donovan are working on a new permit process for utility permits.

Community & Economic Development Director Donovan Day

- The Mug Coffeehouse, 107 W. Front St., has opened.
- Dunkin Donuts picked up their permit which was approved; their contract license came in today.
- Design Coach & Canvassing Co. – the first review was completed; they are making some minor modifications and staff is waiting for the second set of prints to come in.
- Tomasz is constructing duplexes on 8th St.; 6 of the 8 have already been rented. Greenway Storage on N. Division will start working on a new 25,000 sq. ft. building next week. This a canopy building for underroof storage of RV's, vehicles, etc.
- Ford's addition for electric vehicles is complete.
- Donovan had training on Data 5 which is the software attached to the City's membership with Naturally McHenry County. The software allows the City to look at foot traffic at different events, businesses and traffic flows. Login credentials will also be provided to the Mayor and City Administrator.
- Donovan expanded on Anne's report and indicated that during 2023, she was able to issue 433 Notice of Violations which is up 111 notices from 2022 when she issued 322 notices on top of running the building department alone.
- In 2023, the department had \$9.5 million in construction value with all permits issued compared with \$4.8 million in 2022.
- Two building permits have been issued to Habitat for Humanity.
- Tomasz will be applying for permits next week for additional duplexes.

COMMITTEE REPORTS

Aldermen Carncross, Lavallee and Schulz thanked the Public Works Dept. for their great job with snow removal and the main break when it was -19°.

ALDERWOMAN HADERLEIN

- The next Administration Committee Meeting is scheduled for February 8, 2024, at 6:30 pm.
- The Budget Workshop is scheduled for Saturday, February 24, 2024 at 8 am.
- Alderwoman Haderlein thanked City Administrator Leone for including Library Director, Karen Sutura, in the City's staff meetings as well as Supt. Lamz for working collaboratively with the library on projects that Public Works can help with.

TREASURER'S REPORT

Report as submitted.

ADMINISTRATOR'S REPORT

- There was a very good meeting earlier today with Congressman LaHood and State Senator Syverson that opened up some doors for potential funding for projects that the City needs.
- City Administrator Leone thanked not only the department heads but the talented staff that work underneath them for doing a good job.

NO REPORT

Aldermen Schulz, Carncross, Lavallee, Luna, Perkins, Gorman and Lancaster and City Attorney Clifton had no additional report.

CLERK'S REPORT – UPCOMING MEETING DATES

February 6 Planning & Zoning Commission Meeting, 7 pm
February 8 Administration Committee Meeting 6:30 pm
February 13 Community Development Committee Meeting, 6:30 pm
February 19 Park Board Meeting – POST TO CANCEL
February 26 Park Board Meeting – 6 pm
February 27 City Council Meeting - 7 pm

The McHenry County Clerk will be emailing Economic Interest Statements; filing deadline is May 1st.

MAYOR'S REPORT

- Mayor Kelly reported on a meeting with Congressman LaHood and State Senator Dave Syverson; at which time they took a tour of USMG. USMG is holding job fairs and currently hiring up to 300 people. USMG has started production making gloves as well as the machines that manufacture the gloves. They received another large grant to help sustain the business.
- Mayor Kelly noted it is encouraging to see business coming to town. An item brought up with the elected officials is the need for workforce housing which is a common message throughout Illinois.

At 8:25 pm, a motion was made by Alderwoman Haderlein, seconded by Alderwoman Lancaster to go into closed session pursuant to Section 2(c)(1), to discuss Personnel. Aldermen voting aye: Haderlein, Schulz, Lavalley, Carncross, Gorman, Lancaster, Perkins and Luna. All ayes. Motion carried.

At 8:35 pm, a motion was made by Alderman Perkins, seconded by Alderman Schulz to go back into open session. Roll call vote: Haderlein, aye; Schulz, aye; Lavalley, aye; Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye and Luna, aye. Motion approved eight to zero.

A motion was made by Alderman Schulz, seconded by Alderman Perkins to authorize execution of the Retirement Agreement with Christie Murillo as discussed in closed session. Roll call vote: Carncross, aye; Lancaster, aye; Gorman, aye; Perkins, aye; Luna, aye; Haderlein, aye; Schulz, aye and Lavalley, aye. Motion approved eight to zero.

Alderman Schulz commented that when the Zoning Committee makes changes like that, it should have gone back to the Administration Committee. Attorney Clifton noted part of the struggle is that the UDO kind of contemplates it going from Planning & Zoning; they make a recommendation and then it comes to the City Council. Technically this body has a 60-day window within which to approve, approve with conditions or deny. However, that can be extended based upon an agreement between the applicant and the City Council. In this case, the applicant is the City so an agreement wasn't needed. Had the applicant been a resident and not agreed to an extension, they could have forced the City to take action one way or the other.

A motion was made by Alderman Perkins, seconded by Alderman Schulz to adjourn the meeting. Aldermen voting aye: Haderlein, Schulz, Lavalley, Carncross, Gorman, Lancaster, Perkins and Luna. All ayes. Motion carried.

Meeting adjourned at 8:38 pm.

Respectfully submitted:
Lori Moller, City Clerk

February 2, 2024