

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
TUESDAY, JULY 6, 2010**

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

MINUTES

Councilman Bardill made a motion to approve the minutes of the June 21, 2010 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Weinheimer Use Request – Silver Lake 9-12 Group - William C. Orthwein explained the Silver Lake 9-12 Group is a loose-knit non-partisan association, aligned with the tea parties. The objectives of the group are to know how the federal government should operate, to participate and educate others on county, state, and federal candidates and campaigns, and to abide by the nine principles and twelve personal values espoused by the organization. The 9 Principles are: (1) American is good. (2) Believe in God and He is the center of your life. (3) Try to be a more honest person than you were yesterday. (4) Family is sacred. My spouse and I are the ultimate authority, not the government. (5) If you break the law, you pay the penalty. Justice is blind and no one is above it. (6) The right to life, liberty and pursuit of happiness, but there is no guarantee of equal results. (7) Work hard for what you have and share it with whomever you want. The government should not force you to be charitable. (8) It is not un-American for me to disagree with authority or to share my opinion. (9) Government works for me. I do not answer to it. The 12 Personal Values are: (1) honesty, (2) reverence, (3) hope, (4) thrift, (5) humility, (6) charity, (7) sincerity, (8) moderation, (9) hard work, (10) courage, (11) personal responsibility, and (12) gratitude. We are a group to educate people on how government works and not who to vote for. It is a spontaneous, volunteer group. My closest title would be organizer. It is a loose-knit organization. In the past, we have met at the K of C Hall, but members had to contribute to pay for the hall. More recently, we met at Marx Brothers. We would like a location where there was no charge to meet, so there is no money involved. Mayor Michaelis asked Director Rosen if he had any questions or concerns. Director Rosen stated he did not have any concern. He believes this falls within the intended use of the Weinheimer Building. Councilman Bardill made a motion to approve the request of the Silver Lake 9-12 Group to use the Weinheimer Community Center on the third Thursday of each month; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Requests of Council:

None.

Staff Reports:

None.

NEW BUSINESS

Approve Mayor's Appointments to the Parks & Recreation Advisory Commission and the Library Board of Trustees - Councilwoman Bellm made a motion to table the appointments to the Library Board of Trustees. Motion failed to carry due to a lack of a second. Councilman Bardill made a motion to approve the mayor's re-appointments of Suanne Davendonis and Susan L. Amaro to the Parks & Recreation Advisory Commission, for additional three-year terms, to expire July 31, 2013; and, approve the mayor's appointment of Mr. Jeff Wavrunek to the Library Board of Trustee, to fill the remainder of the vacated term that will expire June 30, 2012. Motion seconded by Councilman Schwarz. Roll Call Vote: Schwarz and Bardill voted aye; Bellm voted nay. Mayor Michaelis stated this requires three votes to approve or fail. Since it is my appointments, I must abstain. Motion failed.

Approve Engineering Services Agreement with Oates Associates, Inc. for Troxler Avenue Pavement Restoration Project – Councilman Bardill made a motion to approve the engineering services with Oates Associates, Inc., in the amount of \$21,000, for Troxler Avenue Pavement Restoration Project as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Approve Purchase of Hardware and Software for Backup System – Councilwoman Bellm made a motion to approve the purchase of hardware and software for a citywide integrated backup solution from Dell Computers in the amount of \$25,473.84 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Award or Reject Bid #E-06-10 for the Fiber Headend Modification Project - Councilman Bardill made a motion to reject all bids for the Fiber Headend Modification Project; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-72/RESOLUTION Approving Master Customer Agreement with Americas Center Corp. with Addendums and Authorizing City Manager to Execute the Agreement - Councilwoman Bellm made a motion to approve Bill #10-72/Resolution #10-07-1896 approving the master customer agreement with Americas Center Corp. with addendums and authorizing the city manager to execute the agreement as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-73/RESOLUTION Approving Mutual Non-Disclosure Agreement with Echostar Satellite Services, LLC and Authorizing City Manager to Execute the Agreement - Councilman Bardill made a motion to approve Bill #10-73/Resolution #10-07-1897 approving mutual non-disclosure agreement with Echostar Satellite Services, LLC and authorizing the city manager to execute the agreement as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-74/RESOLUTION Approving Enhanced Voice Agent Agreement with Fidelity Solutions, Inc. and Authorizing City Manager to Execute the Agreement - Councilwoman Bellm made a motion to approve Bill #10-74/Resolution #10-07-1898 approving enhanced voice agent agreement with Fidelity Solutions, Inc. and authorizing the city manager to execute the agreement as attached; seconded

by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-75/ORDINANCE Authorizing Issuance of Sales Tax Alternate Revenue Source Bonds for Land Acquisition for Street Construction and Certain Construction Costs – Councilman Bardill made a motion to approve Bill #10-75/Ordinance #2424 authorizing issuance of Sales Tax Alternate Revenue Source Bonds, in the aggregated principal amount of \$3,200,000, for land acquisition for street construction and certain construction costs as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-76/ORDINANCE Vacating a Dedicated, Platted, Unimproved Street but Reserving Therein a Sanitary Sewer Easement (McGinley Land Trust) – Councilwoman Bellm made a motion to approve Bill #10-76/Ordinance #2425 vacating a dedicated, platted, unimproved street by McGinley Land Trust but reserving therein a sanitary sewer easement as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Discussion – Landlord Summit – City Manager Latham reported these are the options that I took away from the open meeting with the landlords. The majority agreed on some type of registration process. This will assist city staff in identifying the owners of property and emergency contact information. Secondly, we need to provide some educational programs for landlords. This could be tied to the registration as well. The inspection of rental property did not get overwhelming support, mainly due to concerns about the process. Recommendations to council are to develop an ordinance requiring registration and some education programs; and, include an inspection program that identifies a start date from the adoption of the ordinance to insure basic safety standards are met.

Councilman Schwarz stated based on feedback, I feel it is important to identify ownership. I have some concern about the education program. Is there some liability for the city, if they follow our training, but there is a dispute between landlord and renter at some point? I go back to the concern with creating an ordinance for a one-time issue. This all came about due to one issue, which has since been resolved. In particular, I do not want to put city staff and resources into something not needed. As far as inspections, we have ordinances in place already to take ensure safety standards are met. I think if we do an inspection and something should happen we could be held liable. If it is not up to code, then we want to use enforcement tools that we have in place already. City Attorney Duane Gruenke advised, in terms of inspection, you are not going to have any liability. The inspections you are doing would be the same for occupancy inspections of single-family residences. With the education program, there really is no liability.

Councilwoman Bellm stated, with regards to registration, I did not sense that any landlords objected to that. In the case that something goes wrong, it makes sense to know who owns the property. I understand what Councilman Schwarz is saying about education. However, I was surprised that some people were not aware of the best practices to follow when being a landlord. You would think that some would avail themselves of these practices and the rights that are out there; however, some do not have the resources. She inquired how the inspections tied into the registration. City Manager Latham explained we will perform an inspection of the property, as part of the registration. If the inspection shows they are in good standing, then everything is included in the registration. If some issue(s) are found in the inspection, then a cost would be incurred for re-inspection. Councilwoman Bellm stated I don't think we should go looking for code violations. Working smoke detectors, available ingress and egress, and steps that are in working order, etc. should be what we look for. We need to tweak it so that it is not a burden on the landlords. She noted the registration fee proposed is \$5.00. City Manager Latham noted that fee was tied into the education. I would propose free registration for a period of time, then a fee after that. Councilwoman Bellm stated if they cannot manage to register in six months, then I would not be opposed to a higher fee. Councilman Schwarz expressed I think many felt that the inspection was heavy-handed. Councilwoman Bellm stated what I heard was that people were okay with the option to have the ability to

do an inspection. Building and Code Enforcement Official Sharon Walter explained we can go in and perform an inspection now, under the property maintenance code, with a complaint or if we see a life-safety issue. Councilwoman Bellm asked if the roof is falling in, we can't go in. Sharon Walter replied if we see the roofline is falling in and we know whom to contact, then we do an inspection. Often people do not make a complaint, because they do not have another place to live. Councilwoman Bellm inquired what if we start with the registration process. There was some talk about a landlord association forming. Let us see where that goes. Sharon Walter reported, at the owner's request, I did an inspection of an apartment complex the other week. I found smoke detectors not working, common areas were filthy, and dryer vents were not hooked up.

Councilman Schwarz asked what recourse we have if they do not fix the violations. City Manager Latham stated if they do not register, then they are fined. Councilman Schwarz asked what if they fail to pay the fine. City Attorney Gruenke explained if there are violations found, they receive a fine. If the fine is not paid, then a warrant is put out for the owner's arrest. Councilwoman Bellm noted the goal is not to fine people; it is about safety. I am trying to get the greatest amount of participation. The mayor had the idea of having an open meeting with them. They were not opposed to the registration; therefore, I say we start there.

Mayor Michaelis asked Sharon Walter how many rental units we have in Highland. Sharon replied I have no idea. Everyday I am finding more. We have no way of knowing. Often I use Madison County property tax records and compare them to the master utility billings. She added, violations not fixed result in escalating fines, based upon existing ordinance, and can get very costly if they remain in violation. City Attorney Gruenke noted the most recent census might answer the question of how many rental properties. It was the consensus of the council to begin by establishing an ordinance to require registration of rental property owners. City Attorney Gruenke suggested including a provision in the ordinance for a 120-day window with no registration fee and then a fee after that. Consideration needs to be given to provide something in the ordinance to take into account a family that may relocate and chose to rent their home at some time in the future. Do you charge them a fee or allow a period for registration without a fee?

REPORTS

Approve Warrants #810 & #811 – Councilman Bardill motioned to approve Warrants #810 & #811 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn to conduct an Executive Session pursuant to the Illinois Open Meetings Act under Section 2(c)(21) for discussion of executive session minutes; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried. Meeting adjourned at 7:38pm.

Mayor Michaelis reconvened the Regular Session at 7:47pm. Council members Schwarz, Bardill and Bellm were present. Councilwoman Zobrist was absent. Others in attendance were City Manager Mark Latham, City Attorney Gruenke, Deputy City Clerk Hediger and City Clerk Bellm.

Councilman Bardill motioned to adjourn; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried. Meeting adjourned at 7:47m.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk