

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
TUESDAY, SEPTEMBER 8, 2020**

Mayor Michaelis called the Regular Session to order at 7:00pm. Due to the city's COVID-19 Response, Mayor Michaelis and Councilmembers Frey, Bellm, and Hipskind were present via phone. Councilwoman Sloan was absent. Others present via phone: City Manager Latham, City Attorney McGinley and Attorney J.D. Braundmeier, Directors Conrad, Cook, Imming and Speraneo, Economic Development Coordinator Hubbard, City Clerk Bellm, Deputy City Clerk VonHatten, Silver Creek D.A.R. Chaplin Marilyn McCall, Highland Arts Council Director Lynnette Schuepbach, Dustin Barry and Dale Eyman Deputy City Clerk Hediger was present in the Council Chambers.

**MINUTES**

Councilman Frey made a motion to approve the minutes of the August 17, 2020 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

**PROCLAMATION**

Marilyn McCall, Chaplin and Constitution Chairperson for Silver Creek Chapter of the Daughters of the American Revolution, stated, in recognition of Constitution Week, the organization has set up a display of the Constitution at the Louis Latzer Memorial Library in conjunction with members from Troy, St. Jacob, and Marine, as well as Highland. Mayor Michaelis read a document proclaiming September 17 – 23, 2020 as Constitution Week at the request of the Silver Creek Chapter of the National Society of the Daughters of the American Revolution.

**PUBLIC FORUM**

Citizens' Requests and Comments:

*Highland Arts Council – Scarecrow Search Art Walk - Special Event Application* – Lynette Schuepbach, 105 N Harvest Crest Court, representing Highland Arts Council, reported the council approved a sponsorship of \$8,000 for Art in The Park, back in February. Because of COVID, Art in The Park has been cancelled for this year. To keep that weekend, a weekend about art, we will use this weekend to highlight the artwork around Highland, by doing a scavenger hunt, called the Scarecrow Search Art Walk. This will encourage families to work together, find the artwork, take a photo and post it. The winners will receive a minimal monetary award. We did not feel it was correct to ask for money for this. We hope to allocate some of those funds towards the Scarecrow Search, and cover some expenses already paid out. Mayor Michaelis asked how much are they requesting. Lynette responded \$5,193.00. Councilwoman Bellm noted this is on the agenda later, so do we need to approve this now. Deputy City Clerk Hediger explained approval of the event is all they are looking for, at this point, on the

agenda. Councilman Frey made a motion to approve the Scarecrow Search Art Walk, on October 10, 2020, as attached. Motion seconded by Councilwoman Bellm. Councilwoman Sloan stated she had joined in on the meeting. (7:10pm) Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipkind voted aye, none nay. Motion carried.

Deputy City Clerk Hediger reported we do not know of anyone on the phone, wishing to make comment at this time, and we have not received any email correspondence.

#### Requests of Council:

Councilman Frey expressed we need firm guidelines on liquor policies and ordinances. I would like to get the council together, in person, and discuss the rules and policies. We are constantly changing the amount of licenses and type of licenses. I would like to get some firm rules and guidelines in place. It seems every time someone makes a request, we move a bunch of things to move around. Mayor Michaelis stated I understand what you are saying. We do have it for discussion on the agenda this evening.

#### Staff Reports:

*Support Animal Update – Mini Pig* – City Attorney Michael McGinley reported, pre-COVID we had an issue of a support animal brought before us. Specifically, it had to do with a mini pig. The question is does the city need to allow an emotional support pig under the ordinances. Like most things, it will depend on the facts presented. The ADA (Americans with Disabilities Act) only includes dogs. Under the Fair Housing Act and ADA accommodations, we must relieve the effects of the disability. Court rulings, HUD, and the Department of Housing, do allow other animals. Illinois state law defers to federal law, which is if it is a reasonable accommodation. It looks to protect all disabilities, in all forms of life as it pertains to physical or mental impairment, record of such impairment, or one regarded as having impairment. A disability can include having cancer. Only dogs are only listed in the text of ADA. However, one judge found that a mini horse could be of such. There is also the Fair Housing Act (FHA), which provides that reasonable accommodations must be made to allow those with disability to enjoy their housing. Disability is something that inhibits major life activities. Under the act, if it reasonably provides relief for one's impairments or disabilities or performs service work. Questions become, do you have a need to have the animal due to the disability? What work or tasks does it provide or does it relieve an impairment of the disability? We can ask these questions. We are going to have to treat these questions on a case-by-case basis. Councilwoman Bellm asked have we heard from the applicant. City Attorney McGinley replied no; however, we agreed to do research. Councilwoman Bellm asked could we authorize the city manager to meet with the individual, ask the questions, and make the determination. City Attorney McGinley replied yes. Councilwoman Bellm asked City Manager Latham to do this.

City Manager Latham reported we have been talking about having Trick or Treat allowed in Highland. Director Conrad and I feel like we can put some guidelines together to adequately have Trick or Treat for people on October 31. If you do not feel comfortable, do not turn your light on. Councilwoman Bellm agreed and added, or you can turn the light on, put candy out, and allow them to help themselves.

City Manager Latham reported general sales tax for June was up 7.55% compared to last June. Non Home Rule Tax is up 5.68%, to put us within a margin of estimated. Staff also wanted to point out that we are having a record year of home building permits. The most permits within the last twelve years. The incentives offered have helped push that.

City Manager Latham reported Director Breann Speraneo has been asked to serve on an area planning commission. Wastewater Reclamation Facility Supervisor Bill Zimmer has been nominated for

State Outstanding Operator. The City of Peru, Illinois sent a thank you for the assistance of four employees that went up after a tornado came through their town.

## UNFINISHED BUSINESS

Bill #20-95/ORDINANCE Amending Chapter 6, of The Code of Ordinances, City of Highland, Alcoholic Liquor, to Increase the Number of “A2” Liquor Licenses to Five, and Decrease the Number of “D2” Liquor Licenses to Ten – Councilwoman Bellm made a motion to approve Bill #20-95/Ordinance #3032 amending Chapter 6, of The Code of Ordinances, City of Highland, Alcoholic Liquor, to increase the number of “A2” Liquor Licenses to five, and decrease the number of “D2” Liquor Licenses to ten as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-96/RESOLUTION Issuing an “A2” Liquor License and Withdrawing a “D2” Liquor License for DiMaggio’s Pizza & Pasta of Illinois, LLC, d/b/a DiMaggio’s Pizza Sip Spin Win, Pursuant to Chapter 6, of The Code of Ordinances, City of Highland, Entitled Alcoholic Liquor – Councilman Frey made a motion to approve Bill #20-96/Resolution #20-09-2733 issuing an “A2” Liquor License and withdrawing a “D2” Liquor License for DiMaggio’s Pizza & Pasta of Illinois, LLC, d/b/a DiMaggio’s Pizza Sip Spin Win, pursuant to Chapter 6, of The Code of Ordinances, City of Highland, entitled Alcoholic Liquor as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-97/RESOLUTION Approving Annexation Agreement with DK7 Properties, LLC – Councilwoman Bellm made a motion to approve Bill #20-97/Resolution #20-09-2734 approving annexation agreement with DK7 Properties, LLC as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-98/ORDINANCE Annexing Certain Property to The City of Highland, Madison County, Illinois, Owned by DK7 Properties, LLC and Commonly known as 12254 and 12258 Highland Road, Bearing Pin: 01-1-24-06-00-000-024.001 – Councilman Frey made a motion to approve Bill #20-98/Ordinance #3033 annexing certain property to the City of Highland, Madison County, Illinois, owned by DK7 Properties, LLC and commonly known as 12254 and 12258 Highland Road, bearing Pin: 01-1-24-06-00-000-024.001 as attached; seconded by Councilwoman Bellm. Councilwoman Bellm asked is not it odd to have one pin number have two addresses. Director Speraneo acknowledged it is a bit uncommon, but Madison County 9-1-1 did approve it. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-99/ORDINANCE Approving Rezoning of Real Property Commonly Known as 12254 and 12258 Highland Road, Bearing Pin: 01-1-24-06-00-000-024.001 from “R1c” Single Family Residential District to “I” Industrial – Councilwoman Bellm made a motion to approve Bill #20-99/Ordinance #3034 approving rezoning of real property commonly known as 12254 and 12258 Highland Road, bearing Pin: 01-1-24-06-00-000-024.001 from “R1C” Single Family Residential District to “I” Industrial as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill#20-100/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for Bar or Tavern within the Industrial (“I”) Zoning District Located at Property Commonly known as 12258 Highland Road – Councilman Frey made a motion to approve Bill#20-100/Resolution #20-09-2735 making Separate Statement of Findings of Fact in connection with ordinance granting Special Use Permit for bar or tavern within the Industrial (“I”) zoning

district located at property commonly known as 12258 Highland Road as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-101/ORDINANCE Granting a Special Use Permit to DK7 Properties, LLC for a Bar or Tavern within the Industrial (“I”) Zoning District at Real Property Commonly Known as 12258 Highland Road, Bearing Pin #01-1-24-06-00-000-024.001 – Councilwoman Bellm made a motion to approve Bill #20-101/Ordinance #3035 granting a Special Use Permit to DK7 Properties, LLC for a bar or tavern within the Industrial (“I”) Zoning District at real property commonly known as 12258 Highland Road, bearing Pin #01-1-24-06-00-000-024.001 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-102/ORDINANCE Amending Chapter 6, of The Code of Ordinances, City of Highland, Alcoholic Liquor, to Increase the Number of “A2” Liquor Licenses to Six – Councilman Frey made a motion to approve Bill #20-102/Ordinance #3036 amending Chapter 6, of The Code of Ordinances, City of Highland, Alcoholic Liquor, to increase the number of “A2” Liquor Licenses to six, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-103/RESOLUTION Issuing an “A2” Liquor License for Old Time Pub, LLC, Pursuant to Chapter 6, of the Code of Ordinances, City of Highland, Entitled Alcoholic Liquor – Councilwoman Bellm made a motion to table this item pending a more detailed layout of this business. Motion seconded by Councilman Frey. Councilwoman Bellm directed question to Dale Eyman. I am very confused about what is being done there. The only thing I have refers to a bar/restaurant. Looking at the sketch here, it does not appear very big and appears to be only a bar. I do not think it is unreasonable to ask for more details of what you plan to do. Mr. Eyman reported we presented a plan a few months ago, which included layout of the bar. As it stands now, the building is 1500 sq. ft. The bar area would be 1200 sq. ft., with a patio of 500 sq ft., and 300 sq. ft. for gaming. Councilwoman Bellm asked is that written anywhere. Mr. Eyman reported there is a drawing, done by Netemeyer Engineering, which was presented to the council on July 20, 2020. Councilman Frey stated I have the drawings you are talking about. Mr. Eyman explained the plans were changed a little. We expanded the bar, so there would be more than three bar stools, as it showed on the plans presented. The gaming area is 300 sq. ft. and the bar area would be the remainder, of the 1500 sq. ft. Councilman Frey inquired, if you are sticking with the same layout, you will have a kitchen. Mr. Eyman replied yes. Where you one area on drawing that says office, we are taking that out to make that part of the bar/restaurant area. Councilman Frey noted if they are serving food, they would have to have ADA accessible bathrooms and this facility would require grease traps, exhaust, etc. Mr. Eyman reported we would offer the typical bar food like chicken strips, burgers, etc. and submit to the requirements of Madison County Health Department. Councilwoman Bellm stated she was unable to locate the information showing the building plans. The only info I have shows a lounge on both sides. City Manager Latham suggested you could make it contingent upon meeting the requirements of bar/restaurant license, if want to move forward. Roll Call Vote: Councilman Frey voted aye; Councilmembers Sloan, Bellm and Hipskind voted nay. Motion fails.

Councilwoman Bellm made a motion to amend Bill #20-103/Resolution #20-09-2736 issuing an “A2” Liquor License for Old Time Pub, LLC, pursuant to Chapter 6, of the Code of Ordinances, City of Highland, entitled Alcoholic Liquor as attached, to add the following: “the granting of this liquor license shall be contingent on applicant submitting a detailed floor plan and/or business plan to the Liquor Commissioner of the proposed bar / tavern showing at least 51% of the square footage being dedicated to the bar / tavern business, and at most 49% of the square footage being dedicated to the gaming business; seconded by Councilman Frey. Roll Call Vote: Councilmembers

Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried and the original motion was amended accordingly. Mayor Michaelis called the Roll for a Vote on the main motion, as amended: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Director Speraneo reported everyone should have received the detailed plan, as the information was submitted.

Director Conrad stated, for the record, a gaming hall as defined in 6.1 of the ordinance is defined as an establishment where primary purpose is operating video gaming terminals where the drawing, pouring, mixing or otherwise serving of alcoholic liquor on the premises is subsidiary to the operation of video gaming terminal or terminals. In the event that any establishment derives 60% or more of its estimated gross revenue from the display, play and/or operation of video gaming terminals, and must obtain a Class "G" license. The following may be considered in determining whether an establishment constitutes a gaming hall: (1) seating area for video gaming terminals being more than that of other seating area where food and/or beverage, including alcoholic beverages are served; (2) the absence of a full-service kitchen; (3) an overall size of 2,000 sq. ft. or less; and/or such other conditions readily suggest or indicate the establishment is intended to be operated or is being operated as an establishment whose primary purpose is the display of gaming terminals for play or operation by the public. Director Conrad stated that is to clarify for the council how staff views this. Anytime some inquires about bringing a gaming hall into town, we provide them this definition.

## **NEW BUSINESS**

Discussion – Liquor Licenses – Councilman Frey expressed I know this is on the agenda tonight. We are not even halfway through the agenda tonight. I could make this a pretty lengthy discussion. I would like to do it when we can be in the room together. Director Conrad reported we are still under Level 4, which limits us to 25 people or 25% of overall capacity. Mayor Michaelis asked do we want to meet, in person, at next scheduled council meeting. City Manager Latham replied yes.

Bill #20-108/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for Bar or Tavern Within the C-2 Zoning District Located at Property Commonly Known as 808 Broadway – Councilman Frey made a motion to approve Bill #20-108/Resolution #20-09-2737 making Separate Statement of Findings of Fact in connection with ordinance granting Special Use Permit for bar or tavern within the C-2 Zoning District located at property commonly known as 808 Broadway as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-109/ORDINANCE Granting a Special Use Permit to Giuseppe "Joe" DiMaggio on Behalf of Daniel Delaney for a Bar or Tavern Within the C-2 Zoning District at Real Property Commonly Known as 808 Broadway – Councilwoman Bellm made a motion to approve Bill #20-109/Ordinance #3037 granting a Special Use Permit to Giuseppe "Joe" DiMaggio on behalf of Daniel Delaney for a bar or tavern within the C-2 Zoning District at real property commonly known as 808 Broadway as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-110/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for Bar or Tavern Within the C-2 Zoning District Located at Property Commonly Known as 916 Sixth Street – Councilman Frey made a motion to approve Bill #20-110/Resolution #20-09-2738 making Separate Statement of Findings of Fact in connection with ordinance granting Special Use Permit for bar or tavern within the C-2 Zoning District located at property commonly known as 916 Sixth Street as attached; seconded by Councilwoman Bellm.

Councilman Frey asked for some clarification on what Planning & Zoning said about this item. Director Speraneo reported, with regard to the Special Use Permits, for 916 6<sup>th</sup> Street, they denied the bar/tavern and drive-thru, and recommended approval of the liquor store. Councilwoman Sloan clarified, with the liquor store, as it is right now, they would not be able to have gaming. Dustin Barry stated he was on the line to answer any questions. Councilwoman Sloan asked would you be happy with doing just packaged liquor. Mr. Barry reported we have a contract to purchase the building, which is contingent upon the ability to get the gaming license. The concerns of the Combined Planning & Zoning with the pour license was the size of the building and to not make the gaming the focus. We are adding onto the backside of the building. There is a portion of the building does not match the rest of the building. That portion of the building has been demolished, and is being rebuilt. That is where the gaming machines would be located. The main part of the business would be the coffee shop; to ensure the viability of the business we need gaming. The pouring license would be primarily for the gaming patrons. It would not be a full bar/tavern, as people typically think of. Councilman Hipskind asked Mr. Barry to explain the layout of the business to the different sales. Mr. Barry reported about 987 sq. ft. would be dedicated to coffee and liquor sales. About 200 ft. would be the video gaming area. Councilman Hipskind inquired would it have a full service kitchen. Mr. Barry replied no. Things would be heated up in a small oven, with an offering of sandwiches and salads. Councilman Hipskind pointed out the building is less than 2,000 sq. ft. Is the gaming area as big as the retail area? Mr. Barry replied no, the gaming area would be 200 sq. ft. Councilman Frey asked how much of the space would be seating area. Mr. Barry estimated about 70% would be seating area. Back in the gaming area, we would have the cooler and wine storage. In the middle of the room would be bench seating and tables. Councilwoman Sloan asked is there seating outside. Mr. Barry reported we will be tearing out a section of concrete and putting in new with barriers. There was a concern brought up in Planning & Zoning about a lack of barriers between the seating area and drive-thru. Councilman Hipskind asked what the anticipated gaming revenue to non-gaming revenue is in your business plan. Mr. Barry's connection was lost. Director Speraneo reported with the drive-thru, staff recommended denial until an engineering firm could provide a feasibility study that it would not interfere with traffic safety there. Some citizens in area did not feel a tavern would be not being appropriate for the area, and Planning & Zoning considered those. Mr. Barry, when back on the line, reported that location was a convenience store in the past, so I do not feel traffic would be an issue. As far as revenues in the business plan, for a gaming location within Highland that is not a gaming hall, \$32,300 a year. If we sold 80 cups of coffee a day, those sales would be \$100,000 per year. For packaged liquor, it was difficult to put numbers to that. I feel we have to have multiple revenue streams to make the business happen. Once people realize we are not running a typical bar, it will be fine. Councilwoman Sloan stated she agreed with Dustin about traffic not being an issue. A lot of people do wish that a coffee shop that would be open later in the day. I am not sure traffic would be a good argument for this location. Mr. Barry stated we are looking to sell coffee from 5am – 1am. Councilman Frey expressed I think the coffee shop is a nice idea. Planning & Zoning has an issue with the drive-thru and bar/tavern license, and I put faith in their decisions. Councilwoman Bellm expressed agreement and added, I attended the Planning & Zoning meeting virtually. I heard the arguments against the drive-thru and the tavern usage. The hope would be that this be a family-friendly location. I am not able to disagree with Planning & Zoning on this point. Mr. Barry reiterated this is not going to be a bar. All the adult offerings will be at the back of the building. We are planning to offer ice cream as well. The gaming is kind of tucked away. Councilwoman Bellm asked City Attorney McGinley, if a license is given and it does not make it as a coffee or ice cream shop, what happens to the license. Attorney McGinley responded it could operate as a bar/tavern. If the liquor commission reviews it and determines it is not operating within the license given, it could pull the license. It has never been done, so I am not sure of how all that would occur. Councilman Hipskind stated my position is that we need to give a lot of deference to city staff and the Planning & Zoning Commission. I am going to give them deference and will not be voting for this. City Attorney McGinley advised, what we have on the table to vote on is the Separate Statement of Facts and as to whether the facts listed in the statement are true. Councilwoman Bellm clarified by voting for this

we are acknowledging that we received the facts from Planning & Zoning. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-111/ORDINANCE Granting a Special Use Permit to Dustin and Laura Barry on Behalf of Rehberger Holdings for a Bar or Tavern Within the C-2 Zoning District at Real Property Commonly Known as 916 Sixth Street – Councilwoman Bellm made a motion to approve Bill #20-111/Ordinance #3038 granting a Special Use Permit to Dustin and Laura Barry on behalf of Rehberger Holdings for a bar or tavern within the C-2 Zoning District at real property commonly known as 916 Sixth Street as attached; seconded by Councilman Frey. Councilwoman Bellm stated Planning & Zoning declined this and I am inclined to follow their recommendation. Mr. Barry asked what everyone would like to see to make this more palatable to everyone. Councilman Hipskind stated I feel like you are trying to crowd a lot into a small area and it seems to be a gaming hall. Councilman Frey stated I worked in that building, years ago, and it is a small building. I know you talked about having the back area for gaming, but it is hard to distance the gaming. Mr. Barry responded then the building is just going to go back to sitting dormant. I would like to see what I can do to make it work. Councilman Frey stated I like what you are doing, but the building is too small. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted nay, none aye. Motion failed.

Bill #20-112/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for Drive-Through Within the C-2 Zoning District Located at Property Commonly Known as 916 Sixth Street – Councilman Frey made a motion to approve Bill #20-112/Resolution #20-09-2739 making Separate Statement of Findings of Fact in connection with ordinance granting Special Use Permit for drive-through within the C-2 Zoning District located at property commonly known as 916 Sixth Street as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-113/ORDINANCE Granting a Special Use Permit to Dustin and Laura Barry on Behalf of Rehberger Holdings for a Drive-Through Within the C-2 Zoning District at Real Property Commonly Known as 916 Sixth Street – Councilwoman Bellm made a motion to approve Bill #20-113/Ordinance #3038 granting a Special Use Permit to Dustin and Laura Barry on behalf of Rehberger Holdings for a drive-through within the C-2 Zoning District at real property commonly known as 916 Sixth Street as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted nay, none aye. Motion failed.

Bill #20-114/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for Liquor Store Within the C-2 Zoning District Located at Property Commonly Known as 916 Sixth Street – Councilman Frey made a motion to approve Bill #20-114/Resolution #20-09-2740 making Separate Statement of Findings of Fact in connection with ordinance granting Special Use Permit for liquor store within the C-2 Zoning District located at property commonly known as 916 Sixth Street as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-115/ORDINANCE Granting a Special Use Permit to Dustin and Laura Barry on Behalf of Rehberger Holdings for a Liquor Store Within the C-2 Zoning District at Real Property Commonly Known as 916 Sixth Street – Councilwoman Bellm made a motion to approve Bill #20-115/Ordinance #3038 granting a Special Use Permit to Dustin and Laura Barry on behalf of Rehberger Holdings for a liquor store within the C-2 Zoning District at real property commonly known as 916 Sixth Street as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Bellm, and Hipskind voted aye, Frey voted nay. Motion carried.

Bill #20-116/ORDINANCE Amending Chapter 90—Zoning, Article III – Districts and Zoning Map, Division 3 – Two-Family and Multiple-Family Districts, Section 90-127 – Permitted Uses, of the Highland Municipal Code, to Reduce R-2-A and R-2-B Zoning Districts to One and Two Unit Residential Uses, and to Correct an Error Pertaining to the R-3 Zoning District – Councilman Frey made a motion to approve Bill #20-116/Ordinance #3039 amending Chapter 90—Zoning, Article III – Districts and Zoning Map, Division 3 – Two-Family and Multiple-Family Districts, Section 90-127 – Permitted Uses, of the Highland Municipal Code, to reduce R-2-A and R-2-B Zoning Districts to one and two unit residential uses, and to correct an error pertaining to the R-3 Zoning District as attached; seconded by Councilwoman Bellm. Councilwoman Bellm asked Breann to explain what this is. Director Speraneo explained R-2-A allows for up to three-unit dwelling and R-2-B allows up to four units in the text. This is disallowed in the matrix, but allowed in the text. We want the text to match the matrix. Via a special use permit, multi-family would be allowed in R-3 zoning districts. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-117/ORDINANCE Amending Chapter 90—Zoning, Article III – Districts and Zoning Map, Division 3 – Two-Family and Multiple-Family Districts, Section 90-129 – Lot and Building Requirements, of the Highland Municipal Code, to Adjust the Required Lot Area Per Unit for the R-2-A, R-2-B, and R-3 Zoning Districts – Councilwoman Bellm made a motion to approve Bill #20-117/Ordinance #3040 amending Chapter 90-Zoning, Article III – Districts and Zoning Map, Division 3 – Two-Family and Multiple-Family Districts, Section 90-129 – Lot and Building Requirements, of the Highland Municipal Code, to adjust the required lot area per unit for the R-2-A, R-2-B, and R-3 Zoning Districts as attached; seconded by Councilman Frey. Councilwoman Bellm asked Breann for an explanation. Director Speraneo explained for R-2-A, R-2-B, and R-3 we had square footage required for each unit. We are requiring them to take out the square footage for each unit when there is a primary unit. We are requesting to R-3 be changed to 4,000 sq. ft., which would still allow for 10-11 units. This would allow for any complex we currently have. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-118/RESOLUTION Authorizing Allocation of Hotel/Motel Tax Funding – Councilman Frey made a motion to approve Bill #20-118/Resolution #20-09-2741 authorizing allocation of hotel/motel tax funding as attached; seconded by Councilwoman Bellm. Councilwoman Bellm state I do not have to abstain because I have nothing in this event. City Manager Latham memo states that funding allocation is \$6,000. City Manager Latham replied yes, I believe they asked for \$5,193.00, so I just rounded it off. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-119/RESOLUTION Approving and Authorizing the Execution of a Proposal for Agricultural Engineering and Environmental Science Consulting Services with Heartlands Conservancy and Andreas Consulting for the Highland Silver Lake Watershed – Councilwoman Bellm made a motion to approve Bill #20-119/Resolution #20-09-2742 approving and authorizing the execution of a proposal for agricultural engineering and environmental science consulting services with Heartlands Conservancy and Andreas Consulting for the Highland Silver Lake Watershed as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-120/RESOLUTION Waiving Normal and Customary Bidding Requirements and Approving and Authorizing Execution of a Marketing and Services Agreement with Harrison Edwards as a Sole Source Purchase – Councilman Frey made a motion to approve Bill #20-120/Resolution #20-09-2742 waiving Normal and Customary Bidding requirements and approving and authorizing execution of a marketing and services agreement with Harrison Edwards as a sole source purchase as attached; seconded

by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-121/ORDINANCE Declaring Personal Property of the City (HCS) Surplus, and Authorizing Its Sale or Disposal, Specifically, Broken and Out-of-Warranty Set Top Boxes and ONT's – Councilwoman Bellm made a motion to approve Bill #20-121/Ordinance #3041 declaring personal property of the City (HCS) surplus, and authorizing its sale or disposal, specifically, broken and out-of-warranty set top boxes and ONT's as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Approve Mayor's Appointment of Josh Kloss to the Industrial Development Commission – Councilman Frey made a motion to approve the mayor's appointment of Josh Kloss to the Industrial Development Commission to fill the vacated term of William Napper, for a term that will expire May 4, 2021 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Award Bids #21-00000-00-GM, for MFT Maintenance Materials – Councilwoman Bellm made a motion to award Bids #21-00000-00-GM, for MFT Maintenance Materials as follows: CA-6 Aggregate, to Mike A. Maedge Trucking, Inc., in the amount of \$8,240.00; CA-7 Aggregate, to Mike A. Maedge Trucking, Inc., in the amount of \$7,284.00; Grit (CM-13 Slag), Beelman Logistics, LLC, \$272.00; Seal Coat Furnished & Delivered, Beelman Logistics, LLC, \$32,620.00; MC-800 Prime, Furnished & Applied, Don Anderson Co., Inc., \$27,438.00; HFRS-2 – Emulsion, Furnished & Applied, JTC Petroleum Company, \$42,268.80; and, Seal Coat Aggregate Hauled and Spread, DeLaurent Construction Co., Inc., \$34,650.00 as attached. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Award Bid #BZ-10-2020, Demolition of Structures at 1808 Olive Street – Councilman Frey made a motion to award Bid #BZ-10-2020, demolition of structures at 1808 Olive Street to S. Shafer Excavating, Inc., in the amount of \$13,830.00, as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

## **REPORT**

Approve Warrant #1176 & #1177 – Councilwoman Bellm made a motion to approve Warrants #1176 & #1177 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 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. Motion seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Meeting temporarily adjourned at 9:00pm.

Mayor Michaelis reconvened the Regular Session at 9:34pm. Due to the city's COVID-19 Response, Mayor Michaelis, Councilmembers Hipskind, Sloan, Bellm, and Frey, City Manager Latham, City Attorney Michael McGinley, and City Clerk Bellm were present via phone. Deputy City Clerk Hediger was present in the Council Chambers.

Mayor Michaelis stated nothing discussed in Executive Session will not 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 9:35pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk