

REGULAR CITY COUNCIL MEETING MINUTES

June 2, 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 members of the press and audience.

AUDIENCE PARTICIPATION:

Roger Gilbert noted that IDOT has not installed the signs that were approved by the City Council for a 20 mph school zone surrounding Central School and a no turn on red at the 5-point intersection when school children are present.

Attorney Bill Pulack addressed the City Council on behalf of George Pries who resides at 905 Garfield St., in objection to Mercy Harvard Hospital's petition for a proposed parking lot across the street from the hospital at 907 Garfield St. Attorney Pulack noted the following:

- the parking lot proposal was before the City Council in 1997 and was unanimously rejected; nothing has changed since that time
- there are existing areas that the hospital currently owns adjacent to the wellness center and the foundation house, north of the hospital that could be utilized for additional parking or property that could be acquired by the hospital for parking purposes north of the hospital or on the east side of Grant St.
- the proposed parking lot would adversely affect adjoining property owners
- the hospital proceeded with a parking lot without necessary approval and permits
- the proposed parking lot fails to comply with several sections of the city's parking lot ordinance pertaining to entrance/exits, curb cuts, fencing, lot width, lighting
- the parking lot is not contiguous to the principal use and evidence was not presented that meets the standards for a variation as outlined in the zoning code

Attorney Pulack stated that if the city approves the parking lot, Mr. Pries would request that the City insist on an attractive perimeter with a more enduring structure made of stone or brick and that the lighting be directed inward from the perimeter of the parking lot. Attorney Pulack submitted an affidavit of George Pries as to the availability of parking and a petition signed by all adjoining property owners in opposition to the proposed parking lot, both of which were submitted at the Planning and Zoning Commission hearings. Pursuant to Section 17.52.070-B, if a written protest is submitted to the City Clerk by 20% of those entitled to receive notice of the hearing, a conditional use cannot be passed except upon a two-thirds vote by the City Council.

Lou Hoeflich, 906 Garfield, addressed the City Council in objection to the proposed parking lot.

CITY COUNCIL MINUTES OF 05/12/04 - APPROVED

Moved by Dikun, seconded by Perkins to approve the Regular City Council Meeting Minutes of May 12, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMM. HEARINGS - HARVARD MERCY HOSPITAL RE CONDITIONAL USE PERMIT/VARIATION TO CONSTRUCT A PARKING LOT AT 907 GARFIELD ST. - APPROVED

Dan Colby, Administrator of Mercy Harvard Hospital addressed the City Council and distributed the most recent revisions outlining the details of the proposed 49-space parking lot showing 10' setbacks, foliage/shrubbery to block lighting from both the parking lot and hospital and water retention. The parking lot will be used for employees for 1st and 2nd shifts and will be gated and monitored by security guards to ensure the parking lot is not used after midnight. Mr. Colby indicated he is willing to work with the neighbors to work out the details of the fencing as long as it is reasonable. Mr. Colby noted that the hospital merged with Mercy System and through the merge, the hospital has created additional services and programs as well as a number of doctors resulting in more patients and visitors which causes a need for additional parking spaces. At Alderman Berg's inquiry, Mr. Colby stated there is no room to expand parking on the east side of Grant

Street; there is already parking there for the care center and that is the location of the helipad. Also discussed was Attorney Pulak's concerns that the proposed parking lot does not meet the requirements with respect to the entrance/exits, curb cuts, fencing, lot width and lighting. Mr. Colby stated that the ingress/egress is approximately 22' feet from the lot line; the width of the entrance/exit are 16'. Administrator Nelson stated that the turning radius does not normally count towards the width. The hospital currently has 157 staff members and 153 parking spaces around the hospital including the care center, of which on average 140 spaces are occupied every day. Mr. Colby noted that the hospital has offered to purchase both properties adjoining the parking lot and those are standing offers. The Building Department has reviewed the plans. Mr. Colby submitted a petition in support of the proposed parking lot signed by residents of Harvard. Mr. Colby addressed various questions from the City Council and highlighted the expanded services which will include an increase from three to five examining rooms in the ER; from two small surgery suites to two large surgery with a procedure room; additional anesthesia area and pre/post surgery care of patients. The fencing issue was discussed as to whether or not a compromise with the neighbors could be reached. Attorney McArdle inquired if suit were filed by the objector should the City Council grant the request, if the hospital would indemnify the City on the defense of that case, to which Mr. Colby indicated the hospital would agree to. Aldermen Nolan, Dikun and Hay expressed their support of the hospital and noted the changes that have been made at the hospital since 1997, the growing population and future of the community. Alderman Berg expressed his concerns to the proposed parking lot and felt the hospital created their own hardship and noted there was a viable, although more expensive, alternative on the east side of Grant St. that should be explored.

Moved by Marzahl, seconded by Dikun to approve that an ordinance be drafted to approve the hospital's request for a conditional use permit to construct a parking lot in a residential district and a variation to locate the parking lot across the street from the hospital at 907 Garfield St. with the following conditions:

- if litigation results challenging the council's decision, that Mercy Harvard Hospital agrees to indemnify and hold the City of Harvard harmless from any and all attorney fees and court costs associated therewith;
- a reasonable resolution be reached on the barrier surrounding the property be it stone or wood or whatever. If no resolution is reached, the matter will come back before the City Council for a decision.

Mayor Henning asked the alderman for any additional comments. Alderman Marzahl expressed his support of the hospital's parking lot proposal and also noted the renovations made to the hospital since the merge with Mercy. Alderman Hinterlong inquired about the lighting, which Mr. Colby noted that the lights will be blocked at the parking site with shrubbery. Mayor Henning expressed his support of the proposal and commented that while he feels for the residents affected, the hospital is an asset and benefits the whole community. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, no; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. All ayes. Motion approved seven to one.

FIRE PROTECTION DISTRICT REQUEST - REFERRED TO ORDINANCE COMMITTEE

Tom Condon, President of the Harvard Fire Protection District, Chief Patrick Slowey, Deputy Chief Steve Harder and Captain Alan Styles addressed the City Council to review the letter prepared by Captain Styles dated May 20, 2004, outlining health and life safety concerns at the two trailer parks at 347 S. Division and 1200 N. Division. Moved by Berg, seconded by Bellon to refer discussion of the Trailer Parks to the Ordinance Committee for action. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

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

Tim Galvin addressed the City Council to request an outdoor liquor auxiliary license on June 2, 2004, during Harvard Milk Days. Moved by Berg, seconded by Dikun to approve Tim Galvin/Bar Time's request for an Outdoor Liquor Auxiliary License on June 5, 2004, with the following provisions:

- payment of \$100 license fee
- the area to be completely enclosed with the fence at least 5' high (no entry/exit)
- no liquor sales to be permitted outside

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.

DOO WOP 50'S REQUEST TO CLOSE BRAINARD ON 06/19/04

Moved by Berg, seconded by Perkins to grant Doo Wop 50's request for a temporary closing of West Brainard St. between Ayer St. and Eastman St., on June 19th, 2004, from noon - 5:00 p.m. during their first anniversary celebration and for the use of barricades and picnic tables. Discussion ensued with Dennis Heberle reference the event, who noted that the picnic tables were not a necessity. Administrator Nelson noted that it was not the city's normal practice to loan picnic tables or barricades for private business activity and recommended that a fee schedule be set up to loan tables and barricades out to private business. Also, the City has never blocked off a public street for private industry and/or business, but arrangements have been made for blocking off alleyways. Also discussed was requiring liability insurance. Alderman Berg amended his motion to drop the picnic tables and to include that the City of Harvard be added as an additional insured on Doo Wop's general liability policy for that event. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

ORDINANCE COMMITTEE RECOMMENDATION RE TRAILER PARKS - DRAFT ORDINANCE

Chairman Hay reviewed the Ordinance Committee Meeting minutes of May 19, 2004, held to discuss trailer park issues. Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation that an ordinance be drafted requiring that the serial/VIN number, current owner's name and address along with a copy of the title and the lot number be submitted to City Hall on all trailers and/or mobile homes permanently or temporarily sited within the city limits of Harvard, whether they are currently occupied or not. Administrator Nelson referred to his memo to the City Council with attached state statute codes and noted that the proposed ordinance simply reinforces what is already required through the State of Illinois, but not enforced. 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.

Moved by Hay, seconded by Dikun to approve the Ordinance Committee's recommendation that a copy of the title be registered with the city within sixty days of the passing of the ordinance. At the City Administrator's discretion a thirty day extension may be granted if the title cannot be located provided that proof of efforts to locate the title from the Secretary of State is submitted. It shall be the obligation of the trailer park owner to supply said information and a fine of \$100 per day shall be imposed on the trailer park owner if the required information is not submitted to the city within sixty days (ninety days if an extension is granted). The mobile home/trailer shall be considered abandoned if the required information is not supplied thirty days after the initial time frame has lapsed. 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 CITY POLICY/REFLECTIVE VESTS FOR ORGANIZATIONS SOLICITING ON HIGHWAY - APPROVED

Moved by Berg, seconded by Hinterlong to amend City policy to require that not-for-profit organizations wear reflective vests when soliciting donations on the highway. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

ELECTED OFFICIALS COMPENSATION - REFERRED TO ORDINANCE COMMITTEE

Mayor Henning requested that the Elected Officials Compensation be referred to committee and noted that the elected officials compensation is a biannual review that must be done six months prior the next election. Moved by Berg, seconded by Dikun to refer Elected Officials Compensation to the Finance Committee for review. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

RESOLUTION REGARDING EDUCATION REFORM - APPROVED

Bill O'Malley addressed the City Council on behalf of the School District Board of Education to request that the city adopt a resolution regarding education reform; said resolution has been approved by the Board of Education. Moved by Nolan, seconded by Marzahl to approve a resolution regarding Education Reform. Alderman Dikun requested that city funds not be expended with exception of postage. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

PREVAILING WAGE - ORDINANCE 2004-121 APPROVED

Moved by Dikun, seconded by Marzahl to approve the Prevailing Wage Ordinance. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-121 approved eight to zero.

INTERGOVERNMENTAL AGREEMENT /LAWRENCE ROAD EXTENSION - APPROVED

Moved by Berg, seconded by Bellon authorizing the Mayor and City Clerk to execute the Intergovernmental Agreement with McHenry County for the Extension of Lawrence Road. Administrator Nelson noted a minor change to eliminate the curb island which the county has agreed to because of maintenance concerns. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Motion approved eight to zero.

INCREASE LINE OF CREDIT - APPROVED

Moved by Berg, seconded by Perkins to increase the Line of Credit in the maximum amount of \$475,000. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Motion approved eight to zero.

TRAIN REGULATIONS - REFERRED TO FINANCE COMMITTEE

Moved by Berg, seconded by Hay to refer discussion regarding train regulations pertaining to the train horn rule to the Ordinance Committee for discussion. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

PLANNING AND ZONING COMMISSION/POLICE COMMISSION APPOINTMENTS - APPROVED

Moved by Berg, seconded by Dikun to approve the Mayor's recommendation to appoint John Killeen III to serve on the Planning and Zoning Commission. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

Moved by Berg, seconded by Dikun to approve the Mayor's recommendation to appoint Michael Schuldt to serve on the Police Commission. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion approved.

EAGLE SCOUT AWARD - HERMANN-PAUL JEFFREY RECHTEN - APPROVED

Moved by Dikun, seconded by Nolan to approve a proclamation congratulating Hermann-Paul Jeffrey Rechten on his attainment of Eagle Scout. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

CONSENT AGENDA :

- Harvard Explorer Raffle Request June 4th, 5th, 6th, 2004
- Harvard Moose Lodge Raffle Request, June 1st - July 18th, 2004
- Harvard VFW Post #8249 Poppy Day - July 2nd, 2004
- Jim Fiegel Cancer Benefit Fund Raffle Request - July 10th, 2004
- Harvard Jr. Tackle Raffle Request June - September, 2004
- Harvard Jr. Tackle Raffle Request August 29th, September 12th, and September 26th, 2004
- Harvard Jr. Tackle Raffle Request September 25th, 2004
- Friends of McHenry County College Foundation Raffle Request - June 12th, 2004

Moved by Dikun, seconded by Perkins 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 - 06/16/04

Alderman Hay called an Ordinance Committee Meeting for Wednesday, June 16th, 2004, at 7 p.m. to discuss trailer park issues.

ALD. HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Berg to approve the bills as presented in the amount of \$238,378.04. 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.

ALD. HINTERLONG - FINANCE COMMITTEE MEETING - 06/07/04

Alderman Hinterlong called a Finance Committee Meeting on Monday, June 7th, 2004 at 7 p.m. to discuss elected officials compensation and train regulations pertaining to the train horn rule.

ALDERMAN NOLAN - FINANCIAL WORKSHOP

Alderman Nolan asked the aldermen to consider scheduling a financial workshop.

MAYOR'S REPORT

Mayor Henning noted that the pool opens on Monday, June 7, 2004.

ADMINISTRATOR'S REPORT

Administrator Nelson referred to his May's financial report in the aldermen's folders and his memo relating to a tax analysis comparing 48 mobile homes on five acres, 48 apartments on four acres and 48 single family homes on 66 x 132 lots. Administrator Nelson also noted his survey of property tax rates; compared to other communities, the City of Harvard remains in the lower tier.

CLERK'S REPORT - UPCOMING MEETING DATES

- June 7 Finance Committee Meeting, 7 p.m.
- June 16 Ordinance Committee Meeting, 7 p.m.
- June 21 Tentative Planning & Zoning Commission Hearing, 7 p.m., Anthony Rezoning
- June 23 Regular City Council Meeting, 7 p.m.

TREASURER'S REPORT

Treasurer Meseck noted her monthly report is in the aldermen's folders and the Police Pension Fund Illinois Department of Insurance recommendation as to what we should have for the tax levy.

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

NO REPORTS

Attorney McArdle and Aldermen Perkins, Bellon, Dikun, Berg and Marzahl had no reports.

At 8:50 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

_____ Date