

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, AUGUST 5, 2019**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers Sloan, Frey, Bellm and Hipskind were present. Others in attendance were City Manager Mark Latham, City Attorney McGinley, Directors Conrad, Cook, Gillespie, Imming, Kim, Korte, Rosen and Slover; Chief Wilson, B&Z Administrator Speraneo, Deputy City Clerk Hediger, City Clerk Bellm, one member of news media, and 16 citizens.

MINUTES

Councilman Frey made a motion to approve the minutes of the August 5, 2019 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

SPECIAL RECOGNITION

Mayor Michaelis recognized recently retired Steve Plocher and Dennis Wernle for their long-time service on the Highland-Pierron Fire Protection District. Combined 73 years serving and serving well for the Highland-Pierron Fire Protection District. Mr. Wernle stated I am glad they gave me the opportunity to serve; it has been a real pleasure. Mr. Plocher stated it has been a unique opportunity to do what we have done. We have enjoyed the work we have done. Change. Things used to change fast; now they change faster. As leader of Highland-Pierron Fire District, we have to look towards tomorrow and support the community we are in. We are thankful for the community of Highland and the surrounding rural communities we serve. I think eventually, we will be together as a group. It means a lot to have all the people that have reached out and say “thank you”. Mayor Michaelis pointed out there was no ambulance call, years ago; however, now your department reports to 300+ per year. Mr. Wernle agreed a lot of change is ambulance calls. They used to load the patients up and go; now, we are on scene with them as do some treatment there. Mr. Plocher noted training has changed for fire department too. We are able to provide support and even assist those in emergency prior to EMS showing up. Mayor Michaelis added the levels of certification have really changed and evolved. Mr. Plocher recalled when we joined the training was that they gave us a fire hose and told us to put the fire out. Now, there is a lot of training involved. Recruiting is one thing, but finding those with the time, willingness to do this is difficult. Steve introduced his wife, Connie. Dennis introduced his wife, Lori. Also in attendance: Steve’s daughter, Jessica, who is a firefighter, as is her husband; Dennis’ son-in-law, who is also a firefighter; Dennis’ daughter and grandson; and, Steve’s two grandsons. Steve pointed out this service does runs in the family.

PUBLIC FORUM

Citizens' Requests and Comments:

Rebecca Kluk and Andrew Plocher, with Highland Jaycees, stated they are present to discuss the current food truck vendor ordinance that is proposed. We have some concerns with the proposed ordinance. Items listed in 33-8-4 of the ordinance and the proximity and number of food trucks at Schweizerfest, which is one of our larger events. These things would make it difficult. City Attorney McGinley stated there are many factors to be considered in making a determination in permitting. Ms. Kluk stated our concern is the number of licenses. As stated under 33-8-6 (C) that is currently one license. City Attorney McGinley agreed. After looking at this, again, this weekend, it should be similar to the liquor license and raffle ordinances with a Class A and Class E. Class A would be all the time; Class E would be for events.

Mayor Michaelis inquired about non-for-profit trailers. Attorney McGinley responded this does not apply to Optimists, Lions or Moose Lodge. Mayor Michaelis asked would this apply to Schweizerfest. Attorney McGinley reported it could go either way and that needs to be cleaned up. I am looking for input from the council. Councilwoman Bellm asked do we do it now or later. Mayor Michaelis suggested later when this comes up on the agenda. We can discuss and then have it tabled for other meeting, after it has been revised.

Andrew Plocher asked is the beer trailers considered part of this. Attorney McGinley replied the Jaycees are non-for-profit, so this does not apply. Ms. Kluk stated the majority of concerns relate to Schweizerfest and other community events that we sell food and beer. City Attorney McGinley stated I appreciate the questions and the issues brought. I recommend we discuss this, then table it so that we can make changes.

Requests of Council:

Councilman John Hipskind reported he received a call from Mr. Farmer today. He asked that a thank you be passed along to the city administration for putting up the attachments on the website.

A few comments from Highland Community Facebook page that I would like to address: One is already being addressed, with regards to the mention of the derelict property on Olive Street. Another was people expressing concern about speeding on Laurel Street, particularly at 9th & Laurel Street. A suggestion for possibly a stop sign at that intersection. In addition, the stop light at Hemlock produced some discussion. At Sportsman Road and Frank Watson Parkway, it is a two-way stop, currently. Many on Sportsman Road think traffic on Frank Watson Parkway will be stopping, at that intersection, but traffic does not. Possibly adding a sign that says, "cross traffic does not stop", would help. Mayor Michaelis reported it is a three-step process to address traffic issues. The chief review it, then it goes to Public Works, and they then forward to City Manager Latham, if in agreement, for signing off.

Councilman Frey asked Chief Wilson about the status of the old fire engines. Chief Brian Wilson reported a couple people have expressed interest.

Staff Reports:

City Manager Latham reported we had addressed the intersection of Hwy 40 & Hemlock even before Frank Watson Parkway was constructed. IDOT (Illinois Department of Transportation) continued to deny that anything was needed there. We spent a million dollars widening the intersection. Over the course of last two years, IDOT has agreed to the stoplight, since we offered to pay for it. The lengthiness of the process has been due to the permissions and sign off on everything from CSX.

City Manager Latham clarified, with the roundabout construction, it was a ninety-day working contract. The contractor had until November 1 to get the project done plus any rain dates would add onto it. We are still awaiting from the contractor the final markers.

David Slover has been working with IML (Illinois Municipal League) on a status report of our coverages. He has estimated that we have saved over \$650,000, over the last three years, that we have been under the min-mid-max plan for liability and workers' comp policies.

NEW BUSINESS

Award Bid #PD-10-19 Purchase of One Special Service Sport Utility Vehicle – Councilwoman Bellm made a motion to award Bid #PD-10-19 for purchase of one special service sport utility vehicle from one 2019 Dodge Durango, from McGinley, Inc., in the amount of \$26,995 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Frey, Bellm and Hipskind voted aye, none nay. Councilwoman Sloan abstained. Motion carried.

Bill #19-89/ORDINANCE Establishing Chapter 33, Licenses and Business Regulations, Article VIII, Mobile Food and Beverage Vendors – Councilman Frey made a motion to approve Bill #19-89/ Ordinance #2951 establishing Chapter 33, Licenses and Business Regulations, Article VIII, Mobile Food and Beverage Vendors, as attached; seconded by Councilwoman Bellm. Councilman Hipskind reported someone from the Jaycees reached out to me today. Those have been the primary concerns. He suggested Paragraph 33-8-7 include in the title, or created 33-8-7 (A), to include non-for-profit groups and or those vendors on their behalf are exempt from this ordinance. Councilwoman Bellm stated I could go along with that. I agree any food vendors at those kind of events should be the responsibility of the event host. City Attorney McGinley asked do we just make it very clear up front that the only ones that this covers is the annual licensed vendors. Councilwoman Bellm stated, if we specify non-for-profit, I do not know that they are all 501(c) non-for-profit; they may be a different class of non-for-profit. Councilwoman Sloan asked are we going to say there is one-time fee, if one wanted to come in from one evening. City Attorney McGinley suggested maybe leave it in there, but define who is non-for-profit. Councilman Hipskind agreed just define non-for-profit. Councilman Frey pointed out there are places now that bring in food trucks to handle larger crowds. How do we want to handle food trucks used on private property? Councilwoman Sloan pointed out the people that approached us, originally, discussed putting the truck out on Glik's Northtown Parking Lot, so would they have to get permission from property owners.

Mayor Michaelis asked if someone wants to have a stand at Schweizerfest, how is that handled. Andrew Plocher, Highland Jaycees, stated they do a contract with us and they have to get a license through Madison County Health Department.

Mayor Michaelis asked do the vendors pay a fee to Jaycees. Mr. Plocher responded they pay \$100 to Jaycees and then after a certain dollar amount they pay a percentage of sales to the Jaycees. He suggested a special event/one-day permit. City Attorney McGinley suggested any outdoor event, held on public property. It may be something that runs a couple of days. We may be able to use non-for-profit organizations hosting city special events are exempt. This provides information and control. It allows those organizations to handle the process of determining the food trucks that participate. Councilwoman Bellm asked how private property factors into this. What if the private property is within 200-ft of a restaurant. City Attorney McGinley advised by the requirement that the property is appropriately zoned for this. The Northtown parking lot is zoned for such use. Councilwoman Bellm pointed out there is a discrepancy in the proposed ordinance because it stated 500-feet in one place, but 250-feet in another section. Attorney McGinley stated it should be 250 feet.

Councilwoman Bellm noted the proposed ordinance says the number of licenses is one, under 33-8-6 (C) (3). We have had one person already inquire, to get this started. Let us give some and set the limit, so that we are not changing this every month. Attorney McGinley explained this functions the same as the liquor license. We can chose to grant, as we want. Councilwoman Bellm inquired, by doing that, we are not opening us up to anything if we allow to a certain number and keep increasing it, but then we say no? City Attorney McGinley stated, like the classifications of liquor licenses, we can increase the number, but as one license expires, the number also drops. He suggested make the daily licenses unlimited, so council is not bogged down with those.

Councilwoman Sloan asked what would be the reason for providing three references. Attorney McGinley explained it is simply to provide three people to vouch for them. Same as done for a liquor license. Councilman Frey noted there is an ice cream truck that goes around Highland and it parks in spots for periods. I would think that would fall under this ordinance. Attorney McGinley replied I thought we had addressed it already, with another ordinance; however, we will have to review the ordinances and check into that. City Attorney Mike McGinley requested the council postpone for one month to get everything right. Councilwoman Bellm made a motion to postpone this item until the Tuesday, September 3 Council Meeting. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried; item postponed.

Bill #19-90/RESOLUTION Selecting a Placement Agent in Connection with proposed Issuance by the City for Electric System Refunding Revenue Bonds, Series 2019 and Acknowledging Certain Matter Pursuant to MSRB Rules – Councilwoman Bellm made a motion to approve Bill #19-90/Resolution #19-08-2632 selecting a Placement Agent in connection with proposed issuance by the City for Electric System refunding Revenue Bonds, Series 2019 and acknowledging certain matter pursuant to MSRB rules as attached; seconded by Councilman Frey. Councilman Frey stated since my background is not finance, I have some questions. Looking at estimated cost, I see some that are lower than the amount proposed by Stern Bros. & Bank of Edwardsville, but are very close. Director of Finance, Kelly Korte, reported Stern Bros. does not require us to get insurance and bonding. That is a tremendous amount of staff time and associated costs. I wish Joy was here and could answer these questions in more detail. She used a spreadsheet to factor in all estimated costs. She is including all fluctuations, other fees, and the number of years, to come to these recommendations. Councilman Frey noted some referenced a rate and different number of years. Director Korte reported when Joy originally calculated this, the savings was estimated at only \$350,000. With proposals that came in, she is estimating over \$650,000 over remainder of the loan. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-91/ORDINANCE Amending Ordinance No. 2819 and Other Related Matters Concerning the Borrowing of Funds from the Water Pollution Control Revolving Loan Program – Councilman Frey made a motion to approve Bill #19-91/Ordinance #2951 amending Ordinance No. 2819 and other related matters concerning the borrowing of funds from the Water Pollution Control Revolving Loan Program as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-92/RESOLUTION Approving and Authorizing the Execution of a Construction Agreement between CSX Transportation, Inc. and City – Councilwoman Bellm made a motion to approve Bill #19-92/Resolution #19-08-2633 approving and authorizing the execution of a construction agreement between CSX Transportation, Inc. and City as attached; seconded by Councilman Frey. Councilman Frey pointed out the amount is estimated at \$546,000. We are anticipating that ICC will come through with a grant. Do we have a plan if they do not come through? Public Works Director Joe Gillespie admitted until they have the final order, there is no guarantee. All the discussions have been very positive about assisting with the cost. They have not waived on that amount. City Manager Latham added City Attorney McGinley has been part of those conversations and getting everyone

together and holding everyone's feet to the fire. It is not a 100%, but we are very confident they will come through. There is a judge moving things forward. Councilman Hipskind expressed if we can save someone's life, it is a small price to pay. City Manager Latham reported we definitely have the commitment; we just have to show final commitment of the project. Most of the project is in the railroad cost. It is not the signals. Councilman Hipskind clarified with authorization to do this, the council is giving authorization to go out for bid on this project and continue moving the project forward. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-93/RESOLUTION Approving and Authorizing the Execution of an Illinois Department of Transportation Access Permit Application, and Authorizing the Execution of All Required Documents for a \$50,000 Highway Permit Bond – Councilman Frey made a motion to approve Bill #19-93/Resolution #19-08-2634 approving and authorizing the execution of an Illinois Department of Transportation Access Permit Application, and authorizing the execution of all required documents for a \$50,000 Highway Permit Bond as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

REPORT

Approve Warrants #1137 & #1138 – Councilwoman Bellm made a motion to approve Warrants #1137 & #1138 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Frey, Bellm and Hipskind voted aye, none nay. Councilwoman Sloan abstained, noting there is payment for a truck purchase in there. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn this regular session to enter into executive session under the Illinois Open Meetings Act under 5 ILCS 120/2(c)(21) to discuss approval of executive session minutes and 120/2(c)(2) to discuss collective negotiating matters. Motion seconded by Councilman Frey. Meeting adjourned at 8:02pm.

Mayor Michaelis reconvened the Regular Session at 8:35pm. Council members Hipskind, Bellm, Frey and Sloan were present. Others in attendance were City Manager Mark Latham, City Attorney Michael McGinley, Directors Cook, Imming and Slover, Deputy City Clerk Hediger, and City Clerk Bellm.

Mayor Michaelis stated that nothing discussed in Executive Session would be acted upon tonight.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting adjourned at 8:36pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk