

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, JULY 6, 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, Rusteberg and Schoeck, Police Chief Bell, Supervisors Stram and Limestall, EMS Captain Crosby, Deputy City Clerk Hediger, City Clerk Bellm, and 17 citizens; Todd Streiler, of Streiler Planning; and, 1 news media.

**MINUTES**

Councilwoman Bellm made a motion to approve the minutes of the June 15, 2009 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

**PRESENTATION**

Todd Streiler, of Streiler Planning LLC, gave a presentation on the I-70/State Route 160 Future Land Use Plan. This plan is an accumulation of a year's worth of planning. The central part of the process took the plan to the public for input with several public meetings with the Combined Planning and Zoning Committee. We also had several interviews with stakeholders. We are looking for an amendment to the city's Comprehensive Plan with the addition of this plan. The area encompasses ~5,000 acres, with boundaries of Silver Lake to the west, Highway 40/143 to the east, Silver Lake Road to the north and Troxler Avenue to the south. The purpose was to identify a focus and direction for this area; establish how the city envisions this area being used; and, better position the city to obtain funding for an interstate interchange and associated public improvements and land uses. One thing we found, when we met with the public, was people were unimpressed with traffic flow and dissatisfied with uncontrolled growth. Things they liked were the downtown square, schools, recreational centers and sidewalks. They would like to see better traffic circulation, more sidewalks and bike trails. Opportunities expressed were to see more development of Silver Lake for park development with upscale housing surrounding the area and expansion of pedestrian and bike paths.

The Future Land Use Plan is broken down into acreage with proposed use in the handout. The majority of the land use is Non-Urban/Agriculture to allow for area that creates and maintains the agricultural feel of the community. The footprint of development in these areas is intended for low density residential, active and passive parks, open space, recreational and other uses where public utilities are not immediately necessary, and agriculture use. It is designed to limit costs and the impact of utilities while maintaining greenspace. There is a new term/category, called "Mixed Use" which is to facilitate the creation of a regional mixed use destination center and major gateway corridor into Highland. The interchange would be a good location for a medical facility with complimentary use with retail shops, office space, commercial services, restaurants etc. It is important to have a well-planned, thought-out, destination-type center. The area would also provide a front-door to the community with a gateway feature to present the community to visitors as they get off the interstate,

improve visibility aesthetics and promote Highland's heritage and downtown business district at the interchange. The intent is to not compete with downtown, but to compliment it and bring people off the interstate. The future land use area and interchange is an abundant resource for the community with a lot of undeveloped acreage that could be used for homes, community facilities, and employment centers.

The plan recommends improving Route 160 to become a boulevard to welcome people into the community with landscaped medians in the middle along various sections of Route 160; not having entrances off into every parcel; and, paths, walkways and bike lanes along the sides of it, with street trees and pedestrian lighting along both sides. We do not want lodging, truck stops, and gas stations for this area. We want more of residential components. In studying trends, conservation subdivisions, which are intended to preserve natural areas while permitting residential densities that are consistent with residential zoning districts, would be a good fit. Typically, conservation subdivisions have the same amount of lots, but smaller lots, smaller setbacks, and the balance of the development would be left in natural conservation, agriculture, or other green space area use, such as you would see in a lake or golf course development. Part of the plan involves preserving agricultural areas. However, the last census in 2005, demonstrated a population growth in Highland. It is important to provide new and exciting areas for different stages of people's lives, so that "moving up" does not mean moving out of Highland.

Mr. Streiler recommended having a design contest for creation of the community gateway design. The design should create a synergy all the way from Route 160 into the downtown with a corridor. While the plan also talks about pedestrian accessibility. Another important factor, brought out several times in the various meetings was that the interchange will provide additional interstate access. In addition, we also need north and south corridors to relieve local traffic congestion, possibly including a roundabout between Route 143 and the interchange.

There are plans for implementing improvements and objectives of the Future Land Use Plan as funding and opportunities become available. We want to use the plan to have a legally defensive document for everyone to follow as items come up for the council and planning groups to follow for addressing drainage, lake conservation, and development issues. The Mixed Use area has shrunk by about 65 acres since the inception of the process; however, overall everything has remained as the public initially discussed and presented ideas.

## **PUBLIC FORUM**

### Citizens' Requests and Comments:

*HHS Construction Trades - Building Permit Fee Waiver Request* – Bruce Deibert, HHS Construction Trades Instructor, requested the city waive building permit fees and tap-on fees for the fourth new home that the Construction Trades program will be building during the 2009-2010 school year. He thanked the city for waiving the fees for the past three years, and informed the council that they would be closing on the third house at the end of this month. About 115 students were involved. These students are not only in the construction trades classes. The program provides opportunities for students looking to go into construction trades as well as those going on to college. In addition, it provides experience and learning opportunities that lead to part-time summer jobs. Mr. Deibert stated we are looking to doing more in construction of a "green house" this next year. Councilman Bardill made a motion to approve waiving building permit and tap-on fees for this year's (2009-2010 school year) Construction Trades' new home as requested; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

### Requests of Council:

Susie Pfister, 620 Broadway, owner of Ethel's Tavern, requested permission from the council to allow tables outside, to allowing drinking and smoking outside. She stated I was here seven months

ago about this; however, I never got an answer. I was told the state's right-of-way is fifty-feet, which is to the front window off Broadway, and the city's right-of-way goes to side of the building. I was visited by Chief Bell and was told that drinking was not allowed. I do not feel it is fair that Marx Bros. is allowed to have tables and chairs outside, but I cannot. I checked with the state; there are no restrictions about drinking on state property. Outdoor seating is allowed in Edwardsville, right across from the court house. Mayor Michaelis stated, about a month ago, I was made aware of the controversy. I made a request to the city attorney to look at developing a café ordinance. Ms. Pfister stated I do not serve food. So you are saying that I cannot? City Attorney Long responded, right now, there is nothing allowed on city right-of-way. Ms. Pfister stated I have an issue with the smoking, because I do not have any area outside of my building. I do not have a place where people can drink and smoke. City Attorney Long explained that law was put in place by the State of Illinois. We cannot do anything about that. As a municipality, we have sources of liability, in looking at this. ADA requires having to make sure a clear path of travel, five-feet or wider, exists for pedestrians. There must be a visual marking of the café area for those sight impaired. The city would also have some dram shop liability exposure if alcohol is allowed on the sidewalks, specifically if someone leaves drunk. Therefore, we may have to require, as part of the permitting process, to have the City of Highland listed as additional insured on those businesses' policies. With the railing Marx Bros. has outside for their seating area, it appears ~2.5-feet is into the city's right of way. I told their attorney, George Marron, everyone will be treated the same.

Ms. Pfister asked when a new ordinance would be put into place or the businesses would have an answer on this. I was here seven months ago. Isn't it true that when Buffalo Brewery opened, drinking was allowed outside on the sidewalk? Mayor Michaelis responded I do not recall. As long as I can remember, city ordinance has prohibited public drinking. I do know there has been a feeling, for some time now, that Marx Bros. actually owned the area where food and alcohol is being served. City Attorney Long advised until this is resolved and an ordinance is put into place everyone is going to have to get their table and chairs in from the right-of-way. The present city ordinance does not allow for consumption of alcohol on streets, sidewalks, and right-of-way, except for with permit of various street festivals. The process will require a permit. The permitting process will require a diagram of the serving area, marking off the area with fence or railing, and people will have to stay within the fenced in area. Ms. Pfister stated I have no area for smoking and I do not serve food. Mayor Michaelis asked what would prohibit you from serving food. Ms. Pfister responded she would have to update the equipment, specifically for grease containment. I do serve frozen pizzas and provide free hot wings on Tuesday nights, if that counts.

Mark Voegele, owner of Marx Bros., 1000 Laurel Street, stated as member of the Chamber of Commerce for 25 years plus, Marx Bros. has always donated to the City of Highland and community functions. Marx Bros. has operated a business of good will and benefits the community by paying taxes on everything that we sell, which assists the tax base. Marx Bros. has always promoted Highland as a city that welcomes new industry and citizens to the community. Last month, nine bicyclists from Collinsville stopped in to eat lunch at the outside dining area and were greatly impressed with the town square and the amenities that Highland had to offer. They promised to come back. Recently, on another occasion, a young couple stopped in while on vacation. They were staying at a local hotel overnight and stopped at Marx Bros. to eat. They enjoyed the outdoor dining experience so much that they made plans to come back to Highland on their way back home. We send employees out to cater to the needs of those eating or drinking outside. We corral people to keep them inside the area. I go out every morning and sweep the sidewalk. I pick up any and all trash that I find on the street and sidewalk, no matter where it comes from. We are a small business. Susie and I are small businesses. In this tough economic time, you need to help us.

Bonnie Litteken, 705 4<sup>th</sup> Street, addressed the council regarding the rezoning request of 702 4<sup>th</sup> Street. We thank the council and mayor for looking into our issue and we hope for a favorable outcome. We would also like to inquire if the Planning and Zoning Commission is going to look into the issue with the tow truck that uses the lot at the upholstery business on 4<sup>th</sup> Street. In addition, I

would like to state that Coldwell Banker Realtors put out countless flags along the streets this past weekend. It looked magnificent for the July 4<sup>th</sup> Independence Day holiday.

Judy Davenport, 703 4<sup>th</sup> Street, Unit B, asked the council to take into consideration the marker that exists on this property, as well as our other concerns on this matter.

Lee Voss, 1310 27<sup>th</sup> Street, stated initially he was going to address council regarding the light pole and development at the end of the 1300 block of 27<sup>th</sup> Street. However, it is my understanding, from City Manager Latham, that the city is going to require the developer to put it in. I called each member of the council to address the issue with them individually. However, to date three members of the council have not returned my call. Councilwoman Bellm asked where he had tried to contact them at, as she did not receive a message. Mr. Voss stated the messages were left in their voicemail at the City Hall phone number. Councilwoman Bellm stated she does not use it. Councilman Rickher expressed he was unaware of the voicemail system. Councilwoman Zobrist reported there is a problem with them changing over our voice mail in the system. Mr. Voss stated, other than the mayor, I could not find an email address on city's website for any of the council members. I was disappointed. City Manager Latham stated he would look into getting the website updated with contact links and information.

Jeff Rehberger, 105 Northwest Manor, addressed the council regarding the Future Land Use Plan. He stated I am wondering why the Ambuehl Farm and Rohlings Farm, all the way to the lake, was not designated as Mixed Use in the plan. Todd Streiler identified the area on the map for the council. He explained this was done in the response to the community's wish, as there was discussion at the inception of the process for a winery in the area to provide for views of Silver Lake. That is how it was originally drawn. As a planner, one of the things I propose in this process is designating for a long life and a loose fit of areas. With the recent economy, the joint Planning & Zoning Commission felt that banks and lending groups are not openly lending for a lot of development, so it would be best to leave it open in the plan. This is a flexible plan, as part of the Comprehensive Plan. The thought is, once we get the interchange in place, the direction of this area can be better designated. I think at a later time, the property can be included in the Mix Use designation. Councilwoman Bellm asked, Building and Code Enforcement Supervisor Kevin Limestall, it is our policy to annex in property as single-family residential. Supervisor Limestall replied correct. Councilwoman Bellm noted the Comprehensive Plan is a guideline; it is not set in stone. Supervisor Limestall concurred. Councilwoman Bellm asked are we prepared to change the zoning on this area for potential business as we once considered it for. Supervisor Limestall replied yes. Councilwoman Bellm stated just because we accept the plan as it is, it does not mean we can't change it or use the area for something different. Mr. Streiler pointed out this is not zoning. It is a plan to show that we have a proposed plan that is thought out for this area, in particular when seeking funding. I think that area could become Mixed Use; however, several things, including the construction of the interchange need to occur prior to this.

Mr. Rehberger inquired if we are trying to bring an interchange in, why wouldn't you want more acreage as Mixed Use. Mr. Streiler stated, not to give a way strategy, but it is a "carrot" to facilitate discussion between developers or prospective business. Councilman Rickher noted the concern is things start moving quickly, with an economic turnaround, and that houses will go in this area. Mr. Rehberger concurred, adding the old Rohlings and Ambuehl farms' property need to be designated areas for Mixed Use on the map so that you can get potential business developers to look at the area's potential. Greenville has a fifty-acre site established for an industrial park. Mr. Streiler explained Mixed Use calls for density and intensity. This area is held by two owners, so I think the discussion could easily occur at talk of developing this property, or if another opportunity presents itself to the city. Staff is supportive of the plan in front of you, Planning & Zoning is in support of plan in front of you, and I support the plan. The plan is very responsive to the community. Councilman Rickher expressed if people don't have jobs they cannot purchase homes. How do we create jobs to allow for development of these areas? Were you given a direction of finding industrial use areas? Mr. Streiler replied no, the focus was on medical facilities as an anchor with complementing businesses and

development. The question is whether there is enough room for the layout of the entrance ramps off the interstate. However, those issues can be addressed later. The plan is very expandable-ready.

Brandi Oliver, manager of Broadway Bar & Grill, expressed I do hope we can come to an agreement for people to be allowed to eat and drink outside. I live at 35B Auburn Ct. I know there is road construction going on along there. However, Sportsman Road is in very poor condition, in particular with the construction truck traffic that is going on. The road is very rough, with several large holes. I have to practically come to a stop to get through some areas of it, or I feel I will lose the front of my car. If we can come to an agreement between the city and the construction company to have the road checked and minor repairs made, that would be appreciated. There are people biking, walking and running along the roadway. With the park and Rec Center along there and no sidewalks along the road, kids are walking or riding their bikes on the roadway. Cars drive excessive speeds down the road. Literally, cars will go by sometimes at 60mph. The speed limit is 35mph off Route 143 and it changes to 45mph at the apartment complex entrance. I don't know if Baxmeyer or someone can fill the holes. There is a lot of construction going on out there right now. It seems like some rock gets put in the holes, but then with the truck traffic, the holes reoccur. Mayor Michaelis asked Public Works Director Gillespie if he has noticed the road conditions out there, lately. Director Gillespie stated I have not been out there. Our resident engineer has been overseeing the project. Mark Voegele stated I live out there also. I can attest to everything Brandi has said. The traffic is horrible and the road conditions are rough. I understand construction is difficult on the road surface. I would like to see the speed limit addressed out there.

#### Council Requests and Comments:

Councilwoman Bellm expressed I am very pleased at the job the realtors did with putting out the flags this past weekend. I was very impressed.

Councilwoman Bellm reported there is some concrete dropping away in front of the wheelchair ramp in front of the Weinheimer. She asked if staff would look into that.

Mayor Michaelis reported that, about a year ago, City Manager Latham and I met with a lady, out at the city cemetery, to look at some concerns she had. This lady called me, recently; she was impressed at how much it has improved. Mayor Michaelis stated to Director Rosen, "good job" and "keep up the good work", and asked that Mark pass those sentiments on to the staff.

#### Staff Reports:

*Community Days in Newport News, VA Report* - City Manager Latham reported two of us went to Communities Days, June 23 – 24, in Newport News, Virginia. We met with about 80 families that are being transferring to the area in the next year. Five families stated they had already been to Highland and it is on their "short list". We handed out \$300 utility vouchers, which we will use to see how successful the campaign was, should they be redeemed.

*Recent IMEA Meeting Items of Discussion* – City Manager Latham reported the Cap and Trade bill and projection of renewable sources were discussed in detail at a recent IMEA board meeting. The bill has passed through the House of Representatives and is on the Senate floor for discussion. IMEA has moved forward to purchase two wind farms in DeKalb County and plans are underway to get into use of methane gas for energy. Under the Cap and Trade provisions, utilities can use emission tax as credits in trade for development and production of new technology energy sources.

George Stram and I met with consultants from the IEPA to discuss new federal regulations being placed on diesel generators and discussed how Highland's diesel generators must be refitted to meet IEPA emission standards. I would like to get someone in from Caterpillar to provide estimates on retrofitting with dampers to meet standards or provide costs of replacements for the generators. City Manager Latham stated we don't want to get lost in the fact that EPA is coming after the industrial

combustion engines. The big benefit the city has in having these generators is the ability to generate our own power, if needed. The city gets a rebate back from IMEA for having the generators on site and available to produce power if load demands. The EPA may put a restriction on them today, and while we will be able to meet it, they may place stricter restrictions in a few years.

## **UNFINISHED BUSINESS**

Bill #09-67/ORDINANCE Amending Zoning Classification of 702 4<sup>th</sup> Street – Councilman Bardill made a motion to approve Bill #09-67/Ordinance #2364 amending zoning classification of 702 4<sup>th</sup> Street from “C-2” Central Business to “I” Industrial as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill and Bellm voted aye; Zobrist and Mayor Michaelis voted nay. Motion failed.

## **NEW BUSINESS**

Bill #09-70/ORDINANCE Adopting I-70/State Route 160 Gateway Vision and Land Use Plan into the City’s Comprehensive Plan – Councilwoman Bellm made a motion to approve Bill #09-70/Ordinance #2364 adopting I-70/State Route 169 Gateway Vision and Land Use Plan into the City’s Comprehensive Plan as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-71/ORDINANCE Establishing the Highland Industrial Development Commission – Councilman Bardill made a motion to approve Bill #09-71/Ordinance #2365 establishing the Highland Industrial Development Commission as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-72/ORDINANCE Abolishing the Highland Regional Development Commission and the Highland Economic Development Commission – Councilwoman Bellm made a motion to approve Bill #09-72/Ordinance #2366 abolishing the Highland Regional Development Commission and the Highland Economic Development Commission as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-73/ORDINANCE Directing the Purchase of Real Estate – Councilman Bardill made a motion to approve Bill #09-73/Ordinance #2367 directing the purchase of real estate located at 704 4<sup>th</sup> Street from Frey Properties of Highland, LLC as attached; seconded by Councilwoman Bellm. Councilman Rickher expressed I am a little bewildered. If we buy this property, how does it solve the problem for the people on 4<sup>th</sup> Street? Vehicles cannot turn around, as it is still a dead-end street. City Manager Latham stated the property becomes public property. The neighbors do not have to worry about a storage facility being built. Councilman Rickher stated my concern is that I think it would be less traffic with a storage facility than with a park being there. There is more liability with children running around as cars are backing out. We are throwing money around. Councilwoman Zobrist stated I think the council saw that in the Resource Plan, presented at the last meeting, there will be less soil erosion and run off. Councilman Ricker pointed out runoff is occurring on the roadway. Councilwoman Zobrist stated concrete and asphalt will create more runoff for the area. City Manager Latham concurred if they are granted to put storage units in, they are going to put in more concrete or asphalt, which eliminates greenspace. Councilman Rickher inquired, if the concern is the roadway, then wouldn’t we be better off by putting the money into improving the road, rather than purchasing land. Councilwoman Zobrist stated it took us ten years to correct water runoff on Falcon from development that occurred. We cannot create something like that again. Councilman Rickher expressed this creates more liability for the city as a park with children playing there and traffic going to and from the park. City Manager Latham stated I see this as a neighborhood park, with only people walking or riding bikes to it. Mayor Michaelis pointed out we have Hoffman Park and Merwin Park, which are neighborhood parks. I don’t think they create traffic for

those neighborhoods. City Manager Latham concurred there is very little liability for the city, as it will primarily be a grass area with maybe a park bench. Councilman Rickher inquired how much square feet. City Manager Latham did not recall. Councilman Rickher asked how recent is the appraisal. City Manager Latham responded about two years ago. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, Rickher voted nay. Motion carried.

Bill #09-74/ORDINANCE Directing the Purchase of Real Estate – Councilwoman Bellm made a motion to approve Bill #09-74/Ordinance #2368 directing the purchase of real estate for a temporary construction easement from Bernell H. Hemker and Betty J. Hemker as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Award Bid #E-05-09 Purchase of One New Bucket Truck – Councilman Bardill made a motion to award Bid #E-05-09 to Global Rental Company for the purchase of a new 1-1/2 ton bucket truck with an attached 37-foot aerial device in the amount of \$84,000 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Discussion – Alcohol Use on Public Right of Way – Mayor Michaelis asked that those in attendance give the council opportunity to discuss. City Manager Latham asked the council to have staff look into developing a café ordinance, which would provide a means for a permit to be developed. Mayor Michaelis stated I have been to many towns that provide for sidewalk dining. The difficulty will be in determining what the common denominator is for everyone. I feel it is important for small business and the community. City Attorney Long stated he has gathered samples ordinances from Portland, OR, Ashland, OR, and Paducah, KY. All of the ordinances require businesses to apply for a permit. As part of the permit application they must give a description with diagram of the occupant area. We will have to amend the local liquor license to coordinate with this. I should have this by the next meeting, and hope to have a draft in the next week, to allow council and the interested parties to review it.

Councilwoman Zobrist noted there is a bench, on the sidewalk, in front of the Wedding Belle (old Hagnauer & Knebel Building). Are we saying that we are not going to allow for benches or the occasional table to be placed out for sidewalk sales? City Attorney Long stated anything out on the sidewalk opens us up for liability with the ADA, in particular if it blocks the width required for clear passage by ADA standards. The consumption of alcohol means that we have liability, under dram shop laws. The other liability, as a landlord, would be someone fall. The issue may be what happens if the sidewalk is too narrow. You have to meet requirements of the ADA. Councilwoman Zobrist asked are we going to have to have a permit for people to put a bench out. Attorney Long stated we have an ordinance allowing for the display of merchandise and such in front of their businesses, within two feet of their premises. Councilwoman Zobrist stated I have had questions about the right to have soda machines, benches or tables out in front of buildings, on the sidewalk. What do we tell them? Attorney Long stated if it limits a clear path of passage it is not allowed. We may want to look around and see if we have those issues. We need to know the situations that are out there.

Mayor Michaelis expressed the largest part of this is the drinking in public. I would assume that every tavern that has an area outside is violating that ordinance. This is trying to provide a provision for an outside area for dining. Councilwoman Bellm stated outside seating can be very attractive. It adds another area of congeniality. I like to sit outside at a café, whether here, in Riverside, CA, or St. Charles. I would like to see the areas not limited only to food consumption. I agree with seeing the area delineated. Attorney Long noted the City of Chicago's ordinance establishes seasonal dining outdoors. Would the council like to look at something like that? It was the consensus of the council.

Mark Voegelé stated, if there is going to be a permit, I hope you realize that we cannot afford \$200-300 for this. I do not have an issue with a seasonal permit. It is not that we unlock the door and leave people out there. Having outdoor areas requires additional staff to clean the area and wait on the customers. There is a lot of maintenance in having these areas out there; however, it is a nice thing to

have. Susie Pfister pointed out you are quoting ordinances from other states. What about Edwardsville or Collinsville? Attorney Long stated I used the ordinances that I could obtain on line. I did not have quick access to those ordinances. Ms. Pfister stated she would get copies of those to him. She asked if they would be allowed to put benches outside during the winter months. Mayor Michaelis stated as long as it does not violate ADA. Ms. Pfister asked what other communities do to allow this while meeting obligations of dram shop. Attorney Long responded I do not know that. Ms. Pfister expressed I do not know why Highland has to be so different. I do not know many people that have the issue that I have, with the city right of way up to one side of the building and the state's on the other.

Attorney Long stated some ordinances prohibit the use of paper and plastic outside, to limit litter. He asked for council's input. Councilwoman Bellm stated she would actually prefer paper and plastic over glass to prevent broken glass. Councilman Rickher asked isn't the issue whether it is legal to drink outside. City Attorney Long read the municipal code, Section 42-1, which states, one cannot drink liquor on a public street or sidewalk, except with permission from the City for street festivals or special occasions. Councilman Ricker asked, between now and the café ordinance enactment, what does Chief Bell and the police do. Attorney Long stated no consumption is allowed on sidewalks. Councilwoman Bellm clarified that it is illegal to drink on public streets and sidewalks until we get this resolved. Ms. Pfister stated the state has no restrictions, so what applies on the sidewalk along Broadway. Mayor Michaelis stated that is a city sidewalk. Ms. Pfister stated, if that is the case, then Jim Gutzler said to ask, why did he had to pay for the replacement of the water line. Public Works Director Joe Gillespie explained the city's water main is from the main to the curb stop. The curb stop is what shuts off the water to the property/residence that it serves. The area from that shut off to the building is the owner's responsibility. Ms. Pfister asked where that valve was, as it took staff a day and a half to fix the line from the shutoff to building. Mayor Michaelis asked Director Gillespie who fixes the sidewalk if the sidewalk cracks. Director Gillespie responded the city. The state maintains the travel lanes of Broadway. Parking areas, curbing and sidewalk is the city's responsibility. Ms. Pfister asked why the sidewalk is so large and extends from the curb to the building in front of Trubuy and my building, but from MotoMart to the Square and from past Trubuy the other direction it is not that wide. Director Gillespie did not know.

Mayor Michaelis asked Chief Bell if Collinsville has an ordinance in place. Chief Bell reported Collinsville has a café ordinance in place. The ordinance has been amended a few times to correct issues within it. Mayor Michaelis asked is public consumption prohibited. Chief Bell replied yes, public consumption is prohibited. He noted the issues, when the calls came in, were about public drinking at times when the sidewalks were filling up with people. Ms. Pfister asked how are you to limit the amount of people outside. Chief Bell pointed out we have not cited anyone for this. We have turned this over for direction from the council. Mayor Michaelis stated I do not think that Highland is the only one that prohibits drinking in public.

Mark Voegle stated we have had the outside seating area for quite some time. Vicky's sister used to come in with her wheelchair and she had no issue in getting around. I do not see a problem with someone coming up to have a steak dinner and enjoy a glass of wine. I do not see an issue with closing the outside area down after a certain time of the evening. Susie and I are both landlocked and we are trying to work in the area we have. We want to survive and improve the quality of dining in Highland.

Councilwoman Bellm stated I am not advocating opening drinking on public property. I am not advocating picking up a beer and walking to the other end of town with it. Attorney Long stated patrons are going to have to stay within a delineated area. Councilman Rickher inquired you are thinking more Central West End-style. Attorney Long responded yes. Councilwoman Bellm concurred. Ms. Pfister inquired will I qualify for this thing with only serving pizza. Mayor Michaelis stated that is something we have to look into. It goes back to the question: Does a bowl of popcorn qualify? Ms. Pfister asked why can't they just sit around, smoke a cigarette and drink. Mayor Michaelis responded because there is an ordinance prohibiting public consumption of liquor.

## REPORTS

Approve Warrants #774 & #775 – Councilman Bardill made a motion to approve Warrants #774 and #775 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Motor Fuel Tax Audit Report No. 56 – Councilwoman Bellm made a motion to approve Motor Fuel Tax Audit Report No. 56 as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn Regular Session to conduct an Executive Session under the Illinois Open Meetings Act under Section 2(c)(21) for discussion of executive session minutes, 2(c)(1) to discuss personnel, 2(c)(2) to discuss collective negotiation matters, 2(c)(5) to discuss property acquisition, and 2(c)(11) to discuss litigation; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. 9:05pm.

Mayor Michaelis reconvened the Regular Session at 11:15pm. Council members Rickher, Bardill, Bellm and Zobrist were present. Others in attendance were City Manager Latham, City Attorney Long, Deputy City Clerk Hediger and City Clerk Bellm.

Mayor Michaelis announced there would be no action taken this evening on anything discussed in Executive Session tonight.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 11:15pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk