

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, JUNE 3, 2013**

Mayor Michaelis called the Regular Session to order at 7:00pm. Council members Schwarz, Frey, Bellm and Nicolaides were present. Others in attendance were City Manager Mark Latham, City Attorney John Long; Directors Gillespie, Rosen and Schoeck; Police Chief Bell, Library Director Kim, Deputy City Clerk Hediger, City Clerk Bellm; 6 citizens, and one member of the news media.

MINUTES

Councilwoman Bellm made a motion to approve the minutes of the May 20, 2013 Regular Session as attached; seconded by Councilman Schwarz.

PUBLIC FORUM

Citizens' Requests and Comments:

Lakeland Terrace Lake Siltation - Joe Hammond, President, and officers Alex Pranaitis, Jr., and Joe Serangeli, of the Lakeland Terrace Trust, discussed issues with the Lakeland Terrace Lake. They showed a video of a concrete drainage way that leads to the lake, filled with cypress tree leaves. Mr. Hammond reported, in 1989, the lake was dredged at a cost of \$3,000 per lot owner. It was quite a stressful thing to get the money collected from all the lot owners. Twenty years later, we are back to square one. The maximum depth of the lake is seven feet. We had a representative from the Department of Natural Resources come evaluate the lake. They classify the lake as borderline healthy. We cannot seem to get ahead of the algae growth, because the water is so shallow. We are currently taking bids for the dredging. We received one for \$165,000 from Baxmeyer. That is to dredge 11,000 sq ft., the bare minimum. We would do a special assessment, but this comes to \$5,500 per lot owner. If someone decides not to pay their portion, the only thing we can do is file a lien on the property. A lien only ties up the property if you go to sell. So, the property owners will just say, 'Just put a lien on it.' It does not get us the money to cover the cost immediately. It is cost prohibitive for us do the project. We had our annual lake meeting, a couple of weeks ago. Many members wonder why bother spending the money if we cannot stop the largest problem we have, which is the amount of cypress leaves and needles flowing into the lake. Basically, this person blows all the leaves from their property to the drainage ditch and waits for a rain to take the leaves off into the lake. Someone went and talked to the property owner. I called this property owner about a week ago and did not get any satisfaction. I can tell you that I do not see members of the lake association paying to fix the lake, unless this is resolved. There is a lot of stuff that comes off that property that goes into the lake. Rick Metcalf, with Madison County, was out and looked at the situation. He said there really is nothing we can do about it. I spoke with City Manager Latham about the problem; he suggested we contact an attorney. However, the attorney he suggested happens to represent this property owner. Councilman Schwarz

asked if people have talked to this property owner. Mr. Hammond stated we have; however, this person is angry about something he thinks the city should have done for him years ago.

City Attorney Long explained there are restrictions on what the city can do for private purposes. In a situation like this, especially, with such a significant amount, the city would not be able to participate. Taking sides against a citizen on behalf of another citizen is not something we want to get into either. This is a private matter between property owners. Mr. Hammond acknowledged, Rick Metcalf, with Madison County Conservation, stated there was no legal precedence to prohibit someone from drainage onto another's property. He asked if the city could amend the ordinance to allow for burning just on this one property or a small area of town. Councilwoman Bellm stated she would not feel comfortable allowing that. Mr. Hammond asked if they would consider changing the ordinance to allow for burning a few days each year. Mayor Michaelis explained the ordinance was put into place several years ago, before this administration, for the benefit of those with breathing problems.

Alex Pranaitis, Jr., 701 Dolphin Drive West, inquired, if anyone of you were living at the end of the cul-de-sac where your property is the lowest point and everything flows to your yard, would you not be coming to the city. Attorney Long replied no. I would have to deal with my neighbor. Mr. Pranaitis stated we have our own property on the other side of the road. If we try to block this debris, are we liable to the city or in violation of anything? Attorney Long responded I have done some research on this. You have to allow water to flow freely. Mayor Michaelis asked Supervisor Kevin Limestall and Director Gillespie if the State has any laws against blocking drainage ways. Supervisor Limestall stated we do not have any specific city ordinances. I think they got to the source when they spoke with Rick Metcalf, with Madison County. Councilman Schwarz expressed I empathize with your problem. I have to agree with the arguments as to not making exceptions to the burn ordinance. Councilman Frey stated I would like to go look at the property. We are not sure what to do at this time. Deputy City Clerk Lana Hediger pointed out that the city's yard waste pickup is for an unlimited amount, at no additional charge, regardless of the volume. Councilwoman Bellm pointed out that this is a private property matter between neighbors. The city really does not have the right to go in there. As an individual, I would get myself an attorney. Mr. Pranaitis stated I know how to deal with this in the "country way".

Joe Serangeli, 504 Dolphin Drive East, stated we all rake and bag the leaves. Is there an ordinance that regulates that people need to take care of the yard waste from their own property? It would be worth making it an ordinance to make it a requirement for people to take care of their own stuff. If there is unlimited waste pickup, then he is going to pay the same amount, regardless of how much there is. Mayor Michaelis stated I have similar issues with leaves. I will get them all picked up and then a wind blows and I have my neighbors' leaves. Councilwoman Bellm asked is it possible to define an ordinance, making people responsible for their own leaves. City Attorney Long will check with other communities. Mr. Serangeli pointed out this would be an ordinance prohibiting a person from deliberately blowing leaves into a neighbor's yard or off to the side to create a situation where others have to dispose of the waste.

Councilman Frey asked where the property was at, so he could go look at the drainage and how it flowed into the lake. Mr. Hammond recommended going to the end of the lake at 502 East Dolphin Drive and look north. You will see the drainage way up to the farmer's field. Chief Bell pointed out that what you showed as far as the amount of leaves, it would take more than one day to burn all that stuff. It was the breathing and health issues of many people that brought that to an ordinance. Mr. Hammond asked what the fine for burning leaves is. Chief Bell explained it varies. We ticket the offender. They must go to municipal court in Collinsville. I believe the maximum fine is \$100, but I am not real sure. Mayor Michaelis asked Attorney Long to look at an ordinance to regulate responsibility for yard waste. Mr. Hammond asked if the council would consider sending a letter from the city with a 'Please!!' Mayor Michaelis stated he did not feel that was something we need to get into as a city, since it is a private matter. Mr. Hammond asked what would happen if they put signs in

front of his business stating, 'He is not a good neighbor.' Attorney Long stated he has done defamation cases before, and it is within their rights.

Requests of Council:

No requests or comments made by the council.

Staff Reports:

City Manager Latham reported Director Schoeck, Supervisor Parker, Director Gillespie and I are going to meet and go through each one of the sewer backup claims. We will look at each claim; if it was a first occurrence or how many priors; pin point all the locations on a map; and, do a review of the location of the mains, businesses or things that may be feeding into the mains. In the previous city I was at, we did a complete I&I study. In that study, we found 70% of I&I came from aging manholes. After the review, we will meet with our insurance carrier again. This council and administration, for the last seven years, has talked about an initial set of charges with a 3-5% increase to deal with I&I and improvements to the system. We allocated \$250,000 to make sure we addressed these problems. However, that does not seem to be enough. We plan to come to the council on July 1 an accelerated plan for improvements to the system. There will be a progress report at the July 1 meeting, also. Councilwoman Bellm agreed we had hoped to put a plan in place; however, it is evident we need to move things up and get it going faster.

Mayor Michaelis reported he asked City Manager Latham and Director Gillespie to put together a letter of what has been done in the past six to seven years to improve the system. Such as, the purchase of the Jet-vac truck; the camera for investigation in a timely fashion; and, doing as much cured in place pipe that we can do with the money we have. The maintenance portion of the system has increased significantly within the last few years. This problem did not develop in the past few years; however, it is something that we have been trying to address and continue to be left with making the decision of how to improve the system and make corrections. We don't want people to feel we have turned our heads from the problem. Realize that we are going to be proactive in addressing it. Councilman Frey stated he agrees.

NEW BUSINESS

Bill #13-43/RESOLUTION Approving Mutual Release and Settlement Agreement with Illinois Counties Risk Management Trust – Councilman Schwarz made a motion to approve Bill #13-43 /Resolution #13-06-2130 approving Mutual Release and Settlement Agreement with Illinois Counties Risk Management Trust as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-44/RESOLUTION Waiving Normal and Customary Bidding Procedures and Authorizing Purchase of Mowing Equipment – Councilwoman Bellm made a motion to approve Bill #13-44/Resolution #13-06-2131 waiving normal and customary bidding procedures and authorizing purchase of Toro Groundmaster 4000-D mower and Toro Pro Sand 3040 groomer from MTI Distributing in the amount of \$71,993.71 as attached; seconded by Councilman Schwarz. Mayor Michaelis asked Director Rosen what is the reason for waiving this. Director Rosen responded urgency is the issue. Also, we have had a very good relationship with this vendor for service of the equipment. Councilman Schwarz inquired this is through a government program already, so there is preferential pricing. Director Rosen replied yes. Councilwoman Bellm asked is this the same equipment we talked about leasing. Director Rosen replied yes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for the Iberg Road Extension on the Northeast Quadrant of the Peripheral Route – Councilman Schwarz made a motion to approve Notice of Municipal Letting for the Iberg Road Extension on the Northeast Quadrant of the peripheral route as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

REPORTS

Approve Warrant #915 – Councilwoman Bellm made a motion to approve Warrant #915 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, and Bellm voted aye, none nay. Councilman Nicolaidis abstained. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Schwarz. All council members voted aye, none nay. Motion carried and meeting adjourned at 7:52pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk