

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
TUESDAY, SEPTEMBER 3, 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, Korte, Rosen and Slover; Coordinator Hubbard, B&Z Administrator Speraneo, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, and 5 citizens.

Councilman Frey made a motion to remove Item E, Bill #19-104 waiving normal & customary bidding procedures and authorizing execution of contract with J.F. Electric for construction of Fiber Cabinet LCP04; seconded by Councilwoman Bellm. City Attorney Michael McGinley explained there were last minute changes made to the contract. The contract in the packet does not represent the contract that is to be finalized. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

MINUTES

Councilwoman Bellm made a motion to approve the minutes of the August 19, 2019 Regular Session as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Frisbee Golf Demonstration – Square Use Request – Angela Kim, Director of Louis Latzer Memorial Library, stated we are planning a Frisbee golf learning demonstration. Donna Plocher, Librarian, of the Children's Library, has been working a lot with Director Rosen and a person from St. Louis who will be bringing the nets. There would be an explanation of the game and a demonstration done on the Square, on Thursday, September 26, 2019, from 6:30pm – 7:30pm. Councilman Frey made a motion to approve the request of Donna Plocher, Librarian, of Louis Latzer Memorial Children's Library for use of the Square as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Requests of Council:

No request or comment.

Staff Reports:

City Manager Latham reported we did finally get the roundabout signage completed. For the item on the agenda, with CSX, we did receive final land acquisition approvals to get that project started.

Mayor Michaelis recalled I spoke at the last council meeting regarding the special event we are planning with the return of Bill Tschudy to Highland. City Manager Latham, Chief Conrad, Chief Wilson and I are serving on a committee, along with Mike Voegele and several others to coordinate that. Lt. Tschudy was a Prisoner of War 1965-1972. The last Saturday of this month, he will be inducted into the HIASAA (Highland IL Area Schools Alumni Association) at Highland High School. We will know more for planning of welcoming and honoring Mr. Tschudy on his return to Highland, this Thursday, when we meet again. We are planning a parade for Friday, September 27. We hope the public will gather along Broadway as a way to say “thank you”. Now that we know his flight time, it will help with planning. We are looking at the parade occurring on Friday morning, since the schools are out that afternoon. The school has a pep rally scheduled for 11:00am that morning and then lets out. We are coordinating with HHS for the event and we will advertise this in a number of ways, as well.

UNFINISHED BUSINESS

Bill #19-89/ORDINANCE Establishing Chapter 33, Licenses and Business Regulations, Article VIII, Mobile Food and Beverage Vendors – Councilwoman Bellm made a motion to approve Bill #19-89/Ordinance #2955 establishing Chapter 33, Licenses and Business Regulations, Article VIII, Mobile Food and Beverage Vendors as attached; seconded by Councilman Frey. Councilwoman Bellm asked what the Class B, special event license is. City Attorney McGinley explained this is split into annual license and “one-off” license for something like a food truck day or should there be a general public consumption event. Councilwoman Bellm inquired this does not tie into any Jaycee sponsored events, or similar. City Attorney McGinley responded, 33-8-7 and 33-8-8 exempts all non-for profit and organizations having a non-for-profit event or city event. Class B would be for any, special event not associated with a non-for-profit. We are trying to capture all instances. Councilwoman Sloan stated I would like to get rid of the wedding reference in examples listed under “City Special Event.” I have never been to one that has been open to the general public. I think it adds confusion. City Attorney McGinley explained this is a special event definition. These are just examples. The key is ‘event held on public or private property which is open to attendance by the general public’. Councilwoman Sloan asked what if a tavern or bar wants to have one on their property, but wants to offer food to the general public. Would they need to get a license? Attorney McGinley replied yes. Councilwoman Sloan asked what if the city is hosting an event and wants to have food truck. Attorney McGinley responded, in hosting such event, I do not think the city would be looking to make a profit from the event. So, Flugel Fest would fall under the for-profit class. Mayor Michaelis asked Councilwoman Sloan if she wanted to amend anything. Councilwoman Sloan replied no, I just wanted to understand it. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

NEW BUSINESS

Approve Mayor’s Appointment of Al Stoecklin to the City’s Combined Planning and Zoning Board – Councilman Frey made a motion to approve the mayor’s appointment of Al Stoecklin to the City’s Combined Planning and Zoning Board, for a five-year term, to expire August 31, 2024 as attached; seconded by Councilwoman Bellm. Councilwoman Bellm expressed Jim Gallatin has done a fine job serving for twenty-seven years. She quipped, since Mr. Stoecklin has very little to do, right now, we are good for the next twenty-seven years. Mayor Michaelis agreed we want to thank Mr. Gallatin for his service. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-101/ORDINANCE Amending the Code of Ordinances, Section 42-160, Possession of Tobacco Products by a Minor, Removing the Term “Minor” and Increasing the Age Limitation to

Twenty-One (21) Years of Age – Councilman Frey made a motion to approve Bill #19-101/Ordinance #2956 amending the Code of Ordinances, Section 42-160, Possession of Tobacco Products by a Minor, removing the term “Minor” and increasing the age limitation to twenty-one (21) years of age as attached; seconded by Councilwoman Bellm. Mayor Michaelis asked how that is going to be enforced, in particular, the possession. Police Chief Chris Conrad reported this state statute went into effect July 1. We will enforce through those dispensing tobacco products. Possession is still legal. It was going to be an extreme case to do any charges on someone underage. We are enacting an ordinance that mirrors the state law. By doing this, it gives the options to the officers to use a municipal ordinance versus state law to charge an offense. Councilwoman Sloan stated this allows for ticketing of high school students with a charge of ordinance offense to that it does not affect their criminal record. Chief Conrad concurred. We put things into place at the high school, years ago, when vaping came in. There is a progression of discipline, with the intent to adjust behaviors. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-102/RESOLUTION Approving and Authorizing Execution of Refuse Collection Contract with Robert “Bob” Sanders Waste Systems, Inc., for the One-Year Period from October 1, 2019 through September 30, 2020 – Councilwoman Bellm made a motion to approve Bill #19-102/Resolution #19-09-2639 approving and authorizing execution of refuse collection contract with Robert “Bob” Sanders Waste Systems, Inc., for the one-year period from October 1, 2019 through September 30, 2020 as attached; seconded by Councilman Frey. Councilman Hipskind asked if there was anyone here from Sanders Waste Systems. Director Kelly Korte replied no. City Manager Latham noted there is no increase in rates, which is extremely rare. Mayor Michaelis agreed that is very good. In years past, I received several complaints about the trash haulers. That has changed. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-103/RESOLUTION Approving a Collective Bargaining Agreement Between City and the International Brotherhood of Electrical Workers – Councilman Frey made a motion to approve Bill #19-103/Resolution #19-09-2640 approving a collective bargaining agreement between City and the International Brotherhood of Electrical Workers as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-105/RESOLUTION Approving Affiliation Agreement Between City d/b/a HCS and Vivicast / NTTC, and ACC – ESPN Network – Councilwoman Bellm made a motion to approve Bill #19-105/Resolution #19-09-2641 approving affiliation agreement between City d/b/a HCS and Vivicast / NTTC, and ACC – ESPN Network as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-106/RESOLUTION Approving Intergovernmental Agreement with the Illinois Department of Transportation for Construction of a Shared Use Path Along IL State Route 160 – Councilman Frey made a motion to approve Bill #19-106/Resolution #19-09-2642 approving intergovernmental agreement with the Illinois Department of Transportation for construction of a shared use path along IL State Route 160 as attached; seconded by Councilwoman Bellm. Councilwoman Bellm asked are we getting help with this. Councilman Frey noted the cost of the project is \$649,000, with federal grant funding in the amount of \$247,000. City Manager Latham reported initially, the plan was to build a shared use path on the right of way along Illinois Route 160. It was identified that we have some very congested utilities in that area. Instead of buying additional right-of-way, we have decided to fill in the ditch with storm sewer and construct the path over the top. We will then connect into the shared use path at the hospital entrance. That is why the amount increased. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #19-107/RESOLUTION Approving and Authorizing Execution of a Construction Agreement with CSX Transportation, Inc. for Proposed Culvert Modification – Councilwoman Bellm made a motion to approve Bill #19-107/Resolution #19-09-2643 approving and authorizing execution of a construction agreement with CSX Transportation, Inc. for proposed culvert modification as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting, Bid #PW-18-17 for US 40/Hemlock/Frank Watson Parkway Intersection Signalization – Councilman Frey made a motion to approve Notice of Municipal Letting, Bid #PW-18-17 for US 40/Hemlock/Frank Watson Parkway Intersection Signalization as attached; seconded by Councilwoman Bellm. Mayor Michaelis stated, in the last number of years, City Manager Latham has worked diligently on this project. He asked Chief Conrad if this is needed. Chief Conrad replied absolutely. We have had several accidents at that intersection and they are never good, because of the speed of traffic in that area. It is a very dangerous intersection. Mayor Michaelis expressed it has taken a lot of time on Mark's part to get this project to happen. City Manager Latham reported IDOT has certain criteria about what warrants or permits traffic light intersections. They do not feel this area warrants them. Finally, they decided that they would give us permission to put the signalization in, if we pay for it. The ICC will be putting in just over \$400,000 for the cost of the CSX signalization. Councilman Hipskind asked how soon construction will begin. Public Works Director Joe Gillespie reported we have received a draft order from ICC. Once we work through it and put before the council, which we hope to do at the next meeting, we can then go out for bid after that approval. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting, Bid #E-15-19 for Purchase of Substation Transformers – Councilwoman Bellm made a motion to approve Notice of Municipal Letting, Bid #E-15-19 for purchase of substation transformers as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Discussion - Increase in Number of Video Gaming Machines Per Licensed Establishment to Six – Mayor Michaelis stated I am sure this is going to generate some yes and some nos. I am not expert on it, but we do have someone present tonight that knows a lot about this. Kent Wiese, with Corner Keg, explained some things to me prior to the meeting. I am going to ask him to speak. Kent Wiese, owner of Corner Keg and President of IBOA (Illinois Bar Owners Association) for Madison County, stated we have been working closely with the gaming regulations in Illinois. The new laws raise percentages, granted the addition of five casinos, gaming at the horse race tracks, and the addition of gaming machines at eligible establishments. Any new truck stops with the new regulations can go to ten machines. The sixth machine is to offset the cost. It does not guarantee that an establishment gets the sixth machine. However, if the council, votes against it, the gaming vendors will place the machines in establishments in other municipalities around us. City Attorney McGinley reported other changes in this bill were increasing the maximum bet in machines from \$2 to \$4, and the state tax increases from 30% to 33% with additional 1% increase July 1, 2020. If we are going to amend ordinance, I think we just change the five machines to six. Mr. Wiese replied that is correct. Just because ordinance allows six machines does not mean the establishment gets the sixth machine. That is under the discretion of the gaming vendor that supplies the machines. Attorney McGinley concurred, it is up to the terminal operators and vendor determine number of machines in any establishment that is eligible. Mr. Wiese reported this is at least two months out, if not January 1, 2020, before you will see any potential of a sixth machine in any establishment effected by this. The boards have changed members and are still working out the process of implementing. Councilman Frey expressed since the state is increasing the percentage, this sixth machine would offset the costs. All councilmembers concurred.

REPORT

Approve Warrant #1140 - Councilwoman Bellm made a motion to approve Warrant #1140 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:40pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk