

**MINUTES OF REGULAR SESSION  
HIGHLAND CITY COUNCIL  
MONDAY, OCTOBER 5, 2020**

Mayor Michaelis called the Regular Session to order at 7:00pm. Councilmembers Sloan, Frey, Bellm, and Hipskind were present. Others present were City Manager Latham, City Attorney McGinley, Directors Conrad, Cook, Gillespie, Imming, Korte, Deputy City Clerks Hediger and Von Hatten, City Clerk Bellm, and six citizens.

**MINUTES**

Councilman Frey made a motion to approve the minutes of the September 21, 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:

*Highland High School Choir – Highland High School Musical “The Little Mermaid”* – Andrew Gibb Clark, Choir Director at Highland Middle School and Highland High School, explained that, last spring, we were about a week and half out from our performance when COVID shut us down. We had invested everything. Our plan is to show the performance drive-in style, with parking on Four Diamonds. Matt Anderson, our technical volunteer, will bring in a ton of equipment to allow this to happen. If rented it would be about a \$150,000 cost. We are asking for the streets to be blocked, for traffic flow and because we will be charging for tickets. In order to power the equipment we would need power dropped.

Councilwoman Bellm made a motion to approve Highland High School Choir's special event application for the road closure of Lindenthal from Maple Street to Parkhill Dr. and Oak Street at Lindenthal as requested; seconded by Councilman Frey. Councilwoman Bellm expressed this is creative and a good idea. Light & Power Director Dan Cook agreed it is a great idea. This equipment is commercial equipment, which requires three-phase service. I have also been told the format for the Christmas Parade has changed and they will want power on Four Diamonds for that event, as well. If everyone approves, one thing we could do is rent a generator. The power is nearby and we could pull it. We do have three-phase power on the other side. A generator would require us to put in a riser and we could run power for that. It is a few thousand dollars effort to make it appropriate and safe. He estimated in the neighborhood of \$4,000. Councilman Hipskind asked why rent a generator, are there not people that have generators. Director Cook explained those used in home and at parades to run lights on the floats are all single-phase. The cost to rent a three-phase is about \$600 for a weekend. Councilman Hipskind expressed concern that the noise from one of those will make it hard for people to hear.

Matt Anderson, volunteer with the musical, explained the generator we are talking about is a tow-behind generator, which runs at a sound level below 70 decibels. I do not think the noise will be the issue. Director Cook pointed out both of these events draw people into town, so could hotel/motel tax be used for these events. As far as the generators for the Christmas Parade, several of the units have those and we can space those out, so you would not hear much from them. Councilman Hipskind stated I am okay with the use of hotel/motel tax for this. Have we checked with other municipalities or J.F Electric,

to see if they would have a generator that would fit our needs for this, that we could borrow? Director Cook acknowledged that is something we could do.

Councilwoman Bellm asked when this is. Mr. Clark replied October 23 & 24, with a rain date of October 25. Councilman Frey suggested giving them a budget. Mayor Michaelis noted normally we have them do an application for the use of hotel/motel tax funding. He asked City Manager Latham do we want to waive that. City Manager Latham replied yes. City Attorney Mike McGinley noted they have filled out a special event permit. I would suggest the council doing an amendment to the motion to include approval of hotel/motel tax funding. Councilwoman Bellm made motion to amend the motion for approval of the special event application of Highland High School Choir for road closure of Lindenthal from Maple Street to Parkhill Dr. and Oak Street at Lindenthal and for power to include using hotel/motel tax funding for up to \$1,000 for rental of an electric generator. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. On the motion as amended, Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Jerome "Blackie" Kuhl, stated I am part of the one-percent that you do not feel is worth any money. That demonstration that was held on the Square was the worst thing ever. I can stand here and curse all you want if you want. Whatever happened with the golf carts? Mayor Michaelis responded it was decided 4-0 to not go forward with the golf carts due to the complexity and lack of interest. Mr. Kuhl asked are golf carts with state license plates legal in Highland. If I can get it licensed through the State of Illinois then it should be allowed. Public Safety Director Conrad stated the Secretary of State's Office told us they do not register and license golf carts, according to the individual we spoke with. Mr. Kuhl contended according to the guy in Breese, they do. Director Conrad responded local towns could register them. Councilwoman Sloan stated I work with registering license plates, at the dealership, and I have not seen plates for golf carts. Mr. Kuhl stated my wife has breathing problems, and heart and lung issues. With a golf cart, we could ride around together and visit neighbors. I once thought this town was going to the dogs, but people are worst.

#### Requests of Council:

Councilman Hipskind asked for an update on the senior center and if we finished the deal to lease part of that space. Mayor Michaelis reported City Manager Latham would cover that under staff reports.

Mayor Michaelis stated the city cemetery upkeep and maintenance was a concern when I first became mayor. There were literally piles of markers out there just piled up. When people purchase a plot in the cemetery, they pay for the perpetual care of those spaces. There has been many hours spent working on getting the cemetery into beautiful condition. Brad Koehnemann spearheaded the improvements made to the cemetery and it really looks nice out there now. Parks & Recreation Director Mark Rosen acknowledged Brad has taken a lot of passion into fixing up and improving the cemetery, along with Matthew Neier, Steven Young, Nick Dugan, and John Wick. They have poured over 900 Ft. of roadway out there, in addition to fixing up the headstones. Mayor Michaelis asked Director Rosen to pass along that we recognize all the work and dedication put into it.

Mayor Michaelis stated a lot of people have been asking about all the equipment out at Silver Lake. He asked Director Rosen to report on that, while he is here. Director Rosen reported this is the second project this year. This project, near the trailhead, will reestablish the peninsula. The specific project is funded under the 319 Grant will keep erosion and silt from entering the lake. It will create a dam for the pond, which will be a detention basin, and the secondary benefit will be to put fish in there and allow them to acclimate and grow before entering the lake. The wetland project will then go into the spillway. In doing this project, we have found several boulders in the process, and will be able to use

those. It will become a very beautiful place for pictures. Mayor Michaelis expressed that park really is beautiful with the vegetation and things done for preservation of wildlife. Thank you to the Parks & Recreation staff and you for all you do. Councilwoman Bellm added the fishermen friends of my husband are delighted that we are going to have a fish farm. Director Rosen pointed out that fishing from that pond would not be allowed.

Mayor Michaelis reported, recently, we had another protest on the Square. I was there viewing it from my vehicle. I have never seen such a professional group of officers. Their presence and how they handled themselves was tremendous. Chief Conrad reported Marine, St. Jacob and Grantfork all sent officer to assist us that evening. We have sent letters to their communities thanking them for their assistance.

#### Staff Reports:

City Manager Latham stated, in regards to Councilman Hipskind's inquiry, Director Rosen and I did the final walk-thru on Friday. It is a very nice place for senior citizens. We need to get furniture yet. We will be allowed to twenty-five people in at a time. Councilman Hipskind asked were we able to get the lease signed with the other person. City Manager Latham replied no. Her attorney reviewed the contract we have with Frey Properties; they advised her not to sign in on it. We are going to utilize all the space. Councilman Hipskind asked did we design it with the expectation that they were going to move in there. City Manager Latham replied we paid for all the renovation. Councilman Hipskind pointed out the sublease was going to help with paying for the cost of the facility. How do we plan to cover the costs? City Manager Latham reported Director Chris Conrad has written a letter to the townships asking them to participate in the costs. We all pay money to the townships, in this community. What services do we get for those taxes paid to them? It is frustrating they cannot utilize some of that money for the seniors that come in to use the facility. Councilman Hipskind expressed I would rather have seen that money used to improve the Weinheimer Building.

City Manager Latham reported we do want to have a groundbreaking for the Public Safety Facility. It will be the most expensive project, next to construction of the Korte Recreation Center. The contractor would like to start the week of October 19. We are waiting for farmer to get the beans off the field. We will want to have some type of ribbon cutting for the senior center also.

Councilman Hipskind inquired if we are not able to defray costs with user fees and the townships chipping, will you come forward with a budget plan. City Manager Latham replied yes. He noted it is not common that in other municipalities, the townships defray those costs and some even completely handle the financial and operation of these centers. I truly feel that is one segment of the population that is underserved in this community. Mayor Michaelis asked has Saline or Helvetia taken any responsibility. City Manager Latham reported I have not been getting very far with them releasing any funds towards this. Councilman Hipskind state with all due respect to the seniors, there are things we do for seniors with dinners, lunches, dances and they had their own space in Weinheimer, they just wanted upgraded facilities. I am not going to debate that again, though.

### **NEW BUSINESS**

Discussion – Liquor License – City Manager Latham turned the discussion over to Councilman Frey who had requested this discussion on the agenda. Councilman Frey reviewed when we allowed video gaming in Highland it was to help support small businesses. We heard from churches, service organizations, and small businesses. To stabilize small businesses, I think it has worked. I have tracked and followed what businesses in Highland do, with regards to video gaming. We subsequently have allowed two gaming parlors to come in. In watching reports, a few are struggling due to COVID. The

gaming parlors continue to do well. There are 14-15 gaming licenses. Since COVID, almost all restaurants and bars have done layoffs in Highland. As far as how some other towns approach it, it varies. In Clinton County, a business has to prove that at least 60% revenue comes from something other than gaming. Ways to approach it: Increase the amount of square footage dedicated to something other than gaming; put one-year probation on new business, as it normally takes one year for a new business to receive that license from the state anyways; or, maybe, freeze the total number of licenses. A few weeks back Chief Conrad and I were talking about a long established business that was struggling. I am all about businesses coming in. Anyone that proves they are going to do something other than gaming and have a solid plan, I am for. I do not think Highland needs a dozen gaming parlors.

Councilwoman Sloan pointed out most, trying to startup a business the only way they can get the loan is to have the video gaming license to get a loan. How do we say we are turning down your whole dream, because we do not want any more gaming licenses? Councilman Frey contended the State of Illinois still needs to approve their license also, so it is not solely us. Mayor Michaelis expressed the more you handout of these licenses, all you do is water down the others. Where they are improving the former Cardinal Inn property, they have a solid business plan. Councilman Frey stated all in favor of businesses. Some towns have changed their stance on video gaming. Marine, St. Jacob, and Edwardsville recently voted to allow some. They had not before. Edwardsville is allowing any paternal organizations to have gaming; and, they are allowing gas stations. They are not allowing restaurants and bars. The last time we tweaked the number on the different types of licenses. City Attorney McGinley explained there are no licenses ever available. When they give up a license, it lowers the number. Councilman Hipskind clarified we vote to increase the number to give specifically to an applicant. City Attorney McGinley explained the liquor licenses are in different classifications: Tavern A-1 does not permit gaming; A-2 allows for gaming; Restaurants D-1 does not permit gaming; D-2 permits gaming; G is for gaming parlors. He explained how staff looks at these inquiries before the council sees it. First thing is, is this a restaurant, by statutory definition. If it is not a restaurant, than it is either a gaming hall or tavern. Gaming Hall is defined as establishment whose primary purpose is to operate gaming machines or terminals. If revenue is that where 60% or more comes from gaming terminals and they had to submit a financial disclosure, I do not know that we would get financial statements. It is a tool we can use, so that is the purpose of its existing. The key to this are, I believe, is whether eating area is equal or greater of that area for gaming; absence of full-service kitchen; 2,000 sq. ft. or less; or such other condition exist where gaming is prominent source of business and revenue. This what staff uses to guide people when they come to apply for a license. Councilman Hipskind expressed what we have now is great, because it allows staff to see what these are. It also allows us enough discretion to deny a license if we believe their intent is to open that business primarily for gaming. City Attorney McGinley pointed out you are the council and it is your vote. You have a lot of power there. Councilwoman Bellm expressed I always fear when we grant one and then another we declined, that it could lead to litigation. City Attorney McGinley advised what we have now brings unique business plans, locations of business and size of building to the proposed purpose. It does leave it open to interpretation of the council. It is the right of the council to say we are not allowing any more licenses. Councilwoman Bellm pointed out the most recent, with Sunny Tut, we made sure it was a restaurant. With the salon and spa, we made it a requirement it must be something more than gaming. We have established those ground rules. In more recent we have stuck to those rules. We have shown what our standards are. City Attorney McGinley advised the city has determined that it is in the best interest of safety and standards of the community is included in those statements of finding of facts. Councilwoman Bellm clarified once a license is vacated, the number drops. It is a hard call what to do beyond this. This council has decided that two gaming parlor license is enough. I would like to see some specifics in the gaming parlor license regarding a portion of space or revenue dedicated to something other than gaming. I would like something similar in restaurants as to what qualifies. Councilman Hipskind stated I would argue the more standards you create the more we lose our discretion. Director Conrad reported we get to 2-3 calls per month inquiring about gaming licenses. If you want to open a gas station and restaurants, we are all for those. As far as gaming,

the council has made it known they are not open to allowing anymore gaming parlors. With Sunny Tut's property, we had discussion and he spent the money to make it happen. With the property west of town, you have given them guidelines they need to work under. We have used that to work with these people to develop something that does not leave a blank gaming storefront when things do not work out. There is marketable infrastructure there for other businesses to step in. Gaming has grown about 10% each year, since allowed. People are going to chase the dollar. Councilman Frey pointed out in that same paragraph, of the definition of full kitchen it states 'full meals', so that is not baking a frozen pizza. Grease traps, HVAC systems and range hoods are required, along with walk in coolers, freezers, commercial dishwashers, which creates those conversations. Councilman Hipskind expressed now is not the time to say we are anti-business and opposed to new businesses. Councilwoman Sloan agreed the last thing I want to do is deter any business from looking at Highland as a potential site. City Attorney McGinley reported staff works very hard to look at vent these. Does the council have any appetite for a new classification to allow for gaming in gas station or convenience stores? Councilman Frey, Councilwoman Bellm and Councilwoman Sloan responded no. Director Conrad expressed, I will say, your discussion tonight really has reinforced what we tell applicants when they contact us.

Approve Health Insurance Renewal for 11/01/2020 through 10/31/2021 – Councilwoman Bellm made a motion to approve health insurance renewal for 11/01/2020 through 10/31/2021 as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-128/RESOLUTION Approving Contract for Infant Swim Lessons at Korte Recreation Center with Ryan Poss – Councilman Frey made a motion to approve Bill #20-128/Resolution #20-10-2747 approving contract for infant swim lessons at Korte Recreation Center with Ryan Poss as attached; seconded by Councilwoman Bellm. Councilman Frey stated this is a great program. I have had two granddaughters that have done this with them. They drove to Edwardsville to do with Ryan. They are three and five years old and they swim like little fishes. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-129/ORDINANCE Declaring Power & Light Department Substation Transformers and Other Related Electrical Personal Property Surplus and Authorizing Their Sale – Councilwoman Bellm made a motion to approve Bill #20-129/Ordinance #3045 declaring Power & Light Department substation transformers and other related electrical personal property surplus and authorizing their sale as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-130/RESOLUTION Authorizing and Directing Application for 2020 Illinois Transportation Enhancement Program Funding for Broadway Street Scape Phase 2 (Laurel Street to New Trenton Road) – Councilman Frey made a motion to approve Bill #20-130/Resolution #20-10-2748 authorizing and directing application for 2020 Illinois Transportation Enhancement Program Funding for Broadway Street Scape Phase 2 (Laurel Street to New Trenton Road) as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-131/RESOLUTION Waiving Normal & Customary Bidding Procedures and Authorizing Purchase of Two Receivers for Conversion to MobiTv for Highland Communication Service – Councilwoman Bellm made a motion to approve Bill #20-131/Resolution #20-10-2749 waiving Normal & Customary Bidding Procedures and authorizing purchase of two receivers for conversion to MobiTv for Highland Communication Service as attached; seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Bill #20-132/RESOLUTION Waiving Normal & Customary Bidding Procedures and Authorizing the Execution of a Purchase Agreement to Purchase the Palo Alto Firewall Security Appliance through the State of Illinois Joint – Councilman Frey made a motion to approve Bill #20-132/Resolution #20-10-2750 waiving Normal & Customary Bidding Procedures and authorizing the execution of a purchase agreement to purchase the Palo Alto Firewall Security Appliance through the State of Illinois Joint Purchasing Program, from CDW, in the amount of \$43,110.00 as attached; seconded by Councilwoman Bellm. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

## **REPORT**

Approve Warrant #1179 – Councilwoman Bellm made a motion to approve Warrant #1179 as attached; seconded by Councilman Frey. 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)(5) to discuss purchase of real property and 65 ILCS 120/2(c)(5) to discuss personnel. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Meeting temporarily adjourned at 8:27pm.

Mayor Michaelis reconvened the Regular Session at 9:00pm. Councilmembers Hipskind, Frey, Bellm, and Sloan were present. Others present were City Manager Latham, City Attorney Michael McGinley and Deputy City Clerk Hediger and City Clerk Bellm.

Bill #20-133/RESOLUTION Authorizing Employment Agreement Between City and Charles J. Becherer, Interim Police Chief – Councilwoman Bellm made a motion to approve Bill #20-133/Resolution #20-10-2751 authorizing employment agreement between City and Charles J. Becherer, Interim Police Chief as attached; seconded by Councilman Frey. City Attorney McGinley asked for an amended resolution for it to include attachment of the insurance rider and that the employment agreement will not be executed until such time that said insurance rider is received. Councilwoman Bellm made a motion to amend the motion to include attachment of the insurance rider and employment agreement will not be executed until such time the said insurance rider is received. Motion seconded by Councilman Frey. Roll Call Vote: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried. Roll Call Vote on the amended motion: Councilmembers Sloan, Frey, Bellm and Hipskind voted aye, none nay. Motion carried.

Councilwoman Bellm made a motion to adjourn; seconded by Councilman Frey. All council members voted aye, none nay. Motion carried and meeting adjourned at 9:04pm.

Joseph R. Michaelis, Mayor

Barbara Bellm, City Clerk