

REGULAR CITY COUNCIL MEETING MINUTES
March 10, 2004 - 7:00 P.M.

Mayor Henning called the City Council meeting to order and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Parks Supt. Burkart, Public Works Supt. Carbonetti and Gary Rozwadowski, Smith Engineering and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES OF 02/18/04 - APPROVED

Moved by Berg, seconded by Dikun to approve the Regular and Closed Session City Council Meeting Minutes of February 18, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMM. HEARING - TRACKSIDE STORAGE/SPRINTCOM - PETITION DENIED

Alderman Hay read a letter from Don Moede, Chairman of the Planning and Zoning Commission which met on February 23, 2004, for a hearing in the petition of Lester and Jacqueline Tertany (Trackside Storage) and SprintCom., Inc. The petitioners are requesting a Conditional Use Permit to accommodate the installation of a Commercial Communication Tower at 108 S. Dunlap St, Harvard. The petitioners are also requesting a side yard variation from 20' to 4' and that the maximum height limit of 35' be increased to 140' (148' with lighting rod). There were no objectors. The Planning and Zoning Commission recommends to the City Council by a vote of three to one that the conditional use permit, side yard variation and increase in height limit be approved as requested.

Kathy Farina and David Raymond addressed the City Council on behalf of SprintCom with regard to their proposal to build a 140' tower at the proposed site. Sprint has a tower north of town on Hebron Road; however, it does not cover the downtown Harvard area. The City Council discussed aesthetics of a tower at the proposed site and whether or not a tower(s) located at the north and south end of town would provide an alternative solution and still meet Sprint's coverage needs. Moved by Berg, seconded by Dikun to approve the Planning and Zoning Commission's recommendation for approval of the conditional use permit and variations as presented. Roll call vote: Nolan, no; Marzahl, no; Hinterlong, no; Berg, no; Dikun, no; Bellon, no; Perkins, no and Hay; no. Motion defeated eight to zero.

Moved by Berg, seconded by Hay to deny SprintCom's request for a conditional use permit and variations to construct a 140' tower at 108 S. Dunlap St. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, and Nolan, aye. Motion approved eight to zero.

PLANNING & ZONING COMM. HEARING - CITY OF HARVARD/PAR DEVELOPMENT - APPROVED

Alderman Hay read a letter from Don Moede, Chairman of the Planning and Zoning Commission which met on March 8, 2004, for a hearing in the petition of the City of Harvard and Par Development. The petitioners are requesting reclassification of property located in the 200 Block of North Hutchinson, the 300 Block of W. Brainard and the 300 Block of West Front St. from B-2 Downtown Business District to R-3 Single Family, Two Family and Multi-Family Residence District. The petitioners are also requesting the following variations: front yard from 25' to 10.3'; side yard from 15' to 10.5' and to modify the density requirements from 8 units per acre to 13.48 units per acre. There were no objectors. The Planning and Zoning Commission unanimously recommends to the City Council approval of the petition as presented for the reclassification from B-2 to R-3 and the front yard, side yard and density variations as requested.

Moved by Hay, seconded by Nolan to approve the Planning and Zoning Commission's recommendation and Ordinance 2004-107, Granting the reclassification from B-2 to R-3 and the front yard, side yard and density variations as requested. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, abstain; Hay, aye; Nolan, aye and Marzahl, aye. Ordinance 2004-107 approved seven to zero with one abstention.

PLANNING & ZONING COMM. HEARING - CITY OF HARVARD TEXT AMENDMENTS - APPROVED

The Planning and Zoning Commission met on March 8, 2004, for a hearing in the petition of the City of Harvard for text amendments to the zoning code as recommended by the Zoning, Planning and Ordinance Committee and the City Council as follows:

Add Townhouse Designation

- Amend Section 17.20.040 (B) to make reference to townhouse
- Amend Section 17.20.091 (B) to make reference to townhouse
- Amend Table 1 to make reference to townhouse/same density as R-3 Zoning District (8 units per acre)
- Amend Tables 3, 11, 12, & 13 to make reference to townhouse
- At a future point for Planning and Zoning Commission to review the Planned Unit Development section with particular attention to density.

Amend Section 17.52.020, Agenda for Hearings - Delete provision for reading the petition in paragraph

(d) and add a section that allows for the registration of supporters of the petition and allows testimony.

Amend Section 17.36.040 Home Occupations

Amend Section 17.20.100, Uses Permitted in Zoning Districts

The Planning and Zoning Commission unanimously recommends to the City Council approval of Items 1, 3 and 4 as presented and to continue discussion of Item #2 reference Agenda for Hearings until the Planning and Zoning Commission Hearing scheduled for March 22, 2004.

Moved by Dikun, seconded by Berg to approve the Planning & Zoning Commission's recommendations and Ordinance 2004-108 to amend the zoning code as discussed. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Ordinance 2004-108 approved eight to zero.

WATER/SEWER COMMITTEE RECOMMENDATIONS - APPROVED

Chairman Marzahl reviewed the minutes of the Water/Sewer Committee Meeting held on March 3, 2004. Funds available in the water and sewer fund for capital improvements for FY04/05 is \$60,000 - \$70,000. Moved by Marzahl, seconded by Perkins to approve the Water and Sewer Committee's recommendation authorizing staff to proceed with the city engineers and bid specs to replace or line the water main on Grant St. between Blackman and McKinley St. at an estimated cost of \$69,300. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Motion approved eight to zero. The Water & Sewer Committee reprioritized line items on the Capital Improvement Plan and discussed the WWTP expansion which is getting close to being ready for bidding and construction.

AMEND SECTION 23.08, ELECTRIC TAX - ORD. 2004-109 APPROVED

ComEd has requested that the City amend the utility tax ordinance because the rates in our ordinance are over the maximum allowed, even though these are the numbers provided for in state law. Moved by Berg, seconded by Bellon to approve Ordinance 2004-109, Amending Section 23.08 with regard to the Electric Tax. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Ordinance 2004-109 approved eight to zero.

AUTHORIZE CITY ATTORNEY TO AMEND CURFEW ORDINANCE - TABLED

The City Council discussed the City Attorney's correspondence to Chief Mrozek with respect to amending the City's curfew ordinance. The general consensus was to table until the next City Council meeting and have Administrator Nelson to discuss with our attorney to get a schedule of what other municipalities are doing.

MCHEMRY COUNTY FARM BUREAU 2ND ANNUAL TRACTOR TREK ON JULY 10TH - APPROVED

The McHenry County Farm Bureau is requesting permission to use Milky Way Park for the 2nd Annual Tractor Trek on July 10th with the addition of a parade of tractors down Ayer St. Moved by Berg, seconded by Perkins to approve the request. Administrator Nelson will advise the Farm Bureau that the silent auction may fall under the outdoor event requirements for a license, in which case as a not-for-profit organization, they may submit a written request for a waiver of the \$50 fee. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

MCHENRY COUNTY SCHOOLS ENVIRONMENTAL EDUCATION PROGRAM REQUEST

Mayor Henning noted that the City has not helped to fund the environmental education lessons for the last couple of years due to budget constraints. No action taken.

ZONING MAP UPDATE - APPROVED

Moved by Berg, seconded by Dikun to approve the Zoning Map Update for 2004 directing the City Clerk to publish in the Northwest Herald. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Motion approved eight to zero.

JOHN GREEN/PETITION FOR FINAL PLAT OF SUBDIVISION /REQUEST FOR WAIVERS - APPROVED

John Green addressed the City Council with respect to his request for a waiver of the topographical survey, plans and specifications, completion bond requirements and deposit in escrow with respect to the Final Plat of Resubdivision for property on Old Orchard Rd. (old Episcopal Church/parsonage). Moved by Berg, seconded by Hay to grant the request for waivers. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

SPIRIT OF 76 SCHOLARSHIP FUND

Mayor Henning reviewed the Spirit of 76 Scholarship Fund which was established in the 70's with one or two \$500 scholarships awarded annually. Pursuant to the ordinance, only the interest on the endowment is be used for the scholarship. Because interest rates are so low, there isn't sufficient accrued interest to offer a scholarship this year. In order to continue this program, the Mayor suggested that the ordinance be amended to eliminate the structure as to how the scholarship fund pays out the scholarships and to direct staff to appropriate \$1,000 to fund the scholarship program., using the principal of the money currently invested in CD's (approximately \$21,000). Moved by Berg, seconded by Dikun to modify the ordinance setting this up, permitting \$1,000 scholarships on an annual basis, with the recipients to be determined as previously set forth; however, the \$1,000 may be derived both from the accumulated interest and any principal balance if the accumulated interest for the prior year is insufficient to meet the scholarship amount, to be reviewed annually in an open meeting of the City Council. Roll call vote: Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye and Perkins, aye. Motion approved eight to zero.

MILK DAY RESOLUTIONS - APPROVED

Moved by Berg, seconded by Hinterlong to approve a resolution declaring Harvard Milk Day 2004 a Legal Holiday and a resolution to IDOT to close Route 173 between Garfield and Division St. during the Milk Day Parade on June 5, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PROCLAMATIONS EAGLE SCOUT AWARD & SALVATION ARMY GOLDEN DINERS - APPROVED

Moved by Berg, seconded by Perkins to approve proclamations as follows:

- Congratulating Michael Bittner on his attainment of Eagle Scout. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.
- Designating March 15th - 19th as Salvation Army Golden Diners March for Meals 30th Anniversary Week Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

HIRE EDWARD CASSENS AS CROSSING GUARD - APPROVED

Moved by Dikun, seconded by Perkins to approve the Chief's recommendation to hire Edward Cassens as a crossing guard. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

APPOINTMENTS TO POLICE PENSION BOARD AND SPIRIT OF 76 BOARD - APPROVED

Moved by Berg, seconded by Bellon to approve the Mayor's recommendation to appoint Andy McCauley to serve on the Police Pension Board. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, no; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Motion approved seven to one.

Moved by Berg, seconded by Bellon to approve the Mayor's recommendation to appoint Jo Carbonetti and Jean Hutchinson to serve on the Spirit of 76 Scholarship Board. . Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Motion approved eight to zero.

SPRING SPRUCE UP - TABLED

Mayor Henning noted that Harvard Main Street has a clean-up of the downtown area and brought up discussion to expand the clean-up for a city-wide spruce up of our streets and tree bank areas. The City would provide dumpsters and the two aldermen in each ward could coordinate the clean-up in their wards. Tabled to the City Council meeting on March 31, 2004.

CONSENT AGENDA : NONE

COMMITTEE REPORTS

ALD. DIKUN

Alderman Dikun asked that public works take a look at the "hump" in the road on corner by the old library and commended Public Works for their quick response to the water main break on Grant/Rte 173.

ALD. PERKINS - PARKS & RECREATION MEETING - 03/16/04

Alderman Perkins called a Parks and Recreation Meeting for Tuesday, March 16th at 7:00 p.m.

ALD. HAY - ORDINANCE COMMITTEE MEETING - 03/16/04

Alderman Hay called an Ordinance Committee Meeting for Tuesday, March 16th at 7:30 p.m. to discuss a review of Chapter 11, particularly with respect to the lien procedure.

ALD. HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$229,516.92. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Motion approved eight to zero.

MAYOR'S REPORT

The City has received preliminary notification of receipt of \$65,000 for the CDBG Grant which will allow the City to go down Ratzlaff onto Metzen St. The Mayor also noted that the City has submitted a proposal to the McHenry County Fair Board and another meeting is scheduled for next week.

ADMINISTRATORS REPORT

Administrator Nelson noted that he mailed a monthly report to aldermen several weeks ago and noted a financial report for January and February in aldermen's folders.

CLERK'S REPORT

Upcoming meeting dates:

March 16	Parks & Recreation Committee Meeting, 7 p.m. Ordinance Committee Meeting, 7:30 p.m.
March 22	Planning & Zoning Committee ➤ Reclassification 106 Page St., 7 p.m. ➤ John Green/Plat of Subdivision, 7:15 p.m.
March 31	Regular City Council Meeting, 7 p.m.

TREASURER'S REPORT

Treasurer Meseck noted the Monthly Treasurer's Report in the aldermen's folders.

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

NO REPORTS

Aldermen Nolan, Marzahl, Berg and Bellon had no reports.

Mayor Henning noted that closed session was not needed.

At 8:12 p.m., moved by Berg, seconded by Hinterlong to adjourn the meeting. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date