

REGULAR CITY COUNCIL MEETING MINUTES
July 14, 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, Lt. Oparyk, Supt. Public Works Carbonetti; Supt. Utilities Gibson, Atty. McArdle and members of the press and audience.

Item #12 : TIF District/Industrial Park was dropped from the agenda; will be on the agenda in August.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES OF 06/23/04 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of June 23, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING HEARING/KILLEEN CONDITIONAL USE – ORD. 2004-126 APPROVED

Alderman Hay read a letter from Don Moede, Chairman of the Planning and Zoning Commission which met on July 12, 2004, for a hearing in the petition of John Killeen. The petitioner is requesting a Conditional Use Permit, pursuant to Section 17.44 of the Harvard Municipal Code, to operate a Used Auto Sales business at 1196 and 1198 South Division Street, Harvard, Illinois. There were no objectors. However, Mr. and Mrs. Yee of Yee's Restaurant, expressed concern with a heavier flow of traffic with respect to their shared driveway to the north of the restaurant. Building Inspector Santeler suggested that the petitioner delineate the driveway area for each side with striping down the middle of the driveway. Also discussed was installing permanent signage at the north entrance to indicate that Yee customers should enter to the right and customers for the beauty parlor or car lot would enter to the left. The general consensus was to stripe the driveway and see what happens. Future adjustments can be addressed if needed. The Planning and Zoning Commission unanimously recommends to the City Council that the petitioners request for a Conditional Use Permit for Used Auto Sales at 1196 & 1198 S. Division St., be approved as submitted.

Moved by Berg, seconded by Dikun to approve the Planning and Zoning Commission's recommendation to grant John Killeen a Conditional Use Permit for a Used Auto Sales business at 1996 & 1198 S. Division St. Petitioner John Killeen addressed the City Council and noted the 22' easement he received when he purchased the property. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-126 approved eight to zero.

HARVARD BOY'S LEAGUE REQUEST FOR ONE DAY LIQUOR LICENSE - APPROVED

Moved by Dikun, seconded by Perkins to approve the Harvard Boy's League request for a one day liquor license on July 24, 2004, for their annual picnic at the Moose Field. 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.

MARY D. AYER APARTMENT BOARD REQUEST - APPROVED

Moved by Nolan, seconded by Marzahl to approve the Mary D. Ayer Apartment Board's request to acquire the necessary funds for improvements to the Mary D. Ayer Apartments and authorizing the Mayor and City Clerk to sign any documents. Administrator Nelson indicated that the loan would be secured on the assets of the property. 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.

SPRINT SITE AGREEMENT - APPROVED

Moved by Berg, seconded by Dikun to approve the Sprint Site Agreement, subject to Sprint's agreement to add a provision to Paragraph 19 that Sprint will, at their own expense, make any repairs that may be caused, for whatever reason, by their equipment on the water tower. 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.

APPROPRIATION - ORDINANCE 2004-127 APPROVED

Moved by Berg, seconded by Perkins to approve Ordinance 2004-127, Making the Annual Appropriation for Corporation Purposes for the Fiscal Year from May 1, 2004 - April 30, 2005. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-127 approved eight to zero.

AMEND SECTION 15.17, VEHICLE REGISTRATION - ORD. 2004-128 APPROVED

Administrator Nelson reported that the Building Dept. has conducted an inspection of the trailer parks and he is preparing a report for the Committee's review. Moved by Hay, seconded by Bellon to approve Ordinance 2004-128, Amending Section 15.17, Vehicle Registration to Require the Registration of Mobile Homes. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Ordinance 2004-128 approved eight to zero.

AMEND SECTION 3.11, PERSONNEL - ORD. 2004-129 APPROVED

Moved by Berg, seconded by Dikun to approve Ordinance 2004-129, Amending Section 3.11, Regarding the City's Insurance Plan for elected officials. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Ordinance 2004-129 approved eight to zero.

AWARD BID FOR RATZLAFF ST. IMPROVEMENTS - APPROVED

Moved by Berg, seconded by Perkins to award the bid for the Ratzlaff St. Roadway Improvements to Stenstrom Excavation and Blacktop, 2422 Center Ct., P.O. Box 5946, Rockford, IL 61125 at their low bid of \$162,699.50 and to authorize the Mayor and City Clerk to execute any contract documents. 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.

AWARD BID WASTEWATER TREATMENT PLANT IMPROVEMENTS - APPROVED

Moved by Berg, seconded by Marzahl to approve Smith Engineering's recommendation to award the contract for the Wastewater Treatment Plant Improvements to Manusos General Contracting, for their low bid in the amount of \$1,932,750 contingent on Manusos providing an acceptable on-site supervisor for the project; the final contract award amount will be \$1,872,000 which reflects the base bid with selected alternates and Type II Equipment; a deductive change order for \$60,750 will be executed concurrently with the contract. 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.

ALLIANCE PROPOSAL 50/50 SIDEWALK PROGRAM - APPROVED

The Building Dept. contacted a couple local concrete contractors to get prices, but Alliance was the only contractor interested. Moved by Nolan, seconded by Berg to approve the proposal for the 50/50 Sidewalk Program submitted by Alliance Contractors, Inc. as follows: remove and replace concrete curb and gutter @ 28.20/LF; remove and replace 4" sidewalk @ 6.35/SF and remove and replace 5" sidewalk at 6.75/SF. 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.

CDBG GRANT - METZEN ST. STORM SEWER PHASE III/AUTHORIZATION TO EXECUTE

Moved by Dikun, seconded by Hay to authorize the Mayor's execution of the Agreement Between McHenry County and the City for the Metzen Street Storm Sewer Phase III. 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.

CDBG GRANT - AUTHORIZATION TO PROCEED WITH NEXT GRANT APPLICATION

Moved by Hay, seconded by Perkins to authorize City Administrator Nelson to proceed with next year's grant application continuing with the Metzen St./Ratzlaff St. project and to submit a grant for a bike path. 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.

ORDINANCE COMM. RECOMMENDATION RE USE OF CITY PROPERTY

Mayor Henning requested that the City Council table the issue with respect to use of City property by businesses and not for profit organizations to conduct further research into what other communities are doing.

ORDINANCE COMM. RECOMMENDATION RE FORCED ANNEXATIONS - APPROVED

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 6, 2004, pertaining to discussion of forced annexations. The Committee reviewed a map showing properties that are completely surrounded that can be forcibly annexed which includes property on the west side of Marengo Rd., the old race track property, property in Ward 3 where the park plan calls for the path to go through and some railroad property. The City is negotiating a separate hearing for annexation for Olsen's Auto Body . The Ordinance Committee recommends to the City Council that the map of forcible annexations be adopted with the addition of the old schoolhouse on Airport Rd. (next to ReMax).

Moved by Hay, seconded by Berg to approve the Committee's recommendation to adopt the map of forcible annexations with the inclusion of the old schoolhouse on Airport Rd. Administrator Nelson noted that the map has been amended to include the old schoolhouse. 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.

ORDINANCE COMM. RECOMMENDATION RE OUTDOOR LIQUOR AUXILIARY LICENSES

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 6, 2004, pertaining to discussion of outdoor liquor auxiliary licenses. The Committee discussed setting a maximum limit on the number of outdoor liquor auxiliary licenses which are available only to the R1 Liquor License Holders and requiring a \$300-\$500 security deposit in addition to the \$100 per event license fee in case there are problems and possibly developing criteria under which the license holder would lose the security deposit.

The consensus was that in the event of a problem, a hearing could be conducted before the liquor control commissioner to determine how much of the security deposit is forfeited. The Ordinance Committee recommends to the City Council that the establishments that qualify be allowed to have no more than three outdoor liquor auxiliary liquor licenses within a calendar year; that they purchase a permit in the amount of \$100 for the event and place a \$500 security deposit in the event there are any problems; the liquor commissioner shall determine whether the deposit is refunded in total, in part or not at all. Further that the ordinance be amended to grant the City Administrator in conjunction with the Chief of Police authority to grant the auxiliary license without coming before the City Council for approval.

Moved by Hay, seconded by Perkins to approve the Committee's recommendation that an ordinance be drafted with the discussed changes pertaining to outdoor liquor auxiliary licenses. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

WATER/SEWER COMMITTEE RECOMMENDATION RE WATER/SEWER RATES - APPROVED

Chairman Marzahl reviewed the Finance Committee Meeting minutes of June 7, 2004, pertaining to water/sewer rates. The Committee recommends to the City Council the maintenance fee be increased from \$5.00 to \$7.50 per billing period for the next three years effective January 1, 2005. Moved by Marzahl, seconded by Perkins to approve the Committee's recommendation to draft an ordinance to increase the maintenance fee from \$5.00 to \$7.50 per billing period for the next three years effective January 1, 2005. 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.

The Committee also discussed Administrator Nelson's recommendation for a 5% increase (year one – 2%; year two and three - 1½%) in water charges over the next three years which would maintain the city's current status quo with the operation of our business. Alderman Marzahl proposed that the water billing charge be increased by 3% each year for the next three years. Alderman Nolan asked the Committee to consider increasing the water billing charges to 5% and using the additional funds that would be generated for a curb and gutter program. Currently, there are seven miles of city streets without curb and gutter in addition to older curb and gutter that will need to be replaced. If water rates were increased to 5% instead of 2% the first year, the average increase per home would be approximately .75 per month, and the additional \$30,000 that would

be generated per year could improve one city block with curb and gutter. Also discussed was increasing the water rates by 5% in years two and three to allow for more curb and gutter to be improved and asking residents to participate in the cost. The Committee recommends to the City Council that the water/sewer billing charges be increased effective January 1, 2005, by 5% each year for the next two years at which time the program will be re-evaluated and that the additional 3% in year one and 3½% in year two would be used towards the curb and gutter program. Administrator Nelson was directed to compile realistic numbers as how much money would be generated towards the curb and gutter program and report back to the Committee. Moved by Marzahl, seconded by Berg to approve the Committee's recommendation to draft an ordinance to increase the water/sewer charges by 5% each year for the next two years, at which time the program will be re-evaluated; the additional 3% in year one and 3½% in year two to be used towards the curb and gutter program. 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.

WATER/SEWER COMMITTEE RECOMMENDATION - TAP ON FEES - APPROVED

The Committee reviewed Administrator Nelson's recommendation to increase the water and sewer tap-on fees 7.5% each year for the next three years, with the first increase effective May 1, 2005. Alderman Perkins submitted two alternative proposals and asked the committee to consider a larger increase on the water tap on fee and to reduce the overall increase on the sewer tap on fee to make the fees more even with other communities. The Committee recommends to the City Council to approve Proposal #2, for the next three years; the first increase to become effective May 1, 2005, as follows:

	<u>Sewer Tap On</u>	<u>Water Tap On</u>	<u>Total</u>
1 st year	\$2,631.88 (0%)	\$ 733.07 (60%)	\$3,364.95 (8.8%)
2 nd year	\$2,829.27 (7.5%)	\$ 788.05 (7.5%)	\$3,617.32 (7.5%)
3 rd year	\$3,041.47 (7.5%)	\$ 847.53 (7.5%)	\$3,889.62 (7.5%)

Moved by Marzahl, seconded by Nolan to approve the Water/Sewer Committee's recommendation to draft an ordinance to increase the water/sewer tap on fees as discussed. 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.

WATER/SEWER COMMITTEE DISCUSSION

The Committee discussed future wastewater treatment needs in ten or fifteen years and plans for a new deep well and storage facility. More information will be forthcoming.

JEFF KURTH RESIGNATION FROM CITY LIBRARY BOARD - APPROVED

Moved by Hinterlong, seconded by Dikun to approve Jeff Kurth's resignation from the Library Board, with regrets, effective July 1st, 2004. 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.

CONSENT AGENDA :

- Harvard Boy's League Raffle Request July 6th - September 24th, 2004
- Harvard Jaycees Raffle Request July 21st - September 12th, 2004

Moved by Dikun, seconded by Hinterlong 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 Berg to approve the bills as presented in the amount of \$169,494.62. 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. DIKUN

Alderman Dikun thanked the Public Works Dept. for their timely response to fixing pot holes in Ward 3.

ALD. HAY - ORDINANCE COMMITTEE MEETING - 07/28/04

Alderman Hay called an Ordinance Committee Meeting for Wednesday, July 28th, 2004, at 7 p.m. to discuss Trailer Park Issues.

Alderman Hay congratulated the Police Department reference the recent crime statistics comparing 2003 and 2002 indicating a reduction in the total crime rate index down 28.2%.

WATER/SEWER BONDS

Administrator Nelson noted that the City has re-instituted efforts to refinance the water/sewer bonds as interest rates have gone back down with a possibility of saving one half a point on two million dollars. With the current schedule for City Council meetings being three weeks apart, rates could increase before the next City Council meeting. A special City Council may be called next week to approve the bond ordinances and authorizing execution of documents.

MAYOR'S REPORT

Mayor Henning requested that the Ordinance Committee also look at licensing banquet halls. The Mayor also noted that Fiesta Foods has changed hands and their liquor license has been relinquished.

ADMINISTRATOR'S REPORT

Administrator Nelson referred to his monthly report in the aldermen's folders and noted that he and Supt. Gibson met with the Illinois EPA for an inspection on the City's potable water supply. The inspector was pleased with the City's operations of our drinking water and the organization of the water department. A report will be forthcoming.

CLERK'S REPORT - UPCOMING MEETING DATES

July 28 Ordinance Committee Meeting, 7 p.m.
Aug. 4 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 Perkins, Bellon, Berg and Nolan had no reports.

At 7:40 p.m., moved by Dikun, seconded by Berg to go into closed session to discuss Section 2(c)(6) Sale of Real Estate. 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.

At 7:49 p.m., moved by Berg, seconded by Bellon to reconvene the open session. Clerk Wells called roll. 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.

At 7:50 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