

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, JULY 6, 2020**

Mayor Michaelis called the Regular Session to order at 7:00pm. Mayor Michaelis and Councilmembers Sloan, Frey, Bellm and Hipskind were present. Also present was City Manager Latham, City Attorney McGinley, Directors Conrad, Cook and Speraneo, Coordinator Hubbard, Deputy City Clerk Hediger, City Clerk Bellm, and four citizens were present in the Council Chambers. To allow for COVID-19 Social Distancing the following present via phone: Directors Gillespie, Imming, Korte, Rosen, and Slover and EMS/Fire Chief Brian Wilson.

MINUTES

Councilwoman Sloan made a motion to approve the minutes of the June 15, 2020 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

BID OPENING

Mayor Michaelis noted sealed bids for the sale of property located at 516 9th Street were open for receipt until 3:00pm today. City Manager Latham reported that as of 3:00pm today, no bids were received. Mayor Michaelis stated this is for the vacant lot just across the street from the police department.

PUBLIC FORUM

Citizens' Requests and Comments:

Rally Round the Peace Pole Request – Illinois South Conference of the UCC, Rev. Jerry Bennett requested closure of Broadway for Rally Round the Peace pole on Saturday, July 25, 2020, 10:00am – Noon. We are inviting members of our community and those of southern Illinois for a time of worship for a moment of solidarity. We will be reading their names and have speakers regarding white privilege and how to address our civil sins and pray. Mayor Michaelis asked Deputy City Clerk Hediger if we have notified IDOT of closure of the street. Deputy City Clerk Hediger explained that upon approval of the resolution that is on the agenda, it would be submitted to IDOT for street closure request. Councilwoman Bellm made a motion to approve the closure of Broadway, between Cypress Street and Lemon Street, on Saturday, July 25, 2020, 10:00am – Noon as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Wayne Slade stated he would like to talk for a minute on the marijuana vote that we had just before the shutdown. It is my understanding that we will not be voting on this anytime soon, since there will not be a lot of people allowed in attendance, for some time, and we want everyone that wants to speak to be able to be present and so. There is plenty of time. I just ask that it be advertised in The Pioneer and other means well in advance. I am a little disappointed that Planning & Zoning brought up the marijuana growing issue during this time.

City Attorney McGinley reported that there was a question submitted to the council by Heather Pearson, which was more of a legal question, so he will be addressing it. The email submitted by Heather Pearson stated: 'I wanted to check in to see if the board plans on sharing information with business owners and citizens regarding the ruling by Judge McHaney, which states that Governor Pritzker's orders for individuals and businesses are not valid, as due process was not given.' City Attorney McGinley stated I was not at that hearing and I have not read everything. However, other federal courts have ruled the order is legal and a federal court judge upheld the order the same day, with regards to political gatherings. The U.S. Supreme Court ruled it is legal, with regards to religious gatherings, stating the courts do not turn a blind eye to the rights afforded to citizens under the Constitution. However, the right to practice religions during an epidemic do not apply. The court only overturns on a true invasion of rights. I believe the ruling by Judge McHaney will be appealed and overturned. Mayor Michaelis asked City Attorney McGinley if he would be responding to Ms. Pearson. City Attorney McGinley stated this was submitted via the citizen's portal, as part of COVID-19 response. He will be happy to respond to her, if the council wishes.

Requests of Council:

Councilman Hipskind noted, he has brought his up in the past, and would like an update on how COVID has impacted city revenues. I thought we should have some information by now. City Manager Latham reported we should know more when get the sales tax report from the state the middle of this week for the month of April. As stated before, we budget conservatively. We have a pretty good take on the utility side, which is looking pretty positive. Finance Director Kelly Korte will have a presentation at the next meeting.

Councilman Hipskind noted he had employees reach out at the start of this with concerns. What is the city employees' morale at this point? City Manager Latham reported Directors Chris Conrad and David Slover met with employees and put together a very good plan. Director Slover has been surveying employees. If this comes back again, we will be better prepared. Councilman Hipskind asked if the council members will be able to get a copy of the survey. City Manager Latham replied yes.

Councilman Hipskind pointed out the numbers are rising in many other states. What, if any plans, has the city taken to deal with it, if we should have another shutdown? City Manager Latham reported all employees get temperature checks. We had an employee whose husband was potentially exposed, and they were out for a few days. We had some others with the police department needed to fourteen-day quarantine. However, we have had not positive cases.

Councilman Hipskind asked about the status of the Hemlock intersection signalization project. City Manager Latham reported the railroad is key to getting the project started. They have requested utility locate, so we are positive it will be started soon. Project is estimated to take 3-4 months.

Councilman Hipskind inquired about the response to the business incentive program for website development. Coordinator Mallord Hubbard reported two businesses applied. We are still awaiting notification that their sites are up. The main difficulties we have seen is businesses that have been there for decades. It is a hard push to get them to make the move forward. Several mentioned looking at retirement, so they do not want to invest in this effort. Councilman Hipskind asked has any said \$500 is not worth it. Coordinator Hubbard acknowledge we have had that conversation. In looking back and have to do again, we may look at a different price point. Councilman Hipskind expressed I am not sure what others think, but I do not think this is over, unfortunately. If we get to fall, and this is still going on, it may be wise for us to revisit this. Coordinator Hubbard reported a significant amount of the IDC budgetary funds are tied up in a Certificate of Deposit, so we are working with a limited budget, as not have to break into that certificate until it matures. Councilman Hipskind suggested for some companies

that have been around for a long time and website sales do not fit into their business plan, we could maybe provide them a grant with a broadened scope.

Councilwoman Sloan reported she had several people reach out to her regarding people leaving animals outside in the heat. Director Conrad explained if get a call about an animal in distress, we go and do a check. If it becomes an issue, we work with Madison County Animal Control. A lot of times, it is something accidental. For example, with the heat this week, if we find an animal with no shade and in the heat, we try to make contact with the owner. Mayor Michaelis pointed out we have an ordinance that deals with food, water and proper shelter of animals. Director Conrad acknowledged we do. We have only had one occasion to enforce the ordinance and got a court order to do so. It is considered property of the owner, so we have to tread lightly.

Councilwoman Sloan asked have we addressed the issue with the pet pig. City Attorney McGinley reported I have a memo that is about eighty-percent complete. I will present that at the next meeting.

Staff Reports:

City Manager Latham congratulated Mark Rosen and his crew, especially Nancy Gramlich, on a wonderful fireworks show. He also recognized the great job done by the IT and HCS staff for the recent update of routers for the system that was done with minimal down time.

On the night of our first meeting in August, August 3, City Manager Latham stated we would like to have a ribbon cutting at newly renovated Fire Station #1, one hour prior to the council meeting. We should be getting the keys to the building this week. The ribbon cutting will be at 6:00pm with a brief tour of the facility to follow. Councilwoman Bellm expressed the building looks very nice. Simple and understated, but nice.

NEW BUSINESS

Discussion – Potential Sale of 516 9th Street – Mayor Michaelis asked what our next step with these properties would be. City Manager Latham reported we need to take an inventory. Possibly could make it where we waive the building permit or closing costs. Appraised values are fairly high, but they are true values. We have to sell at 80% of that value. Mayor Michaelis expressed doubt that we can get that value in the neighborhood it is located. Councilwoman Bellm and Councilman Frey agreed it is not a high demand area. Mayor Michaelis asked City Attorney McGinley if there are other ways to sell the properties. City Attorney McGinley explained the way we surplus them to be sold and accepting bids is the cleanest way, is the cleanest way. It is not inexpensive to demolish these properties. At eight-percent of appraised value, we do get close to covering that cost. We could pass another resolution, publish acceptance of bids three times in a row and see what bids we receive. At council's discretion, they could accept whatever bid. City Manager Latham reported, the lot on Oak Street, after two years, finally has some interest. Attorney McGinley clarified, if we want to shift course, we need to pass a resolution. There is no certainty with the other option. Director Speraneo reported, in an effort to sell the properties, in addition to posting advertisements in the newspaper, per our ordinance, I also make an effort to contact neighbors and we put up a "for sale" sign on the properties. A lot of times, the eighty-percent is right about the amount we pay for demolition of these properties. At the same time, all the taps are there, which has value. Councilman Frey agreed the way we are doing this, for these types of properties is fair and the best way. However, with this particular lot, I think we are going to sit on this. Can we do this one different? City Attorney McGinley replies yes, we can do it individually. Mayor Michaelis asked what properties we have for sale. Director Speraneo reported, currently, Oak St., 1213 13th Street, and

516 9th Street. Attorney McGinley pointed out we sold property on Deal Street this way and it worked out fantastically.

Discussion – Potential Use of Neighborhood Vehicles on City Streets – Mayor Michaelis stated I, myself, would like to see this come up for a vote by the council. He asked Director Conrad to report the information gathered on this. Police Chief Chris Conrad provided a handout to council, which included a map of the city. What the council received in their packet was an ordinance and information from Chief Reynolds, of Salem, IL. Per Illinois State Statute, drivers do have to be licensed for regular vehicles and have insurance equivalent to highway vehicles. The statute allows for UTV, golf carts, and off-highway vehicles (“side-by-sides”). As far as speed zones, the council could approve on streets under 30mph. They could be on roadways where limit is up to 35mph if the city could determine that they would not be a safety hazard. This would be done through performing traffic studies. Roadways over 35mph are not allowed. There is no crossing of roadways at or over 45mph unless at lighted intersections. If the council wants to move forward, these are the things that need to be discussed, like crossing points. Broadway is Illinois Route 160; therefore, these vehicles could not operate on it, they can only cross. In talking to (Public Works Director) Joe Gillespie, as to how signals currently operate, some of these vehicles may trigger them, some may not. With that comes what intersections become crossing points. We do not have a simple crosshair of intersections. All of these roadways have to have something decided with them. On the map, all the roadways colored red are where these vehicles would not be able to operate on. There are a couple spots, East Broadway, between Paradise and Iberg and Sportsman Road to Plaza Drive that would need a traffic study done before they could be operated on, if the traffic study showed them feasible. The entire peripheral route is 40mph, so they could not operate on them. Troxler Avenue, while allowed by mph limit, there is no way to get to it, so it is blocked out on the map. North of Highway 40 there is no legal way to get vehicles to that area, because of crossings and speed zones. The 35mph areas could be dropped to 30mph and we would need to do enforcement. Traffic studies cost \$3,000 - \$7,000 each.

State statute allows for ATV, golf carts, neighborhood vehicles, and off-road motorcycles/side-by-sides. With the new permitting software the police department has, we could handle inspections and the permitting process. Some cities contract the inspection process out. I did comparison of area communities similar in size to Highland. Highland has a population of 10,000, roadways restricted and the spider-web of issues. Breese, with a population of 4,500 has US Highway 50 in the middle, Jamestown Road to the northeast side and Germantown Road on the southwest end of town. Greenville: Population 4,600 has Routes 40, 127, and 140. Route 127 is the only one that intersects into town. Salem has a population of 7,500. They have it the easiest with Highway 37 and Interstate 57. These vehicles are not permitted on the other side of Interstate 57. Director Conrad reported most communities have found that when novelty of these wears off, fewer people tend to utilize them. They average 50-70 licenses per year. Only a handful use them on a regular basis. He pointed out the state legislature left a lot of this to local elected officials, such as limited times of operations and age for operation of these vehicles on roadways. Some limit the age to 21 or above, while others allow 18 or 16 years of age. No one-size fits all.

City Attorney McGinley provided some additional points, from a legal standpoint: Municipality may issue permits for such vehicles to travel on public roadway, if the unit of government deems that public safety will not be jeopardized. The city must consider volume and speed of traffic on the roadways. We are handing out a license here. These non-highway vehicles must have operable seat belts, horn, red reflectors on front and rear, headlights, taillights, brake lights, and signal lights. If we are inspecting these, that is a long list. If we hire that out and they do not do it correctly, we are at risk. If we decide to do this, there is a lot of things to look at and we have to make sure that if something happens, we can accept that risk. Councilman Hipskind stated he believes there would be limited risk under the municipalities tort immunity act. Councilwoman Sloan asked, if 16-year old drives one of these and a

large truck hits it, what happens, because the municipality allowed for that on the roadway. Councilwoman Sloan expressed there is a lot of time by that will be required by the police department to regulate this. How do we insure they have the proper insurance coverage and that it is maintained? Is that something your staff can handle? Director Conrad responded that depends on how we set that up. Breese contracts out the inspections. They give the owner the inspection sheet and the licensed dealer has to insure that it meets the requirements and sign off that the vehicle does.

Councilman Frey pointed out the logistics of our town make this prohibitive. We have too many roadways where they are not allowed. I do not think we can pick and choose which citizens in town can have them and not. It is all or nothing. To think people are just going to stay in the allowed areas is not practical. How much are we going to spend on signage and traffic studies? It is not safe. I am familiar with all these towns. I do not feel we are comparable with these other towns. Going through the middle of our town also is the railroad tracks, added to all the roads that make it prohibitive. Councilwoman Bellm noted on Sunflower, in order to get anywhere you have to Coventry, go south on Iberg Road to come back in on Arkansas to get back to Poplar Street. Chief Conrad pointed out that Madison County would have to allow for them, so that could be done. Councilwoman Bellm added, so, I cannot get from the Sun Streets to downtown or the Northtown area. While I understand wanting to use in their neighborhood, I do not think logistically this is going to benefit the majority of people. The cost to put it into place and research is not feasible. Councilman Hipskind asked, absent of traffic accidents, not policing insurance and registration on vehicles, I believe this is something that can be done in neighborhoods. What is the purpose of the traffic studies? Director Conrad explained we could allow for it these vehicles on 30mph roadways. Any roadways that have 35mph speed limit areas would require us to do traffic studies on those roadway, to determine traffic counts and speeds. City Attorney McGinley added we would also need studies on the area for crossing of those roadways. Director Conrad noted east Broadway and Sportsman Road to Plaza Drive would be such area that would require traffic studies. Councilman Hipskind expressed, as council, we need to think outside the box. Our revenues are not going up. We need ways to get people to move to Highland. I, personally, would like to see this. I do think this will work. My initial suggestion would be to try this out on festival days. I think \$35 is too cheap. We need to look at how to make this work in areas of town. Looking at this map, I have found some 10-12 block areas. He suggested we block these out into to area blocks, make fees high enough to cover costs, and color-code the block areas, then permit as such. If vehicle is outside of their block, then it is reported.

Mayor Michaelis asked the council what you think of the block idea. Director Conrad noted City Manager Latham actually proposed that with color-code licenses to the neighborhood they are in and allow the residents to use them in their neighborhood. It would keep people off the peripheral or arterial routes. Councilman Hipskind added I think people will police themselves, if they want this ability to remain. We, as a city could revisit in a year or two. Director Conrad advised if you decide to go forward, you need to decide where they operate, who can operate them, and times of operation. Councilman Hipskind asked what are the concerns of the police department, from the officers' perspective. Chief Conrad responded where these would be able to operate. What an accident would look like with these. We have all worked motorcycle accidents. They are never pretty. We have businesses with a lot of truck traffic that cross into residential areas. That is some of the officers concerns. Councilman Hipskind stated a lady I was debating with asked what is the difference between a golf cart and moped. Chief Conrad responded one the state says is okay. The other, the state says, 'you deal with those'. The mph capabilities difference creates the issues. A moped does 30mph. A golf cart generally does not travel that fast. Councilman Hipskind pointed out other municipalities are using these. Director Conrad pointed out Illinois Rules of the Roads still covers this, because I have someone at home taking that course right now. They are not supposed to waive other vehicles pass them. I can tell you, in Breese, waiving vehicles passed them is the typical practice. In talking to Chief Workman, in Greenville, and Chief Reynolds, of Salem, they see maybe five of these per day. In vacation areas, they are more

prevalent. Councilman Frey stated I see a lot of extra business and traffic coming through Highland that you do not see in the different areas of town. Chief Conrad agreed we do not have a lot of vacant businesses, fortunately. Councilman Frey pointed out there are beverage delivery trucks, food trucks, tire delivery trucks, parts vehicles, and freight companies popping out of alleys and onto side streets to access downtown businesses. Our traffic count is going to be very different. I understand there are bicycles, motorcycles, and mopeds; however, do we want to put more of these vehicles out there in those situations? Director Conrad reported, for the most part, people are very safe and take extra precautions with the motorcycles and mopeds. Councilwoman Bellm expressed, in neighborhoods that are enclosed these could be permitted. I think it does have merit. From Sunflower, I cannot get to Keeven Drive. Are there enough people that they are going to spend the money to drive within a two- to three-block area? Augusta Estates maybe. I am not sure that the number of people that are going to take advantage of it, for the amount of money we are going to spend, justifies this. If there is enough within a subdivision area, then we look at that subdivision. Otherwise, for most what is the benefit to drive just a few blocks? Councilman Hipskind agreed you make a good point. I cannot answer it. Director Conrad reported, it appears, in most communities where allowed, about 1% of population use it.

Councilman Hipskind suggested Chief Conrad get feedback from his officers on the block approach. We could let people know the issues and that we are going to discuss this at the next meeting. If people do not show up, then we know how to proceed. Chief Conrad stated I think this is the third time since the state put this into place in 2007 that Highland has looked at this. The map really shows the issues outside of our control. It may change people's mind when they see the limitations. Councilwoman Bellm stated I have had people talk to me that live outside of the city limits and want to drive these in and shop at Walmart. It cannot be done. Publishing the map may get people to see the limitations. It is not that we do not want to do it, but logistically it is not worthwhile. If we are talking about 1% of population, that is a lot of money. Councilwoman Sloan stated I believe many people think they can just go wherever. Councilwoman Bellm suggested before we do anything else, I would like to see this information put out there, before legal counsel spends time on putting things together.

Bill#20-83/RESOLUTION Requesting Road Closure from IDOT for Illinois South Conference of the United Church of Christ to host "Rally Round the Peace Pole" – Councilwoman Bellm made a motion to approve Bill#20-83/Resolution #20-07-2725 requesting road closure from IDOT for Illinois South Conference of the United Church of Christ to host "Rally Round the Peace Pole" as requested; seconded by Councilwoman Sloan. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-84/ORDINANCE Declaring Personal Property of The City of Highland, Illinois, Surplus and Authorizing Its Sale and/or Disposal, Specifically Light and Power Department Equipment, Including Transformers and Meters - Councilwoman Sloan made a motion to approve Bill #20-84/Ordinance #3024 declaring personal property of the City of Highland, Illinois, surplus and authorizing its sale and/or disposal, specifically Light and Power Department equipment, including transformers and meters as requested; seconded by Councilwoman Bellm. Councilman Hipskind noted the last sentence of your memo says some of these will be sold to rebuilders for rebuilders or disposal. Is there a market and specific buyers for these? Director Cook reported as far as the transformers, there is an active market and these buyers come out, test them, and provide a proposal. As far as used meters, we can sometimes find someone. One time, we got about \$1.60 each for them, but had to individually wrap, skid and wrap the skids in a certain way. We also found that Grapperhaus Metal will provide us with a free dumpster and we get a scrap metal value for them. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-85/ORDINANCE Approving and Authorizing The City Manager to Execute A Development Agreement for a Project in TIF Number One Project Area with Langhauser Sheet Metal

Company, and Other Actions Related Thereto – Councilwoman Bellm made a motion to approve Bill #20-85/Ordinance #3025 approving and authorizing the City Manager to execute a development agreement for a project in TIF Number One Project Area with Langhauser Sheet Metal Company, and other actions related thereto as requested; seconded by Councilwoman Sloan. Councilman Hipkind stated I am all for this, and intent to vote for this. I just have one question. I saw you have several trailers presently on this property, is the intent for this building to replace some of those. Brian Langhauser stated we have eight trailers we are using for overflow storage. We intend, with this, to get rid of those trailers. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipkind voted aye, none nay. Motion carried.

REPORT

Approve Warrant #1170 – Councilwoman Sloan made a motion to approve Warrant #1170 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipkind voted aye, none nay. 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 65 ILCS 120/2(c)(5) to discuss the purchase or lease of real property and 2(c)(11) to discuss litigation that has been determined to be probable or imminent. Motion seconded by Councilwoman Sloan. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipkind voted aye, none nay. Motion carried. Meeting temporarily adjourned at 8:49pm.

Mayor Michaelis reconvened the Regular Session at 9:58pm. Council members Hipkind, Bellm, Frey and Sloan were present. Others in attendance were City Manager Latham, Attorney Michael McGinley, Deputy City Clerk Hediger and City Clerk Bellm.

Mayor Michaelis stated nothing discussed in Executive Session will not be acted upon tonight.

Councilwoman Bellm made a motion to adjourn; seconded by Councilwoman Sloan. All council members voted aye, none nay. Motion carried and meeting adjourned at 9:58pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk