

## **REGULAR CITY COUNCIL MEETING MINUTES**

**May 12, 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, Chief Mrozek, Supt. Parks & Recreation Burkart, City Attorney McArdle and members of the press and audience.

Mayor Henning noted that Item #5, Planning and Zoning Commission Recommendation re Hearing/Harvard Mercy Hospital was dropped from the agenda.

### **AUDIENCE PARTICIPATION:**

Roger Gilbert inquired whether or not individuals can be required to remove Christmas decorations; Mayor Henning advised that the City is looking into a way to regulate. Roger also requested that not-for-profit organizations that are soliciting at five-points wear reflective vests. The general consensus was to put item on the next City Council agenda in order to amend the City's policy.

### **CITY COUNCIL MINUTES OF 04/21/04 and 04/28/04 - APPROVED**

Moved by Dikun, seconded by Bellon to approve the Regular and Closed Session City Council Meeting Minutes of April 21, 2004 and the Year End City Council and Closed Session Meeting Minutes of April 28, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

### **CLASS B LIQUOR LICENSE - MARSHALL IGA D/B/A/ CIGARETTE DEPOT - APPROVED**

Mayor Henning reported that the background check was satisfactory for Marshall IGA, d/b/a Cigarette Depot and clarified that a Class B license is carry out. Moved by Nolan, seconded by Hinterlong to approve a Class B Liquor License to Marshall IGA d/b/a Cigarette Depot, 360 S. Division St. 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.

### **CLASS R1 LIQUOR LICENSE - FIGUEROA LTD D/B/A/ BUENA VISTA #3 - APPROVED**

Mayor Henning reported that the background check was satisfactory for Figueroa Ltd., d/b/a Buena Vista Restaurant. Moved by Berg, seconded by Dikun to approve a Class R1 Liquor License to Juan Figueroa, Figuera Ltd., d/b/a Buena Vista #3. 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.

### **HERS LEAGUE REQUEST FOR TWO DAY LIQUOR LICENSE & USE OF LIONS PARK - APPROVED**

Moved by Hay, seconded by Dikun to approve the HERS League request for a two-day liquor license and use of Lion's Park, with a waiver of the fee, on June 26<sup>th</sup> and 27<sup>th</sup>, 2004, for a scholarship tournament and their annual picnic. Alderman Marzahl inquired how late alcohol could be served. After discussion, Alderman Hay amended his motion, seconded by Dikun to approve the liquor license with Administrator Nelson to contact Kathy Nolen to clarify the times when alcohol will be served. Roll call vote: Hinterlong, yes; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Motion approved eight to zero.

### **TIM GALVIN/BARTIME REQUEST FOR OUTDOOR LIQUOR AUXILIARY LICENSE - APPROVED**

Tim Galvin addressed the City Council to request an outdoor liquor auxiliary license on May 22, 2004. The Fire and Rescue Association is holding a meat raffle at Bar Time on May 22, 2004, as a fund raiser for burn victims. Tim's addition is not finished yet and is requesting an outdoor license to accommodate the anticipated crowd. The rear of the building will be fenced in with an emergency exit, which will not be used as an entrance, and someone will be posted at the exit to assure no one gets in. Tim indicated that there would not be any liquor sold outside nor will there be any music outside. A microphone may be put outside to facilitate announcing the raffle. Moved by Berg, seconded by Perkins to approve Tim Galvin/Bar Time's request for an Outdoor Liquor Auxiliary License on May 22, 2004, with the following provisions:

- the area is fenced in with the fence at least 5' high

- that there is no entryway there (exit only) and that someone mans it at all times. If it is used as an entryway, someone must be there at all times carding each person
- no liquor sales to be permitted outside
- no announcements outside after 10 p.m.

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.

After discussion, the general consensus was not to waive the \$100 license fee.

**ORDINANCE AMENDING SECTION 26.02 CURFEW - ORDINANCE 2004-118 APPROVED**

Moved by Berg, seconded by Dikun to approve Ordinance 2004-118, Amending Section 26.02, Curfew. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-118 approved eight to zero.

**ORDINANCE AMENDING SECTION 25.10, INSURANCE REQUIREMENTS - ORD. 2004-119 APPROVED**

Moved by Berg, seconded by Bellon to approve Ordinance 2004-119, Amending Section 25.10, Liquor, Insurance Requirements. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Ordinance 2004-119 approved eight to zero.

**ORDINANCE AMENDING SECTION 3.12, CODE OF ETHICS - ORD. 2004-120 APPROVED**

Moved by Hay, seconded by Dikun to approve Ordinance 2004-120, Amending Section 3.12 of Chapter 3, City Administration reference Code of Ethics. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Ordinance 2004-120 approved eight to zero.

**CLOSED SESSION MINUTES SIX MONTH REVIEW**

Mayor Henning indicated he has reviewed the closed session minutes/tapes. There are no minutes to be released into the open session minutes at this time.

**RESIGNATION OFFICER DAVID GRUBICH - APPROVED**

Moved by Berg, seconded by Hinterlong to approve David Grubich's resignation effective May 3, 2004. 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.

**PARKS & RECREATION SUMMER EMPLOYEES - APPROVED**

Moved by Nolan, seconded by Marzahl to approve the list of summer pool/parks employees as submitted by Supt. Burkart: Maggie Henson, Andrew Reineking, Samantha Shields, Justin Lehr, Keslie Stricker, Ashley Brennecka, Chris Leard, Annalise Johnson, Victor Pichardo, Zach Wilkening, Grant Henson, Kristin Stricker, Luco Pena, Jay Sachs, Adam Schultz, Mark Giddens, Carly Dikun, Angel Ortiz, Josh Rosales, Casey Seyller, Jerry Hoey, Jim Mulvenna, Kirk Ulmer and Edgar Rodriguez. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, abstain; Bellon, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

**SPIRIT OF 76 SCHOLARSHIP APPLICATIONS**

Mayor Henning reported that the Spirit of 76 Scholarship Committee has reviewed the applications and the two winners are Erendira Rendon and Jane Kinias.

**CONSENT AGENDA :**

- Harvard Rotary Candy Day, May 28<sup>th</sup>, 2004
- Harvard Fire/Rescue Association Raffle Request May 22, 2004
- American Legion Request for Annual Poppy Day, Friday, May 14<sup>th</sup>
- American Legion Request Memorial Day Parade, May 31<sup>st</sup>
- HERS League Raffle Request, May 1<sup>st</sup> - June 27<sup>th</sup>
- Eagle Scout Award - Jonathan Camarena
- HHS Sophomore Class request to post sign at 5-points 5/24 - 5/29 to advertise car wash

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. HINTERLONG - BILLS APPROVED**

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$114,417.76. 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.

#### **ALD. PERKINS - HIGHWAY CLEANUP**

Alderman Perkins noted that there will be a clean-up along Route 173 in conjunction with the City's Clean Sweep Program.

#### **ALD. NOLAN - TRAILER PARK ISSUES - REFERRED TO ORD. COMMITTEE 05/19/04**

Alderman Nolan brought up discussion of the two trailer parks in town which have changed hands five or six times over the years without titles changing hands which means that the city, county and townships don't have vin numbers for any of the mobile homes in either park. Moved by Nolan, seconded by Berg to refer Trailer Park issues to the Ordinance Committee for review. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Alderman Hay called an Ordinance Committee Meeting for Wednesday, May 19, 2004, at 7 p.m.

#### **MAYOR'S REPORT**

Mayor Henning referred to his memo with respect to the Clean Sweep Project which will be on Saturday, May 22, 2004. Volunteers will meet at the Chamber of Commerce at 8:30 a.m. with coffee/donuts compliments of the mayor. Work will begin at 9 a.m. The Mayor noted that Marengo has run this program successfully for several years.

#### **ADMINISTRATOR'S REPORT**

Administrator Nelson referred to his monthly report and April's financial report in the aldermen's folders making note that the property tax bills will be sent out late. This will have a negative impact upon the City's cash flow in June. All of the City's planning and calculations call for an influx of cash near the end of June and Administrator Nelson noted his concern that the existing line of credit may be pushed to its maximum over the last two or three weeks before receiving property tax payments. There may be an occasion at the next City Council meeting to change the line of credit to give the city operating revenue until tax payments are received.

Administrator Nelson reviewed the Notice of Hearing received reference a hearing before the McHenry County ZBA in the petition of James Huber for property located on Streit Rd. which is within the City's 1½ mile jurisdiction. The petitioner is requesting a variation to build a gazebo in his front yard. The City Council had no objection.

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

May 19	Ordinance Committee Meeting, 7 p.m.
May 31	City Hall Closed
June 2	Regular City Council Meeting, 7 p.m.

#### **TREASURER'S REPORT**

Treasurer Meseck noted her monthly report is in the aldermen's folders.

#### **DEPARTMENT HEADS REPORTS**

Dept. Heads and Smith Engineering: Reports as submitted.

**NO REPORTS**

Attorney McArdle and Aldermen Hay, Bellon, Dikun, Berg, and Nolan had no reports.

Alderman Dikun noted there is a tree down at 351 Marengo Rd Administrator Nelson noted that Commonwealth Edison has been noted and is enroute. Alderman Dikun stated SBC lines were down as well, SBC will be notified.

At 7:34 p.m., moved by Berg, seconded by Bellon 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

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Date