

REGULAR CITY COUNCIL MEETING MINUTES

March 28, 2006 - 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, Berg, Adams, Logan, Perkins and Hay. Also present were City Treasurer Meseck, City Administrator Nelson, Building Inspector Kruckenberg, Parks Supt. Burkart, Utilities Supt. Gibson, Attorney Rob Fetzner and members of the press and audience.

Mayor Nolan noted that Item 5: FOP Presentation/K-9 Dog Unit and Item #24: Closed Session dropped have been from the agenda.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES 03/14/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular and Closed Session City Council Meeting Minutes of March 14, 2006. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

AMBAT REQUEST TO ADD CLASS B LIQUOR LICENSE – REFERRED TO ORDINANCE COMM.

George Ambat addressed the City Council with respect to his request to amend the liquor code to add a Class B Liquor License. He previously submitted a liquor license application for the Lil Corner Store, and is looking to take over the convenience store that is being built by Adriana's Restaurant and would like to apply for a Class B Liquor License at that location instead of Lil Corner Store. Moved by Berg, seconded by Logan to refer Mr. Ambat's request to the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

GALVIN REQUEST TO ADD CLASS A LIQUOR LICENSE – REFERRED TO ORDINANCE COMM.

Moved by Berg, seconded by Hay to refer Tim Galvin/Bar Time's request to amend the liquor code to add a Class A Liquor License to the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

CAPITAL CREAM REQUEST RE CRUISE NIGHT – REFERRED TO STREETS & ALLEYS COMM.

Rebecca Gabrys, 200 W. Burbank St., addressed the City Council with respect to her request to start a "Cruise Night" in downtown Harvard on Tuesday evenings from 6-8:30 p.m. from May 23rd thru September 12th closing off Ayer St. from Brainard to Front St. The City Council discussed concerns about closing off Ayer St. for any fire/rescue vehicles that might need to go north. The general consensus was for Mayor Nolan to contact Chief Slowey for his input. Moved by Berg, seconded by Logan to refer the request to the Streets and Alleys Committee to work out details. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

HENNING RESIGNATION FROM POLICE COMMISSION - APPROVED

Moved by Berg, seconded by Leyden to approve Ralph Henning's letter of resignation, effective immediately, from the Police Commission. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried

APPOINT RON SMITH TO POLICE COMMISSION – APPROVED

Moved by Berg, seconded by Hay to approve the Mayor's recommendation to appoint Ron Smith to the Police Commission. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried

AUTHORIZE MAYOR'S EXECUTION OF CONTRACT TO PURCHASE REAL ESTATE - APPROVED

Mayor Nolan reviewed the City's plans to purchase property located at 201 W. Diggins Street from Castle Bank, who is building a new facility. The anticipated closing is August, 2007 and relocating in the spring of 2008. Moved by Berg, seconded by Hay to authorize the mayor's execution of a contract to purchase real estate located at 201 W. Diggins St. in the form presented. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved eight to zero.

FOP UNION CONTRACT - APPROVED

Mayor Nolan reported that a five-year contract with the FOP has been agreed upon. Moved by Berg, seconded by Hay to authorize the execution of the contract with the Fraternal Order of Police. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved eight to zero.

WATER & SEWER COMMITTEE RECOMMENDATIONS

Chairman Marzahl reviewed the Water & Sewer Committee Meeting Minutes of March 21, 2006.

Painting Downtown Water Tower – Approved

The Committee reviewed the drawings from Jetco for the artwork/design of the water tower. Moved by Marzahl, seconded by Logan to approve the Water and Sewer Committee recommendation to paint the downtown water tower without cow spots and to put “Harvard” on both sides of the tower, similar to the tower at Lion’s Park. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

Sanitary Sewer Bypass Plan

The Committee reviewed the Preliminary Sanitary Sewer Layout for the Northeast Development Area.

Sewer Back-up Policy

The Committee reviewed the current policy regarding sewer backups and damage claims with the general consensus to maintain the current policy and to process claims through the City’s insurance carrier, who conducts an investigation to determine the extent, if any, of the City’s liability, allowing for mayoral discretion on an individual case basis.

ZONING, PLANNING & ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Hay reviewed the Zoning, Planning & Ordinance Committee Meeting Minutes of March 22, 2006.

Chapter 25 Liquor Code

The Committee discussed amendments to the liquor code to create an outdoor liquor license; to amend Section 25.14, Abandonment of Liquor Licenses, that in the event a liquor license is abandoned, the license would not be available to another potential license holder, and would then reduce the number of licenses; establishing a one-time license fee of \$10,000 for carryout and \$5,000 for on-premise and to remove the numbers and limits associated with available licenses so that any new liquor licenses other than what already exists would have to be created by the City Council. Staff was directed to draft an ordinance for Committee review incorporating all the changes as discussed.

Metra Parking Lot #2

The Committee discussed the need for additional overnight parking in the Metra Parking Lot #2. There are 45 available spaces of which 27 are currently overnight parking only. The Ordinance Committee recommends to the City Council that City ordinance be amended to allow for an additional 18 spaces in the Metra Parking Lot #2 which would make the entire parking lot overnight parking only. Moved by Hay, seconded by Logan to approve the Committee’s recommendation to amend City ordinance to allow for an additional 18 overnight parking spaces in Metra Parking Lot #2 which would make the entire parking lot overnight parking only.

Zoning Code Text Amendments

The Committee reviewed several zoning code text amendments as presented by City Clerk Wells, to clarify contradictions in Table 1 and Table 2 with respect to minimum lot area for agricultural uses and multi-family and to define terms “grooming and care of live animals” as they pertain to Home Occupations. Moved by Berg, seconded by Ulmer to refer the text amendments as discussed to the Planning and Zoning Commission for review. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

ALD. HAY – ORDINANCE COMMITTEE MEETING – 04/05/06

Chairman Hay called an Ordinance Committee Meeting for Wednesday, April 4, 2006, at 6:30 p.m. to discuss the George Ambat’s request to amend the liquor code and Tim Galvin’s request to amend the liquor code and to review the draft ordinance amending the liquor code.

CONSENT AGENDA

- Proclamation to Designate May as Motorcycle Awareness Month
- Sesquicentennial Fashion Show Raffle Request, April 1st
- St. Joseph’s School Raffle Request, April 8th
- New Life Pentecostal Church Solicit Donations April 15th
- Harvard Milk Day Horse Show Raffle Request, May 28th
- OTC Tobacco License, Olson Marathon-360 S. Division St.

Moved by Berg, seconded by Perkins to approve the Consent Agenda. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

COMMITTEE REPORTS

ALD. PERKINS

Chairman Perkins called a Parks & Recreation Committee meeting for Tuesday, April 4th, 2006, at 7 p.m. to discuss the Kiwanis Club, Milk Day lighting, dogs at Milk Days and NISRA.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$120,546.40. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Motion approved eight to zero.

ALD. LOGAN - BUDGET

Chairman Logan noted that the final draft of the budget is in the aldermen’s folder and called a Finance Committee Meeting for Thursday, April 13th, 2006, at 7 p.m. for a final review before it is presented to the City Council and to discuss the concept of a budget officer.

ALD. BERG – STREETS & ALLEYS COMMITTEE – 04/05/06

Chairman Berg called a Streets & Alleys Committee Meeting for Wednesday, April 5th, 2006, at 6:30 p.m., to discuss Rebecca Gabrys’ request for “Cruise Night”.

ALD. ULMER

Chairman Ulmer will call a Public Property Committee Meeting at the next City Council meeting.

MAYOR’S REPORT

Mayor Nolan thanked the City Council for their support during the process of purchasing the building on W. Diggins.

ADMINISTRATOR’S REPORT

Administrator Nelson noted his written report in the aldermen’s folders.

CLERK’S REPORT - UPCOMING MEETING DATES

Clerk Wells noted that the normal meeting for the Planning & Zoning Commission on April 4th has been cancelled as there are not petitions before the commission.

- April 4 Parks & Recreation Committee Meeting – 7 p.m.
- April 5 Streets & Alleys Committee Meeting – 6:30 p.m.
- Ordinance Committee Meeting – 6:30 p.m.
- April 11 Regular City Council Meeting – 7:00 p.m.
- April 13 Finance Committee Meeting – 7:00 p.m.

TREASURER’S REPORT

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

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

Parks Supt. Burkart read a letter received from the Kiwanis Club noting that the club has been disbanded. Further that because they were the primary organizer for the fitness area at Milky Way Park, the Kiwanis presented a final donation in the amount of \$3,500 for the continued upkeep and improvement of that area.

NO REPORTS

Attorney Fetzner and Aldermen Adams, Marzahl, Leyden had no report at this time.

At 7:30 p.m., moved by Berg, seconded by Perkins to adjourn the meeting. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Motion approved eight to zero.

Submitted by:

Andy Wells,
City Clerk

Date