

REGULAR CITY COUNCIL MEETING MINUTES
May 26, 2009 - 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, Szczap, Adams, Logan, Perkins and Opper. Also present were City Administrator Nelson, Utilities Supt. Grant, City Attorney David McArdle and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 05/12/09 - APPROVED

Moved by Perkins, seconded by Marzahl to approve the minutes of the Regular and Closed Session City Council Meetings of May 12, 2009. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

HOME OCCUPATION PERMIT PATRICIA KYLE/WELL SPRING HEALING/607 GRANT - APPROVED

Patricia Kyle, 607 Grant St., Harvard addressed the City Council with respect to her Home Occupations Permit Application to operate a business, Well Spring Healing, from her residence at 607 Grant St., Harvard. The proposed business would offer alternative healing modalities. The petitioner stated she was not the property owner, but had permission from the property owner to operate said home occupation. There is an empty lot to the east of the property and a large access driveway for parking. There may be a women's group meeting there on occasion, but this type of business is usually done on a one on one with the client. The petitioner will be using a large sun room located in the back of the house to accommodate the business. The petitioner indicated that although a state permit was not required for the healing therapies that are offered, she has attended and completed the five year program at the Barbara Brennan School for Healing and is ordained as a minister. She would not be licensed to do massage therapy. The requisite notice was sent to adjoining property owners. There were no objectors present. Moved by Logan, seconded by Szczap to approve the Home Occupations Permit Application as submitted. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved eight to zero.

MILK DAYS REQUEST TO CONSTRUCT STORAGE AREA AT DAIRY BARN - APPROVED

Mike Bannwolf representing Harvard Milk Days read a letter from President Michele Bannwolf with respect to Milk Days' request for continuing improvements that were not completed last year for an office storage area at the Dairy Barn in Milky Way Park to be used as a secure area for items such as tools, log chains and misc. items relating to the maintenance and operation of Harvard Milk Days. All costs, labor and material will be paid for by Harvard Milk Days, Inc. A sketch of the proposed improvements has been submitted to Community Development Director Santeler. Also to be completed is top coating the new drive access road to the new building when conditions allows. At Alderman Logan's inquiry, Mike indicated that the dairy barn improvements are being constructed by the Milk Day Board including Mike and Bryce Bannwolf. Moved by Ulmer, seconded by Leyden to approve Milk Days' request as presented. Roll call vote: Marzahl, abstain; Ulmer, aye; Szczap, aye; Adams, aye; Logan, no; Perkins, no; Opper, aye and Leyden, aye. Ordinance approved five to two with one abstention.

MILK DAYS REQUEST TO ALLOW DOGS AT MILKY WAY PARK DURING MILK DAYS - APPROVED

Mike Bannwolf representing Harvard Milk Days reviewed Milk Days request to allow dogs at Milky Way Park during Milk Days in the Market Place pavilion and for the Banana Derby. The Banana Derby is a contracted attraction with well-trained monkeys riding dogs. Chairman of the Market Place, Denny Bischke explained the other request is for a vendor, Camp Bow Wow which is a doggie daycare, to bring in an Irish setter to draw attention to their booth. The dog will be leashed and the owner will clean up after the dog. Mayor Nolan noted that Chief Kazy-Garey had no objections. Moved by Logan, seconded by Perkins to approve Milk Days' request to allow dogs at Milky Way Park during Milk Days in the Market Place and for the Banana Derby. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, abstain. Motion approved seven to zero with one abstention.

CINDY WALDO/HUB LOUNGE, 15 N AYER ST PERMIT REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 6, 2009 - APPROVED

The City Council reviewed Cindy Waldo/Hub Lounge's permit request for Saturday, June 6th, 2009, to block off the sidewalk area on the Front Street side of the building to allow their patrons to have alcohol outside within this area. Cindy Waldo was in attendance to address any questions. The Mayor noted the request is similar to last year with the following stipulations: the fence needs to be 7' surrounding the sidewalk to be erected Saturday morning before the parade and removed no later than noon on Sunday; the entrance to the area is to be staffed to ensure all patrons have the proper ID; no speakers or other amplification devices outside the building; no outside sales of alcohol, only outside consumption of beverages purchased inside with a permit fee of \$100. There will be no access from the outside.

The Mayor noted there is a \$500 security deposit requirement per City ordinance. Two checks should be submitted to the City and if there are no problems, the security deposit will be returned. If there are any problems and it costs the city a financial burden through the police dept or anything else, said expenses will be taken out of the security deposit. The Mayor noted the Chief's concern with debris and requested that when the establishments close, they pick up anything that might blow around. Additionally, if there are any problems, the Police Dept. will close them down for the night.

Moved by Logan, seconded by Perkins to approve Cindy Waldo/Hub Lounge's request granting a permit to encroach on the sidewalk with the fence erected as discussed and to allow alcohol to be consumed outdoors under the terms as discussed with a \$100 permit fee and security deposit of \$500. Aldermen voting aye: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

BOPP'S GRILLE & SALOON REQUEST TO ENCROACH ON CITY SIDEWALK/OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 6, 2009 - APPROVED

The City Council reviewed John Schneider/Bopp's Grille & Saloon's permit request for Saturday, June 6th, 2009, 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. The Mayor noted the request is similar to last year. A representative from Bopp's was in attendance and noted they were going to change the fence to the front this year to monitor better as well as hire additional bouncers.

The Mayor noted there is a \$500 security deposit requirement per City ordinance. Two checks should be submitted to the City and if there are no problems, the security deposit will be returned. If there are any problems and it costs the city a financial burden through the police dept or anything else, said expenses will be taken out of the security deposit. The Mayor noted the Chief's concern with debris and requested that when the establishments close, they pick up anything that might blow around. Additionally, if there are any problems, the Police Dept. will close them down for the night.

Moved by Adams, seconded by Ulmer to approve Bopp's request granting a permit to encroach on the sidewalk pursuant to their request and to allow alcohol to be consumed outdoors under the same terms as last year with a \$100 permit fee and security deposit of \$500. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye and Szczap, aye. Motion approved eight to zero.

NICK HALIMI/STINGERZ REQUEST OUTDOOR CONSUMPTION OF LIQUOR ON JUNE 6, 2009 - APPROVED

The City Council reviewed Nick Halimi/Stingerz' permit request for Saturday, June 6th, 2009, to put up a tent pursuant to their submitted drawing in the west parking lot. Parking will be on the east side of the building and at Grace Groceries. Administrator Nelson noted that Stingerz request is on private not public property. The area will be fenced in. Moved by Perkins, seconded by Adams to approve Stingerz' request granting a permit to allow alcohol to be consumed outdoor per their request with a \$100 permit fee and security deposit of \$500. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Motion approved eight to zero.

AYSO REQUEST FOR END OF SEASON GAMES ON MAY 30 – APPROVED

Moved by Logan, seconded by Perkins to approve AYSO's request to have a inflatable and food vendor at Milky Way Park on Saturday, May 30th, 2009, as part of their end of season games. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

PUBLIC PROPERTY COMMITTEE RECOMMENDATIONS

Chairman Ulmer noted the Public Property Committee Meeting Minutes of May 21st, 2009, with respect to the sale of property. The matter has been tabled for two months to get fair market value pricing on the property.

ORDINANCE COMMITTEE RECOMMENDATIONS

Chairman Szczap reviewed the Ordinance Committee Meeting Minutes of May 21st, 2009.

Marengo Road Speed Limit

The Committee discussed the reduction of the speed limit on Marengo Road from Airport Road to Highway 23 to lessen the impact to the schools and recommends to the City Council that the speed limit on Marengo Road be reduced from 55 mph to 35 mph from Airport Road to the southern edge of Century Farms after which it would be 45 mph to Route 23.

Moved by Logan, seconded by Perkins to approve the Committee's recommendation and Ordinance 2009-116, reducing the speed limit on Marengo Road to 35 mph from Airport Road to the southern edge of Century Farms after which it would be 45 mph to Route 23. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Ordinance 2009-116 approved eight to zero.

Parking at City Hall, 201 W. Diggins St.

The Committee reviewed parking in the City Hall parking lot on 201 W. Diggins and recommends to the City Council that Section 15.04, Parking, Permit be amended to add the City Hall Parking Lot on W. Diggins to the list of parking lot permits. The City currently charges on a monthly basis of \$45 which is \$1.50/per day.

Moved by Perkins, seconded by Opper to approve the Committee's recommendation and Ordinance 2009-117, Amending Section 15.04, Parking, Permit. Signs will be posted. Administrator Nelson noted that the implementation date will be July 1st, 2009. Warning tickets will be issued for the next couple of weeks. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Ordinance 2009-117 approved eight to zero.

CITY HALL PROPERTY TAX BUDGET

Administrator Nelson noted that we didn't budget for our share of property taxes on the new City Hall for taxes payable in 2009. Moved by Logan, seconded by Marzahl to amend the FY2009/2010 Budget in the line item of Building Maintenance in amount of \$28,000. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Motion approved eight to zero.

RESOLUTION TO AWARD BID FOR HOWARD STREET IMPROVEMENTS – APPROVED

Administrator Nelson noted this is part of the CDBG Grant and ongoing project in Ward 4. Moved by Adams, seconded by Perkins to approve a resolution awarding the bid for the Howard Street Improvements to Schroeder Asphalt, P.O. Box 831, Huntley, IL 60142, at their low bid of \$384,847.95. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Resolution approved eight to zero.

RESOLUTION OSLAD GRANT – APPROVED

Administrator Nelson reviewed the OSLAD Grant that the City is writing for the purchase of additional park land next to Milky Way Park, one of the requirements being to approve a resolution. Moved by Perkins, seconded by Ulmer to approve a Resolution of Authorization for Milky Way Park Expansion. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

POLICE DEPT. EQUIPMENT GRANT – APPROVED

Moved by Perkins, seconded by Adams to authorize Chief Kazy-Garey to submit a radio equipment grant for the conversion of radio equipment to a digital base system. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

The Mayor noted that the City did not receive the squad car grant, but did receive the grant for in-car printers.

CONSENT AGENDA:

- Harvard Snow Gophers Snowmobile Club Raffle Request 6/1/09 – 01/31/10
- Harvard High School Soccer Raffle Request, 05/31/09 – 06/13/09

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills as presented in the amount of \$196,961.35. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved eight to zero.

Alderman Logan thanked Supt. Grant for the detailed tour of the WWTP.

ALD. PERKINS

Alderman Perkins thanked those who helped out with the highway clean-up last week.

ALD. OPPER

Alderman Opper thanked Supt. Grant for the informative tour of the WWTP.

MAYOR’S REPORT

Mayor Nolan reported that in light of the budget and economy, he and Administrator Nelson are looking at conducting one City Council meeting a month to be held on the first Tuesday of the month beginning July 7th, 2009, and asked the Council for their input and recommendation before the next City Council meeting. If approved, the Planning and Zoning Commission Meetings will need to be rescheduled to a different night.

Pictures of the new City Council to be taken July 7th at the new City Hall between 6-6:30 p.m.

Mayor Nolan stated he received a request from Milk Day to whitewash the older section of South Ayer St. from approximately 20’ south of the intersection at Park Street to Thompson St. The City Council already approved whitewashing Hart Street. The general consensus was to authorize the Mayor to grant Milk Days permission to whitewash S. Ayer St. as requested. Alderman Leyden inquired about overspray of the whitewashing onto lawns or plants. Mike Bannwolf stated that lime is a neutralizer and won’t harm plants.

ADMINISTRATOR’S REPORT

Administrator Nelson reported that the State of Illinois is in arrears on their state shared tax revenues approximately 60 days which amounts to about \$180,000 for the City. Dave further noted that should the governor’s doomsday budget take place which includes no state shared revenues, it would reduce our overall revenue stream by approximately 11%. Dave didn’t foresee that happening, but encouraged the City Council to share their objections with their state senator and state representative who may be here on Milk Day weekend.

CLERK’S REPORT - UPCOMING MEETING DATES

May 28	Events Committee Meeting, 5 p.m.
June 2	Planning and Zoning Commission Meeting CANCELLED
June 9	Regular City Council Meeting, 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

NO REPORTS

City Attorney Arévalo, Treasurer Meseck and Aldermen Leyden, Marzahl, Ulmer, Szczap and Adams had no specific report at this time.

At 7:33 p.m., moved by Logan, seconded by Opper to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:

Andy Wells,
City Clerk

Date