

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, JUNE 15, 2009**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Rickher, Bardill, Bellm and Zobrist. Others in attendance were City Manager Mark Latham, City Attorney John P. Long, Directors Gillespie, Rosen, and Schoeck, Police Chief Bell, Supervisors Stram and Limestall, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, Combined Planning & Zoning Board Chairman Brad Korte, Parks & Recreation Aquatics Supervisor Laura Wilken, 2 Representatives from American Red Cross, 22 citizens, and 1 member of the news media.

**MINUTES**

Councilwoman Bellm made a motion to approve the minutes of the June 1, 2009 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

**PRESENTATION OF AWARD**

Gina Joly, Lifesaver Community Award Coordinator, and Lois Capazelle, with the American Red Cross Chapter, Alton Office, presented the American Red Cross Lifesaver Community Award to the Highland Parks & Recreation Department. Ms. Joly explained there are several criteria included in the selection of recipients of this award. For more than five years Highland Parks & Recreation has trained employees in CPR, water safety and first aid yearly and hosted regular Red Cross Blood Drives. They have participated in the Aquatics Examiner Program since 2001. As an aquatic facility it encourages employees and citizens to learn water safety. Of the Highland Parks & Recreation Department employees, 37 are Red Cross instructors, two are trainers, and one is a life guard trainer. In addition to knowing how to perform CPR, the department recognizes that the use of automated external defibrillators (AED) saves lives. Because of this, the Highland Parks & Recreation Department have installed four AEDs in their various facilities. Laura Wilken accepted the award for the Highland Parks & Recreation Department. She introduced some of the long time participants of their water safety programs in attendance: Phoebe Hamlin, founder of the Water Safety Fund, which allows children of unprivileged families to be able to take swimming lessons; Lynn Rehberger and Shirley Bellm.

**PUBLIC FORUM**

Citizens' Requests and Comments:

Kelly Ammann, secretary of Madison County Fair Association stated we did not have a rain date set for the UMP Challenge race when we requested approval of the arena events for the fair. Therefore, we request approval of July 27, 2009 as a rain date, should it be rained out during Fair Week. Councilwoman Bellm made a motion to approve July 27 as a rain date for the UMP Challenge

of Champions, scheduled for July 20, 2009 as requested; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bonnie Litteken, 705 4<sup>th</sup> St., presented a petition signed by residents to protest the requested change of zoning on Frey's Property located at 702 4<sup>th</sup> Street from "C-2" Central Business to "I" Industrial. Ms. Litteken stated this piece of property is located at the top of our narrow, oil and rock surface dead-end hill. Maintenance by the city is a yearly oil and chip surface which washes out with each rainfall. This is a heavily trafficked road with four condo buildings of four units each, for a total of sixteen separate units, for thirty-two vehicles on a regular basis. This is in addition to five individual homes, a small rental of two units, and an upholstery business. Entering into our road is a well used alley. We all share this hard-used, dead-end up-hill road. Frey Properties' proposal would bring oversized storage sheds to the top of our hill, probably attracting camper, boat, and trailer traffic up an already heavily traveled street. We can appreciate the city's efforts to foster more jobs, but the result of your decision effect us long term while this construction would be very short term. We would like to point out that Mr. Kevin Limestall stipulated the zoning board did not log in as having checked our neighborhood out before arriving at their negative decision. We feel we have a huge issue here. If the trees and grassy ground cover are replaced with blacktop, the city will be forced to deal with some real headaches. Every council member and zoning official that has taken the time to come out and look at our situation has agreed that drainage and run off is a problem at present. My question to the council is, 'What may it be like?' We ask the council to grant a conclusion in our favor, or send this back to zoning, with this additional information, for additional review.

Judy Davenport, 703 4<sup>th</sup> Street, Unit B stated, at the first hearing in November 2008, Mr. Frey stated he intended to put storage units and thought it would be beneficial to the condo owners. We have ample storage in the basement of our units; therefore, we have no need. The zoning committee, after learning not all the residents were notified, decided that no action would be taken and rescheduled the issue for a later date. Upon that decision, Mr. Frey became very upset and behaved inappropriately. At the June 3, 2009 hearing, it was mentioned that there would be 13-14 units, their dimensions were not provided. Depending on their size, this could bring in large boats, campers, stock cars, etc. To our knowledge, Frey Properties has not submitted definite plans. Therefore, if the zoning were changed to Industrial, he is not obligated to follow through with the storage units and could possibly put anything on that location.

We all agree the existing trailer is an eyesore and should be addressed. However, this change could have many ramifications to our quiet neighborhood. In order to construct the units there would be the removal of five large trees, which will cause more runoff, erosion to the street, and possible damage to the basement/foundation of Mrs. Kesner's home at 704 4<sup>th</sup> Street, which sits approximately four feet away from the trees. The adjoining properties to the south and farmland to the northwest are already zoned Industrial. The zoning change could promote the extenuation of 4<sup>th</sup> Street allowing more traffic through our neighborhood. We already have cars speeding up the hill to realize that the road abruptly ends. They assume that 4<sup>th</sup> Street is an alternate route to avoid Walnut Street blockage at the time of passing trains. A separate issue is the tow truck that blocks our street to unload wrecked cars into the back lot of the upholstery business at all times of the day and night. It is not a pleasant sound at 2:30am. There is a survey marker located near the center of this property marked: 'U.S. Coast & Geodetic Survey Triangulation Station'; '\$250.00 fine or imprisonment for disturbing this mark'; 'GISLER'; and '1934'. We ask that this matter be returned to the zoning committee, as we feel that the issues were not clearly looked into before they made their decision.

Preston Lacy, with Southwestern Illinois Resource, Conservation and Development, Inc. located at 629 E. Garfield, Belleville, stated he works out of the conservation office in Mascoutah and has been doing the analysis for the Future Land Use Map. The Future Land Use Map was developed using information on natural resources, historical and cultural data, recreational resources and the existing comprehensive plan. I analyzed storm water run off, using Geographic Information Systems (GIS) technology to formulate the hydrological impacts of Highland's Comprehensive Plan.

Planned industrial is focused along the Conrail/ US 40 corridor, while commercial use is proposed spotted throughout the northern section. Significant acreage is proposed for residential development to the north and south of the city, running along both sides of the Sugar Creek corridor. Increased impervious surfaces lead to increased water runoff. This creates a greater demand on local streams systems as well as existing stormwater infrastructure. I used the Long-Term Hydrological Impact Assessment (L-THIA) model, developed by Purdue University, to compare existing stormwater runoff volume to future conditions based upon planned growth. Using this method of analysis, based upon proposed conditions provided in a composite of Highland's Comprehensive Plan Proposed Land Uses, we determined the Buckeye Branch watershed, within the majority of the city, will see a 41% increase in runoff. The Highland Silver Lake watershed will see a 35% increase, exacerbating current shoreline erosion and nutrient pollution.

Based on these results, we recommend development of a GIS data plan for the city. Through the pre-application stage, a developer meets with the planning board to review the primary zone, which may include stream buffers and wetlands that need to be protected from new impervious sources (such as roofs, concrete, parking lots) that create issues and require mediation. We recommend the change of ordinances to manage stormwater, by implementing Low Impact Development (LID) Best Management Practices, to assist existing stormwater infrastructure, increase filtration, and slow the velocity of water, with things such as bioretention cells, rain gardens, permeable pavement, grass swales, and to promote conservation subdivision design. We recommend the city create and update ordinances to protect green space, flood zones, watersheds, wildlife habitat, and prime agricultural lands. The recommendations of this Resource Plan should be incorporated into the Comprehensive Plan and applied during the site design phase of the planning process. Before a conceptual site design is developed it is necessary to first insert GIS data and hydrological impact to determine where development should occur and where it should be discourage or potentially restricted. Resources most sensitive fall into the "Primary Protection Areas" category and development of these areas should be discouraged. "Secondary Protection Areas" are prime locations for such as parks, trails, greenspace, and passive recreational use development. This site specific identification of resources and creating development that coexists with these assets provides value to the community through maintaining and enhancing the resources for a healthier and cleaner environment. How staff would use this? Staff could use it for pre-application phase of development and in rezoning issues. You really can save money by using these types of plans. The long-term benefits complement the long-term goals of the comprehensive plan. Flood plains can be used to mitigate stormwater issues. Public Safety is addressed by preventing crisis situations by flood water issues.

Councilwoman Zobrist inquired about the diagram showing hydrological impact areas, on page 19. Does it show very slow infiltration and high levels of water runoff for the area discussed for rezoning, on 4<sup>th</sup> Street? Supervisor Kevin Limestall confirmed it does; this same area is shown as highly erodible area on the map as well. Councilwoman Bellm expressed this report is very informative and well done work.

Brad Korte, Chairman of the Combined Planning & Zoning Board, addressed the council to follow-up Preston's presentation on the Resource Plan: I just want to say that I agree with everything he said and he said it very well. We talk about the TIF District as a blighted area. Unfortunately, in planning development, a lot of times drainage is the last thing we look at. This type of thing will actually save the taxpayers of Highland money. If you put in a grass waterway versus digging it up and putting a pipe in, it is going to look better and also be less expensive for the developer. With regards to the Comprehensive Plan, Mr. Korte stated, I have been involved in that since the mayor and council directed the Combined Planning & Zoning Board to look into it. I want to say, as a citizen and board member, that the document you received was well done. A consensus was easily achieved among the board members. I would encourage you to approve it.

Chris Hanks, 705 4<sup>th</sup> St., Unit B, addressed the council on the proposed rezoning of 702 4<sup>th</sup> Street. He stated with regards to parking, each unit has two parking spots. Any additional visitors would have issues, as they could no longer use that section of street for parking. I used to live next to a rental facility in St. Charles, MO. For safety and security reasons, it was brightly lit. I am sure this would be well lit as well. As only a few of those in attendance have addressed the council, he asked for a raise of hands from those here tonight that are opposed to this rezoning, to give the council an idea of how many people are here on this matter. (Approximately 10 residents raised hands.)

#### Requests of Council:

Councilwoman Zobrist reported that the Mayor Michaelis, City Manager Latham and council members received a complimentary letter about one of the Parks & Recreation Department employees. She asked if Mayor Michaelis would read it for everyone. Mayor Michaelis read a letter sent by Lindell Zobrist, of Bulverde, Texas, who was assisted by Carla Guika, a Parks & Recreation Department employee, in finding a headstone in the city cemetery during a recent visit to Highland.

Mayor Michaelis reported, about a year ago, I was approached by Linda and Manfred Driesner, who encouraged me to rekindle the City of Highland's relationship with the governing body of Sursee, Switzerland. Our first mayor, in 1865, was directly from Sursee. So, we invited the mayor and delegates to come to Highland for Schweizerfest. Seven people from Sursee visited Highland this past week. Their mayor is called "president". We had a fantastic time showing them the city. They were in the parade and we held a banquet reception for them, among other things. They presented us with a map of Switzerland as it was when the founding fathers came to Highland. The other is a copy of Casper Koepfli's passport when he came over to Highland. It was very rewarding and successful for those that were able to participate in hosting the visitors. Thank you.

#### Staff Reports:

Nothing to report.

### **NEW BUSINESS**

Approve Mayor's Appointments – Councilman Bardill made a motion to approve the mayor's re-appointments, for additional three-year terms, to expire June 2012 as follows: Jim Burgett, Sharon Rinderer, and Joyce Zerban to the Library Board of Trustees; John Cygan to the Police & Fire Commission; and, Tim McGinley to the Liquor Control Commission as attached. Motion seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Purchase of City Manager Vehicle – Councilwoman Bellm made a motion to approve the purchase of 2008 Chrysler 300 LX for the city manager's vehicle, from McGinley Inc., in the amount of \$19,890 as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Building Permit Fee Waiver for the Masonic Lodge – Councilwoman Bellm stated she is removing herself from discussion, as her husband is an officer of the lodge and on the remodeling committee. (Councilwoman Bellm left the room at 7:45pm.) Councilman Bardill made a motion to approve a Building Permit Fee Waiver for the Masonic Lodge as requested; seconded by Councilman Rickher. Roll Call Vote: Bardill, Rickher and Zobrist voted aye, none nay. Motion carried. (Councilwoman Bellm returned to the Council Chamber at 7:46pm.)

Approve NOML Bid #PW-13-04 for Iberg Road Reconstruction – Councilman Bardill made a motion to approve NOML Bid #PW-13-04 for Iberg Road Reconstruction as attached; seconded by Councilwoman Bellm. Councilman Rickher inquired are we legally required to publish our estimated cost in the paper. City Attorney Long asked Public Works Director if we are. Director Gillespie stated

we do not put out the engineer's estimate in any bid posting. Councilman Rickher inquired just the scope of the project. Director Gillespie responded yes. Councilwoman Zobrist asked when would it go out for bid. Director Gillespie stated I cannot say right now, as we are still in the process of trying to acquire the last tract of land. Councilwoman Zobrist asked when would it start and finish. If it gets too late in the summer, by the time they get started on the actual construction work, we could have things tore up and left undone over the winter months. Director Gillespie acknowledged construction could span over the winter months. City Manager Latham pointed out the new road will be built next to the existing Iberg Road, so traffic will be able to use a lot of the existing roadway during the construction. Director Gillespie concurred the northern two-thirds of the project is being constructed east of the existing. The southern portion will affect people more. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Bill #09-64/ORDINANCE Amending Red Flag Rules – Councilwoman Bellm made a motion to approve Bill #09-64/Ordinance #2360 amending Red Flag Rules by adopting a supplemental identity theft prevention program applicable to the Highland Ambulance Service only as attached; seconded by Councilman Bardill. Councilman Rickher asked is there any downstream compliance costs. Attorney Long explained the city was required by FTC regulations to adopt an identity theft program. We would have to have someone to monitor process. Mayor Michaelis asked EMS Captain Gary Crosby if he had any concerns. Captain Crosby responded no. He added that we cannot use the same system as other entities, due to HIPPA and other privacy information specific to healthcare. With regards to maintenance costs with the program, there may be minor costs if there are changes in compliance tools or software. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Bill #09-65/RESOLUTION Determining Prevailing Rate of Wages – Councilman Bardill made a motion to approve Bill #09-65/Resolution #09-06-1793 determining prevailing rate of wages as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-66/ORDINANCE Precluding Customers of the City's Electric Utility from Bidding Demand Resources into the Miso Markets – Councilwoman Bellm made a motion to approve Bill #09-66/Ordinance #2361 precluding customers of the City of Highland Electric Utility from bidding demand resources into the Miso markets as attached; seconded by Councilman Bardill. City Attorney Long stated "Miso" came from the IMEA, so I am unsure what exactly that is. City Manager Latham stated he knows what it is. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-67/ORDINANCE Amending Zoning Classification of 702 4<sup>th</sup> Street – Councilwoman Bellm made a motion to table until the City Manager Latham can review the various issues and give the council options; seconded by Councilman Bardill. City Manager Latham stated we are trying to find a solution with limited options. I talked to the property owner about utilizing it as a neighborhood park. It is one of those pieces of property that is difficult to use. City Attorney Long inquired does a fifteen day requirement apply to this matter. Building and Code Enforcement Supervisor Kevin Limestall explained the fifteen-day rule applies to the land development code, not rezoning. Mayor Michaelis stated I think tabling this and looking at other options is the right direction to go. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-68/ORDINANCE Amending the Approved Future Land Use Map – Councilman Bardill made a motion to approve Bill #09-68/Ordinance #2362 amending the Future Land Use Map of the City of Highland's Comprehensive Plan as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-69/ORDINANCE Adopting Citywide Resources Plan into the City's Comprehensive Plan – Councilwoman Bellm made a motion to approve Bill #09-69/Ordinance #2363 adopting the Citywide Resources Plan into the City of Highland's Comprehensive Plan as attached; seconded by

Councilman Bardill. Supervisor Limestall handed out a few pages with minor changes. Mayor Michaelis asked how many amendments are we doing with this. Supervisor Limestall stated the pages are just clerical corrections to what the council was provided in their council information. For example, definitions were added, on Page 19, at the suggestion of the Combined Planning & Zoning Board. We are asking the council to approve the Resource Plan into the Comprehensive Plan as presented. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

## **REPORTS**

Approve Warrants #772 & #773 – Councilman Bardill made a motion to approve Warrants #772 and #773 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 8:02pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk