

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, AUGUST 5, 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 Cook, Gillespie, Korte, and Schoeck; Police Chief Bell, EMS Captain Crosby, Supervisor Limestall, Library Director Kim, Kathleen Mulcrone, Tracey Robinson, EMT-P Bill Onfrey, Treasurer Foehner, 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 July 15, 2013 Regular Session as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

MAYORAL RECOGNITION

Mayor Michaelis recognized members of the Highland High School Girls' Track team who competed at the IHSA Class 2A State Track meet. Dave Giger, Assistant Coach of Boys' and Girls' Track Team and Erin Kotto, Assistant Track Coach. Mr. Giger reported all three girls medaled at Illinois State Finals for a team finish of thirteenth place. He introduced Emily Holtzclaw, who finished her junior season as the indoor record holder for HHS. Emily will run Cross Country this fall and play basketball in the winter season. Alison Zobrist ran 1600-meter and 3200-meter at State, finishing in eighth place, to be only the seventh girl at HHS to medal at State. Alison is the indoor and outdoor record holder for the 1600-meter at Highland. She will be running Cross Country this fall, also. Both girls qualified for State, last year, in Cross Country. This summer, Alison competed in Track & Field Jr. Olympics, which qualified her for the Nationals in Greensboro, NC, where she finished in second place in her age group. Lena Geiger finished in second place in shot put at State. She is the indoor and outdoor record holder and all-time #5 record holder for Illinois. This summer she has competed in California, North Carolina, Iowa and key USATF trials, held in Edwardsville, finishing in eighth place. As a father, it was really neat to see Lena wear her USA team uniform. Mayor Michaelis and the council recognized the girls for the hard work and congratulated them on their success.

PUBLIC FORUM

Citizens' Requests and Comments:

Prairie Trails Subdivision Block Party Request – Sarah and Brian Hapack, 65 Arrowleaf Street were present to request permission to block off a section of Arrowleaf to hold a neighborhood block, once again this year. Mrs. Hapack noted we have come each year and requested to hold this annual party, which gives neighbors the opportunity to socialize and meet one another, and for the kids to play together. We are going to do a kickball tournament and other games with the kids, so we would

request the street to be closed off for safety. We would like to have it blocked off from 3:00pm – 12:00am to protect the children as they play and allow people to cross freely. Along with our written request, we have provided a map of the area and signatures of the residents affected by the closure. Councilman Schwarz made a motion to approve the requested for street closure of a portion of Arrowleaf on September 7, 2013, from 3pm – 12pm for a neighborhood block party as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Requests of Council:

Councilwoman Bellm complimented Public Works on the weekly newsletter. This is really nice. Good job! Public Works Director Joe Gillespie stated praise goes to Sherry Kesner who does those each week. The weekly newsletter goes out to 350-400 subscribers.

Staff Reports:

City Manager Latham reported bids will be opened for construction of the northeast quadrant of the peripheral route tomorrow morning at 10:30am. Mayor Michaelis expressed the Northeast Quadrant is something that is really going to benefit Highland, which has been discussed for many years.

NEW BUSINESS

Bill #13-67/ORDINANCE Authorizing the Issuance of Sewerage System Revenue Bonds and General Obligation Bonds (Alternate Revenue Source) In Lieu of Such Revenue Bonds to Finance Improvements to the Sewerage System – Councilwoman Bellm made a motion to approve Bill #13-67/Ordinance #2580 authorizing the issuance of Sewerage System Revenue Bonds and General Obligation Bonds (Alternate Revenue Source) in lieu of such revenue bonds to finance improvements to the sewerage system as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-68/RESOLUTION Approving Public Relations/Marketing Services Agreement with KolbeCo Marketing Services, LLC – Councilman Schwarz made a motion to approve Bill #13-68/Resolution #13-08-2143 approving Public Relations/Marketing Services Agreement with KolbeCo Marketing Services, LLC as attached; seconded by Councilwoman Bellm. Mayor Michaelis asked Scott Kolbe and Jeremy, account manager, to come forward. Councilman Schwarz asked will this be on an hourly basis. Mr. Kolbe reported there is a flat rate. Councilman Schwarz inquired about travel charges. Mr. Kolbe stated we would not charge for travel to Highland. As a former council member in Darden Prairie, we feel the marketing of Highland is really just making sure that we find the companies that are a right fit for Highland. Councilman Schwarz asked how they would market Highland. Web-base, travel to other communities, or other means? Mr. Kolbe responded they would use the website and do P.R. for Highland by highlighting the unique things Highland has to offer, such as HCS, which provides unique opportunities. We would find a target group of businesses, look at what is a good match for the area needs, and then match it to businesses looking to expand. Mayor Michaelis noted KolbeCo gave a presentation to the IDC. What was their reaction? City Manager Latham pointed out Highland offers the entrepreneur program and we have the IDC business incentives. What was presented to IDC was the marketing plan that KolbeCo could offer.

Councilwoman Bellm asked how you plan to go about determining what Highland is and what we are looking for. Mr. Kolbe stated we know you have gotten some input in the past, so I am sure we do not have to start from scratch with that. Councilwoman Bellm stated we have a community development plan in place, so I feel that should be considered. As a past marketing person, it does not matter so much what I as a citizen think we should get, it should be what the community as a whole needs. Jeremy noted that is refreshing to hear. Usually the customer looks at what they want and thinks the community as a whole wants the same; however, it is not. It is understanding what the target market is. Councilwoman Bellm stated, with regards to the website, we have redone the website

several times. I am sure you made a wonderful presentation to the IDC. Personally, I am not sure why your company was chosen over any other firm out there. Before we jump into this again, how was this firm found, selected, and how many other firms we looked at? Mr. Kolbe responded Lee Crocket introduced me to Mark (Latham). Councilwoman Bellm expressed, overall, I have no problem hiring another marketing firm. I would like to see us discuss it and come to determination of what it is that we want them to do. If we don't know what we want, I don't know how we can convey what we want. Mr. Kolbe explained we would like to start by working on the messaging and branding component. With minor changes, we can make use of what is there on the website. Councilman Schwarz stated the website works and people can navigate it. I think there is a lot of redundancy by hiring an outside marketing firm. We have people within the staff that can do this. Councilwoman Bellm stated I am not opposed to this; however, it is on the agenda to hire. At this time, I am not ready for that. City Manager Latham noted there were the same concerns brought up by IDC. As to whether we have the expertise to market from within, I am not sure. Councilwoman Bellm inquired if we vote this down, it would only take a council member to request to bring it back up. City Attorney Long replied yes. Councilman Schwarz, Frey, Bellm and Nicolaides voted nay, none aye. Motion failed.

Bill #13-69/RESOLUTION Approving Master Agreement with SecurityCoverage, Inc. for Technical Support Services for Customers of Highland Communication Services – Councilwoman Bellm made a motion to approve Bill #13-69/Resolution #13-08-2143 approving master agreement with SecurityCoverage, Inc. for technical support services for customers of Highland Communication Services as attached; seconded by Councilman Schwarz. Councilwoman Bellm asked why we want to use a firm like this. How was this firm chosen? What are they going to provide and how are they going to go about it? City Manager Latham explained these are for after-hours calls. The rate is \$0.95 per minute. Presently, the techs have a two-hour minimum call-out. This firm is out of Iowa. We believe they are going to have all the information as to the type of equipment the customer has. We have found that, in most cases, things can be dealt with over the phone. This is more of a cost-basis move for HCS. They were highly recommended. Director of Finance Kelly Korte reported this company provided us with a lengthy list of references, including several major companies. Councilwoman Bellm asked did we look at price comparison. Director Korte stated this was a recommended provider and the pricing look very reasonable. We were contacted by this company. The conversation started with Dan Kennedy before he left.

Councilwoman Bellm stated I do not disagree with this, because we do need after hours service. However, I would feel more comfortable if we look at more than one company before going with them. In looking at the contract, there is no trial period; it continues for 12 months; and, termination only occurs if they fail to meet obligation, which I am not sure what their obligation is. They can change the cost within the contract period as long as it does not exceed 5%. It talks about payment of commission, which we can talk about later. It states, 'provider shall promptly return to software, marketing materials, and hardware.' I am not sure why we are providing all of that to them. If I read this correctly, they can do up sales while providing support. Director Korte stated we approached that with them. They said they would not do it, if we requested. However, in the meantime, customers have made inquiries about anti-virus software when we have had them on the phone. Councilwoman Bellm pointed out their (SecurityCoverage, Inc.) website shows they are promoting software. I am not sure what we are trying to do here. How is SecurityCoverage going to know our system? Director Korte reported they have provided a very lengthy questionnaire, which Tracey and I have started to work on completing. They are knowledgeable of various systems; however, they need to know what components our customers have. Councilwoman Bellm noted, in reading, Page 3, Item 8, Section E, of Master Agreement. 'Provider acknowledges that in the event of its breach, or threatened breach, of any provisions of this Section 8(a), (b), (c), and (d) hereof, Security's remedy at law would be inadequate, and that the damages from breach would not be readily susceptible of being measured in monetary terms.' City Attorney Long explained this is primarily to prevent us from competing against them or their product. Councilwoman Bellm noted I did see something in agreement about not being able to compete against their software. I can see that we would not compete with their product, however, other areas such as consumer online data backup or

portal service, I am not sure we want to preclude ourselves for the future. Councilwoman Bellm expressed I understand call outs are expensive. If we have to provide them with our information and train them, why would we not want to keep all of our services locally, as we told citizens we were going to do? There could be people who work from home. If we do need support other than something handled over the phone, we could call a person out.

Councilman Schwarz stated I do not like the fact that we cannot terminate at any time. On the other side, I am not sure that we are going to find what we need within the community. City Attorney Long stated I did not like the fact that any litigation over this contract would have to be handled in Northern Iowa, under Iowa law; however, they were unwilling to change those terms. Councilwoman Bellm stated that supersedes any of my concerns. I would feel better if I knew this was the only company out there, or the best of the companies out there, and we knew who recommended them. Councilman Frey asked are we having a lot of technical issues and call outs. City Manager Latham responded we have had some upgrades, recently, that have really helped. We felt there was merits to this; the references we felt were good references; and, it is a Midwest company, so we felt it was a good fit. Councilwoman Bellm suggested we could table, request additional references, and look at other companies as well. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted nay, none aye. Motion carried.

Bill #13-70/ORDINANCE Concerning Highland Communication Services' Rates for Running and Leasing Dark Fiber to Customers for Their Exclusive Use – Councilman Schwarz made a motion to approve Bill #13-70/Ordinance #2581 concerning Highland Communication Services' rates for running and leasing dark fiber to customers for their exclusive use as attached; seconded by Councilwoman Bellm. Councilman Schwarz inquired what dark fiber is used for. Tracey Robinson explained they have private fiber that is not shared as a data line with anyone else. Councilman Schwarz asked how we compare cost. Tracey responded this is the most economical charge. Councilman Schwarz asked does it benefit us to sell. Tracey replied yes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-71/RESOLUTION Approving and Authorizing Execution of Preliminary Construction Engineering Services Agreement with Oates Associates, Inc. for Motor Fuel Tax Funds with State of Illinois, Illinois Department of Transportation , for the Reconstruction of 5th Street Intersection at Walnut – Councilwoman Bellm made a motion to approve Bill #13-71/Resolution #13-08-2143 approving and authorizing execution of preliminary construction engineering services agreement with Oates Associates, Inc. for Motor Fuel Tax Funds with State of Illinois, Illinois Department of Transportation , for the reconstruction of 5th Street intersection at Walnut, for an amount not to exceed \$23,277.94 as attached; seconded by Councilman Schwarz. Councilman Schwarz inquired why this intersection. Director Gillespie explained this is needed for the movement of trucks at the intersection. Highland Machine approached us; however, this would benefit Clean Uniform as well. This will improve the grade. City Manager Latham explained this is an old chip and seal road. As trucks are coming down, applying their brakes, it is pushing the grade of the roadway up. This will straighten the grade and make this a concrete surface, which will prevent the movement of the roadway. Councilman Nicolaides asked if this can be done with Railshake's grade. City Manager Latham replied yes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-72/ORDINANCE Amending Section 3.9, "NEPOTISM," of the Employee Handbook – Councilman Schwarz made a motion to approve Bill #13-72/Ordinance #2582 amending Section 3.9, "NEPOTISM," of the Employee Handbook as attached; seconded by Councilwoman Bellm. Councilman Frey asked have we addressed all the part time workers with this. City Manager Latham replied yes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-73/RESOLUTION Opposing Rulemaking Proposed by the Illinois Office of the State Fire Marshall Pertaining to the Implementation of Fire Sprinkling Through the Illinois Legislature's

Joint Committee on Administrative Rules – Councilman Schwarz made a motion to remove from the agenda; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Award Bid #EMS-05-13 for the Construction and Erection of a Public Safety Communications Tower – Councilman Schwarz made a motion to award Bid #EMS-05-13 for construction and erection of a public safety communications tower to Tower Maintenance and Erection Corp., in the amount of \$184,388.00 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #13-74/RESOLUTION Waiving Normal and Customary Bidding Procedures and Authorizing Purchase and Installation of Radio/Communication Infrastructure Equipment - Councilwoman Bellm made a motion to approve Bill #13-74/Resolution #13-08-2144 waiving normal and customary bidding procedures and authorizing purchase and installation of radio/communication infrastructure equipment with Wireless USA, for the amount of \$94,095.40 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Approve a Request for Proposals for Solid Waste Services – Councilman Schwarz made a motion to approve a Request for Proposals for Solid Waste Services as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

REPORTS

Approve Warrant #922 – Councilwoman Bellm made a motion to approve Warrant #922 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides 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) for discussion of collective negotiating matters, and 2(c)(1) to discuss personnel matters; seconded by Councilman Schwarz. Meeting temporarily adjourned at 8:10pm.

Mayor Michaelis reconvened the Regular Session at 9:24pm. Council members Schwarz, Frey, Bellm and Nicolaides were present. Also present were City Manager Latham, City Attorney Long, Director Schoeck, EMS Captain Crosby, Deputy City Clerk Hediger and City Clerk Bellm.

Bill #13-75/RESOLUTION Approving a Collective Bargaining Agreement and Side Letter Agreement for the International Association of Fire Fighters Local 3672 – Councilwoman Bellm made a motion to approve Bill #13-75/Resolution #13-08-2145 approving a collective bargaining agreement and side letter agreement for the International Association of Fire Fighters Local 3672 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. 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 9:25pm.