

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF THE
CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
FEBRUARY 13, 2017 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Chairman Ebersohl called the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois to order at 7:00 P.M.

Upon Roll Call, the following members were:

Present: Chairman Ebersohl and Committee Members - Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens. Mayor Hutchinson was also present.

Absent: None.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney Terry Bruckert, Chief of Police and EMS Director Jerry Paul, Deputy Chief of Police Jason Donjon, City Engineer Chris Smith, Director of Community Development Emily Fultz, Accounting Manager Linda Sharp, Community Relations & Tourism Director Sue Spargo and Deputy Clerk Donna Mehaffey.

Guests Present: Ms. Andrea Yochum, Historic Main Street Executive Director; Ms. Beth Kutterer-Sanchez, Chairman of the Heritage and Preservation Commission; Ms. Kerry Roider of the Columbia Boy Scouts; and Mr. Brian Pendleton, one of the developers of the former Video Exchange Property and his engineer, Mr. Greg Staley of the Clayton Engineering Co., Inc.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Approval of minutes from the January 23, 2017 Committee of the Whole committee meeting; (2) New Special Event Applications (Art and Artisans on Main/Centennial Scout Fest/USPCA Regional Patrol Dog Trials); (3) Former Video Exchange Property; (4) Land Transfer in Henry Warderman's Heirs Subdivision; (5) Food Truck Regulations; (6) FY 2017-2018 Budget; (7) Water Distribution Projects; (8) Public Comments on City of Columbia NPDES Permit for Stormwater Discharge; (9) Other items to be considered; (10) Citizen Comments; and (11) Executive Session – 5 ILCS 120/2(c)(11).

Committee of the Whole Meeting – February 13, 2017
Page 1 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages
Former Video Exchange Property - 8 pages
Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages
Food Truck Regulations - 4 pages
FY 2017-2018 Budget - 9 pages
Water Distribution Projects - 3 pages
Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

II. CITIZEN COMMENTS

A. St. Paul's Lutheran Church Historic Church and School - 108 W. Liberty Street

Ms. Alberta Spradling, Chairman of the St. Paul's Lutheran Church Historic Board, addressed the Committee. A letter from her was distributed to the committee. She gave a history of the church and school, both located on Liberty street and both of which she recently renovated. The church will hold small weddings, confirmations, baptisms, etc. for 50 people. The school will be a reception area and will hold meetings, birthday parties, etc. for 45-50 people. There is one handicapped restroom which is located in the school, which will be used by guests of both buildings. They are almost ready to open, but are having parking issues. Mrs. Spradling pointed out there is handicapped parking with a ramp from Liberty Street to the door of the school. Mrs. Spradling voiced her concern about the parking lot off of Rapp Street by the old Lutheran Church on Market and Rapp Streets. She stated that she has contacted the owner several times about possibly using this lot, but the owner has been ignoring her. The City's Municipal Code requires thirteen off-street parking spaces for the church and school. Mrs. Spradling is requesting from the City to have only on-street parking for the church and school; no off-street parking.

City Administrator James Morani said a variance would be required to allow only on-street parking since no off-street parking is provided on the site. Mr. Morani added that per the code, if adjacent property owners cooperate, off-street parking spaces can be secured from properties within 100 feet. It would have to be in the form of a written agreement between the owner and, in this instance, the St. Paul's Lutheran Church Historic Church and School.

It was the consensus of the committee to discuss this at a future committee meeting.

III. APPROVAL OF MINUTES FROM THE JANUARY 23, 2017 COMMITTEE OF THE WHOLE COMMITTEE MEETING

The minutes of the January 23, 2017 Committee of the Whole committee meeting were submitted for approval.

MOTION:

It was moved by Alderman Roessler and seconded by Alderman Reis, to approve the minutes of the January 23, 2017 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

Committee of the Whole Meeting – February 13, 2017

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Page 2 of 16

IV. NEW SPECIAL EVENT APPLICATIONS (ART AND ARTISANS ON MAIN/CENTENNIAL SCOUT FEST/USPCA REGIONAL PATROL DOG TRIALS)

Mr. Morani informed the committee since these are three new special events for Columbia, he wanted to have them presented at the committee meeting.

A. Art and Artisans on Main

Ms. Andrea Yochum, Executive Director of Historic Main Street, explained the new event, Art and Artisans on Main, sponsored by the Historic Main Street Association. This event is replacing the previous Art on the Bluffs event. The new event will be Saturday, September 16 from 8:00 a.m. to 6:00 p.m. with the event occurring between 10:00 a.m. to 5:00 p.m. Main Street would be closed down between Cherry Street and East Legion Street.

B. Centennial Scout Fest

Ms. Carrie Roider of the Columbia Boy Scouts and Ms. Beth Kutterer-Sanchez, Chairman of the Columbia Heritage and Preservation Commission, reported on the new event. Ms. Roider said there was an old picture in the Scout Hut and the back of the picture said that scouting in Columbia began in 1917 which would make scouting in Columbia 100 years old. The event would include past and present scouts and leaders, Eagle Scout projects completed in Columbia, cooking competitions, retiring flags ceremony, famous scouts from Columbia, with a project to be completed the weekend of the event. The Columbia Heritage and Preservation Commission will be sponsoring the event for the scouts. Ms. Roider pointed out she was seeking documentation that scouting in Columbia began in 1917 and has only spoken to Mr. Gene Haller. Alderman Niemietz referred Ms. Roider to review the Columbia 1959 Centennial Book with the history of Columbia and also referred her to contact prior Chief of Police, Mr. Gene Henckler. The event will begin April 29 and will run through April 30 with camping in the Bolm-Schuhkraft Park.

C. USPCA Regional Patrol Dog Trials

Chief of Police and EMS Director Jerry Paul provided details on the United States Police Canine Association (USPCA) Region 16 PD Canine Field Trial to be hosted by the City of Columbia Police Department to be held at the Bolm-Schuhkraft City Park Baseball Field and the Admiral Trost Park behind Maverick Technologies on June 8 through June 11. The dog trials will be open to the public and there will be over 40 police departments represented. Chief Paul said Officer Zachary Hopkins trains his canine dog with the USPCA. Chief Paul also said he would be contacting the Columbia Fire Protection District and the Columbia EMS to help with the event. Chief Paul pointed out this event is good public relations for the

Committee of the Whole Meeting – February 13, 2017

Page 3 of 16

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Police Department and the City of Columbia. He also indicated they may be having a canine parade.

It was the consensus of the committee to move forward with these new Special Events and they will be considered for approval at the next City Council meeting.

V. FORMER VIDEO EXCHANGE PROPERTY

City Engineer Chris Smith updated the committee on the former Video Exchange property. Mr. Smith said one of the developers is here, Mr. Brian Pendleton, and his engineer, Mr. Greg Staley of the Clayton Engineering Co., Inc. Mr. Smith referenced the current Memorandum of Understanding with the developers, which is a three-party agreement from 2015 and it has been reviewed to make sure all has been completed. The former Video Exchange building has been demolished. Mr. Smith said the developer has received an IDNR permit granting permission to move the fill dirt from one area of the Admiral Trost Park to the site. Mr. Smith said there is one item included in the memorandum of understanding that they are having difficulty in obtaining and that is the conditional letter of map amendment from FEMA. The reason is that IDNR has stated when they issue a conditional letter of map amendment; they have to model the effective maps and the hydrology behind the current maps. Then, improvements are added to the model to determine any changes that may occur as a result of those improvements. Mr. Smith said there was discussion about moving the flood way limits around the proposed development, but IDNR has stated that they think this is a waste of time because the effective approved model does not reflect the existing conditions. They think the entire Wilson and Carr Creek basin needs to be restudied. Mr. Smith added that ideally this would have been reevaluated in concurrence with the working maps. Mr. Smith said normally when this is done, they would just show the existing effective model, but now IDNR is saying in order to change any of the floodway limits, we will need the whole area remodeled. IDNR is supposed to give the City a list of these items. Mr. Smith said CDM Smith, a consulting engineering firm, who is working for FEMA, is working on remapping the whole area so it is hard for Mr. Smith to believe they could remap the whole area without adjusting the current effective model. Mr. Smith says the City is stuck in limbo because the developer is ready to move dirt per the IDNR permit, but IDNR won't allow the floodway limits at this time to be manipulated through the area. Mr. Smith said when the comments were given to CDM Smith regarding the FEMA Working Maps, one of the points the City made was why did the floodway shift to the north on the working maps for the old Video Exchange property and the Flooring Interiors location. Mr. Smith also noted that downstream of this property, next to the Meadowridge Park, there is an apartment complex that just received a map amendment approved by FEMA in December and on the reverse side of the map amendment, it says

Committee of the Whole Meeting – February 13, 2017

Page 4 of 16

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

there is a FEMA study underway and whatever comes out of this study will supersede this amendment.

Mr. Smith said the developer wants to start moving dirt, but Mr. Smith said there won't be a true map amendment completed until this study or the new maps are completed. Alderman Niemietz asked how much this would cost and what the timeline would be. Mr. Smith said he was planning to forward the comments from IDNR to CDM Smith to make sure they are aware of what IDNR is saying.

Alderman Roessler asked if the developer would be able to build on the property and asked if they built a building on it, then afterwards if the map was changed, then would the building have to be moved. Mr. Smith said they can build on the area that is okay; they just can't build on the section of the property where the current map shows the floodway. They must prove that the building is a minimum of one foot above the effective Base Flood Elevation.

Mayor Hutchinson commented how familiar this current situation is. He said when Walgreens wanted to build their building, FEMA said the property was in a floodway and the developer said it was not and this ending up going to court. Mayor Hutchinson said it sounds like IDNR and FEMA are arbitrarily redrawing the maps and we have to prove they are wrong. Mayor Hutchinson added if the City wants to have someone look at the maps, IDNR and FEMA are forcing us to speed up the process and then the City has to pay for that themselves. Mr. Smith said we may have this problem all over town, including along Palmer Creek.

Alderman Niemietz questioned if other counties, St. Clair and Madison Counties, along the river, were having these same problems with IDNR and FEMA and asked if this could be checked out. Mr. Morani said he has not talked to anyone and doesn't have many administrative contacts in those areas that may be affected. Mayor Hutchinson suggested Mr. Morani speak to the Southwestern Illinois Council of Mayors to get a response from the Mayors in that area.

Mr. Smith said the e-mail from IDNR will be forwarded to CDM Smith to let them know that the other regulatory agency that has to approve their maps is saying that it has to be reworked so how can they come forward with new maps.

Mr. Morani informed the committee that there is a provision in the MOU that the developer has to get the conditional letter of map amendment, so that is what this issue is boiling down to is if the committee is going to require it. Mr. Smith said this is unlikely to happen or is too cumbersome, based on what IDNR has informed the parties. Mr. Smith said even if a map amendment was approved, the current FEMA study will supersede the amendment. Mr.

Committee of the Whole Meeting – February 13, 2017
Page 5 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages
Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages
Food Truck Regulations - 4 pages
FY 2017-2018 Budget - 9 pages
Water Distribution Projects - 3 pages
Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Morani said the committee has to be comfortable with removing that requirement from the MOU so the developer can move forward. Mr. Morani said this is really what the committee has to make a decision on.

Alderman Roessler asked about the City's liability. Mr. Morani said there would not be any City liability. Mr. Smith said the City would issue the building permit, but the City just has to make sure it is not in a floodway and a minimum of one foot above the effective base flood elevation. Mr. Bruckert said just because the City issues a building permit, the City is not held responsible; it is on the developer to make sure they are doing everything they are supposed to be doing. Mayor Hutchinson explained that if someone is in a special flood hazard area and are able to build up the dirt to get a higher elevation to bring them out of the special flood hazard area, then they will hire a firm to do an elevation certificate. The engineering firm will then do an elevation certificate and verify the floor level of the building is at "x" feet and that is sent to FEMA. FEMA will then determine if they are in or out of the special flood hazard area and adjust the insurance rates accordingly. The building owner will get a special paper that shows they are in an AE area, but they are rated as an X area by adding the additional height showing they have been brought up out of the special flood hazard area. The City would also get a paper showing the same thing.

Alderman Niemietz stated the area of the former Video Exchange property has been a thorn for years and years and that the area is in her ward. She added she does not want anything to occur down there that would continue to create a situation that is not good for the entire City.

It was pointed out the developer is paying to move the dirt from the wetlands area (Admiral Trost Park) to the former Video Exchange property; grading will be completed and there will not be any holes. Mr. Smith also said borings had to be taken on the soil per the agreement.

Mr. Brian Pendleton, one of the developers, addressed the committee. Mr. Pendleton said he and the other developer, Mr. David Wittenauer, have worked diligently over the past two years to put together a sound project and have worked to make sure the issues have been addressed by FEMA. Mr. Pendleton added that with the FEMA data that is available, they have used what they could, and have done it to a high standard to make sure they have a good solid project moving forward. The issue is the floodway on the site and it is a small area. He said it is actually at a higher elevation than the other part of the site that will be filled that is shown in the flood plain. Mr. Pendleton also said there is a problem with the maps. He added that they, as the developer, need the assistance of IDNR and FEMA to step up to the plate and fix their maps so they are correct. Mr. Pendleton also added they are ready to move forward on the project. Mr. Pendleton was asked what was going into the development and he said they are entertaining offers from several end users, but nothing has been finalized yet.

Alderman Martens asked if the developers were comfortable with assuming the responsibility with the IDNR and FEMA maps issue and Mr. Pendleton said they definitely were.

Alderman Niemietz's opinion was that this issue was an engineering matter; is a matter of hydrology and is an area of expertise. On behalf of the City, you have to go by information provided by staff and the regulatory agencies or else it is all opinion.

Mr. Pendleton added if they would have known at the time what the proper way to go was, they would have gone that way, but it was not available at the time of the agreement. They will be seeking the elevation certificate when the property is finally developed.

Mr. Morani asked the committee if they needed more time to think about this issue. Mr. Morani wants to make sure everyone is comfortable with the development proceeding. He also asked if the development takes place, will it impact other nearby properties? Mr. Smith said it was on the IDNR letter, which accompanied the permit, which Mr. Morani stated: "The issuance of this permit is based on our determination that the project will have no appreciable impact on the conveyance of flood flows nor result in a storage loss within either waterway. As such, the project complies with our Part 3700 Floodway Construction rules". Mr. Morani said IDNR is saying the project will not have an adverse affect. Mr. Morani said they are basically saying you are okay to build, but the only thing that is keeping you from it is you need to have a letter of conditional map amendment.

Alderman Martens commented the flood plain can't be predicted 20 years from now and the IDNR is always changing lines. He added we need to make a decision with what information we currently have.

Alderman Roessler commented if it isn't going to impact the area and the modifications won't make a difference, nothing has really changed.

Mr. Pendleton added another point by saying their study took into account all of the improvements that were completed in the proximity of the project which included the Admiral Trost Bridge and included those improvements in their model. Mr. Pendleton thinks their model is probably better than what the FEMA model currently is because of including the new projects that have occurred in the area.

Mr. Greg Staley of the Clayton Engineering Co., Inc., the developer's engineer, stated they have taken the best information available, updated that information for what is in this area, the Admiral Trost Park, the Valmeyer Road entrance, and placed that in the model and updated it. Mr. Staley added that they have done their due diligence as far as it can be taken for it to hydraulically work.

Committee of the Whole Meeting – February 13, 2017

Page 7 of 16

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Alderman Roessler questioned to Mr. Bruckert if the City goes along with the current map and for some reason the CNB property floods, could the City of Columbia be sued? Mr. Bruckert said the City has qualified immunity. Mr. Bruckert said the City has reliable information and the City can't be held responsible because IDNR and FEMA decided to change it. Mr. Bruckert said the City doesn't have information that says it is wrong. Mr. Bruckert also said the City does not make the final decision to build. Mr. Bruckert said with the information we have, we are okay moving forward. Mr. Bruckert said there is such a thing as a risk factor and the developer is the final end user. Mr. Bruckert said a party can sue us, but it won't go anywhere. Mr. Bruckert added the City is not the default remedy for everyone and they are doing their due diligence.

It was noted that an amendment to the agreement would be required. Mr. Morani and Mr. Bruckert concurred. Mr. Bruckert said a short amendment to the three-party agreement would work and Mr. Morani said to include the IDNR letter dated November 22, 2016 as an exhibit. It was the consensus of the committee to move forward with the amendment to the agreement.

MOTION:

It was moved by Alderman Martens and seconded by Alderman Holtkamp to recommend to the City Council for City Administrator James Morani to meet with City Attorney Terry Bruckert to see if the Former Video Exchange Property Memorandum of Understanding Agreement can be amended or add another short amendment to the agreement and include the letter received from the Illinois Department of Natural Resources (IDNR) dated November 22, 2016 regarding the future commercial development of the floodway area so the proposed development, the former Video Exchange property, can move forward. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

VI. FOOD TRUCK REGULATIONS

Director of Community Development Emily Fultz presented the final draft of the Food Truck Regulations - Section 5.50 Mobile Food Vendors and the Food Truck Vendor Application. All changes were shown in yellow.

Changes to the Food Truck Regulations - Section 5.50 Mobile Food Vendors:

The definition of a "**Restaurant**" and a "**City Special Event**" was added to the draft. The "Restaurant" definition was mostly from the City's Zoning Code and added the "principal business (meaning 51% or more of sales) is the selling of unpackaged food". Ms. Fultz

Committee of the Whole Meeting – February 13, 2017

Page 8 of 16

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

added she would like to make this change to the definition of "Restaurant" in the City's Zoning Code too. The "City Special Event" definition came from the City's Ordinance and it basically defines a special event as one that is held on public property.

"City Special Event" was added to the second sentence of 5.50.030 Manner of Operation, which only permits food trucks on public right-of-way or in a residential district if the truck is part of a City Special Event. Ms. Fultz further explained that this language would allow food trucks at Metter Park or on the City Hall parking lot.

The following language was added to **Section 5.50.030 Manner of Operation: "Food trucks may only locate on the property of an existing restaurant if (a) the record owner of the established restaurant provides written consent, and (b) the restaurant is no closer than seven hundred fifty (750) feet to another restaurant"**.

As part of the Special Event application, the total number of food trucks and their approximate location must be listed.

Changes to the Food Truck Vendor Application:

Added: **"Please allow two weeks for processing"; added "City Special Event" by License Fee and changed the fee from \$25.00 to "\$35.00 per City Special Event". Under "How to Apply:", added: "3) City will contact you to let you know when license is available for pick up: provide copy of Health Department pre-opening inspection to City Clerk at the time of pick up (or mail it/drop it off prior to license pick up); pay fee to obtain license" and "4) Provide copy of Certificate of Compliance to City Clerk within 60 days of opening. This certificate is issued by the Monroe County Health Department within 30 days of opening, after an unscheduled inspection is conducted".**

Ms. Fultz and Mr. Morani informed the committee there is no way to permit a mobile food truck to locate at a church event or home event (on private property) in a Residential District. Mr. Morani added if a church is located in a residential zoned area and wants a mobile food truck on their property for a private event, it would not be allowed per the proposed policy. An alternative would be to have it at a City Park and apply for a City Special Event permit. Mr. Morani said citizens in residential districts have certain expectations, one of which is not having a mobile food truck operating in those districts. Mr. Morani added, the only other alternative would be to allow mobile food trucks to operate anywhere, but this was not the intent when the process began. Mr. Morani said the City Attorney said the City needs regulations, but they need to be reasonable. Mr. Morani said there are a few churches located in a residential area. Ms. Fultz added it is best practice for the City to address the zoning

Committee of the Whole Meeting – February 13, 2017
Page 9 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

districts as a whole, rather than individual properties or existing land uses, when regulating the food trucks.

Alderman Holtkamp asked about a catering event in a residential area and Ms. Fultz said catering is not open to the public, the food is prepared at a restaurant, the Monroe County Health Department does not regulate it if it is dropped off at your home; however, the county health department in which the food was prepared would regulate the kitchen in which it was prepared. There was also a discussion about catering with a barbecue trailer and if the trailers are licensed or not. Mr. Bruckert indicated if food is prepared at a restaurant, no license is needed for the event on private property.

Ms. Fultz added that any special event would have to list the mobile food vendor truck allowed to attend the event. This was in answer to Alderman Martens' inquiry.

Mr. Morani said the City either allows the food trucks in residential areas or not. He added that it could be difficult to enforce for parties on private property, but he hopes it does not become an issue.

It was the consensus of the committee to move forward with the final drafts of the Food Truck Regulations and application. This matter will be considered at the next City Council meeting.

MOTION:

It was moved by Alderman Roessler and seconded by Alderman Martens to recommend to the City Council the approval of the addition of Section 5.50 Mobile Food Vendors - Food Truck Regulations of the Columbia Municipal Code and the Food Truck Vendor application. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

VII. FY 2017-2018 BUDGET

Accounting Manager Linda Sharp presented the Income Budget Review Presentation which included the review of General Fund Receipts and Disbursements, Ambulance Fund Receipts and Disbursements and the review of other funds as needed.

Sales Tax Receipts Summary - The expected receipts are to be approximately 5% more than last year. The receipts are coming in at approximately 3.5% more than the prior year and Mrs. Sharp predicts a shortfall of \$38,000 in sales tax receipts.

Committee of the Whole Meeting – February 13, 2017
Page 10 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages
Former Video Exchange Property - 8 pages
Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages
Food Truck Regulations - 4 pages
FY 2017-2018 Budget - 9 pages
Water Distribution Projects - 3 pages
Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Income Tax Receipts Summary - If the City receives the March income taxes in April, the income taxes will be slightly over the budget estimate. If the City does not receive the March income taxes, the City will be under budget by about \$60,000.

Use Tax Receipts - The Use Tax Receipts are coming in over the budget estimate by \$5,000 more than what was estimated.

Charter Communications and HTC Communications Cable TV Franchise Receipts - These receipts are just about on the budget amount. Mrs. Sharp added the City received \$5,000 from Charter and \$5,000 from HTC for renewing their franchise agreements. The City has an additional \$10,000 in franchise receipts.

Utility Tax Receipts - These receipts are up 6% from the prior year because the City has received the Ameren Settlement for the back taxes and gas taxes. The City will be under budget by \$23,000 because the estimated budget receipts through the end of the fiscal year are \$830,000 and the budget is at \$853,000.

Motor Fuel Tax Receipts - The Motor Fuel Tax Receipts are almost 1% less than what the budget estimate is, so they will come in about \$5,000 below budget.

General Fund Receipts Analysis - There are four large accounts in the General Fund, those being Sales Tax, Income Tax, Property Tax and Use Tax. The General Fund Budget for receipts is almost at 75%, which is appropriate since January is 9-months, or 75% of the way through the City's fiscal year. The City received an unexpected receipt of \$65,000 from Global Tower with no explanation; the City believes it was payment for an underpayment due to an internal audit. The Ameren Settlement that was budgeted in the General Fund is being deposited into the Capital Development Fund with the other utility tax receipts.

Ambulance Receipts vs. Disbursements - The ambulance fund looks the same as last year. The receipts are at almost 58% and last year they were at 54%. The expenses are at 55% this year and last year they were at 52%. Mr. Morani pointed out the ambulance service receipts are up so there will be less transfers shown because there will not be a need to make a large transfer to close the gap for the Ambulance Fund. Mrs. Sharp said she budgeted a transfer of \$251,000 into the Ambulance Department and the transfer required will be considerably less than that. It will be approximately \$120,000 or \$130,000. Mrs. Sharp and Mr. Morani said the reason for this is the ambulance billing and call volume has increased.

Mrs. Sharp added the City is in good shape this year, but is not in quite as good of shape as last year at this same time. The revenues are coming in as they should, but are a little under. However, the expenses so far are under. Mr. Morani added the sales tax receipts are less than

what the City projected coming in, there is a net increase in sales tax and we are still seeing a sign of strength in the local economy, not growing as fast locally, but still seeing a trend of an increase in the sales tax base.

Mrs. Sharp said the departments have begun sending in their budget forms and there are department meetings scheduled for this Thursday and Friday.

VIII. LAND TRANSFER IN HENRY WARDERMAN'S HEIRS SUBDIVISION

The Land Transfer in Henry Warderman's Heirs Subdivision was presented to the committee by Mr. Morani. The land transfer request is for seven (7) feet between the Pearl W. Mueller-Elaine M. Matlock property due to several issues which include the concern of the Matlock's driveway being in close proximity to the Mueller's property line and several trees which are located on the property line. Director of Community Development Emily Fultz and Building Official Justin Osterhage had no issues with the request. It was also recommended to be approved by the Plan Commission.

It was the consensus of the committee to move forward on the land transfer and it will be considered at the next City Council meeting.

IX. WATER DISTRIBUTION PROJECTS

City Engineer Chris Smith reviewed the Water Distribution Projects to be completed in order. He said the Wecker Pump Station Replacement Project engineering agreement with Horner and Shifrin, Inc. was approved at the February 6th City Council meeting. Mr. Smith said back in 2009, Horner and Shifrin conducted a study to evaluate Columbia's Water Distribution System with respect to future demand and reliability. There was a list compiled of items that needed to be completed. Mr. Smith asked the committee for direction, for budgetary reasons going forward, if the City would like to do an IEPA loan or do a revenue bond to complete the projects listed over the next two years instead of the six to eight years on the spreadsheet. He added it would work out better to complete all of the items at once and also pointed out the waterlines to be replaced in the City are 85 years old.

Mayor Hutchinson said the City has had so many waterline breaks the City should go ahead to get a cost for the total project so that the overall loan cost can be calculated, as well. He stated, it is his understanding that IEPA loans are at 1.6% interest, so it may be beneficial to figure out how much money will be needed for a loan, put together the program, figure out what the payments will be, and increase the water rates slightly to take care of the loan payments. Mr. Morani added the cost of construction will be increasing which is another reason to get all the projects completed at once.

Committee of the Whole Meeting – February 13, 2017
Page 12 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Mr. Smith said the City would be good to go on the loan which could be either \$2,000,000 or \$2,500,000 which would also include the cost of engineering. Mr. Smith said the amount does not include the Wecker Pump Station Replacement Project engineering agreement with Horner and Shifrin, Inc. Mr. Smith said the loans are normally a 20-year IEPA loan with a 1.6% interest rate. It was pointed out this type of loan does not involve any work from our Accounting Manager, Mrs. Linda Sharp; the work is completed by the engineering firm.

Alderman Holtkamp asked if the Horner and Shifrin, Inc. engineering firm took into account any security at the Wecker water pump station as it could be destroyed from a truck driving through the station, etc. Alderman Holtkamp thought it should be something to be looked into and Mr. Smith said he has not started any discussions with the engineers, but will question them about the security at the new pump station. Alderman Holtkamp also asked about a waterlines map for the City.

It was the consensus of the committee for Mr. Smith to move forward with the Water Distribution Projects, adjust the Water Distribution Projects listing for over the next two years and e-mail a City of Columbia waterlines map to the committee.

X. PUBLIC COMMENTS ON CITY OF COLUMBIA NPDES PERMIT FOR STORM WATER DISCHARGE

City Engineer Chris Smith said the City has to obtain two different permits with the EPA each year; one is to discharge our wastewater and one is to discharge our storm water. A new requirement with our storm water permit is the City must talk about it publically once per year. Mr. Smith provided the committee with a copy of the permit and a copy of the background on how the requirements have evolved over time. Mr. Smith pointed out that communities with over 25,000 residents have to start testing their storm water. Mr. Smith said we just have to monitor it at this time, but it will probably become stricter in years to come. Mr. Smith went over items that have to be completed by his department with developers, why certain items are required, and a list of items completed throughout the year, namely ditch cleaning or street sweeping. This year the City can list that we completed the Palmer Creek study.

Public comments were solicited. When asked of any comments from the public, Mr. Patrick McDermott, a City of Columbia resident, stated, "In general, with all the development in the area with water, any time you put concrete down, I think you are speeding up the rate at which the water accumulates at the critical areas and, therefore, I think the places downstream will have more volume and more force when you have the downpours and I think we are already seeing that in those creek beds".

Committee of the Whole Meeting – February 13, 2017

Page 13 of 16

New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

No action was taken.

XI. OTHER ITEMS TO BE CONSIDERED

A. Main Street Streetscape

City Engineer Chris Smith said he has completed the request for qualifications for the Main Street Streetscape and it has been sent out to multiple firms. The City received nine responses. Mr. Smith, Assistant City Engineer Tim Ahrens, and Mr. Morani have reviewed the proposals. The results will be published tomorrow and Mr. Smith wanted to provide notice to the committee. He added there are a lot of excellent proposals.

XII. EXECUTIVE SESSION - 5 ILCS 120/2(C)(11)

Chairman Ebersohl informed the Committee of the Whole that he would entertain a motion to go into Executive Session to discuss probable litigation as permitted under 5 ILCS 120/2(c)(11).

MOTION:

It was moved by Alderman Niemietz and seconded by Alderman Huch, to direct Chairman Ebersohl to go into Executive Session at 8:50 P.M. to discuss probable litigation as permitted under 5 ILCS 120/2(c)(11). Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

MOTION:

It was moved by Alderman Reis and seconded by Alderman Martens, to return to Regular Session of the Committee of the Whole at 8:55 P.M. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

Upon return to Regular Session, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, Martens, and Mayor Hutchinson were present.

No action was taken as a result of the Executive Session.

XIII. OTHER ITEMS TO BE CONSIDERED (Continued)

A. Status of Cell Towers

Committee of the Whole Meeting – February 13, 2017
Page 14 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages
Former Video Exchange Property - 8 pages
Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages
Food Truck Regulations - 4 pages
FY 2017-2018 Budget - 9 pages
Water Distribution Projects - 3 pages
Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

Alderman Martens questioned the status of the cell towers to Mr. Morani. Mr. Morani said he will ask Mr. Dan Vogel when he gets back into town on Wednesday. Mr. Morani said they had made a couple of attempts to reach out to the cell tower company again, but have not been successful. Mr. Morani said there was some back and forth for a while and then it ended right before the holidays. Mr. Morani said he asked Mr. Vogel to let him know if he hears anything. Mr. Morani added the City did get some movement on where we wanted to be, but Mr. Morani will follow up with Mr. Vogel on Wednesday. Mr. Morani stated we need to move on this because we need to pay for the Main Street Streetscape Project. Mr. Morani made it clear the City is not intending to sell the property and that we are just renegotiating the lease.

B. Update on utility/light pole cell antennas

Just to notify everyone, Mr. Morani said the City had been approached by a company that wants to place small cell antennas on existing utility and light poles to expand the 5G (Fifth Generation Wireless) coverage. Mr. Morani noted that the same company has been in contact with other municipalities in the area. He also said there are several other companies doing this same type of business. Mr. Morani said this is another item he wants to speak to Mr. Vogel about. Mr. Morani and Mr. Vogel have the opinion that these companies don't have quite the rights they think they might have based on an ICC (Interstate Commerce Commission) ruling. Mr. Morani and Mr. Vogel feel the City needs to govern them with a franchise agreement. Mr. Morani added they haven't officially taken this position yet, but that is what will be discussed. Mr. Morani said he has also discussed this with City Attorney Terry Bruckert. Mr. Morani will be discussing this with Mr. Vogel and it could be discussed at a future committee meeting. Mr. Morani said the City has no process for this right now, no permit application, and nothing for the utility/light pole cell antennas. There would have to be a separate agreement, like what we have for Ameren IP, but since the small-cell antennas would be located within the right-of-way, they really need the City's permission, which should be given via a franchise agreement, as well. Mr. Morani also said there would be a fee involved. Alderman Reis stated this was the next big technology and that we need to take it seriously since it will expand and more people will want to do this. Mr. Morani said we have to embrace it and is probably going to expand, but he wants to make sure the City has the authority to regulate it. Mr. Morani said today a bill was just filed in the legislature written by the telecommunications industry to strip a lot of the regulatory authority from the municipalities. Mr. Morani said he wants to make sure we don't see a lot of antennas showing up in the right-of-ways unless the City has some oversight and the issue is how much oversight we will have. Mayor Hutchinson said the IML has taken the stance to oppose said legislation.

Committee of the Whole Meeting – February 13, 2017
Page 15 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages

Former Video Exchange Property - 8 pages

Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages

Food Truck Regulations - 4 pages

FY 2017-2018 Budget - 9 pages

Water Distribution Projects - 3 pages

Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages

XIV. ADJOURNMENT

MOTION:

It was moved by Alderman Martens and seconded by Alderman Agne to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, February 13, 2017 at 9:02 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea.

MOTION CARRIED.

Minutes taken by:



GENE EBERSOHL, Chairman
COMMITTEE OF THE WHOLE



Donna Mehaffey, Deputy Clerk

Committee of the Whole Meeting – February 13, 2017
Page 16 of 16
New Special Event Applications (Art and Artisans on Main/ Centennial Scout Fest/USPCA Regional Patrol Dog Trials - 27 pages
Former Video Exchange Property - 8 pages
Land Transfer in Henry Warderman's Heirs Subdivision - 2 pages
Food Truck Regulations - 4 pages
FY 2017-2018 Budget - 9 pages
Water Distribution Projects - 3 pages
Public Comments on City of Columbia NPDES Permit for Storm Water Discharge - 14 pages