

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, JULY 19, 2010**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Bardill, Bellm and Zobrist. Councilman Schwarz was absent. Others in attendance: City Manager Mark Latham, City Attorney Terry Bruckert, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Police Chief Bell, Deputy City Clerk Hediger, City Clerk Bellm, 9 citizens and 1 member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the July 6, 2010 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill and Bellm voted aye, none nay. Councilwoman Zobrist abstained. Mayor Michaelis voted aye. Motion carried.

PRESENTATION

Shelley Dintelman, P.E., Project Manager for EFK Moen, LLC, introduced Cindy Stafford and Candace Suermann, with IDOT, and Linda Bowman, of EFK Moen, LLC. She reported they are initiating a study for preliminary engineering on an I-70/State 160 interchange. They are just getting started with population trends, accidents and growth trends to develop an Access Justification Report, which will be submitted to the federal transportation. Candace Suermann, Engineering Studies Manager with IDOT, shared with the council and those in attendance that they will gather content solutions by reaching out to any interested stakeholders in the project. Stakeholders would be emergency services (fire, police, and medical), immediate property owners, local government, and nearby business or industries. A public interest meeting will be held on August 26, 2010, 4-6pm at the Highland Middle School. There will be no aerials with options or alternatives presented. What we will be asking those in attendance is to tell us about Highland and the values of Highland. We want to know what Highland values, needs and the concerns of the community. From this meeting we will develop a problem assessment, which will help with the decision process. After that, we will form a community advisory group. If you know of someone that would be interest in serving, please email me the person's name and information. We expect the commitment of those serving to be about six meetings over the next two years. IDOT has the final determination on the project, as they take ownership of the project. Shelley Dintelman, stated the Access Justification Report, is a requirement by the federal government. This will look at options from I-70 to Highway 40 and north of I-70. We will look at how this fits into a regional transportation plan; how this will impact the nearby area, in relation to how it is being used now. A preferred alternative will be provided along with options to IDOT and the federal government. Councilwoman Bellm noted this is a long, drawn out process. Mayor Michaelis asked, as far as the justification study, could you provide us a timetable. Shelley Dintelman stated it is about a two-year process, which started earlier this spring. After the local federal highway department sends it to Washington, DC, at the end of two years, there is time for it to be reviewed at that level. There may be some revisions made between the federal and state department of

transportation. Ms. Sauermann stated we offer to come and present to the council, prior to each public meeting, so that you know what will be presented and discussed. This would occur about every three months.

PUBLIC FORUM

Citizens' Requests and Comments:

Pregnancy Care Center – 3rd Annual Walk for Life & 5K Life Run Request – Carrie Adolph, Director of Pregnancy Care Center, located at 410A Pine Street, requested permission for use of the Square to hold their third annual “Walk for Life” event and 5K Run in the downtown area on Saturday, September 18, 2010, 6:00AM – 11:00AM. The annual event was previously held at Glik Park. However, with the addition of the 5K Run, which starts at 8AM, and desire to make the event more accessible and visible to the public, they wish to move it to the Square. Councilwoman Bellm made a motion to approve the request of the Pregnancy Care Center to use the Square and streets of Highland on Saturday, September 18, 2010 to hold their Walk for Life and 5K Run fundraiser, between 6AM – 11AM as requested; seconded by Councilman Bardill. Councilwoman Bellm asked Chief Bell if this has been reviewed. Chief Bell stated we have staffing available to man Broadway, but not the other intersections. Mrs. Adolph stated they would have twenty volunteers to man the other intersections. All council members voted aye, none nay. Motion carried.

Requests of Council:

Councilwoman Bellm noted the 175th anniversary of Highland will be in 2012. Several people have expressed an interest in participating with organizing the celebration. In particular, the historical society is on board; they have donated \$2,000 towards the celebratory event. The focus of the event will be more educational on the history of Highland.

Staff Reports:

None.

NEW BUSINESS

Setting August 16, 2010, as the Date of the Public Hearing to Receive Public Comments on the Proposal to Sell Bonds in the Amount of up to \$3,200,000 for the Purpose of Financing the Acquisition of Land for Street Construction, and Initial Costs of Street Construction, and Related Facilities, Improvements and Costs – Councilman Bardill made a motion to set August 16, 2010 as the date of the public hearing to receive public comments on the proposal to sell bonds in the amount of up to \$3,200,000 for the purpose of financing the acquisition of land for street construction, initial costs of street construction, and related facilities, improvements and costs as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Change Order #1 on PW-03-10 the Main Street Parking Lots project –

Councilwoman Bellm made a motion to approve Change Order #1 on PW-03-10 Main Street Parking Lots project, a reduction of \$7,048.00 as attached; seconded by Councilman Bardill. Councilwoman Bellm stated I was at the Planning & Zoning meeting. I have in front of me the original plan that was drawn up, which Planning & Zoning rejected for several reasons. Now we have proposed a new design. The main concerns, which we have a memo from Planning & Zoning Chairman Brad Korte explaining, is the members' were the request to not have landscaping; concern with the first two spots at entry from the lot and being able to back out of them without being in the street; and, the narrow parking spaces. I think if it is tweaked, we could find a happy medium that would meet code and not have to set a precedent. Councilwoman Zobrist stated I understand what Councilwoman Bellm is saying; however, do we have the time to send this back to Planning & Zoning with the timeframe given in the notice of municipal letting. Public Works Director Joe Gillespie stated I am not sure that we can get any variance. Because of the narrow width of the lot, I am not sure that we can get that many spaces on the lot without

a variance. Councilwoman Bellm suggested one option may be to eliminate one handicap space on the parking lot and one regular space. The other option is to make all the parking spaces along Pine Street on the west side of the Weinheimer, handicap spaces; make all but one of these regular spaces. Councilwoman Zobrist noted Jeff Doertch had stated that was not a viable option due to lack of ADA access to the sidewalk without going down the street to the corner. Councilwoman Bellm stated I am just trying to find alternatives to prevent us going from fourteen parking spots to nine. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Korte Recreation Center Pool Deck Replacement Project - Councilman Bardill made a motion to approve Korte Recreation Center Pool Deck Replacement Project with Desco Systems in the amount of \$31,719.00 as attached; seconded by Councilwoman Bellm. Councilman Bardill asked if this was put out for quotes. Director Rosen replied no; we are just requesting funding. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for Library Roof Replacement Project – Councilwoman Bellm made a motion to approve Notice of Municipal Letting (NOML) for Library Roof Replacement project as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for Library Building Rehabilitation Project – Councilman Bardill made a motion to approve Notice of Municipal Letting (NOML) for Library Building Rehabilitation project as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #10-77/RESOLUTION Authorizing Execution of Maintenance Agreement with Utility Service Co. for the Million Gallon Water Storage Tank – Councilwoman Bellm made a motion to approve Bill #10-77/Resolution #10-07-1899 authorizing execution of Maintenance Agreement with Utility Service Co. for the Million Gallon Water Storage Tank, located at 3010 Highland Park Road as attached; seconded by Councilman Bardill. Councilwoman Zobrist asked Director Gillespie about the payment terms. It states in the agreement that due to the length of time to perform the renovation project, it is possible that two annual fees could fall into this budget year. Why would it take more than a year and why would they charge us. Director Gillespie introduced Kirt Ervin, Director of Key Accounts for Utility Service Co. Mr. Ervin explained if, for some reason, the City could not drain the tank and depending upon when the City’s fiscal year ends, then the up-front completion payment that is due when the project is complete, as well as the annual maintenance fee could fall into the same fiscal year. The contract year would be the first day of the month the contract is signed, for one year. Director Rusteberg explained, as long as the project is done by April 30, we will log it into this fiscal year. Councilwoman Zobrist inquired this will not take as long to complete as the other tank. Mr. Ervin replied no. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-78/RESOLUTION Authorizing Execution of Maintenance Agreement with Utility Service Co. for the 1.5 Million Gallon Water Storage Standpipe – Councilman Bardill made a motion to approve Bill #10-78/Resolution #10-07-1900 authorizing execution of maintenance agreement with Utility Service Co. for the 1.5-Million Gallon Water Storage Standpipe as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-79/RESOLUTION Authorizing Execution of Intergovernmental Agreement for Contract Police Services - Councilwoman Bellm made a motion to approve Bill #10-79/Resolution #10-07-1901 authorizing execution of intergovernmental agreement for contract police services between the City of Highland and Highland Community Unit School District No. 5 as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-80/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit (245 Field Crossing) – Councilman Bardill made a motion to approve Bill 310-80/Resolution #10-07-1902 making Separate Statement of Findings of Facts in connection with Ordinance granting Special Use Permit for 245 Field Crossing as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill and Bellm voted aye, Zobrist voted nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-81/ORDINANCE Granting Special Use Permit for the Operation of a Memory Care Center in an RIC (Single Family) Zoned Area (245 Field Crossing) – Councilwoman Bellm made a motion to approve Bill #10-81/Ordinance #2426 granting a temporary Special Use Permit, to expire December 31, 2011, for the operation of a Memory Care Center in an RIC (Single Family) zoned area for 245 Field Crossing as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill and Bellm voted aye, Zobrist voted nay. Mayor Michaelis voted aye. Motion carried.

Bill #10-82/RESOLUTION Making Separate Statement of Findings of Facts in Connection with Ordinance Granting Special Use Permit (220 Field Crossing) - Councilman Bardill made a motion to approve Bill #10-82/Resolution #10-07-1903 making Separate Statement of Findings of Facts in connection with Ordinance granting Special Use Permit for 220 Field Crossing as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-83/ORDINANCE Granting Special Use Permit for the Operation of an Assisted Living Facility in an RIC (Single Family) Zoned Area (220 Field Crossing) – Councilwoman Bellm made a motion to approve Bill #10-83/Ordinance #2427 granting a perpetual Special Use Permit for the operation of an Assisted Living Facility in an RIC (Single Family) zoned area for 220 Field Crossing as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried

Bill #10-84/ORDINANCE Revoking Special Use Permit Granted to Donald Bernhardt, February 19, 2008, for Construction of an Assisted Living Facility – Councilman Bardill made a motion to approve Bill #10-84/Ordinance #2428 revoking Special Use Permit granted to Donald Bernhardt, February 19, 2008, for construction of an Assisted Living Facility as attached; seconded by Councilwoman Bellm. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-85/ORDINANCE Amending Sec. 14-10, Sec. 90-15, and the Table of Principal Non-Residential Uses in Section 90-201 of the Code of Ordinances, to Recognize Beekeeping as an Allowable Special Use Within Single-Family Districts – Councilwoman Bellm made a motion to Bill #10-85 /Ordinance #2429 amending Sec. 14-10, Sec. 90-15, and the Table of Principal Non-Residential Uses in Section 90-201 of the Code of Ordinances, to recognize beekeeping as an allowable Special Use within Single-Family Districts as attached; seconded by Councilman Bardill. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #10-86/ORDINANCE Amending Sec. 90.204(d) of the Zoning Code Concerning Seasonal Retail Sales – Councilman Bardill made a motion to approve Bill #10-86/Ordinance #2430 amending Section 90.204(d) of the zoning code concerning seasonal retail sales as attached; seconded by Councilwoman Bellm. Councilwoman Bellm expressed concern about changing the zoning code for one particular incident. There is a reason there is a code there and written the way it is. I am concerned about opening this up and creating an opening for things we have no control over. Is there something that would allow this to be put in under a SUP? Building & Code Enforcement Chief Official Kevin Limestall asked would the SUP be for this type of use or for all seasonal sales. Councilwoman Bellm replied seasonal sales. Supervisor Limestall explained seasonal sales are allowed presently for things such as the farmers' market. Councilwoman Bellm expressed concerned we will “seasonal” t-shirt sales, “seasonal” velvet painting stands, etc. This opens it up to allow for just about anything that does not fit into the existing code. Supervisor Limestall noted this person stated that if this went well they would look at building a permanent structure. Councilwoman Bellm stated I am trying to look at this “big

picture” versus just one application. Councilwoman Bellm made a motion to table; seconded by Councilwoman Zobrist. Roll Call Vote: Bellm and Zobrist voted aye, Bardill voted nay. Mayor Michaelis voted nay. Motion failed. Roll Call Vote on the original motion to approve Bill#10-86: Bardill and Zobrist voted aye, Bellm voted nay. Motion carried.

REPORTS

Approve Warrant #812 – Councilwoman Bellm made a motion to approve Warrant #812 as attached; seconded by Councilman Bardill. Councilwoman Zobrist noted dues were paid to RCGA (Regional Commerce & Growth Association) and Southwestern Illinois Metropolitan & Regional Planning Commission (SWIMPC). She inquired if they were not similar organizations. City Manager Latham stated RCGA is a larger region. Director Rusteberg noted the City has been members of the SWIMPC for many years and has received some grant funding through them. Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm motioned to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Meeting adjourned at 8:52pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk