

REGULAR CITY COUNCIL MEETING MINUTES
September 8, 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, Szczap, Adams, Logan, Perkins and Opper. Alderman Ulmer was absent. Also present were Treasurer Meseck, Administrator Nelson, Police Chief Kazy-Garey, Public Works Supt. Kruckenberg, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 08/25/09 - APPROVED

Moved by Perkins, seconded by Logan to approve the minutes of the Regular City Council Meeting of August 25, 2009, as presented. Aldermen voting aye: Leyden, Marzahl, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

PLANNING & ZONING COMMISSION RECOMMENDATION AND FINDING OF FACTS

City of Harvard Text Amendments – Ord. 2009-127 Approved

Chairman Szczap noted the recommendation submitted by Terry Smith, Chairman of the Planning and Zoning Commission which met on September 1st, 2009, for a hearing in the petition of the City of Harvard for text amendments to Chapter 17 of the Harvard Municipal Code in relation to outside storage in business and manufacturing districts. The Planning and Zoning Commission recommends approval of the text amendments as presented to amend the following sections:

1. Section 17.36.040 Regulations for Specific Accessory Uses to add (E) Outdoor Storage as an Accessory Use
2. Amend Section 17.36.020(A), to add *“Excepting as provided in Section 17.36.040(E)”*
3. Amend Section 17.36.050(A & B) to add *“or B-3 District lots”*
4. Amend Section 17.24.040, Operations Within Enclosed Buildings in the M-1 and M-2 Manufacturing District to remove language pertaining to storing

Moved by Szczap, seconded by Perkins to approve the Planning and Zoning Commission’s recommendation and Ordinance 2009-127, Amending the Harvard Zoning Code as presented in relation to outside storage in business and manufacturing districts. Alderman Logan inquired if the text amendments would allow for outside storage in the front of a building in the manufacturing district as long it is behind the required setbacks. Clerk Wells responded not at this time, only in the B-3 Districts. Roll call vote: Leyden, aye; Marzahl, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2009-127 approved seven to zero.

FINANCE COMMITTEE RECOMMENDATIONS

Alderman Logan reviewed the Finance Committee Meeting Minutes of September 2nd, 2009.

City Council Meeting Dates

Moved by Logan, seconded by Szczap to approve the Finance Committee’s recommendation that the City Council Meeting Dates be changed from the 2nd and 4th Tuesday of the month to the 4th Tuesday of the month, effective October 1st, 2009, excluding December. Clerk Wells clarified that the motion does not change the text of the code book and that meetings will be cancelled via posting. Aldermen voting aye: Leyden, Marzahl, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Layoffs

Moved by Logan, seconded by Perkins to approve the Finance Committee’s recommendation for a layoff of the following positions: Code Enforcement Officer, Building Inspector, Parks & Recreation Supt., Two Public Works Maintenance Workers and a Police Officer. Mayor Nolan reviewed the timetable for the start date of the layoffs: Code Enforcement Officer – November 1st; Building Inspector – October 1st; Parks and Rec Supt. – November 1st; Public Works Maintenance Workers – October 1st and Police Officer – October 4th, 2009. Aldermen voting aye: Marzahl, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion approved seven to zero. Alderman Logan reported that the layoffs are in addition to volunteer furlough days to be taken by City Administrator Nelson and all the Department Heads.

Utility Tax – Ordinance 2009-128 Approved

Moved by Logan, seconded by Marzahl to approve the Finance Committee’s recommendation to approve a 5% Utility Tax on water, to be effective the next immediate billing cycle. Alderman Logan related the reason for a utility tax rather than a rate hike was that the utility tax allows more flexibility as to where the money can be used; basically the funds go into the general fund instead of the water fund. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye. Ordinance 2009-128 approved seven to zero.

VIDEO GAMING

Mayor Nolan reported that the State of Illinois is going to permit video gaming in communities that will allow it. City Attorney Carlos Arévalo stated that the statute has gone into effect already but there are areas that still need to be addressed by the gaming board which will be in charge of the administration. The only task before the municipalities and counties is to determine whether they will allow or prohibit video gaming. If allowed, there will be a fee of \$25 per machine as established by state statute with a limit of five machines per facility. The only places eligible to have the machines are restaurants, taverns, truck stops, veterans and fraternal association facilities that have a liquor license for on-premise consumption. In addition to creating an ordinance that allows video gaming, other changes in the code book may be required. The liquor code has a provision against gambling on site as well as other nuisance type ordinances which may need to be changed. The process would not be very different than for obtaining a liquor license and would require background checks that would be performed by the state. The only task for the City would be to impose the \$25 licensing fee which would come directly to the city and could be put into the general fund. The state will disperse the money collected from the machines with the state getting 30% and municipalities receiving 5% of that 30%. Based on a study conducted by the IML, for each establishment with the maximum number of five machines, the City could receive about \$11,000 in tax revenue. The Mayor reported that he spoke with Chief Kazy-Garey who has no concerns allowing video gaming. The gaming board still needs to address additional administrative type requirements and will further clarify regulations. It will probably be another year before all the regulations are in place. After further discussion, moved by Logan, seconded by Opper authorizing staff to draft an ordinance to allow video gaming. Aldermen voting aye: Leyden, Marzahl, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

CONSENT AGENDA:

- Knights of Columbus Tootsie Roll Drive September 11th & 12th, 2009

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

COMMITTEE REPORTS

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Marzahl to approve the bills as presented in the amount of \$42,882.51. Roll call vote: Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Szczap, aye. Motion approved seven to zero.

MAYOR’S REPORT

Mayor Nolan reported on the following:

- A letter in the aldermen’s packet from Harriet Roll of the Library thanking the City for the Certificate of Recognition/Key to the City.
- Marengo Road, Ayer Street, McKinley Street Resurfacing
- Senator Althoff worked with the City to secure funding in the amount of \$335,667 from the IDOT Emergency Repair Program to resurface Diggins St. and replace curb and gutter along the roadway from 5-points to the railroad tracks. Bid letting will be next spring.
- The Mayor noted that the layoffs were a difficult process for the City Council, City Administrator and Department Heads. He is hopeful that the economy will turn around and the individuals that were laid off can be brought back in the short term.

ADMINISTRATOR'S REPORT

Administrator Nelson noted an article in the IML Review Magazine and noted that the City's economic problems are not specific to Harvard and that tax revenues are down statewide in the same percentages that the City is experiencing.

CLERK'S REPORT - UPCOMING MEETING DATES

September 15 Regular Events Committee Meeting, 5 p.m.
September 22 Regular City Council Meeting, 7 p.m.

DEPARTMENT HEADS REPORTS

Smith Engineering & Dept. Heads: Reports as submitted.

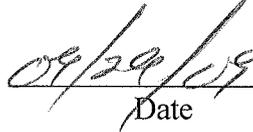
NO REPORTS

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

At 7:30 p.m., moved by Logan, seconded by Perkins to adjourn the meeting. Aldermen voting aye: Leyden, Marzahl, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Submitted by:


Andy Wells,
City Clerk


Date