

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, NOVEMBER 20, 2017**

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, Asst. City Manager Peck, City Attorney McGinley; Directors Cook, Gillespie, Rosen, and Schoeck, EMS Chief Wilson, Fire Chief Bloemker, Treasurer Foehner, and City Clerk Bellm, Library Director Kim, 2 Representatives from Unlimited Play, 6 citizens and one member of the news media.

MINUTES

Councilman Schwarz made a motion to approve the minutes of the October 30, 2017 Special Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm, and Nicolaides voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to approve the minutes of the November 6, 2017 Regular Session as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

PROCLAMATIONS

Mayor Michaelis read a document proclaiming November 25, 2017 as Small Business Saturday.

PUBLIC FORUM

Citizens' Requests and Comments:

2018 Car Cruises on the Square Request – Russell Huelsmann, Representative, Rusty Rodz Car Club requested permission to host their cruises the last Saturday of each month May through October, 5pm – 8pm, with closure of the streets immediately around the Square and use of the gazebo and its utilities. Councilman Nicolaides asked why you want to come back to the Square. Mr. Huelsmann responded we feel it is a better atmosphere. Councilman Nicolaides noted that years ago, there was people saying there was drinking. Mr. Huelsmann stated we post it on our flyer that there is no alcohol. Councilman Frey asked can we ask that you start by closing off Washington Street first. Mr. Huelsmann explained we do start with filling up Washington Street, then move over to Main Street. Laurel Street would be the last street, if needed. Councilman Schwarz made a motion to approve the request of Rusty Rodz Car Cruises with street closures on three sides of the Square, with Laurel Street filling up last, and use of the gazebo for the last Saturday of each month from May through October, 5:00pm – 8:00pm as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Queen of Hearts Raffle Presentation – Kent Wiese, President, Madison County Liquor Board (MCLB) Association, thanked the council for letting us present this idea. He stated I was approached over a year ago about pursuing a Queen of Hearts Raffle. A lot has changed in the past few years, with defined regulations. Existing municipalities have been approved ordinances recognizing these raffles specifically. In the process of pursuing licensing through the State, a suggestion was to approach the mayor and return with the municipality's responses. I started this process four months ago. The (MCLB) Association has approved unanimously to a raffle for 54 weeks and a commitment to host it here in town. As it gets underway, we will be teaming up with other non-profit groups to provide food for those attending. Tuesday nights were picked to be optimal, so that it does not interfere with organization meetings and church functions. Tribouts Distributors presently supplies 45 boards within 33 municipalities. Highland will be the first to do it correctly and to the states regulation. This would require Highland's Code of Ordinance 50.1.1.2 statue update. In researching this, we have found that these events turn into community retail functions. Aviston stated that it has brought a lot of revenue to their community and the surrounding area. The Helvetia Sharpshooters' center would be the place to hold the drawings.

Councilman Frey stated he has been following the articles on these events. I have no problem with bringing people to town. Through articles, I have read that most of these little towns have not done it properly. I want to make sure we do not have the liability issue. The State could confiscate the money if not run properly. Finding a place to hold the event and have adequate parking and traffic control. It does take organization even out there. There are issues and concerns about the caps. Have you thought about that? Mr. Wiese responded we have discussed that, but have yet to set a number. He explained each person is addressed a pin when signing up. Whatever number the pin cap would be, if too low, it limits the number of players. While higher pin caps allows more players, you would likely not see all those participate each week. For example, if pick 10,000 pins, over half those people would not participate for the other weeks. If there is a fair or a function at the Sharpshooters' facilities, we would set it up so that it would be skipped and resume the week after. Councilman Frey asked are you selling pin numbers seven days a week. Mr. Weise replied we would only be selling at the Sharpshooters' Lindendale Hall on Tuesday afternoons or evenings, when it would be open. The drawing intake would end one-half hour before the drawing. We figure by 9:30-10:00pm everyone would be vacated. We are in a unique position in that I hold a state-elected position for the district with the (MCLB) Association and own and operate a location in Highland, which allows us to sell from my location at 1300 Main Street seven days a week. Since I am on the certificate, I am ineligible to participate. Councilman Frey asked why this venue. Mr. Weise responded we do not want to maintain a late night venue. Councilwoman Bellm stated I heard two groups talking about this over the weekend. I heard people say they enjoy it because it is a mid-week social event. They go to eat and when the numbers are drawn, they leave.

Councilman Nicolaidis asked do you have to be a nonprofit organization to run these raffles. Mr. Weise replied yes. We are a nonprofit organization. Councilman Nicolaidis asked how you can sell out of your location. Mr. Weise explained as long as I do not charge the association anything or charge people for being at my location; I am allowed to sell at my location. Councilman Schwarz asked how much the group make off these raffles does. Mr. Weise reported 15% is retained by the organization. One of the reasons we are doing this is to try to gain more members to the association. We do a golf outing every year and donate to Shriners Organizations. We want to get back into giving back to our communities, but we can only do that if we get our membership up.

Mayor Michaelis stated we spoke the other day. He asked Mr. Weise, for the sake of the council, to explain what makes your organization and the raffle different from those in the article in the Belleville News Democrat. Mr. Weise explained if issued to my business's name it would be illegal. If done for a non-for-profit organization it is legal. We are in a unique position, since I am on the certificate for the organization, it allows me to sell the tickets out of my location for the benefit of the non-for-profit

organization. Councilwoman Bellm summarized MCLB is non-for-profit. Since you are the president of that organization, it allows you to sell the tickets. City Attorney Mike McGinley pointed out that from what was seen in the paper, it is the specifics of the license that creates the issues. The statue is long and detailed. We will need to rework our ordinance to allow for something like this. Councilwoman Bellm agreed we do not want to be in violation. Mr. Weise stated the ordinance outline I shared with the city attorney was from Morris, Illinois. The issue there was that the ordinance must designate for Queen of Hearts Raffles, not just any raffle. Additionally, it must address the issue of the pin caps. Mayor Michaelis reported Mr. Weise, Lt. Conrad, Chief Bell, and I met and went over the issues. This needs to be done slowly and correctly. Councilwoman Bellm agreed. When we are in the paper, again, it needs to be in there that we did it right. Mayor Michaelis stated the council needs to think about what the cap is. Councilman Frey asked what a typical pin cap would be. Mr. Weise reported Morris, IL did their cap at 2,500,000. Ideally, we are looking at 1M – 1.2M. This is based on a 54 week contingency. You can have it going for a couple weeks and someone draws the Queen of Hearts. Twenty-percent rolls over for the next raffle. If we get to the cap, with in a drawing, we have to draw until the money goes out that night. Councilman Nicolaides asked what Aviston's cap is. Mr. Weise stated I do not know. A low cap brings masses right away, because the odds are less. Taxes are taken off the winnings immediately. A winner is required to fill out a W2-G form. The money stays in if they refuse. The check is signed with my signature, the treasurer/secretary's signature, and a representative from the Department of Revenue. Councilman Nicolaides asked there is a representative there from the Department of Revenue. Mr. Weise stated yes, if the raffle reaches significant amount, there will always be an agent present.

Councilman Schwarz asked, since it takes city resources, what is the benefit to city. Mr. Weise responded, in the beginning, it should not require city officers. We would privately pay someone from the force for small venue raffles. If it gets to a large turnout then we would need the city's police support. For the benefit of the city and organizations locally, we would go to the Optimist, Lions, or County Fair Board, for example, to see if they would want to sell concessions or provide other assistance. City Attorney McGinley pointed out this is more about establishing the ordinance and issuing of license and requirements to the State's statue. Councilman Nicolaides asked what does the organization in return. Mr. Weise reported 15-20% of the winnings go the organization. We also pay fees, purchase the boards and tickets, and support staff. There is minimal cost to the City of Highland to bring this to town. Councilwoman Bellm questions until the amount builds, there would not be a need to have an on-duty officer present. Public Safety Director Terry Bell reported we met with Kent Weise and Fred Bircher several times. There are some public safety, with regards to fire, police and EMS concerns, if this should build to a large event. City Attorney Mike McGinley expressed to Mr. Weise, you are wearing a bunch of hats and other obligations. Is this all going to be done by you? Mr. Weise responded we have a board of directors and they would handle a lot of the daily activities and paperwork. I have been in this position since 2013. We just hosted our state convention in Alton. The amount of step up that I got from the board members shows me that we can take this on. Any money out has to have three signatures, so it is not just mine. Every day there has to be a receipt count. City Attorney McGinley pointed out that any violation of this statue is a Class C Misdemeanor, so this is a big deal. Mr. Weise acknowledged.

Mayor Michaelis stated it would be helpful for the council to understand how these raffles work. Mr. Weise explained the board has 54 locations on it, with covered positions. Each position represents a card. The boards are purchased through a supplier, such as Tribouts Distributors. When a person purchases a ticket, a pin number goes on the back of the ticket. A ticket is filled out with the person's name and phone number. When all pins are used up, we stop selling. After a ticket is purchased, it goes into a large hopper. If the person is in attendance, they pick a position on the board. If they are not present, they have a position written on the ticket, which would be revealed. The person wins 50% of the value if not there. Mayor Michaelis asked what happens if out of the hopper they pick my pin number. Mr. Weise explained from the fifty-four locations, you pick what you want undone. It could be 8 of Diamonds, 9 of Clubs, King of Spades, etc. If you pick a King of Hearts, it could be worth \$100. Other

cards, than the Queen of Hearts have values and they are posted amounts. If you are there, you win that amount. If not there, you get 50% of the posted amount for that King of Hearts. If you pull or pick the position with the Queen of Hearts, you win the full pot. If you are not there, but your positions on the back of our ticket, you win half the pot. You have to be 18 years or older to participate. Once the Queen of Hearts is revealed, a new board is purchased and we start over on that board. Councilman Frey noted this is to go fifty-four weeks, but the fair is one week. It is my understanding that license has to be renewed each year. Mr. Weise replied yes. If we reach upon the last week of the year, could put in the rules that pull until revealed. Councilwoman Bellm asked why 54 cards. Mr. Weise stated a full deck of cards, plus two jokers. Councilman Frey pointed out you would need 55 weeks, because of skipping for Madison County Fair week. Fred Bircher, with Helvetia Sharpshooters, stated I want to make sure this is done legally. If it is not done correctly, that directly affects our liability insurance, so we want all “t’s” crossed and “i’s” dotted. Mayor Michaelis asked if the council was okay with legal counsel proceeding with putting this into place. Mr. Weise reported after the certificate is issued, we would want to get our rules in order, then provide time to prepare, and a three-week lead on selling tickets before holding the first drawing. Councilman Frey expressed I am wondering what kind of feedback we are going to get because this is not a local organization. Do you know how many pin numbers Aviston issued? Mr. Weise reported 9800 is the cap on the pin numbers for Aviston. Chief Bell pointed out one of the concerns the council will have to think about is, is this a sole license. What if another organization wants to do that on Wednesday or Thursday night? City Attorney McGinley stated I do not know if there is something to prevent another organization to hold this. Mayor Michaelis pointed out we would have to see if another organization, because of space, I do not think there is. Councilwoman Bellm noted while we have the ordinance established, they would have to apply to the state, and have the venue to hold such an event. City Attorney McGinley advised our ordinance would allow them to issue a raffle. They would have to comply with the state statute. Mayor Michaelis asked Mr. Weise how he felt those interviewed in the Belleville News Democrat should have responded to the questions. Mr. Weise stated, ‘No response.’ and “We are checking to see that we comply.” would be the best for those mayors.

Dave Todd, of Silver Lake Road, asked if you twenty-six weeks and then payout the Queen of Hearts, but the license is not reissued, then what would happen to the money. Mr. Weise stated you draw out until it is all given out.

Requests of Council:

No comments or requests presented.

Staff Reports:

Mayor Michaelis asked for a show of hands on those in attendance for the proposed playground presentation. He then stated as this presentation is being given, if there is anyone with questions, I would invite those here on this topic to raise hands. I will allow you to ask questions.

Presentation on Proposed Playground for Rinderer Park – Parks & Recreation Director Mark Rosen reported Lisa Peck and I were given direction to see what it would take to build and all-inclusive playground. After interviewing three companies, it was apparent, hands down, that this was the company to be working with. I shared this presentation with a few families that had special needs children, members of the Park Advisory Board, and at a general public meeting. Director Rosen introduced Sam Lawson and Natalie Mackay from All-Inclusive Rec. and Unlimited Play, respectively. Mayor Michaelis stated I went to the general public meeting at the KRC. Sam Lawson, All Inclusive Rec, that partners with Little Tikes and works with Natalie Mackay of Unlimited Play.

Natalie Mackay stated I am a mother with a child with disabilities. It never crossed my mind before that there was difference in how kids played. My son was born with a disability that put him in a wheelchair. It hit me that he deserves to play. Other kids just have to see pass his disability and see him

in the same play setting. So, that is where I came up with the phrase that these playgrounds are places where limitations are forgotten and differences are celebrated. In today's world, we need to celebrate differences. This week of Thanksgiving, I want to say "thank you" for thinking about every member of your community. We opened Zachary's Playground, 10 years ago. We opened our nineteenth playground in Waynesville, MO, earlier this month. I have done presentations all over. Adults with disabilities have trouble taking their kids to playgrounds because they could not get near their children on the play sets. More vets are returning home with disabilities that make it difficult to enjoy play with their families. These playgrounds allow for that interaction. Ms. Mackay showed the presentation film and the design of the playground proposed for Rinderer Park. This would be a fenced in playground. The checkerboard tiling is around all the pieces that have motion; and, solid tile under and around the stationary equipment. This helps the kids designate the motion areas from the stationary pieces. Multiple wheelchairs can be rolled into merry-go-round. The slides are made from metal, since plastic slides create feedback for kids with cochlear implants, the plastic slides create feedback.

Asst. City Manager Lisa Peck pointed out that everything is wheelchair accessible. Mrs. Mackay stated there is a lot of communities that show creating an ADA playground, but they only have one ramp and only allows a couple of features to be accessed, not all. Mr. Lawson added the tiles are resistant to the wheelchairs and the weight and torque of them. Additionally, high back bucket swings with five-point harnesses, and a swing that they can lay down and swing on the parallel play. The musical instruments are built for outside use. Mrs. Mackay explained Unlimited Play comes in with not only the experience to build the playground for the needs, but we are non-for-profit and we work with building a team within the community to raise the funds.

Councilman Schwarz asked where is this going to go. Director Rosen reported between the pavilion and the other fitness equipment in place out there already. This would be a 100-ft. x 150-ft. area. Councilman Schwarz inquired about the cost. Director Rosen responded \$150,000 just for the equipment. Total project cost is \$250,000. Councilman Schwarz asked what is cost of playground equipment, traditionally. Director Rosen reported the equipment at Glik Park is twenty-five years old. It was \$150,000. Councilman Schwarz asked what kind of premium am I paying for, for an all-inclusive. Mrs. Mackay responded the cost is 40% higher. Surfacing \$50,000 and fencing \$50,000. Director Rosen pointed out that all of our playgrounds have crushed rubber or fill surface. The tile is going to be more resistant. Mr. Lawson explained the surface will consist of the sub-base of 4.5" aggregate and 4.5" of concrete with the tiles on top of it. It drains very well. Councilman Schwarz noted you spoke to fundraising, is there grants available. Mrs. Mackay replied yes. There may also be people within your community that may not have the funds available, but have product or labor that they can provide to put in the fencing or concrete. Director Rosen stated we are looking to get your blessing to go out and get the funding for this. Mrs. Mackay reported the average time to raise the funds is two years between designing and building. Councilman Schwarz asked will you help write the grants. Mrs. Mackay replied yes. Councilwoman Bellm expressed we have some very generous businesses in town that may be willing to do some "in kind" things, so I am hopeful that we would get some good cooperation. Natalie stated the most successful projects are those that start with the city leaders.

Mayor Michaelis reported since this has been reported in the newspaper, I received an email from Jessica Zobrist. She stated her family has really enjoyed the all-inclusive playground in Breese. While unable to attend the meeting, how wonderful an addition. As EMS in Breese, I have seen firsthand what a wonderful addition Hannah's Playground has been for the community. As a family, we make a twenty-five minute drive to Breese to play there. It is always wonderful to see all kids play together and for children without a disability to learn empathy. Hannah's Playground has really tied that community together. It has been a way to honor a love one that is no longer with them. I hope members of our community will realize what an asset this would be. Mrs. Mackay stated we called them the "Little Engine that Could". We would get routine checks of \$25 from people on a limited budget and they held

several fundraisers. There was a little girl whose wish was for a playground. I sat with the mayor and he said he was not sure the community wanted this, but if they showed him they wanted it, he would support it. After a couple of fundraisers, it was evident that they wanted this to happen and they did. Councilwoman Bellm pointed out there is the Highland Area Community Foundation and other organizations out there, so I am confident that we can make this happen. Mayor Michaelis offered a donation of the first \$1,000 to this project. I have a grandson that is 3-years old, with spinal bifida and so this is important to me.

NEW BUSINESS

Bill #17-111/ORDINANCE Declaring Personal Property of the City Surplus and Authorizing Its Disposal – One Ricoh Aficio MP C3300 Copiers – Councilman Schwarz made a motion to approve Bill #17-111/Ordinance #2820 declaring personal property of the City surplus and authorizing its disposal – one Ricoh Aficio MP C3300 Copier as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-115/RESOLUTION Approving Estimated Tax Levy – Councilwoman Bellm made a motion to approve Bill #17-115/Resolution #17-11-2483 approving estimated tax levy as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-116/RESOLUTION Amending and Approving the Purchasing Manual – Councilman Schwarz made a motion to approve Bill #17-116/Resolution #17-11-2484 amending and approving the Purchasing Manual as attached; seconded by Councilwoman Bellm. Councilman Frey noted there are some changes. I question raising limits on items that would not need council approval. City Manager Mark Latham explained it is up to me which ones would require my signature or the council. State statute has raised it from \$20,000 to \$25,000, so we are mirroring that; however, the council determines policy. We made slight changes in dollar amount. Currently directors can purchase up to \$500; that is being changed to \$1,000. Councilman Frey stated anything over \$25,000 would come to the council. City Manager Latham concurred anything \$25,000 and over requires Notice of Municipal Letting and the bid process. Councilman Frey pointed out that right now, that is \$20,000. City Manager Latham replied yes. Most of those items under \$20,000 are in the utilities arena. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-117/RESOLUTION Authorizing and Directing Application to the 2018 Cycle 13 Illinois Transportation Enhancement Program (ITEP) for Assistance, for the Purposes of Constructing Pedestrian and Streetscape Improvements – Councilwoman Bellm made a motion to approve Bill #17-117/Resolution #17-11-2485 authorizing and directing application to the 2018 Cycle 13 Illinois Transportation Enhancement Program (ITEP) for Assistance, for the purposes of constructing pedestrian and streetscape improvements as attached; seconded by Councilman Schwarz. Councilman Frey asked what would be a streetscape improvement. City Manager Latham reported we are looking all new lighting along Broadway in two phases with the first being Lemon Street to Laurel Street, and then following later with sidewalk improvements. Councilwoman Bellm noted this provides for applying for grant funds. City Manager Latham replied yes. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-118/ORDINANCE Approving Text Amendment to the City of Highland Zoning Code to Create “Reception Venue” as a Land Use Category – Councilman Schwarz made a motion to approve Bill #17-118/Ordinance #2821 approving text amendment to the City of Highland Zoning Code to create “Reception Venue” as a Land Use Category as attached; seconded by Councilwoman Bellm.

Councilwoman Bellm noted that the memo said something about Planning & Zoning made a change. Asst. City Manager Lisa Peck explained in one section it allowed for hours until midnight. Then Section B referred to the liquor code, which provides for different hours, so clarifying language was added. There was a reference in there to the old nuisance code, which was cleaned up, so that it was very clear. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Bill #17-119/RESOLUTION Approving and Authorizing Execution of an Engineering Agreement for Professional Services with Crawford, Murphy & Tilly, Inc. for Bidding and Construction of Improvements to Water Reclamation Facility – Councilwoman Bellm made a motion to approve Bill #17-119/Resolution #17-11-2486 approving and authorizing execution of an engineering agreement for professional services with Crawford, Murphy & Tilly, Inc. for bidding and construction of improvements to Water Reclamation Facility as attached; seconded by Councilman Schwarz. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

Award Bid #E-15-17 for Purchase of Replacement Batteries for Southeast Nordberg Room and the Westside Substation – Councilman Schwarz made a motion to Award Bid #E-15-17 to Alpine Power Systems, in the amount of \$30,266.60 for purchase of replacement batteries for Southeast Nordberg Room and the Westside Substation as attached; seconded by Councilwoman Bellm. Roll Call Vote: Schwarz, Frey, Bellm and Nicolaides voted aye, none nay. Motion carried.

REPORTS

Approve Warrant #1076 – Councilman Schwarz made a motion to approve Warrant #1076 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmen Schwarz and Frey voted aye, none nay. Councilmembers Bellm and Nicolaides abstained. Mayor Michaelis voted aye. Motion carried.

Councilman Schwarz made a motion to adjourn; seconded by Councilwoman Bellm. All council members voted aye, none nay. Motion carried and meeting adjourned at 8:40pm.

Joseph Michaelis, Mayor

Barbara Bellm, City Clerk