

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, DECEMBER 21, 2009**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Rickher, Bardill, Bellm and Zobrist. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall, EMS Captain Crosby, Deputy City Clerk Hediger, City Clerk Bellm, 10 citizens and 1 member of the news media.

MINUTES

Councilwoman Bellm made a motion to approve the minutes of the December 7, 2009 Regular Session as attached; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Building Permit Fee Reimbursement Request - Steve Baczewski, 1405 Lemon Street, stated in August our residence burnt. I am requesting for reimbursement of permit fees or a reduction in the cost to rebuild. The insurance helps us out with it, but it is all coming out of the amount of money that the insurance is giving us to rebuild. Rather than just demolishing the house and moving elsewhere, my wife and I have decided we'd like to stay within Highland. A fire destroyed at home, last year, at the corner of Lemon and 12th Street; that is now a vacant lot. A home generates more tax revenue. Mayor Michaelis asked what the insurance has said on this. Mr. Baczewski reported they have not said anything yet. The contractor paid for the building permit, which was \$900. I assume the insurance will reimburse at least a portion. Building and Code Enforcement Supervisor Kevin Limestall explained \$75 of the \$900 paid is reimbursed at the end. The cost of \$825 includes plumbing, electrical and building inspection. Attorney Belsheim advised the claim has to be submitted to the insurance company before we can consider it. The circumstances are sympathetic; however, we cannot give \$900 because the circumstances are sympathetic. If the insurance company denies the claim for reimbursement of permit fees, I don't think we are in the position to just give them \$800, based on current ordinances. Councilwoman Zobrist stated he brings up a good point about the property at 12th and Lemon Street, which burnt, then sat vacant for a long time before being leveled. Now we have an empty lot and we gain no tax revenue. We give incentives for businesses. Attorney Belsheim stated I think we need to have him submit it to the insurance before evaluating what we can do under statute. Mr. Baczewski noted all I can do is ask. We don't know what expenses are out there to come yet. Mayor Michaelis clarified that we would like to see this submitted to the insurance company. Mr. Baczewski acknowledged the insurance company may pay for the fees; however, it comes out of the total sum the insurance company is going to pay for the whole project. Mayor Michaelis explained we

have no ordinance to simply assist without going through a process. Please let us know as soon as you hear something.

Mayor Michaelis recognized the efforts of Alan Poettker for the miraculous Christmas display on Washington Street that they have put together for many years. The effort and financial aspect of the display takes a lot. Some time ago, Alan's father asked for some barricades for traffic safety. They thanked the city for providing those barricades. We thank the family for the wonderful display they provide each year. Mayor Michaelis asked Alan to come forward and be recognized. Mr. Poettker stated it has been very interesting this year; we have a guest book that people can sign. We have had people from Collinsville, Greenville, Netherlands, Florida, etc. signing the book. Every year, we have received a small secret donation, that simply said, 'Thanks from a couple of old ladies.' This year, it was a little bittersweet, in that the envelope came with a note saying, 'There are only two of us left.'

Marsha Rowe, 713 Poplar Street, addressed the council regarding the speed on Poplar Street. She stated three times, I have had my blinker on and I have been passed; once on the driver's side. When traffic comes from the hill, headed south on Poplar, it is like they are picking up speed. There is no regard for the people who live on that street. I talked to the police chief, a couple months ago. The residents are asking for "no passing" signs. My mother has macular degeneration and walks with a white cane. My mother has had the cane straight out and people drive right by. When they took out the stop sign at Sixth Street, it took out the speed control. People do not turn their headlights on. The residents are asking for help. I don't know what to do.

Ms. Rowe noted the grade at our driveway is excessive. I saw the metal plates that people place at the end of their driveways along Keeven Dr., Sunflower, and other areas of town. We looked at getting a metal plate for our driveway. However, Mike Lengermann told us that the plates were not allowed because leaves get caught underneath it and block drainage. How are these allowed in other parts of town, but not for our street? I have also been told that Public Works is going to plow up to the curb. Sometimes it is the city trucks that go by and sometime it is the state's trucks. The state's trucks go by so fast they are going to catch the plows on the concrete. How come these other streets are allowed to have these grates? We have paid \$200 for a grate that we may not be able to use. Also, the liter in this town is becoming excessive. Isn't there something that can be done?

Mayor Michaelis asked to address the issues one at a time. He asked Chief Bell, do we have the speed trailer that monitors the speed. Chief Bell reported some monitoring of speeds through there has been done since Ms. Rowe contacted me. The "no passing" zone is clearly marked with the double yellow lines; adding more signs is only going to clutter it with an excessive amount of signage. We have multiple forms of the speed survey. I brought them to the last meeting, but I did not bring them tonight. Mayor Michaelis stated anytime you have a thru-street traffic speeds tend to be faster. Ms. Rowe stated I continually look in my rearview mirror as I am getting ready to turn, because I fear they are going to hit me. There are a lot of un-attentive drivers. Mayor Michaelis stated it is not isolated to Poplar Street, but it is a concern that needs to be addressed. He noted there is a little town that constantly runs radar outside of its town. So, as a driver, what do we all do? We slow down when we approach that area. It becomes about exposure by police radar. Ms. Rowe asked about use of the speed trailer. Mayor Michaelis explained that puts the driver's speed into their mind. Ms. Rowe expressed I don't know how the grade of the hill got as high as it has, but the driver's really pop over that hill at Sixth Street. Mayor Michaelis noted that Ms. Rowe may stop by the police station to obtain a copy of the speed survey.

Public Works Director Joe Gillespie reported a gentleman went out to the Rowe's residence to evaluate their request to place a grate over the gutter. It is a safety concern because something could jar it loose and send it out into traffic. Ms. Rowe asked were you aware there are that many around. Director Gillespie acknowledged there are quite a few that were put in over the years. The big difference is, those streets have a curb with three- to five-inches of elevation from high to low. In your case, you have a depressed curve with a one and one-half-inch rise. Councilman Rickher noted if a

snow plow hits that plate, it could send it flying and cause a lot of damage and/or injury. Ms. Rowe noted some of the driveways along Sunflower have these grates and it is a snow route with cars parked along it. If you have a law, you need to enforce it. You need to tow the vehicle if they do not move from the street. Mayor Michaelis stated I disagree, there are exceptions. What if 3-5 inches of snow falls during the day when the person is at work in St. Louis?

Ms. Rowe expressed this town is growing by leaps and bounds. I think something could be published to inform people about certain things. Director Rusteberg noted information is posted on Channel 10, for those with Charter cable service. Postings are placed in the news paper and we now have CodeRed to notify residents of emergencies. Ms. Rowe asked is there something that can be done about the littering. Mayor Michaelis reported Chief Bell has reactivated the Adopt-A-Highway/Street program. Ms. Rowe suggested some type of campaign to get people to take pride in our town. Some place- I think it was in Singapore - a person got flogged with bamboo for throwing out some chewing gum. Mayor Michaelis noted he did not think that would be acceptable here, and suggested we evaluate what law enforcement has done and can do.

Requests of Council:

Councilman Rickher stated some of the council members are firm believes that the Fiber to the Premise is the best way to bring business to Highland. I believe infrastructure is the best way. Even though I am the lone “no” vote, I feel the need to say this. I believe God only made so much earth. When you look at fiber, there is not a limited supply. Three years from now, we could have an extra billion dollars generated from this; so, what will happen is other communities and businesses will begin to compete with us and drive the price down. We all want to do what is best for Highland.

Some other things that are built into this: The warrant includes \$12,865 for the bike trail engineering. My problem is that we have 150 votes from the Parks & Receptions’ survey that want a bike trail. I do not feel that is enough of a want to make it a need. Some of those votes may not even be from property owners or even 18-year old voters. That bothers me.

Councilman Rickher continued: Let’s go back to the referendum for the Fiber to the Premise (FTTP). There were 664 votes “for” and 200+ that voted “no”. Do almost 900 voters really represent the citizens of Highland? Again, it is a want that we are making into a need, when we are in a time of economic hardship in this country. We are making decisions based upon small samplings of the population. We don’t have any grant money for this and we don’t have a final report from the committee. If I were running a business, I would ask do we have sound judgment to make a decision on this. I believe we are getting into a profit or loss type of business rather than providing a service. I would rather see another referendum on the FTTP and the bike trail and the costs associated with both of them. If this goes through, people will see their bills going up. These days, people are looking at cutting expenses. I just hope that, over the next two weeks, everyone really thinks about what is in the best interest of Highland, with regards to these votes.

Staff Reports:

Police Sergeant Carl Schlarmann Achievement Recognition – Mayor Michaelis reported that Carl’s son has been hospitalized, so he was unable to be here tonight.

Update on Floodplain Mapping – City Manager Latham noted a copy of a letter from FEMA was provided to the council. The letter shows FEMA has recognized the appeal on the floodplain designation along the Lemon Street Creek. We are going to meet with the property owners in the Woodcrest area and along Route 40 to encourage them to get flood insurance in the interim, while this being evaluated, so that they are “grandfathered in” should the designation stay in place.

City Manager Latham provided the council with a copy of a letter received from IDOT regarding the intersection of Highway 40 and Frank Watson Parkway. The state has changed their mind about requiring the signalization of the intersection at Highway 40, Hemlock and Frank Watson

Parkway. However, they have agreed to participate in the amount of \$400,000 for turn lanes on Highway 40, if we wish to proceed with signalizing the intersection. We anticipate bringing something to the council for the second phase of Frank Watson Parkway next month. Councilwoman Bellm clarified IDOT does not support placing left turn lanes at this intersection; however, they are giving us \$400,000 if we want to put in the turn lanes. City Manager Latham replied yes.

NEW BUSINESS

Approve City Council Meeting Dates for the 2010 Calendar Year – Councilman Bardill made a motion to approve city council meeting dates for the 2010 calendar year as attached; seconded by Councilwoman Bellm. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-162/ORDINANCE for Levy, Assessment and Collection of Taxes – Councilwoman Bellm made a motion to approve Bill #09-162/Ordinance #2396 for levy, assessment and collection of 2009 taxes payable in 2010 as attached; seconded Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-163/RESOLUTION Adopting Rules and Regulations Under the Freedom of Information Act and Designating FOIA Officers and an Open Meetings Act Officer – Councilman Bardill made a motion to approve Bill #09-163/Resolution #09-12-1850 adopting rules and regulations under the Freedom of Information Act and designation Freedom of Information Act Officers and an Open Meetings Act Officer as attached; seconded Councilwoman Bellm. Roll Call Vote: Zobrist, Rickher, Bardill, and Bellm voted aye, none nay. Motion carried.

Bill #09-164/RESOLUTION Approving Destruction of Audio Recordings of Executive Session Meetings Dated June 4, 2007 through May 19, 2008 – Councilwoman Bellm made a motion to approve Bill #09-164/Resolution #09-12-1851 approving destruction of audio recordings of Executive Session Meetings dated June 4, 2007 through May 19, 2008 as attached; seconded Councilman Bardill. Roll Call Vote: Zobrist, Rickher, Bardill, and Bellm voted aye, none nay. Motion carried.

Bill #09-165/ORDINANCE Approving TIF Agreement with RETKO Group, LLC for New Office Building at 115 Matter Drive – Councilman Bardill made a motion to approve Bill #09-165/Ordinance #2397 approving TIF Agreement with RETKO Group, LLC for a new office building at 115 Matter Drive as attached; seconded Councilwoman Bellm. Councilwoman Zobrist expressed concern that \$340,000 includes demolition of the Leisure World building. In the agreement, it shows Terra Properties' agreement with Hunsche to remove the building, at a cost of \$3500. We granted funds for Hunsche to move the building over to the new site and rebuild at the last meeting. Supervisor Limestall noted this is for the tear down of the building. There were expenses to break up the concrete and dispose of the items not being reused, which could account for the difference from \$32,000 to \$40,000. Councilwoman Zobrist asked why Terra Properties/RETKO is going after the TIF funds versus Farm Credit and Trouw. Councilman Rickher asked who would own the buildings. Supervisor Limestall explained RETKO owns the property and is doing the redevelopment. Darrin Girdler, for Terra Properties, who is representing RETKO Group, LLC in this development, stated our contract with Hunsche was for removal of building and existing slab, to leave the site for future development and level for drainage. There was no consideration for reuse of the building. The rock crusher that was on-site for three days was very expensive; those costs have not been received yet. The original petition was only for the Farm Credit. The \$300,000 for land acquisition brings the cost down to \$2.50 per square foot versus the market value of \$5 per square foot. Farm Credit has chosen a local contractor, as of today, to build the building. Originally, they had planned for a contractor out of Effingham. The idea of TIF is to develop and improve property so that it increases the property tax revenue. Councilman Rickher asked if Ruth's question is, 'Why isn't the money going to Farm Credit or Trouw?' Mr. Girdler explained that our intention is to get back to the basics of development. \$340,000 is for land acquisition and demolish.

The developer is taking the risk to sell or lease this property. City Attorney Harold Belsheim stated from what I have heard this is in the best intent of what TIF funds are for. Mr. Girdler noted when I was on the other side of the table “TIF” was a bad word, so I understand the questions and concerns. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #09-166/RESOLUTION Approving Revised Preliminary Plat–Prairie Trails Subdivision Phase 3– Councilman Bardill made a motion to approve Bill #09-166/Resolution #09-12-1852 approving revised preliminary plat of Prairie Trails Subdivision – Phase 3 as attached; seconded Councilwoman Bellm. Roll Call Vote: Bardill, Bellm, Zobrist and Rickher voted aye, none nay. Motion carried.

Approve Change Order Submitted by Korte & Luitjohan Contractors, Inc. – PW-01-09 Lemon Street Reconstruction Project – Councilwoman Bellm made a motion to approve Balancing Change Order in the amount of \$2,911.92 submitted by Korte & Luitjohan Contractors, Inc. for PW-01-09 Lemon Street Reconstruction Project as attached; seconded by Councilman Bardill. Roll Call Vote: Bellm, Zobrist and Bardill voted aye, none nay. Rickher abstained. Motion carried.

REPORTS

Approve Warrant #791 – Councilman Bardill made a motion to approve Warrant #791 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Zobrist, Rickher, Bardill and Bellm voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn the Regular Session to enter into Executive Session under the Illinois Open Meetings Act, Section 2(c)(21) for discussion of executive session minutes, 2(c)(2) to discuss collective negotiating matters, 2(c)(5) to discuss lease of real property, 2(c)(11) to discuss matters of potential litigation, and 2(c)(1) to discuss personnel matters; seconded by Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried. 8:20pm.

Mayor Michaelis reconvened the Regular Session at 9:52pm. Council members Bardill, Rickher, Bellm and Zobrist were present. Others in attendance were City Manager Latham, City Attorney Belsheim, Deputy City Clerk Hediger and City Clerk Bellm.

Bill #09-167/RESOLUTION Approving Collective Bargaining Agreement with IAFF Local 3672 – Councilwoman Bellm made a motion to approve Bill #09-167/Resolution #09-12-1853 approving the collective bargaining agreement with IAFF Local 3672 as attached; seconded Councilman Bardill. Roll Call Vote: Rickher, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilman Bardill made a motion to adjourn; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried. Meeting adjourned at 9:52pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk