

REGULAR CITY COUNCIL MEETING MINUTES

April 11, 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, Berg, Adams, Logan, Perkins and Hay. Alderman Ulmer was absent. Also present were City Treasurer Meseck, City Administrator Nelson, Building Inspector Kruckenberg, Parks Supt. Burkart, Police Chief Oparyk, Public Works Supt. Carbonetti, Attorney Rob Fetzner and members of the press and audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MINUTES 03/28/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes of March 28, 2006. Aldermen voting aye: Leyden, Marzahl, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

FOP PRESENTATION/K-9 DOG UNIT

Steve Dixon presented the City Council with a check in the amount of \$32,000 on behalf of the Fraternal Order of Police Lodge #134 towards a K-9 Unit for the Police Department. Mayor Nolan thanked the FOP and residents of Harvard for their participation and noted that the funds will be used to purchase a vehicle for a K-9 unit.

FRANK GODO/DOODLEBUG REQUEST

Frank Godo addressed the City Council with respect to SB 25 which authorizes towns/municipalities to adopt ordinances permitting the use of electric vehicles on their roadways or streets. These vehicles are only permitted on streets with a speed limit of 35 mph or less. The operator must have a valid driver's license. The Doodlebug Manufactory, Inc. is seeking approval of such an ordinance to allow for the use of their vehicles on city streets. Moved by Berg, seconded by Hay to refer the request to the Ordinance Committee. Aldermen voting aye: Leyden, Marzahl, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Chairman Hay called an Ordinance Committee for Wednesday, April 19th, 2006, at 7 p.m.

JIMMY'S PATIO REQUEST FOR OUTDOOR SEATING - APPROVED

Jimmy Parhas addressed the City Council to request permission to put outdoor seating on the sidewalk in front of Jimmy's Patio, with small tables similar to Capital Cream to seat 3-4 people. Jimmy stated that there would not be any liquor outside. Moved by Berg, seconded by Adams to grant the request. Aldermen voting aye: Leyden, Marzahl, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

RAY & NANCY'S REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 3, 2006 - APPROVED

Ray and Nancy Thompson have submitted a request for Saturday, June 3rd, to erect a 7' plastic safety fence surrounding the sidewalk area in front of Ray & Nancy's Tap to allow their patrons to have alcohol outside within this area. No alcohol will be sold outside and no speakers for music will be placed outside. Moved by Berg, seconded by Perkins to approve Ray and Nancy Thompson's request granting a permit to encroach on the sidewalk with the fence erected pursuant to their request and to allow alcohol to be consumed outdoors. Roll call vote: Aldermen voting aye: Leyden, Marzahl, Berg, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

BOPP'S TAVERN REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 3, 2006 - APPROVED

Steve Streit, Manager of Bopp's Tavern, has submitted a request for Saturday, June 3rd, to erect a 7' plastic safety fence portioning off part of the alley east of Bopp's to allow their patrons to have alcohol outside within this area. No alcohol will be sold outside and no speakers for music will be placed outside. Moved by Logan, seconded by Adams to approve Bopp's Grille and Saloon's request granting a permit to

encroach on the sidewalk with the fence erected pursuant to their request and to allow alcohol to be consumed outdoors. Aldermen voting aye: Leyden, Marzahl, Adams, Logan, Perkins and Hay. Alderman Berg abstained. Motion carried.

50/50 SIDEWALK PROGRAM – LANDMARK PROPOSAL APPROVED

Moved by Berg, seconded by Logan to award the contract for the 50/50 Sidewalk Program to Landmark Contractors, Inc. for their low bid as follows: remove and replace PCC Sidewalk 6" @ \$6.50/SF and to remove and replace 4" sidewalk @ 6.30/SF. Roll call vote: Leyden, aye; Marzahl, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

PARKS & RECREATION COMMITTEE RECOMMENDATIONS

Chairman Perkins reviewed the Parks & Recreation Committee Meeting Minutes of April 4, 2006.

Kiwanis Club Donation

The Committee reviewed correspondence from the Kiwanis Club reference the disbanding of the club and their donation in the amount of \$3,500. Supt. Burkart presented costs for maintenance and repair of the existing fitness area at Milky Way Park and noted that the items contained in their proposal could either be done by the City or were not significant in nature as well as costs for baseball fencing and recommended that the donation be used to put in six park benches and four trash cans in the amount of \$3,538.00. The Parks & Recreation Committee recommends to the City Council that Supt. Burkart's proposal be approved, subject to approval by the Kiwanis Club.

Alderman Berg related a conversation with Supt. Burkart who noted that the Kiwanis Club has approved the expenditure of the donation as discussed by the Committee. Moved by Perkins, seconded by Marzahl to approve the Parks & Recreation Committee's recommendation to use the Kiwanis Club donation for the purchase of six park benches and four trash cans. Roll call vote: Marzahl, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved seven to zero.

Milk Day Lighting

Supt. Burkart related to the Committee that Milk Day is researching the possibility of putting up the eight lights removed from the viaduct on the north side of the parking lot in Milky Way Park, pending final approval of both the Milk Day Board and the City Council. The Parks & Recreation Committee recommends to the City Council approval of Milk Day's request to approve the installation of the city lights at Milky Way Park at no cost to the City, on the north side of the parking lot, with the light fixtures pointed toward the parking lot.

Moved by Perkins, seconded by Logan to approve the Parks & Recreation Committee's recommendation to approve Milk Day's request to install the city lights at Milky Way Park as discussed. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, abstain. Motion approved six to zero, with one abstention.

Dogs at Milk Day – Ordinance 2006-109 Approved

The Committee discussed Milk Day's request that no dogs be allowed in Milky Way Park on Friday, June 2nd through Sunday, June 4th. The Parks & Recreation Committee recommends to the City Council that commencing with the 2006 Milk Day Celebration, dogs with the exception of police dogs or dogs used for the handicapped, be banned from the Milk Day Grounds, with a fine for violation of not less than \$100 nor more than \$500, upon ignoring direction to leave the grounds.

Moved by Perkins, seconded by Logan to approve the Parks & Recreation Committee's recommendation as discussed to ban dogs from the Milk Day Grounds and to draft and enact Ordinance 2006-109, Amending Section 6.13F, Parks and Section 1.14, Settlement of Offense, and upon enactment to specify the times to ban dogs for Milk Days pursuant to committee discussion. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, abstain. Ordinance 2006-109 approved six to zero with one abstention.

Deans Building

Supt. Burkart reviewed Milk Days contract with Dean Foods, part of which is a donation towards a community building. The Committee discussed a long term plan for a building and/or putting up a small shelter. No action taken.

NISRA

The Committee reviewed Administrator Nelson's memo outlining NISRA's efforts to streamline their organization through the elimination of a Board of Trustees. There is still a Board of Directors, made up of member districts, of which Supt. Burkart is a member. The Parks & Recreation Committee recommends to the City Council approval of the following: amend NISRA by-laws; Amend NISRA Articles of Incorporation and approval of NISRA Budget for FY06/07 with Harvard's proposed member dues in the amount of \$21, 624.

Moved by Perkins, seconded by Adams to approve the Parks & Recreation Committee's recommendation to approve the amendment of the NISRA By-Laws; the NISRA Articles of Incorporation and NISRA 06/07 Budget. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Berg, aye. Motion approved seven to zero.

ZONING, PLANNING & ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Hay reviewed the Zoning, Planning & Ordinance Committee Meeting Minutes of April 5, 2006.

Liquor License Requests

George Ambat/Convenience Store on E. Diggins St.

The Committee discussed George Ambat's request to create a Class B Liquor License. The Committee recommends to the City Council approval of Mr. Ambat's request for a Class B Liquor License specific to Mr. Ambat for the convenience store that is being built in the 700 block of E. Diggins St.

Mayor Nolan reported that he has spoken with Mr. Ambat who has decided to move forward and is willing to pay the one time fee of \$10,000. Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation to approve a Class B Liquor License for George Ambat for the convenience store that is being built in the 700 block of E. Diggins. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Berg, aye and Adams, aye. Motion approved seven to zero.

Tim Galvin/Bar Time

Chairman Hay noted the Committee's discussion as in the minutes and noted there wasn't anything to be voted on.

Chapter 25 Liquor Code – Ordinance 2006-110 Approved

The Committee reviewed and recommends approval of the draft ordinance amending the Liquor Code as discussed. Moved by Hay, seconded by Berg to approve the Ordinance Committee's recommendation and Ordinance 2006-110, Amending Various Sections of the Harvard Municipal Code Regarding License Restrictions, Outdoor Dining and Providing for a One Time Liquor License Fee. Roll call vote: Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Berg, aye; Adams, aye and Logan, aye. Ordinance 2006-110 approved seven to zero.

STREETS & ALLEYS COMMITTEE RECOMMENDATIONS

Chairman Berg reviewed the Streets and Alleys Committee Meeting Minutes of April 5, 2006.

Rebecca Gabrys/Cruise Night

The Committee discussed Rebecca Gabrys' request to establish Cruise Night in downtown Harvard on Tuesday evenings from 6-8:30 p.m., blocking off Ayer St. from Brainard St. to Front St., from May 23rd-September 12th, excluding July 4th. The Committee addressed the concerns that were raised at the City Council meeting with regard to barricades and the impact to fire/rescue vehicles by closing off Ayer St. from Front to Brainard. Chief Slowey has indicated that the Fire Dept. could plan around the closing off of Ayer St. and Supt. Carbonetti noted there are sufficient barricades that could be loaned for Cruise Night. The Committee recommends to the City Council approval of the request as submitted.

Moved by Berg, seconded by Perkins to approve the Committee's recommendation approving Cruise Night as discussed. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero.

CONSENT AGENDA: NONE

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$86,667.36. Roll call vote: Leyden, aye; Marzahl, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

ALD. LOGAN - BUDGET REVIEW

Chairman Logan noted a Finance Committee Meeting scheduled for Thursday, April 13th, 2006, at 7 p.m. for a final budget review before it is presented to the City Council and to discuss the concept of a budget officer.

MAYOR'S REPORT

Mayor Nolan noted that the McHenry County Council of Governments Meeting is on April 26th, 2006 at 6 p.m. at Crandall's Restaurant in Hebron.

ADMINISTRATOR'S REPORT

Administrator Nelson made note of a copy of an annexation agreement in the aldermen's folders that the City engaged in with Jack Lulofs/The Heritage House and a copy of his letter to Mr. Lulofs requesting compliance with the agreement to tap into the City's water system. There have been subsequent conversations with both Mr. Lulofs and his attorney. To date, Mr. Lulofs has not complied with the annexation agreement. The general consensus was to put on next Ordinance Committee Meeting Agenda and to have Mr. Lulofs and Attorney Papp present for discussion. Moved by Hay, seconded by Marzahl to refer to the Ordinance Committee for discussion. Clerk Wells noted that this was not an agenda item and therefore, could not be voted on; Clerk Wells will add to the agenda.

CLERK'S REPORT - UPCOMING MEETING DATES

| | |
|----------|---|
| April 13 | Finance Committee Meeting – 7:00 p.m. |
| April 19 | Ordinance Committee Meeting – 7:00 p.m. |
| April 25 | Next Regular City Council Meeting – 7:00 p.m. |

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads Reports as submitted.

Chief Oparyk reported that the Police Dept. received a donation from the Kiwanis Club in the amount of \$250 for the DARE Program.

Supt. Burkart reported on two verbal requests he received: Central School to use Northfield Avenue Park for two days and a Special Event Request with alcohol consumption for McHenry County Sheriff's Dept. to use Milky Way Park on May 6th for their Special Olympics Torch Run. The general consensus was to put Central School's request on the next City Council meeting agenda and to refer the Sheriff Department's request to the upcoming Ordinance Committee.

ATTORNEY'S REPORT

Attorney Fetzner noted he had one item to be discussed in closed session.

NO REPORTS

Treasurer Meseck and Aldermen Hay, Perkins, Berg, Adams, Marzahl, Leyden had no report at this time.

At 7:23 p.m., moved by Berg, seconded by Perkins to go into closed session to discuss Section 2(c)(11) Litigation. Roll call vote: Marzahl, aye; Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved seven to zero.

At 7:37, moved by Hay, seconded by Marzahl to reconvene the open session. Roll call vote: Berg, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved seven to zero.

At 7:38 p.m., moved by Berg, seconded by Logan to adjourn the meeting. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Berg, aye and Adams, aye. Motion approved seven to zero.

Submitted by:

Andy Wells,
City Clerk

_____ Date