

**MINUTES OF THE EXECUTIVE SESSION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, JUNE 2, 2008 IN THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Mayor Hutchinson called the Executive Session of the City Council of Columbia, Illinois to order at 8:10 PM.

Upon Roll Call, the following members were:

Present: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Administrator Anthony Traxler, City Attorney Tom Adams, and Special Counsel Wayne Skigen.

**II. STATED PURPOSE**

Mayor Hutchinson stated the Executive Session was called to discuss land acquisition, the Columbia Crossing litigation, and personnel.

**A. Land Acquisition**

Mr. Adams informed the Council the Illinois Disconnection Law under the Annexation Act allows a property owner to de-annex from a municipality if six tests can be satisfied. Mr. Adams then explained a recent 2<sup>nd</sup> District court ruling overrides this requirement if an annexation agreement exists, stating the property owner subsequently surrenders their right to de-annex. Mr. Adams then explained Mr. Gummersheimer has a 20-year annexation agreement with the city, and unless the Council approves the request, Mr. Gummersheimer can not de-annex from the City. Mr. Adams explained there are some performance issues required from the City, including free water and sewer tap-ins once those services are available.

Mr. Adams then stated the annexation of the big property owner south of I-255 (1,365 acres) was annexed in 1977 and was probably done without an annexation agreement, but this would need to be verified.

Mr. Adams recommended the Council deny the request for de-annexation, but also stated the Council can not take action for 30 days from the date of the filing of the motion with the City. Mayor Hutchinson inquired if this de-annexation request will have any impact on the Columbia Crossing litigation. Mr. Skigen stated there is nothing in the annexation agreement that represents any connection to the Columbia Crossing development. Alderman Niemietz stated the Master Plan has always mentioned this area would be actively pursued for development.

Mayor Hutchinson inquired if any of the Council was in favor of honoring the de-annexation request. There were none. Alderman Niemietz stated this puts the City in a very difficult situation. Alderman Agne stated he was hopeful approval of the Mixed Used Development District would convince Mr. Gummersheimer to reconsider his request. Alderman Unnerstall stated that during his annexation, Mr. Gummersheimer stated he was annexing to Columbia because he wanted to be part of Columbia, and not part of the Dupo development. Alderman Unnerstall added his personal motivation has always been to help create a professional development.

**B. Litigation - Columbia Crossing**



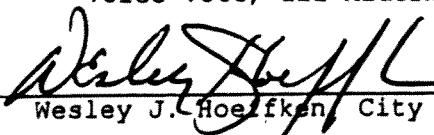
C. Personnel

III. ADJOURNMENT

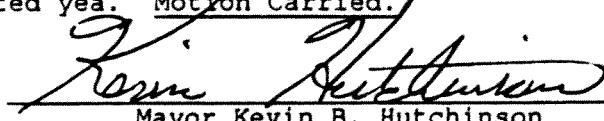
There being no further business to be brought before the Council in Executive Session, Mayor Hutchinson asked for a motion to return to the Regular Session of the City Council at 9:20 PM.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to adjourn the Executive Session of the City Council held Monday, June 2, 2008 at 9:20 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoefken, City Clerk



Mayor Kevin B. Hutchinson