

**REGULAR CITY COUNCIL MEETING MINUTES  
SEPTEMBER 26, 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, Logan, Perkins and Hay. Alderman Adams was absent. Also present were Treasurer Meseck, City Administrator Nelson, Building Inspector Santeler, Attorney Rob Fetzner, Dave Johanson of Smith Engineering and members of the press and audience.

**AUDIENCE PARTICIPATION: NONE**

**REGULAR AND CLOSED SESSION CITY COUNCIL MINUTES 09/12/06 - APPROVED**

Moved by Perkins, seconded by Ulmer to approve the Regular and Closed Session City Council Meeting Minutes of September 12, 2006. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Perkins and Hay. All ayes. Motion carried.

**MARY D. AYER APARTMENT BOARD OF TRUSTEES RECOMMENDATION**

Mayor Nolan noted the Mary D. Ayer Apartment Board of Trustees' recommendation to sell the duplex located at the corner of Route 173/Hart St., subject to the condition that the Board of Trustees remain active and have control over how the money or income from the investments that would be derived from the proceeds of the sale of the property will be distributed. The Mayor indicated there is lot of work and repairs to be done on the property. There was discussion with Attorney Fetzner about previous research on the property and possible deed restrictions which could require funds to be distributed to certain city programs. Attorney Fetzner will look into any potential problems. Administrator Nelson noted there are three ways the City Council could proceed to sell the property: hire a real estate agent, sealed bid process or get an appraisal and authorize the staff to sell the property. The property is currently zoned R2 with a legal non-conforming use because of the lot size. Also discussed was whether or not to retain the existing R2 zoning or to require the property to be converted to single family. Moved by Berg, seconded by Logan to authorize and direct the hiring of an appraiser to appraise the property both as a duplex and a single family conversion to bring back to the City Council for final review and approval. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

**OAK WEST DEVELOPMENT/HUNTINGTON RIDGE ANNEXATION & FINAL PLAT OF SUBDIVISION-  
ORD. 2006-165B - APPROVED**

Administrator Nelson reviewed the changes from the original plat involving federally regulated wetland areas. Moved by Berg, seconded by Logan to approve Ordinance 2006-165B, Repealing Ordinance 2006-165A and Annexing the Ryan View Partnership and Oakwest Development Co., LLC, Property at the Southeast Corner of Harvard Hills Road and Crowley Road in the City of Harvard and approving the Final Plat of Huntington Ridge Subdivision with the latest revision date of September 15, 2006. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Ordinance 2006-165B approved seven to zero.

**CLASS B LIQUOR LICENSE – HVD. QUICK MART @ 501 S. DIVISION – REFERRED TO ORD. COMM.**

The City Council discussed a Class B Liquor License Application from Mustafa Khomusi/Harvard Quick Mart (Mobil) at 501 S. Division St. Moved by Ulmer, seconded by Leyden to deny the request based on the Chief's recommendation. Administrator Nelson referred to an updated letter from Chief Oparyk that Mr. Khomusi has since brought the corporation back into good standing and clarified that corporation's are not required to have a resident manager. Aldermen Ulmer and Leyden withdrew their motion and second respectively. Moved by Berg, seconded by Perkins to approve the request with exactly the same conditions as were previously levied against the gas station on North Route 14 where a liquor license was granted a couple years ago, most notably that they have a secure and segregated area for liquor only and that it be able to secured and locked away when liquor cannot be sold pursuant to the liquor code. Alderman Hay expressed his objections to alcohol being sold at gas stations. After further discussion, Aldermen Berg and Perkins withdrew their motion. Moved by Hay, seconded by Berg to table the liquor license application and to refer the request to the Ordinance Committee with Mr. Khomusi to bring in a detailed plan as how he will comply in providing a secure and segregated area for liquor. Aldermen voting aye: Leyden, Marzahl, Ulmer, Berg, Logan, Perkins and Hay. All ayes. Motion carried.

**AWARD CONTRACT WELL #10 - APPROVED**

Moved by Berg, seconded by Perkins to award the construction of Deep Well #10 to the lowest responsible bidder Layne-Western for the price of \$479,760.00 as shown in their bid package. Roll call vote: Ulmer, aye; Berg, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye and Marzahl, aye. Motion approved seven to zero.

**BUILDING CODE ADOPTION - APPROVED**

Moved by Berg, seconded by Perkins to approve the Building Department's recommendation as presented in their memo to amend Section 19.01, Building Code Adoption to update the existing 2000 editions which are outdated and to add codes published by the National Fire Protection Agency. Roll call vote: Berg, aye; Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved seven to zero.

**CONSENT AGENDA:**

☞ Lion's Club Candy Days - October 20 & 21<sup>st</sup>

☞ Halloween Trick-or-Treat Hours, October 31, 2006 from 5-8 p.m.

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

**COMMITTEE REPORTS**

**ALD. HAY – ORDINANCE COMMITTEE MEETING 10/04/06**

Mayor Nolan noted that the City has received a banquet hall license application and requested that the Ordinance Committee review the banquet hall license code. Alderman Hay called a Ordinance Committee Meeting for Wednesday, October 4, 2006, at 7 p.m. with the following agenda items:

- Class B Liquor License Application/Mustafa Khomusi, Harvard Quick Mart @ 501 S. Division S
- Review Section 21.14 Banquet Hall Licenses
- Truck Parking

**ALD. LOGAN - BILLS APPROVED**

Moved by Logan, seconded by Ulmer to approve the bills as presented in the amount of \$140,783.35. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Motion approved seven to zero.

**ALD. LOGAN – FINANCIAL WORKSHOP 10/14/06**

Alderman Logan reminded the City Council of the Financial Workshop on October 14, 2006 from 8 a.m. until noon.

**MAYOR'S REPORT**

The Mayor reported on meetings he and Administrator Nelson attended in Chicago seeking approval of the Facilities Planning Area (FPA), with a favorable decision from the Commission.

**ADMINISTRATOR'S REPORT**

Administrator Nelson noted his written monthly report in the packet.

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

October 3 Regular Planning & Zoning Commission Meeting Cancelled  
October 4 Ordinance Committee Meeting, 7 p.m.  
October 10 Regular City Council Meeting, 7 p.m.

**DEPARTMENT HEADS REPORTS**

Smith Engineering & Dept. Heads Reports as submitted.

**NO REPORTS**

Attorney Fetzner, Treasurer Meseck and Aldermen Perkins, Berg, Ulmer, Marzahl and Leyden had no report at this time.

At 7:20 p.m., moved by Berg, seconded by Hay to go into Closed Session to discuss Section 2 (c) (11) Litigation. Roll call vote: Hay, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Logan, aye and Perkins, aye. Motion approved seven to zero.

At 8:10 p.m., moved by Berg, seconded by Perkins to reconvene Open Session. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Logan, aye; Perkins, aye and Hay, aye. Motion approved seven to zero.

At 8:11 p.m., moved by Perkins, seconded by Hay to adjourn the meeting. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Logan, aye; Perkins, aye; Hay, aye and Leyden, aye. Motion approved seven to zero.

Submitted by:

Andy Wells,  
City Clerk

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Date