

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, AUGUST 7, 2017**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Schwarz, Frey, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, Asst. City Manager Peck, City Attorney McGinley; Directors Bell, Gillespie, Korte, and Imming; EMS Captain Wilson, Fire Chief Bloemker and Deputy City Clerk Hediger; 9 citizens and one member of the news media.

MINUTES

Councilman Schwarz made a motion to approve the minutes of the July 17, 2017 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none voted no. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Ray Voss, owner of Hi-Top Bowl, 212 Walnut Street, concerning Item G on the agenda, asked the council how many liquor licenses and how many gaming licenses will be issued. The mayor responded that each request for a new license has to come before the city council.

Requests of Council:

No comments or requests were presented.

Staff Reports:

City Manager Latham reported that at the August 21 council meeting, the council will be setting the dates and times of the public hearings to receive comments regarding the proposed business districts. There will be three public hearings on Tuesday, September 5, the first at 5:30 PM, the second at 5:45 PM and the third at 6:00 PM. The council is not required to be present, but the Mayor is.

City Manager Latham reported that the Korte Recreation Center received the Post-Dispatch/Suburban Journal award for Best Recreation Center in Southwestern Illinois.

City Manager Latham reported that the city has received approval from IDOT to move forward on the engineering and purchase of right-of-way for the roundabout at Iberg and St. Rose Road. We have been waiting on that since March.

City Manager Latham reported that we have received a commitment for funding of the trail along State Route 160 near the entrance to the hospital, from Troxler Avenue to U.S. Route 40 at the roundabout.

NEW BUSINESS

Bill #17-74/ORDINANCE Annexing Certain Territory to the City – 2906 Hilltop Drive – Councilwoman Bellm made a motion to approve Bill #17-74/Ordinance #2799 Annexing 2906 Hilltop Drive to the City, as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none voted no. Motion carried.

Bill #17-75/RESOLUTION Approving and Authorizing Execution of a Preliminary Engineering Agreement with CSX Transportation, Inc. for Proposed Lindenthal Creek Culvert Replacement or Modification – Councilman Schwarz made a motion to approve Bill #17-75/Resolution #17-08-2465 approving and authorizing execution of a preliminary engineering agreement with CSX Transportation, Inc. for proposed Lindenthal Creek culvert replacement or modification, as attached; seconded by Councilwoman Bellm. City Manager Latham clarified that CSXT will not review the proposed options for correcting this problem, until we enter into this agreement and pay up front, whether they ultimately approve any of them or not. He reported that the funds to pay for this will come from the TIF fund. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none voted no. Motion carried.

Bill #17-76/ORDINANCE Approving Revised Intergovernmental Cooperation Contract for Annual Renewal with the Illinois Municipal League Risk Management Association – Councilwoman Bellm made a motion to approve Bill #17-76/ Ordinance #2800 approving a revised intergovernmental cooperation contract for annual renewal with the Illinois Municipal League Risk Management Association, as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none voted no. Motion carried.

Bill #17-77/RESOLUTION Rejecting All Bids (PR-11-17) for Work Associated with Painting the Exterior of the Korte Recreation Center – Councilman Schwarz made a motion to approve Bill #17-77/Resolution #17-08-2466 rejecting all bids submitted (PR-11-17) for work associated with painting the exterior of the Korte Recreation Center, as attached; seconded by Councilwoman Bellm. City Manager Latham reported that the painters are all busy right now and therefore the bids came in much higher than our estimates. For that reason, we would like to rebid this later this year. Jason Weiss from the Korte Company explained that the bids came in over budget because painting the exterior of that building is a very difficult job and the painters currently have plenty of work. The advice that he is giving the city right now is to do some touch up work to make it look better and to preserve the long-term sustainability of the building. We have a proposal for \$14,000, from a painter that The Korte Company works with, to do some touch-up to the building in October. Councilman Schwarz asked why the bids were so far off from the estimates. Mr. Weiss reported that the last time the building was painted, The Korte Company ate about \$40,000 to do some labor that Director Rosen wasn't aware of, which resulted in a final cost to the city for painting the KRC of approximately \$80,000. He indicated that the bid submitted for painting only was not really out of line. Mr. Weiss indicated that it is not advisable to paint the building without caulking it first as the caulking between the tilt-up panels is 16 years old and caulk is good for anywhere from seven to ten years. Mr. Weiss added the alternate on the bid calling for aluminum sill pans to help keep moisture from getting between the layers of the walls and the paint itself is to be breathable to allow moisture to escape. Councilman Frey asked if some of the moisture problems are actually due to the indoor pool. Mr. Weiss responded that The Korte Company hired some specialists to investigate that and determined that they aren't. In fact, the side of the building opposite the swimming pool has the majority of paint problems. He believes that it is due to moisture getting between the concrete and the insulation.

It is not affecting the integrity of the building, it is just affecting the aesthetics. City Manager Latham suggested that the touch-ups should be done soon. Mr. Weiss indicated that the painter that bid on the job is very knowledgeable and knows what it is going to take to remove the paint from the building; adding that any painter would choose to paint three new buildings before they would take on a project like the KRC. He also speculated that having The Korte Company connected to this project could actually have had an effect on the number of bids received because the painters know that Korte often uses a certain painter, so they may not have bid for that reason. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none voted no. Motion carried. All bids were rejected.

Bill #17-78/RESOLUTION Approving an Acceptance of Service Request for Electric Service from the City of Highland – Councilwoman Bellm made a motion to approve Bill #17-78/Resolution #17-08-2467 approving an acceptance of service request for electric service from the City of Highland, as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye; none voted no. Motion carried.

Bill #17-79/ORDINANCE Amending Chapter 6, of the Code of Ordinances, Alcoholic Liquor, to Increase the Number of D2 Liquor Licenses to Eleven – Councilman Schwarz made a motion to approve Bill #17-79/Ordinance #2801 Amending Chapter 6, of the Code of Ordinances, Alcoholic Liquor, to increase the number of “D2” Liquor Licenses to eleven, as attached; seconded by Councilwoman Bellm. Councilwoman Bellm stated that her understanding was the intention of changing the whole liquor ordinance was that it was a way to limit the number of establishments that have gaming. Now we are being asked to issue another one. She has some conflict with that. She doesn’t have a problem with an established tavern or restaurant adding gaming, but doesn’t like the idea of adding another gaming parlor. Lisa Peck indicated that the business requesting the license will be a restaurant franchise that locates predominantly in convenience stores. She was reluctant to name the franchise. The floorplan submitted shows 24 seats, nine barstools and a bar; adding that it would also have gaming. Councilman Frey asked the council what would happen if they would say “No” to this franchise, and then another one makes a request. Mayor Michaelis clarified that the intention of changing the whole liquor ordinance was so that the number of gaming “parlors” could be limited. City Attorney McGinley confirmed that he and Mayor Michaelis met with this applicant to determine whether or not his site plan and proposal for this business meets the description from our ordinance for a restaurant. They determined that in fact if everything that is proposed in their plan happens, they would qualify for a “D2” liquor license. Councilwoman Bellm asked what recourse the city would have if they didn’t follow through with their plans as presented and ended up with a gaming parlor rather than a restaurant. The City Attorney stated that there are provisions in the ordinance that allow the city to revoke a license if the holder does not comply with the ordinance. City Attorney McGinley clarified that the ordinance clearly defines a restaurant and a gaming parlor. If an establishment strays from the type of business for which they hold a license, their license can be revoked. Councilman Schwarz believes that what constitutes too many gaming parlors may be different for each councilperson. He believes each councilperson should just vote their conscience in that regard. Councilwoman Bellm asked Attorney McGinley if that is possible without causing a problem. Mr. McGinley stated that each application should be considered individually. Councilman Frey pointed out that this applicant is investing too much money not to make a success of the restaurant. Mayor Michaelis pointed out that they have already purchased the house next to their existing building. Roll Call Vote: Councilman Schwarz abstained; Frey and Bellm voted aye; Nicolaides voted no; and Mayor Michaelis voted aye. Motion carried.

Bill #17-80/RESOLUTION Issuing Spin N Café a “D2” Liquor License Pursuant to Chapter 6 of the Code of Ordinances, Entitled Alcoholic Liquor – Councilwoman Bellm made a motion to approve Bill #17-80/ Resolution #17-08-2468 Issuing Spin N Café a “D2” Liquor License pursuant to Chapter 6, of the Code of Ordinances, entitled Alcoholic Liquor, as attached; seconded by Councilman Schwarz.

Roll Call Vote: Councilman Schwarz abstained; Frey, Bellm, and Nicolaides voted aye; none voted no. Motion carried.

Approve a Notice of Municipal Letting, Bid #PW-12-17 for Purchase of One Truck Body with Crane - Councilman Schwarz made a motion to approve a notice of municipal letting, Bid #PW-12-17 for purchase of one truck body with crane, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye; none voted no. Motion carried.

REPORTS

Approve Warrants #1065 & #1066 – Councilwoman Bellm made a motion to approve Warrants #1065 & #1066 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey and Bellm voted aye; none voted no. Councilman Nicolaides abstained. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Schwarz. All council members voted aye, none voted no. Motion carried and meeting adjourned at 7:55pm.

Joseph Michaelis, Mayor

Lana R. Hediger, Deputy City Clerk