

## **REGULAR CITY COUNCIL MEETING MINUTES**

**June 24, 2008 - 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. City Clerk Wells called roll. Aldermen present: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. Alderman Leyden was absent. Also present were Treasurer Meseck, Code Enforcement Officer Brennecka, City Attorney Carlos Arévalo, Dave Johanson of Smith Engineering and members of the audience.

### **AUDIENCE PARTICIPATION:**

Lovena Hunter, 812 Rose Lane, Harvard addressed the City Council with respect to safety concerns involving a fence that was built next to her driveway on an adjoining corner lot that faces Casey Lane. Ms. Hunter related her discussions with City staff both before and after the fence was erected and passed around pictures of the 6' fence which is 12" from the sidewalk. The fence is higher than her vehicle and obstructs her view of the sidewalk when backing out of the driveway creating a safety hazard. Ms. Hunter felt her concerns were not addressed in a timely manner before the fence was built and requested that the City consider changing the fence ordinance.

Mayor Nolan noted that City ordinance does not allow fences to be built in the front yard; however, the fence in question was erected on the side yard of a corner lot which also happens to be Ms. Hunter's front yard. The property in question is in compliance with the existing ordinance. The Mayor recommended that the Ordinance, Planning and Zoning Committee review the fence ordinance. At Ms. Hunter's inquiry, Attorney Arévalo felt that the fence ordinance would supersede the nuisance ordinance because it is more specific. After further discussion, Attorney Arévalo was directed to look into both the nuisance ordinance and fence ordinance for a ruling. Any change to the existing fence ordinance could only be applied moving forward; any existing fence that might no longer be in compliance with the ordinance would become a non-conforming use. Relocating the fence that was built on Casey Lane would have to be voluntary. Mayor Nolan will contact the property owners to see if they would willing to move their fence.

### **CITY COUNCIL MEETING MINUTES OF 06/10/08 - APPROVED**

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of June 10, 2008, as presented. Aldermen voting aye: Marzahl, Szczap, Ulmer, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

### **SIGN VARIATION: TIM GALVIN/FINN'S IRISH PUB – ORD. 2008-122 APPROVED**

The Mayor related that Mr. Galvin was unable to be in attendance because he was at work. Mr. Galvin put up the sign at Finn's Irish Pub, 10 N. Ayer Street without a permit and was subsequently fined. Mr. Galvin pleaded guilty and paid the fine which was double the permit fee, after which he submitted the variation petition and paid the \$100 variation fee. Moved by Perkins, seconded by Adams to grant the variation from the sign ordinance to allow the sign to overhang the public sidewalk by 58" pursuant to the petition. There was continued discussion as to whether or not Mr. Galvin should be allowed to keep the sign. Roll call vote: Marzahl, aye; Ulmer, no; Szczap, aye; Adams, aye; Logan, no; Perkins, aye and Hay, aye. Ordinance 2008-122 approved five to two.

### **MILITARY IMRF BUYBACK – RESOLUTION APPROVED**

Mayor Nolan noted the Financial Workshop minutes of June 21, 2008, as they pertain to Military IMRF buyback. New laws allow military personnel to buy back an additional two years of service for their IMRF pension plans. The Finance Committee recommends to the City Council that a resolution be drafted and adopted to allow for the two year additional buy back per IMRF standards.

Moved by Perkins, seconded by Logan to approve the Committee's recommendation to approve the resolution and authorizing the mayor and city clerk to sign. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye and Marzahl, aye. Resolution approved seven to zero.

### **SETTLEMENT OF FINES REVIEW – ORD. 2008-123 APPROVED**

Mayor Nolan noted the Financial Workshop minutes of June 21, 2008, as they pertain to the settlement of fines review. The Finance Committee recommends to the City Council that an ordinance be drafted and

enacted to incorporate the changes as discussed which include settlement of fines, penalty sections of various chapters, retained personnel fee for conditional uses and miscellaneous fees.

City Clerk Wells noted that he went through the proposed changes line by line to make certain that the code book matches the settlement of fines which will necessitate changes to various sections of the code book. Moved by Perkins, seconded by Logan to approve the Committee's recommendations and Ordinance 2008-123, with the additions as noted by Clerk Wells. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye and Ulmer, aye. Ordinance 2008-123 approved seven to zero.

#### **POLICE APPROPRIATION – APPROVED**

Mayor Nolan noted the Financial Workshop minutes of June 21, 2008, as they pertain to hiring a police officer. The Finance Committee recommends to the City Council to allow the chief to hire a qualified police officer at such time that Officer Oligney is recalled to active duty by the military, with the stipulation that, when Officer Oligney returns to full time duty, the City Council will determine if the new hire's position will remain.

Moved by Hay, seconded by Ulmer to approve the Committee's recommendation to hire a police officer as discussed. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved seven to zero.

#### **WAL MART WORK SCHEDULE - APPROVED**

Mayor Nolan noted the Financial Workshop minutes of June 21, 2008, as they pertain to Wal-Mart's work schedule. Wal-Mart is requesting permission to have their construction crew work through the night in order to finish roadway improvements so as to match the projected opening date. The Finance Committee recommends to the City Council to allow Wal-Mart to do roadway construction on a twenty four hour basis until such a time as the project is completed.

Moved by Logan, seconded by Marzahl to approve the Committee's recommendation to allow Wal-Mart to work on a 24-hour schedule as requested. Roll call vote: Logan, aye; Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved seven to zero.

#### **DISC (FRISBEE) GOLF – REFER TO PARKS AND RECREATION COMMITTEE**

Alderman Perkins indicated he would like to wait until he has several agenda items before calling a meeting.

#### **CONSENT AGENDA:**

- ☞ Harvard Booster Club, Raffle Request: June – July 18, 2008
- ☞ Harvard Booster Club, Raffle Request: August 22, 2008 – May 29, 2009

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

### **COMMITTEE REPORTS**

#### **ALD. LOGAN - BILLS APPROVED**

Chairman Logan presented the bills to be paid. Moved by Perkins, seconded by Ulmer to approve the bills as presented in the amount of \$425,526.70. Roll vote: Perkins, aye; Hay, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, abstain. Motion approved six to zero with one abstention.

#### **ALD. LOGAN – COUNTRY FAIR**

Alderman Logan reminded the City Council that the Events Committee's is hosting the 1<sup>st</sup> Annual Old Fashioned Country Fair on Saturday, June 28<sup>th</sup>, at Milky Way Park from 11 a.m. – 4 p.m.

#### **MAYOR'S REPORT**

Mayor Nolan thanked the City Council for attending the workshop on Saturday morning. The Mayor also updated the City Council on the status of the Ayer Street project.

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

July 1 Planning and Zoning Commission Meeting – CANCELLED  
July 8 Regular City Council Meeting, 7 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.

**NO REPORTS**

City Attorney Arévalo, City Administrator Nelson and Aldermen Marzahl, Ulmer, Szczap, Adams, Perkins and Hay had no specific report at this time.

At 7:25 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Hay. All ayes. Motion carried.

Submitted by:

Andy Wells,  
City Clerk

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Date