

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
TUESDAY, SEPTEMBER 2, 2014**

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, Imming, Korte, Rosen and Schoeck; Police Chief Bell, Fire Chief Bloemker, EMS Lieutenant Crosby, EMT Captain Rusteberg, Sergeant Aric Steinbeck; Supervisor Limestall, Managers Peck and Robinson, Library Director Kim, Treasurer Foehner, Deputy City Clerk Hediger, City Clerk Bellm; Steve Kyle, of Oates Associates; 16 members of Frontier Greys, 12 citizens, and one member of the news media.

**MINUTES**

Councilwoman Bellm made a motion to approve the minutes of the August 18, 2014 Regular Session as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

**PUBLIC HEARING**

Mayor Michaelis opened the public hearing to take comments on the city's proposed exchange of a parcel of real estate that it owns with John Alber for a parcel of land that he owns. Hearing no comments brought forth, Mayor Michaelis closed the public hearing at 7:01pm.

**MAYORAL RECOGNITION**

Mayor Michaelis introduced Manager Kyle Haines. Mr. Haines noted Highland had their own professional minor league baseball team this year. In our off days, we stayed here in Highland and played our pre-season games at Glik Park. Our home games during the season were at the Gateway Grizzlies' stadium. Host families in Highland housed about half of our team; the other half we put up in apartments. We are part of the Frontier League; we make up the fourteenth team. I am not sure if the Frontier Greys will be here next year or in future years. All players have been drafted or signed by major league teams under minor league systems. We had two members leave us this year with signings to Arizona Diamondbacks and Colorado Rockies. He introduced different members of the team and where they hail from: B.J. Hyatt, South Carolina; Clint Wright, Tennessee; Michael Vaughn, Arizona; Chris Ellison, Oklahoma; Steve Rogers, Massachusetts; Brandon Rohde, Washington; Mark Belcastro, Kansas; Jarret Leverett, Florida; Devon Pearson, Delaware; Zach Tanner, Indiana; Frank Florio, Massachusetts; Jake Liedka, Texas; Roman Ortega, Buffalo, NY; Eric Perrault, New Hampshire. Mr. Haines also acknowledged John and June Duft who attended the first meeting in Highland, in late March and was a host family. Director Rosen and the parks staff have treated us great. We utilized the KRC all summer long and the staff there made us feel like they were at home. He thanked us for Mayor Michaelis thanked them for being a part of our community.

## PUBLIC FORUM

### Citizens' Requests and Comments:

*First Congregational Church Trunk-or-Treat Request* – Autumn Molinari, Representative of First Congregational Church requested permission to block off a portion of Washington Street, from the alley just south of the church to 8<sup>th</sup> Street, on Sunday, October 26, 2014, 2:00pm – 8:00pm, to allow for children and adults to cross the street during the annual Trunk-or-Treat. Councilman Schwarz made a motion to approve the request of the First Congregational Church for street closure on Washington Street from 8<sup>th</sup> Street to the alley, across from the church, October 26, 2014 as requested; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

*American Legion Mural Dedication* – Jim Haas, with American Legion Post 439, invited the mayor and city council to a dedication of a mural painted, which was painted on the wall of the hall. The dedication will be next Monday night at 7:30pm. He invited the mayor and any council members. We have asked Mayor Michaelis to say a few words. It will be a short event, but we want to take the opportunity to thank the ladies that worked on it. Julie Korte helped design and paint the mural.

*NICE Foundation Square Use Request* – Steve & Kris Klingbeil, Volunteers were present to request use of the square. Mr. Klingbeil reported NICE (Nicaragua Christian Education) Foundation has been in existence for 22 years. For the last seven years, they have been operating out of the old Artex building, at 1405 Walnut Street. From there we have packed over a million meals annually and provided other basic need items, including clothing and school supplies to send to our partnered missions in Nicaragua. However, the building is in much need of repairs, and we are preparing to launch a campaign to raise \$100,000 to repair the roof of the building. We are asking for use of the square on September 28, 2014 from 10:00am – 5:00pm. Councilman Schwarz made a motion to approve the request of NICE Foundation to use the square on Sunday, September 28, 2014 as requested; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Joy Krouper requested permission for use of the Weinheimer facility for the kickoff event for the use of Glik Park on July 10-11, 2015 for the 2015 Relay for Life event. The theme for 2015 is “Laua for Life” and will use the same amenities as this past year, so they are requesting the same assistance from the city as has been provided the past two years. Councilwoman Bellm made a motion to approve use of the Weinheimer Community Center for the Relay for Life Kickoff Event and use of Glik Park, on July 10 & 11, 2015, for the 2015 American Cancer Society Relay for Life Event as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

### Requests of Council:

Councilwoman Bellm stated the power outage was unfortunate, but everything was handled beautifully. There was no vandalism, theft, or incidents. There was signs out and people were kept informed. People continued to have a good time and make the best of it. I heard very little complaints.

### Staff Reports:

City Manager Latham stated we did bring the incident command in to oversee the repair of the line that failed the prior weekend. The directors all came in and worked with Chief Bell. Director Cook and his crew, along with the contractors, got it repaired. This next week, Dan and I will be going to meet with IMEA to discuss the inability to get power from Ameren that night.

The former Koch Cleaners' structure is down. City Manager Latham thanked Building and Code Enforcement Official Kevin Limestall for overseeing that project.

## NEW BUSINESS

Approve Mayor's Reappointment to the Combined Planning and Zoning Board – Councilman Schwarz made a motion to approve the mayor's reappointment of Jim Gallatin to the Combined Planning and Zoning Board, for another five-year term, to expire August 31, 2019 as attached; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried.

Bill #14-97/ORDINANCE Approving Contract for the Exchange of a Parcel of Real Estate with John I. Alber – Councilwoman Bellm made a motion to approve Bill #14-97/Ordinance #2635 approving contract for the exchange of a parcel of real estate with John I. Alber as attached; seconded by Councilman Schwarz. Councilman Schwarz stated I am looking at the picture, right now. We are giving him the strip of land by the garage in exchange for the other strip. City Attorney Long explained we are getting a strip at the east part of his parcel, which is actually larger than the parcel we are exchanging. Councilman Schwarz asked do we have any need for the parcel we have. City Attorney Long stated I see more use with what we are getting. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #14-98/ORDINANCE Establishing Service Charges to be Collected and Paid to the City for Refuse Collection Services – Councilman Schwarz made a motion to approve Bill #14-98/Ordinance #2636 establishing service charges to be collected and paid to the city for refuse collection services as attached; seconded by Councilwoman Bellm. Councilman Schwarz noted rates are going up slightly. City Manager Latham reported they are going up \$2 per month to \$20 per month for residential pickup. Councilman Schwarz asked is this based up on other bids received. City Manager Latham responded we did not go out for bid, since they were the only bidders last year. Councilman Schwarz pointed out \$2 is a 10% increase. How did they come up with that amount? City Manager Latham explained they are cannot control landfill costs and fuel costs. Director of Finance Kelly Korte reported we figured the increase in rates to cover their increase plus administrative fee. They provided us with their quote from the landfill to verify the increase in costs. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-99/RESOLUTION Approving Refuse Collection Contract with Robert "Bob" Sanders Waste Systems, Inc. for the One-Year Period from October 1, 2014 through September 30, 2015 – Councilwoman Bellm made a motion to approve Bill #14-99/Resolution #14-09-2231 approving refuse collection contract with Robert "Bob" Sanders Waste Systems, Inc. for the one-year period, from October 1, 2014 through September 30, 2015 as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-100/RESOLUTION Approving Staffing Services Agreement with TEKsystems, Inc., and Ratifying the City Manager's Execution Thereof - Councilman Schwarz made a motion to approve Bill #14-100/Resolution #14-09-2232 approving staffing services agreement with TEKsystems, Inc., and ratifying the city manager's execution thereof as attached; seconded by Councilwoman Bellm. Councilman Schwarz asked for some background on this. I read the memo on this, which stated this is for the purpose of setting up the active directory on the Windows server environment and establishing desktop conformity. What is the active directory? Director of IT Angela Imming explained the active directory is permission to allow access to different drives. Initially, there was talk as to whether to hire additional staff. We feel it would be best to utilize temporary staff with expertise, rather than delaying these projects. This will help with securing our data and allow for proper networking. Councilman Schwarz noted this is a T&M project. Do we have a scope of work or budgeted amount? Director Imming stated I have outlined a seven-week program at \$46. To hire an active director engineer, you would be looking at approximately \$120,000 annual salary, so hiring expert staff is a better option for this. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-101/ORDINANCE Amending Pretreatment Local Limits on Concentrations of Pollutants in Sewer Discharges – Councilwoman Bellm made a motion to approve Bill #14-101/Ordinance #2637 amending pretreatment local limits on concentrations of pollutants in sewer

discharges as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #14-102/ORDINANCE Declaring One 2004 Case Backhoe as Surplus Property and Authorizing Its Sale –

Councilman Schwarz motioned to approve Bill #14-102/Ordinance #2638 declaring one 2004 Case backhoe as surplus property and authorizing its sale as attached; seconded by Councilwoman Bellm. Councilman Schwarz asked is this equipment going to be replaced. City Manager Latham explained it is outside of its useful life. The equipment is ten years old. Councilman Schwarz inquired if that is old. City Manager Latham responded I rely on my staff to judge that. Councilman Frey asked if this is something that we could get trade-in value on against new equipment. City Attorney Long stated statute requires that we have a competitive value on the equipment for trade-in; therefore, it is best to put it out for sale. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-103/RESOLUTION Approving Engineering Services Agreement with Oates Associates, Inc. for the Fifth Street Reconstruction Project – Councilwoman Bellm made a motion to approve Bill #14-103/Resolution #14-09-2233 approving engineering services agreement with Oates Associates, Inc. for the Fifth Street Reconstruction Project as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #14-104/RESOLUTION Authorizing Preliminary Engineering Services Agreement with Oates Associates, Inc. for the Sharpshooter’s Trail Project – Councilman Schwarz made a motion to approve Bill #14-104/Resolution #14-09-2234 authorizing preliminary engineering services agreement with Oates Associates, Inc. for the Sharpshooter’s Trail Project as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #14-105/RESOLUTION Approving Right-of-Way Plat for the Veterans Honor Parkway – Councilwoman Bellm made a motion to approve Bill #14-105/Resolution #14-09-2235 approving right-of-way plat for the Veterans Honor Parkway as attached; seconded by Councilman Schwarz. Councilman Schwarz asked when we say right-of-way what does that mean exactly, since we own the property. City Attorney Long explained there is statute that states we have to show the association of roadway to the parcel(s). You will not see an outline of the roadway until this is done through the platting process. This will be helpful if anyone develops off this roadway, to establish what right-of-way is owned by the city. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-106/RESOLUTION Approving Granting Electric Utility Easement to, and Acknowledging Covenant Running with Land in Favor of Ameren Illinois Company, as Required by Agreement for Moving Portion of an Existing 34.5 KV Line – Councilwoman Bellm made a motion to approve Bill #14-106/Resolution #14-09-2236 approving granting electric utility easement to, and acknowledging covenant running with land in favor of Ameren Illinois Company, as required by agreement for moving portion of an existing 34.5 KV line as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-107/RESOLUTION Approving Contract for Ambulance Services with Marine Community Fire Protection District – Councilman Schwarz made a motion to approve Bill #14-107/Resolution #14-09-2237 approving contract for ambulance services with Marine Community Fire Protection District as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-108/RESOLUTION Approving Contract for Ambulance Services with St. Jacob Fire Protection District – Councilwoman Bellm made a motion to approve Bill #14-108/Resolution #14-09-2238 approving contract for ambulance services with St. Jacob Fire Protection District as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-109/ORDINANCE Providing an Additional Digital Package of Sports Channels Be Made Available for an Additional Monthly Subscription Fee to Customers of HCS Who Subscribe to Digital Family or Digital Plus and Amending the Municipal Code Accordingly – Councilman Schwarz made a motion to approve Bill #14-109/Ordinance #2639 providing an additional digital package of sports channels be made available for an additional monthly subscription fee to customers of HCS who subscribe to digital family or digital plus and amending the municipal code accordingly as attached; seconded by Councilwoman Bellm. Councilman Frey asked if this will be available to all customers - residential and commercial. HCS Manager Tracey Robinson stated we have not set rates for commercial users on this package yet. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Bill #14-110/RESOLUTION Approving *Affiliate Participation Agreement* with Respect to the *Affiliation Agreement Between Fox Cable Network Services, LLC., on One Side and National Telco Television Consortium, LLC., on the Other Side for Purpose of Obtaining Fox Soccer Plus Programming* – Councilwoman Bellm made a motion to approve Bill #14-110/Resolution #14-09-2239 approving *Affiliate Participation Agreement* with respect to the *Affiliation Agreement* between Fox Cable Network Services, LLC., on one side and National Telco Television Consortium, LLC., on the other side for purpose of obtaining Fox Soccer Plus programming as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Councilman Schwarz motioned to make agenda Items P – W/Bills #14-111 - #14-119, respectively, as part of an omnibus vote, as they are similar in nature; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Mayor Michaelis voted aye. Motion carried.

Councilman Schwarz made a motion to approve Bills #14-111 - #14-119/Resolutions #14-09-2240 - #14-09-2247, respectively, as attached; seconded by Councilwoman Bellm. Omnibus Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried approving the following:

Bill #14-111/Resolution #14-09-2240 approving *NTTC Member Participation Agreement* and *NTTC System Launch Form* with respect to the *CNG/ESPN Networks Omnibus Agreement* between ESPN, Inc., ESPN Classic, Inc., ESPN Enterprises, Inc., International Family Entertainment, Inc., ABC Cable Networks Group, and Soapnet, LLC, on one side, and National Telco Television Consortium, LLC, on the other side.

Bill #14-112/Resolution #14-09-2241 approving *Member Participation Agreement* and *TVE System Participation Form* with Respect to the *TVE License Agreement* between ESPN, Inc., ESPN Classic, Inc., ESPN Enterprises, Inc., International Family Entertainment, Inc., ABC Cable Networks Group, Soapnet, LLC, American Broadcasting Companies, Inc., and ABC, Inc., and Fusion Media Network, LLC, on one side, and National Telco Television Consortium, LLC, on the other side.

Bill #14-113/Resolution #14-09-2242 approving *FVOD Member Participation Agreement* and *FVOD System Participation Form* with Respect to *FVOD License Agreement* between ABC Cable Networks Group, Inc., Soapnet, LLC, International Family Entertainment, Inc., ESPN Enterprises, Inc., American Podcasting Companies,

Inc., and Fusion Media Network, LLC, on one side, and National Telco Television Consortium, LLC, on the other side.

Bill #14-114/Resolution #14-09-2243 approving *TV Everywhere Agreement* with Turner Network Sales, Inc., to make Turner “TVE Content” available via Turner’s TV Everywhere Websites to HCS Customers who choose to become authenticated subscribers to Turner Linear Television Networks.

Bill #14-115/Resolution #14-09-2244 approving *Carriage Agreement* with Vubiquity, Inc., to obtain, from Vubiquity, Inc., a License to Distribute and exhibit the linear programming service known as “Shop Now TV”

Bill #14-116/Resolution #14-09-2245 approving *Affiliate Participation Agreement* with respect to the *NTTC – Sportsman Channel Affiliation Agreement* between the Sportsman Channel, Inc., on one side and National Telco Television Consortium, LLC, on the other side for the purpose of obtaining Sportsman Channel Programming

Bill #14-117/Resolution #14-09-2246 approving *Retransmission License Agreement* for HCS as a participating member-operator with respect to the *Retransmission License Agreement* between the Family Worship Center Church, Inc., d/b/a SonLife Broadcasting Network on one side and National Telco Television Consortium, LLC., on the other side for the purpose of obtaining religious programming.

Bill #14-118/Resolution #14-09-2247 approving *Fusion Member Participation Agreement* and *Fusion System Participation Form* with respect to the *Fusion License Agreement* between Fusion Media Network, LLC, on one side, and National Telco Television Consortium, LLC, on the other side.

Award Bid #PW-03-14 to Remove and Replace Sanitary Sewer Restriction Point (Racetrack Road) – Councilwoman Bellm made a motion to award Bid #PW-03-14 to remove and replace sanitary sewer restriction point at Racetrack Road to Hair Plumbing and Heating, Inc. of Okawville, IL, for the amount of \$81,265 as attached; seconded by Councilman Schwarz. Councilman Schwarz asked what a restriction point is. City Manager Latham explained this is at the old sewer plant off Racetrack Road where some of the mains are configured such that they restrict flow of storm water into the system. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #14-119/RESOLUTION Approve Change Order #1 Submitted by Insituform Technologies for the CIPP Sewer Rehabilitation Project – PW-02-14 – Councilman Schwarz made a motion to approve Bill #14-119/Resolution #14-09-2248 a Change Order #1 submitted by Insituform Technologies for the CIPP Sewer Rehabilitation Project – PW-02-14 for a net change of \$163,415.75 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Approve Petition for Transfer of Grave Spaces in the City Cemetery – Ambuehl to Ambuehl – Councilwoman Bellm made a motion to approve petition for transfer of Grave Spaces 3 & 4, in Lot No. 76, of Block No. 5 in the Highland City Cemetery from Leland D. Ambuehl to Arlo Ambuehl as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

## **REPORTS**

Approve Warrant #960 – Councilman Schwarz made a motion to approve Warrant #960 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey and Nicolaides voted aye, none nay. Councilwoman Bellm 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 7:47pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk