

REGULAR CITY COUNCIL MEETING MINUTES
September 15, 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, Berg, Dikun, Bellon, Perkins and Hay. Alderman Hinterlong was absent. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Chief Mrozek, Supt. Public Works Carbonetti, Supt. Utilities Gibson, Atty. Regan Shepley and members of the press and audience.

AUDIENCE PARTICIPATION

Ken Hartman addressed the City Council in objection to the proposed rezoning of the Ruscello property at 106 Page St. from M-1 to R-2. Mr. Hartman is an adjoining owner of the parcel in question. After the Planning and Zoning Commission recommended that the petition be denied, the petitioner requested that the item be tabled until further notice. Mr. Hartman stated he was never notified that the petitioners had put the item on the agenda for discussion/action by the City Council.

Judy Grandmaison, Harvard Main St., inquired about blocking off Ayer St. between Brainard and Sumner at 8:30 or 9 a.m. on Saturday for the Classic Car Show instead of 11 a.m. which was approved at the last City Council meeting. Alderman Berg noted that the request could not be considered because it was not on the agenda which has to be published 48 hours in advance of the meeting.

Roger Gilbert inquired if the proposed ice cream vehicle license application meets all the necessary health dept. regulations and insurance requirements.

CITY COUNCIL MINUTES OF 08/25/04 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of August 25, 2004. Aldermen voting aye: Nolan, Marzahl, Berg, Dikun, Perkins and Hay. All ayes. Motion carried.

PEDRO CAYETANO/ICE CREAM VEHICLE LICENSE - DENIED

Mayor Henning noted the memo from Chief Mrozek reference the background check. Pedro Cayetano was asked to clarify whether he his correct address was Chicago or Wisconsin, but Mr. Cayetano didn't speak English. Mayor Henning indicated there were problems as far as the validity of the application and the driver's license that were submitted. Moved by Berg, seconded by Bellon to deny the request for an Ice Cream Vehicle License. Roll call vote: Nolan, aye; Marzahl, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Motion to deny request approved seven to zero.

STOKLOSA REQUEST TO PLANT BURNING BUSHES IN PARKWAY AT 104 SHAWNEE - APPROVED

Administrator Nelson indicated that the bushes would not create any visibility concerns. Moved by Berg, seconded by Nolan to approve Ernest Stoklosa's request to plant three burning bushes in the parkway at 104 Shawnee Lane pursuant to the submitted photos. Roll call vote: Marzahl, aye; Berg, aye; Dikun, aye; Bellon, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Motion approved seven to zero.

J & S STUDIO SIGN VARIATION TO 42" - ORD. 2004-138 APPROVED

Moved by Berg, seconded by Perkins to approve Ordinance 2004-138, approving a sign variation to 42" for J & S Studio, 41 N. Ayer St., Harvard, pursuant to the specifications submitted for the proposed sign. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, abstain and Marzahl, aye. Motion approved six to zero with one abstention.

CHAMBER OF COMMERCE REQUEST/CIRCUS DAY PROCLAMATION - APPROVED

Mayor Henning stated that the Chamber has dropped that portion of their request pertaining to putting up a banner across Ayer St. Moved by Nolan, seconded by Dikun to approve the Chamber's request for a proclamation designating Friday, September 24th, 2004, as Circus Day. Aldermen voting aye: Nolan, Marzahl, Berg, Dikun, Bellon, Perkins and Hay. All ayes.

AWARD BID GARFIELD ROADWAY IMPROVEMENTS - APPROVED

Moved by Berg, seconded by Perkins to award the bid for the Garfield St. Roadway Improvements to Alliance Contractors Inc., 1166 Lake Ave., Woodstock, Illinois at their low bid of \$87,127.80 and to authorize the Mayor and City Clerk to execute any contract documents. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Berg, aye. Motion approved seven to zero.

RUSCELLO REZONING/VARIATION AT 106 PAGE ST. - ORD. 2004-139 APPROVED

Moved by Berg, seconded by Perkins to approve Ordinance 2004-139, Granting a Variation from the Harvard Zoning Ordinance and Rezoning 106 Page Street from M-1 Manufacturing District to R-2 Single Family Residence District. Alderman Dikun stated that Mr. Hartman should have been notified that the issue was on the City Council agenda three weeks ago and felt there were still issues to be discussed. Alderman Berg stated he would be willing to withdraw his motion and send the matter back to the Planning, Zoning and Ordinance Committee to present Mr. Hartman an opportunity to more fully air his objections. Mayor Henning noted that the whole area is a R-2 area; further, that the City Council fully discussed the issue at the last City Council meeting and felt the motion and second should stand. Further discussion ensued after which Alderman Berg asked that the question be called unless Alderman Dikun had other issues to bring up other than what was previously discussed. Alderman Dikun inquired if the other aldermen were aware that if Mr. Hartman acquired the vacant lot, together with the lots he already owns he would have a legal conforming M-1 lot. Mayor Henning called the question. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, no; Marzahl, aye; Berg, aye and Dikun, no. Ordinance 2004-139 approved five to two.

REDUCE LETTER OF CREDIT OAK GROVE CROSSING, UNIT 3 - APPROVED

Moved by Berg, seconded by Nolan to approve the Building Department's recommendation as presented to approve a Letter of Credit reduction for Oak Grove Crossing, Unit 3, to \$135,153.75. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Berg, aye; Dikun, aye and Bellon, aye. Motion approved seven to zero.

OAK GROVE CROSSING FINAL PLAT OF SUBDIVISION, UNIT 4 - ORD. 2004-140 APPROVED

Moved by Nolan, seconded by Berg to approve Ordinance 2004-140, Oak Grove Crossing Plat of Subdivision, Unit 4. Roll call vote: Hay, aye; Nolan, aye; Marzahl, aye; Berg, aye; Dikun, aye; Bellon, aye and Perkins, aye. Ordinance 2004-140 approved seven to zero. Stan thanked the City Council for their support and cooperation over the past five years and indicated that they have developed 54 lots in the last year. Administrator Nelson noted that the cooperation works both ways and city staff appreciates working with them on developing the remainder of their property.

AMEND SECTIONS 21.10, GARAGE SALES & 1.14 SETTLEMENT OF OFFENSES - ORD. 2004-141 APPROVED

Moved by Berg, seconded by Perkins to approve Ordinance 2004-141, Amending Section 21.10, Garage Sales and Section 1.14, Settlement of Offenses. Alderman Dikun inquired who enforces the regulations on the weekends when the building dept. is closed and expressed concern that we were creating laws that are not going to be enforced. Mayor Henning indicated that the police dept. would enforce the regulations as they have time, but it would not be high priority. Roll call vote: Nolan, aye; Marzahl, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-141 approved seven to zero.

ORDINANCE COMM. RECOMMENDATION/BANQUET HALL LICENSES - ORD. 2004--142 APPROVED

Co-Chairman Berg reviewed the Ordinance Committee Meeting Minutes of September 1, 2004, pertaining to banquet hall license requirements. The Committee heard comments from the audience reference incidents that had occurred. The Committee reviewed the proposed ordinance drafted in accordance with the Ordinance Committee's recommendations as approved by the City Council. The Committee discussed license fee and security deposit requirements with the following additional recommendations by Administrator Nelson: new license holders be subject to a background check, with a non-refundable fee of \$500; the banquet hall license fee match the existing liquor license fee for banquet hall and that a security deposit be maintained in the amount of \$500. The Ordinance Committee recommends to the City Council that the proposed ordinance, with typographical errors corrected, be

amended to include Administrator Nelson's recommendations to include the one-time background check with a non-refundable fee of \$500, an annual license fee to match the existing liquor license fee for banquet halls and maintaining a \$500 security deposit. Further that the City Council expedite the approval of an ordinance at the next City Council meeting. After further discussion, Alderman Dikun amended his motion to include that if the security deposit falls below \$500, the owner would be notified to replenish the security deposit to \$500 within 30 days or before the banquet hall's next event, whichever comes first.

Moved by Berg, seconded by Dikun to approve the Ordinance Committee's recommendation and Ordinance 2004-142, Amending Chapter 21, Business Regulations, to add Section 21.14, Banquet Hall License. Roll call vote: Marzahl, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Ordinance 2004-142 approved seven to zero.

ENGINEERING SPECIFICATIONS - APPROVED

Moved by Bellon, seconded by Hay to approve the revised 2004 City of Harvard Engineering Details as submitted by Smith Engineering Consultants. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Motion approved seven to zero.

STREETS & ALLEYS COMM. RECOMMENDATION/LINCOLN ST. PAVING/RUNOFF

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of September 1, 2004, pertaining to Lincoln Street paving/water runoff problems. After great discussion, a stop gap measure was put into place. The city's engineer will also take a look at the area to complete a water study before further action is taken.

STREETS & ALLEYS COMM. RECOMMENDATION/BRIDGES

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of September 1, 2004, pertaining to bridges. All three of the city's bridges are in need of repair on S. Ayer St., Marengo Rd. just south of Brink St. and Jefferson St. The City will apply for a federal grant for replacement of all three bridges and money will be set aside in the budget for the next 8-10 years for the city's portion of the cost. Money will be put into the next fiscal budget in the amount of \$48,000 for temporary repairs of the Jefferson St. bridge; hopefully this will last up to fifteen years until the bridge can be replaced.

STREETS & ALLEYS COMM. RECOMMENDATION/ROAD PROGRAM - APPROVED

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of September 1, 2004, pertaining to the MFT Road Program. Supt. Carbonetti reviewed the street ratings list and recommended removing the following streets from the list: Brainard/Page/Eastman, Fourth/Brown/Burbank, Johnson/Thompson/Washington, Johnson/Washington/Park, Metzen/Ratzlaff/Howard and Roosevelt/8th/ADS. The Streets and Alleys Committee recommends to the City Council approval of the list as amended by Supt. Carbonetti.

Moved by Berg, seconded by Marzahl to approve the Committee's recommendation for the MFT Road Program as follows: Brainard/Ayer/Johnson; Brown/Little John/Galvin; Jefferson/Blaine/Harrison; Jefferson/Brown/Burbank; Jefferson/McKinley/Roosevelt; Johnson/Brainard/Sumner; Johnson/Front/Brainard; Page/Front/Brainard; Second/McKinley/Roosevelt; Washington/Eastman/Ayer and Washington/Howard/Blanchard. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Berg, aye and Dikun, aye. Motion approved seven to zero.

STREETS & ALLEYS COMM. RECOMMENDATION/NORTHFIELD NO PARKING - APPROVED

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of September 1, 2004, pertaining to Alderman Nolan's proposal to ban parking on both sides of Northfield Ave. between 2nd St. and Route 14. The Streets and Alleys Committee recommends to the City Council to conduct a public hearing at the City Council meeting on September 15, 2004, with an ordinance to be approved at the City Council meeting on October 6, 2004, to ban parking on Northfield Ave. between 2nd St. to Route 14. Also suggested was either extending the ban to 4th St. or making that block residential parking only. The general consensus was to monitor the block between 2nd and 4th Street and if it becomes an

issue, the parking ban can be extended to include that block.

Moved by Berg, seconded by Nolan to approve the Streets and Alleys Committee's recommendation to draft an ordinance for the next City Council meeting to ban parking on both sides of Northfield St. between 2nd St. and Route 14. Aldermen voting aye: Nolan, Marzahl, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

STREETS & ALLEYS COMM. RECOMMENDATION/CURB PROGRAM - APPROVED

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of September 1, 2004, pertaining to the curb program. Funding available for the first year of the program is about \$30,000. The Committee reviewed the list of streets with no curbs. Administrator Nelson's recommendation is to begin with the two blocks that do not require any engineering: 4th Street from McKinley to Roosevelt St and E. Blackman St. from Route 14 to Hart St. The Streets and Alleys Committee recommends to the City Council approval of Administrator Nelson's recommendation for the Curb Program.

Moved by Berg, seconded by Marzahl to approve the Streets and Alleys Committee's recommendation for the curb program for next year: 4th St. from McKinley to Roosevelt St. and E. Blackman ST. from Route 14 to Hart St. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Berg, aye and Dikun, aye. Motion approved seven to zero.

FYI: CDBG GRANT APPLICATIONS RE METZEN ST. STORM SEWER AND BOONE BIKE TRAIL

The CDBG grant application re the Metzen Street Storm Sewer Phase 4 Project was approved and the application for the Boone Bike Trail was not approved.

FYI: MCHENRY COUNTY COUNCIL OF GOVERNMENTS MEETING

The next McHenry County Council of Governments meeting will be held September 29, 2004.

CONSENT AGENDA :

- Harvard Booster Club Raffle Request - 09/03, 09/13, 09/17, 10/1 and 10/15
- St. Joseph Church Raffle Request 07/01/04 - 06/30/05
- St. Joseph Church Raffle Request - 08/28 - 09/19
- Proclamation E.A. Burbank Day on September 10, 2004
- Women for Harvard Raffle

Moved by Bellon, 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. NOLAN

Alderman Nolan recommended that a financial workshop be scheduled no later than mid-November.

ALD. HAY - BILLS APPROVED

Moved by Hay, seconded by Perkins to approve the bills as presented in the amount of \$153,088.57. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Berg, aye; Dikun, aye and Bellon, aye. Motion approved seven to zero.

ALD. HAY - REFERRAL TO STREETS & ALLEYS COMMITTEE

Alderman Hay brought up a request reference stop signs at Park Pointe Subdivision which was referred to the Streets and Alleys Committee. Chairman Berg requested that Aldermen Dikun and Bellon ask residents at Park Pointe for their input/recommendations for stop signs in the subdivision and he will include that that on the next Streets and Alleys Committee Agenda. Alderman Dikun noted that there isn't a stop sign at the corner of Anderson/Jefferson St. Administrator Nelson stated that he will check the ordinance to see if there is supposed to be a stop sign at that location and if so, city staff will replace as soon as possible.

MAYOR'S REPORT

Mayor Henning reported that PAR has started construction of the Harvard Commons development.

CLERK'S REPORT - COM ED TREE TRIMMING

Clerk Wells has received the tree trimming schedule from ComEd for the second half of the year.

CLERK'S REPORT - UPCOMING MEETING DATES

September 29 Zoning, Planning & Ordinance Committee Mtg./Trailer Park Hearing - 7 p.m.

October 6 Regular City Council Meeting, 7:00 p.m.

TREASURER MESECK

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

Treasurer Meseck, Attorney Shepley and Aldermen Marzahl, Berg, Dikun, Bellon and Perkins had no reports.

At 7:32 p.m., moved by Berg, seconded by Nolan to adjourn the meeting. Aldermen voting aye: Nolan, Marzahl, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date