

REGULAR CITY COUNCIL MEETING MINUTES
May 25, 2010 - 7:00 P.M.

Mayor Nolan called the City Council meeting to order at 7:29 p.m. Clerk Wells called roll. Aldermen present: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. Also present were City Administrator Nelson, Police Chief Kazy-Garey, Community Development Director Santeler, Code Enforcement Officer Brennecka, City Attorney Carlos Arévalo and members of the audience.

AUDIENCE PARTICIPATION: NONE

CITY COUNCIL MEETING MINUTES OF 04/27/2010 - APPROVED

Moved by Perkins, seconded by Logan to approve the minutes of the Regular and Year End City Council Meetings of April 27, 2010, as presented. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

ORDINANCE AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO MERRYMAN ANNEXATION AGREEMENT – TABLED TO NEXT MEETING

Moved by Logan, seconded by Leyden to table the Ordinance Authorizing the Execution of the First Amendment to the Merryman Annexation Agreement until the next City Council Meeting on June 22, 2010, pending a report by the Community Development Department as to the status of the deficiencies noted at the public hearing. 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 IN RECOGNITION OF STAN'S OFFICE TECHNOLOGIES FIFTY YEARS IN BUSINESS - APPROVED

Mayor Nolan read the resolution in recognition of Stan's Office Technologies' achievement of 50 Years in Business. Moved by Logan, seconded by Opper to approve the resolution. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried. The resolution was then presented to Stan's Office Technologies.

CLASS A LIQUOR LICENSE/ EMIL ODLING, SOUTH SIDE, 111 S. AYER ST. – APPROVED

Mayor Nolan reported that the background check was conducted and all fees have been paid. Chief Kazy-Garey stated he has no objections, but requested a copy of the state liquor license prior to opening. Emil Odling was present to answer any questions. Mayor Nolan clarified that alcohol is not allowed in the outside patio that is located at the establishment. Moved by Marzahl, seconded by Ulmer to issue a Class A Liquor License for Emil Odling, South Side, 111 S. Ayer Street, Harvard. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Motion approved eight to zero.

MILK DAY REQUESTS – APPROVED

The City Council reviewed permit requests for Saturday, June 6th, 2009, for the outside consumption of alcohol and to encroach on the city sidewalk per the requests submitted by Front Street Tap, Bopp's Bar and Grille, Hub Lounge and Stingerz. Chief Kazy-Garey indicated there were no problems last year and requested that the establishments use plastic cups and not glass bottles. The requests are the same as have been submitted for the last several years. Moved by Logan, seconded by Perkins to grant permits to Front Street Tap, Bopp's Bar and Grille, Stingerz and the Hub Lounge to encroach on the sidewalk with the fence erected and to allow alcohol to be consumed outdoors with a \$100 permit fee and \$500 security deposit with the same requirements as last year for each of the establishments. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

FRONT STREET TAP VARIATION REQUEST – DENIED

Attorney John Gaffney reviewed the variation submitted by John Giannasi, Cow Tippers Front Street Tap, Inc. for a variation from the liquor ordinance. There is a small area at the back of the building that is pretty much surrounded on all four side by walls; there is about a 14' area of 4' fencing. The petitioner would like to install a brick/sand patio and have two picnic tables for the purpose of food and beverage service in

connection with the petitioner's business. Mayor Nolan noted currently there are two establishments with an outside patio, but both have restaurant licenses. Alderman Opper expressed concern as to how the area would be monitored. Chief Kazy-Garey expressed some reservations and did not think the area was conducive to the proposed use and noted it was next door to some residential properties. Attorney Gaffney indicated that his client would be willing to limit the numbers of people who could be in the back and to modify the fence in the back to make it appropriate. Moved by Opper, seconded by Perkins to deny the request. Roll call vote: Ulmer, aye; Szczap, aye; Adams, aye; Logan, no; Perkins, aye; Opper, aye; Leyden, aye and Marzahl, aye. Motion approved seven to one.

TWO DAY LIQUOR LICENSE – HERS LEAGUE ON JUNE 26 & 27 – APPROVED

Moved by Logan, seconded by Perkins to approve the HERS League request for a two-day liquor license on June 26th & 27th, 2010, for their annual HERS picnic. Chief Kazy-Garey noted that Police Department does not have any concerns. 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.

PERONA'S REQUEST TO CONDUCT SALES AT 34 N AYER ST. WITH WAIVER OF FEES – DENIED

The City Council reviewed Paul Perona's request to conduct sales two days a week in front of the Flower Bin, 34 N. Ayer Street, Harvard, with a waiver of the Outdoor Market Fees. Paul has obtained permission from the business owner. Moved by Marzahl, seconded by Ulmer to deny the request. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

FIRST PRESBYTERIAN CHURCH WAIVER OF BUILDING PERMIT FEES – APPROVED

Moved by Logan, seconded by Opper to approve the First Presbyterian Church's request for a waiver of building permit fees in the approximate amount of \$40 to construct a shaded resting area in the middle of their labyrinth. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

HARVARD MOOSE LODGE REQUEST FOR VARIATION TO ALLOW OPEN BURN – DENIED

The City Council discussed the Harvard Moose Lodge request to allow an open burn for downed tree limbs and other burnable items. Moved by Logan, seconded by Perkins to deny the request. 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.

HANSLER REQUEST TO CLOSE ROOSEVELT BETWEEN LINCOLN & GARFIELD FOR BLOCK PARTY ON JUNE 5, 2010 - APPROVED

Kelly, 904 Lincoln Street addressed the City Council on behalf of Shawn Hansler requesting permission to block off Roosevelt Street between Lincoln and Garfield St. for a block party on Saturday, June 5th. Chief Kazy-Garey had no objections provided all affected residents were notified and accepted the closing of the street. Moved by Ulmer, seconded by Leyden to approve Shawn Hansler's request to close Roosevelt St. between Lincoln and Garfield St. on Saturday, June 5th, 2010, from noon – 8 p.m. for a block party with the following conditions:

1. Petitioner to submit written permission from each property owner that would be affected showing name, address and phone number to the Mayor's office no later than Friday, May 28th, 2010.
2. The City's barricades are in use for Milk Days, so the petitioner will have to provide and put up barricades that are easily seen by traffic, to be put up by 8 a.m. and taken down by 8 p.m.

Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

BUDGET AMENDMENT FOR EMERGENCY REPAIRS – ORD. 2010-106 APPROVED

Alderman Perkins reported that the concrete on the large pavilion at Lion's Park has heaved to where the post is affecting the structure itself. The best quote for repair was submitted by Finke Concrete with two parts to the quote: \$4,112 to do one half of the pavilion and another \$4,112 if he has to do the other half. Moved by Logan, seconded by Opper to authorize repairs and to approve an ordinance amending the

revenue stream in the City's budget, parks account. Roll call vote: Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye and Adams, aye. Ordinance 2010-106 approved eight to zero.

AMEND SECTION 19.01, BUILDING CODE ADOPTION – ORD. 2010-107 APPROVED

Moved by Logan, seconded by Opper to approve an Ordinance Amending Section 19.01E, Building Code Adoption. Roll call vote: Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye and Logan, aye. Ordinance 2010-107 approved eight to zero.

PREVAILING WAGE – ORD. 2010-108 APPROVED

Moved by Ulmer, seconded by Adams to approve Ordinance 2010-108, Prevailing Wage. Roll call vote: Opper, aye; Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye and Perkins, aye. Ordinance 2010-108 approved eight to zero.

PARKS & RECREATION COMMITTEE RECOMMENDATIONS

Chairman Perkins reviewed the Parks and Recreation Committee Meeting Minutes of May 4, 2010.

Lions Club Request/Disc Golf Tournament in July at Lion's Park

The Committee reviewed the Lion's Club proposal to hold a Disc Golf Tournament at Lion's Park in July or August. No approval is required at this time, but the general consensus was that it was good idea. The Lion's Club will keep the Committee informed.

Harvard Milk Days/Improvements to Milky Way Park

The Committee reviewed Milk Days' proposals for improvements at Milky Way Park to put in 1,150' of new limestone paths per the submitted drawing and to widen the entrance and recommends to the City Council approval of the upgrades to the park.

Moved by Perkins, seconded by Logan to approve the Committee's recommendations to approve the proposed upgrades to Milky Way Park. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

Increase Park Rental Fees – Ordinance 2010-109 Approved

The Committee reviewed staff proposal to amend Section 6.13(H)5, Parks, Fee Requirement, to increase the park pavilion rental fee by \$10 and to eliminate the \$15 security deposit for the small groups 1-50 and recommends to the City Council that staff recommendation be approved as presented.

Moved by Perkins, seconded by Opper to approve the Committee's recommendation and Ordinance 2010-109, Amending Section 6.13(H)5, Parks, Fee Requirements as presented. Roll call vote: Leyden, aye; Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye and Opper, aye. Ordinance 2010-109 approved eight to zero.

PUBLIC PROPERTY COMMITTEE RECOMMENDATIONS

Chairman Ulmer reviewed the Public Property Committee Meeting Minutes of May 13, 2010.

Intergovernmental Agreement with Harvard Community School District #50 for Fiber Optic Network – Resolution Approved

The Committee reviewed Harvard Community School District #50's request to run a 14,000' fiber optic network from Harvard High School to Crosby Elementary School on Marengo Rd. pursuant to the submitted plan prepared by Kelso-Burnett Co. The Committee recommends the following to the City Council:

1. That the project be allowed and to authorize Mayor Nolan to sign the Intergovernmental Agreement with Community Unit School District 50 for a Fiber Optic Network with the stipulation that vault markers be located only in commercial areas and on school property and not in residential areas.
2. Authorize City staff to negotiate the letter of credit amount for restoration and damages.

Moved by Ulmer, seconded by Logan to approve the Committee's recommendations and Resolution 2010-012, Authorizing the City of Harvard to Enter Into an Intergovernmental Agreement with Harvard Community Unit School District Regarding a Fiber Optic Network in the City. Roll call vote: Marzahl, aye; Ulmer, aye; Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye and Leyden, aye. Resolution 2010-012 approved eight to zero.

EVENTS COMMITTEE REQUESTS/PIG ROAST FUNDRAISER FOR HARVARD FOOD PANTRY AND SR. CITIZEN CENTER ON AUGUST 21, 2010 - APPROVED

Chairman Logan reported that the Event's Committee is taking on the Pig Roast Fundraiser for the Harvard Food Pantry and Sr. Citizen Center to be held on Saturday, August 21, 2010 at Milky Way Park. Moved by Logan, seconded by Marzahl to approve the Events Committee's requests as follows:

1. Use of Milky Way Park and both shelters with a waiver of fees
2. Approval of a One-Day Liquor License with a waiver of fees. Beer sales will be controlled by ID verification and bracelets. The Committee is in the process of securing dram shop insurance.
3. Approval of an Outdoor Market Permit with a waiver of fees
4. Permission to conduct 50/50 Cash Raffle from June 1st – August 21st, 2010

Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

JOHN POLLMAN/APPOINTMENT TO LIBRARY BOARD - APPROVED

Moved by Adams, seconded by Perkins to approve Harriet Roll's recommendation to appoint John Pollman to the Library Board. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

CONSENT AGENDA:

- HERS Raffle Request May 1st – June 27th, 2010
- St. Joseph's Hispanic Ministry Raffle Request May 1st – July 25th, 2010
- Harvard Rotary Club Raffle Request May 26th – June 29th, 2010
- AYSO Solicit Funds at 5-Points and corner of Route 14 at Airport/McGuire Rd. Intersection on May 29th, June 12th and June 19th, 2010

Moved by Perkins, seconded by Opper to approve the Consent Agenda with the stipulation that AYSO limit their solicitation to one of the three days at their choice and only at 5-points and not on Highway 14 at the Airport/McGuire Rd. intersection. Aldermen voting aye: Leyden, Marzahl, Ulmer, Szczap, Adams, Logan, Perkins and Opper. All ayes. Motion carried.

COMMITTEE REPORTS

MAYOR'S REPORT

Mayor Nolan reported that the flowers for downtown will be put up Wed., May 26th.

ADMINISTRATOR'S REPORT

City Administrator Nelson noted his written report which includes the annual survey of property tax rates for surrounding areas.

CLERK'S REPORT - UPCOMING MEETING DATES

June 1	Planning & Zoning Commission Meeting, 7 p.m.
June 8	Regular City Council Meeting, 7 p.m. POST TO CANCEL
June 8	Water & Sewer Committee Meeting, 6:30 p.m.
June 15	Regular Events Committee Meeting 5 p.m.
June 22	Regular City Council Meeting, 7 p.m.

ATTORNEY'S REPORT

City Attorney Carlos Arévalo noted his written report including items to be discussed in closed session.

DEPARTMENT HEADS REPORTS

SEC Group, Inc., an HR Green Company and Dept. Heads: Reports as submitted.

Chief Kazy-Garey noted the police department's year-end report. The Chief also noted two grants he would like to apply for: COPS Grant for a police officer and a Safe Neighborhood's Grant. Said items were not on the agenda for approval, but can be sanctioned at the next City Council meeting.

ALD. LOGAN - BILLS APPROVED

Moved by Logan, seconded by Perkins to approve the bills in the amount of \$173,095.04. 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.

ALD. MARZAHL

Chairman Marzahl called a Water & Sewer Committee Meeting for Tuesday, June 8th, 2010, at 6:30 p.m. to discuss water and sewer rates.

NO REPORTS

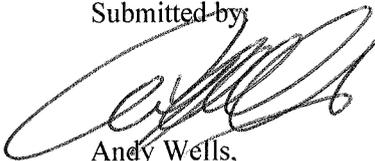
Aldermen Leyden, Ulmer, Szczap, Adams, Perkins and Opper had no specific report.

At 8:00 p.m., moved by Logan, seconded by Perkins to go into closed session to discuss Section 2(c)(11) Litigation. Roll call vote: Szczap, aye; Adams, aye; Logan, aye; Perkins, aye; Opper, aye; Leyden, aye; Marzahl, aye and Ulmer, aye. Motion approved eight to zero.

At 8:20 p.m., moved by Logan, seconded by Perkins to reconvene the open session. 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.

At 8:21 p.m., moved by Logan, seconded by Adams 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

6/7/10
Date