

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, MARCH 21, 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, Police Chief Bell, Supervisor Limestall, City Clerk Bellm; 2 representatives of Oates Associates, 3 citizens and 1 member of the news media.

**MINUTES**

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

**PRESENTATION**

Rich Wilburn of Oates Associates, Inc. stated we have been working with the City of Highland on a Master Storm Water Management Plan, for several years. In the middle of it, FEMA came along with a new set of flood maps. We have been trying to work with the city to mitigate those issues. The new FEMA map shows more than a seven-foot increase in flood elevation upstream of the railroad crossing west of Poplar Street. Mr. Wilburn reviewed the original (1980's) FEMA map in comparison to the new floodplain area. He pointed out it takes in Aviston Lumber and that whole shopping center, in addition to the car dealership, and some of the high school property. Oates Associates conducted a detail review of the revised flood maps. Unfortunately, the independent tests support the new map elevations. What it tells us is that the original FEMA calculations from November 1986 had some flaws in it. The 110-year flow at the railroad crossing calculated at 1,130 cfs and elevations at 520. Revised calculations show the flow at 1,005 cfs. and elevations at 528.7. We feel an official letter from the council and mayor is appropriate at this point, asking FEMA how they came to the figures in 1986, upon which the city based issuance of building permits in these areas.

In looking for ways to mitigate the floodplain issues, the city expanded the scope of Oates Associates' study to evaluate if regional retention ponds could be beneficial. Pond Location #1 is in an ideal spot to affect flooding at the railroad. Pond Location #1 is west of the roundabout at Route 143/Poplar, bordering Route 143/40, and south of the high school property. For most of the storm events that we analyzed the pond would help. However, this pond simply does not provide enough storage capacity available to significantly lower the new flood elevations established by FEMA. Estimated cost of is in excess of \$6 million to

excavate enough earth out. The \$6 million does not include property acquisition or engineering. While it does not provide a solution to mitigate FEMA designation in the area, it would provide some drainage, storm water retention, and green space for recreational and conservation use.

To mitigate flood issues, the simplest answer is to increase the capacity of the railroad culvert at the Poplar Street crossing by adding additional culverts. Calculations indicate four forty-eight-inch culvers are needed to bring elevations down to the levels shown on the 1980's maps. Estimated cost is approximately \$600,000. However, people downstream will see more water in the creeks during higher rainfall events. The flooding across Broadway, seen recently, is likely to increase. The good news is that our survey and hydraulic analysis indicates no additional properties will be added to flood plain. The regional pond would mitigate some impact down stream, but could be cost prohibitive. Another option is to look at improving the culverts downstream and clearing silt from the creek channel. Additionally, residents need to be educated on flood insurance and city officials should investigate legal options against FEMA.

Councilman Schwarz stated we have already appealed FEMA's designations. What kind of legal action would be in addition to appeals? Mr. Wilburn suggested beginning with a letter to FEMA asking how they came up with the numbers they did in 1986, that the city based decisions to allow building permits for structures within this area. Recognize that we are not arguing the flood elevations. Mr. Wilburn pointed out for a residential owner, the cost is a couple hundred dollars; for businesses, it could be thousands of dollars per year. Councilwoman Zobrist clarified to put larger culverts and more culverts in at Poplar Street would likely result in more flooding across Broadway, down by Kaeser Park. Mr. Wilburn replied yes. Councilwoman Zobrist asked we are looking at upgrading that area already. City Manager Latham replied yes. Mr. Wilburn stated that south of Broadway, the elevation and flow rate levels off significantly. City Manager Latham reported we have Project Clean Stream, which we are getting ready to begin Phase I, when it dries up. That will encompass the creek area from behind FCB to the culvert under the railroad. I agree we need to send a letter to FEMA asking why we had an established elevation that we based the issuance of permits on. Madison, St. Claire and Monroe counties recently filed lawsuits against FEMA. Additionally, we need to look at increasing the size of the culverts at Poplar Street. It was the consensus of the council to draft a letter to FEMA.

## **PUBLIC FORUM**

### Citizens' Requests and Comments:

*The Tourism Bureau Southwestern Illinois – 2011 Funding Request* - Councilwoman Zobrist made a motion to pledge \$5,000 budgeted from the hotel/motel tax to the Southwestern Illinois Tourism Bureau for promotional advertisement as attached; seconded by Councilman Bardill. Councilman Schwarz asked what they do. Is it advertisement of restaurants and events in the area? Mayor Michaelis explained they provide promotion of more than restaurants and businesses; more importantly, different community events such as Kirchenfest, Schweizerfest, Art in the Park, Homestead Harvest Days, Street Art Festival, and others. Councilman Schwarz asked do we have other more cost effective avenues for advertising. Do we know what impact the advertising they do has on the events? Roll Call Vote: Bardill, Bellm and Zobrist voted aye, none nay. Councilman Schwarz abstained due to not having enough information on it. Mayor Michaelis voted aye. Motion carried.

*Apostolic Revival Church – 2011 ROCK-A-BLOCK Square Use Request* – Councilman Bardill made a motion to approve the request of the Apostolic Revival Church for Rock-A-Block for use of the downtown square on July 30 or August 13 as attached; seconded by Councilwoman Bellm. Councilwoman Bellm stated we have a preference of July 30. She asked Director Rosen if he could contact them and pass that preference along. All council members voted aye, none nay. Motion carried.

Tom Hill, attorney representing some of the people affected by FEMA's decision, asked what part of the water that reaches the railroad the detention pond affect. Mr. Wilburn replied about half; storing about 6,000 cubic feet of water. It would drop the flow rate at the railroad by about 40-50 cfs. on a regular rain event. The large, heavy drawn out eight- to ten-inch rainfall, which FEMA bases things upon, it does not make a large impact. Mr. Hill inquired no one has done any actual testing to test the theoretical calculations. Mr. Wilburn reported we took FEMA's model and added that in to the calculations. We did tests and calculations for different types of storms. The problem is that you are never going to be sure that you caught the "right" storm. Even if you do, you do not know that FEMA will accept it. Mr. Hill pointed out we have actual numbers that are significantly different than FEMA's numbers, which are based on theoretical. Mr. Wilburn responded I am not going to say that what FEMA does is right or not; it is their rules. Mr. Hill asked is FEMA's model essentially the same as it was in 1986. Mr. Wilburn responded it appears they are. Mr. Hill inquired, but the numbers are different. Mr. Wilburn responded yes. Mr. Hill noted the culverts were upgrade a few years ago, under Poplar Street. How were those designed? Mr. Wilburn stated the culvert was designed to FEMA standards and can actually handle more than what is flowing through them.

#### Requests of Council:

Mayor Michaelis expressed I have a problem with people making requests to be placed on the agenda and then not showing up to make the requests in person. I think Councilman Schwarz was appropriate in abstaining, because he did not have enough information. I feel people need to make requests in person or at least be present to answer questions. I think it is tough to vote on some items, without someone here to provide information. Councilwoman Bellm agreed, it is important to have someone here, not only for informational purposes, but also as a courtesy. Councilwoman Bellm stated if the person asking to have the request on the agenda cannot be here, then they should get someone else to come in their place. Mayor Michaelis noted that Lana and Director Rosen get a lot of the requests. I would suggest that they pass along to these people that they need to be present when it is on the agenda.

#### Staff Reports:

*Clean Up Day* – City Manager Latham reported this year they will go through the neighborhoods and do curbside pickups, the week of May 2 – 6.

### **NEW BUSINESS**

Approve NOML Bid #PW-15-10 Broadway Sidewalk Extension Project – Councilwoman Bellm made a motion to approve NOML Bid #PW-15-10 Broadway Sidewalk Extension Project as attached; seconded by Councilman Bardill. All council members voted aye, none nay. Motion carried.

Bill #11-24/ORDINANCE Declaring Real Property as Surplus and Authorizing Its Sale – Councilman Bardill made a motion to approve Bill #11-24/Ordinance #2457 declaring parcel of real estate at the northeast corner of the intersection of Cedar Street and Madison Street to be surplus

property and authorizing its sale as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #11-25/RESOLUTION Approving Contract for Sale of Property to Paul Ray Capelle d/b/a/ Cabinet Gallery – Councilwoman Bellm made a motion to approve Bill #11-25/Resolution #11-03-1958 approving Contract for Sale of Property to Paul Ray Capelle d/b/a Cabinet Gallery as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #11-26/ORDINANCE Amending the Highland Municipal Code Regarding Planned Use Developments – Councilman Bardill made a motion to approve Bill #11-26/Ordinance #2458 amending the Highland Municipal Code regarding Planned Use Developments as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Bill #11-27/ORDINANCE Amending the Highland Municipal Code Regarding Political Campaign Signage Requirements – Councilwoman Bellm made a motion to approve Bill #11-27/Ordinance #2459 amending the Highland Municipal Code regarding political campaign signage requirements as attached; seconded by Councilman Bardill. Councilwoman Bellm noted the changes are being made to comply with State code. Mayor Michaelis replied yes. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Waive Normal & Customary Bidding and Approve Purchase of Two (2) Police Patrol Vehicles – Councilman Bardill made a motion to approve waiving normal and customary bidding procedures and approve the purchase of two 2011 Chevrolet Impala police patrol vehicles from Green Chevrolet in the amount of \$37,284.14 plus trade-ins as attached; seconded by Councilwoman Bellm. Councilman Schwarz inquired we solicited two bids for this. Chief Bell reported we used the state bid list and requested a bid from Steve Schmitt based upon trade-ins. Everyone has access to state bid price. City Manager Latham noted the council will be asked to declare two vehicles as surplus at next meeting. Roll Call Vote: Schwarz, Bardill, Bellm and Zobrist voted aye, none nay. Motion carried.

Approve Issuance of Purchase Order to Americas Center for FTTP - Councilwoman Bellm made a motion to approve issuance of purchase orders in the total amount of \$71,100.00 to Americas Center for set-top boxes for the Fiber to the Premises as attached; seconded by Councilman Bardill. Councilman Schwarz asked was this originally put out for competes. City Manager Latham reported these were originally established through competitive bid. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, Zobrist voted nay. Motion carried.

Approve Issuance of Purchase Order to KGP Logistics for FTTP – Councilman Bardill made a motion to approve issuance of purchase order, in the amount of \$76,933.88 to KGP Logistics, to begin Phase II construction of the Fiber to the Premises as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, Zobrist voted nay. Motion carried.

Approve Issuance of Purchase Order to Graybar for FTTP - Councilwoman Bellm made a motion to approve issuance of purchase order to Graybar, in the amount of \$346,886.61, for Phase II construction materials for Fiber to the Premises as attached; seconded by Councilman Bardill. Roll Call Vote: Schwarz, Bardill and Bellm voted aye, Zobrist voted nay. Motion carried.

Discussion – Growth Management Plan – City Manager Latham reported the Growth Management Plan was brought to council two years ago, but not acted upon. Originally, council had concerns regarding electrical costs that developer would have paid upfront, along with some other minor issues. We took that out and included the updated development details along Route 160 and the hospital's new site. Unless the council has concern, we are going to get Phases 2 & 3 going and off to

Planning & Zoning for review. I feel this is one of the most important plans to have in place for planning for growth.

## **REPORTS**

Approve Warrant #836 – Councilman Bardill made a motion to approve Warrant #836 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 8:00pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk