

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, JULY 2, 2012**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Schwarz, Bardill, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, City Attorney Bruckert, Directors Cook, Gillespie, Korte, and Rosen; Police Chief Bell, Fire Chief Bloemker, Building and Code Supervisor Limestall, Tracey Robinson, Treasurer Foehner, Deputy City Clerk Hediger, Latzer Library Director Kim; Steve Kyle of Oates Associates; Pat Netemeyer, of Netemeyer Engineering; Jason Mettler, of Mettler Development; and, Phil Hamilton, Attorney; 3 citizens and two members of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the June 18, 2012 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Councilman Schwarz made a motion to approve the minutes of the June 25, 2012 Special Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

PROCLAMATION

Mayor Michaelis read a document proclaiming July as Parks and Receptions Month in the City of Highland.

PUBLIC FORUM

Citizens' Requests and Comments:

Relevant Pregnancy Options Center - Movie on The Square Request - Tricia Blasdel, Executive Director of Relevant Pregnancy Options Center, along with Matt Embry, of Mosaic Church, were present to request permission to use the downtown square on Saturday, August 17, 2012 to host a movie event. The Mosaic Church will be providing free popcorn and water for the evening. Councilwoman Bellm made a motion to grant permission to Relevant Pregnancy Options Center to use the downtown square on Saturday, August 17, 2012, to show a movie to begin at approximately dusk; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Phil Hamilton, representing his client, Jason Mettler, presented materials to the council. He explained our purpose in coming here tonight is to discuss the gazebo. We would like to present an alternate point of view on the matter and to persuade the council to look at going to mediation versus to

court for litigation on this matter. I am going to make some preliminary remarks and allow Jason to speak. What we have provided to you tonight is copies of plan documents, a couple of emails, and the work contract, and pictures of the structure. Mayor Michaelis asked to keep the presentation to twenty minutes. Mr. Hamilton agreed.

Jason Mettler stated he would like this settled sooner than later. We asked for clarification on items in the contract. If you look at the drawings supplied, it shows the gazebo, on the second to last page. Page 16 is the specifications. It does not specify to supply sealed shop drawings. We did as the plan called for and used the manufacturer shown in the plans. We supplied, per Line 5 an engineered analysis of footings. We did not do design modifications; therefore, why would we think we should have to supply sealed shop drawings. In the specifications, it outlines the required engineer specifications for the parking bumpers and ADA accessible ramp for the gazebo. It does not specify this for the gazebo itself. From the very start, we argued that we did not believe we should be the ones to supplying the drawings for the gazebo. If the City of Highland's engineering was going to put out something with a manufacturer listed into a project plan, than they should have done the engineering. No contractor should be required to supply the drawings that the project engineer specifies as the manufacturer in the project plans. Who picked out this design? No one had even contacted this company, until I called this company. This should raise concern about who picked this gazebo out.

Mr. Mettler addressed the issue of the integrity of the gazebo's structure, stating, we do acknowledge there is cracking on the "skins", a.k.a. outer shell. The majority is caused by the seasons we put this thing through. It shipped out of California, which is a warm climate, into Illinois the first week of January. While it was nice the week we constructed it on site, it then got really cold afterwards. Even if we fix the cracks, you are always going to see hairline cracks in the structure. We requested an extension of time, but were immediately reminded of the contract dates. We requested a sixty day delay due to the shipment of the gazebo. Why take a product and build it in the middle of winter? The point is, we requested the extension and we were denied. Now we have a product that is cracking. If we tear it down and rebuild it today, it is going to be built the same way. The blame we are taking it the stirrups. There were no objections to the stirrups used when Clint was on site. The construction of the gazebo should not have been done during that time of the year. A project started in December, and expected to be built over the winter months, should not be done. There are problems with the gazebo and we will fix them. The manufacturer agrees the issue is the construction of the structure in middle of winter. They have agreed to send up a licensed contractor to assist in the reconstruction. The plan is to take the skins off the supports. Taking the skins off will show any interior structural issues. What you are seeing is expansion due to hot and cold weather changes.

Mr. Pat Netemeyer, of Netemeyer Engineering, stated a lot of buildings in the City of Highland do not meet the specifications you are requiring for this gazebo. The parks have a bunch of pavilions with tiny post holding them up and you are not concerned about them. This is much smaller and has more posts under it. So, I think it is ridiculous to worry about this falling down. Structural calculations are meaningless unless we know what the California Company puts inside the structure when they form it. In all probability, your engineers have condemned the structure, based upon 'there appears the structural integrity is likely compromised.' However, you do not have enough information about most of the structures in this town.

Mr. Hamilton summarized we would like to have a lot of discussion and mediation rather than legal fees for a \$35,000 structure. There is nothing wrong with this structure that warrants tearing it down.

Requests and Comments of Council:

None presented.

Staff Reports:

City Manager Latham reported we definitely are going to have the fire works on Wednesday night. We are going to shoot them off over a soybean field, which we will wet down before shooting them off.

City Manager Latham reported he and Director Dan Cook were up at an IMEA meeting this past week. We had requested with IMEA and Ameren for a secondary backup line to the 138kV line. We have been told Ameren is going to release some of the line that comes into Highland to supply Cooper B-Line.

NEW BUSINESS

Bill #12-91/ORDINANCE Designating Depositories for the City's Funds and Money - Councilman Bardill made a motion to approve Bill #12-91/Ordinance #2538 designating depositories for the city's funds and money as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-92/ORDINANCE Repealing Ordinance No. 2497 and Authorizing and Directing the Issuance, Sale and Delivery of General Obligation Bonds (Alternate Revenue Source), Series 2012, of the City, in the amount of \$3,750,000; Prescribing the Form and Details of the Bonds; Providing for the Levy and Collection of an Annual Tax for the Purpose of Paying the Principal of and Interest on the Bonds as they Become Due; and Authorizing Certain Other Documents and Actions in Connection Therewith - Councilwoman Bellm made a motion to approve Bill #12-92/Ordinance #2539 repealing Ordinance No. 2497 and authorizing and directing the issuance, sale and delivery of General Obligation Bonds (Alternate Revenue Source), Series 2012, of the city, in the amount of \$3,750,000; prescribing the form and details of the bonds; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on the bonds as they become due; and authorizing certain other documents and actions in connection therewith as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-93/RESOLUTION Approving Intergovernmental Agreement with the Tri-Township Water District – Councilman Bardill made a motion to approve Bill #12-93/Resolution #12-07-2074 approving intergovernmental agreement with the Tri-Township Water District as attached; seconded by Councilwoman Bellm. Councilman Schwarz noted, evidently, Tri-Township Water District had a fixed cost. How did we come to the \$3500? It seems like an excessive amount. City Manager Latham explained there was a certain amount of bonds given by federal government to build the Tri-Township Water District. We are now taking away part of their serviceable district and future revenues. Councilman Schwarz stated we are ultimately paying for the area and they are not going to have to service the area. City Manager Latham pointed out they have to pay off long term bonds. You are not going to make money on water or sewer services, you make money on property taxes. If we cannot bring water service, property owners do not want to annex. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-94/RESOLUTION Donating to State of Illinois, by Quitclaim Deed, a Parcel of Land Located at the Southwest Corner of the Intersection of Hemlock Street with U.S. Route 40 – Councilwoman Bellm made a motion to approve Bill #12-94/Resolution #12-07-2075 donating to State of Illinois, by Quitclaim Deed, a parcel of land located at the southwest corner of the intersection of Hemlock Street with U.S. Route 40 as attached; seconded by Councilman Bardill. City Manager Latham explained IDOT is requiring additional property along Route 40 for the left turn lane. We purchased the property a few months back, now we are deeding it to IDOT to get the project going. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried. .

Bill #12-95/ORDINANCE Declaring Three City-Owned Vehicles as Surplus Property and Authorizing Their Sale - Councilman Bardill made a motion to approve Bill #12-95/Ordinance #2540 declaring three city-owned vehicles as surplus property and authorizing their sale as attached; seconded by Councilwoman Bellm.

Approve Change Order No. 1 for the Broadway Widening and Resurfacing Project (Bid #PW-05-12) – Councilwoman Bellm made a motion to approve Change Order No. 1 for the Broadway Widening and Resurfacing Project (Bid #PW-05-12) as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve a Notice of Municipal Letting (Bid #PW-11-12) for Purchase of One Mini-Excavator – Councilman Bardill made a motion to approve Notice of Municipal Letting (Bid #PW-11-12) for purchase of one mini-excavator as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Approve a Notice of Municipal Letting (Bid #E-10-12) for Purchase of One 1500KVA Distribution Transformer for the St. Joseph’s Hospital Medical Office Building – Councilwoman Bellm made a motion to approve a Notice of Municipal Letting (Bid #E-10-12) for purchase of one 1500KVA Distribution Transformer for the St. Joseph’s Hospital Medical Office Building as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

REPORTS

Approve Warrants #882 & #883 – Councilman Bardill made a motion to approve Warrant #879 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, none nay. Councilman Nicolaides abstained. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:43pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk