

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, DECEMBER 6, 2021**

Mayor Hemann called the Regular Session to order at 7:00pm. Council members Sloan, Frey, Bellm and Hipskind were present. Others in attendance were City Manager Conrad, City Attorney Michael McGinley, Directors Gillespie, Imming, Korte and Vazquez, Coordinator Hubbard, Police Chief Presson, Treasurer Nicolaides, Deputy City Clerks Hediger and VonHatten, City Clerk Bellm, 27 citizens, and one member of news media.

MINUTES

Councilman Frey made a motion to approve the minutes of the November 15, 2021 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

PROCLAMATION

Mayor Hemann stated, earlier today, I attended a Highland Optimist function that recognized the youth in our community by presenting certificates of appreciation to various youth at the school for what they do in displaying leadership within the community. He read a document proclaiming the week of December 6 through 10, 2021 as Youth Appreciation Week.

PUBLIC FORUM

Citizens' Requests and Comments:

Madison County Fair and Highland Speedway 2022 Calendar of Events - Madison County Fair Association - Sue Zobrist, Track Manager, presented the list of race dates and county fair grandstand events schedule for 2022. July 9, is the Summer Nationals. UMP runs this race event and it is largely attended, in the number of cars and fans at the event. Mrs. Zobrist asked for leniency on the times of the event. City Manager Conrad explained, right now, they are not allowed to start a race after 11:00pm. Mrs. Zobrist asked for an hour longer, if needed. Councilman Frey stated these were typically granted in the past. Councilwoman Bellm asked what night is the race on. Mrs. Zobrist noted it is a Saturday night. Also, can you give us a couple nights we could run a little while longer, in case of issues due to power, additional cars, or mechanical problems? Hopefully, we never need it. However, it would save us from having to hold that race over until the next week. Councilman Hipskind asked how many races? Mrs. Zobrist stated we typically run 22-25 races a year, beginning March 13 and going through September. Mayor Hemann expressed I would leave it to city staff to determine. In particular, how is the city police department going to handle that? City Manager Conrad explained, in the past, it has been that they cannot start another race after 11:00pm. I guess we could put some type of grace period in. Mrs. Zobrist stated we will try not to use it. Councilman Hipskind made a motion to allow the speedway an additional hour from Memorial Day to Labor Day. Motion seconded by Councilwoman Bellm. Mayor Hemann stated that is with the intent to not use it. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Highland Optimist Club - Request for Hotel/Motel Tax Funds for 2022 Optimist Shootout – Rick Ringwald stated we are requesting a sponsorship from the City of Highland, in the amount of \$35,000 for the event, which will be on January 8, 2022, in addition to police presence at the event. We tip off at 8:30am and continue with games through the last game that tips off at 8:15pm. This year, we are flying in a team from Philadelphia, PA. They have the #7 junior and a Top Five Sophomore in the country. Another team has three kids with offers from U of I. Kenwood Academy, with 4-5 Division I players. The event will feature four of the five top sophomores, #1 freshman, #1 junior, and the #1 senior, in the State of Illinois. Lineup. Ten players in event with offers from the University of Illinois. There is a 7'2" sophomore from CBC. Fr. Tolten, of Columbia, MO, has the #1 freshman in the country. We have \$28,000 in sponsorships from the community, so far, and we are starting to get unsolicited sponsorships. Ticket sales have begun and we anticipate selling out by January 1. In addition to the sponsorship, we would also request another hotel in town. Mr. Ringwald reported we will be renting 50 rooms to put the teams up at the Holiday Inn Express in Troy, as there were no rooms available at Baymount Inn. Mayor Hemann reported there are two weddings planned in our community already on that date, which took up the rooms. As part of our community development effort, we are working to bring in an additional hotel.

Mayor Hemann reported that every one of the council members was at the Combined Planning & Zoning meeting last week. I know there were a lot of emotions. For the sake of this meeting, tonight, we will not be reading in all the data presented at that meeting. The council members were at the meeting and have had time to review all the materials and recordings from that meeting. We will open the floor up to anyone that wishes to comment. Before that, we did receive a letter sent in this afternoon, which Deputy City Clerk Lana Hediger will read into record.

Deputy City Clerk Hediger reported this was received via email, today, December 6, 2021 at 2:56PM:

‘Honorable Mayor and Council Members:

I wish to comment on the pending zoning changes requested by Tut Properties.

I believe changing the zoning to industrial is out of character with the area, as no other industrial area is contiguous to the subject land. In particular, the land is adjacent to areas that are zoned residential, and the natural development of Highland would best be served by continuing this land in residential and/or commercial development.

Nor is another industrial-zoned area necessary, as there is vacant land within Highland that is currently zoned industrial, and at least one similar parcel is for sale, near the Park & Ride lot. Since no investors have come forward to develop that land, it is unlikely they will come forward to develop the subject land.

I spoke at the Zoning meeting, and noted the reason to have this area zoned industrial is to allow the owner to install a truck stop, which would allow him to install online gaming. The gaming license would also require the truck stop to sell at least 10,000 gallons of diesel fuel per month, which seems unlikely given the lack of interstate traffic at this location. There is no sense in allowing a zoning change that would ultimately be futile under the laws of this State.

Instead, I suggest the council consider the opinions of the neighbors who live near this locale, who seem to be opposed to the zoning change. They would likely have their homes (often their largest investment) needlessly devalued by this zoning change. At least, the Council should table the proposed zoning changes until independent appraisers can provide evidence on this matter.

Finally, the zoning meeting was not held in accordance with Illinois Law. A notice for the December 1, 2021 meeting was not published in a newspaper of general circulation, as required by 65 ILCS 5/11-13-2. While notice of the November meeting was published, notice of the December meeting was not. I believe the slides provided by the City's Building and Zoning Department reflects this error.

Also, all witnesses were not sworn. While the Chairman administered the oath to all who intended to speak near the beginning of the meeting, Ms. Vazquez did not rise, nor raise her right hand, nor take the required oath. Ms. Vazquez then provided significant evidence in the form of testimony and a slide deck, and therefore was a witness who was not sworn.

You may wish to table the proposed zoning changes until you are able to obtain an opinion from the City Attorney regarding these errors.

This email was provided prior to 3:00 p.m. on December

Regards-
Jeff McCray'

Mayor Hemann opened the floor to any other persons wishing to speak on anything.

Jerome "Blackie" Kuhl stated that I am here to apologize, because I aggravate people too much. I called the state, but I have not gotten an answer back yet. The City Manager says I aggravate people too much. Chamber of Commerce runs this community, but our Chamber of Commerce does not fly a flag outside. I am just one person, so I am here to apologize. You know the council says 1% of us is not worth anything to spend money on. It was in the paper. Mayor Hemann stated, Blackie, you have brought these issues up before and we have address this before. Mr. Kuhl stated I have a tree planted in my yard, a flagpole with flag, and signs up. When I ask other people to do it, they say it is a disgrace. Are we testing the sewer water and drinking water for the viruses in the area? Some towns are testing. Mayor Hemann responded he is not sure if we are. That is something we will have to check into.

Mary Ottis, of Cambridge Meadows, stated I am coming here to appeal that you take Mr. McCray's letter into consideration. At the Combined Planning & Zoning, Ms. Harlan brought up that the city does their due diligence. That has not always been the case, but let's move forward. It was stated that the Carlyle facility generated \$7.8M and provided the City of Carlyle with \$98,000 in tax revenue. I do not believe the Highland facility will not generate that, as we do not have 200,000 people visiting. Take into consideration due diligence that such a facility will be outdated in ten years, as the country is going to electric vehicles. Mayor Hemann pointed out that, as stated in the plan, this facility will have ten electric charging stations. Ms. Ottis asked why it has gas pumps then. And let us bring up the "D"-word – dispensary. We need to widen our horizon and know that this request is coming. If things are doing right, and by the State of Illinois, a dispensary will bring in more dollars. Councilwoman Bellm asked are you advocating a dispensary. Ms. Ottis responded I don't have an opposition to them. If done properly. In the 1920s cocaine and marijuana was legal. Why does the city not take advantage of that? Edwardsville and Glen Carbon are both getting them. Mayor Hemann stated I am not sure that we are ready for that. The council has to make a decision on this that is in front of us tonight. Ms. Ottis stated why the rush. If this project is right today, it will be right two years from now. St. Louis County rejected a similar plan, as they said it was 'aesthetically and visibly unappealing to the area'.

Mr. Sway expressed I am disappointed more people did not show up. Planning & Zoning approved turning this land into Industrial. I am still curious why Motion G would want to turn 21 acres into Industrial. This is not the place for Industrial. Mayor Hemann pointed it out that it was discussed at length at Planning & Zoning. Unfortunately, few stuck around to listen. Several people spoke on it. Several people that have businesses in Highland spoke for this, as they want to expand their businesses and move into this area. Not everyone stuck around for that; however, all of the council members were.

Requests & Comments of Council:

No comments or requests presented.

Staff Reports:

Nothing to report at this time.

NEW BUSINESS

Bill #21-175/ORDINANCE Annexing Certain Territory to the City of Highland, Owned by Tut Properties, Inc., Specifically: PPN# 01-1-24-03-00-000-010 – Councilwoman Bellm made a motion to approve Bill #21-175/Ordinance #3145 annexing certain territory to the City of Highland, owned by Tut Properties, Inc., specifically: PPN# 01-1-24-03-00-000-010 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-180/RESOLUTION Authorizing Allocation of Hotel/Motel Tax Funding for Highland Optimist Club 2022 Shootout – Councilman Frey made a motion to amend the hotel/motel tax funding to approve Bill #21-180/Resolution #21-12-2885 authorizing allocation of hotel/motel tax funding for Highland Optimist Club 2022 Shootout 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 approve hotel/motel tax funding to the Highland Optimist Club 2022 shootout as requested; seconded by Councilwoman Sloan. Councilwoman Bellm asked are funds available. Director Korte confirmed funds are available. Councilwoman Bellm asked Chief Presson if the police would be available for the event. Chief Presson replied yes. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-181/ORDINANCE Designating Depositories for the Funds and Money of the City of Highland – Councilman Frey made a motion to approve Bill #21-181/Ordinance #3146 designating depositories for the funds and money of the City of Highland as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Discussion – Tax Levy – Mayor Hemann explained this has to be discussed and approved before mid-December. Director of Finance Kelly Korte reported what was discussed at the last meeting included figures that were an estimate of the independent actuary firm hired by the Police Pension Board. At that time, we did not have the actual figures, only estimates of it, at that time. The actual report came in at the estimated amount of \$613,000 for police pension versus \$657,190, in the figures presented. The figures presented for the proposed tax levy were based upon the estimate given by the actuary. The estimated tax levy as presented yielded a decrease in the City's tax rate of 3.72% and amount of taxes expected to be collected of 1.31%. Now that we have the final report, which agrees with those figures, do we want to draft by resolution to send to Madison County for our tax levy for next year? City Manager Chris Conrad explained, in the past, actuary the Illinois Department of Revenue Insurance used and the figures of the actuary hired by the Police Pension Board used a different set of numbers. It is figured based on average lifespans, rates of returns, retirees actively receiving, etc. The Department of Revenue has always

undershot that. We have not felt comfortable with those figures. Generally, the board has decided to go with the higher amount. Every dollar spend now saves more in the future is our feelings. Councilwoman Bellm stated that is what I recalled and it has seemed to work well in the past. Director Korte reported I calculated that for a home of \$150,000, the difference is about \$11 annually, by going with the higher amount. Director Korte explained this will need to be approved at the next meeting, in order to get the figures to the county. It was the consensus of the council to proceed with those figures.

Bill #21-182/RESOLUTION Approving Change Order No. One, Final and Balancing, for Broadway and Zschokke Street Parking Lot, PW-06-21, for an Increase in Cost of \$15,152.97 – Councilman Frey made a motion to approve Bill #21-182/Resolution #21-12-2886 approving Change Order No. One, Final and Balancing, for Broadway and Zschokke Street Parking Lot, PW-06-21, for an increase in cost of \$15,152.97 as attached; seconded by Councilwoman Bellm. Mayor Hemann stated I was reading they found stuff underneath that we did not plan on finding. City Manager Conrad reported we went deeper than normal, in order to install onsite detention. In doing that, we found things we would not have gotten into. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-183/ORDINANCE Approving the Illinois Municipal League Risk Management Association Minimum/Maximum Contribution Agreement for the Period of January 1, 2022 to January 1, 2023, and the Associated 2022 IMLRMA Contribution Payment Agreement – Councilwoman Bellm made a motion to approve Bill #21-183/Ordinance #3147 approving the Illinois Municipal League Risk Management Association Minimum/Maximum Contribution Agreement for the Period of January 1, 2022 to January 1, 2023, and the Associated 2022 IMLRMA Contribution Payment Agreement as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-184/ORDINANCE Approving Real Estate Rezoning from “R1C” Single Family Residential District to “I” Industrial, Specifically: PPN: 01-1-24-03-00-000-010, Consisting of Approximately 21.22 Acres – Councilman Frey made a motion to approve Bill #21-184/Ordinance #3148 approving real estate rezoning from “R1C” Single Family Residential District to “I” Industrial, specifically: PPN: 01-1-24-03-00-000-010, consisting of approximately 21.22 acres as attached; seconded by Councilwoman Bellm.

Councilwoman Sloan stated I want to make note and say thank you to everyone from Combined Planning & Zoning. I was kind of appalled, sometimes, by how people treated others, at the meeting, last week. We have put in a lot of time and, to put it into teacher’s terms, “have done our homework.”. Councilman Frey stated we did do our homework. That piece of land has been listed, for over ten years, as commercial. The State of Illinois, classifies St Rose Road as Class 3, truck route. In 2035, a lot of manufactures are saying they will have a full line of electric cars. Trucks are a different thing. We also need to consider that existing vehicles will still be around in 20-30 years. As far as electric vehicles go, there are some things to work out yet. There could be a concern with handling the lithium batteries and disposal of those vehicles and the batteries. I do not worry about the value of my home going down, and I live in that area. Councilwoman Bellm stated we do hear your comments and we value them. Just because we do not agree, it does not mean that we do not agree with that. We have to look at the overall big picture. We have heard from a number of people that feel it is appropriate. I have not heard anything about as to how this would be detrimental to Highland. If the twenty-two acres was not in the city limits, the property owner could choose to do just about anything they wanted to do without our say of it. Yes, they would have to go to Madison County; however, we have more ability to regulate it, if within the city’s limits, and that gives us all some protection. We do hear you and appreciate your comments.

Councilman Hipskind stated I would like to echo what Sarah said about presentation staff and the Breann provided. The two ladies on the board, last Wednesday night, explained their reasoning, which was on point. There are so many businesses that could go there without this being annexed in, with the same perceived problems. Every single gas station in Highland is near a neighborhood. I have yet to see of property values going down. I have yet to see kids on bikes getting mowed down. Many asked me how I would feel if a gas station would go on my side of town and near my neighborhood. With the roadways being put in, I am expecting it and I think we have to deal with it as it comes. We have some gentlemen, who live in Highland already, that are willing to spend some money to develop more in the area. The attacks that were made were unnecessary. These are citizens, living in live Highland. I am happy they are doing it versus someone that lives in Oklahoma or from another community. I appreciate that people do come forward and develop.

Councilwoman Sloan commented regarding Mr. McCray's letter to the council on this matter. The notification was published in the Pioneer newspaper on November 10. Ms. Vazquez did not have to be sworn in, because she is a staff member. Mayor Hemann expressed I would like to thank the Combined Planning & Zoning Board Members for what they went through at that meeting. They are volunteers. They take is seriously and have attended classes. I appreciate that they want to do this. I welcome people to come to me to express interest in serving on such committees.

On motion the to approve Item G, Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-185/ORDINANCE Amending: Section 90-201. -Permitted and Accessory Use Table 3.1.B in Division 11. -Permitted Uses of Article IV Supplemental Regulations in Chapter 90 Zoning, of the Code, Addressing Junk Yards and Commercial Stables – Councilwoman Bellm made a motion to approve Bill #21-185/Ordinance #3149 amending Section 90-201 Permitted and Accessory Use Table 3.1.B in Division 11 Permitted Uses of Article IV Supplemental Regulations in Chapter 90 Zoning, of the Code, addressing junkyards and commercial stables as attached; seconded by Councilman Frey. Councilwoman Bellm clarified this is changing it so that it prevents these things from being in Industrial Zoned area, unless they go through special use permitting. Director Vazquez replied yes. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-186/ORDINANCE Amending: (1) Section 90-15. Definitions *Truck Stops* of Article I. – In General; and (2) Section 90-201. -Permitted and Accessory Use Table 3.1.B in Division 11. -Permitted Uses of Article IV Supplemental Regulations; and Affirming the Applicability to *Truck Stops* of (3) Section 90-223. -Shared Parking Table 5.1 Of Article V. - Off-Street Parking and Loading in Chapter 90 Zoning, of the Code, Addressing Truck Stops, Zoning, Special Use Permit and Parking Requirements – Councilman Frey made a motion to approve Bill #21-186/Ordinance #3150 amending: (1) Section 90-15 Definitions *Truck Stops* of Article I – In General; and (2) Section 90-201 Permitted and Accessory Use Table 3.1.B in Division 11 Permitted Uses of Article IV Supplemental Regulations; and, affirming the applicability to *Truck Stops* of (3) Section 90-223 Shared Parking Table 5.1 of Article V Off-Street Parking and Loading in Chapter 90 Zoning, of the Code, addressing truck stops, zoning, special use permit and parking requirements as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-187/ORDINANCE Approving Real Estate Rezoning from “C-4” Limited Business District to “I” Industrial, Specifically: (A) Property “A” PPN: 01-2-24-03-00-000-029, Consisting of Approximately 1.85 Acres; (B) Property “B” PPN: 01-2-24-03-00-000-030, Consisting of Approximately 2.10 Acres; and (C) Property “C” PPN: 01-2-24-03-00-000-031, Consisting of Approximately 1.98 Acres – Councilwoman Bellm made a motion to approve Bill #21-187/Ordinance #3151 approving real estate rezoning from “C-4” Limited Business District to “I” Industrial, specifically: (A) Property “A” PPN: 01-

2-24-03-00-000-029, consisting of approximately 1.85 acres; (B) Property “B” PPN: 01-2-24-03-00-000-030, consisting of approximately 2.10 acres; and, (C) Property “C” PPN: 01-2-24-03-00-000-031, consisting of approximately 1.98 acres as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-188/RESOLUTION Making Separate Statement of Findings of Fact in Connection with Ordinance Granting Special Use Permit for a Truck Stop within the “I” Industrial Zoning District – Councilman Frey made a motion to approve Bill #21-188/Resolution #21-12-2887 making separate statement of findings of fact in connection with ordinance granting Special Use Permit for a truck stop within the “I” Industrial Zoning District as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-189/ORDINANCE Granting a Special Use Permit to Tut Properties, Inc. to Allow a Truck Stop within the “I” Industrial Zoning District – Councilwoman Bellm made a motion to approve Bill #21-189/Ordinance #3152 granting a Special Use Permit to Tut Properties, Inc. to allow a truck stop within the “I” Industrial Zoning District as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-190/RESOLUTION Approving Preliminary Plat for City of Highland Tut Industrial Park, Lots 52, 53 and 54 of Windfield Place Commercial Park. Specifically: PPN: 01-2-24-03-00-000-029; PPN: 01-2-24-03-00-000-030, and PPN: 01-2-24-03-00-000-031 – Councilman Frey made a motion to approve Bill #21-190/Resolution #21-12-2888 approving preliminary plat for City of Highland Tut Industrial Park, Lots 52, 53 and 54 of Windfield Place Commercial Park, specifically: PPN: 01-2-24-03-00-000-029; PPN: 01-2-24-03-00-000-030, and PPN: 01-2-24-03-00-000-031 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #21-191/RESOLUTION Approving the Final Plat for City of Highland Tut Industrial Park, Lots 52, 53 and 54 of Windfield Place Commercial Park: PPN: 01-2-24-03-00-000-029, PPN: 01-2-24-03-00-000-030, and PPN: 01-2-24-03-00-000-031 – Councilwoman Bellm made a motion to approve Bill #21-191/Resolution #21-12-2889 approving the final plat for City of Highland Tut Industrial Park, Lots 52, 53 and 54 of Windfield Place Commercial Park: PPN: 01-2-24-03-00-000-029, PPN: 01-2-24-03-00-000-030, and PPN: 01-2-24-03-00-000-031 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

REPORT

Accepting Expenditures Report #1208 for November 13, 2021 through December 3, 2021 – Councilman Frey made a motion to accept Expenditures Report #1208 for November 13, 2021 through December 3, 2021 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. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried and meeting adjourned at 8:12pm.

Kevin B. Hemann, Mayor

Barbara Bellm, City Clerk