

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
TUESDAY, SEPTEMBER 8, 2015**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Schwarz, Frey, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, City Attorney John Long; Directors Bell, Cook, Gillespie, Korte, Peck, Rosen, and Schoeck; Fire Chief Bloemker, EMS Chief Wilson, Clint Conrad, Library Director Kim, Deputy City Clerk Hediger, City Clerk Bellm; 4 citizens and one member of the news media.

MINUTES

Councilman Schwarz made a motion to approve the minutes of the August 17, 2015 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

PROCLAMATION

Mayor Michaelis read a document proclaiming September 17 – 23, 2015 as Constitution Week. Lola DeGraff, of Troy, Illinois, as member of Silver Creek Chapter of the Daughters of the Revolution in Highland was present and accepted the proclamation from Mayor Michaelis.

PUBLIC FORUM

Citizens' Requests and Comments:

Frontier Greys' Pitching Coach Billy Bryk recapped the team's 2015 season. Coach Bryk thanked the City of Highland for housing the guys on the team. The city was very welcoming and everyone made us feel at home. We had team members staying at several families, including the Rosens', Lanes', and Frey's. Mr. Bryk gave a special thanks to June for getting him involved with HIS KIDS, which is very near and dear to his heart. He stated, having lost a sister to cancer, as a youth, I try to get involved with such organizations, no matter where I am. I will be returning to Highland on a regular basis to visit and work with them. Public Works Director Mark Rosen informed everyone that Billy Bryk was the recipient of the Missionary of Excellence for the whole Frontier League. He added it is a very tumultuous season being gone two weeks at a time, traveling on \$20 per day meal allotment, for these guys. Mr. Bryk acknowledged that after being gone for two weeks, coming home to our host families was a treat.

Requests of Council:

Nothing to report.

Staff Reports:

City Manager Latham took time out to recognize Clint Conrad for his outstanding performance on the Iberg Road extension project. Mark stated that Clint spends a lot of time behind the scenes making sure that things are done. He has been responsible for doing inspections on projects that total \$15 million over the past seven years. Clint's job is not only to be out there at the projects every day overseeing the project and that it is done to specifications, but also writing up the reports to make sure that we get funding from IDOT and other grant sources for those projects. In doing his job, Clint has earned the utmost respect from all the contractors that he has worked with.

City Manager Latham pointed out that in the past couple of years the city has taken several steps to tackle the storm water flooding issues around Highland. One of those flooding issues has been near the old Jakel Manufacturing facility. There was a plan put together with engineering done and the first two phases of the plan completed in 1993. The final phase, which was to put into place a large box culvert parallel to an existing one to carry water through Pestalozzi Street to Highland Home, was never done. Cost estimates are approximately \$250,000. There is the need for the purchase of easement for placement of the culvert, with this phase. Councilwoman Bellm inquired if the \$250,000 is current. Director Gillespie responded it is. Councilman Schwarz asked why this final phase was not completed. City Manager Latham responded we do not know why. It may have been the costs and lack of funds. Councilman Schwarz asked if there is a need for this project, as we have not had any issues reported recently. Director Gillespie explained, when we have rainfall of 3-4-inch, within a couple of hours, there are two houses off 12th Street that will take in some water. Both of the homes sit low, with basement windows below street level. Councilman Schwarz asked, if this final phase was not completed back then, why we are discussing it now. City Manager Latham stated I am making you aware that these plans were done back then, but nothing was done with it. We know there are two homes in that area that continue to have issues with flooding.

NEW BUSINESS

Approve Mayor's Appointments to the Combined Planning & Zoning Board – Councilman Schwarz made a motion to approve the re-appointment of Bill Koehnemann and the appointment of Jay Korte, to the Combined Planning & Zoning Board, for five-year terms, to expire August 31, 2015 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Mayor's Reappointments to the Silver Lake Advisory Commission – Councilwoman Bellm made a motion to approve the re-appointments of Brad Kohlbrecher and Dan Shimer and the appointment of William J. Belchinger for three-year terms, to expire May 2018 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-78/ORDINANCE Establishing New Service Charges for Refuse Collection Services – Councilman Schwarz made a motion to approve Bill #15-78/Ordinance #2694 establishing new service charges for refuse collection services as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-79/RESOLUTION Approving Second Agreement for Economic Development Incentives with Family Care Properties, LLC – Councilwoman Bellm made a motion to approve Bill #15-79/Resolution #15-09-2336 approving second agreement for economic development incentives with Family Care Properties, LLC as attached; seconded by Councilman Schwarz. Councilman Schwarz noted that says the building was vacant for a period of time and they want to take advantage of the full time

involved in the original agreement. City Manager Latham agreed. Councilman Schwarz expressed concern about setting precedence that the idea of this is to get a business off the ground. If it does not work out, I am not sure that we should continue funding. Councilman Frey stated I am all for getting things started, but not being a guarantee source of money recovery. If they cannot make it continue and thrive, then we are supplementing them. City Manager Latham explained the dollar amount per square foot that the owner was leasing it to Family Dollar was for \$1 per square foot less than rate, because he knew he was getting these funds from the city. Councilman Schwarz expressed I don't feel we can act as a safety net for businesses. I think it becomes a slippery slope. City Attorney John Long stated there was a period of days – 233 days – that the building was vacant. This second agreement would go into place at the end of the first agreement and be for only those 233 days. The first agreement is for 5-1/2 years, and then the second 233 days. \$5,500.94 is the amount of second agreement. Councilwoman Bellm pointed out the first agreement was for 5.5 years. Because Dollar Tree vacated the building and we had paid them their annual allotment in advance, we are stating they need to payback the amount of \$2,549.69 for the days the building was vacant and there was no business operations. City Attorney Long concurred. This second agreement would start up and cover those days, when the original agreement ends. Councilman Nicolaides asked what happens if the current tenant moves out before this agreement expires. City Attorney Long reported this second agreement states there will be no additional agreements beyond this. Councilwoman Bellm asked how we are getting the balance for last year in funds back. Attorney Long stated there would be an adjustment when paying this next amount, should the council agree to this second agreement. Councilman Frey pointed out people with rental properties have penalties in place all the time, if the renters leave early. If they look at this, they would see a supplemental income on their properties. Councilman Schwarz asked what if another person with a business development agreement closed down, but then began another business six months later. Where does it end? Attorney Long noted the property owner disagreed with our interpretation of several points in the initial agreement, which he could chose to send to litigation. By them accepting the second agreement, they would agree to validity of all items in the initial agreement. Councilwoman Bellm suggested tabling this matter. Councilman Schwarz asked what the benefits of tabling this item is. What are legal ramifications of voting one way or the other on this? Councilman Frey stated a new business should be looked at as a new agreement, not continuation of an agreement. Attorney Long advised, if continue to discuss, I feel we should discuss in executive session, as the other party to this agreement stated he would consult his attorney if we did not want to pursue this second agreement. Councilman Schwarz made a motion to table this matter for further discussion in executive session; seconded Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried and item tabled.

Bill #15-80/ORDINANCE Declaring Electric Department Vehicles Surplus Property and Allowing Their Sale – Councilman Schwarz made a motion to approve Bill #15-80/Ordinance #2695 declaring electric department vehicles surplus property and allowing their sale as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-81/RESOLUTION Approving Change Order Number 1 and Change Order Number 2 Under Contract #PW-03-14, to Obtain the Performance of Construction Work Necessary to Remove and Replace Sanitary Sewer Restriction Point (Racetrack Road) – Councilwoman Bellm made a motion to approve Bill #15-81/Resolution #15-09-2336 approving Change Order Number 1 and Change Order Number 2 under Contract #PW-03-14, for an additional amount of \$1,768.70, to obtain the performance of construction work necessary to remove and replace sanitary sewer restriction point (Racetrack Road) as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-82/RESOLUTION Approving Change Order Number 1 Under Contract #PW-08-12 to Increase the Amount of the Cost to be Borne by the City Under the Local Agency Agreement for Federal Participation Concerning the Project for Intersection Improvements at IL SR 143 and Troxler Ave. – Councilman Schwarz made a motion to approve Bill #15-82/Resolution #15-09-2337 approving Change Order Number 1 under Contract #PW-08-12 to increase the amount of the cost to be borne by the city, in the amount of \$75,574, under the local agency agreement for federal participation concerning the project for intersection improvements at IL SR 143 and Troxler Avenue as attached; seconded by Councilwoman Bellm. Councilman Schwarz asked when we get these change orders in, how do we go about evaluating that cost. Director Gillespie explained the contractor, engineers and us all review the changes, reason for changes and associated costs. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-83/RESOLUTION Approving Change Order Number 3 (Regarded by the Public Works Department as Change Order Number 2 with Respect to Work on the Dennis H. Rinderer Community Park) Under Contract #PW-15-06 – Councilwoman Bellm made a motion to approve Bill #15-83/Resolution #15-09-2338 approving Change Order Number 3 (regarded by the Public Works Department as Change Order Number 2 with respect to work on the Dennis H. Rinderer Community Park) under Contract #PW-15-06, for additional amount of \$52,921.66 as attached; seconded by Councilman Schwarz. Councilman Schwarz asked what the changes were. Attorney Long explained there was a Change Order that was approved at a prior meeting, as a motion for payment, but was not in the form a resolution, which is required. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #15-84/RESOLUTION Approving Change Order Number 4 (Regarded by the Public Works Department as Change Order Number 2 with Respect to Work on “Construction of Iberg Road Extension”) Under Contract #PW-15-06, To Obtain the Performance of Construction Work Necessary to Blend New Pavement with Existing Pavement for the New Through-Lane on U.S. Highway 40 as it Connects to Troxler Avenue – Councilman Schwarz made a motion to approve Bill #15-84/Resolution #15-09-2339 approving Change Order Number 4 (regarded by the Public Works Department as Change Order Number 2 with respect to work on “Construction of Iberg Road Extension”) under Contract #PW-15-06, to obtain the performance of construction work necessary to blend new pavement with existing pavement for the new through-lane on U.S. Highway 40 as it connects to Troxler Avenue, for an additional amount of \$19,475.39 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Award Bid #PW-06-15, for Purchase of One New 1-Ton Truck for Streets and Alleys – Councilwoman Bellm made a motion to award Bid #PW-06-15, for purchase of one new 2016 Ford F150 one-ton truck for Streets and Alleys to Tri-Ford, Inc., in the amount of \$39,872.00 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Award Bid #PW-07-15, for Purchase of One New Backhoe/Loader for Streets and Alleys – Councilman Schwarz made a motion to award Bid #PW-07-15, for purchase of one new Case 580SN backhoe/loader for Streets and Alleys, to Luby Equipment, of Caseyville, IL, in the amount of \$86,980.00 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Engineering Services Agreement with Oates Associates, Inc. for Production of Conceptual Plans to Reconstruct Oak Street from Papin Street to Maxim Street – Councilwoman Bellm made a motion to approve engineering services agreement with Oates Associates, Inc. for production of conceptual plans to reconstruct Oak Street from Papin Street to Maxim Street as attached; seconded by

Councilman Schwarz. Councilman Schwarz asked what could be done with that street, as there is little room to work with. Director Gillespie reported right-of-way is 33-feet in one section, from Papin Street north to the creek. After that, the right-of-way is 50-60 feet wide. This will be to look at what we can do to meet the needs of everyone. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve City of Highland Strategic Plan – Councilman Schwarz made a motion to approve City of Highland Strategic Plan as attached; seconded by Councilwoman Bellm. Councilman Schwarz asked what changed. City Manager Latham explained this was initially done in 2006. Every so many years, it is a good idea to review the plan and revise it to reflect the changes that have occurred. Roll Call Vote: Schwarz, Frey Bellm and Nicolaides voted aye, none nay. Motion carried.

REPORTS

Approve Warrants #996 & #997 – Councilwoman Bellm made a motion to approve Warrants #996 and #997 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey and Bellm, voted aye, none nay. Councilman Nicolaides abstained. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Schwarz. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:59pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk