

REGULAR CITY COUNCIL MEETING MINUTES

February 9, 2005 - 7:10 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 and Perkins. Alderman Hay was absent. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Kruckenberg, Chief Mrozek, Supt. Public Works Carbonetti, Attorney McArdle and members of the press and audience.

AUDIENCE PARTICIPATION:

Kevin Hoak, Lil Corner Store, 301 N. Division St. addressed the City Council with respect to Item #12 on the agenda and the City's policy of not allowing gas station owners to sell alcohol and expressed concern over the close proximity of Jefferson School and the high school to the proposed gas station and asked that the request be referred to committee for further discussion.

Lee Henson, Cardinal Liquors, also addressed the City Council in objection to revising the liquor code to add an additional Class B liquor license in that the number of licenses available is based on population and noted that if approved there would be other gas stations seeking a liquor license and asked that the request be referred to committee.

CITY COUNCIL MINUTES OF 01/19/04 - APPROVED

Moved by Berg, seconded by Dikun to approve the revised Regular City Council Meeting Minutes of January 19, 2005. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon and Perkins. All ayes. Motion carried.

PLANNING & ZONING COMMISSION HEARING/TEXT AMENDMENTS - ORD. 2005-104 APPROVED

Alderman Berg read a letter from Harry Stafford, Chairman Protem, Planning and Zoning Commission which met on January 31, 2005, in the petition of the City of Harvard. The petitioners are requesting text amendments to the zoning code as recommended by city staff pertaining to lot area and width; re-establishing the R1B Zoning District with the uses permitted to reflect the same restrictions as currently allowed in the R1A Zoning District and the location, size and height of accessory uses with respect to industrial lot requirements. The Planning and Zoning Commission unanimously recommends to the City Council approval of the petitioner's request to amend the Harvard Zoning Code pursuant to the list of amendments that were submitted as attached and made part of the letter of recommendation. Moved by Berg, seconded by Dikun to approve the Planning and Zoning Commission's recommendation and Ordinance 2005-104. Aldermen voting aye: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye and Perkins, aye. Ordinance 2005-104 approved seven to zero.

FORCIBLE ANNEXATIONS - ORDINANCES 2005-105, 2005-106, 2005-107 and 2005-108 APPROVED

Moved by Berg, seconded by Perkins to approve the following ordinances:

- Ordinance 2005-105, Annexing Parcel A Located South of Diggins St., West of Ratzlaff St. and North of Beaumont St.
- Ordinance 2005-106, Annexing Parcels B-1, B-2, B-3 and B-4, Located North of McGuire Rd. & West of Marengo Rd.
- Ordinance 2005-107, Annexing Parcels C-1, C-2 and C-3, Located East of Garfield St. and North of Chemung Rd.
- Ordinance 2005-108, Annexing Parcels D, E-1 and E-2, Located North and South of McGuire Rd.

Alderman Dikun inquired about the annexation of the 20-acre Amato parcel on Route 173. Administrator Nelson noted when this particular piece of property was discussed, the logic was to annex the property and to apply the nuisance code because the property is not very well maintained. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Nolan, aye. Ordinances 2005-105, 2005-106, 2005-107 and 2005-108 approved seven to zero.

ABATE SERIES 2000 SEWER AND WATERWORKS BONDS AND SERIES 2004 GENERAL OBLIGATION REFUNDING ALTERNATE BONDS - ORD. 2005-109 APPROVED

Administrator Nelson noted that when the city refinanced the water/sewer bonds, a different bond document was originated creating two separate bond ordinances for the same issue. When we went through normal procedure on the abatement for the first bond issue, the second was omitted. The proposed abatement pertains to the second bond issue. Next year, they will be combined into one tax abatement ordinance. Moved by Hinterlong, seconded by Dikun to approve Ordinance 2005-109, Abating the Ad Valorem Taxes Levied for the Year 2004 to Pay Debt Service on the \$3,000,000 General Obligation Alternate Bonds, Series 2000, and the \$1,475,000 General Obligation Refunding Alternate Bonds, Series 2004, of the City of Harvard, Illinois. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye and Marzahl, aye. Ordinance 2005-109 approved seven to zero.

ELDRIDGE AYER PRESENTATION - DROPPED FROM AGENDA

Mayor Henning noted that Margaret Kister has taken ill; should be on next City Council agenda.

PROCLAMATION/PRESENTATION - FFA WEEK FEBRUARY 19-26, 2005 - APPROVED

Mayor Henning welcomed the FFA members in attendance. Alyssa Lowe, President of the Harvard FFA Chapter addressed the City Council and outlined some of the community service activities they will be involved in this year. Moved by Berg, seconded by Dikun to approve a Proclamation designating February 19-26, 2005, as FFA Week in the City of Harvard. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon and Perkins. All ayes. Motion carried. Mayor Henning presented the proclamation to the Harvard FFA Chapter.

HARVARD MILK DAY RESOLUTIONS/WAIVER OF OUTDOOR MARKET FEES- APPROVED

Moved by Dikun, seconded by Nolan to approve a resolution declaring Harvard Milk Day 2005 a Legal Holiday and a resolution to IDOT to close Route 173 between Garfield and Division St. during the Milk Day Parade on June 4, 2005, and to approve Harvard Milk Day's request for a waiver of Outdoor Market Fees for 2005. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye; Marzahl, abstain and Hinterlong, aye. Motion approved six to zero, with one abstention.

ALL WORLD MACHINERY REQUEST FOR ONE DAY LIQUOR LICENSE AND USE OF MILKY WAY PARK ON JULY 16, 2005 - APPROVED

The City Council discussed All World Machinery's correspondence requesting the use of Milky Way Park on July 16, 2005, for their annual customer appreciation party. Their request includes a one-day liquor license, a band from 7-11 p.m., tent, a catering company on site for food and beverage and fireworks. Restroom facilities will be provided by Port-A-John. Moved by Berg, seconded by Dikun to grant All World Machinery's requests and to authorize city staff to coordinate with the license holder on details for police presence and insurance requirements for the requested fireworks. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Motion approved seven to zero.

REQUEST TO AMEND LIQUOR CODE & APPLICATION FOR CLASS B LICENSE - APPROVED

Ken Kearns and Rick Mastreta, Prairie State Enterprises of Darien (d/b/a Harvard Junction Marathon) gave a presentation with respect to their request that the liquor code be amended to allow the creation of another Class B license, and if approved, their application for a Class B Liquor License and plans to create a dedicated, restricted area for a liquor department located within their store. Ken Kearns reviewed their unsuccessful attempts to lease the 500 sq. ft. space to quick serve restaurant tenants and noted this would fill a need as there isn't any place north of town to purchase packaged alcohol. They have a program in place for training of employees in alcohol awareness. Rick Mastreta stated the area they are talking about is a space currently behind a wall which is currently only accessible by management. They are proposing to knock down an estimated 10' portion of the wall with a barricade for restricted access. Youth would not be allowed to walk in and out of the area. A separate cooler would be used strictly for the beer. The council discussed age requirements to sell alcohol; Clerk Wells noted there is a difference between on premise sales which is 21 and off premise sales which is 18. Moved by Berg, seconded by Perkins to approve an ordinance to increase the number of Class B Liquor Licenses by one and to approve the request for a Class B Liquor License,

effective May 1, 2005, provided the fees are paid. Mayor Henning noted the background check was completed and is satisfactory. Mayor Henning clarified current ordinance indicates one license per 1,000 people with 7 licenses available. Current population is 8,000 with a special census being conducted. Alderman Dikun expressed his objections due to the close proximity of the gas station to the schools and Northfield Court Apartments. Roll call vote: Bellon, no; Perkins, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, no. Ordinance 2005-110 approved five to two.

SENIOR SERVICES GRANT/AUTHORIZATION TO SIGN – APPROVED

Moved by Berg, seconded by Perkins to authorize the Mayor to execute the Senior Services Grant for the Harvard Senior Citizen Cooling Center Project. Roll call vote: Perkins, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye and Bellon, aye. Motion approved seven to zero.

RENEW LINE OF CREDIT ONE YEAR - APPROVED

Moved by Hinterlong, seconded by Hay to renew the Line of Credit and to authorize the Mayor and City Clerk to sign the necessary paperwork. Roll call vote: Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye and Perkins, aye. Motion approved seven to zero.

WATER AND SEWER COMM. RECOMMENDATIONS FROM MEETING ON JANUARY 26, 2005

Tim and Pam Reckamp Request

The Committee discussed Tim and Pam Reckamp's letter pertaining to the forced annexation of their property located at 21620 Airport Rd. and request for a variation in the event they sell their property, they would not be required to immediately tap-on unless those utilities at the time of the sale were immediately available at the corners of their property or in front of their property. Language could be included in the variation ordinance that would address permission to install a well and/or septic system which would have to be reviewed by the county health dept. The Committee recommends to the City Council that an ordinance be drafted granting a variation allowing the Reckamp's the right to maintain their well and septic until such time as those utilities become available adjacent to the property (either across the front or to the corners) whether it be on one side of the road or the other and they be allowed to maintain the septic system and well so long as they abide by county ordinances. Moved by Marzahl, seconded by Perkins to approve the Committee's recommendation for Attorney McArdle to draft an ordinance granting a variation from Section 13A.02C, Use of Sewers required and Section 13B.03A, Use of Water Facilities required, for property located at 21620 Airport Rd. Alderman Dikun requested that the motion be amended to include language directing the City Clerk to record the ordinance and that a memorandum of ordinance also be prepared and recorded at a cost of \$54.00, with the filing fees paid by property owners. Aldermen Marzahl and Perkins amended the motion respectively. Alderman Berg will draw up the memorandum of ordinance. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon and Perkins. All ayes. Motion carried.

TV Sewers

The Committee discussed the tv sewer program. Staff was directed to obtain a proposal from Smith Engineering on the areas staff would like to tv and report back to Chairman Marzahl with a copy to the Committee and put on the agenda for Council approval.

Water/Sewer Capital Improvements

The Committee reviewed the Water and Sewer Fund Capital Improvement Plan, and after discussion, staff was directed to identify the costs to complete some of the smaller water looping projects and to report back to the Committee :

- #5 Install new water main on West Brown from 2nd to N. Division
- #6 Install new water main on West Brown from 4th to 3rd
- #7 Install new water main on Hart from University to E. Diggins
- #9 Connect water main on West Park from Jackman to Blanchard

The Committee discussed Smith Engineering's proposal to conduct a Preliminary Engineering Evaluation of Future Wastewater Treatment Needs at a cost of \$17,890. The Committee recommends to the City Council that the agreement with Smith Engineering be approved at a cost not to exceed \$18,000 with the study funded through tap-on fees. Moved by Marzahl, seconded by Perkins to approve the Committee's recommendation

and the agreement with Smith Engineering to conduct a Preliminary Engineering Evaluation of Future Wastewater Treatment Needs at a cost not to exceed \$18,000. Roll call vote: Marzahl, aye; Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye and Nolan, aye. Motion approved seven to zero.

Roy Hunt Request for Property Located at 708 W. Brink St.

In Roy Hunt's absence, the Committee discussed the water bill at 708 W. Brink St. The meter was reread with the bill significantly higher indicating an internal problem. The Committee directed staff to proceed with normal billing procedure and shut the water off if the bill is not paid.

PARKS & RECREATION COMM. RECOMMENDATIONS FROM MEETING ON FEBRUARY 7, 2005

Kishwaukee Valley River Watershed Presentation

No one in attendance to make presentation from Kishwaukee Valley River Watershed.

Mike Clarke's Request

The Committee discussed Mike Clarke's request to purchase 3,800 sq. ft. in Park Pointe Subdivision behind his property as outlined behind Lot 50. The general consensus was that the City should retain more than the 50' depicted on the map in the event the City would like to put in a walking trail or bike path. Mike Clarke indicated he would still be interested in purchasing a smaller portion and that the adjoining neighbor is also interested in purchasing property behind his house. The sale of property would require sealed bids and newspaper publication for three consecutive weeks and would include the reimbursement to the City for costs incurred for the cost of publication, attorney fees, etc. Mr. Clarke will obtain a survey of the property and legal description. The Committee recommends to the City Council that Administrator Nelson be authorized to meet with the owners to determine costs. Moved by Perkins, seconded by Dikun to approve the Committee's recommendation. Roll call vote: Hinterlong, aye; Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye and Marzahl, aye. Motion approved seven to zero.

Review Pool Fee Schedule/Park Fees

Supt. Burkart reviewed the 2004 Year End Pool and Park Report and recommended increasing fees for in-town/out-of-town pool passes and swimming lessons by \$5.00 across the board; everything else would remain the same. The Committee discussed whether or not the lack of a kiddie pool affected attendance. Supt. Burkart noted that the pool is geared towards the junior high age group and that there really isn't anything any attraction for toddlers except to sit in the shallow end. The Committee recommends to the City Council to approve a \$5.00 fee increase per Supt. Burkart's recommendations. Roll call vote: Berg, aye; Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye; Marzahl, aye and Hinterlong, aye. Motion approved seven to zero.

Review Parks Capital Improvements

The Committee reviewed the Parks Capital Improvement Plan to identify priorities for the next fiscal year. After discussion, the Committee recommends to the City Council to approve the purchase of one feature, pump and motor at a cost not to exceed \$25,000, with staff to determine the feature and size of pump and motor. Any funds leftover will be put back into the park fund. If necessary, staff will come back to the Committee if they find a deal outside the parameter of the motion. Moved by Perkins, seconded by Dikun to approve the Committee's recommendation. Roll call vote: Dikun, aye; Bellon, aye; Perkins, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye and Berg, aye. Motion approved seven to zero.

The parks capital improvement list will be updated at the next Parks and Recreation Committee meeting.

The Committee discussed the replacement of the shelter at Mary D. Ayer Park. The City has received a quote from Sam Finrock, Regional Sales Manager at Erect-A-Tube in the amount of \$8,600 for a 22' x 42' pavilion, including delivery to the site. Sam has also volunteered his services to direct putting up the pavilion and Darrell has a crew that will put it up. There would be additional cost for a concrete foundation base; Darrell is working on cost estimates. Total cost is estimated at \$12,000; Darrell will have an exact cost at the next Parks and Recreation Committee Meeting.

INFO: MCHENRY CO. COUNCIL OF GOVERNMENTS

The City of Harvard will host the next McHenry County Council of Governments Meeting to be held on February 23, 2005, at the Heritage House. Reservation need to be made by Friday, February 18, 2005.

CONSENT AGENDA :

- St. Joseph's Raffle Request, February 12th - April 23rd
- Chamber of Commerce Request to put sign at 5-points to advertise for EXPO which is February 26th

Moved by Dikun, seconded by Bellon to approve the Consent Agenda. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon and Perkins. Motion approved seven to zero.

COMMITTEE REPORTS

ALD. HINTERLONG - BILLS APPROVED

Moved by Hinterlong, seconded by Berg to approve the bills as presented in the amount of \$499,031.27. Roll call vote: Bellon, aye; Perkins, aye; Nolan, aye; Marzahl, aye; Hinterlong, aye; Berg, aye and Dikun, aye. Motion approved seven to zero.

ALD. DIKUN

Alderman Dikun made mention of Jimmy Gonzalez who passed away earlier in the week and noted his contributions when he was member of the Park Board.

ALD. BELLON

Alderman Bellon noted his decision not to run for re-election as alderman because of his job in South Bend, Indiana, and that he is backing Scott Logan for alderman.

ALD. PERKINS - PARKS & RECREATION COMMITTEE MEETING 02/28/05

Chairman Perkins called a Parks and Recreation Committee Meeting for Monday, February 28, 2005, at 7:00 p.m. Agenda items: NISRA, capital improvement plan and update on shelter at Mary D. Ayer Park. Supt. Burkart was asked to be in attendance.

ALD. BERG - STREETS & ALLEYS COMMITTEE MEETING 02/16/05

Chairman Berg called a Streets and Alleys Committee Meeting for Wednesday, February 16, 2005, at 7 p.m. Agenda items: Oak Grove Crossing Stop Signs, Road Resurfacing Program, Pasquinelli's Country Brook Subdivision Stop Signs and Front St. Parking. Attorney McArdle noted that if desired, Aldermen Bellon and Hinterlong could attend committee meetings via teleconference.

MAYOR'S REPORT

Mayor Henning noted that the filing period for the upcoming election is over and wished all the candidates the best and commended them for their intent to seek office. Mayor Henning also noted the major contributions that Jimmy Gonzalez and family have made to our community.

ADMINISTRATOR'S REPORT

Administrator Nelson made mention of his written report in the packet and his recommendation for the City Council to consider regarding the carry-out liquor license issue. Administrator Nelson inquired if the teleconference meeting was considered a meeting attended as far as alderman's pay.

CLERK'S REPORT

Clerk Wells reported on a hearing of the Harvard Electoral Board on February 3rd, 2005, with the minutes in the aldermen's folders; all documents have been filed with the County Clerk. Clerk Wells made note of correspondence from Charter Communication increasing fees. Clerk Wells noted he has a sign up sheet for the MCCOG Meeting on February 23rd.

CLERK'S REPORT - UPCOMING MEETING DATES

February 16 Streets and Alleys Committee Meeting, 7 p.m.
February 28 Parks and Recreation Committee Meeting, 7 p.m.
March 2 Regular City Council Meeting, 7 p.m.

TREASUER MESECK

Treasurer Meseck noted that the monthly treasurer's report was in aldermen's folders.

DEPARTMENT HEADS REPORTS

Dept. Heads and Smith Engineering: Reports as submitted.

NO REPORTS

Attorney McArdle and Aldermen Nolan, Marzahl and Berg had no reports.

At 7:57 p.m., moved by Dikun, seconded by Bellon to adjourn the meeting. Aldermen voting aye: Nolan, Marzahl, Hinterlong, Berg, Dikun, Bellon and Perkins. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date