

**REGULAR CITY COUNCIL MEETING MINUTES**  
**October 27, 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, Attorney McArdle and members of the press and audience.

Mayor Henning welcomed the Cub Scouts and visitors to the City Council meeting.

**AUDIENCE PARTICIPATION:**

Pastor Marilyn Hendricks addressed the City Council with respect to a loft apartment over the garage on the property shed purchased in Harvard. She would like to rent the loft apartment to a family member and was told that she could not as the apartment had been vacant for longer than one year and requested that the situation be referred to the City Attorney for clarification as she feels the regulation prohibiting the rental of the loft apartment is discriminatory in nature. Pastor Hendricks noted that she was advised that she could not rent the loft apartment prior to her purchase of said property. Alderman Berg advised Ms. Hendricks that the property lost its legal non-conforming status because the apartment was vacant for longer than one year and the use is not permitted in an R1B zoning district which allows only one residence on a zoning log. Mayor Henning advised Pastor Hendricks that the best recourse was to go through the petition process with a hearing before the Zoning Board of Appeals.

**CITY COUNCIL MINUTES OF 10/06/04 - APPROVED**

Moved by Berg, seconded by Dikun to approve the Regular City Council Meeting Minutes of October 6, 2004. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**PLANNING & ZONING HEARING/INDUSTRIAL PARK - ORD. 2004-145, 2004-146, 2004-147 APPROVED**

The Planning and Zoning Commission met on October 25, 2004, for a hearing in the petition of Harvard State Bank, as Trustee under the provisions of a Trust Agreement dated September 24, 1994 and known as Trust Number 387. The petitioners are requesting annexation of approximately 126.8 acres of land located at the Northeast corner of Ramer Road (West Diggins St.) and that upon annexation, the property be classified as M-1 Manufacturing, B-3 Commercial and R-T Townhouse Residence Districts. The petitioners are also requesting approval of the Preliminary Plan of Subdivision. The Planning and Zoning Commission recommends to the City Council that the petitioner's requests be approved.

Moved by Berg, seconded by Dikun to approve the Planning and Zoning Commission's recommendations and Ordinance 2004-145, Authorizing the Execution of an Annexation Agreement. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-145 approved eight to zero.

Moved by Dikun, seconded by Perkins to approve Ordinance 2004-146, Annexing the Subject Property to the City of Harvard. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Ordinance 2004-146 approved eight to zero.

Moved by Berg, seconded by Bellon to approve Ordinance 2004-147, Approving the Zoning Classifications of M-1 Manufacturing, B-3 Commercial and R-T Townhouse Residence District and the Preliminary Plat of Subdivision. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye and Marzahl, aye. Ordinance 2004-147 approved eight to zero.

**AMEND SECTION 25.17, LIQUOR CODE - ORD. 2004-148 APPROVED**

Moved by Berg, seconded by Bellon to approve Ordinance 2004-148, Amending Section 25.17 of the Liquor Code pertaining to Revocation or Suspension of License. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Ordinance 2004-148 approved eight to zero.

**AMEND SECTION 19.15d - HARD SURFACING OF DRIVEWAY - ORD. 2004-149 APPROVED**

Moved by Dikun, seconded by Marzahl to approve Ordinance 2004-149, Amending Section 19.15D, Hard Surfacing of Driveways. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Ordinance 2004-149 approved eight to zero.

**IMLRMA MIN/MAX CONTRIBUTION AGREEMENT 12/31/04 - 12/31/05 - ORD. 2004-150 APPROVED**

Moved by Dikun, seconded by Bellon to approve Ordinance 2004-150, Authorizing the Execution of the IMLMRA Minimum/Maximum Contribution Agreement for a one year period beginning 12/31/04 and ending 12/31/05. Roll call vote: Bellon, aye; Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Ordinance 2004-150 approved eight to zero.

**RESOLUTION ADOPTING NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) - APPROVED**

Moved by Bellon, seconded by Perkins to approve a Resolution Adopting the National Incident Management System (NIMS). Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**FYI: SPECIAL CENSUS - APPROVED**

Mayor Henning noted information in the aldermen's packets about the process to conduct a special census. Administrator Nelson stated that there is an initial \$200 non-returnable fee to process a special census cost estimate. Once the request and payment are received by the Office of Special Censuses, a cost estimate and Memorandum of Understanding will be developed and provided and the city would then have 180 days to act upon the estimate. Moved by Hinterlong, seconded by Dikun to proceed with a request for an official cost estimate to conduct a special census. Roll call vote: Perkins, aye; Hay, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye Bellon, aye. Motion approved eight to zero.

**NORTHERN ILLINOIS SPECIAL RECREATION ASSOCIATION (NISRA) DUES - APPROVED**

Moved by Marzahl, seconded by Perkins to approve the FY 05/06 NISRA Member District Dues in the amount of \$20,700. 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.

**PUBLIC PROPERTY COMM. RECOMMENDATION - VACATE UNIVERSITY ST.-ORD. 2004-151 APPROVED**

Alderman Bellon reviewed the Public Property Committee Meeting Minutes of October 20<sup>th</sup> pertaining to the request to vacate what used to be University St. which was the location of Well #8. In 1993, the City vacated ten feet on either side, but kept enough for a possible well site. The well head has since been removed and the well sealed and there is no longer a possibility of locating a well site at that location. The neighbors sent the City a letter expressing their interest in acquiring the property.

Moved by Bellon, seconded by Dikun to approve the Public Property Committee's recommendation and an Ordinance to Vacate University St. between 306 and 400 Hayes St. to Robert and Nancy Berkholtz and Terry and Susan McEnaney, with the property owners on either side to pay all the expenses associated to vacate the roadway, including but not limited to attorney fees and survey expenses. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Hay, aye. Ordinance 2004-151 approved eight to zero.

**PUBLIC PROPERTY COMM. RECOMMENDATION -GODO/MULVENNA REQUEST - ORD. 2004-152 APPROVED**

Alderman Bellon reviewed the Public Property Committee Meeting Minutes of October 20<sup>th</sup> pertaining to the Godo/Mulvenna request for an extension easement at 8056/807 E. McKinley. The Library Board has discussed the request and did not have any problem granting the easement.

Moved by Bellon, seconded by Berg to approve the Public Property Committee's recommendation and Ordinance 2004-152 for a 10' x 40' extension easement to Frank and Ruth Godo and Jim and Char Mulvenna, with the property owners to pay all expenses associated with the easement agreement, with the condition that the easement does not run with the land and can be terminated at any time. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Hay, aye and Nolan, aye. Ordinance 2004-152 approved eight to zero.

**PUBLIC PROPERTY COMM. RECOMMENDATION/CLARKE REQUEST - REFERRED TO PARKS**

Alderman Bellon reviewed the Public Property Committee Meeting Minutes of October 20<sup>th</sup> pertaining to Mike Clarke's request to acquire city-owned property. Shawnee Court is a cul-de-sac turn around and that part of the land donation made by the developer runs along the creek line which is about an 8' strip. Mr. Clarke has expressed interest in purchasing the portion of the strip which is in the back of his yard. This would involve the sale of property with three possible options available to the city: hire an appraiser and authorize staff to sell the property; hire an appraiser and list the property with a real estate agent or sell the property through a sealed bid process. Administrator Nelson noted that this could effect the linear park plan that runs down Mokeler Creek which involves having a pedestrian bike path system set up to link up all the parks. The strip in question is to the east of the parks and presents the question of whether or not it is important to retain the possibility of extending that public use to the east. Mr. Clarke was not in attendance at the meeting and the Committee was unsure of the exact configuration of the strip in question.

Moved by Bellon, seconded by Bert to approve the Public Property Committee's recommendation to refer Mike Clark's request to the next Parks and Recreation Committee Meeting. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried.

**CONSENT ANGENDA:**

- Harvard Boys League Raffle Request - November 13, 2004
- City of Harvard Parks & Recreation Dept. Youth Recreation Raffle - January 1 - March 30, 2004
- Chamber of Commerce Request - Christmas in Harvard, December 10, 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. HINTERLONG - BILLS APPROVED**

Moved by Hinterlong, seconded by Marzahl to approve the bills as presented in the amount of \$231,272.33. 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.

**ALD. DIKUN**

Alderman Dikun reported on several phone calls he has received about teenagers smoking on North Blaine Street, particularly in the 1000 block.

**ALD. MARZAHN**

Alderman Marzahl inquired if a Water and Sewer Committee meeting needed to be called re the Anderson St. Drainage Study. Administrator Nelson noted that the committee authorized him to try to put the item into the next fiscal year budget; he will report back to Chairman Marzahl if there are any financing problems.

**MAYOR'S REPORT**

Mayor Henning related to the Council that Don Moede, Chairman of the Planning and Zoning Commission had a stroke on Monday and is at Rockford Memorial Hospital. Mayor Henning thanked the Cub Scouts for joining the City Council Meeting.

**ADMINISTRATOR'S REPORT**

Administrator Nelson referred to his memo reference the Jim Olson Collision Center Annexation Agreement and would like to refer the agreement to a committee for discussion with the owner on unresolved issues with water/sewer tap on and signage. Moved by Berg, seconded by Dikun to refer the issue to the Zoning, Planning and Ordinance Committee for review. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon, Perkins and Hay. All ayes. Motion carried. Administrator Nelson will contact the petitioner for available dates and coordinate with Chairman Hay to schedule a meeting.

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

November 2 Election Day  
November 8 Planning and Zoning Commission, 7 p.m. - Meyer Material Annexation, Zoning, Conditional Use Permit  
November 17 Annexation Agreement Hearing, Meyer Material, 6:30 p.m.  
Regular City Council Meeting, 7:00 p.m.

Clerk Wells stated that candidate petition packets are available in his office for the upcoming consolidated election on April 5, 2005.

**TREASURER MESECK**

Treasurer Meseck noted her monthly report is in the aldermen's folders; the property tax distribution is reflected in the report.

**DEPARTMENT HEADS REPORTS**

Dept. Heads and Smith Engineering: Reports as submitted.

**NO REPORTS**

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

At 7:42 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