

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, FEBRUARY 5, 2007 IN THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:00 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, City Administrator Anthony Traxler, City Engineer Ron Williams, and Building Inspector Al Holden.

The Council recited the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

The minutes of the Executive Session of the City Council held Monday, January 15, 2007 were submitted for approval.

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 Monday, January 15, 2007, as 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 Monday, January 15, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Alderman Unnerstall requested clarification regarding the delegates who spoke against the Columbia Crossing Development. Mayor Hutchinson, Alderman Conrad, and Alderman Koesterer stated that these are personal comments and should not be included in the minutes.

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to approve the minutes of the Regular Meeting of the City Council held Monday, January 15, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Niemietz, Koesterer, and Huch voted yea. Aldermen Agne, Unnerstall, and Row voted nay. Motion Carried.

**III. DELEGATIONS**

There were no delegations present.

**IV. COLUMBIA CROSSING**

Mayor Hutchinson introduced Mark Grimm and Sean Flynn, the City's legal counsel for the Columbia Crossing development. Terry Grewe and Jim Mello were also introduced. Mr. Grewe provided a brief update regarding the development.

Mayor Hutchinson then announced that an Objector's Petition to the Referendum Petition had been filed with the City. Mr. Hoeffken then explained the procedures that must be followed as a result of the objector's petition being filed.

A. Resolution No. 07-2006 - Public Question

Mayor Hutchinson then informed the Council that he feels it is important to hear what the citizens of Columbia have to say regarding the Columbia Crossing development and would like the Council to pass a resolution placing their own public question on the ballot for the April 17, 2007 election to insure a public question is on the ballot. Alderman Niemietz asked for a few minutes to review the proposed resolution. Alderman Unnerstall stated that he was not comfortable supporting the proposed resolution because it presents a leading question. Aldermen Unnerstall then inquired if anyone else was concerned about the wording of the question. Alderman Niemietz then stated that the wording of the public question mirrors what is included in the City's Master Plan and consists of general terminology and then inquired as to why Alderman Unnerstall could object. Alderman Unnerstall then stated that he has a problem with the Master Development Agreement approved in 2004 and thinks the question should reference that development. Alderman Niemietz then stated that he is putting the cart before the horse. Alderman Huch stated that the public question needs to be on the ballot one way or another.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Huch to pass Resolution No. 07-2006, a resolution authorizing the submission of a Public Question for Advisory Referendum in the Consolidated Election to be held on April 17, 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Alderman Unnerstall voted nay. Alderman Conrad abstained since he is a member of the Electoral Board and will be ruling on the Objector's Petition. Motion Carried.

Alderman Row then asked several questions of Mr. Grewe, Mr. Mello, and Mr. Grimm regarding the agreements that the City already has signed and inquiring as to when things become official. Mr. Grimm stated that the City has not yet agreed to a TIF Agreement and that there are still a lot of business issues to negotiate before the City is locked into any situations. Mr. Grimm also stated that the City is not bound to establish a TIF and that the City's consultants are still working on identifying if a TIF is possible. Mr. Adams added that the Master Development Agreement was nothing more than an agreement to agree.

Penny Burmester of 11845 Bluff Road stated that she is not sure if she is in favor of the development or not, but has concerns since she owns a little piece of property with her home on it in an area that seems to be in no-mans land. Ms. Burmester then stated that she just needs to know how this development will impact her and what she needs to do.

Alderman Row expressed concern about the eminent domain clause in the Master Development Agreement and how the rules differ for a TIF District. Mr. Grimm stated that the City does not currently have a TIF Redevelopment Agreement with the developer and to assume how the property assembly will occur is premature. Mr. Grewe stated that he currently has 100% of the property within the proposed development under contract and that eminent domain will be required to clear up some old utility easements that belong to companies that are no longer in existence, for example, the Columbia Phone Company. Alderman Unnerstall then inquired if the 2004 Master Development Agreement is a binding contract. Mr. Grimm stated that the Master Development Agreement is a Memo of Understanding.

Mayor Hutchinson then addressed the Council regarding how the Council needs to work together and stop personal attacks via the media.

B. Public Hearing

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Row to recess the Regular Meeting of the City Council at 8:05 PM for a Public Hearing regarding the Charter Communications Cable TV Franchise Renewal and to reconvene the Regular Meeting immediately after the Public Hearing. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Agne to reconvene the Regular Meeting immediately at 8:36 PM. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

C. Post Public Hearing

Mayor Hutchinson inquired if there was anything to be addressed by the Council as a result of the Public Hearing.

1. Ordinance No. 2527 – Communication and Cable TV Code

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Row, to pass Ordinance No. 2527, an ordinance establishing regulations for the use of the Rights-Of-Way to construct, operate, and/or maintain communications systems and cable systems, establishing the required terms and communication system Rights-Of-Way Use Agreements and Cable Franchises, and establishing compensation for such use of the Rights-Of-Ways. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2528 – Cable TV Franchise Agreement

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Niemietz, to pass Ordinance No. 2528, an ordinance granting a new Interim Cable Television Franchise to Charter Communications Entertainment I, L.L.C for a new term of four years subject to the conditions of the Agreement. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

3. Levy Fines

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to authorize the City Attorney to charge Charter Communication Entertainment I, LLC with violating the City's Communication and Cable TV Code Ordinance No. 2527 and to prosecute that charge should Charter persist in not participating in franchise renewal negotiations after their existing franchise expires on February 7, 2007; and, for the City Attorney to seek to recover a fine of up to \$750.00 per day for each day Charter persists in violating the City's ordinance after Charter's existing franchise expires. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

V. REPORT OF DEPARTMENTS/OFFICERS

A. Plan Commission

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

MOTION:

It was moved by Alderman Agne, 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.

B. Administration Department

1. Ordinance No. 2529 - Amend Fees

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to pass Ordinance No. 2529, an ordinance amending Title 18 of the City of Columbia, Illinois Municipal Code to add Chapter 18.01.005 to Title 18 to be entitled "Sewer Rate Efficiency Discount" to be in effect for the remainder of the City's Fiscal Year ending April 30, 2007 and until said Title 18 of the City's Municipal Code is again amended by ordinance of the City enacted to change said fees and charges. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2530 - Amend Salaries

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Huch, to pass Ordinance No. 2530, an ordinance amending Ordinance No. 2459 which established the Salary/Remuneration of Employees of the City of Columbia, Illinois for the fiscal year of the City commencing May 1, 2006 and ending April 30, 2007. 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 Niemietz, and seconded by Alderman Ebersohl, to accept the report of the Administration Department as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. City Engineer and Department Of Public Works

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

1. Petroleum Product Solicitation

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Koesterer, to accept the recommendation of the City Engineer and contract with R&M Oil for one (1) year to provide petroleum products to the City of Columbia and to advertise for bids after one year. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

2. Excess Office Equipment

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Koesterer, to accept the recommendation of the City Engineer and offer City employees the opportunity to bid on the excess office furniture. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

3. Grandview Bluff Estates Subdivision - Improvement Plat

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Niemietz, to accept the recommendation of the City Engineer and approve the Improvement Plat for the Grandview Bluff Estates Subdivision. Upon

Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

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

D. City Attorney

1. Ordinance No. 2531 - Waterline Easement

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to pass Ordinance No. 2531, an ordinance approving a waterline easement from the ConocoPhillips Pipe Line Company on property comprising said company's East St. Louis Terminal having the assigned address of 3300 Mississippi Avenue in the Village of Cahokia, St. Clair County, Illinois and to authorize the Mayor to execute and deliver the same for and kind on behalf of the City; and to authorize the payment of \$3.00 per lineal foot for said easement. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Exterior Wall Masonry Coverage

Action on this ordinance was tabled until specific issues could be resolved.

MOTION:

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

E. Mayor

Mayor Hutchinson presented his report to the Council.

VI. EXECUTIVE SESSION

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing personnel, litigation, and land acquisition.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to direct the Mayor to go into Executive Session at 9:25 PM for the purpose of discussing personnel, litigation, and land acquisition. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to return to Regular Session of the City Council at 9:40 PM. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

Upon return to Regular Session, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch and Mayor Hutchinson were present.

Mayor Hutchinson inquired if there was any business to be brought before the Council as a result of the Executive Session. There was none.

**VII. CLAIMS & ACCOUNTS**

A. Vouchers

MOTION:

It was moved by Alderman Hutch, and seconded by Alderman Ebersohl, to authorize the payment of vouchers received through February 1, 2007; the total amount of the vouchers to be paid is two hundred seventy thousand, nine hundred twenty-nine dollars, and eighty-seven cents (\$270,929.87). Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Hutch voted yea. Motion Carried.

B. Statement of Funds

There was no Statement of Funds available.

**VIII. OLD BUSINESS**

There was no Old Business.

**IX. NEW BUSINESS**

There was no New Business.

**X. REPORT OF STANDING COMMITTEES**

A. Committee Of The Whole

Minutes of the Executive Session of the Committee Of The Whole meeting held Monday, January 22, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to approve the minutes of the Executive Session of the Committee Of The Whole meeting held Monday, January 22, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

Minutes of the Committee Of The Whole meeting held Monday, January 22, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Row, to approve the minutes of the Committee Of The Whole meeting held Monday, January 22, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Parks, Playgrounds, and Recreation Committee

Minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 22, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Unnerstall, to approve the minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 22, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Personnel Committee

Minutes of the Executive Session of the Personnel Committee meeting held Monday, January 22, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Hutch, to approve the minutes of the Executive Session of the Personnel Committee meeting held

Monday, January 22, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

Minutes of the Personnel Committee meeting held Monday, January 22, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to approve the minutes of the Personnel Committee meeting held Monday, January 22, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

D. Streets, Sidewalks, Drainage, and Utilities Committee

Minutes of the Streets, Sidewalks, Drainage, and Utilities Committee meeting held Monday, January 22, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to approve the minutes of the Streets, Sidewalks, Drainage, and Utilities Committee meeting held Monday, January 22, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

E. Ordinances, Planning, and Zoning Committee

Minutes of the Ordinances, Planning, and Zoning Committee meeting held Monday, January 22, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to approve the minutes of the Ordinances, Planning, and Zoning Committee meeting held Monday, January 22, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**XI. CALL FOR COMMITTEE MEETINGS**

Monday, February 12, 2007

7:00 PM - Personnel

7:05 PM - Streets, Sidewalks, Drainage, and Utilities

7:10 PM - Ordinances, Planning, and Zoning

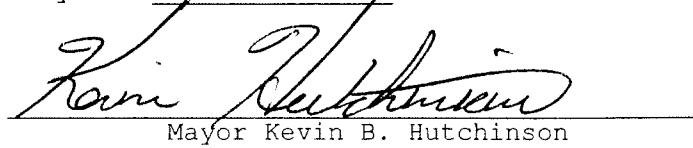
**XII. ADJOURNMENT**

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Monday, February 5, 2007 at 10:01 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoeffken, City Clerk



Kevin B. Hutchinson