

**REGULAR CITY COUNCIL MEETING MINUTES**  
**September 27, 2011 - 7:00 P.M.**

Mayor Nolan called the City Council meeting to order at 7:00 p.m. and led the pledge to the flag. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. Also present were City Administrator Nelson, Chief Kazy-Garey, Supt. Parks & Rec. Burkart, Supt. Public Works Kruckenberg, Supt. Utilities Grant, City Attorney Carlos Arévalo and members of the audience.

**AUDIENCE PARTICIPATION: NONE**

**CITY COUNCIL MEETING MINUTES OF 08/23/2011 - APPROVED**

Moved by Perkins, seconded by Logan to approve the minutes of the Regular and Closed Session City Council Meeting of August 23, 2011, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**L.A.W. PUBLICATIONS PEDDLAR & SOLICITOR'S PERMIT REQUEST - APPROVED**

Chief Kazy-Garey indicated this the second year that L.A.W. Publications has presented their request and they do have publications that he would like to utilize. Moved by Logan, seconded by Perkins to approve a Peddler's and Solicitor's Permit, with a waiver of the permit fees, from October 1<sup>st</sup> - 31<sup>st</sup>, 2011, in exchange for the City receiving the equivalent value in publications. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**ST. JOSEPH CHURCH REQUEST TO CONDUCT SALES AT 60 N. AYER ST. WITH A WAIVER OF THE OUTDOOR MARKET FEE - APPROVED**

Mayor Nolan noted that the request from St. Joseph's Church is basically for Paul Perona to sell his handcrafted items with proceeds going to the Christmas Basket program. Moved by Logan, seconded by Clarke to approve St. Joseph Church's request for Paul Perona to conduct sales of handcrafted items on the sidewalk in front of Attorney John Gaffney's office located at 60 N. Ayer St., Harvard, with a waiver of the Outdoor Market Permit fee, on Fridays, from September 30<sup>th</sup> through October 28<sup>th</sup>, 2011, from noon until 4 p.m., pending receipt of written permission from Attorney Gaffney. Alderman Marzahl suggested changing the time to 5 p.m. when the banks close. Aldermen Logan and Clarke amended their motion and second respectively that the time be from noon until 5 p.m. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**IDOT INTERGOVERNMENTAL AGREEMENT MASTER CONTRACT TRAFFIC SIGNALS - TABLED**

City Administrator Nelson noted that the City Council tabled the item last month for future consideration and directed questions to Attorney Arévalo who indicated that on its face, the contract doesn't identify penalties for not signing the contract, but there could be a law suit to enforce the contract, penalties or other potential issues with any funding received from the state if the City is not compliant. Alderman Opper referred to the modification portion of the contract which indicates that Exhibit A can be modified to add or delete signals or devices, but only by written revision signed by the Regional Engineer, the Engineer of Operations and the City. Administrator Nelson noted that when contacted previously, IDOT stated that a traffic study would be required with an anticipated cost of \$10,000 - \$15,000. After discussion, moved by Opper, seconded by Logan to table the item until next month directing staff to contact IDOT's regional engineer to modify the contract to exclude the traffic lights at US 14 at Crowley Rd. and US 14 @ Motorola. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**FYI: MERRYMAN NOTICE OF BREACH OF ANNEXATION AGREEMENT**

Mayor Nolan and Administrator Nelson updated the City Council on the Notice of Breach of Annexation Agreement that was sent to Mr. Merryman. The agreement requires equal payments of \$23,375.00 for the mining fee to be paid on September 1 and December 1 of each year, with a 10% penalty for failure to comply with the payment schedules. The September 1, 2011, payment is outstanding. Merryman has thirty days to cure the default plus a 10% penalty.

**WARD REDISTRICTING/AMEND SECTION 1.13, WARDS – ORD 2011-127 APPROVED**

Administrator Nelson reviewed his memo outlining ward populations as a result of the 2010 census and noted that with his recommendation to even out the population in Ward 3 and Ward 4 and further noted that State law requires that the wards be of equal population regardless of whether or not they are registered voters based on the census every ten years. The proposed change represents about 18 square blocks between Washington Street north to Front Street; Campbell Street on the west and Route 14 on the east to be moved to Ward 3. Moved by Logan, seconded by Perkins to approve Ordinance 2011-127, Amending Section 1.13, Wards, of the Harvard Municipal Code to incorporate the redistricting. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2011-127 approved eight to zero.

**AUTHORIZE EXECUTION OF AMENDMENT TO ARTICLES OF AGREEMENT FOR DEED REGARDING 200 E. DIGGINS ST. – ORD 2011-128 APPROVED**

Mayor Nolan noted that the property in question is the old Mary D. Ayer Apartment complex which was going into default. Mr. Perez has requested that the Articles of Agreement be modified to reduce the interest rate from 6% to 4%. Moved by Opper, seconded by Marzahl to approve Ordinance 2011-128, Authorizing Execution of an Amendment to the Articles of Agreement for Deed Regarding 200 E. Diggins St. Roll call vote: Marzahl, aye; Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion approved eight to zero.

**HALLOWEEN TRICK OR TREAT HOURS - APPROVED**

Mayor Nolan noted that the traditional hours for trick or treating has been 5 - 8 p.m. but last year Halloween was on a Sunday so hours were changed to 4 – 7 p.m. Halloween falls on a Monday this year. Chief Kazy-Garey noted that that 5 - 8 p.m. time frame works for him. There was discussion about changing to Sunday or earlier hours. Moved by Perkins, seconded by Logan to approve Halloween Trick or Treat hours on October 31<sup>st</sup> from 5 – 8 p.m. Aldermen voting aye: Leyden, Marzahl, Musgrove, Clarke, Logan, Perkins and Opper. Alderman Ulmer voted nay. Motion carried.

**INFO: LIFE CHAIN, SUNDAY, OCTOBER 2<sup>nd</sup>, 2011**

Mayor Nolan noted correspondence from the Knights of Columbus who will be sponsoring the National Life Chain to be held locally on Sunday, October 2<sup>nd</sup>, 2011, from 2:00 – 3:30 p.m. on the sidewalk at the intersection of Route 14/Diggins St/Ayer St.

**CONSENT AGENDA:**

- Harvard Booster Club Raffle Request 08/15/2011 – 08/14/2012
- St. Joseph Catholic School Raffle Request 10/01/2011 – 04/28/2012

Moved by Logan, seconded by Marzahl to approve the Consent Agenda as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

**COMMITTEE REPORTS**

**ALD. OPPER – ORDINANCE COMMITTEE MEETING 10/11/11**

Chairman Opper called a Zoning, Planning and Ordinance Committee Meeting for Tuesday, October 11<sup>th</sup>, 2011 at 6:30 p.m. to be held at City Hall, 201 W. Diggins St. to discuss Section 1.14, Collection of Fees; Propose Ordinance for Outdoor Patios and Soliciting at Five-Points.

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Opper to approve the bills list as presented in the amount of \$319,422.48. Roll call vote: Ulmer, aye; Musgrove, aye; Clarke, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

**MAYOR'S REPORT**

- There is a Family Fall Fest downtown on Saturday, October 15<sup>th</sup>

- Mayor Nolan updated the City Council on the status of the Teamsters Contract. The contract was imposed and went into effect after proper notification on September 12<sup>th</sup>, 2011, after which the City received notice that the Teamsters had filed an unfair labor practice suit.
- Mayor Nolan noted there is a FOP Arbitration Hearing on October 18<sup>th</sup>, 2011

**CITY ADMINISTRATOR'S REPORT**

City Administrator Nelson noted that the City has launched the website with new software. The website notes that it is under construction as we get pages and links updated. Please e-mail either Dave or Lori if you see items that need to be corrected.

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

October 4 Planning & Zoning Commission Meeting, 7 p.m. POST TO CANCEL  
 October 11 Regular City Council Meeting, 7 p.m. POST TO CANCEL  
 October 11 Zoning, Planning & Ordinance Committee Meeting, 6:30 p.m.  
 October 18 Regular Events Committee Meeting, 5 p.m.  
 October 25 Regular City Council Meeting, 7 p.m.

**TREASURER'S REPORT**

The monthly treasurer's report for September, 2011 is in the packet. Mayor Nolan noted that Treasurer Szczap's father was in hospital having heart surgery and to keep him in prayer.

**NO REPORT**

City Attorney Arévalo, Mayor Nolan and Aldermen Perkins, Clarke, Musgrove, Ulmer; Marzahl and Leyden had no specific report.

**ENGINEERING & DEPARTMENT HEADS REPORTS**

Dept. Heads: Reports as submitted

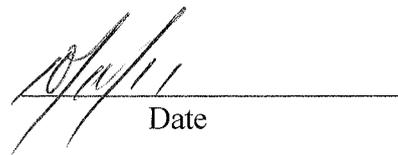
Supt. Burkart reported that the preliminary savings at the pool from the solar panels is about \$5,000. Supt. Burkart also reported that Gerdes Nursery donated 150 trees/shrubs.

At 7:28 p.m., moved by Perkins, seconded by Logan to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Musgrove, Clarke, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:



Andy Wells,  
City Clerk



Date