

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, AUGUST 2, 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, Kim, Rosen, Rusteberg and Schoeck, Police Chief Bell, Supervisor Limestall, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm, 6 citizens and 1 member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the July 19, 2010 Regular Session 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 approve the minutes of the July 26, 2010 Special Session as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

None.

Requests of Council:

None.

Staff Reports:

None.

NEW BUSINESS

Approve Mayor's Re-Appointments to the Parks & Recreation Advisory Commission – Councilman Bardill made a motion to approve the re-appointments of Suanne Davendonis and Susan L. Amaro to the Parks & Recreation Advisory Commission for additional three-year terms, that will expire July 31, 2013, as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Approve Mayor's Appointment to the Tree Commission – Councilwoman Bellm made a motion to approve the appointment of Darell Newman to the Tree Commission for a three-year term, to expire

July 2013 as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Approve Mayor's Appointment to the Telecommunications Advisory Board – Councilman Bardill made a motion to approve the appointment of Neill Nicolaides to the Telecommunications Advisory Board, to fill the position vacated by Robert Freeman, for a three-year term expiring May 13, 2013 as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #10-87/RESOLUTION Authorizing and Directing that Shares of Stock Issued to the City Be Sold – Councilwoman Bellm made a motion to approve Bill #10-87/Resolution #10-08-1904 authorizing and directing that shares of Smurfit-Stone Container stock issued to the City of Highland be sold by April 30, 2011 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-88/RESOLUTION Approving Extension of Water Purchase Contract with the Village of St. Jacob – Councilman Bardill made a motion to approve Bill #10-88/Resolution #10-08-1905 approving extension of water purchase contract with the Village of St. Jacob as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-89/RESOLUTION Establishing Rates for Solid Waste Collection Services - Councilwoman Bellm made a motion to approve Bill #10-89/Resolution #10-08-1906 establishing rates for solid waste collection services as attached; seconded by Councilman Bardill. Director Rusteberg explained we modified it a bit to remove the 1-1/2-yard and 30-yard containers and add a rate for the compactor receiving boxes. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-90/RESOLUTION Approving Preliminary Engineering Services Agreement with Oates Associates, Inc. for the Sportsman Road Trail – Councilman Bardill made a motion to approve Bill #10-90/Resolution #10-08-1907 approving preliminary engineering services agreement with Oates Associates, Inc. for the Sportsman Road Trail as attached; seconded by Councilwoman Bellm. Director Gillespie explained this is a multi-use path similar to what runs along Frank Scott Parkway. This will go along the ditch that is on the north side of Koepfli and connect into Glik Park. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Bill #10-91/RESOLUTION Approving Addendum with Echostar Satellite Services, LLC and Authorizing City Manager to Execute the Addendum – Councilwoman Bellm made a motion to approve Bill #10-91/Resolution #10-08-1908 approving addendum with Echostar Satellite Services, LLC and authorizing the city manager to execute the addendum as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Approve Purchase of HP Servers and VMWare for Fiber Headend Facility – Councilman Bardill made a motion to approve purchase of HP Servers and VMWare from Hewlett Packard in the amount of \$53,035.08 for Fiber Headend Facility as attached; seconded by Councilwoman Bellm. Director Cook explained this is all equipment to collect and disperse data sent through the system. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Approve Purchase of CISCO Switches, Routers, Firewalls and Associated Software - Councilwoman Bellm made a motion to approve the purchase of CISCO switches, routers, firewalls and associated software from Logicalis in the amount of \$56,279.44 as attached; seconded by Councilman Bardill. Councilwoman Bellm stated I read on the internet that one of the stocks to watch is CISCO. If they do well, then the economy is doing well. Therefore, I figure we are doing our little bit. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Approve Purchase of Installation, Configuration and Support Services from Logicalis – Councilman Bardill made a motion to approve the purchase of installation, configuration and support services from Logicalis in the amount of \$36,400 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Approve Notice of Municipal Letting Bid #E-12-10 Removal and Replacement of Diesel Contaminated Soil from Power Plant – Councilwoman Bellm made a motion to approve Notice of Municipal Letting Bid #E-12-10 Removal and Replacement of Diesel Contaminated Soil from the Power Plant as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Award Bid PW-08-10 for the Highland Dam Construction Project – Councilman Bardill made a motion to award Bid PW-08-10 for the Highland Dam Construction Project to L. Keeley Construction, of Sauget, IL, in the amount of \$60,489.00 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Approve Purchase of 2002 Trailer Mounted Sewer Jetter – Councilwoman Bellm made a motion to approve the purchase of a 2002 Trailer Mounted Sewer Jetter from Coe Equipment, Inc., of Rochester, IL, in the amount of \$29,500 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Approve Commencement of Theater Feasibility Study by Davidson Theatres, Inc. – Councilman Bardill made a motion to approve commencement of a Theater Feasibility Study by Davidson Theatres, Inc. as attached; seconded by Councilwoman Bellm. Councilwoman Bellm questioned why the city would be paying for this. She stated, I am not quite sure we want to open that “can of worms”, should someone else ask for a feasibility study for a restaurant or something else. What do we know about this consulting firm? It is not that I am against doing the feasibility study or having another theatre here; however, with having to tighten our budgets, I would wonder why we are paying for this. I would be in favor of reimbursing the group that pays for the study should a theatre be developed. City Manager Latham explained there is some interest local. We did a survey of what the citizens would like to see brought to Highland; a theatre was one of the top requested items. Councilwoman Bellm agreed it might bring more sales tax with the addition of ticket sales, restaurants and shopping. I am not opposed to it. I am just not sure that if a restaurant chain came and asked that we want to have this precedence set. Councilman Schwarz pointed out we offer the new home sales tax incentives. I think this would make a larger impact. For the chance of the reward, I think it is money well spent. Mayor Michaelis agreed with Councilman Schwarz’s statements. Councilman Bardill agreed as well. Councilwoman Bellm asked why this particular consultant was selected. What do we know about them? City Attorney Gruenke advised if the city wants to do a feasibility study that is not an issue. Paying a reimbursement to the group after the fact could create problems, unless funds provided were based upon development in a TIF district. Councilwoman Bellm clarified if the city pays for it then we own it and can take the study to another company. Attorney Gruenke concurred. Councilman Schwarz pointed out the number of people that go to Edwardsville or other towns to see shows. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried.

Discussion – Highland Animal Shelter Contract Renewal – City Manager Latham reported the contract with the Highland Animal Shelter (HAS) ended July 31. Our annual cost was \$21,525. The HAS proposed a one-year contract with an increase ~51% (\$42,000) or a three-year contract with increases of 10%, 7% and 7%, respectively. Chief Bell, Director Rusteberg and I met with Marilyn Warren, President of Highland Animal Shelter. The fact is that we simply cannot afford it. At best, we could offer a 2% increase. HAS counter-proposed with a 5% increase and us paying 50% on all veterinary bills. We do not feel we can enter into a contract with no control over medical costs. The money for this comes out of the police department’s budget. About 80% of their budget comes from state

funding, from state income tax, and we have lost several thousands of dollars of that funding. We are asking all department directors to reduce their budget to balance the overall budget. We have offered \$100 per animal brought in. The issue is that the HAS is struggling to control veterinary bills. We, however, have no control over when they provide medical care and the extent of the medical care provided.

Ms Warren, President of HAS, stated we have no control over the animals coming in. Often they are not healthy. All animals have to be micro chipped, altered, receive all their shots, and tested for heartworms. That cost of immediate care is \$100. We have a dog that came in that has heartworm; we know who the owner is; however, the owner does not want to come pick up the dog or pay for the medical costs. Is there anything the city can do? Chief Bell reported there is nothing under the criminal code; that is a civil matter. The city attorney agreed. Ms. Warren reported, in 2009, 337 animals were brought in; only 107 were reclaimed. We need some assistance with the recovering some of the medical costs. Councilman Schwarz asked what other options we have. Outside of the city funding this, is there another option? Mayor Michaelis explained, years ago, prior to the Highland Animal Shelter, the city would water and feed the animals, and then transport the animals to the Madison County Animal Control Shelter. Then the Highland Animal Shelter was started out housed in a building down by the racetrack. When the shelter moved and expanded into its current location, the person that deeded the building and land made it a requirement that they must remain a “no kill” shelter. Chief Bell pointed out Madison County’s shelter is not a “no kill” shelter. The issue is medical costs are escalating and we have no means to cover the rising costs. Councilman Bardill asked what the cost is to use Madison County’s shelter. Chief Bell reported the cost is \$45 per animal, if we call them to come pick up. There is no cost if we transport the animal up there.

Sandy Engerman, Manager of HAS, pointed out the Madison County Humane Society no longer accepts strays. Madison County Animal Control Shelter will only wait 5-7 days to keep the animals alive, provided they do not need medical care. They do not do medical care. If it needs medical care, the animal is immediately put down. We receive numerous calls per day from outside the immediate area, with requests to take animals, because we are a “no kill” shelter. We turn down many of these requests, to maintain a certain capacity for strays brought in from the City of Highland. The one dog, that has heartworms, has been in and out of the shelter several times in the last two years. The owner lost his home. When the owner asked how much to surrender the dog, I offered \$200. This was before it was tested for heartworms. Councilwoman Bellm inquired, even if you know who the owner is and you have contacted the owner, can you adopt that animal out. Ms. Engerman stated we do adopt the animals out after a period of time.

Sandy Peolker, HAS Treasurer, explained this has been a problem the whole time I have been with the HAS. I am also a paralegal. Mr. Wolf, an attorney in Collinsville that I work for does small claims pro bono for the animal shelter. To file a claim, in small claims court, it costs \$160. We do not get free food or utilities. In the first six months of 2010, we had \$57,000 of income (\$10,000 from City of Highland) and \$17,000 in veterinary bills. With the case of Rocky, the dog we have been talking about, I am going to talk to the state’s attorney’s office about pursuing action under the Animal Welfare Act; however, that does not mean we will receive any funds by taking this action. We have these cases quite often. I don’t know what the answer is. According to the deed of the shelter, we must remain a “no kill” shelter. Councilwoman Bellm acknowledged that was going to be my question. Unfortunately, every department is being asked to cut back. Should we agree to pay \$100 per animal, I think we need to have a limit on medical expenses, otherwise, word will get out in the area and we end up with people dropping strays off. Sandy Peolker clarified, I don’t know that we can continue to take \$100 per animal for an unspecified number of animals; that was an offer for the interim. Councilman Schwarz inquired, even if the city provides support, the shelter is going to run in the red. Sandy Peolker stated 95% of the animals are from the city. We turn down requests from others to take in animals due to having to maintain capacity for strays brought in by the city. We do not have the medical costs associated with those animals and the owners must pay a surrender fee. Councilwoman Bellm stated, it sounds like, if the police found animals that were in really bad shape and possibly may not be able to be saved, they should

take them to Madison County. Sandy Engerman pointed out cats with leukemia do not look sick. Rocky, a dog with heartworms, is two years old and looks healthy. If we don't have the city contract, we will not have huge medical bills. We will only be taking in animals that have been tested and are in good medical condition, with a surrender fee. Councilman Schwarz asked Chief Bell if it works for your department to take the animals to Madison County or have them picked up. Councilwoman Bellm suggested, for right now, do the \$100 per animal until the police department figures out how to coordinate getting animals to Madison County. Chief Bell stated we can just begin doing it. It was the consensus of the council. Councilwoman Bellm asked if the police does not take animals to you, what about the residents that show up at your door with animals. Ms. Engelman stated we will not just take in an animal free gratis. That is our present policy and it will continue. Councilwoman Bellm suggested the Highland Animal Shelter write an article for the newspaper, to explain the shelter's policy.

REPORTS

Approve Warrants #813 & #814 – Councilman Bardill motioned to approve Warrants #813 & #814 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, 2(c)(2) to discuss collective negotiating matters, 2(c)(5) to discuss property acquisition; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, none nay. Motion carried. Meeting adjourned at 8:00pm.

Mayor Michaelis reconvened the Regular Session at 8:26pm. 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.

Bill #10-92/RESOLUTION Authorizing Execution of Real Estate Purchase Contract – Councilman Bardill made a motion to approve Bill #10-92/Resolution #10-08-1909 authorizing the execution of real estate purchase contract with Gerald A. Rottmann and Patricia M. Rottman for the purchase of ~3.6 acres of larger tract of land located at 13048 Trestle Road, in the amount of \$252,350 as attached; seconded by Councilwoman Bellm. Councilman Schwarz stated I voted against the last purchase; however, that ship has sailed and it is time to move forward. I still find the price unacceptable. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, none nay. Motion carried.

Bill #10-93/RESOLUTION Authorizing Execution of Real Estate Purchase Contract – Councilwoman Bellm made a motion to approve Bill #10-93/Resolution #10-08-1910 authorizing the execution of real estate purchase contract with Richard A. Kampwerth for the purchase of 1.999 acres of larger tract of land located on Trestle Road, for the amount of \$140,000, as attached; seconded by Councilman Schwarz. Mayor Michaelis stated he agreed with Councilman Schwarz that the price is high; however, our options are limited. Roll Call Vote: Schwarz, Bardill and Bellm 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 8:30pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk