

REGULAR MEETING

The meeting was called to order at 8:07 p.m., Mayor Steven M. Brown presiding.

Pledge of Allegiance to the Flag.

Invocation by Rev. Pat Bossio of Faith Christian Assembly.

PRESENT: Councilpersons Mario DiSanto, Michael Higgins, Mark Kandes,
Thomas Murphy and Frank Vaslo.

ABSENT: Councilwoman Valerie Brady.

ALSO PRESENT: City Attorney Ed Zelenak and City Clerk Donna Breeding.

Mayor's Remarks

RESOLUTION 05-27 Minutes

By Councilman Higgins, supported by Councilman DiSanto.

RESOLVED, that the minutes of the Regular Meeting held under the date of January 10, 2005 be approved as recorded.

Motion unanimously carried.

Moved by Councilman DiSanto, supported by Council President Kandes that the minutes of the Special Meeting held January 10, 2005 at 6:30 p.m. regarding Community Center Proposals are approved as printed.

Mayoral Appointment to the Housing Commission of Gordon Gilbert with a term to expire 12-31-08 and Thelbert Varner to fill the unexpired term of Deborah Blasinsky to expire 12-31-07.

RESOLUTION 04-671A ADOPT Ord. Amend Chapter 676.07

By Councilman Higgins, supported by Council President Kandes.

RESOLVED, that "AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LINCOLN PARK, BY REPEALING AND REPLACING THE EXISTING SECTION .07 OF CHAPTER 676", be given its Third Reading and ADOPTED.

THE CITY OF LINCOLN PARK ORDAINS:

That the Codified Ordinances of the City of Lincoln Park be amended by repealing and replacing Section .07 of Chapter 676, which new section shall read as follows:

676.07 VEGETATION AND NOXIOUS ACCUMULATIONS, SNOW, ICE, PROPERTY NUISANCES.

(a) Declaration of Nuisance. Any tree, shrub, plant, weed, trash, debris, excessive accumulation of snow and ice on a sidewalk or right-of-way, refuse, filth or other noxious material which endangers public property or the health or safety of the public is hereby declared to be a public nuisance.

(b) Habitual Nuisance Declared. Any land or portion of land that is the subject of three (3) violation notices in an eighteen (18) month period is hereby declared to be a habitual nuisance. For the purpose of this Chapter, appearance tickets or other court citations shall be prima facia evidence of "habitual nuisance".

(c) Responsible Party. For the purpose of this chapter, the responsible party for nuisance violations outlined herein shall be the owner, possessor or occupant of the parcel of real estate upon which a citation for nuisance has been declared.

(d) Prohibited Conditions. No owner, possessor or occupier of land, and no person having charge of any land in the City, shall allow the accumulation thereon of trash, debris or refuse, or excessive snow and ice on a sidewalk or right-of-way that impedes pedestrian traffic, or shall allow the non-woody surface vegetation growing thereon to exceed eight (8) inches in height or yield seed that may spread to adjoining property.

Continued

For the purposes of this subsection, "land" shall include any alley or other way adjacent or appurtenant to said land, whether vacated or otherwise.

(e) Removal by Owners, Occupants, Etc.

(1) Every owner, possessor or occupant of land, and every person in charge of any land in the City, shall remove, destroy or cut, or cause to be removed, destroyed or cut, all dead or diseased trees, Canadian thistle, milkweed (asclepias cornutus), wild carrots, oxeye daisies or other noxious weeds, shrubs or plants growing thereon in such a manner as will effectively prevent such weeds, shrubs or plants from bearing seed or spreading to adjoining property, and as necessary, shall cut or remove non-woody surface vegetation to prevent growth from exceeding eight (8) inches in height.

(2) Every owner, possessor or occupant of land, and every person in charge of any land in the City, who allows the unlawful accumulation of materials set forth in subsection (b) hereof to remain on such land, shall cause the same to be removed, destroyed or cut in the manner provided for in this chapter.

(f) Violation a Municipal Civil Infraction. Any violation of this Chapter and parts thereof shall be a municipal civil infraction.

(g) Penalties. Upon a finding of responsibility for the first offence violation of this Chapter, the penalty shall be a fine in the amount of \$100.00 and abatement of the nuisance within seven (7) days. For a second offense within a twelve-month period; a fine in the amount of \$250.00 and abatement within seven (7) days shall be the penalty. Upon a finding of responsibility for a third and any subsequent violation of the Section, the fine shall be \$500.00 and immediate abatement by the City of Lincoln Park.

(h) Removal by City. If an owner, possessor, occupant or other person, upon notification of a third offense, fails to comply with the removal, destruction or cutting required by this section, the City Manager or his designee shall cause the work to be done, and the City Treasurer shall collect such sums of money as are certified for the abatement thereof. The City shall file a "notice of furnishing" or "mechanic lein" when appropriate, against the title of said property, to assure collection for services performed.

(i) Right of Entry for Removal; Interference. The Chief of Police, or his designated representative, is hereby authorized to enter upon any premises in the City for the purpose of removing or destroying noxious weeds, brush, grass, shrubs, plants, trees, snow, ice, non-woody surface vegetation, debris, refuse, filth or other noxious materials under this Chapter, pursuant to court order.

(j) Date for Removal and Assessment of Costs for Removal. Removal and abatement shall occur on or after seven days notice as indicated on a notice of need to abate or remove said noxious accumulations, or upon conviction for said offense in the District Court. Motion unanimously carried.

ADOPTED: January 18, 2005
PUBLISHED: January 26, 2005
EFFECTIVE: January 26, 2005

Set Public Hear./Alley Vacation/Homestead Villa Sub No. 2 HELD.

RESOLUTION 05-28 Poverty Exemption Guidelines

By Councilman Vaslo, supported Council President Kandes.

RESOLVED, that the guidelines for the 2005 Poverty Exemption be accepted as submitted by the Assessor's Office.

The New Poverty Exemption Guidelines for 2005 are as follows:

<u># OF PERSONS IN HOUSEHOLD</u>	<u>2005 POVERTY GUIDELINES</u>
1.....	\$13,000
2.....	\$15,000
3.....	\$17,000
4.....	\$19,000
5.....	\$22,500
6.....	\$25,500
7.....	\$28,500
8.....	\$32,000
For each additional person add.....	\$3,200

Motion unanimously carried.

RESOLUTION 05-29 Solicit Bids/Sanitary Sewer Lift/Pump Stations

By Council President Kandes, supported by Councilman Murphy.

WHEREAS, the City’s sanitary sewer lift and pump stations are aging and may need some rehabilitation, and

WHEREAS, completing a study of the lift and pump stations’ efficiency is a simple method to determine the useful life of pumps and the pump’s current operating status.

BE IT RESOLVED, that Hennessey Engineers is authorized to prepare the scope of services language needed to complete the study.

BE IT FUTHER RESOLVED, that upon approval of the scope of services language by the City Manager, the Mayor and Council authorize the City Manager to solicit bids for the contract.

BE IT FURTHER RESOLVED, that Hennessey Engineers will complete their work during the scheduled on-site office hours and will provide the scope of services language at no additional cost to the City.

Motion unanimously carried.

RESOLUTION 05-30 Change Req. #1/Retention Basin Repair

By Council President Kandes, supported by Councilman Higgins.

RESOLVED, that the Mayor and Council approve Change Request Number One for the “Retention Basin Wall and Roof Repair Project”. This change request approves the additional costs associated with the completion of the project.

BE IT FURTHER RESOLVED, that the costs associated with the change request, \$1,654.50, will be funded by the contingency fund for the project.

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Superintendent of Utilities and Support Services to sign the official change order on behalf of the City.

Motion unanimously carried.

CITIZENS COMMUNICATIONS

ORAL REPORTS OF THE MAYOR AND COUNCIL

There being no further business, the meeting adjourned at 9:14 p.m.

STEVEN M. BROWN, MAYOR

DONNA BREEDING, CITY CLERK