

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
TUESDAY, FEBRUARY 22, 2011**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers present were Schwarz, Bardill, Bellm and Zobrist. Others in attendance: City Manager Mark Latham, City Attorney Harold Belsheim, Directors Cook, Gillespie, Rosen, Rusteberg and Schoeck, Officer Steinbeck, Supervisor Limestall, Latzer Library Director Kim, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm; 6 citizens, 3 representatives of Scheffel & Co., and 1 member of the news media.

MINUTES

Councilman Bardill made a motion to approve the minutes of the February 7, 2011 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Highland Lion's Club – Memorial Day Biathlon Request – Councilwoman Bellm made a motion to grant the request of the Highland Lion's Club to hold the annual Memorial Day Biathlon on city streets from 8am – 10:30am on May 30, 2011 as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Hug Truck Co. Documentary Film Funding Request – John Hug, Curious World Media Group – Mayor Michaelis stated this item would be moved to the end of the agenda to give Mr. Hug time to arrive, as his flight was delayed earlier today.

Kent Weise, 1300 Main St., owner of The Korner Keg, addressed the council regarding a complaint made by Ms. Brenda Hendrich, a neighboring homeowner, in December. Mr. Weise pointed out Ms. Hendrich physically lives and owns a home in a business district and her property is commercially zoned. Prior to purchasing his property and opening it as a business, there was notification as to what the property was going to be used for, signs were posted on the property in April 2010, and a zoning meeting was held in May 2010. Mr. Weise noted Ms. Hendrich addressed you about people drinking outside the bar. The area that people are drinking is not on public property. Patrons are instructed to stay within the fenced in area, and notified that if they go outside the area or leave with an open container the police may cite them. Drinks are put into disposable cups, to prevent broken glass outside. As far as noise, Municipal Code 26.30-1 addresses that the nuisance law is not to interfere with business operations. Our hours of operation are within the state liquor license. Ms. Hendrich addressed the council about trash and littering. Since opening, I have hired someone to come in to clean and to pick up trash in the area. Every morning he and I walk the area and pick up any trash. We cannot go on an individual's personal property; however, if it is on the boundaries of the property, we pick it up. We are diligently trying to work with the neighbors to maintain a good

relationship. I am trying to run a business and a friendly neighborhood bar. Anyone that has come to me with an issue, we have been able to discuss it and come to an agreement. Councilman Schwarz stated it sounds like you have done what is needed with addressing the complaint and working with the neighbors to reach a compromise on any issues. Councilwoman Zobrist stated one complaint I have heard is there is no signage in the front of the handicap spot. There needs to be a sign posted in front of that spot. That issue needs to be addressed.

Requests of Council:

None

Staff Reports:

City Manager Latham reported the council was provided with the proposed FY2011-2012 budget packets. Special meetings will be held March 14 and 28, to discuss the proposed budget.

Council received information from Director Rusteberg regarding the 2010 Census. The most current census shows the city's population at 9,919. That will result in approximately \$55,380 additional revenue.

NEW BUSINESS

Bill #11-13/RESOLUTION Requesting Road Closure from IDOT for HCWC Child Abuse Prevention Walk – Councilman Bardill made a motion to approve Bill #11-13/Resolution #11-02-1950 requesting road closure from IDOT on April 17, 2011 for Highland Civic Women's Club Child Abuse Prevention Walk as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #11-14/RESOLUTION Requesting Road Closure from IDOT for 2011 Schweizerfest Event - Councilwoman Bellm made a motion to approve Bill #11-14/Resolution #11-02-1951 requesting road closure from IDOT June 10, 11 and 12, 2011 for 2011 Schweizerfest Event as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #11-15/RESOLUTION Requesting Road Closure from IDOT for 2011 Schweizerfest Parades – Councilman Bardill made a motion to approve Bill #11-14/Resolution #11-02-1952 requesting road closure from IDOT June 11 and 12, 2011 for 2011 Schweizerfest Event as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #11-16/RESOLUTION Approve Joint Funding Agreement with IDOT for Preliminary Engineering of Sportsman Road Trail – Councilwoman Bellm made a motion to approve Bill #11-16/Resolution #11-02-1953 approve joint funding agreement with IDOT for preliminary engineering of Sportsman Road Trail attached; seconded by Councilman Bardill. Councilwoman Bellm inquired we are doing this to apply for a grant. City Manager Latham replied we already have the grant. We originally applied for the grant with a different area in mind. However, we felt that this makes more sense to get access for people who live on the west side to Glik Park, because of the traffic on Sportsman Road. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #11-17/RESOLUTION Approving Reduction of the FY 2011 Service Fee and a Two-Year Extension of Agreement for Auditing Services with Scheffel & Company, P.C. – Councilman Bardill made a motion to approve Bill #11-17/Resolution #11-02-1954 approving reduction of the Fiscal Year 2011 service fee and a two-year extension of Agreement for Auditing Services with Scheffel & Company, P.C. as attached; seconded by Councilwoman Bellm. Councilman Schwarz inquires we are

extending this for two years, but we are not letting this out for competitive bid. Director Rusteberg stated we feel there is knowledge there, which has value to it. However, we do have to make sure that they do not have the same people doing the auditing every year, so they rotate members of the team. Additionally, Kelly Korte worked for Scheffel & Co. for nine years, and she is familiar with the reports and auditing requirements they use. Mark Korte, of Scheffel & Co., stated we were able to charge less this past year, because city staff was able to prepare different schedules. Therefore, we feel like over the next three years, that we will be able to continue the transfer of preparation of different statements and schedules. We built our pricing for the agreement based upon that thought process. Director Rusteberg added we are not just getting the services from the local office; we get auditing from their other offices, as they bring people from their other locations to audit the work they do on our audit. Councilman Schwarz asked how much money it would cost to go out for bid. Director Rusteberg responded it would not cost that much to put this out for bid; however, I cannot image that it would come in that much lower, as there is a learning curve for a new firm. Councilwoman Zobrist stated she is all for saving dollars; however, with Sharon retiring this year, she does not believe now is the time to put this out for bid. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #11-18/RESOLUTION Approving First Amendment of Agreement with Voltedge, Inc. for Redesign and Enhancement of the GrowHighland.com Website – Councilwoman Bellm made a motion to approve Bill #11-18/Resolution #11-02-1955 approving first amendment of agreement with Voltedge, Inc. for Redesign and Enhancement of the GrowHighland.com website as attached; seconded by Councilman Bardill. Supervisor Limestall provided a layout of the proposed reformatted GrowHighland.com homepage. He reported, in working with Mark and staff on this project, we found several benefits of amending the contract. It gives us full control of the website. The content management software will allow us to change and move things locally. The new software will allow for more interaction by users, so they can access more accurate information quicker. Councilwoman Bellm stated she went to the website a couple of times, and agreed the interactive mapping will make it easier to use. She expressed concern the agreement refers to a proprietary code and how that may limit our ability to make changes. Supervisor Limestall explained that refers to them providing a basic footprint, which is proprietary; however, you can add compatible software into it or reformat within that footprint. Councilwoman Bellm advised staff to carefully review the agreement so we have full control of it and can access it at any time. Councilwoman Zobrist recalled when we purchased this, at a cost of \$10,000 staff was saying it was the best system. Now, we are looking at another \$15,000. Councilwoman Bellm acknowledged \$25,000 is a lot of money; however, when it comes to website development it is not a lot of money. What concerns me is that we have not put this out for bid; therefore, I want to make sure, if we are spending the money we are going to have the ability to maintain and manage it locally, so we do not have to continue to pay. I want us to make sure that if in five or ten years, if we want to go with another company we are not starting from scratch and spending \$50,000. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Zobrist voted nay. Motion carried.

Bill #11-19/ORDINANCE Setting Rates for the Delivery of Telephone Services to Residential Customers and Commercial Customers - Councilman Bardill made a motion to approve Bill #11-19/Ordinance #2454 setting rates for the delivery of telephone services to residential customers and commercial customers as attached; seconded by Councilwoman Bellm. Councilman Schwarz stated there is no question that our product will be better than Charter's; however, how does this compare to Charter. Director Dan Cook stated we are \$5 to \$10 lower or higher depending upon whom you talk to and on what day, in comparison to Charter's special introductory website, which is for six months. Councilman Schwarz agreed it is hard to compare to Charter's different packages. Director Cook reported a woman called in today and asked what our package price is. We asked what she was looking for and gave individual pricing, explaining she did not have to take all of it as a package, and she was pleased. Councilman Schwarz noted with Charter, you get a special introductory price and then a few months down the road, you have to call and haggle with them. Councilwoman Bellm agreed it is difficult to compare apples to apples. I looked at what we were doing at our house and these rates

are not ridiculously lower. Can we make money at these prices? Director Cook replied yes, we believe we can. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Zobrist voted nay. Motion carried.

Bill #11-20/ORDINANCE Setting Rates for the Delivery of Broadband Internet Services to Residential Customers and Commercial Customers - Councilwoman Bellm made a motion to approve Bill #11-20/Ordinance #2455 setting rates for the delivery of broadband internet services to residential customers and commercial customers as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Zobrist voted nay. Motion carried.

Bill #11-21/ORDINANCE Setting Rates and Charges for Installation, Maintenance, and Professional Services, and for other Services, to be performed by Highland Communication Services – Councilman Bardill made a motion to approve Bill #11-21/Ordinance #2456 setting rates and charges for installation, maintenance, and professional services, and for other services, to be performed by Highland Communication Services as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, and Bellm voted aye, Zobrist voted nay. Motion carried.

Approve Transfer of Cemetery Spaces – Stratton – Councilman Bardill made a motion to approve the transfer of cemetery spaces in Lot No. 42 in Block 8 from Olin and Elaine Stratton to Candace Baker, Grave Spaces 4 and 5, and John Stratton, Grave Space 3 as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Waive Normal & Customary Bidding Procedures and Authorize Purchase of Three Patient Cots for EMS – Councilwoman Bellm made a motion to approve waiving normal and customary bidding procedures and authorize the purchase of three patient cots for EMS from Stryker of Portage, Michigan, in the amount of \$37,041.30 installed as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

REPORTS

Approve Warrant #833 – Councilman Bardill made a motion to approve Warrant#833 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried. Adjourned at 7:45pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk