

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, APRIL 16, 2012**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Nicolaidis, Bellm, Bardill and Schwarz were present. Others in attendance were City Manager Mark Latham, Directors Cook, Gillespie, Korte, Schoeck and Rosen; Police Chief Bell, Supervisor Limestall, Fire Chief Bloemker, HCS Operations Manager Ferguson, Latzer Library Director Kim, Deputy City Clerk Hediger, City Clerk Bellm, 5 citizens and one member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the March 26, 2012 Special Budget Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaidis voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to approve the minutes of the April 2, 2012 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaidis voted aye, none nay. Motion carried.

PUBLIC HEARING

Mayor Michaelis opened the public hearing to receive comments concerning the final adoption of the Budget for Fiscal Year 2012-2013 at 7:04pm. Hearing no comments, the hearing was closed.

PUBLIC FORUM

Citizens' Requests and Comments:

Relay for Life Request for Permanent Power in Glik Park – Danielle Koehnemann, 5 Alice Drive, along with Mandy Ringwald, as Co-Chairs for the Relay for Life were present. Ms. Koehnemann stated we were at the previous meeting to request the addition of permanent power to the area of Glik Park where we hold the Relay for Life Event. Mayor Michaelis asked what specifically are you requesting from us. Ms. Koehnemann deferred to Dan Cook, Director of Light & Power for the City of Highland. Director Cook stated this came up last year; however, because we did not have time to respond with installing power, we moved the event functions around. We were trying to accommodate lighting and power requirements for this event. After some investigation, we discovered we could put in six power pedestals, similar to what is up on the Square, for a cost of about \$10,000. These would be located west of Hunsche Harbor and east of the Quarterback Club. In speaking with Director Rosen, we feel it could be used for expansion of venue for the fireworks display and for other

performing arts events that could be held out there. Councilman Bardill inquired if \$10,000 would cover all the costs, including manpower. Director Cook responded yes it would; we would be able to complete the project in time for the event this year. Director Rosen stated this would allow a venue for more events and bigger events. Councilman Bardill made a motion to approve the project for a cost not to exceed \$10,000; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried. Ms. Koehnemann, on behalf of the committee, thanked everyone for past support of the event.

Requesting Support for a Resolution Supporting a Constitutional Amendment Over-turning the Supreme Court Decision on “Citizens United” – Larry King, of Highland, stated I am a great-grandfather. I am concerned about the future of our country and the direction it is taking, as the government gives more personal rights to corporations. In 2010, this was confirmed by the Supreme Court deciding that corporations should have certain rights, as provided to private citizens. Corporations can contribute large amounts of money to campaigns through PACs. These large amounts of money are very influential in political campaigns. By allowing large corporations to be able to put this amount of money into campaigns, it influences legislation by politicians in office. The State of Vermont has passed a resolution supporting a constitutional amendment overturning the decision. Mr. King requested a resolution supporting a constitutional amendment over-turning the Supreme Court Decision on “Citizens United”. Councilwoman Bellm stated I would like some time to read up on the subject and look into it more in-depth. What I have heard makes sense; however, I am not prepared to vote on this tonight. Mayor Michaelis asked if other municipalities in the area have passed resolutions supporting this. Mr. King stated he would research that.

Request to Use City Square for National Day of Prayer – Reverend Dan Perry, Pin Oak Drive, and pastor of Highland Hope United Methodist Church, on behalf of the Highland Area Ministerial Alliance (HAMA) requested permission for use of the downtown square on the evening of May 3, 2012 for observance of the National Day of Prayer. The insurance rider is provided through our church already. Councilwoman Bellm made a motion to approve the HAMA request to hold their National Day of Prayer on the downtown square, on May 3, 2012, for the observance of the National Day of Prayer as requested; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried. Reverend Perry invited everyone to come join us on May 3, 2012 at 7:00pm.

City Attorney John Long arrived at 7:12pm.

Requests and Comments of Council:

None presented.

Staff Reports:

None presented.

Mayor Michaelis requested a 10-15 minute recess so that City Manager Latham, City Attorney Long and he could discuss an item on the agenda.

Mayor Michaelis reconvened the Regular Session at 7:23pm. Council members Nicolaides, Bellm, Bardill and Schwarz were present. Others in attendance were City Manager Mark Latham, City Attorney Long, Directors Cook, Gillespie, Korte, Schoeck and Rosen; Police Chief Bell, Supervisor Limestall, Fire Chief Bloemker, HCS Operations Manager Ferguson, Latzer Library Director Kim, Deputy City Clerk Hediger, City Clerk Bellm, 1 citizens and one member of the news media.

NEW BUSINESS

Approve Mayor's Appointment of Fred Schneider to the Police Pension Board – Councilwoman Bellm made a motion to approve mayor's appointment of Fred Schneider to the Police Pension Board for an additional two-year term, to expire May 1, 2014, as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #12-55/ORDINANCE Amending FY 2011-2012 Budget – Councilman Bardill made a motion to approve Bill #12-55/Ordinance #2523 amending Fiscal Year 2011-2012 Budget as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-56/ORDINANCE Adopting Budget for FY 2012-2013 – Councilwoman Bellm made a motion to approve Bill #12-56/Ordinance #2524 adopting budget for Fiscal Year 2012-2013 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-57/RESOLUTION Requesting Road Closure for Memorial Day Parade – Councilman Bardill made a motion to approve Bill #12-57/Resolution #12-04-2054 requesting road closure for Memorial Day Parade as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #12-58/ORDINANCE Amending Sewer Rates – Councilwoman Bellm made a motion to approve Bill #12-58/Ordinance #2525 amending sewer rates as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-59/RESOLUTION Approving Agreement for Economic Development Incentives to Neste Manufacturing, Inc. – Councilman Bardill made a motion to table Bill #12-59 Agreement for Economic Development Incentives to Neste Manufacturing, Inc. as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried. Item tabled.

Bill #12-60/RESOLUTION Approving and Authorizing Execution of a Contract for Youth Sports Team Photography Services – Councilwoman Bellm made a motion to approve Bill #12-60/Resolution #12-04-2055 approving and authorizing execution of a contract with Voegele Photography Studio, Ltd. for Youth Sports Team Photography Services as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Nicolaides voted aye, none nay. Councilman Schwarz abstained. Motion carried.

Bill #12-61/RESOLUTION Approving FS Midwest High Definition Agreement Between the City of Highland and Arc Holding Ltd. – Councilman Bardill made a motion to approve Bill #12-61/Resolution #12-04-2056 approving FS Midwest High Definition Agreement between the City of Highland and Arc Holding Ltd. as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-62/ORDINANCE Amending the City's Zoning Code to Allow a Heliport/Restricted Landing Area for Medical Use Only by Special Use Permit in a C2 – Central Business District Zoning Classification – Councilwoman Bellm made a motion to approve Bill #12-62/Ordinance #2526 amending the City's Zoning Code to allow a Heliport/Restricted Landing Area for medical use only by Special Use Permit in a C2 – Central Business District Zoning Classification as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-63/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit to Allow a Heliport/Restricted Landing Area for Medical Use Only Located at 12866 Troxler Avenue – St. Joseph’s Hospital and the Third Order of St. Francis – Councilman Bardill made a motion to approve Bill #12-63/Resolution #12-04-2057 making Separate Statement of Findings of Facts in connection with ordinance granting Special Use Permit to allow a Heliport/Restricted Landing Area for medical use only located at 12866 Troxler Avenue – St. Joseph’s Hospital and the Third Order of St. Francis as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-64/ORDINANCE Granting a Special Use Permit to St. Joseph’s Hospital and the Third Order of St. Francis to Allow a Heliport/Restricted Landing Area for Medical Use Only Located at 12866 Troxler Avenue – Councilwoman Bellm made a motion to approve Bill #12-64/Ordinance #2527 granting a Special Use Permit to St. Joseph’s Hospital and the Third Order of St. Francis to allow a Heliport/Restricted Landing Area for medical use only located at 12866 Troxler Avenue as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-65/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit to Allow a Place of Public Assembly/Gymnasium in an R1B Zoning Classification at 1208 Old Trenton Road – HCUSD #5 – Councilman Bardill made a motion to approve Bill #12-65/Resolution #12-04-2058 making Separate Statement of Findings of Facts in connection with ordinance granting Special Use Permit to allow a place of public assembly/gymnasium in an R1B zoning classification at 1208 Old Trenton Road – HCUSD #5 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-66/ORDINANCE Granting a Special Use Permit to HCUSD #5 to Allow a Place of Public Assembly/Gymnasium in an R1B Zoning Classification at 1208 Old Trenton Road – Councilwoman Bellm made a motion to approve Bill #12-66/Ordinance #2528 granting a Special Use Permit to HCUSD #5 to allow a place of public assembly/gymnasium in an R1B zoning classification at 1208 Old Trenton Road as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #12-67/RESOLUTION Authorizing Extension of the Rebates to “First Purchasers” of Building Permit Fees for Single-Family Residences Newly Constructed Within the City’s Corporate Limits, Applicable to Building Permits Issued After June 1, 2009 – Councilman Bardill made a motion to approve Bill #12-67/Resolution #12-04-2059 authorizing the extension of the rebates to “First Purchasers” of building permit fees for single-family residences newly constructed within the city’s corporate limits, applicable to building permits issued after June 1, 2009 as attached; seconded by Councilwoman Bellm. Councilman Schwarz noted we had twelve buyers that took advantage of this program. How many did we have the year before? Supervisor Limestall reported we had eight. Councilman Schwarz stated he believes this mirrors the market; however, I do not feel it incentivises people on an \$180,000 - \$200,000 purchase. Supervisor Limestall stated the realtors feel it helps make the sale, because the homebuyer gets this money back. Roll Call Vote: Bardill, Bellm and Nicolaides voted aye, Schwarz voted nay. Motion carried.

Approve Waiver of Building Permit and Inspection Fees for ADA Improvements to 1405 9th Street for Make-A-Wish Foundation – Councilwoman Bellm made a motion to approve waiver of building permit and inspection fees for ADA improvements to 1405 9th Street for Make-A-Wish Foundation as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for Bid #PR-01-12 Purchase of One Crossover – Sport Utility Vehicle for the Parks and Recreation Department – Councilman Bardill made a motion to approve Notice of Municipal Letting for Bid #PR-01-12 purchase of one Crossover – Sport Utility Vehicle for the Parks and Recreation Department as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for Bid #E-02-12 Purchase of One Forestry Truck and Chipper for the Electric Department – Councilwoman Bellm made a motion to approve Notice of Municipal Letting for Bid #E-02-12 purchase of one Forestry Truck and Chipper for the Electric Department as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Approve a Supplemental Engineering Services Agreement with Oates Associates, Inc. for Work on US Hwy 40 and Hemlock Street Intersection – Councilman Bardill made a motion to approve a Supplemental Engineering Services Agreement with Oates Associates, Inc. for work on US Hwy 40 and Hemlock Street Intersection, in the amount of \$38,000 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Nicolaides voted aye, none nay. Motion carried.

REPORTS

Approve Warrants #874 & #875 – Councilwoman Bellm made a motion to approve Warrants #874 & #875 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Councilman Nicolaides abstained. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:53pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk