

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, MAY 3, 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 Terry Bruckert, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm; 24 citizens and 1 member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the April 19, 2010 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

SWEARING IN

City Clerk Bellm administered the oath of office to Aaron Schwarz to serve as Councilman.

PROCLAMATION

Mayor Michaelis read a document proclaiming May as Building Safety Month in the City of Highland. Building & Zoning Chief Official Kevin Limestall accepted the proclamation.

PUBLIC FORUM

Citizens' Requests and Comments:

Patriot Guard – Use of Square and Police Escort – Rebecca Zeigelbauer, 4610 Elam Lane, requested permission to hold a ceremony on the Square on May 8 and for police escort as part of the event. She explained a wife of a National Guard member, leaving for service overseas, has requested us to hold a small ceremony as part of his sendoff. Councilwoman Bellm made a motion to approve the Patriot Guard's request for use of the Square and a police escort, at approximately 1:30pm, on May 8; seconded by Councilman Bardill. Mr. Zeigelbauer reported the guard will arrive at 12:30pm to set up the flags. The serviceman will arrive at 13:00. The number of participants will determine amount of the Square that will be taken up. We will depart from the Square at 13:30. All council members voted aye, none nay. Motion carried.

Highland Area Ministerial Alliance Nat'l Day of Prayer Square Use Request – Reverend Dan Perry, of Highland Hope United Methodist Church, requested permission, on behalf of the Highland Area Ministerial Alliance (HAMA) to gather at the Square during the evening hours of Thursday, May 6, 2010 to hold an event in conjunction with the National Day of Prayer. We will start at 6:00pm and end at approximately 8:30pm. We will walk from the Square in different directions, towards the police department, fire department, and schools, and say prayers for the various members of the community.

Councilman Bardill made a motion to approve the request of the Highland Ministerial Alliance to use the Square on Thursday, May 6, 2010 in conjunction with the National Day of Prayer as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

American Legion Post #439 & VFW Post #5694 – Memorial Day Parade Request – Paul Bohn, Sgt. of Arms, 1416 6th Street, requested permission to hold the Memorial Day Parade, and a donation of \$200 to defray the cost of the band. The parade will step off from St. Paul Parking lot at 1:00pm. The parade will proceed south on Lindenthal to 12th Street, east on 12th Street to Poplar Street, and Poplar Street to VFW Road. In addition, on behalf of American Legion Post #439 and VFW Post #5694, he invited the mayor to participate in the ceremony at the VFW and, as always invite the mayor and council members to participate in the parade. Councilwoman Bellm made a motion to approve the request of American Legion Post #439 and VFW Post #5694 to hold the Memorial Day parade, on Monday, May 31, 2010, with a step-off of 1:00pm, and the requested \$200 donation to defer the cost of the band as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Kirchenfest 2010 – City Services Request – Denise Capelle, 1520 Main St., as Executive Chairman of the 2010 Kirchenfest, request street closures, the assistance of water and electric department, and city EMS and police, the same as in years past, for this year's Kirchenfest to be held on August 28-29, 2010. Councilman Bardill made a motion to approve the request for city services for the 2010 Kirchenfest, August 28-29, 2010, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Councilwoman Zobrist abstained. Motion carried.

Gateway Family Church – Square Use Request – Pastor Greg Morrison, of Gateway Family Church, requested use of the Square on May 23 for time to hold a service and provide time for the church members to have a small festival. We have not talked to the Food Pantry yet; however, our thought was to have a small food drive held in conjunction with the event, for non-members who wished to join in the activities. Councilwoman Bellm noted there were two letters of requests provided to the council. Other dates provided in the letters were for August 14 or 21. What about those dates? Pastor Morrison stated he had talked about possibly hosting an event for children, in a fashion similar to a vacation bible school, later in the summer. Mayor Michaelis suggested they come back and request those dates as it gets closer and they had more details. Councilwoman Bellm made a motion to approve the request of Gateway Family Church for use of the Square on Sunday, May 23, 2010 as requested; seconded by Councilman Bardill. Councilwoman Zobrist noted there was something in the letter about having a bounce house at the event. Do you have insurance to cover that? Pastor Morrison stated they would have all the proper insurance. Deputy City Clerk Lana Hediger stated she would work with them to insure all the proper documentation is provided. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Wendell Watson stated he came to follow up on his request made at the previous council meeting regarding a change to the ordinance to allow for beehives. Mayor Michaelis stated, when I was younger, a number of people had beehives. How do you plan to contain the beehives? Would they fly out from the side or out the top of the hive? Mr. Watson recommended if a beehive is near a property line, you would want place a solid fence around the hive. Once they get several feet away from the hive, they spread out and become very docile. If near a property line, you would want a solid wood fence. If you have a large property, that would not be a concern, because the bees would be at a high enough height when about twenty feet out from the hive. Mayor Michaelis clarified when a hive is open the bees come in from every side, lower to people, where as a fence around the side would force the bees to come in and leave from the top. Mr. Watson concurred. Mayor Michaelis requested guidance from the council as to whether staff should proceed with working to change the ordinance. Councilwoman Bellm asked Building and Zoning Code Official Kevin Limestall if we have any idea of why the ordinance was drafted to prohibit them. Mr. Limestall stated they have been prohibited prior

to my time with the city. Councilwoman Zobrist asked is this something that could be done with a Special Use Permit. Supervisor Limestall explained these presently may be allowed in specific zoned areas with a permit; however, we still would have to change the ordinance. Councilwoman Zobrist inquired could we not still require a permit, so that neighbors are notified. Supervisor Limestall stated it would fall under the animal control ordinance. Mayor Michaelis asked the council if they would be in favor of staff working with the attorneys to draft an ordinance. Councilman Schwarz stated I checked with neighbors; they were of the impression that bees are a natural occurrence. As long as his neighbors are okay with it, I do not see any problem with allowing it. Councilwoman Bellm read a copy of the ordinance, handed to her by Councilwoman Zobrist, (Article I, Sec. 14-10 (Code 1976, § 6.04.180)) regarding beekeeping, which states, 'It is unlawful to keep or harbor any bees. Any beehive used or occupied by bees is hereby declared to be a nuisance, and it is unlawful to keep or maintain any such hive.' Mr. Watson stated it was probably prohibited due to lack of regulation and guidelines. City Attorney Terry Bruckert asked Mr. Watson if there was any such documentation of the proposed ordinance changes. Mr. Watson stated he had provided a copy of the proposed changes and references of other communities with ordinances, at the last meeting. Councilwoman Zobrist provided her copy to Attorney Bruckert. Mayor Michaelis asked if the council wished to have staff proceed with abolishing the existing ordinance and drafting a new ordinance regarding beekeeping. It was the consensus of the council.

Requests of Council:

Councilwoman Bellm noted we received a nice email from someone who expressed positive comments regarding the CodeRed system. It is always nice to get positive feedback. Director Rusteberg reminded everyone that if someone wants to be on the weather warning notification list, they must come into City Hall to sign up for that service. People are not automatically enrolled for that notification.

Staff Reports:

City Manager Latham reported a very successful Clean-Up Day this past Saturday. We filled up a thirty-four-foot trailer with electronics for recycling and disposal.

City Manager Latham reported that during the moving of dirt on the northeast quadrant of the peripheral route project, crews discovered about fifty feet on each side of the soil sample drilling areas where the soil is not conducive to a solid base for road surface. City Manager Latham pointed out, it is important to recognize that whether it was found now or before the project went out for bid, it would have raised the cost of the project.

NEW BUSINESS

Bill #10-48/RESOLUTION Requesting Road Closure for Memorial Day Parade – Councilman Bardill made a motion to approve Bill #10-48/Resolution #10-05-1878 requesting road closures for the Memorial Day Parade on Monday, May 31, 2010 as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Approve Transfer of Cemetery Space – Councilwoman Bellm made a motion to approve the transfer of Cemetery Space, Block 14, Lot 46, Graves 5 & 6 from Jane Diane Hess to Danny A. and Mary Gross as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #10-49/RESOLUTION Approving Extension of Water Purchase Contract with Village of Pierron – Councilman Bardill made a motion to approve Bill #10-49/Resolution #10-05-1879 approving extension of water purchase contract with the Village of Pierron as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for PW-03-10 – Parking Lot Construction at Main and Pine Streets – Councilwoman Bellm made a motion to approve Notice of Municipal Letting (NOML) for PW-03-10/Parking Lot Construction at Main and Pine Streets as attached seconded by Councilman Bardill. Councilwoman Bellm asked, looking at the map, where is our property line. Public Works Director Joe Gillespie reported the property line is very near the building. Councilwoman Bellm asked have we considered any type of parking time limits in that lot. Mayor Michaelis stated we do not have time limits on any other lots. Councilwoman Bellm inquired if we want to implement anything to deal with the extended parking of vehicles on this lot. Mayor Michaelis pointed out, if the items are on city property, we have ordinances to enforce that. I think a time limit would be difficult for the police department to enforce. Chief Bell reported we addressed the two buses parked on that lot, at the end of last week; I am not sure of the outcome on it. All council members voted aye, none nay. Motion carried.

Bill #10-50/RESOLUTION Approving Calix Networks, Inc. as Manufacturer of Electronics for FTTP Project - Councilman Bardill made a motion to approve Bill #10-50/Resolution #10-05-1880 approving Calix Networks, Inc. as a manufacturer of electronics for Fiber to the Premises project as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Councilwoman Zobrist voted nay. Motion carried.

Bill #10-51/RESOLUTION Approving Purchase of Electronics for FTTP Project from Calix Networks, Inc. - Councilwoman Bellm made a motion to approve Bill #10-51/Resolution #10-05-1881 approving the purchase of electronics for the FTTP Project from Calix Networks, Inc. in the amount of \$116,753.50 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Zobrist voted nay. Mayor Michaelis voted aye. Motion carried.

Discussion - Creation of Casino Liquor License Specifically to Allow Video Gaming – Mayor Michaelis reported the person that had requested this has withdrawn their request to have this addressed at this time.

Discussion – Proposed Rental Inspection Program – City Manager Latham reported he met with Attorney Belsheim to discuss this. It is going to be difficult for Highland to address this with an ordinance, as most of the ordinances in place in other communities to deal with these issues, have been established in home-ruled communities. Some things we could implement are: to require all rental property owners to register with the city; keep and maintain their property free from nuisance as defined by existing Highland ordinances; limit occupancy based upon square footage and/or number of bedrooms; require residency occupancy inspections or a regular inspection every so many years; and, create a complaint address. The memo from Attorney Belsheim goes on to talk about how the city can set up a means to encourage and assist owners to include criminal prevention language in their leases. City Manager Latham reviewed this has been triggered by complaints from activity in the El-Kay apartments and Lynn Street area. Chief Bell has been working with the apartment complex owner. Chief Bell reported the owner has assured us that he is going to pursue some of the eviction processes. We outlined some of the issues and people who have been creating some issues. The problems have appeared to have slowed down.

City Manager Latham asked the council if they would like to proceed with some type of rental inspection program. Councilwoman Zobrist expressed she feels it is part of building safety. First responders often do not know what they are going into. This would assist in providing safety for the resident as well as for responders. Councilwoman Bellm stated I agree with addressing this from all areas. We do not want too detailed of an inspection; however, working smoke detects, safe entry and exits, etc. are important. Councilman Schwarz stated I think a lot of items would be subjective verses objective. The same type of person that would cause an issue would be the one that would deny how many people are living in the apartment. This was a solitary incident, which was resolved. It seems to have been addressed without a lot of legislation and drain on manpower. Councilman Bardill asked Chief Bell what he would like to see. Chief Bell stated this is not an isolated incident. This is the first brought to the council. By in large, most of our rental property owners are good. However, we do not want to

wait until it gets out of control. Registration gives us some line of communication. Some of the residents that were creating the issues have been kicked out of other properties and properties within other communities. Councilman Schwarz asked how you put in a law that targets one and not all. Chief Bell explained some ordinances passed address that if there are so many criminal activities it can allow for leverage to be taken by the city. I am not sure that it would work here, as we are not a home-ruled community. I do think this is not a single issue; it is spotted throughout the city. If there is a fire or EMS issue, it is nice to know how many are in that unit. Councilwoman Zobrist stated we have capable staff in building code; everyone is on the same playing field. It is not about law enforcement, it is about building safety. Councilwoman Bellm stated to Councilman Schwarz, your point is well taken. If it is not enforceable, then I am not in favor of legislation. Maybe if we could look at something toned down, such as registration for EMS, fire and police. Make it so the property is subject to inspection. Building & Code Enforcement Official Kevin Limestall reported the property maintenance code allows for inspections. If we get complaints from residents of a unit, with the permission of the tenant, we are allowed to perform an inspection of the property. Councilwoman Zobrist recalled, when inspections were discussed in the past, we found that many property owners are in favor of this, because they want everyone on the same playing field.

Mayor Michaelis noted that shortly after becoming mayor, he received a lot of calls from contractors with issues. We held an open meeting here. Since then, I have not heard many complaints. Mayor Michaelis suggested holding a meeting of property owners to discuss these issues. Chief Bell stated I would like to see a registration of rental property owners at minimum. Mayor Michaelis expressed if we held an open meeting at City Hall, I think a number of issues could be resolved by discussing the expectations that we, as a city, have of them. Councilwoman Bellm expressed that is a great idea. Mayor Michaelis requested Supervisor Limestall and City Manager Latham put together an open meeting with city staff that would create an open discussion of the issues we are seeing and what they feel should be done to address the problems. It was the consensus of the council.

REPORTS

Approve Warrant #804 – Councilman Bardill made a motion to approve Warrant #804 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, 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 and 2(c)(5) to discuss purchase of real property; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. Meeting adjourned at 8:02pm.

Mayor Michaelis reconvened the Regular Session at 8:32pm. Council members Schwarz, Bardill, Bellm and Zobrist were present. Others in attendance: City Manager Mark Latham, City Attorney Terry Bruckert, 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 Schwarz. All council members voted aye, none nay. Motion carried. Meeting adjourned at 8:32pm.