

## **REGULAR CITY COUNCIL MEETING MINUTES**

**March 31, 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 Kruckenberg, Chief Mrozek, City Attorney Shepley and Gary Rozwadowski, Smith Engineering and members of the press and audience.

### **AUDIENCE PARTICIPATION: NONE**

### **CITY COUNCIL MINUTES OF 03/10/04 - APPROVED**

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes of March 10, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

### **PRESENTATION STATE OF ILLINOIS TREASURER'S OFFICE**

Wade Cooper from State Treasurer Judy Baar Topinka's office gave a presentation on the Illinois Funds program with respect to the Money Market Fund, Prime Fund, Rapid Revenue and the E-Pay Program.

### **PLANNING & ZONING COMM. HEARING - GREEN FINAL PLAT OF RE-SUBDIVISION - ORD. 2004-110**

Alderman Hay read a letter from Harry Stafford, Chairman Protem of the Planning and Zoning Commission which met on March 22, 2004, for a hearing in the petition of John Green who is requesting a Final Plat of Subdivision for property located on the northeast corner of Garfield and Old Orchard Rd. (old Episcopal Church). The property is being re-subdivided from three to four lots, all of which exceed the lot size requirements in a R1 Zoning District. There were no objectors. The Planning and Zoning Commission unanimously recommends to the City Council that the petitioner's request be approved as submitted.

John Green addressed the City Council and outlined his plans to re-subdivide and build two single family homes on the two vacant lots; both homes will front on Old Orchard Rd. Moved by Hay, seconded by Nolan to approve the Planning and Zoning Commission's recommendation and Ordinance 2004-110, Approving the Final Plat of Old Orchard Road Re-subdivision for property located on the northeast corner of Garfield and Old Orchard Rd. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-110 approved eight to zero.

### **HOME OCCUPATION PERMIT STEVE MARTIN/1004 N. LINCOLN ST. - APPROVED**

Steve Martin addressed the City Council with respect to his request for a Home Occupation Permit to operate a business from his residence at 1004 N. Lincoln St. to transfer video and photos to VHS, CD or DVD. Administrator Nelson stated that the requisite notice was sent to neighboring property owners and no objectors were present. Moved by Berg, seconded by Dikun to approve a Home Occupations Permit to Steve Martin to operate S & P Video/Photo to DVD/CD from his residence at 1004 N. Lincoln St. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Motion approved eight to zero.

### **HARVARD MAIN STREET/CINCO DE MAYO FESTIVAL - APPROVED**

Moved by Bellon, seconded by Berg to approve Harvard Main Street's request for their 2<sup>nd</sup> Annual Cinco De Mayo Festival on May 5<sup>th</sup> to block off Brainard St. from Ayer St. east to Swiss Maid Bakery from 4-10 p.m. and for 4 large and 2 small barricades; also 8 garbage containers. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

### **CHAMBER OF COMMERCE REQUEST RE CIRCUS - REFERRED TO ORDINANCE COMMITTEE**

Pam Hayes addressed the City Council reference the Chamber's request to host a circus at Milky Way Park on Friday, September 24, 2004. Moved by Berg, seconded by Dikun to refer the Chamber of Commerce request reference the circus to the Ordinance Committee for discussion. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**ORDINANCE COMMITTEE RECOMMENDATIONS - ORD. 2004-111 APPROVED**

Chairman Hay reviewed the minutes of the Ordinance Committee Meeting held on March 16, 2004.  
Review Chapter 11

- ◆ Page 5, Combine Paragraphs 2 & 3 to make no exception between size of parcels, with property to be covered, maintained and mowed at a height not to exceed five inches and to a depth of 250' along the property line which is adjacent to developed property, allowing an agricultural exception.
- ◆ Page 7(F) - Notice to Remove, Abatement, Costs: Change time frame for nuisance to be abated from 10 days to 5 days
- ◆ Page 8, Delete Section 11.06, Public Nuisances Offending Morals and Decency
- ◆ Page 9, Delete Section 11.07 Motor Vehicle Storage. The recent changes to the permitted uses in the zoning code make all automotive conditional uses. The Zoning Board discussed that existing businesses would not be grandfathered but would have to seek a conditional use through the hearing process. Motor vehicle storage can then be addressed during the hearing process for a conditional use permit which staff feels may be a more effective avenue to regulate motor vehicle storage.

