

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF  
THE CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,  
JULY 30, 2018 IN THE COUNCIL ROOM OF CITY HALL**

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

Absent: Alderman Roessler.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney Terry Bruckert, Building Official Justin Osterhage, Director of Community Development Scott Dunakey, City Engineer Chris Smith, Police Chief Jerry Paul, Deputy Chief of Police Jason Donjon, and Deputy Clerk Donna Mehaffey.

Guests: Representatives of Re/Max Results Realty - Ms. Sandy Hancock, Ms. Judy Long, and Mr. Glenn Egart; Andrew and Erica Crannage for the Variance Request at 624 Lakefield Drive; Jordan and Erica Ridgway of the Lakefield Place Subdivision; Mr. Richard D. Moore, President of the Lakefield HOA; Mr. Matt Lanter and Mr. William Wilson for the Variance Request at 2359 Lake Shore Drive - Fox Run Estates Subdivision; Mr. and Mrs. Andy Cornish of the Fox Run Estates Subdivision; and Mr. Joseph Bond of Cunningham, Vogel, and Rost, P.C. - Design Standards for Small Wireless Facilities.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Approval of Minutes from the July 9, 2018 Committee of the Whole Meeting; (2) Land Transfers (Kish); (3) Street Graphics Variance Request - 830 Admiral Weinel Blvd.; (4) Zoning Variance Request - 624 Lakefield Drive; (5) Zoning Variance Request

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- 2359 Lake Shore Drive; (6) Intergovernmental Agreement Regarding the Reciprocal Reporting of Criminal Offenses; (7) Intergovernmental Agreement with Columbia Fire Protection District; (8) Design Standards for Small Wireless Facilities; (9) Other Items to be Considered; (10) Public Comments; and (11) Executive Session – 5 ILCS 120/2(c).

## **II. APPROVAL OF MINUTES FROM THE JULY 9, 2018 COMMITTEE OF THE WHOLE MEETING**

The minutes from the July 9, 2018 Committee of the Whole committee meeting were submitted for approval.

### **MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Huch, to approve the minutes from the July 9, 2018 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Holtkamp and Martens voted yea. Alderman Reis abstained. **MOTION CARRIED.**

## **III. LAND TRANSFERS (KISH)**

Building Official, Mr. Justin Osterhage, reported to the Committee regarding the two proposed land transfers at the request of Mr. Dennis Kish.

The first proposed land transfer is from Pioneer Ridge, Inc. for 7.66 acres (Parcel #04-15-400-002-000) to the Albert G. and Betty Ann Kish Trusts that consists of 7.30 acres (Parcel #04-15-400-001-000). Mr. Osterhage pointed out the plat of survey and exhibit for this area and added the two green shaded areas on the exhibit will become one large parcel. This land transfer is being requested by the family to keep the lake within the family and have the lake as all one parcel.

The second proposed land transfer is from 0.85 acres (Parcel #04-15-401-014-000) from the Albert G. and Betty Ann Kish Trusts to the adjoining property to the north which is the Albert G. Kish, Jr. and Patresa Kish property (Parcel #04-15-401-013-000). This land transfer is being requested to connect more acreage and the existing shed to his brother's parcel to the north.

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Mr. Osterhage said Mr. Dennis Kish was informed of the meeting tonight, but was not attendance. He was in attendance at the Plan Commission meeting on July 9 and the Plan Commission voted unanimously to recommend both land transfers.

**Kish Land Transfer Request - 7.66 Acres**

**MOTION:**

A motion was made by Alderman Reis and seconded by Alderman Holtkamp to recommend to the City Council for their consideration the Kish Land Transfer of 7.66 acres. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

**Kish Land Transfer Request - 0.85 Acres**

**MOTION:**

A motion was made by Alderman Niemietz and seconded by Alderman Reis to recommend to the City Council for their consideration the Kish Land Transfer of 0.85 acres. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

**IV. STREET GRAPHICS SIGN VARIANCE REQUEST - 830 ADMIRAL WEINEL BOULEVARD**

Building Official Justin Osterhage addressed the Committee on the Street Graphics Sign Variance Request from Section 15.44.190 Commercial and Industrial Districts that provides and requires only one exterior sign regardless of type shall be permitted on each street frontage for Re/Max Results Realty at 830 Admiral Weinel Boulevard. Re/Max Results Realty is requesting the property be permitted two (2) wall signs located on the street front of Admiral Parkway (Illinois Route 3) and is located in a C-3 (Highway Business) Zoning District. A Street Graphics Advisory Committee public hearing and meeting was held on July 19, 2018 and the members present voted unanimously 3 to 0 to recommend approval. Mr. Osterhage reported the applicants were in attendance at the meeting.

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**MOTION:**

A motion was made by Alderman Agne and seconded by Alderman Holtkamp to recommend to the City Council for their consideration the Street Graphics Sign Variance Request for Re/Max Results Realty at 830 Admiral Weinel Boulevard. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

**V. ZONING VARIANCE REQUEST - 624 LAKEFIELD DRIVE**

Mr. Osterhage addressed the Committee on the Zoning Variance Request from Section 17.16.050 (B) "Yard Areas" that provides and requires on each lot upon which a dwelling is constructed, there shall be a side yard of not less than fifteen (15) feet for Andrew and Erica Crannage at 624 Lakefield Drive. Mr. and Mrs. Crannage are requesting a side yard of ten (10) feet to construct an addition to their single-family home. The home is located in a R-3 (One Family Dwelling) Zoning District. A Zoning Board of Appeals public hearing and meeting was held on July 18, 2018 and the members present voted unanimously 3 to 0 to recommend approval.

Discussion:

- Some alderman are not in favor of this variance request and the aesthetics are not a hardship. The property owner knew what the set back was on the property when the home was purchased and it was 15 feet and not 10 feet. This is the same argument as the Gedern Estates subdivision variance request recently.
- The Lakefield Place Homeowner's Association (HOA) approved this variance request, but the Gedern Estates HOA voted against their variance request.
- HOAs are not a voting entity and there are only a certain number of subdivision residents on an HOA. They are not to handle City issues.
- The Gedern Estates variance request did not have item #7, the hardship, completed.
- The Lakefield Place HOA is in agreement with the request and the Zoning Board of Appeals voted unanimously for acceptance.
- Variances are always discouraged and are very difficult. They are not granted very often.
- The applicant, Mr. Andrew Crannage, addressed the Committee. He did a comparison of a variance request from two years ago in the Gedern Village Subdivision. He distributed photos of his garage/driveway and the Gedern

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Village Subdivision resident's garage/driveway. He also distributed and quoted the Committee meeting minutes regarding the variance approval of June 13, 2016, the Council meeting minutes of June 20, 2016 and referenced the ordinance that was approved for the variance request. He also noted the City Council members were the same. Mr. Crannage said he is just asking for equal treatment.

- Mrs. Erica Ridgway of the Lakefield Place Subdivision and Mr. Richard Moore, President of the Lakefield HOA, spoke in favor of the variance request.

City Administrator James Morani said there was no requirement that a decision had to be made tonight for the next City Council meeting.

**MOTION:**

A motion was made by Alderman Niemietz and seconded by Alderman Reis to hold further discussion for the Zoning Variance Request for 624 Lakefield Drive at the next Committee meeting of August 13, 2018. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea.

**MOTION CARRIED.**

**VI. ZONING VARIANCE REQUEST - 2359 LAKE SHORE DRIVE**

Mr. Osterhage addressed the Committee on the Zoning Variance Request from Section 17.20.050 (A) "Yard Areas" that provides and requires on each lot upon which a dwelling is constructed, there shall have a front yard of not less than forty (40) feet for Mr. Matt Lanter at 2359 Lake Shore Drive. Mr. Lanter is requesting a front yard of thirty-three (33) feet, six (6) inches to construct a single-family dwelling. The Fox Run Phase III Final Plat provides and requires an established building line of not less than forty (40) feet. The property is located in a R-5 (One Family Dwelling) Zoning District. A Zoning Board of Appeals public hearing and meeting was held on July 18, 2018 and the members present voted unanimously 3 to 0 to deny the request.

Mr. William Wilson of Laurie Homes addressed the Committee. He distributed to the Committee a handout with a timeline of events for the variance request. He referenced the hardship for the owners of the home - the Huddleston Family, showed the minimum of six parking areas on the drive way, showed the setback of the foundation in reference to the other homes, the overhead view with lots identified, street view, timeline of events and a section of the City's Zoning Code.

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Discussion:

- The location of the foundation is off by 6.5 feet. It is too close to the property line.
- The builder saved money by placing the home 6.5 feet forward.
- Mistake by the builder was not caught during the inspection.
- Could be setting a precedent granting variances for mistakes.
- The foundation should go off of the legal description of the lot and not the street or sidewalk. The lot dimensions on the site plan are accurate.
- Columbia Sportsman Club is directly behind the home so there shouldn't be any development behind the lot.
- The foundation needs to be one piece and can't be modified.
- Laurie Homes does not have an architect, but does have a designer.
- The Laurie Homes designer is doing work in various cities in the area and these cities have different setbacks. Builders must know the codes in the cities in which they are working.
- Laurie Homes made the mistake and the City didn't catch it. The lot was shown with correct dimensions, but the sidewalk was shown in the wrong location. This was not discovered during foundation inspections.
- When asked of City Attorney Terry Bruckert, there is no case law on this situation in Illinois and can perform further research if directed to by the Committee.
- More time is needed to research and consider this issue.

**MOTION:**

A motion was made by Alderman Agne and seconded by Alderman Huch to hold further discussion for the Zoning Variance Request for 2359 Lake Shore Drive at the next Committee meeting of August 13, 2018. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea.

**MOTION CARRIED.**

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## **VII. INTERGOVERNMENTAL AGREEMENT REGARDING THE RECIPROCAL REPORTING OF CRIMINAL OFFENSES**

Police Chief Jerry Paul presented a proposed Intergovernmental Agreement Between Columbia Community Unit School District No. 4, Columbia Police Department, Valmeyer Community Unit School District No. 3, Valmeyer Police Department, Waterloo Community Unit School District No. 5, Waterloo Police Department, Monroe County State's Attorney, and Monroe County Sheriff's Department Regarding the Reciprocal Reporting of Criminal Offenses in Monroe County. He explained the proposed agreement was for the new State's Attorney and is more detailed. Chief Paul said the old agreement was under the previous State's Attorney.

It was the consensus of the Committee to recommend to the City Council the new Intergovernmental Agreement Regarding the Reciprocal Reporting of Criminal Offenses for consideration at the next City Council meeting.

## **VIII. DESIGN STANDARDS FOR SMALL WIRELESS FACILITIES**

Mr. Morani presented to the Committee a draft ordinance for the Design Standards for Small Wireless Facilities entitled "An Ordinance Amending Chapter 12.04 of the Columbia Municipal Code Related to Regulations for Right-Of-Way Management".

He explained that Mr. Joseph Bond of Cunningham, Vogel and Rost, P.C. used the Illinois Municipal League (IML) model ordinance and made several revisions. Mr. Morani introduced Mr. Bond to the Committee and he explained the proposed ordinance has more teeth and clarity in it. It is a long document (19 pages) and has requirements for grounding, spacing, right-of-ways, allows flexibility, indemnification, liability insurance, etc. The proposed ordinance will have the applicant enter into an agreement and will give the City some control.

Mr. Morani reiterated when the company Mobilite contacted the City, they were calling it a franchise agreement, but a franchise fee cannot be charged because of the law. But the City can still call it a franchise agreement. The agreement comes first and then the permit gets approved. Mr. Bond clarified this is not a cable franchise and the City will not be collecting five percent. He added the applicant has to do a lot of leg work. Alderman Reis questioned whose poles the small wireless facilities would be on and indicated there is a wind-loading specification for poles. Mr. Bond referred the

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Committee to look at page 14, Item F-12 of the proposed document that addresses Alderman Reis' concern. Mr. Bond said under the Application Requirements for Wireless Communications Facilities on page 15, Item I, this section addresses the specifications for the poles. It was mentioned that most light poles in Columbia are owned by Ameren Illinois. Mr. Bond said the permit fees are a one-time fee. Mr. Morani updated the Committee on what the property owner's rights are that will have the Small Wireless Facilities in front of their property. Mr. Morani said there is a notification requirement from the applicant to affected properties. Mr. Morani said that if there is opposition by residents, they would be encouraged to contact their legislators about the law.

It was noted the IML exempted the City of Chicago from the Small Wireless Facilities Deployment Act and that the Illinois legislature, influenced by telecommunications special interests, are placing burdens on municipalities. Mayor Hutchinson noted that the City was out in front of this issue and Mr. Morani got the ball rolling with the Southwestern Illinois Conference of Mayors (SWICOM) and encouraged other municipalities to oppose the legislation.

Mr. Bond said you will see in the document "To the extent permitted by law" in a lot of places. In the very first section of the proposed ordinance, it says, "If the law changes or if there is a court case that limits our rights, it will automatically limit our rights". The City won't have to go back in and change every little thing in the document which gives the City flexibility.

Mr. Morani said the language for ground-mounted equipment will be revised in the proposed ordinance since it says the City Engineer can approve. It will be changed so that the City Council approves the ground-mounted equipment.

Mr. Morani said there will be some other minor revisions to the proposed ordinance and he will bring it back to the next Committee meeting for final review.

## **IX. INTERGOVERNMENTAL AGREEMENT WITH COLUMBIA FIRE PROTECTION DISTRICT**

City Administrator James Morani presented to the Committee a draft of an Intergovernmental Agreement Between the City of Columbia, Illinois and the Columbia Fire Protection District (CFPD). Mr. Morani said City Attorney Terry Bruckert met with

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the district's attorney, Mr. James St. Clair, a few weeks ago to start preparing the draft document. Prior to the CFPD agreeing to move forward with the agreement and adoption of a resolution putting a question on the ballot, they wanted some assurances from the City. Mr. Bruckert said the terms and conditions in the agreement are based upon the passing of the referendum on November 6, 2018. See pages 2, 3, and 4; Items 1 through 14. The City agrees to Items 1 through 8; one of which is the providing of the dispatching service to the CFPD without charge so long as the district is providing funding for the ambulance service. If the referendum passes, this would begin in two years when the old agreement ends.

Mr. Morani said properties in St. Clair County are not currently paying property taxes for ambulance services since the tax is only levied in Monroe County. The City's goal is to get them to participate like everyone else. Mr. Morani said if the referendum passes, he recommends to keep the tax levy amount the same for the first year. As a result of this, the tax rate for Monroe County property owners will decrease the first year because once the St. Clair County portion of the Columbia Fire Protection District is included in the participating area, the EAV will increase. This results in the lower rate for the Monroe County portion of the CFPD. Mr. Morani added the City of Columbia Ambulance Service does not operate as a stand-alone entity. The City is dependent on Monroe County for funding to provide this service on behalf of them. Mr. Morani said the City has asked the CFPD to provide ambulance services in their service territory, thereby making Columbia EMS a subcontractor to the CFPD instead of Monroe County. Mr. Morani said right now, only Monroe County property owners pay this property tax via Monroe County's tax levy, but St. Clair county property owners in the CFPD territory receive this service and pay no property tax. He also said if the referendum passes, the tax at the Monroe County level will not be levied within the CFD because it will be levied by the CFPD. Mr. Morani also pointed out that if the referendum passes, property taxes will not be levied until 2019, which will be payable in 2020.

The agreement has been reviewed by the City Attorney and staff, who are recommending approval. The CFPD would like to vote on the resolution at their next meeting. Mr. Morani said the Intergovernmental Agreement Between the City of Columbia and the CFPD needs to be considered at the next City Council meeting.

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**MOTION:**

A motion was made by Alderman Reis and seconded by Alderman Martens to recommend to the City Council for consideration at their next meeting the proposed Intergovernmental Agreement with the Columbia Fire Protection District. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

**X. OTHER ITEMS TO BE CONSIDERED**

Mayor Hutchinson stated a Mayor Pro Tem will need to be appointed for the next City Council meeting.

**XI. PUBLIC COMMENTS**

Mr. Andy Cornish of the Fox Run Estates Subdivision commented against the Zoning Variance Request for 2359 Lake Shore Drive.

**XII. EXECUTIVE SESSION - 5 ILCS 120/2(c)**

Chairman Ebersohl inquired if there was a need to go into Executive Session. There was none.

**XIII. ADJOURNMENT**

**MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Reis to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, July 30, 2018 at 8:28 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Huch, Reis, Holtkamp and Martens voted yea.

**MOTION CARRIED.**

Minutes taken by:



Chairman Gene Ebersohl  
Committee of the Whole



Donna Mehaffey, Deputy Clerk

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