

REGULAR CITY COUNCIL MEETING MINUTES

April 21, 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, Supt. Public Works Carbonetti, Supt. Utilities Gibson, City Attorney McArdle and Gary Rozwadowski, Smith Engineering and members of the press and audience.

Mayor Henning noted that Item #5, Planning and Zoning Commission Recommendation re Hearing to Rezone Page St. was dropped from the agenda and Item #18, Closed Session Minutes Six Month Review would be discussed in closed session.

AUDIENCE PARTICIPATION:

Bill O'Malley addressed the City Council with respect to a resolution regarding education reform to be forwarded to the State of Illinois that was presented to the School Board and requesting that the resolution be added to the next regular City Council Meeting agenda.

William Perez addressed the City Council in support of Harvard Main Street and inquired about the funding being cut. Mayor Henning noted that the budget was on the agenda.

CITY COUNCIL MINUTES OF 03/31/04 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes of March 31, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMM. HEARING - CARL OPPER VARIATION - ORD. 2004-114 APPROVED

Alderman Hay read a letter from Don Moede, Chairman of the Planning and Zoning Commission which met on April 5, 2004, for a hearing in the petition of Carl and Marla Opper who are requesting an Accessory Use Size Variation from the requirement that any one accessory use building not exceed 576 sq. ft. to build an accessory use building that would be 1,800 sq. ft. There were no objectors. The Planning and Zoning Commission unanimously recommends to the City Council that the petitioner's request be approved as submitted.

Moved by Hay, seconded by Dikun to approve the Planning and Zoning Commission's recommendation and Ordinance 2004-114, Granting a Variation from the Harvard Zoning Ordinance for an Accessory Use at 333 Marengo Rd. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-114 approved eight to zero.

PLANNING & ZONING COMM. HEARING - TEXT AMENDMENTS - ORD. 2004-115 APPROVED

Alderman Hay read a letter from Don Moede, Chairman of the Planning and Zoning Commission which met on April 5, 2004, for a hearing in the petition of the City of Harvard for continued discussion for a text amendment to Section 17.52.020, Agenda for Hearings. The petitioners would like to delete the provision for reading the petition in paragraph (d), add a section that allows for the registration of supporters of the petition and allows testimony; and add a section for audience participation. The Planning and Zoning Commission unanimously recommends to the City Council that Section 17.52.020E Public Hearing, Agenda for Hearings be amended as shown in Exhibit A.

Moved by Hay, seconded by Marzahl to approve the Planning and Zoning Commission's recommendation and Ordinance 2004-115, Amending Section 17.52.020E, Public Hearing, Agenda for Hearings. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Ordinance 2004-115 approved eight to zero.

FINANCE COMMITTEE RECOMMENDATION BUDGET FY04/05

Mayor Henning noted that the Finance Committee had a two to two vote reference the proposed budget

and did not have a recommendation. Moved by Berg, seconded by Perkins to adopt the budget proposed for FY04/05 as submitted by Administrator Nelson. Aldermen Hinterlong, Dikun and Bellon noted their support of continued funding for Harvard Main Street. Roll call vote: Hinterlong, no; Berg, aye; Dikun, aye; Bellon, no; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Motion approved six to two.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chamber of Commerce Request to Host Circus @ Milky Way Park

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of April 7, 2004, pertaining to the Chamber of Commerce's request to host a Carson & Barnes 5-Ring Circus at Milky Way Park on Friday, September 24, 2004, with shows at 4:30 and 7:30 p.m.

Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation to approve the Chamber's request that a permit be issued according to City ordinances including paying the appropriate fees for the park which includes police protection. Pam Hayes related that the Chamber had a conversation with Supt. Bob Burkart who said that the proposed site location for the circus should have no impact on AYSO, but the Chamber will contact AYSO and do whatever is needed to be out of the way. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Curfew Ordinance

Moved by Hay to approve the Ordinance Committee's recommendation for approval of the proposed ordinance amending Section 26.02, Curfew, of the Harvard Municipal Code, directing the City Attorney to add further language into Section 26.02C, Exceptions. Alderman Berg indicated that he would like to see the added verbiage to enunciate the five protected liberties and requested that the proposed ordinance be put on the next City Council agenda for approval. Alderman Hay withdrew his motion.

MCHEMRY CO. FARM BUREAU REQUEST TO WAIVE OUTDOOR EVENT LICENSE FEE - APPROVED

Moved by Hay, seconded by Dikun to approve the McHenry County Farm Bureau's request to waive the Outdoor Event License Fee for the Silent Auction to be held as part of the 2nd Annual Tractor Trek on July 10th, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

TIM GALVIN/BARTIME VENDING LICENSE - APPROVED

Moved by Bellon, seconded by Perkins to approve the Vending License Application for Tim Galvin/Bartime, 10 N. Ayer St. 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.

STING PUB & EATERY REQUEST/OUTDOOR EVENT ON MILKDAY - APPROVED

Moved by Berg, seconded by Dikun to approve Tim and Tina Rosedale's request, granting a temporary license to hold an outdoor event at the Sting Pub & Eatery on Saturday, June 5, 2004 (Milk Day), from 11 a.m. - 9 p.m. as outlined in their letter. The area in front of the building will be fenced off with a 5' fence that will be covered with banners provided by their vendors, there will only be one entrance where ID's will be checked and wristbands given to anyone 21 and older. It was noted that the Sting held two such events last year, both without incident. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Motion approved eight to zero.

PRESBYTERIAN CHURCH REQUEST FOR NOISE PERMIT - APPROVED

Moved by Berg, seconded by Hay to approve the First Presbyterian Church's request for a noise permit for a Folk Fest and Brat Burn on Sunday, August 29, 2004, from noon to sundown. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

HARVARD MOTOR SPORTS LOW INTEREST LOAN - APPROVED

Moved by Berg, seconded by Hay to approve the Harvard EDC's recommendation to award a low interest loan to Harvard Motor Sports in the amount of \$50,000 and authorizing the Mayor and City Clerk to sign the

necessary documents. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, abstain; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Motion approved seven to zero, with one abstention.

ETHICS ORDINANCE - REFERRED TO ORDINANCE COMMITTEE

Mayor Henning reported that the State Legislature has passed a new ethics ordinance and that the City is also required by law to approve an ethics ordinance. Moved by Dikun, seconded by Bellon to refer the Ethics Ordinance to the Ordinance Committee. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PROPOSED ORDINANCE AMENDING CHAPTER 11 - ORDINANCE 2004-116 APPROVED

Moved by Berg, seconded by Marzahl to approve Ordinance 2004-116, Amending Chapter 11.04, Public Nuisances Regarding Plant, Lawn and Weed Control; and Repealing Section 11.06, Public Nuisances Offending Morals and Decency, and Section 11.07 Motor Vehicle Storage. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Ordinance 2004-116 approved eight to zero.

HIRE DENNIS JARCZYK AS CROSSING GUARD - APPROVED

Moved by Berg, seconded by Hinterlong to approve Lt. Oparyk's recommendation to hire Dennis Jarczyk as a crossing guard. 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.

INFORMATION: YEAR END CITY COUNCIL MEETING

Mayor Henning stated that the Year End City Council Meeting will be held on Wednesday, April 28, 2004, at 7:00 p.m.

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 William and Donna Soucie for reclassification of property located on Schultz Rd. from A-1 Agriculture to A-2 Agriculture. Said parcel falls within the City's 1½ mile jurisdiction; the City Council had no objection.

INFORMATION: MCHENRY CO. COUNCIL OF GOVERNMENTS MEETING

The next McHenry County Council of Governments meeting will be held on April 28, 2004, at Crandall's Restaurant in Hebron.

CONSENT AGENDA :

- Harvard Harmony Raffle Request, April 25, 2004
- New Life Pentecostal Church Peanut Day, April 24th and May 1st, 2004
- Harvard Fire Protection District, Fill the Boot Fundraiser, May 7th & 8th, 2004
- Harvard Rotary Candy Day Fundraiser, April 30th, 2004
- Harvard Milk Day Raffle Request: April 21st - June 6th, 2004

Moved by Berg, seconded by Bellon 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

The City Council discussed whether or not to call a committee meeting for the ethics ordinance or to just put it on the next City Council agenda. Attorney McArdle related that the original ordinance that was passed out came from the Attorney General's office. Since then, the Illinois Municipal League has also released their own version of the ordinance. The general consensus was to put on the next regular agenda directing Attorney McArdle to mail both versions along with his recommendations to the City Council prior to the next meeting.

ALD. DIKUN

Alderman Dikun read a brief synopsis of the meeting held at the Harvard Diggins Library on Tuesday, April 13, 2004, to discuss the future playground at Park Pointe.

ALD. HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$251,438.55. Roll call vote: Nolan, abstain; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Motion approved seven to zero, with one abstention.

ALD. MARZAH

Alderman Marzahl updated the City Council on the progress of the painting of the water tower.

MAYOR'S REPORT

Mayor Henning reported that Supt. Carbonetti is patching pot holes and requested that the aldermen get in their list of pot holes in their ward to Administrator Nelson or Supt. Carbonetti.

ADMINISTRATORS REPORT

Administrator Nelson noted that his report will be submitted by mail at the end of the month.

CLERK'S REPORT - UPCOMING MEETING DATES

April 28 Year End City Council Meeting, 7 p.m.
May 12 Regular City Council Meeting, 7 p.m.

ATTORNEY'S REPORT

Attorney McArdle noted that he had items to discuss in closed session on pending litigation.

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

NO REPORTS

Treasurer Meseck and Aldermen Perkins, Bellon, Berg, and Nolan had no reports.

At 7:28 p.m., moved by Dikun, seconded by Hay to go into closed session after a five minutes recess to discuss Section 2(c)(11) Litigation and the six month review of closed session minutes. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

At 7:58 p.m., moved by Hinterlong, seconded by Berg to reconvene the open session. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

At 7:59 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