

FILE

RESOLUTION NO. 13-2005

STATE OF ILLINOIS
CITY OF COLUMBIA
FILED FOR RECORD

JAN 16 2006

**A RESOLUTION TO CONDITIONALLY APPROVE THE
PRELIMINARY SUBDIVISION PLAT FOR THE
BRELLINGER FIRST ADDITION SUBDIVISION IN THE
CITY OF COLUMBIA, COUNTY OF ST. CLAIR AND
STATE OF ILLINOIS**

WHEREAS, the owner/developer of the "Brellinger First Addition Subdivision" being a subdivision of the Southeast Quarter of the Southeast Quarter of Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, in the City of Columbia, County of St. Clair and State of Illinois has completed and filed with the City Clerk the necessary four (4) copies of the Preliminary Subdivision Plat for the subject subdivision as required by Section 34-3-2 of the City of Columbia, Illinois (the "City") Subdivision Code;

WHEREAS, all of the requirements of the statutes of the State of Illinois and the Ordinances of the City (including Section 34-3-7 of the City's Subdivision Code) relative to the preliminary subdivision platting of land located in the City have been complied with by the "Brellinger Land Trust", as the owner/subdivider of the proposed "Brellinger First Addition" Subdivision, except for the Exterior Wall Brick Masonry Coverage requirement for dwelling to be constructed in Single Family Dwelling Zoned Districts in the City created by Columbia, Illinois Ordinance No. 2430, enacted January 3, 2006.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Resolution are hereby incorporated herein by reference, the same as if set forth in this Section of this Resolution verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The preliminary subdivision plat entitled "Brellinger First Addition Subdivision", being a subdivision of the Southeast Quarter of the Southeast Quarter of Section 4, Township 1 South, Range 10 West of the Third Principal Meridian, in the City of Columbia, County of St. Clair and State of Illinois, which is more particularly described as follows, to wit:

A part of the Southeast Quarter of the Southeast Quarter of Section #4, Township 1 South, Range 10 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Commencing at an old concrete monument which marks the Northeast corner of Tax Lot #2 of the said Section #4, referencing Page #29 of the Surveyors Official Plat Record-A, a part of the public record in the Monroe County Recorder's office; thence on assumed bearing of South 89 Degrees, 33 Minutes, 45 Seconds East and along the north line of the

Southeast Quarter of the Southeast Quarter of said Section #4, a distance of 576.38 feet and to an iron bar marking the Northeasterly corner of Brellinger Subdivision, the final plat for which is on file in the Monroe County Recorder's office as Document #283607, in Envelope #2-173A, being the Point of Beginning for the herein described tract; thence continuing along the said North Quarter-Quarter section line, South 89 Degrees, 33 Minutes, 45 Seconds East, a distance of 118.84 feet and to an old iron bar; thence departing the North Quarter-Quarter section line, South 01 Degrees, 20 Minutes, 45 Seconds West, a distance of 75.25 feet to an old iron bar; thence South 89 Degrees, 35 Minutes, 24 Seconds East, a distance of 633.69 feet and to an old iron bar; thence South 00 Degrees, 23 Minutes, 40 Seconds West, a distance of 943.60 feet and to an iron bar set at the most Easterly North corner for the above-referenced Brellinger Subdivision; thence along the Northeasterly bounds of the same for the following courses and distances, North 49 Degrees, 55 Minutes, 53 Seconds West, a distance of 976.75 feet and to a concrete monument at the common rear corner for Lots #21 and#22 of the Brellinger Subdivision; thence North 00 Degrees, 28 Minutes, 08 Seconds, East , a distance of 395.52 feet and to the Point of Beginning, containing 11.11 acres, more or less.

is hereby conditionally approved by the Columbia City Council, subject to the subdivider submitting to the City, for review and approval by the City's Attorney and the City's Engineer, a revised preliminary plat for the Brellinger First Addition Subdivision which complies with the Exterior Wall Brick Masonry Requirement for Single Family Dwelling Zoned Districts in the City, as is required by City Ordinance No. 2430, enacted January 3, 2006. Thereafter, the Mayor is hereby authorized and directed to sign the certificate on the revised preliminary subdivision plat acknowledging the City's approval of the preliminary plat and the City's City Clerk is hereby authorized and directed to attest the same upon the owner/subdivider of the subdivision having remitted payment to the office of the City Clerk of all fees and costs due in connection with preliminary subdivision plat approval for the City Attorney's services and City Engineer's services and after the City Attorney advises the Mayor of the subdivider having fulfilled the condition for preliminary plat approval herein made and provided for.

Section 3. In accordance with the provisions of Section 34-3-13 of the City's Subdivision Code, after approval of the revised preliminary subdivision plat as aforesaid, the subdivider shall be authorized to proceed with the preparation of the required improvement plans for the physical infrastructure capital improvements to be installed in the subdivision for City Council approval, followed by the construction and installation of said infrastructure improvements in the subdivision. Alternatively, after approval of the revised preliminary subdivision plat as aforesaid, the subdivider shall be entitled to proceed with the preparation of the improvement plans for physical infrastructure capital improvements to be installed in the subdivision for City Council approval, followed by the subdivider posting with the City a Performance Guarantee to secure construction and installation of the infrastructure improvements within a period of

two (2) years, followed by the preparation of a final subdivision plat for the subdivision for City Council approval prior to installation of the infrastructure improvements in the subdivision.

Section 4. In connection with final the subdivision plat approval for the subject subdivision, prior to and as a condition for final subdivision plat approval, the subdivider will be required to do and perform the following:

- (A) Provide to the City a good and sufficient "Bill of Sale", in form to be approved by the City Attorney, to evidence the transfer of ownership to the City of the capital infrastructure improvements in the subdivision or, in the alternative thereto, provide to the City a Performance Guarantee in form to be approved by the City Attorney to secure the construction of the infrastructure improvements in the subdivision in compliance with the City approved improvement plans.
- (B) Provide the City with a two (2) year term Maintenance Guarantee for subdivision infrastructure improvements installed in the subdivision by the developer prior to final subdivision plat approval, in a form to be approved by the City Attorney.
- (C) Provide to the City a good and sufficient Engineer's Certificate, from an Illinois licensed professional engineer, in form to be approved by the City Engineer, certifying that the infrastructure improvements for the subdivision have been installed in compliance with applicable City Codes and Ordinances, if the infrastructure improvements are installed prior to the final subdivision plat approval.
- (D) Provide to the City "as-built" drawings for the infrastructure improvements installed in the subdivision prior to final subdivision plat approval, as required by Section 34-3-15 of the City's Subdivision Code, if the infrastructure improvements are installed prior to final subdivision plat approval.
- (E) The notes on the final subdivision plat for the subject subdivision shall include a note which requires the following:
 - (1) Due to the shrink-swell potential of soils on the premises of the subdivision, the developer will be required for building construction to use reinforced foundations and widened trenches, and to backfill trenches with suitable coarse material to prevent structural damage caused by shrinking and swelling.

- (2) To avoid on-site erosion, the developer will be required to limit the removal of plant cover to those sites under active construction to control erosion and sedimentation and shall be required to seed or sod all disturbed areas as soon as possible after completion of construction.
- (3) Install tile drains along the base of foundations to lower seasonal high water table.

Section 5. This Resolution shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Ebersohl moved the adoption of the above and foregoing Resolution; the motion was seconded by Alderman Agne, and the roll call vote was as follows:

YEAS: Aldermen Ebersohl, Conrad, Agne, Niemietz, Koesterer, Unnerstall, Row, Huch and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS: None.

PASSED by the City Council and APPROVED by the Mayor, this 16th day of January, 2006.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, JANUARY 16, 2006 IN THE COUNCIL ROOM OF CITY HALL

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:05 PM.

Upon Roll Call, the following members were:

Present: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Attorney Tom Adams, Chief of Police Joe Edwards, City Administrator Anthony Traxler, and Engineering Consultant Ken Vaughn.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Tuesday, January 3, 2006 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Niemietz, to approve the minutes of the Executive Session of the City Council held Tuesday, January 3, 2006, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Tuesday, January 3, 2006 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to approve the minutes of the Regular Meeting of the City Council held Tuesday, January 3, 2006, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

III. DELEGATIONS

A. Commercial State Bank - HJ Frierdich

There was no one present to represent this delegation.

IV. REPORT OF OFFICERS

A. Columbia Police Department

The monthly report of the Columbia Police Department was presented to the Council.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Niemietz, to accept the report of the Chief of Police as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Columbia Ambulance Department

The monthly report of the Columbia Emergency Medical Service was presented to the Council.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Niemietz, to accept the report of the Columbia Emergency Medical Service as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Columbia Fire Department

The monthly report of the Columbia Fire Department was presented to the Council.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Conrad, to accept the report of the Columbia Fire Department as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

D. Administration

1. NIMS Training

Mr. Traxler explained to the Council the importance of all elected officials attending the NIMS training and how NIMS certification will be required for future grants through Homeland Security.

2. Public Safety Complex Needs Assessment

Mr. Traxler informed the Council that he added days to the contract for the PSC Needs Assessment and explained that some of the research work will be, or has already been, completed by City employees.

E. Plan Commission

The report of the Plan Commission was presented to the Council.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Row, to accept the report of the Plan Commission as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

F. City Attorney

1. Ordinance No. 2431 - Amend Zoning Code

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to pass Ordinance No. 2431, an ordinance amending the City of Columbia, Illinois Zoning Code to add to the permitted uses allowed in a C-3 (Highway Business Zoned District) and in a CP (Commercial Park Zoned District) and to add to the Special Uses Allowed in a C-2 (General Business Zoned District) Senior Care Homes, Nursing Homes, Convalescent Homes, and Assisted Living Homes. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Vacate Subdivision Plat - East Gate South West Subdivision

Mr. Adams informed the Council that the attorney for the subdivision, Alan Stumpf, needed additional time to obtain signatures from all the lot owners in order to allow for the plat vacation. Alderman

Unnerstall inquired as to why the City was waiving the sidewalk requirements for this subdivision. Aldermen Niemietz and Koesterer also stated that sidewalks should be required. Mr. Adams stated that this is the third revision for the plat and a sidewalk variance was granted in the previous two revisions. Alderman Unnerstall stated that the sidewalks should be included. It was agreed to table this ordinance until the sidewalk issue was resolved.

3. Final Subdivision Plat - East Gate South West 2 Subdivision
Approval of this ordinance was deferred until the sidewalk issue for the East Gate West 2 Subdivision is resolved.
4. Quit Claim Deeds of Conveyance - City Drainage Easements
Approval of this ordinance was deferred until the sidewalk issue for the East Gate West 2 Subdivision is resolved.
5. Resolution No. 13-2005 - Brellinger First Addition Subdivision

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to pass Resolution No. 13-2005, a resolution approving the Preliminary Subdivision Plat for the Brellinger First Addition Subdivision in the City of Columbia, county of St. Clair, and State of Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

6. Resolution No. 14-2005 - Brellinger Second Addition Subdivision

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to pass Resolution No. 14-2005, a resolution approving the Preliminary Subdivision Plat for the Brellinger Second Addition Subdivision in the City of Columbia, county of St. Clair, and State of Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

7. Ordinance No. 2432 - Amend Pre-annexation Agreement

Alderman Unnerstall stated that he can not support this development until a traffic study is conducted by Mr. Thompson to determine if a traffic control device is needed on Route 3. Alderman Unnerstall added that this subdivision will present a safety hazard to the residents in the proposed subdivision, along with the residents in all of the existing subdivisions along Gilmore Lake Road. Mayor Hutchinson stated that this intersection would not satisfy the warrants required to make this a controlled intersection, especially if Carl Street did not satisfy IDOT warrants. Alderman Unnerstall said he would not support the development until the City obtains a statement from IDOT regarding that intersection at Route 3. Mayor Hutchinson stated that the pre-annexation agreement already allows the subdivision to be rezoned C-3 from A-1 without Council approval and all that is being changed is to rezone to R-3 versus C-3.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Koesterer, to pass Ordinance No. 2432, an ordinance authorizing a First Amendment to a Pre-annexation Agreement between the City of Columbia, Illinois and STS Custom Homes, Inc. to amend an August 2, 1999 Pre-annexation Agreement between the City of Columbia, Illinois and Glen A. Freimuth, Ellen M. Rey, and Arleen F. Weilbacher as trustees of the Virginia Freimuth Trust dated May 26, 1986. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Koesterer, Huch, and Mayor Hutchinson voted yea. Aldermen Niemietz, Unnerstall, and Row voted nay. Motion Carried.

8. Ordinance No. 2433 - Rezone Property Per Pre-Annexation Agreement

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to pass Ordinance No. 2433, an ordinance rezoning land as authorized by a First Amendment to a Pre-annexation Agreement between the City of Columbia, Illinois and STS Custom Homes, Inc., an Illinois corporation. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Koesterer, Huch, and Mayor Hutchinson voted yea. Aldermen Niemietz, Unnerstall, and Row voted nay. Motion Carried.

9. Ordinance No. 2434 - 5% Utility tax

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Niemietz, to pass Ordinance No. 2434, an ordinance making the 5% Utility Tax Rate enacted by City Ordinance No. 1074 on November 16, 1992 a permanent 5% rate for the applicable Utility Service Providers serving the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

10. Ordinance No. 2435 - Indemnity and Hold Harmless Agreement

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Koesterer, to pass Ordinance No. 2435, an ordinance accepting an Indemnity and Hold Harmless Agreement between the Admiral Trost Development Developers, The City of Columbia, Illinois, and Centerpoint Energy - Mississippi River Transmission Corporation for a gas line easement encroachment by a wingwall of the Wilson Creek Bridge. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Niemietz, to accept the report of the City Attorney as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

G. City Consulting Engineer

The report of the City Consulting Engineer was presented to the Council.

1. Ordinance No. 2436 - Public Works Contract

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to pass Ordinance No. 2436, an ordinance employing Heneghan and Associates for a Public Works Contract for the engineering and surveying services required to implement the first year of the City's proposed ten year program to upgrade the City's existing water distribution system at a cost not to exceed \$17,239.50. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Surplus Property

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Agne, to accept the bid of \$3,100.00 submitted by the St. Paul UCC for the 1993 Ford Truck, the bid of \$640.00 submitted by Jim McDaniel for the Ingersoll-Rand Air Compressor, the bid of \$158.00 submitted by Robert Newell for the John Deere Walk Behind Mower, the bid of \$12.00 submitted by Jim McDaniel for the Master Craft Push Mower, a bid of \$77.00 submitted by Martin Eschmann for the John Deere Push Mower, a bid of \$525.00 submitted by Monroe County Road District #6 for the Swenson Spreader, a bid of \$55.00 submitted by Carl Bierman for the 8' by 4'6" Roller Trailer, a bid of \$250.00 submitted by Lenard Chartrand for the Reading Utility Truck Bed, a bid of \$80.00 submitted by Al Holden for the 1990 Chevrolet 2500 truck, a bid of \$1,205.00 submitted by Carl Bierman for the Exmark 48" Walk Behind Mower, a bid of \$2,556.00 submitted by Lenard Chartrand for the Ford Tractor 2910 LCG, a bid of \$30.00 submitted by Steve Mueller for the 3" Trash Pump, and a bid of \$51.00 submitted by Monroe County Road District #6 for the 14" Stow Concrete Saw for the sale of Department of Public Works surplus property. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea.
Motion Carried.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Unnerstall, to accept the report of the City Consulting Engineer as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

H. Mayor

The report of the Mayor was deferred to the next meeting of the Council.

V. CLAIMS & ACCOUNTS

A. City Auditor

The monthly report of the City Auditor was presented to the Council.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Ebersohl, to accept the report of the City Auditor as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Report of Collections

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Koesterer, to approve the Report of Collections for the period commencing November 26, 2005 and ending December 25, 2005, as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Vouchers

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Koesterer, to authorize the payment of vouchers received through January 13, 2006; the total amount of the vouchers to be paid is one hundred forty-nine thousand, one hundred twenty-four dollars, and sixteen cents (\$149,124.16). Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

VI. OLD BUSINESS

There was no old business brought before the Council.

VII. NEW BUSINESS

A. Application for Raffle License

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Agne, to approve the Application for Raffle License for the Columbia Music Boosters as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

B. Raffle License Approval Procedure

Mr. Traxler recommended to the Council that the procedure of the City Council approving Applications for Raffle License should be changed to allow the City Clerk to approve the applications and then report the approvals to the Council as part of the monthly City Clerk Report.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Huch, to change the current process for approving Application for Raffle Licenses and to authorize the City Clerk to approve Applications for Raffle License and report these approvals monthly to the City Council. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

C. Reliable Sanitation Early Morning Pick-up

Alderman Row explained to the Council that the City has been receiving nuisance complaints about Reliable Sanitation beginning refuse pick-up before 7:00 AM. Alderman Row then explained that Mr. Kildea has instructed the Police Department to issue citations to Reliable if they begin pick-up before 7:00 AM. Alderman Row stated that the Reliable contract implies that they can begin pick-up at 6:00 AM.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Koesterer, to grant permission for Reliable Sanitation to begin refuse pick-up beginning at 6:00 AM on Tuesdays and Fridays. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

VIII. REPORT OF STANDING COMMITTEES

There were no Standing Committee reports.

IX. CALL FOR COMMITTEE MEETINGS

Monday, January 23, 2006

7:00 PM - Ordinances, Planning, and Zoning
7:05 PM - Finance, Claims, Bonds, and Interest

X. ADJOURNMENT

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to adjourn the Regular City Council Meeting held Monday, January 16, 2006 at 8:35 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

Wesley J. Hoeffken, City Clerk

Mayor Kevin Hutchinson