

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, APRIL 19, 2010**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Bardill, Bellm and Zobrist. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall and Stram, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm; 35 citizens and 1 member of the news media. .

MINUTES

Councilman Bardill made a motion to approve the minutes of the April 5, 2010 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

PUBLIC HEARING

Mayor Michaelis opened the public hearing to receive comment on the budget for Fiscal Year 2010-2011. Hearing no comments, Mayor Michaelis closed the public hearing at 7:02pm.

PROCLAMATION

Mayor Michaelis read a document proclaiming Friday, April 30, 2010 as Arbor Day in the City of Highland. Jeannie Korte, Tree Commission member, was present to accept the proclamation.

PRESENTATION

Parks & Recreation Advisory Commission – Parks & Recreation Director Mark Rosen spoke on behalf of the Parks & Recreation Advisory Commission. He stated, in front of the council, tonight, are copies of the final master plan document for the proposed multi-use trail. City Manager Latham and I began talking about this a couple of years ago. It is important to have a document like this to pursue grant funding. We have met with the Metro East Parks & Recreation District regarding possible grant funds to develop this, so we are on the radar, even if we are only a small beacon. The multi-use trail is not something that will be complete in five- or even twenty years. It is a long-term project. The number one priority is a trail from the primary school to Coventry, and along Lindenthal Creek. Such a trail would tie into the peripheral route. This provides access from the grade school to residential areas. The plan recognizes safety is an issue that people have expressed as a concern. We hope that in time, to have the trail lighted. The second priority would be to establish a trail from Glik Park to Silver Lake Park. Glik Park would eventually serve as the hub of the trail system. Councilwoman Bellm expressed, this is an impressive document; having just received it, I would like to take some time to review it. Director Rosen pointed out there is USB flash key that you can put into your computer, which will show you how it could look.

PUBLIC FORUM

Citizens' Requests and Comments:

2010 Street Art Festival Request – Highland Street Art Festival Committee – Vicky Rankin, member of the Highland Street Art Committee, stated we plan to have the same as in years past. We are looking for the same street closings and the same period of time. We would be glad to answer any questions you may have. Councilman Bardill made a motion to approve the Highland Street Art Festival Committee's request to hold the 2010 Street Art Festival on August 7 & 8, 2010 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Highland Speedway – Advertising Donation Request – Sue Zobrist, 11038 Ellis Road, 2010 Track Manager for Highland Speedway, spoke on behalf of the request made by Scott Kuhn for an advertising donation. She reported Scott has done a proposal for the advertising of our largest races at the speedway, which bring in a lot of people for different states. He would like to receive assistance with funds for advertising these events on cable television. Councilwoman Bellm asked how much are you asking for. Ms. Zobrist stated he would like \$8,000. Councilwoman Bellm stated I appreciate the fact that the speedway brings in a lot of people; however, that is a lot of money. Is the speedway a for-profit business? Ms. Zobrist responded Kuhn Promotion is; they are leasing it from the Madison County Fair Association. Councilwoman Bellm expressed concern about giving funds for a for-profit entity. When we have given funds in the past, we have provided them to non-for-profit entities. I am wondering if we are setting a precedent by doing this. Anyone else have concerns? Councilwoman Zobrist inquired about the gun show and other things held out there. *(Scott Kuhn entered the room.)* Mayor Michaelis stated \$8,000 is a very high request. We have donated for other similar projects that generate hotel/motel stays. I can assure you that our contributions to those events held out there were far less than \$8,000. Councilwoman Zobrist noted the donation to the swap meet was \$500. City Manager Latham reported we provided \$600 to the gun show for two days rental of the building. Councilman Bardill made a motion to award a donation of \$1,000 to the Highland Speedway from the hotel/motel fund; seconded by Councilwoman Bellm. City Attorney Belsheim advised the motion should have stated that the city will purchase advertising from the hotel/motel tax revenue in the amount of \$1,000 for the Highland Speedway. Statue does not allow these funds to be donated, but rather used towards promoting these events. Councilman Bardill amended motion to: Motion to approve the city's purchase of advertising for the Highland Speedway, in the amount of \$1,000, from hotel/motel tax revenues; seconded by Councilwoman Bellm. Councilwoman Bellm asked Director of Finance Sharon Rusteberg if funds are available. Director Rusteberg reported we have the funds available in this year's budget. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Amendment approved. Councilman Bardill made a motion to bring the amendment forward; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. Mr. Kuhn asked is there a way to get a list of names to contact businesses to coordinate partnerships for the advertisement of different businesses and or events in the different advertisements. Councilman Bardill suggested he get in touch with the Chamber of Commerce.

Girls on the Run – Practice 5K Run/Walk Request – Amy Sheraton, coordinator for the St. Louis Area Girls on the Run program and Amy Powell, social worker with Highland Elementary, were present to make a request to the council to allow a practice 5K Run/Walk to be held in Highland. Ms. Sheraton reported Girls on the Run (GOTR) is a character-building program for girls in grades 3 thru 8. The girls meet two-three times a week to find ways to work through adolescent issues and work out together. This is the first year that Highland Elementary has had this program. They have 119 girls on different teams. There has been an army of teachers, staff, and parents overseeing these girls. Everyone is excited about the program. We are asking to hold a practice 5K run, so that the girls can prepare for the 5K run that they will participate in on Sunday, May 16, 2010 in Forest Park. We would like to hold the practice event on Saturday, May 8, 2010. Each group of girls will be running with a

friend, parent or teacher, therefore we could have closed to 200-250 people participating. Ms. Hoffman reported the run would begin at the Four Diamonds area; they will run the path behind the school, return to the Four Diamonds area and finish in front of the school. The Lions Club has offered members to work the crossing. The school is going to open up for bathroom facilities to be available. The school nurse believes she will be available to be on hand. Ms. Sheraton reported we have added the City of Highland as additional insured on our liability policy and have completed the waiver forms. Councilwoman Bellm asked Chief Bell if he had any questions or concerns. Chief Bell stated the police department would be happy to participate in it, if needed. Our largest concern is to have all the intersections covered. With that many kids, I would be concerned about them spreading out over the course; therefore, we would want to make sure that all the kids have gone through the intersections before leaving them unguarded. Councilwoman Bellm asked that they keep the police department informed and provide them with a map. Councilwoman Bellm made a motion to approve the use of the streets to hold a 5K run on Saturday, May 8 at 10:00am as requested; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Ordinance Amendment Request to Allow Bee Hives – Wendell Watson stated his daughter, Ansley Watson, is a beekeeper. The reason we are here is that the current ordinance in Highland prohibits us from keeping the bees within the city limits. Mr. Watson had copies of some testimony and resources for the council to consider. Mr. Watson reported my daughter has two beehives. The hives are part of her FFA project. There are three points we wish to make: Bees are very important; bees are very safe; and, bees need support in light of the decline in the bee population. Honeybees serve an integral roll in the well-being of many plants and crops. Bees are needed to pollinate fruit trees and garden plants. In Colorado, alone, the honeybee is needed for production of many crops, including apples, pears, peaches and melons. The value of the pollination typically represents over \$20 million in business revenue from these crops as well as honey and beeswax products. While important to agriculture, bees also provide a very tangible product – honey. Honey is a natural sweetener; it can act as a natural antibacterial. Honeybees are very safe. Unfortunately, they have received an undeserved reputation of being dangerous because bees sting to defend themselves. To have a honeybee sting, you have to work very hard. One way is to step on a bee barefoot. I have been stung when moving a hive. A bee has never approached me like a dog. I have opened hives with little protection on and have not been stung. To put bee stings into context. About 4.5 million people are bitten by dogs each year. Almost one in five of those who are bitten require medical attention for dog bite-related injuries. In 2006, more than 31,000 people underwent reconstructive surgery as a result of being bitten by dogs. You are more likely to die from a lightning strike than from a bee sting. In Canada, two people reportedly died in 2000 from insect stings. The point is that honeybees are not aggressive insects, although they will readily defend the colony. Most stings occur when people step barefoot on bees visiting ground covers or when they accidentally become trapped in clothing. Let me state, I have nothing against dogs. I am simply using them as a comparison.

Mr. Watson continued: Right now, it is a “nuisance” to maintain a hive in Highland. Yet, I see bees in my yard each day during the summer. I guess they don’t understand local ordinances. That is why I am proposing an ordinance that will include safeguards, based on ordinances from other communities that allow beekeeping, such as Chicago, Prince Williams County, Virginia, Orange County, St. Louis, Washington, DC and New York City. My proposed ordinance factors safeguards such as a fence with a secure gate; provision for water to prevent the bees from becoming a nuisance at swimming pools, bird baths and other water sources; and addresses permitting. Honeybees should be promoted. Recently, a disease called Colony Collapse Disorder (CCD) has devastated the honeybee population. Because of what is known regarding the importance of bees and the very low risk associated with keeping bees, I believe Highland should encourage the healthy, productive, and agriculturally significant activity of keeping bees. The last page of what I have presented has the proposed changes to the current ordinance.

Councilwoman Zobrist asked Mr. Watson if the fence he mentioned would be around the hive or the full yard to keep them in. Mr. Watson responded, around the hive, itself, so that kids would be

unable to access it or bang on it, which would make the honeybees become aggressive. Bees will travel up to two-and-a-half miles to collect pollen. Councilwoman Zobrist asked do they all leave the hive at one time and return together. Mr. Watson reported they all go independently on their own. Councilwoman Zobrist asked Supervisor Limestall why the ordinance was changed in the 1970s to prohibit beekeeping. Supervisor Limestall reported beekeeping is allowed in agricultural areas. We could allow them based upon zoning and with a special use permit in other areas. Mayor Michaelis asked the council for direction on the proposal by Mr. Watson. Councilwoman Bellm requested time to look at the current ordinance, code and research this a bit more.

Rebecca Ziegelbauer, 4610 Elam Lane, as a member of the patriot guard, requested permission for use of the square and police escort on May 8, 2010, to do a send-off for someone leaving for active duty over seas. The ceremony would start at 13:00 and we would leave the square at 13:30. As far as we know, right now, there will be a flag ceremony and prayer. She explained we were contacted by the wife of First Lt. Ryan Davis to do this as a surprise. Mayor Michaelis explained that the council can not entertain a motion on this tonight, as it is not on the agenda. We will have a council meeting before that time. Please return then and we will have this on the agenda for approval.

Requests of Council:

Mayor Michaelis asked Chief Bell for an update on the El-Kay apartment area. Chief Bell reported City Manager Latham, Attorney Belsheim and I met with the owner of the El-Kay apartments. I believe he came away with a positive outcome, a definite understanding of what we are looking for, and different steps that he can take to improve the situation there. I had another conversation with him today. He indicated that he is looking for a manager for the complex. I have in our possession the neighborhood watch signage, which I have provided to Director Gillespie. This group is exemplary as a neighborhood watch group. I have also pulled together information for the council to review as a proposed ordinance to target the issues we are having there. Councilwoman Bellm asked what kind of ordinances or regulations you are looking for. Chief Bell suggested requiring background checks with leases, requiring resident occupancy inspections, and required upkeep of the property. The idea is to keep property values up, so that you have renters that stay versus transient clientele. Attorney Belsheim reported most communities have enacted a resident occupancy inspection in which every time there is a change, you pay a fee and an inspection is done on the property. This property owner seemed very nice; however, he is very disconnected from the property. I do not think Highland has a widespread issue with deteriorating property. However, I am not sure that you want to wait for that. The ordinance also requires the owner to do a background check on the residents prior to leasing. The issue is that the criminal element moves to wherever the checks are not required. The fact is that a lot of communities around us are already requiring this. Some communities are imposing a fee on the property owners to do these inspections. We need direction on how far do you want to go with this. It may be useful to establish a small committee to sample what is out there and look at how it fits in this community.

Councilwoman Bellm expressed my first impression is to look at ordinances comparable to ours and see what they are doing. I would like to do something before things get even more out of hand. I would encourage progress on this. Chief Bell stated, as far as the occupancy inspection, property owners are concerned about how to handle the fees. Just like background checks, those fees can be moved on to the consumer. Resident Darrin Obliges stated, we are not having problems with the looks of the apartments. We are having more of an issue with the people in the apartments, rather than the look of the apartments. Resident John Carey stated Chief Bell pointed out that all the communities around us are doing these things. We need to get to that same level. As far as the fees, if they cannot afford to pay the inspection fees, then they probably cannot afford the rent. Chief Bell explained, as far as the inspection process, when there is a new tenant, we are able to keep an account of how many people are living in each unit. Councilman Bardill inquired the occupancy permit occurs when utilities are turned on. Attorney Belsheim added the occupancy inspection finds cases where the apartment is rented to two people, but there is six living there. Chief Bell stated we want to find something that works for the business people in the community as well as for the residents of Highland.

Councilwoman Bellm expressed we do not want something that is too heavy handed, but something that has some teeth to it. I would like to see us move ahead on this.

Staff Reports:

City Manager Latham provided a reminder that the annual citywide clean-up day will be Saturday, May 1 at the Highland Middle School parking lot.

NEW BUSINESS

Appointment to City Council Vacancy – Councilman Bardill made a motion to approve the mayor’s appointment of Aaron Schwarz to the city council to fill the vacancy as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Mayor’s Reappointments – Councilwoman Bellm made a motion to approve the mayor’s reappointment of Fred Schneider, to the Police Pension Board, for another two-year term, and Darell Bellm, Marilyn Frey, and Jon Greve, to the Industrial Development Commission, for one-year terms as attached; seconded by Councilman Bardill. Councilwoman Zobrist noted, typically, we have staggered terms on these commissions. With the Industrial Development Commission, everyone is on the same term. City Attorney Belsheim advised staggered terms tend to provide more continuity. I am not sure why this one was set up like this. Councilwoman Zobrist asked him to look at changing the ordinance. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-36/ORDINANCE Amending Fiscal Year 2009-2010 Budget – Councilman Bardill made a motion to approve Bill #10-36/Ordinance #2414 amending FY 2009-2010 Budget as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-37/ORDINANCE Adopting Budget Fiscal Year 2010-2011 – Councilwoman Bellm made a motion to approve Bill #10-37/Ordinance #2415 adopting financial budget for fiscal year beginning May 1, 2010 and ending April 30, 2011 as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-38/RESOLUTION Approving Contract for Sale of a Surplus Parcel of Real Estate – Councilman Bardill made a motion to approve Bill #10-38/Resolution #10-04-1871 approving a contract for sale of a surplus parcel of real estate to the Helvetia Sharpshooters in the amount of \$5,500 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-39/RESOLUTION Approving Purchase of Property to House FTTP Headend – Councilwoman Bellm made a motion to approve Bill #10-39/Resolution #10-04-1872 approving the purchase of property to house the Fiber to the Premises Headend from Frey Properties, LLC, in the amount of \$699,000, as attached; seconded by Councilman Bardill. Councilwoman Bellm addressed questions to Director Dan Cook and George Marron, member of Telecom Commission: Why do we need a building now? Why are we purchasing and not leasing it? I am interested in hearing about how the buildings were evaluated. Why is this building the recommendation? Mr. Marron reported we started looking at this process when the Telecommunications Board was formed. Initially, we looked at leasing; however, there is a lot of equipment that you do not want to have to move. The equipment is not portable. Moving it would be very disruptive to service. We looked at different buildings and how each would fit. This last building is the one we feel will provide function for 10, 20, 30 and even 40-years out. It has functionality to serve as a base for the headend and would be accessible to consumers. We had Dan look at the property; address any concerns with regards to the longevity of the building. Director Dan Cook explained there is several million dollars of equipment going into the building. We want have this as the hub for our fiber operations. We looked at it as a storefront; it is easy to access, and easy for our trucks to

access. We had to assess the ability to expand, if needed; this has some. It is the newest building out of all those looked at. Any of the properties we looked at was going to require some rehabilitation to prepare it to house the equipment. This building has the lowest cost of rehabilitation of all the facilities we looked at. The property is suited for our trucks to get in and out. This building is ready for installation to keep our timeline on schedule.

Councilman Bardill inquired could we lease it with an option to purchase. Director Cook reported most are of the thought that the economy is at its lowest price to purchase real estate. Additionally, if we do not come to a future agreement, we would have to pull out the equipment and move it. Mr. Marron stated we believe the price is relative to where the real estate market is. Councilwoman Zobrist expressed concern that this in an area FEMA has ruled as floodplain. As stated by Mr. Frey last year, it is going to require higher flood insurance premiums. Mr. Marron stated we are relying on staff to make a judgment on that. I don't see that property as flood plain property, with the elevation it has. Director Cook added City Manager Latham has directed staff to continue the appeal with FEMA and the city is evaluating construction of a lake that would correct flood issues in this area. Mr. Marron noted it was a concern of mine as well. However, this is the best of the options available. Building & Zoning Chief Kevin Limestall reported the FEMA maps are not final. We are still waiting on the appeal. Additionally, there are proposed changes for storm water detention. Councilwoman Bellm amended the motion to include, 'approving the purchase of 192 Woodcrest in the amount of \$699,000'; motion seconded by Councilman Bardill. Roll Call Vote: Bardill and Bellm voted aye, Councilwoman Zobrist voted nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-40/ORDINANCE Authorizing Sale of Surplus Personal Property - Councilman Bardill made a motion to approve Bill #10-40/Ordinance #2416 authorizing the sale of surplus personal property as attached; seconded by Councilwoman Bellm. Councilwoman Bellm asked what this stuff is. Chief Bell reported some of it is property the city has purchased, used and is no longer needed. Some of it is property that was found and has not been claimed. All council members voted aye, none nay. Motion carried.

Bill #10-41/ORDINANCE Authorizing Sale of Abandoned Personal Property - Councilwoman Bellm made a motion to approve Bill #10-41/Ordinance #2417 authorizing the sale of abandoned personal property as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #10-42/RESOLUTION Approving Preliminary Plat of Wade's First Subdivision - Councilman Bardill made a motion to approve Bill #10-42/Resolution #10-04-1873 preliminary plat of Wade's First Subdivision as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #10-43/RESOLUTION Approving Final Plat of Wade's First Subdivision - Councilwoman Bellm made a motion to approve Bill #10-43/Resolution #10-04-1874 approving final plat of Wade's First Subdivision as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #10-44/RESOLUTION Approving Preliminary Plat of Rottmann Subdivision - Councilman Bardill made a motion to approve Bill #10-44/Resolution #10-04-1875 approving preliminary plat of Rottmann Subdivision as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #10-45/RESOLUTION Approving Final Plat of Rottmann Subdivision - Councilwoman Bellm made a motion to approve Bill #10-45/Resolution #10-04-1876 approving final plat of Rottmann Subdivision as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #10-46/ORDINANCE Approving Farming Lease – Councilman Bardill made a motion to approve Bill #10-46/Ordinance #2418 approving farming lease with Rinderer Farms, LLC as attached; seconded by Councilwoman Bellm. Councilwoman Zobrist noted the contract states ‘March 1, 2010 to March 1, 2011’. Is that correct? It is already April. Mayor Michaelis pointed out the farming season is March to March, so I would believe that is correct. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-47/RESOLUTION Opposing Reduction of Local Government Distributive Fund - Councilwoman Bellm made a motion to approve Bill #10-47/Resolution #10-04-1877 opposing reduction of local government distributive funds as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve NOML Section #10-00000-00-GM for 2010 MFT Maintenance Materials – Councilman Bardill made a motion to approve NOML Section #10-00000-00-GM for 2010 MFT Maintenance Materials as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Approve Request for Proposals for Solid Waste Services – Councilwoman Bellm made a motion to approve request for proposals for solid waste services as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Discussion - Creation of Casino Liquor License Specifically to Allow Video Gaming – City Manager Latham suggested that the council not address that tonight, since Mr. Korte is not here. I have also recently spoken with council members who were not familiar with the new gaming law. I would recommend that we not discuss it tonight, to provide time for the council to become familiar with a brief review of the law before the next meeting.

REPORTS

Approve Warrant #803 – Councilwoman Bellm made a motion to approve Warrant #803 as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn to conduct an Executive Session pursuant to the Illinois Open Meetings Act, Section 2(c)(16) for discussion of executive session minutes; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. Meeting adjourned at 8:32pm.

Mayor Michaelis reconvened the Regular Session at 8:40pm. Council members Bardill, Bellm and Zobrist were present. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Deputy City Clerk Hediger and City Clerk Bellm.

Mayor Michaelis stated nothing discussed in Executive Session will be acted upon this evening.

Councilwoman Bellm motioned to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 8:40pm.