

**MINUTES OF THE EXECUTIVE SESSION OF THE PARKS, PLAYGROUNDS  
AND RECREATION COMMITTEE MEETING OF THE CITY COUNCIL OF  
THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY, OCTOBER 11, 2010 IN  
THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Chairman Niemietz called the Executive Session of the Parks, Playgrounds and Recreation Committee Meeting of the City Council of the City of Columbia, Illinois to order at 8:57 p.m.

Upon Roll Call, the following members were:

Present: Chairman Niemietz and Aldermen Ebersohl and Stumpf.

Absent: Alderman Agne.

Quorum Present.

Others Present: Mayor Hutchinson and Aldermen Oberkfell and Roessler.

Administrative Staff Present: City Administrator Al Hudzik, Director of Community and Economic Development Paul Ellis and Accounting/Clerical Assistant Sandy Garmer.

Guests Present: None.

**II. EXECUTIVE SESSION**

Chairman Niemietz stated the Executive Session was called for the review and consideration of a proposed agreement for the lease of specific parcel(s) of real estate for city use.

**III. REVIEW AND CONSIDERATION OF A PROPOSED AGREEMENT FOR THE  
LEASE OF A SPECIFIC PARCEL(S) OF REAL ESTATE FOR CITY USE**

Chairman Niemietz called upon City Administrator Al Hudzik to address the Committee/Council Members on this issue. Al referenced the documents previously distributed consisting of (1) a letter, dated September 29, 2010, from Herman W. (Bill) Wolf, Commander of American Legion Post 581 Re: American Legion Post 581 – City of Columbia Lease; and (2) American Legion Memorial Park Lease, a lease agreement based upon the lease agreement drafted by former City Attorney Tom Adams that was given to Commander Wolf for the Legion's review and comments in July, 2010 – said American Legion Memorial Park Lease document was drafted by Floyd Crowder, attorney for the American Legion and it contained revisions (to Tom's draft document) requested by the American Legion and their attorney. Hudzik then reviewed all changes

(other than grammatical changes) in the American Legion Memorial Park Lease document (as compared to Tom's draft lease document), which consisted of the following: (a) Page 2 – last paragraph – the access easement description was changed from Southwest to Southeast; (b) Page 3 – Legion's covenants (5)(C) – the city's request to be named as additional insured had been removed; (c) Page 3 – Legion's covenants (5)(D) – the Grant of right to use the lift station agreement had been deleted (this was referenced in Commander Wolf's letter of 09/29/10 since it no longer exists); (d) Page 4 – City's covenants (6)(B) Utility and other charges – the last few lines of text dealing with the resolution of disputes was changed from filing with the Monroe County Circuit Court to arbitration; (e) Page 5 – City's covenants (6)(B) Utility and other charges – the last sentence in the first paragraph was added stating that the city is to reimburse the Legion for the cost of water used to water the grass or for any other purposes, except for on premises drinking or sanitary purposes; (f) Page 5 – City's covenants (6)(E) Additional indemnification – minor language changes were made to the next to the last line – Hudzik expressed his opinion that he felt the Legion accidentally left out the word "not" between the words "is" and "the" so that the next to last sentence should begin as follows "which is not the result of ..."; and (g) Page 8 – Paragraph 8 (Patronage) – language was inserted indicating that the groups currently using the Legion fields would be able to continue their useage during the lease term and their ability to continue to use the fields would not be terminated without the consent of the Legion, which would not be unreasonably withheld. Hudzik indicated a meeting has been set up with Legion representatives to discuss their suggested changes and make any necessary amendments – all in all he reported he felt the city could accept the Legion's recommended changes with the exception of the proper direction to appear pursuant to change (a); discussion be held on the naming of the city as additional insured pursuant to change (b); and the insertion of the word "not" as detailed in change (f). A general discussion took place by all in attendance during Hudzik's presentation including (i) the city's acceptance of arbitration pursuant to change (d) since a dispute during the lease term was unlikely and arbitration is a less expensive option; and (ii) the agreement to reimburse the Legion for watering the grass pursuant to change (e), since the Legion does not water the grass on its fields. During the general discussion various Committee/Council members made comments/expressed their opinions on the lease and future use and management of the property once a lease is approved. Hudzik informed the Committee/Council Members that he planned to prepare an Ordinance for the October 18<sup>th</sup> council meeting approving the lease with any negotiated amendments pursuant to the scheduled meeting with American Legion representatives – he indicated that he would provide a Memo to the council identifying any changes to the lease document presented and reviewed at this meeting.

## **V. ADJOURNMENT**

### **MOTION:**

It was moved by Alderman Ebersohl and seconded by Alderman Stumpf to adjourn the Executive Session of the Parks, Playgrounds and Recreation Committee Meeting of

Executive Session of the Parks, Playgrounds and Recreation Committee Meeting  
October 11, 2010

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Letter dated September 29, 2010 re: American Legion Post 581 – City of Columbia Lease and American Legion Memorial Park Lease (11 pages)

Monday, October 11, 2010 at 9:30 p.m. Upon Roll Call vote, Chairman Niemietz and Aldermen Ebersohl and Stumpf voted yea. **MOTION CARRIED.**

Mary Ellen Niemietz  
MARY E. NIEMIETZ, Chairman  
PARKS, PLAYGROUNDS AND RECREATION COMMITTEE

Minutes Taken By:

Sandra Garner  
SANDRA GARMER, Accounting/Clerical Assistant

Albert G. Hudzik  
ALBERT G. HUDZIK, City Administrator