The Committee also reviewed a proposed ordinance submitted by Attorney McArdle amending Section 11.12, Abatement of Public Nuisance, pertaining to the notice provision that allows the City to file liens on property and then to foreclose upon liens. The Ordinance Committee recommends to the City Council that an ordinance be drafted with the proposed amendments to Chapter 11 and approving the proposed ordinance submitted by the City Attorney amending Section 11.12, Abatement of Public Nuisance. Moved by Hay, seconded by Dikun to approve the Ordinance Committee's recommendation. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Ordinance 2004-111 approved eight to zero.

**PARK & RECREATION COMMITTEE RECOMMENDATIONS - APPROVED**

Chairman Perkins reviewed the Parks and Recreation Committee Meeting Minutes of March 17, 2004.

Parks Capital Improvement Plan for FY04/05

The Committee reviewed the Parks Capital Improvement Plan to identify priorities for next year and recommends to the City Council approval of the following capital improvements for next year:

- ◆ Replace/rejuvenate playground equipment at Mary's Park - \$15,700
- ◆ Put in playground equipment at Park Pointe - \$7,500

Moved by Perkins, seconded by Marzahl to approve the Park and Recreation Committee's recommendation for capital improvements and amending the minutes of said meeting to clarify that the \$7,500 in playground equipment is for Park Pointe. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Motion approved eight to zero.

**AMEND SECTION 2.08 SPIRIT OF 76 SCHOLARSHIP FUND - ORDINANCE 2004-112 APPROVED**

Moved by Berg, seconded by Perkins to approve Ordinance 2004-112, Amending Section 2.08, Spirit of 76 Scholarship Fund. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-112 approved eight to zero.

**PROPOSED CURFEW ORDINANCE - REFERRED TO ORDINANCE COMMITTEE**

Moved by Berg, seconded by Dikun to refer the proposed Curfew Ordinance to the Ordinance Committee and inviting Chief Mrozek to attend the Committee meeting. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**VACATE HUTCHINSON STREET - ORDINANCE 2004-113 APPROVED**

Moved by Nolan, seconded by Perkins to approve Ordinance 2004-113, Vacating North Hutchinson Street between Front St. and West Diggins St. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Ordinance 2004-113 approved eight to zero.

**REFINANCE WATER BONDS**

Administrator Nelson updated the City Council on his progress working with the bond house over refinancing of the currently issued water/sewer revenue bonds with an estimated savings over 17 years of \$50,000; proposed ordinances should be on the agenda for the April 21<sup>st</sup> City Council meeting. Moved by Dikun, seconded by Hay authorizing City Administrator Nelson to proceed with refinancing the water/sewer bonds.

Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**SALE OF SURPLUS PROPERTY/HIRE REAL ESTATE AGENT - RESOLUTION APPROVED**

Moved by Berg, seconded by Marzahl to approve a resolution to hire ReMax Heartland North regarding the sale of surplus city property according to the proposal submitted in writing by ReMax. 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.

**SPRING SPRUCE-UP - APPROVED**

Mayor Henning asked for the City Council's input on whether or not to have a spring spruce-up similar to the clean sweep which is conducted in Marengo. Staff contacted Hank DeBoer, Marengo Disposal and a summary of what is done in Marengo is included in the aldermen's folders. Main Street conducts their downtown clean-up on May 15<sup>th</sup>. Pam Hayes, Executive Director, stated that the Chamber of Commerce would be interested in coordinating the clean-up. Moved by Nolan, seconded by Perkins to proceed with a clean up day in Harvard. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**PROCLAMATIONS - APPROVED**

Moved by Berg, seconded by Hinterlong to approve the following proclamations:

- ◆ Local History Week, May 2<sup>nd</sup> - 8<sup>th</sup>, 2004
- ◆ Jefferson School's 50<sup>th</sup> Birthday
- ◆ Congratulating Christian Giddens on his attainment of Eagle Scout

Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**INFORMATION: NOTICE OF HEARING BEFORE MCHENRY COUNTY ZBA**

Mayor Henning reviewed the Notice of Hearing received reference a hearing before the McHenry County ZBA in the petition of Timothy and Pamela Reckamp for a conditional use permit to utilize property on Island Rd. as a commercial nursery center. Said parcel falls within the City's 1½ mile jurisdiction; the City Council had no objection.

**CONSENT AGENDA :**

- Sullivan's Foods Request/Temporary Lawn and Garden Center April - June
- Harvard Main Street Raffle Requests: March 31-April 17, 2004 and May 5, 2004
- Chamber Raffle Request: April 3, 2004

Moved by Perkins, seconded by Hay to approve the Consent Agenda. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. HAY - ORDINANCE COMMITTEE MEETING - 04-07-04**

Alderman Hay called an Ordinance Committee Meeting for Wednesday, April 7<sup>th</sup>, 2004 at 7 p.m. to discuss the circus and the curfew ordinance. Alderman Hay requested that our City Attorney be in attendance at the meeting.

**ALD. BELLON**

Alderman Bellon inquired about the funding for Harvard Main Street which in the draft budget for FY04/05. Mayor Henning noted that a Finance Committee Meeting is to be scheduled to review the budget, at which time that can be discussed.

**ALD. DIKUN**

Alderman Dikun noted that it is obvious after the last rain that the pavement alterations done on Lincoln St. between Dewey and Anderson aren't working and requested that staff take a look at the situation.

**ALD. HINTERLONG - BILLS APPROVED**

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$117,497.21. Roll call vote: Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Motion approved eight to zero.

**ALD. HINTERLONG - FINANCE COMMITTEE MEETING 04/06/04**

Alderman Hinterlong called a Finance Committee Meeting on Tuesday, April 6<sup>th</sup>, 2004, at 7:00 p.m. to discuss the budget for FY04/05.

**MAYOR'S REPORT**

Mayor Henning reported on a seminar he attended on March 20, 2004, put on by the States Attorney, and noted that pursuant to state legislature every municipality must pass an ethics ordinance; additional correspondence will be forthcoming from our City Attorney. One of the items that was brought forth at the seminar was that the City cannot hold any meetings on Federal holidays.

**ADMINISTRATORS REPORT**

Administrator Nelson noted the March Financial Report and Administrator's Report and two separate items in aldermen's folders: update on City of Harvard vs. Sharp Realty reference hardsurfacing of driveways which has been delayed and another court date set in May. Administrator Nelson also referred to his memo concerning property at 107 E. Park St. owned by Sharp Realty. The Building Dept. conducted a routine housing inspection at this site and their report contains serious reservations about structural integrity and individuals living there. It is their professional opinion that the property is going to collapse. Administrator Nelson reported that our attorneys have been contacted and the City is proceeding with an enforcement action at 107 E. Park in a manner appropriate to protect people who live in this property.

**CLERK'S REPORT - UPCOMING MEETING DATES**

- April 5 Planning and Zoning Commission, 7:00 p.m., Carl Opper Variation
- April 6 Finance Committee Meeting, 7 p.m.
- April 7 Ordinance Committee Meeting, p.m.
- April 9 City Hall Closed for Good Friday
- April 21 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 Perkins, Berg, Marzahl and Nolan had no reports.

Moved by Marzahl, seconded by Berg to add the Jaycees' request to use Milky Way Park for an Easter Egg Hunt on April 4<sup>th</sup>. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

At 7:43 p.m., moved by Berg, seconded by Perkins 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