

REGULAR CITY COUNCIL MEETING MINUTES

August 4, 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 (7:08 p.m.), Perkins and Hay. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Chief Mrozek, Supt. Public Works Carbonetti, Supt. Utilities Gibson, Atty. McArdle and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES OF 07/14/04 and 07/22/04 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of July 14, 2004, and the Special City Council Meeting Minutes of July 22, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Perkins and Hay. All ayes. Motion carried.

8th ANNUAL BEST CIVIC PROJECT

Mayor Henning introduced Roger Lehmann, President of the Harvard State Bank and thanked the bank for their support in co-sponsoring the 8th Annual Best Civic Project with the City of Harvard. The winner for the 2004 Annual Best Civic Project is the Harvard Boys League for their proposal to replace the existing bathroom and storage sheds at the Moose Field on West Diggins St.; total project cost is estimated at \$20,000. Mayor Henning and Roger Lehmann presented a check in the amount of \$10,000 to Andy McCauley and Todd Streit, representatives of the Harvard Boys League. Andy McCauley gave a brief overview of the project and thanked the City and Harvard State Bank for their support. The Boys League has about 250 boys participating with 50-60 volunteers through coaches, umpires, snack shack, etc. The Boy's League is celebrating their 50th Anniversary this year.

NORTHWEST WOOD PRODUCTS ONE DAY LIQUOR LICENSE - APPROVED

Moved by Hinterlong, seconded by Perkins to approve Northwest Wood Products request for a one day liquor license on Saturday, August 7, 2004, for a company picnic at Milky Way Park. 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.

EVELINDA GONZAELZ/FIESTA FOODS LIQUOR LICENSE - APPROVED

Mayor Henning noted that a background check has been done on the new owners of Fiesta Foods and insurance and fees are in order. Moved by Dikun, seconded by Nolan to approve a Class B Liquor License and Extended Sunday Hours Liquor License for Evelinda Gonzalez, Fiesta Foods, 106 W. Sumner 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.

LEON & JOSE ESCORZA/PANCHOS ICE CREAM PUSH CART - DROPPED AT PETITIONER REQUEST

Mayor Henning noted the fees have been paid and health department permit has been submitted, but certificate of insurance is still outstanding. Moved by Berg, seconded by Nolan to approve Leon and Jose Escorza/Pancho's Ice Cream Ice Cream Push Cart Application provided the petitioners submit proof of necessary insurance within 14 days. The petitioners addressed the City Council and indicated they would like to wait until next year. Mayor Henning stated that the petition would be dropped from the agenda and directed the petitioners to contact City Staff next March/April if they wished to proceed next year.

HARVARD MAIN STREET REQUEST RE FARMERS MARKET ON 09/18/04 - APPROVED

Moved by Berg, seconded by Dikun to approve Harvard Main Street's request as submitted with reference to the 45th Annual Farmers Market, Arts & Crafts and 6th Annual Fall Classic Car Show on September 18th as follows:

- ◆ close off Ayer St. between 5 points and Sumner for canopy street booths and pedestrian traffic from 6 a.m. - 3:30 p.m.
- ◆ close off Ayer St. from Sumner to Brainard for classic car show from 11 a.m. - 3:30 p.m.
- ◆ large barricades

- ◆ allow temporary "15 Minute Pharmacy Parking" on E. Sumner for Seeley's
- ◆ six picnic tables and four garbage cans
- ◆ permission to place portable toilet on sidewalk at Main Street's expense
- ◆ use of sidewalks between 5-Points and Sumner and wherever any downtown business merchant would like to have an outdoor display/table
- ◆ raffle permit
- ◆ use of light poles for Scarecrow Decorating starting September 11 - October 23
- ◆ permission to use back parking lot (behind Harvard Chiropractic) and parking lot by Saunders (if no funerals) for vendor parking

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

CHAMBER OF COMMERCE REQUESTS RE CIRCUS

Moved by Nolan, seconded by Marzahl to approve the Chamber of Commerce's request to waive the fees for water usage for the Carson & Barnes Circus which will be held on September 24, 2004, but not the fees for police officers. Alderman Dikun inquired who would receive the benefit of the waiver, the Chamber or the Circus. The general consensus was that more detailed information was needed to make a decision and Alderman Nolan withdrew his motion.

Moved by Berg, seconded by Dikun to approve the Chamber's request to display sponsor banners for the circus at Milky Way Park. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Moved by Berg, seconded by Dikun to refer the Chamber of Commerce's requests to waive the fees for police service/water usage during the event to the next Ordinance Committee meeting. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

JAVA SNACK TRACK/OVER THE COUNTER TOBACCO LICENSE - APPROVED

Moved by Dikun, seconded by Hinterlong to approve an Over the Counter Tobacco License to Java Snack Track, 2 N. Ayer St.; the \$10 application fee has been paid. 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.

WILKENING VARIATION/22222 OAK GROVE RD. - REFERRED TO ORDINANCE COMM.

Moved by Berg, seconded by Marzahl to refer Allen and Lois Wilkening's variation request pertaining to hard-surfacing the driveway and use of well and septic to the Ordinance Committee. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

AMEND CHAPTER 13 WATER/SEWER TAP-ON FEES/USER CHARGES - ORD. 2004-131 APPROVED

Moved by Hinterlong, seconded by Marzahl to approve Ordinance 2004-131, Amending Chapter 13 reference the Water and Sewer Tap-On Fees and Water and Sanitary Sewer User Charges. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Ordinance 2004-131 approved eight to zero.

AMEND SECTION 25.06, PARAMETERS FOR OUTDOOR LIQUOR AUXILIARY PERMIT - TABLED

Alderman Berg requested that the proposed ordinance be amended to clarify the parameters of the security deposit which is to secure compliance with the provisions of the permit and that the commissioner determines where its not in compliance. Clerk Wells noted other language to be clarified pertaining to indemnification and adding the violations to the Settlement of Offenses. Moved by Berg, seconded by Marzahl to table the ordinance to the next City Council Meeting; Attorney McArdle will revise the ordinance. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

FEASIBILITY STUDY/TIF INDUSTRIAL PARK - ORD. 2004-132 APPROVED

Moved by Nolan, seconded by Marzahl to approve Ordinance 2004-132, Providing for a Feasibility Study for the proposed TIF Industrial Park, Creating an Interested Parties Registry, Convening a Joint Review Board and Calling a Public Hearing in Connection Therewith. Roll call vote: Dikun, aye; Bellon, aye;

Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-132 approved eight to zero.

SURPLUS PROPERTY - APPROVED

Moved by Hinterlong, seconded by Bellon to approve the Surplus Property list as submitted; ads will be placed for the radio modems; all other items to be sold at the McHenry County Auction. 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.

ORDINANCE COMM. RECOMMENDATION RE BANQUET HALLS LICENSE

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 28, 2004, pertaining to banquet halls licenses. The Committee discussed Rainbow Vacuum and Banquets, a business located at 201 S. Ayer St., whereby the proprietors rent the facility as a banquet hall and advise the people renting the facility that they have to bring their own liquor. The Police Dept. has responded to numerous complaints from the neighbors about open liquor outside, vehicle damage, noise, loitering, etc. Linda Zielinski, 200 S. Eastman St. submitted pictures showing trash and empty beer bottles on the neighbor's property and noted that her vehicle was damaged in the middle of the night. Barb and Tom Swenson, 113/115 S. Ayer St. stated that the banquet hall is using their parking lot without their permission and inquired if the Police Dept. could assist in policing their parking lot. Administrator Nelson noted that the only way to have police protection on private property would be to sign a contract for the police department to enforce local codes. The Committee also suggested that the neighbors post "No Trespassing" signs and if someone trespasses, a complaint can be filled out with the Police Dept. There are several other businesses operating a banquet hall with a bring your own liquor policy. The City has the authority under the State of Illinois to license or regulate businesses operating as a public accommodation that permit the consumption of alcoholic liquor on the premises. The zoning code has just been changed to require future banquet hall facilities to have a public hearing as a conditional use. The Committee directed Administrator Nelson to draw up recommendations to create an ordinance to regulate banquet halls under the liquor code to address issues of noise, trash, loitering, underage drinking, dram shop insurance, etc. The neighbors were advised to continue to contact the Police Department to file complaints.

ORDINANCE COMM. RECOMMENDATION RE GARAGE SALE CONCERNS

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 28, 2004, pertaining to discussion of garage sale concerns, in particular with the property at the intersection of McKinley/Route 14 and noted that he has been contacted by four of the neighbors concerned about the ongoing garage sales at this location. The Ordinance Committee recommends to the City Council by a vote of three to one that the ordinance be amended that there be no more than two garage sales per residential address per calendar year; each such sale shall last no more than 52 continuous hours; all set up and clean up to be accomplished no later than 24 hours before and after such garage sale; items for sale will be limited for display solely to the garage and driveway; fines for each violation shall be \$500 per day.

Chairman Hay noted additional information has come to his attention with regard to this matter. Moved by Hay, seconded by Berg to refer garage sales back to the Ordinance Committee for further discussion and input from Scott Logan who sent a letter to the city. City Clerk Wells also has some recommendations to present to the Committee. Alderman voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

ORDINANCE COMM. RECOMMENDATION RE TREE BANK PARKING/SECOND ST. -

Chairman Hay reviewed the Ordinance Committee Meeting Minutes of July 28, 2004, pertaining to discussion of tree bank parking at 502 Second St. The Ordinance Committee recommends to the City Council that a public hearing be conducted at the City Council Meeting on August 25th, 2004, and to send notices to all affected residents to rescind the tree bank parking at 502 Second St.

Moved by Hay, seconded by Dikun to approve the Ordinance Committee's recommendation. Alderman voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

ORDINANCE COMM. RECOMMENDATION RE TRAILER PARK ISSUES

Chairman Hay reviewed the Ordinance Committee Meeting minutes of July 28, 2004, pertaining to trailer park issues. Building Inspector Santeler reviewed the trailer park exterior code report and pictures identifying code violations and safety and health issues. Based on the exterior inspection, staff recommends that a public hearing be conducted to determine if this area is considered to be substandard and to further determine whether or not an area inspection should be conducted under the housing inspection program to seek access to the insides of the trailers for safety and health codes. The Ordinance Committee recommends to the City Council that a public hearing be conducted to determine if the area should come under the regulations of the housing inspection ordinance.

Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation to conduct a public hearing to determine if the area should come under the regulations of the housing inspection ordinance with the hearing to be held on September 29, 2004. 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.

CONSENT AGENDA :

- HHS Class of 2002 request to place sign near Chamber sign to advertise car wash on August 7th
- Chamber of Commerce Raffle Request, July 23rd - August 18th, 2004
- Knights of Columbus "Tootsie Roll Drive" - September 17th, 18th & 19th, 2004
- Free Spirit Siberian Rescue Tag Days - August 21st and 22nd, 2004
- Salvation Army Christmas Kettle Program November 19 - December 24, 2004

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

COMMITTEE REPORTS

ALD. NOLAN

Alderman Nolan requested that the Streets and Alleys Committee look at putting in "no parking" on Northfield Ave. from Second St. to Route 14. Alderman Nolan also asked that the Finance Committee set up a workshop to get ready for next year's finances. Administrator Nelson noted other items for a Streets and Alleys Committee Meeting: street program and curb list. Alderman Berg will call a meeting at the next City Council meeting.

HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$265,418.79. Roll call vote: Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

ALD. DIKUN

Alderman Dikun requested that Supt. Carbonetti take a look at pot holes on Klamon St. that were reported by Walley Lundgren. Alderman Dikun noted work being done by Public Works throughout the city.

ALD. HAY - ORDINANCE COMMITTEE MEETING - 08//04

Alderman Hay called an Ordinance Committee Meeting for Wednesday, August 11, 2004, at 7 p.m. to discuss garage sales, the Chamber's request reference the circus and the Wilkening Variation request.

MAYOR'S REPORT

Mayor Henning thanked the Harvard State Bank for their partnership on the Best Civic Project. The Mayor noted that PAR has begun the TIF project and Pasquinelli's have started prep work on the Reckamp property. The Garfield St. and Ratzlaff St. projects should start this fall.

ADMINISTRATOR'S REPORT

Administrator Nelson reported that the McHenry County Transportation Dept. has indicated they are willing to sit down and discuss what the City's concerns reference the Lawrence Road bypass as soon as the City is willing to pay the engineering bill for the entire project, which he subsequently denied.

CLERK'S REPORT - UPCOMING MEETING DATES

Aug. 9 Planning and Zoning Commission @ 7 p.m., Cambridge Court Rezoning
Aug. 11 Ordinance Committee Meeting, 7 p.m.
Aug. 16 Planning and Zoning Commission @ 7 p.m., Wilkening Variation
Aug. 25 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 Marzahl, Berg, Bellon and Perkins had no reports.

At 7:45 p.m., moved by Dikun, seconded by Berg to go into closed session after a five minute recess. 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 8:14 p.m., moved by Dikun, 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 8:15 p.m., moved by Dikun, seconded by Hay 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