

**REGULAR CITY COUNCIL MEETING MINUTES
NOVEMBER 14, 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: Marzahl, Ulmer, Berg, Adams, Perkins and Hay. Aldermen Leyden and Logan were absent. Also present were Treasurer Meseck, City Administrator Nelson and Attorney Rob Fetzner.

AUDIENCE PARTICIPATION: NONE

REGULAR CITY COUNCIL MEETING MINUTES OF 10/24/06 - APPROVED

Moved by Berg, seconded by Perkins to approve the Regular City Council Meeting Minutes of October 24, 2006. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Perkins and Hay. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATIONS AND FINDING OF FACTS

Mike & Jacquelyn Tertany/Trackside Storage, 108 Dunlap St., Harvard

Conditional Use to Operate a Truck Rental – Ordinance 2006-139 Approved

Chairman Hay noted the recommendations and Findings of Fact submitted by Harry Stafford, Chairman of the Planning and Zoning Commission which met on November 7, 2006, for a hearing in the petition of Mike and Jacquelyn Tertany, Trackside Storage. With respect to the petitioners' request for a conditional use to operate a truck rental business on the subject property at 108 Dunlap St., the Planning and Zoning Commission hereby recommends approval of the Petitioner's request for a conditional use as presented.

Moved by Hay, seconded by Berg to approve the Planning and Zoning Commission's recommendations and Ordinance 2006-139 to grant a conditional use pursuant to the subject petition as presented. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Perkins, aye and Hay, aye. Ordinance 2006-139 approved six to zero.

PROCLAMATION SALVATION ARMY "RED KETTLE DAY" ON 12/2/06 - APPROVED

Mayor Nolan presented Capt. Dave Warner of the Salvation Army with a Mayoral Proclamation designating December 2nd as the Salvation Army "Red Kettle Day" in the City of Harvard. Moved by Berg, seconded by Adams to approve the proclamation as presented. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Perkins and Hay. All ayes. Motion carried.

CHRISTMAS IN HARVARD/DECEMBER 2nd – APPROVED

Laura Evers addressed the City Council with regard to the Christmas in Harvard's requests as follows:

1. Block off W. Front St. from 3:30 – 4:45 to line up the parade
2. Block off Ayer St. from 4:15 – 5:15 for the parade
3. Allow various local not-for-profit organizations to sell hot chocolate and hot cider on the sidewalks.
4. Block parking on Ayer St. from 5-Points to Front St. from noon – 5 p.m.
5. Block parking on the west side of Hart St. for the trolley stop
6. Set up trolley stops along Ayer St.

Alderman Berg noted that the not-for-profit organizations would require a health department permit to sell hot chocolate and cider. Moved by Berg to approve the request. Alderman Marzahl brought up discussion on whether or not it was a good idea to block parking on Ayer St. from 5-points to Front St. and inquired if all the merchants on Ayer St. were in agreement. The City will provide barricades to be put up/taken down by Christmas in Harvard volunteers. After discussion, Alderman Berg modified his motion, seconded by Perkins to approve the request as presented and to provide for free parking in all City lots, including the Metra lot. The Christmas in Harvard Committee to notify all Ayer St. merchants and if there objections, the item can be revisited by the City Council. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Perkins and Hay. All ayes. Motion carried.

IMRF EARLY RETIREMENT INCENTIVE – RESOLUTION 2006-R-024 APPROVED

Moved by Perkins, seconded by Hay to approve Resolution 2006-R-024 to adopt the Illinois Municipal

Retirement Fund Early Retirement Incentive Program. Roll call vote: Ulmer, aye; Berg, aye; Adams, aye; Perkins, aye; Hay, aye and Marzahl, aye. Resolution 2006-R-024 approved six to zero.

IMRF EARLY RETIREMENT AMORTIZATION PERIOD – RESOLUTION 2006-R-025 APPROVED

Moved by Hay, seconded by Berg to approve Resolution 2006-R-025 to adopt the Amortization Period for the IMRF Early Retirement Incentive over a period of five years. Roll call vote: Berg, aye; Adams, aye; Perkins, aye; Hay, aye; Marzahl, aye and Ulmer, aye. Resolution 2006-R-025 approved six to zero.

IMLRMA MIN/MAX CONTRIBUTION AGREEMENT – ORD. 2006-140 APPROVED

Moved by Berg, seconded by Adams to approve Ordinance 2006-140, Authorizing the Execution of the IMLRMA Min/Max Contribution Agreement for the City’s property/liability insurance pool through the Illinois Municipal League Risk Management Association (IMLRMA). Roll call vote: Adams, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye and Berg, aye. Ordinance 2006-140 approved six to zero.

ANNUAL TREASURER’S REPORT – APPROVED

Moved by Berg, seconded by Perkins to approve the Annual Treasurer’s Report for FY Ending April 30, 2006. Roll call vote: Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye and Adams, aye. Motion approved six to zero.

SURPLUS PROPERTY – APPROVED

Moved by Hay, seconded by Marzahl to declare the old bucket truck as surplus property and to authorize Mayor Nolan to dispose of the property. Roll call vote: Hay, aye; Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye and Perkins, aye. Motion approved six to zero.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Hay reviewed the Zoning, Planning and Ordinance Committee Meeting Minutes of 11/01/06.

Vending/Tobacco Licenses – Ord. 2006 141 Approved

The Committee reviewed Vending and Tobacco License requirements for the sale of tobacco and recommends to the City Council as follows:

Amend Section 21.02 (A) to read

....without having first obtained a license from the City to do so; *excepting any and all cigarette or tobacco vending machines which shall be licensed pursuant to Section 21.12 of this Code.*

Amend Section 21.12 to read

A.to sell or offer for sale, *whether through direct contact or mechanical vending*, any tobacco products without first.....

E. Suspension; Revocation of License; Fines; Costs:

3. in addition to any suspension, revocation or issuance of written reprimand for violation of this Section 21.12 or Section 27.16 of this Code, directly relating to a tobacco vending machine, licensee shall equip any and all tobacco vending machines with either a remote usage switch or tokens only usage. Either option shall be controlled directly by the licensee or their agents therein.

Amend Section 21.02 (D)(1)(a) to delete all reference to “cigarette machines”.

Moved by Hay, seconded by Hay to approve the Ordinance Committee’s recommendation and Ordinance 2006-141, Amending Section 21 as presented. Roll call vote: Marzahl, aye; Ulmer, aye; Berg, aye; Adams, aye; Perkins, aye and Hay, aye. Ordinance 2006-141 approved six to zero.

Banquet Hall Licenses – Ord. 2006-142 Approved

The Committee discussed licensing requirements for banquet hall to allow for “BYOB” parties and recommends to the City Council as follows:

Amend Section 21.14(A) to read

A. License Required:

1. Any business operating as a public accommodation that is not licensed under the Liquor Control Act of 1934 (235 ILCS 5/1-1 et seq.) shall not allow the consumption of alcoholic liquor on the business premises without a City banquet hall license. For purposes of this

NO REPORTS

Attorney Fetzner, Treasurer Meseck, Administrator Nelson and Aldermen Adams, Berg, Ulmer and Marzahl had no report at this time.

At 7:20 p.m., moved by Perkins, seconded by Adams to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Berg, Adams, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date