

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, SEPTEMBER 21, 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 Harold Belsheim, Directors Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Terry, Supervisors Stram and Limestall, EMS Captain Crosby, Deputy City Clerk Hediger, City Clerk Bellm, 8 citizens, and 1 member of the news media.

MINUTES

Councilwoman Bellm made a motion to approve the minutes of the September 8, 2009 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

PRESENTATION

Mike Weber, Director of Urban Development for PGAV, provided a presentation of the plan establishing Highland Business District #1. PGAV firm worked with the City of Highland on setting up the first TIF District for Highland. The business district plan exists under the Illinois Redevelopment Act. It is a pretty straight-forward simple plan. About ten years ago, the cities of O'Fallon and Edwardsville took the plans for business districts off the shelf, dusted it off, and decided to give it a try. It provides a means to set up a program to induce redevelopment and development by private investors with a specific area of the community that is focused on industry, business and retail. In exchange, the investors get to share in the city's portion of property tax and or 1% of municipal sales tax. The act does require preparation of a plan and adopting the document. The plan sets forth an area of land, establishes policies, objectives, and policy guidelines for doing the business development agreements. You may already know that one is in the works, with the conversion of Michael's Swiss Inn from a hotel into the possibility of condominiums. In that agreement, they would be sharing in the city's portion of property tax for a certain period of time, in exchange for the investor spending \$300,000 - \$400,000 for turning the property into something with a viable use. You may be aware that the business district was modified several years ago to provide for an additional sales tax of up to 1% or hotel tax of up to 1% to be used. This plan does not apply any additional sales tax to be used to induce development of business within these areas. We are not making any claims of blight. Mayor Michaelis clarified this in no way effects the school district or other taxing bodies by doing this, as TIF Districts do. Mr. Weber responded that is correct. You only have the authority of the city's property taxes to use. Councilman Rickher asked are we limited by the number of acreage in the plan with future development. What about along the railroad tracks, going east to west? Mr. Weber explained for the most part, you want contiguous commercial and industrial zoned properties within the area. Councilwoman Bellm stated I had the opportunity to look at the map. While can't say I did not miss

something, I think it looks good. Everything that I felt should be included is within the plan. City Manager Latham stated public hearings are scheduled for October 5 & 7, 2009.

PUBLIC FORUM

Citizens' Requests and Comments:

Allen Croom, 2009 Broadway, Apt 12, stated he came and paid a utilities bill. A few days later, he received a late notice with charges. The unpaid balance was a fee for a disconnect notice. I was not informed that it was not on my bill when I paid. How are people to know of this additional fee? We get one notice in the bill and another notice on the door. Wouldn't it be easier to send another notice by mail? Director Rusteberg acknowledged the council did pass a resolution approving an additional fee recently, to cover the delivery cost for disconnect notices. We have set a policy to waive the first charge, one time, here in the beginning. She asked that Mr. Croom come in to the office and staff would waive the fee and associated late fee charges. Mr. Croom asked how people are made aware that this was past. Was it published in the paper or posted somewhere? Deputy City Clerk Lana reported it is published in pamphlet form. Pamphlets may be picked up at my office.

Requests of Council:

Councilwoman Bellm noted the daylight savings time is about to change. Has the ordinance been revised since the date for daylight savings time was changed, so that everyone is aware of the tavern closing times? The time change used to be in October, now it is November. When we last addressed this, I not sure if the time change was November or October. Chief Bell will review that.

Staff Reports:

Update on Budget Billing Issue – Director Rusteberg reported that since we changed our software, budget billing has not been available. Springbrook recommends that we not implement that module until all of the issues with the utility billing are worked out. We had only a small number of people using the budget billing. Councilman Rickher inquired how much money has been paid to Springbrook to provide this software, which still is not working properly after nine months. Director Rusteberg replied about \$180,000.

Director Rusteberg reported our past due notices have increased from 1100 to 1200 per month with the current economic situation. Actual disconnect notices have increased from ~175 to ~350 per month, with actual disconnects rising from 0.4% to 0.9% (~60) per month. When someone comes to us with a problem of paying their bills, we provide them with information directing them to various organizations that provide help, including HACSM. Councilwoman Zobrist recalled when this was presented to us it was to be very “top of the line”. Yet, we have had a lot of issues and we cannot provide a service that we had provided in the ten-years prior. Director Rusteberg explained the new system offers a lot of new benefits, in addition to moving us from “green-screens” to windows screens. Typically, it takes a year to a year-and-a-half to smooth everything out, with a system this complex. Councilwoman Bellm stated the way I understand it is the program provides a lot of bells and whistles that the old system did not. Director Rusteberg concurred. Councilwoman Zobrist expressed a lot of people have a lot of pride and they will not admit there is a problem and seek help from HACSM. Director Rusteberg stated, fortunately, we have made it through the summer months that have the high utility bills; unless they have electric heat, the shifts in the utility bills should level out for a while.

City Manager Latham reported the grant application for \$3M in grant funds for the Smart Grid has made it through to the final application process and we are expecting to move to the federal review. An application for \$8M in broadband money has made it through the federal review. It is our understanding that it is at Governor Quinn's office for review. Grants will be prioritized at the state level once approved.

UNFINISHED BUSINESS

Bill #09-99/RESOLUTION Approving Petition for Special Use Permit—Jody Jakel—1301Ninth St. – Councilman Bardill made a motion to approve Bill #09-99/Resolution #09-09-1816 approving a petition for a Special Use Permit, as submitted on behalf of Jody Jakel, for 1301 Ninth Street, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-100/ORDINANCE Granting Special Use Permit—Jody Jakel—1301 Ninth Street – Councilwoman Bellm made a motion to approve Bill #09-100/Ordinance #2377 Granting Special Use Permit – Jody Jakel, for 1301 Ninth Street, as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

NEW BUSINESS

Bill #09-111/ORDINANCE Amending Section 2-360.04(b) of the Municipal Code to Broaden the Residency Qualification for Members of the Industrial Development Commission – Councilman Bardill made a motion to approve Bill #09-111/Ordinance #2378 amending Section 2-360.04(b) of the Municipal Code to broaden the residency qualification for members of the Industrial Development Commission as attached; seconded by Councilwoman Bellm. Councilwoman Zobrist expressed I don't like changing this ordinance. I have nothing against the people being recommending for the appointments; however, I would have like to have seen at least two residents involved out of the three. More and more these commissions are being filled with those living outside the city's limits and I don't feel that is right. Surely, we could find two out of the three people to fill this commission from within the city. Roll Call Vote: Rickher, Bardill, and Bellm voted aye; Zobrist voted nay. Motion carried.

Approve Mayor's Appointment to the Industrial Development Commission – Councilwoman Bellm made a motion to approve the mayor's appointment of Darell Bellm, Marilyn Frey and Jon Greve to the Industrial Development Commission for one-year terms to expire May 2010 as attached; seconded by Councilman Bardill. Councilwoman Zobrist inquired, while none are residents of the City of Highland, are they all within the area established under the ordinance just passed. City Manager Latham replied yes. Roll Call Vote: Rickher, Bardill, and Bellm voted aye; Zobrist voted nay. Motion carried.

Bill #09-112/Waiving Normal Bidding Procedures and Approving Purchase of Electronic Patient Care Reporting Software for EMS – Councilman Bardill made a motion to approve waiving normal bidding procedures and approve the purchase of the "RescueNet ePCR" software, from ZOLL Data Systems, Inc., in the amount of \$29,600; seconded by Councilwoman Bellm. Mayor Michaelis clarified we are approving the waiving of normal bidding procedures in this motion. Councilman Rickher inquired we are purchasing the software, not leasing it. EMS Captain Gary Crosby stated we are purchasing this software, which will be an enterprise software held on our server. Councilwoman Zobrist asked, when we have items like this, how does that figure into the contracts we have with St. Rose and St. Jacob. Captain Crosby explained all of the districts are incorporated into our operating expenses. They pay a maintenance fee based upon costs. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-112/RESOLUTION Approving Purchase of Electronic Patient Care Reporting Software for EMS – Councilman Bardill made a motion to approve Bill #09-112/Resolution #09-09-1817 approving the purchase of electronic patient care reporting software, "RescueNet ePCR", from ZOLL Data Systems, Inc. for EMS Division as attached; seconded by Councilman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-113/RESOLUTION Approving CodeRED Services Agreement with Emergency Communications Network, Inc. – Councilwoman Bellm motioned to approve Bill #09-113/Resolution #09-09-1818 approving CodeRED Services Agreement with Emergency Communications Network, Inc.,

in the amount of \$28,500, for a three-year service agreement, and an addendum contract for \$11,250 over a three-year contract as attached; seconded by Councilman Bardill. Councilwoman Zobrist asked was this incorporated in the budget. Director Rusteberg responded it was not budgeted per say. This falls under “technology” within the budget. The impact between departments is about \$1600 each year. Councilwoman Zobrist stated I like the idea that if there is severe weather approaching, the phone will ring and notify a person, so they know what they need to do. Director Rusteberg pointed out this is a service that people have to sign up for. However, this will provide alerts to those signed up for the program, as to whether it is a flash flood, tornado, or other emergency. The mayor, city manager, and members of the council expressed concern about a means for notifying businesses and residents of electrical outages and reasons for the sirens being activated. The sirens are activated for flashflood, severe weather, or tornado, but cannot specify which of these dangers it is being activated for. Councilwoman Zobrist asked are other communities using this system. Director Rusteberg stated we have spoken with several other communities in the area that use this system or similar systems.

Councilman Rickher expressed, when I read this, I did not understand why we need this. The more I hear about it, the more I continue to feel that way about this. We have tornado warning sirens. Everyone has cable television and the national weather service alerts. We don't have that many floods or tornados. I think there are better ways of spending our money. Director Rusteberg explained that when we started this, it was not about weather alerts. Our concern was the notification when there are outages. Councilman Rickher pointed out you are buying time – 18,750 minutes. If divided amongst utility users, that is four thirty-second messages a year. Director Rusteberg reported, actually, this contract allows unlimited messages. Their old system had parameters, based upon minutes. We had this clarified with the vendor. Councilman Rickher asked where it says that. Director Rusteberg pointed out Exhibit A, under Service Charges. She noted this also ties into our GIS, so informational emails can be sent to only those effected. City Manager Latham reported, as Mayor Michaelis and I visited businesses in Highland, one of the things we heard was that industries and businesses would like to know what the outage is and how long the outage is anticipated to last, so they know how to adjust. We initially looked at this from a weather and utility standpoint. However, this can also be used if there is a hostage situation where you may want to send out information to those in a specific area.

Councilman Rickher stated you cannot always predict what the problem is and how long an electric outage will last, immediately when it happens. Industries have to know in a short period of time. EMS Captain Gary Crosby reported, approximately three-years ago, the Edwardsville area was hit with a severe ice storm. So many people were calling 911 to find out what to do and how long until their power was restored, that it locked the system up. This system can put out a “reverse 911”, which will send out a message to remind everyone to not call 911 unless they have a medical emergency or need immediate assistance. Councilman Rickher asked, if the phone lines are down, how it works. Director Rusteberg replied cell phones, text messages and email. People can sign up for additional means for receiving the messages other than just by phone. The fire department can send out a message that we have a fire at a certain location. Then it will request that the firefighter press “1” if they will be there in five minutes, press “2” if arriving in ten minutes; and, “3” if in fifteen minutes.

Councilwoman Bellm asked who will monitor and send the messages. Director Rusteberg reported five users will be able to send out the messages. Councilwoman Bellm clarified the cost is being divided between five departments. Mayor Michaelis pointed out the sky is the limit with the type of messages that can be sent. Traffic control, school closings, utility outages, and weather alerts. Chief Bell reported this is just one of several reverse notification systems out there. The key is to provide the appropriate information. For example, if you have a child missing from a neighborhood, you can put the information out. If you look at this a whole, there are a lot of positives attributes to this. The key is to provide enough pertinent information, in a clear and concise manner that people do not feel the need to call for additional information. Councilwoman Bellm expressed I hope we do not have to use it a lot; however, if needed for an emergency or to assist in finding a missing child, then it is well worth it. If each department is able to get the money from their budgets, I think we should do it. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, Rickher voted nay. Motion carried.

Bill #09-114/RESOLUTION Approving Terms of Engagement Concerning Specialized Legal Services for the Issuance and Sale of Revenue Bonds for the Fiber to the Premises Project – Councilman Bardill made a motion to approve Bill #09-114/Resolution #09-09-1819 approving terms of engagement concerning specialized legal services with Attorney Rhonda C. Thomas, of Thompson Coburn LLC, for the issuance and sale of revenue bonds for the Fiber-to-the-Premises project as attached; seconded by Councilwoman Bellm. Councilwoman Bellm inquired I assume our legal counsel has looked at this. Attorney Belsheim replied yes. City Manager Latham and Director Rusteberg both stated they had reviewed this as well. Councilman Rickher asked are we authorizing spending the money or is this just to look into doing this. City Manager Latham stated this is for the sale of the bonds. Councilman Rickher asked how much are we spending. Director Rusteberg and City Manager Latham tabulated an estimated \$8 million. Councilman Rickher asked, if we know the amount, then why is it not in the resolution. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, Rickher voted nay. Motion carried.

Bill #09-115/RESOLUTION Approving Petition for Special Use Permit—Matthew Bugger—1306 Sixth St. – Councilwoman Bellm made a motion to approve Bill #09-115/Resolution #09-09-1820 approving petition for Special Use Permit to Matthew Bugger for 1306 Sixth Street as attached; seconded by Councilman Bardill. Mayor Michaelis asked Mr. Bugger how many apartments he is planning. Mr. Bugger replied two. Mayor Michaelis asked how you are planning to accommodate parking for those residents. Mr. Bugger reported we will be building a two-car garage at the back of the lot. Mayor Michaelis noted additional parking for guests will be on Cypress Street. Mr. Bugger replied yes, or behind the garage, along the alley. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-116/ORDINANCE Granting Special Use Permit—Matthew Bugger—1306 Sixth Street - Councilman Bardill made a motion to approve Bill #09-116/Ordinance #2379 granting Special Use Permit to Matthew Bugger for 1306 Sixth Street as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-117/ORDINANCE Amending Zoning Classification of Property – 73.88 Acres Located in Prairie Trails Subdivision – Councilwoman Bellm made a motion to approve Bill #09-117/Ordinance #2380 amending zoning classification of 73.88 acres of property located in Prairie Trails Subdivision from “R1C” Single Family Residence and “R2A” Multiple Family Residence to “C4” Limited Business District as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-118/ORDINANCE Amending Zoning Classification of Property – 10.49 Acres Located in Prairie Trails Subdivision - Councilman Bardill made a motion to approve Bill #09-118/Ordinance #2381 amending zoning classification of property of 10.49 acres located in Prairie Trails Subdivision from “R1C” Single Family Residence to “R2B” Multiple Family Residence as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Change Order #1 on PW-08-07 Elevated Tank Maintenance Project to Add Installation of Messenger Pipe – Councilwoman Bellm made a motion to approve Change Order #1 on PW-08-07 Elevated Tank Maintenance Project in the amount of \$21,825.00 to add installation of two messenger pipes as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Change Order #1 for PW-10-08 IL 143 Sidewalk/Handicap Ramp Construction Project – Councilman Bardill motioned to approve Change Order #1 for PW-10-08 IL 143 Sidewalk/Handicap Ramp Construction Project for a net additional amount of \$3,645.75 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

REPORTS

Approve Warrant #782 – Councilwoman Bellm made a motion to approve Warrant #782 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 this Regular Session to enter into Executive Session under the Illinois Open Meetings Act, Section 2(c)(21) for discussion of executive session minutes and 2(c)(5) to discuss acquisition of property; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. 7:56pm.

Mayor Michaelis reconvened the Regular Session at 8:25pm. Council members Rickher, Bardill, Bellm and Zobrist were present. Others in attendance were City Manager Latham, City Attorney Belsheim, 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 8:25pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk