

**MINUTES OF REGULAR SESSION
HIGHLAND CITY COUNCIL
MONDAY, JULY 20, 2020**

Mayor Michaelis called the Regular Session to order at 7:00pm. Mayor Michaelis and Councilmembers Sloan, Frey, Bellm and Hipskind were present. Also present was City Manager Latham, City Attorney McGinley, Directors Conrad, Gillespie, Korte, Slover, and Speraneo, Coordinator Hubbard, Deputy City Clerk Hediger, City Clerk Bellm, and six citizens were present in the Council Chambers. To allow for COVID-19 Social Distancing the following present via phone: Directors Cook, Imming, and Rosen, EMS/Fire Chief Brian Wilson, and Deputy City Clerk VonHatten.

MINUTES

Councilman Frey made a motion to approve the minutes of the July 6, 2020 Regular Session as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

PUBLIC FORUM

Citizens' Requests and Comments:

Dale Eyman stated I am here representing DK7 Properties.

Darryl Merkle stated I want to speak on the use of golf carts, neighborhood vehicles, UTVs in the city. UTVs are street legal. Mayor Michaelis asked you mean side-by-sides. Mr. Merkle replied I am talking about side-by-sides, not golf carts. Golf carts do 10-15mph, which would impede traffic. UTVs can travel 30-35mph so they would not impede traffic. ATVs do not have steering wheels or seatbelts. Mayor Michaelis reported Chief Conrad will speak about this tonight, for a council to give a consensus on whether to have the city attorney draft an ordinance or not. We want this input before we spend the time.

Mr. Merkle asked, with regards to HCS, why do we have to push three-different buttons to get the TV to turn on or off? I cannot get that answer from anyone here at the front desk. Also, how do I get my surround sound to work with it. Mayor Michaelis asked City Manager Latham to have Angela give him a call tomorrow. Director Imming was on the phone and stated she would contact him.

Jerome Kuhl stated a golf cart will shut off when you stop, if you have a medical condition. About this Channel 3, so far, we have not used it to show council meetings. When everything was shutdown, you could have used that to broadcast the meetings. As council people you represent city? Mayor Michael replied yes? Mr. Kuhl replied you know what I mean. Golf carts are the only one that shut off when you stop. If you have breathing trouble, diabetes, cancer, or other medical problems, it will allow you to get around town. These 7-8-year old kids ride small motor bikes, but no one says anything. If you are ill, you cannot ride a bicycle to get around the neighborhood. I think you should look at it.

Requests of Council:

No comments or requests.

Staff Reports:

Northside TIF #2 Bond Refunding – Director Kelly Korte reported we started this process earlier this year and then put it on the hold due to the markets responding to COVID. We reactivated the process

about one month ago. Joy Howard is on the phone to answer any questions. She is recommending, and we agree, with going with FCB Bank. \$166,000 savings was anticipated, but we feel it will come in about \$309,000 savings now.

Requested Update on Potential Use of Neighborhood Vehicles on City Streets – City Manager Latham reported Director Conrad did a survey on this. He is going to provide more information. Chief Conrad reported we put this out on social media for a request for feedback on neighborhood vehicles. We did not get clear answer. We received 29 responses: 9 emails, 3 phone calls or in-person, and 17 on Facebook. Thirteen were in favor of it; thirteen, against; and, three that had no opinion one way or the another, but asked additional questions about regulation, cost and feasibility road restrictions. Of the thirteen that were for it, one was for golf carts only and recommended limited operation of them during daylight hours only. Four were for side-by-sides only, because they felt that golf carts would be too slow.

Director Conrad reported there was a little bit of confusion regarding state law that would have allowed side-by-sides to operate on state highways. There were news reports of them being allowed on certain state roadways, going into effect January 1. I called the Secretary of State's office for clarification. They said it was an error and that is not a law. If that was to go into effect, it would have allowed for use of side-by-sides on peripheral route. Mr. Merkle reported he spoke with Madison County Sheriff's office today. Marine is the only community in Madison County allowing such vehicles. UTVs can keep up with traffic and not impede traffic. Councilwoman Bellm asked Mr. Merkle to explain the difference between a UTV and ATV. Mr. Merkle explained UTV has a steering wheel and seat belts. Councilman Frey added side-by-side are about the size of a smart car. Councilwoman Bellm agreed golf carts go too slow. Chief Conrad added ATVs are three-wheelers or four-wheelers. They do not have a steering wheel; they are more like a motorcycle.

Mayor Michaelis stated he spoke with City Attorney McGinley about this today. What would you like to see from council this evening? City Attorney McGinley advised we would need direction from the council if they would like something put on the next agenda, as a motion, to direct city staff and attorney to address the issue of these types of vehicles on streets. Mayor Michaelis asked for a consensus from the council of do we want to direct City Attorney McGinley to put this on the agenda for a vote of having staff work on this. Councilwoman Bellm inquired we would have to come to some consensus of what vehicles we specifically would allow or not allow. Mayor Michaelis clarified it would merely put on the agenda to vote to as to have staff proceed with put together an ordinance to allow for these types of vehicles. Councilwoman Sloan thanked staff for all the work done already. With the small amount of feedback, we received, she questioned if it is worth putting more time into it. There are still the same issues of regulating where they can travel in Highland and all the signage. Councilwoman Bellm added I am also concerned about the cost for marking crossings and signage. While other communities have said there is a surge in the beginning, the question becomes how much are we going to spend for 1% of citizens to use. I have had several people contact me. Some are completely opposed to it. The younger ones that contacted me, only want it for their neighborhoods. I had some that wanted to get from Klaus-Geiger Road to Rinderer Park; however, they would need the blessing of the county to run on county roads. There were several people that said it makes sense not to do it, after they saw the map. I don't think it is practical. Councilman Frey agreed. He pointed out this is the third time we talked about this since I have been on the council. If the state makes side-by-sides legal on highways, it may be a different situation. Councilman Hipskind stated the police chief spent way more time on this than what we have interest in it. He questioned what the officers think about neighborhood areas only. Chief Conrad reported their concerns were would we make it a fine if they found a vehicle in a different neighborhood. Some people would want us to fully enforce this and others would feel that is wrong. One lady likened it to the old city vehicle stickers. The main concern of officers was how to enforce it. Councilman Hipskind stated it is not realistic. There appears to not be much interest. Chief Conrad acknowledged Councilwoman Bellm is right, a lot of people did not realize the limitations until they saw the map. Other

towns only have one or two cross sections, our map looked like a kindergarten art project. Councilman Hipskind stated it makes no sense in spending a lot of resources on this for the interest shown.

City Manager Latham noted Councilman Hipskind had asked how business is fairing. We got the expense reports for May 2020. We are down about 1% on revenue, but also down 7% on expenses. We are going to keep the directors working under the same guidelines. Councilman Hipskind asked are we good or not. City Manager Latham reported part of revenue is based upon receipt of specific revenue we were waiting on, such as Highland Area Community Foundation funds for the park playground and another from Madison County Parks grant. Councilman Hipskind expressed I am not trying to be rude, but are we doing fine? City Manager Latham reported we meeting once a month with Director Rosen on the Korte Rec Center. Councilman Hipskind noted I know you said we conservatively budget. City Manager Latham reported, as far as utilities, we have the same people we had difficulties with before COVID. Councilman Hipskind stated I just want to make sure we are being cautious. Based upon conservative budget, we are okay? City Manager Latham pointed out that we have such diverse revenue sources. A lot of other communities rely solely on sales tax revenue. Councilman Hipskind expressed my concern is that Chief Conrad comes up to tell us that he does not have the budget to hire an assistant chief, because of COVID. City Manager Latham stated I thought we had talked about that already in the budget session. Councilman Hipskind acknowledged we did, but now we are in COVID, so things change. City Manager Latham reported we have someone retiring from City Hall, we will probably not replace that position right away. Revenue we collected in May was able to cover the budget. We are 1% down from where we expected to be at end of May normally. He estimated we will be 1% down this next month also. City Manager Latham added he has directed the department directors to limit their discretionary spending. Councilman Hipskind expressed we need to be cognitive of the money we are spending. He acknowledged City Manager Latham and staff is doing a good time. I just want to caution everyone to be careful with the times we are in. City Manager Latham noted, in 2008, when economy went down, Highland stayed strong. We currently have more construction going on in Highland than we have had in years. Mayor Michaelis asked City Manager Latham how many staff meetings are there per week. City Manager Latham replied two per week. Councilwoman Bellm added, if I heard correctly, a couple of the departments have already decided to hold on some larger projects. City Manager Latham reported they have; however, some of the projects have outside funding for the majority of the costs and we are continuing with those.

City Manager Latham reported Retired Fire Chief Rick Bloemker passed away very quickly. I would like to honor him by naming that station across from City Hall after him. Mayor Michaelis stated Rick had 38 years serving the city in the fire department. I think he is very deserving of that honor. It was the consensus of the council. City Manager Latham reported the fire department will be attending the visitation at 6:30pm on Thursday, then city staff will go through.

NEW BUSINESS

Approve Mayor's Reappointment of Gary Klaus, Heather Warren and Denise Berolatti to the Parks & Recreation Advisory Commission – Councilwoman Bellm made a motion to approve the mayor's reappointment of Gary Klaus, Heather Warren and Denise Berolatti to the Parks & Recreation Advisory Commission for three-year terms, to expire July 31, 2023 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Approve Notice of Municipal Letting for Motor Fuel Tax Maintenance Materials (MFT Section 21-00000-00-GM) – Councilman Frey made a motion to approve Notice of Municipal Letting for Motor Fuel Tax Maintenance Materials (MFT Section 20-00000-00-GM) as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion

carried. Deputy City Clerk Lana Hediger stated a correction to the agenda should be that the Section number on that should be 21-00000-00-FM.

Award Bid #BZ-04-20, for 1201 Broadway Asbestos Abatement – Councilwoman Bellm made a motion to award Bid #BZ-04-20, for 1201 Broadway Asbestos Abatement to Midwest Asbestos Abatement, DBA Midwest Service Group, in the amount of \$9,005.00 as attached; seconded by Councilman Frey. Mayor Michaelis asked where this company is located. Director Speraneo replied St Peters, Missouri. Mayor Michaelis stated I do not think there are any companies in Highland or local area that does this. Director Speraneo responded not that I am aware. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-86/ORDINANCE Declaring Personal Property of The City of Highland, Illinois, Surplus and Authorizing Its Sale and/or Disposal, Specifically Radiators, Baseboards, Hand Rails, Claw Foot Tub, Bathroom Sink, Hall Light, and Boiler System from 1201 Broadway – Councilman Frey made a motion to approve Bill #20-86/Ordinance #3026 declaring personal property of the City of Highland, Illinois, surplus and authorizing its sale and/or disposal, specifically radiators, baseboards, hand rails, claw foot tub, bathroom sink, hall light, and boiler system from 1201 Broadway as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-87/ORDINANCE Amending the City's Official Zoning Map – Councilwoman Bellm made a motion to approve Bill #20-87/Ordinance #3027 amending the city's official zoning map as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-88/RESOLUTION Authorizing City Manager Mark Latham to Sign All Loan Application Forms and Supporting Documents Required for The City of Highland to Borrow Funds from the Water Pollution Control Revolving Loan Program – Councilman Frey made a motion to approve Bill #20-88/Resolution #20-07-2726 authorizing City Manager Mark Latham to sign all loan application forms and supporting documents required for the City of Highland to borrow funds from the Water Pollution Control Revolving Loan Program as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

City Attorney McGinley excused himself from the meeting, citing that he has previously represented DK7 Properties, LLC. Christy Swick is on the phone as legal counsel for the City. 7:57pm.

Discussion - Proposed Annexation Agreement with DK7 Properties, LLC, Regarding 12258 Highland Road – Director Speraneo explained we are bringing this to the council as discussion only. It would require going to the Combined Planning & Zoning Board for review and a special use permit. We first wanted to gage whether council had any opposition and we are looking for guidance if we need more information.

Dale Eyman reported DK7 Properties, LCC is a family-owned business that owns some other properties in Highland. With this property, west of Highland, we want to open two businesses. A gaming service and a pub. The handout presented to the council is an overview of the two businesses. At 12258 Highland Road, we would have a restaurant and bar. At 12254, a gaming facility, licensed under a terminal operator business. We filed the application with state earlier this year and project to be licensed by October. We would hope to have three owner operators and move up from there. We would begin construction of the restaurant and bar, which would be targeted to patrons, forty-plus years of age. We intend to put in video games within the restaurant with the potential for dining outside. We would have a limited menu and supplement with food trucks. The building currently exists, and we would add the

patio. The benefits to the city are 5-6 part-time employees and offering outdoor dining with a capacity of 75. Potentially, it could generate more development of commercial properties on that end of town. At 12254, we would install, operate and maintain video gaming terminals for licensed video gaming. Currently we have three owner/operators. We know the State of Illinois is saturated in that area, but if Missouri allows gaming, we would be ready and able to expand there. By the end of 2021, we feel we could be at 12 employees. With expansion into Missouri, we believe 60 employees by early 2023 would be the projection. We ask for consideration to annex property into the City of Highland. Councilman Frey clarified you are talking about two different buildings. Mr. Eyman replied yes. The terminal operators' business would be for placement into other locations. Councilman Frey asked how large is that property. Mr. Eyman replied 1.4 acres. Councilman Frey inquired how is that going to work for adequate parking. Mr. Eyman responded we still have to address that. Councilman Frey inquired, basically, you are asking for a liquor license. The cigar bar is going to be outdoors? Mr. Eyman replied yes, it would have to be. Councilwoman Sloan inquired you are looking at Food Truck Fridays with this, and you are aware that food trucks would need to obtain their own license. Mr. Eyman replied yes. City Manager Latham pointed out that this project was originally a toner service place, and then it became Highland Pool and Spa.

Director Speraneo explained this would be on the Planning & Zoning agenda in August. There would be a public hearing on August 3 for annex approval. On August 5, it goes to the Combined Planning & Zoning Board where they would look at rezoning from R1C to Industrial. Then they would need Special Use Permit (SPU) for the liquor license. On August 17, there would be five items for the council to consider: annex, annexation agreement, rezoning from R1C to Industrial, and the liquor license issuance, with special use permit.

REPORT

Approve Warrants #1171 & #1172 – Councilman Frey made a motion to approve Warrants #1171 & #1172 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to temporarily adjourn this regular session to enter into executive session under the Illinois Open Meetings Act under 65 ILCS 120/2(c)(21) to discuss the approval of executive session minutes, 2(c)(11) to discuss litigation that has been determined to be “probable or imminent”, and 2(c)(1) to discuss employment of a specific employee. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Meeting temporarily adjourned at 8:15pm.

Mayor Michaelis reconvened the Regular Session at 9:58pm. Council members Hipskind, Bellm, Frey and Sloan were present. Others in attendance were City Manager Latham, Attorney Michael McGinley, Director Conrad, Deputy City Clerk Hediger and City Clerk Bellm.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting adjourned at 8:44pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk