

MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, JUNE 25, 2007 IN THE COUNCIL ROOM OF CITY HALL

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 Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Administrator Anthony Traxler, City Attorney Tom Adams, and Director of Community and Economic Development Mike Hemmer.

The Council recited the Pledge of Allegiance.

II. **DELEGATIONS**

There were no delegations present.

III. **EXECUTIVE SESSION**

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

Alderman Unnerstall inquired as to why executive session was needed. Mr. Adams stated that there is potential litigation for failure to comply with the Development Agreement between G.J. Grewe and the City, and there is also the matter of land acquisition for easements. Mr. Adams then stated that the City has a binding contract via the Memorandum Of Understanding (MOU) and the City must comply with investigating possible incentives per the agreement. Alderman Unnerstall stated he was frustrated because in the past every time he had referred to the MOU as a binding contract he had been corrected and told it was just an agreement to agree. Mr. Adams stated that the MOU is a contractual agreement and is legally binding. Mayor Hutchinson stated that the executive session will also include a discussion of land acquisition. Mr. Adams stated that while the MOU is a contract to make a contract, it is a legally binding contract. Alderman Unnerstall stated that it seems pre-mature to go into executive session to discuss potential litigation. Mr. Adams asked if the Council should talk about potential land acquisition in open meeting and identify what land is going to be purchased before an executive session is held. Alderman Stumpf inquired if the City could be sued if another attorney thinks otherwise. Alderman Oberkfell inquired as to why the Council is not aware of the potential litigation. Mr. Adams stated that the City will not know about the litigation until in executive session. Mr. Adams also explained that if there is a violation of an executive session, any action taken as a result of that executive session is void.

Alderman Niemietz stated that the City has always gone into executive session to discuss potential litigation and land acquisition.

Alderman Row asked Mr. Adams about the nature of the vote on PGAV Work Orders #2 and #3. Mr. Adams stated that vote served as the equivalent of a "straw vote" since the Council had not voted to revoke or rescind the ordinance that had previously authorized the work in November 2006.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to direct the Mayor to go into Executive Session at 7:19 PM for the purpose of discussing land acquisition and potential litigation. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, and Stumpf voted yea. Aldermen Unnerstall, Hejna, and Oberkfell voted nay. Motion Carried.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Unnerstall, to return to Special Session of the City Council at 10:35 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf 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.

A. Columbia Crossing Incentive Package

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to direct Mike Hemmer and John Brancaglione, of PGAV, to proceed with the negotiation of an incentive package between the City of Columbia, the County of Monroe, and the State of Illinois for a major tenant in the proposed Columbia Crossing development. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz voted yea. Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted nay. Motion Failed.

B. PGAV Work Orders #2 and #3

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to authorize the expenditure of funds to proceed with PGAV Work Orders #2 and #3 as authorized by Ordinance No. 2512. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz voted yea. Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted nay. Motion Failed.

Mayor Hutchinson asked Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf to explain what their plan is for development, especially since residential growth and taxes are not keeping up with costs to maintain the existing infrastructure of the City. Alderman Row stated that Columbia has always been a residential community and that commercial taxes have gone up and yet real estate taxes have not gone down. Mayor Hutchinson stated that Alderman Row was wrong and that the rate of commercial growth to residential growth has decreased putting more of the tax burden on the residents.

Alderman Niemietz asked for a plan. Mayor Hutchinson inquired as to why the City should not pursue every possible alternative to tailor an incentive package to the City's liking. Alderman Unnerstall stated that Monroe County is growing and we should not offer massive tax incentives to developers. Alderman Unnerstall then stated that he would like to see a committee formed to review possibilities for the bottoms. Mayor Hutchinson stated that a committee has been reviewing options for the past several years. Mayor Hutchinson stated that the City does need to provide the infrastructure in order to attract developers. Alderman Hejna stated that she campaigned on a No TIF platform and consequently won't vote for a TIF incentive. Alderman Oberkfell stated that he too ran on a No TIF platform. Alderman Stumpf stated that he has a problem with a \$200,000,000.00 tax incentive.

IV. OLD BUSINESS

There was no Old Business.

V. NEW BUSINESS

A. Financial, Utility, and Payroll Software

Mr. Traxler presented a summary of the proposals for replacement of the City's financial, utility, and payroll software.

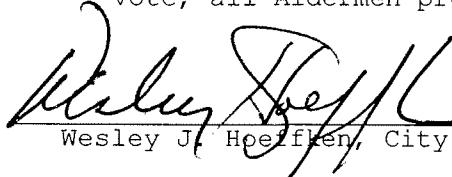
MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Oberfell, to accept the recommendation of the City Administrator and purchase financial, utility, and payroll software and services from Springbrook Software at a cost of \$94,305.00. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf voted yea. Motion Carried.

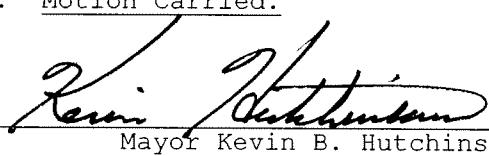
VI. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to adjourn the Special City Council Meeting held Monday, June 25, 2007 at 11:16 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoeffken, City Clerk



Kevin B. Hutchinson
Mayor Kevin B. Hutchinson