

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, MAY 4, 2020**

Mayor Michaelis called the Regular Session to order at 7:00pm. Due to the City’s COVID-19 Response, Mayor Michaelis and Councilmembers Sloan, Frey, Bellm, and Hipskind were present via phone. Others present via phone: City Manager Latham, City Attorney McGinley, Directors Conrad, Cook, Gillespie, Imming, Korte, Rosen, and Slover, Chief Wilson, and City Clerk Bellm. Deputy City Clerk Hediger was present in Council Chambers.

MINUTES

Councilman Frey made a motion to approve the minutes of the April 20, 2020 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

PROCLAMATIONS

Mayor Michaelis read a document proclaiming the month of May as Motorcycle Awareness Month in the City of Highland.

PUBLIC FORUM

Citizens’ Requests and Comments:

No comments or requests were presented by anyone. Deputy City Clerk Lana Hediger stated the only comments received was the email sent in by Mike Dumstorff that she presented to Mayor Michaelis earlier. Mayor Michaelis stated he would be addressing that under Staff Reports

Requests of Council:

Councilman Frey stated a number of citizens talked to me about some issues. A number of people expressed concern about some places requiring employees and customers to wear masks, while others seemed to be ignoring it. I am looking for input if we there is anything we want to do. Councilwoman Sloan asked isn’t it up to the businesses to enforce it. Chief Conrad explained, on enforcement, to a degree that is somewhat correct there. If we get a complaint that a business is ignoring the mask order, there is not a criminal charge. If the businesses have a risk management plan put into place and if a customer refuses to comply, they could ask the customer to leave. If the customer refuses, then it becomes a trespass issue/arrest. Just as the requirement to wear shirt and shoes or no service, this is now, “No Shirt, No Shoes, No Mask – No Service.” There is a poster that was distributed by the Department of Labor; it is a required new posting for new workplace safety, notifying employees of duties and requirements placed on employers for safety at work. Councilman Frey asked what is an easy answer for us to provide to citizens. Chief Conrad stated, if we get a specific complaint, we will respond to the business and explain to them the duties and requirements they have as business, in particular with

licensing and permits by the State of Illinois. We have had very few complaints. Mayor Michaelis expressed we are not out there looking to enforce this. It is not about enforcement, it is a learning process. I have been in businesses that require it and those that do not. I do not go up and tell them what they need to be doing. Our job is to follow the duties of the attorney general of State of Illinois.

Councilman Hipskind stated he wanted to direct a question to City Manager Latham and Director Korte. He expressed I am struggling with the decision regarding the purchase of real estate that is on the agenda tonight and how this virus is effecting the economic state of municipalities due to decline in revenues. Is that information going to be shared with the council and if we have a plan? I am struggling with money coming out of the general revenue fund when we are foreseeing a decrease in revenue over the foreseeable future. City Manager Latham stated we have put together some figures based upon information from Illinois Municipal League (IML). We believe there will be a possible shortfall from the state government. Director of Finance Kelly Korte has put together some figures that she and I have gone over today. With the budget just passed, we do not forecast revenue high. This past year, we took in \$2.8M in one-cent sales tax. Our budget was based on \$2.7M Based off information from IML, we feel we are going to stay on track with our revenue. The only unforeseen is people who are not going to be able to afford their utilities. We will know more at the end of this next month. We are basing our forecast based upon IML information. Councilman Hipskind expressed that is great to know. It is tough to make a decision on the purchase of a house, right now, when we may need to make tough decisions in the near future. Director Korte reported she is reviewing the enterprise and utility revenues tonight. Once we have the numbers finalized, we will share that information with everyone. Councilman Hipskind asked could we wait until we see those numbers to vote on this purchase. City Manager Latham reported the money is coming from reserves. The city has always been good about maintaining reserves through the ups and downs of the economy. Councilman Hipskind asked do we have anything else coming out of reserves for this next budget year, other than this. Again, how important is it to vote on this tonight? City Manager Latham reported we have a contract. We were planning to close on this Friday. I will leave that up to the council if you want to wait. Director Korte reported there is nothing anticipated to come from the reserves. I just verified that. City Attorney McGinley reported there is a contingency risk built into the contract. If tabled, a new contract would have to be drawn up. The contingency is that we approve this tonight and close on it Friday.

Councilwoman Sloan reported I had a concern from a couple of people regarding the corner of Lindendale and Poplar Street. There is a huge concern about speeding and drivers blowing the stop sign. They do not feel it is being watch and a stop sign that is not clearly visible. Now that families are out walking more, they feel it is more of a concern. Chief Conrad stated we will have officers do more enforcement and look into the issue there. We have talked to citizens in that area about their concerns about speeding near that same area. Will make it a point.

Staff Reports:

City Manager Latham made the council aware that we have received notice from IDOT to proceed with the Route 160 trail construction. Haier Plumbing was awarded the contract. They are planning to start on this project May 11.

Planting around all the roundabouts will begin next week.

Mayor Michaelis stated with regards to the Coronavirus guidelines: Councilwoman Sloan noted we received a complaint. How are we going to help small businesses survive the Coronavirus? Mayor Michaelis acknowledged we all received an email from Heather Pearson regarding the issue with the Stay At Home order. I called and spoke with Heather in great length. I will do what I can in my capacity as mayor to help small businesses. We cannot circumvent what the Governor Prinzker or the Attorney General of Illinois has put into place. On Wednesday, I will holding a meeting here with State

Representative Charlie Meier, Heather, and Jennifer Oestrander. The six-foot distance rule will be in place and I will have my mask on. Chief Conrad and City Manager Latham will be there also. We will ask Representative Meier what assistance is available for small businesses and guidance on what they can do. I am sure Representative Meier has met with other small businesses as well.

Mayor Michaelis pointed out we all have opinions, but we have to follow the orders of the leaders of the State of Illinois, otherwise, we risk liabilities. I know there are municipalities that have said they are not going to obey the governor's orders. Mayor Michaelis asked City Attorney Mike McGinley would there any liability for us, if we disobeyed those orders. City Attorney McGinley advised a willful disregard would expose a municipality to potential liability. Mayor Michaelis stated I do not have more power than the Governor of the State of Illinois does. To make it perfectly clear, today, a U.S. District Judge (a federal Judge) ruled Governor Prinzker's order as constitutional. We have all heard of the small towns or businesses that are going to ignore the orders, but these towns and businesses put themselves at risk.

Mayor Michaelis stated he wanted to read a joint statement put out by Fayette County Sheriff Chris Smith and the States Attorney of Fayette County, Joshua Morrison that puts it into perspective very well: 'We understand your concerns and that the Governor's Executive Orders have resulted in great burdens and hardship on your families, especially financially. We want to assure you that we hear you. However, it would be irresponsible and reckless for us to advise you to ignore the Governor's Orders.' Mayor Michaelis asked is that correct it would be the same for us City Attorney McGinley. City Attorney McGinley replied yes, it would be irresponsible, reckless and willful disregard.

Councilman Hipskind stated, regarding the meeting on Wednesday, I would like to attend, if possible. I have some personal issues at stake. I am reviewing insurance policies to see if the business interruption provision could be invoked. I would like the opportunity to talk to Mr. Meier as well. Mayor Michaelis explained this is for the purpose of the small business. We are there for our small business communities. If you want to hang around and ask him, that would be fine. Chief Conrad reported we will be hosting a virtual town hall meeting for businesses, tomorrow evening at 7pm. I will reach out and get you information on that meeting. Mayor Michaelis stated I will check the numbers to make sure we are under ten people in attendance. I do want the Nancie Zobrist, Exec. Director of Chamber of Commerce there also, so everyone can be on the same page.

Mayor Michaelis asked to finish reading from the statement: 'We are working hard to ensure that your constitutional rights are preserved and we WILL NOT infringe on those rights.' 'It is important to remember that the State of Illinois is in charge of many licenses and your ability to do business in the State of Illinois. While we can ensure you that your personal rights within the county is upheld, if you violate the Governor's Executive Orders, the State, not the County, has the ability to act on professional certifications and licenses you may hold.' Mayor Michaelis pointed out that any permit, license or registration may be at risk if you violate the policies. It is a property owner's right, not a police rule. It is not about the council or police running around enforcing these orders. We, as much as anyone, want to be able to open up the small businesses within the city and county. We are all hearing about constitutional rights. My opinion does not matter. It is what this federal judge has said, in that this order is a constitutional right. Mayor Michaelis asked City Attorney McGinley asked if that is correct. City Attorney McGinley replied yes. Mayor Michaelis opened the floor up for discussion. City Attorney McGinley noted we have put the information up on social media to keep everyone up to date. Councilwoman Sloan expressed local and small businesses are going to be struggling. They are just looking for more information and direction. Anything like the meeting on Wednesday and the virtual town hall meeting is helpful. Mayor Michaelis expressed I just want to say 'I told you so.' At the first meeting in January, for three consecutive meetings, I spoke on this. I knew this was highly contagious and that was coming into the United States. I have tried to explain to people that I the reporter from the

Belleville News Democrat (BND) was at those meetings, but not one word was mentioned in the BND or Highland News Leader.

NEW BUSINESS

Approve Mayor's Reappointments of Members of the Industrial Development Commission, Including: Jim Meridith, Diane Korte-Lindsay, Jon Greve, Marshall Rinderer, and Bill Napper – Councilwoman Bellm made a motion to approve the mayor's reappointments of Jim Meridith, Diane Korte-Lindsay, Jon Greve, Marshall Rinderer, and Bill Napper to the Industrial Development Commission for one-year terms 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-21-19, Water Main Improvements FY2020 – Councilman Frey made a motion to approve Notice of Municipal Letting, Bid #PW-21-19, Water Main Improvements FY2020 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-63/RESOLUTION Appropriating Funds for Motor Fuel Tax Maintenance Materials (MFT Section 21-00000-00-GM) – Councilwoman Bellm made a motion to approve Bill #20-63/Resolution #20-05-2713 appropriating funds for Motor Fuel Tax Maintenance Materials (MFT Section 21-00000-00-GM) as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Hipskind, Bellm, Frey and Sloan voted aye, none nay. Motion carried.

Bill #20-64/RESOLUTION Authorizing And Approving City Manager's Total Compensation Package – Councilman Frey made a motion to approve Bill #20-64/Resolution #20-05-2714 authorizing and approving City Manager's total compensation package as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Hipskind, Bellm, Frey and Sloan voted aye, none nay. Motion carried.

Bill #20-65/ORDINANCE Authorizing The Purchase of Real Estate From Donald L Shimer For Possible Future Construction of A Parking Lot Elimination of Blight, and/or Another Public Purpose – Councilwoman Bellm made a motion to approve Bill #20-65/Ordinance #3016 authorizing the purchase of real estate from Donald L Shimer for possible future construction of a parking lot elimination of blight, and/or another public purpose as attached; seconded by Councilman Frey. City Manager Latham asked to clarify Councilman Hipskind concerns. Based on the budget presented we are scheduled to transfer \$35,000 from General Funds to Reserves and \$25,000 for Wayfinding signage, which are not necessary for this year. Councilman Frey pointed there is other signage still in the budget. Director Korte clarified General Admin has its own amount that was going to go into Reserves. That is what City Manager Latham was referring to. Mayor Michaelis asked City Manager Latham to provide background on this property. City Manager Latham reported the starting asking price was \$100,000. We got an appraisal, which came in at roughly \$75,000. Initially we offered \$60,000 for property. They countered at \$80,000. Meredith Funeral Home owns a portion of the property, from behind the single car garage to the alley. I verified with Jim Meredith that if the city purchased the parcel, he would grant us the property. Mayor Michaelis asked everyone to remember the properties on Main Street and the disrepair of those buildings. Now there is a much-needed parking space for the downtown area. I have not been in this property, but from what I have heard it needs significant repairs. This would allow us to control what happens to property next to City Hall. Councilman Hipskind stated I would like to see the figures on the status of the budget with economy right now. There is a concern of what someone else would do with this property, in the state that it is. I would like to see the numbers on the budget when things are put together. I ask that the city staff tighten the budget after this. Director Kelly Korte reported, based upon billing collection,

we may borrow from that fund, until things turn around, for EMS. Chief Conrad may be able to provide more information. Councilman Hipskind asked how much. Director Korte replied \$100,000. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

REPORT

Approve Warrant #1164 – Councilman Frey made a motion to approve Warrants #1164 as attached; seconded by Councilwoman Bellm. 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. Mayor Michaelis stated if anyone would like a copy of anything talked about tonight, such as copies of the letter by Fayette County, just let me know. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:57pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk