

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, MAY 18, 2009**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Rickher, Bardill and Bellm. Councilwoman Zobrist was absent. Others in attendance were City Manager Mark Latham, City Attorney John P. Long, Directors Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisors Stram and Limestall, Treasurer Foehner, City Clerk Bellm, 15 citizens, and 1 member of the news media.

**MINUTES**

Councilman Bardill made a motion to approve the minutes of the May 4, 2009 Special and Regular Sessions as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

**PUBLIC FORUM**

Citizens' Requests and Comments:

*American Legion – Poppy Day Request* – Gloria Jancek, 3960 Jancek Lane, President of American Legion Lee Iten Post #439 Ladies' Auxiliary, was present to kick off Poppy Days in the City of Highland. Mrs. Jancek introduced this year's Miss Poppy, Jaclyn Boekhout, who was present to sell the first poppy to Mayor Michaelis.

*Chamber of Commerce – SDDC Community Day Request* – Kevin Dewaele, President of Highland Chamber of Commerce stated I had sent a request to the council, along with a letter from the Department of the Army. We sent representatives a few years ago. They are holding the event again and have invited Highland to attend. We are requesting the City to partner with the Chamber of Commerce again and help defray the cost of one representative to attend the one-day event at Fort Eustis. We are asking for 50% of the total cost of the trip. We also hope that the council would be supportive of giving the suggested utility vouchers to perspective citizens.

Councilwoman Bellm made a motion to partner with the Highland Chamber of Commerce to defray the travel cost for one person to attend the SDDC event in Washington, D.C., in the amount of 50%, or \$253.00 and to offer utility vouchers as attached; seconded by Councilman Bardill. Mr. Dewaele stated the cost for air fare, rental car, and hotel is closer to \$506 per person, based upon internet booking prices the other day. Councilwoman Bellm motioned to amend the motion to approve participating with a cost of no more than \$550; seconded by Councilman Bardill. Roll Call Vote to approve the amendment: Bardill, Rickher, and Bellm voted aye, none nay. Motion amended. Roll Call Vote approving the amended motion: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bernita Roe, 713 Poplar St., stated I am sure that everyone is familiar with the yard that is waiting for a retaining wall to be built in front of it along Poplar Street. We had a man come to tell us how he was going to put the wall. Then a week later, a pole was put in the yard by the city. We want a retaining wall and there is a water meter there. We would like the wall in front of the water meter. We

have been told that we must stay back seventeen feet. In order to cover the meter, we would have to come in fifteen feet. Is there a way of compromising on this? City Attorney Long suggested Mrs. Roe talk to Supervisor Limestall about obtaining a variance. Mrs. Roe stated the man is coming tomorrow to start building the wall. Attorney Long responded I am not familiar with the situation; however, if you need a variance, then you would need to file a request and go through the variance process. Mrs. Roe stated we have been talking about this dumb thing for five years. We have been fighting a battle. They wanted to take the steps out in front of our house. We had a tree planted and now that will have to be moved back. Attorney Long asked have you ever applied for a variance on anything. Mrs. Roe responded we were never told we had to stay seventeen feet from the curb until a few weeks ago. Attorney Long stated he would come out and look at it this evening and see if there was anything that could be done.

City Manager Latham asked Director Gillespie if he could provide any insight. Director Gillespie explained that Resident Engineer Clint Conrad went to stake where the city's right of way was. Mrs. Roe stated seventeen feet is a lot of room in the front of our property. How this stake has to do with anything I don't understand. City Manager Latham explained when you hired a person to build the wall, that person contacted the city. The city sent someone out to place a stake to mark the area. Mrs. Roe replied no, that can't be, because the stake was three feet from the curb. Director Gillespie stated Clint went out there to mark where the city's right of way begins. Mrs. Roe stated we want to place the wall inside the city's right of way. Mayor Michaelis, asked Mrs. Roe, is there anyway to put off building that wall. Mrs. Roe stated we have been getting calls, because people want to know when we are going to get the wall built. We are trying to make it look nice. Councilwoman Bellm expressed seventeen feet from the curb sounds like an awful lot. Is it maybe seventeen feet from the center of the roadway? Director Gillespie stated without looking at the file, I am not sure. The agreement with the Roe's, when they agreed to sell some right of way to the city, was they would do so with the agreement that they would put the retaining wall on their easement. They wanted a retaining wall, rather than sloping down the yard to the road. As part of the agreement, we excavated out the yard to prepare for the wall. Mrs. Roe stated if we have to move it closer to the house, then it is going to cost more money to excavate more dirt out. The city put the stake down a week after we had it planned. Councilman Rickher asked can we have someone out there, from the city, to work with the contractor in the morning. Mayor Michaelis asked Director Gillespie if we can have someone out there at 7AM. Director Gillespie replied yes, Clint can be out there. The whole point of the stake was to show the contractor where the city's right of way is there, so they could build inside of that. Mrs. Row stated I want someone important to be there that knows what they are doing.

Paul Tucker, 49 Trout Drive, addressed the council as a citizen of Highland. I am also a member of the Board of Directors for Faith Countryside Homes, which provides a continuum of care for seniors including assisted living. I am here tonight regarding the proposed for-profit assisted living facility that is requesting tax abatement. I question whether it is wise to offer tax abatement. Faith Countryside Homes has 132 employees. The wait to rent an apartment varies, but is about 30 days. Such abatement, as proposed, would only place Faith Countryside at a disadvantage. Councilman Rickher asked if you are non-for-profit, how the tax abatement places you at a disadvantage. Mr. Tucker explained none of the money leaves the properties and goes to individuals or companies. The revenue generated is put back in to the property. The competitive advantage is reduced for non-for-profit, if the for-profit competitive facility does not carry that tax burden. The question is, do you want non-for-profit within your community? Non-for-profit within a community has motivation to provide the best care. Councilman Rickher expressed I do not think the incentive for quality care has anything to do with paying taxes. Mr. Tucker stated by not taxing the company, you are taking that advantage away from us. Giving that abatement is not in the best interest of the community. Councilman Rickher stated I fail to understand how it is not in the best interest of the community, as we are able to care for more people. Mr. Tucker responded you are assuming that there is more of a demand. Demographics state that home care is going to increase and the demand for assisted living is going to decline. Councilman Rickher stated that is debatable based on whom you ask. Mr. Tucker noted the school

board has already given this tax abatement, which is the bulk of the property taxes. It is unnecessary; I feel it is the wrong thing to do.

Lewis Monken, 1809 Olive, stated when my sister introduced me to that place, I was under the assumption that she was going to take care of the living expenses. I made visits to Johannes Law Office and Armstrong Law Offices to try to get answers. It is hard to soar like an eagle when you are working with a bunch of turkeys. Mayor Michaelis asked, what is the problem you need the council to help with? Mr. Monken stated when Jane Monken at FCB, I had \$2,000 in the bank when I got out of the state hospital in 1989. My mom said she did not cash any checks. When I talked to Jane at Christmas, she said she could not help. I have no access to my accounts. Mayor Michaelis stated the council will help you with any problems it can, if it is a city issue. However, what you are talking about is financial issues and relationship problems associated with it. I am going to refer you to the police department, so they can put you into contact with those that may be able to assist. Mr. Monken asked is the residence down there being paid for by the township or who is paying for it. Mayor Michaelis asked Mr. Monken who owns the residence. Mr. Monken replied Matt Bugger. Mayor Michaelis stated I will have someone check on the residence. I will be here at 9AM tomorrow morning. Be here then, if you want to speak to me some more.

Brittany Wells, Fricker Road, owner of Dance Depot requested to rent the Weinheimer Community Center for a dance recital. Mayor Michaelis asked Director Rosen if he was familiar with this request. Director Rosen reported that Ms. Wells had contacted Lauren last week with the request. We do not have any issues with it. However, we have not rented the facility out for a for-profit endeavor. Typically, the events held there have been for non-for-profit groups. We would need to establish a rate. Mayor Michaelis asked Ms. Wells when you are planning to do this. Ms. Wells replied June 5. Mayor Michaelis asked Ms. Wells to work with Director Rosen to arrange it. The item would need to be on the June 1 council agenda for approval.

#### Requests of Council:

Councilman Rickher stated I've been coming to a few meetings, prior to joining the council. One thing I would like to see or hear is a treasurer's report. I see a lot of orange stickers around on doors. I would like to see or hear what our aged receivables and write-offs are. Director of Finance Sharon Rusteberg reported, in the past, we provided a monthly report via email and include in the council's packet. The reports include aging receivables and cash flow reports for various departments.

#### Staff Reports:

*Crosswalk Update* – Chief Terry Bell reported Councilwoman Zobrist asked for us to look into some issues with the crosswalks in town. In essence, we need to make sure the crosswalks stay visibly marked. If it is a double-lined crosswalk, legally, drivers are to yield to pedestrians. Some of the lines have faded. It is soon that time of year to repaint the lines. On Broadway, we will have the changes in the surface design, with the stamped brick within the lines for the crosswalk areas. Along with that, we will work with the Newsleader to educate the public. Councilwoman Bellm summarized, it is a combination of us marking the areas and educating drivers that they have a duty to stop and allow pedestrians to cross.

Chief Bell informed the council that the police department will be hosting a bike rodeo on May 29<sup>th</sup> at Noon, on the parking lot of the catholic school. The event is being sponsored by State Farm, in conjunction with St. Joseph's Hospital. We will be sending flyers home with the school children.

*Council Chambers Handrails Update* – Director Lisa Schoeck noted the council requested we look at adding railing to the Council Chamber to prevent people from falling at the different levels of the seating area, near the main entrance ramp. What we are proposing is six units of railing that would be four-foot long rails, coming in off the ramp. We had a loss prevention representative come in, last year, and they provided us with some suggestions. Building and Code Enforcement Supervisor Kevin Limestall worked with Aviston Lumber to come up with a wood railing system that would work within

the area, provide the desired support, and fit into the interior design of the room. The cost is about \$4200. Another option would be to create a kneeling wall, which is about half the cost. The proposed cost is based upon using oak wood. We could save some money by going with pine or some other wood. In addition, we could save money by staining the wood ourselves. Another option is to use metal stanchions. However, I am not in favor of those, because they would still cost a couple thousand of dollars, they detract from the look of the room, and easily fall over.

Councilwoman Bellm proposed that we wait, shop around some more, and maybe come up with some other ideas. For the Sursee visit, we are going to have to post signs and simply guide people, particularly those needing assistance. Mayor Michaelis noted, I would think, any of these options are going to limit access. Director Schoeck concurred. The hand rail would require that person to come out into the main aisle and then turn towards the podium and proceed down the ramp. There still is the slope of the entrance down to the microphone. Another option is to have a wireless microphone and have an employee take it to people who want to speak. Mayor Michaelis stated, at present, I don't think we can get a decision on this. It was the consensus of council to wait and continue to look at the options.

*Hemlock Street Renaming Project Update* – City Manager Latham reported that, at the last meeting, Councilman Rickher suggested looking into changing the name of Hemlock Street. Councilman Rickher, Director Gillespie and I meet last week to discuss the issue and look at options. The issue with renaming roadway is that people already have been given addresses. We are proposing to rename the first phase of the SW Quadrant, which is under construction, to “Industrial Parkway”. As we go out and encourage market development and commerce in that area, we feel this name lends itself to that vision. Councilman Rickher concurred. We have a business district that we want to try to promote. I feel the easiest thing to do is to name a street that is not in existence yet, that would promote business. They could abbreviate it as “Industrial Pkwy”. Mayor Michaelis clarified there are no addresses given to that area. We would not be renaming the existing portions of Koepfli or Hemlock. City Manager Latham agreed. He added, if you look at the Future Land Use Plan, most of that area is targeted for industrial development.

## **NEW BUSINESS**

Approve Mayor's Appointments to the Silver Lake Advisory Commission – Councilwoman Bellm made a motion to approve the mayor's appointment of Mr. Brad O. Kohlbrecher to the Silver Lake Advisory Commission for a three-year term to expire March 2012; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Funding Request – The Tourism Bureau Southwestern Illinois – Councilman Bardill made a motion to approve request for funding to the Tourism Bureau of Southwestern Illinois as attached; seconded by Councilwoman Bellm. City Clerk Bellm asked for clarification on the amount of funding being approved. Councilwoman Bellm motioned to amend the motion to approve \$5,000 funding; seconded by Councilman Bardill. Roll Call Vote: Bardill, Rickher, and Bellm voted aye, none nay to approve the amendment. Motion amended. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Award Bid #PW-04-09 for Renovation of Streets & Alleys Facility – Councilman Bardill made a motion to award Bid #PW-04-09 for Renovation of the Streets & Alleys Facility to Korte & Luitjohan Contractors, Inc. in the amount of \$187,800 as attached; seconded by Councilwoman Bellm. Director Joe Gillespie reported we received 8-9 prime contractor bids. We believe the recommended contractor is giving a very good price for the installations we are asking for. Roll Call Vote: Councilman Rickher abstained. Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Approve Change Order #1 for PW-02-08 the Hemlock Extension – Councilwoman Bellm made a motion to approve Change Order #1 for PW-02-08 Hemlock Extension in a deduct amount (savings) of \$4,600 to Baxmeyer Construction as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Approve Preliminary Engineering Services Agreement with Oates Associates, Inc. for the Iberg Road Reconstruction Project – Councilman Bardill made a motion to approve a preliminary engineering services agreement with Oates Associates, Inc. in the amount of \$19,000 for the Iberg Road Reconstruction Project as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-50/RESOLUTION Amending the Solid Waste Rates – Councilwoman Bellm made a motion to approve Bill #09-50/Resolution #09-05-1785 amending the solid waste rates as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-51/RESOLUTION Authorizing Execution of a Contract with Highland Development Group, LLC for Construction of an Assisted Living Facility – Councilman Bardill made a motion to approve Bill #09-51/Resolution #09-05-1786 authorizing execution of a contract with Highland Development Group, LLC for construction of an assisted living facility as attached; seconded by Councilwoman Bellm. Councilwoman Bellm stated this very clearly has some conditions in it, that if not met, the agreement is void. City Manager Latham concurred. The agreement is very similar to the tax abatement agreement that the school had. City Attorney John Long stated we used the same agreement and just changed the names. Dave Kunkel, with Kunkel Commercial Group of Shiloh, IL, the management group for the Highland Management Group, reported the development has been named Legacy Place. We anticipate ground breaking in the first week of June and hope to open the facility April 1. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-52/ORDINANCE Amending Zoning Classification of Property Located at 425 Broadway – Councilwoman Bellm made a motion to approve Bill #09-52/Ordinance #2354 amending zoning classification of property located at 425 Broadway from “I” Industrial to “C-2” Central Business District as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-53/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit Allowing Conversion of Existing Structure to Condominiums at 425 Broadway - Councilman Bardill made a motion to approve Bill #09-53/Resolution #09-05-1787 making Separate Statement of Findings of Facts in connection with Ordinance granting Special Use Permit allowing conversion of existing structure to condominiums at 425 Broadway as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-54/ORDINANCE Granting a Special Use Permit for the Conversion of Michael’s Swiss Inn to Condominiums at 425 Broadway – Councilwoman Bellm made a motion to approve Bill #09-54/Ordinance #2355 granting a Special Use Permit for the conversion of Michael’s Swiss Inn to condominiums at 425 Broadway as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-55/ORDINANCE Amending Zoning Classification of Property Located at 415 Broadway - Councilman Bardill made a motion to approve Bill #09-55/Ordinance #2356 amending zoning classification of property located at 415 Broadway from “I” Industrial to “C-2” Central Business District as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-56/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit Allowing Operation of a Restaurant/Bar/Lounge at 415 Broadway – Michael’s Restaurant – Councilman Bardill made a motion to approve Bill #09-56/Resolution #09-5-1788 making Separate Statement of Findings of Facts in connection with an ordinance granting Special Use Permit allowing operation of a restaurant/bar/lounge, “Michael’s Restaurant” at 415 Broadway as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-57/ORDINANCE Granting a Special Use Permit for the Operation of a Restaurant/Bar/Lounge at 415 Broadway – Michael’s Restaurant - Councilwoman Bellm made a motion to approve Bill #09-57/Ordinance #2357 granting a Special User Permit to Gaye and Susan Michael, co-owners of Michael’s Restaurant, for operation a restaurant/bar/lounge at 415 Broadway as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-58/ORDINANCE Amending Section 201 Table 3.1 of the Highland Zoning Code to Allow a Heliport-Restricted Landing Area for Medical Use Only by Special Use Permit in an R1C Zoning Classification – Councilman Bardill made a motion to approve Bill #09-58/Ordinance #2358 amending Section 201 Table 3.1 of the Highland Zoning Code to allow a heliport-restricted landing area for medical use only by Special Use Permit in an R-1-C zoning classification as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-59/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit Allowing a Heliport-Restricted Landing Area for Medical Use Only at 2813 State Route 160 – Councilwoman Bellm made a motion to approve Bill #09-59/Resolution #09-05-1789 making Separate Statement of Findings of Facts in connection with ordinance granting Special Use Permit allowing a Heliport-Restricted Landing Area for medical use only at 2813 State Route 160 as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-60/ORDINANCE Granting a Special Use Permit to Allow a Heliport-Restricted Landing Area for Medical Use Only at 2813 State Route 160 – Councilman Bardill made a motion to approve Bill #09-60/Ordinance #2359 granting a Special Use Permit to the City of Highland, on behalf of the Highland Community School District Unit #5, to operate a Heliport-Restricted Landing Area for medical use only at 2813 State Route 160 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #09-61/RESOLUTION Approving Contract with PGAV for Development of Highland Business Districts – Councilwoman Bellm made a motion to approve Bill #09-61/Resolution #09-05-1790 approving a contract with PGAV Urban Consulting, in the amount of \$11,000, to develop Business Districts in Highland as attached; seconded by Councilman Bardill. City Manager Latham explained we identified three specific areas of town. We hope within this contract to better identify these areas. Under Scope of Services, letter “B”, I would like to be able to sit down with PGAV, and plan for boundary maps, and establish goals for policies and future projects for these areas. I will be bringing to the council the market analysis for review. The mayor and I have been talking with the auto dealerships over the past few years. Specifically, when the business fell off last fall, about how we could help them. If a property has a value of \$100,000 and someone is willing to invest \$100,000 to improve the facility and get it operating from the empty state it is presently at then that creates a better tax base for the city. You can put tools such as tax abatements into place for these areas to promote this. One area is the Broadway area; another area is Walnut Street out to Route 40 and would encompass the Woodcrest area; and, the third area is the newer development along Route 143. For the value that a business developer is willing to put in to the property, we would look to abate through taxes, which could partially be funded through a state program.

Councilman Rickher stated I would like to clean up some of the language in the contract. Under Scope of Services, B.2., ‘will recommend a final boundary’ change to ‘will recommend a boundary’, whereas, it comes back to the council to make a final decision. Councilwoman Bellm expressed I would hope that by the time it comes to council, the council would know what the boundaries are and why they are what they are. Mayor Michaelis stated I strongly advise that this be tabled so that changes can be made prior to council approving. Councilwoman Bellm asked if before we table it, that Councilman Rickher address the areas of concern. Councilman Rickher stated, in C.1.a., there is a reference to “final boundaries”, as well. I also have concern about the verbiage in Section D suggesting with or without public hearing taxes will be increased or decreased. In addition, I would like to put a limit on their reimbursable expenses associated with this contract and limited it to \$1,000, (~10% of the contract), as this is an \$11,000 contract. Attorney Long asked that Councilman Rickher meet with him to go through that in detail with him, so that he may revise the contract accordingly and submit it to PGAV for review. Councilwoman Bellm motioned to table; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Item tabled.

## REPORTS

Approve Warrant #770 – Councilman Bardill made a motion to approve Warrant #770 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn this Regular Session to conduct an Executive Session under the Illinois Open Meetings Act under Section 2(c)(21) for discussion of executive session minutes and 2(c)(5) to discuss acquisition of property; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill and Bellm voted aye, none nay. Motion carried. 8:32pm

Mayor Michaelis reconvened the Regular Session at 9:46pm. Council members Rickher, Bardill and Bellm were present. Councilwoman Zobrist was absent. Others in attendance were City Manager Latham, City Attorney Long, and City Clerk Bellm.

Mayor Michaelis announced there would be no action taken this evening on anything discussed in Executive Session tonight.

City Manager Latham asked City Attorney Long: Does the city have the ability to allow Mrs. Roe to put the wall on the right of way? What liability is involved in that? Attorney John Long stated the main concern the city would have, I would think, would be the ability to access the utilities.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 9:47pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk