

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, JULY 2, 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 Attorney Tom Adams, Building Inspector Al Holden, City Engineer Ron Williams, and Director of Community and Economic Development Mike Hemmer.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, June 18, 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, June 18, 2007, as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, June 18, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Mr. Hoeffken stated that he was disallowing some of the requested changes because the request was only rewording what was already included in the minutes.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Stumpf, to approve the minutes of the Regular Meeting of the City Council held Monday, June 18, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, and Stumpf voted yea. Alderman Unnerstall, Hejna, and Oberkfell voted nay. Motion Carried.

The minutes of the Executive Session of the City Council held Monday, June 25, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Hejna, to approve the minutes of the Executive Session of the City Council held Monday, June 25, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

The minutes of the Special Meeting of the City Council held Monday, June 25, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Mr. Hoeffken stated that he was disallowing some of the requested changes because the minutes already reflected the discussion. Mr. Hoeffken also added that he was not going to allow verbatim and unnecessary comments.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to approve the minutes of the Special Meeting of the City Council held Monday, June 25, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, Oberkfell, and Stumpf voted yea. Alderman Unnerstall and Hejna voted nay. Motion Carried.

III. DELEGATIONS

A. Columbia Crossing Update

Mayor Hutchinson summarized the history of the Columbia Crossing development and the current status of the project and explained that Exhibit "H" is the City's zoning requirements for the development and still needs to be completed. Mayor Hutchinson then invited Mr. Terry Grewe to address the Council. Mr. Grewe introduced Mr. Gerald Carmody, of Carmody MacDonald P.C.. Mr. Carmody explained that he has been retained by G. J. Grewe as a result of the action the Council took at their Special Meeting held Monday, June 26, 2007. Mr. Carmody then explained that if the project had progressed as explained by the Mayor the City would not find itself in the situation it is in, that being in breach of the Master Development Agreement (MDA). Mr. Carmody then outlined what he interpreted are the misunderstandings that are exposing the City to litigation. Mr. Carmody also explained that per the agreement, in addition to being liable for expenses associated with the development, the City could also be liable for legal fees, should the City lose any litigation. Mr. Carmody explained that even though the composition of the Council is different, that does not allow the Council to ignore a pre-existing contract and the action taken by the Council last week is in essence a rejection of the contract. Mr. Carmody also explained that the MDA states that the City will negotiate in "good faith" to obtain all economic incentives allowed within the development area and that everything about the agreement anticipates incentives. Mr. Carmody then stated that the City can be sued just like any other entity and explained the definition of Anticipatory Breach.

Mayor Hutchinson inquired if anyone from the public wanted to comment. Ms. Rita Diehl inquired if a Section 404 form had been filed as required. Mayor Hutchinson stated that Steven Donahue, of Horner & Shifrin, is handling all of the necessary permitting.

Mr. Clifford Cates, of 101 Bixby Road, Mr. Lloyd Pulcher of 1634 Shadow Ridge, Mr. Jim Gummersheimer, and former Mayor Lester Schneider of 1 Oerter Lane addressed the Council regarding their concern about the City's lack of progress towards the Columbia Crossing development and a plan for future tax relief for the citizens of Columbia.

B. Alan Pirtle - Columbia Crossing

Mr. Pirtle stated that he is a delegation of one who has lived in Columbia for 20 years. Mr. Pirtle added that he is married and has three young children who attend Columbia schools. Mr. Pirtle stated that there is a tenor of political discourse in Columbia, and understands that political campaigns can be "nasty", but feels that same distrust and animosity has not been checked at the door, and urged that it must be. Mr. Pirtle suggested that things can not be taken personally and urged everyone to reach across the aisle, especially since the rubber has now hit the road in the form of litigation. Mr. Pirtle reminded the Council that they all ran for office because they wanted to do something good for Columbia, and taking everything personal is not what the citizens want to continue to know. Mr. Pirtle then thanked Alderman Stumpf for reaching across in what should have been a simple process of passing the ordinance appointing members of

committee and commissions of the City. Mr. Pirtle concluded by saying that now is the time to test each others leadership and urged that the Council not disappoint the citizens of Columbia.

Mayor Hutchinson thanked Mr. Pirtle and then stated that unless a motion was made to rescind the ordinance previously authorizing PGAV to proceed with identifying potential incentive tools and packages for the proposed development area he was going to contact PGAV and direct them to proceed with work orders #2 and #3. There was no action by the Council.

IV. REPORT OF OFFICERS

A. City Engineer

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

1. Valmeyer Sidewalk Analysis

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Unnerstall, to direct the City Engineer to proceed with the Valmeyer Road Sidewalk project at the increased estimated project cost submitted by Thouvenot, Wade, & Moerchen. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Old Town Negotiator Services

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to accept the recommendation of the City Engineer and accept the proposal of Craig Hiser to provide negotiator services to the City to secure right-of-way easements for the Old Town project at a cost of \$400.00 for parcels containing only a Temporary Construction Easement and no other permanent rights-of-way and \$600.00 for parcels which contain rights-of way and/or permanent easements. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

3. Cahokia Water Line Engineering Services

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to accept the recommendation of the City Engineer and approve the amount of \$22,618.50 as an amendment to the contract with Horner & Shifrin, Inc. for engineering services involved with the Cahokia Water Line. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna,

4. Ordinance No. 2572 – Employ Horner & Shifrin

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to pass Ordinance No. 2572, an ordinance employing Horner & Shifrin, Inc. of O'Fallon, Illinois to render professional services to the City of Columbia, Illinois in connection with the Illinois Route 3 and EE Road Traffic Study. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

B. Community and Economic Development

The report of the Director of Community and Economic Development was presented to the Council

- C. Building and Zoning
The monthly report of the Zoning Administrator was presented to the Council.
- D. Plan Commission
The report of the Plan Commission was presented to the Council.
- E. City Attorney

- 1. Resolution No. 06-2007 - Release Letters Of Credit

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to pass Resolution No. 06-2007, a resolution releasing Letters Of Credit Performance Guarantees for Cooperation Agreements requiring construction of cul-de-sacs at the terminus of Micah's Way and at the southern terminus of Lake Side Drive in Columbia Lakes III, Phase 3 Subdivision and at the southern terminus of Lake Shore Drive in the Columbia Lakes III Phase 4 Subdivision in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

- F. Administration Department

The report of the City Administrator was represented to the Council.

- 1. Ordinance No. 2573 - Employee Agreement - Maria E. Todd

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Hejna, to pass Ordinance No. 2573, an ordinance authorizing a Contract for Maria E. Todd to serve as an Accounting/Systems Conversion Specialist for the City of Columbia, Illinois and to approve the form and terms of the Contract. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

- G. Mayor

Mayor Hutchinson presented his report to the Council.

MOTION:

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

- V. CLAIMS & ACCOUNTS**

- A. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to authorize the payment of vouchers received through June 28, 2007; the total amount of the vouchers to be paid is two hundred three thousand, three hundred sixty-seven dollars, and seventy-five cents (\$203,367.75). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

- VI. OLD BUSINESS**

There was no Old Business brought before the Council.

VII. NEW BUSINESS

A. Storage Yard Policy Request

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to accept the request of the Boy Scouts to use the City's storage facility as required by the Storage Use Policy. Upon Roll Call vote, all Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

VIII. REPORT OF STANDING COMMITTEES

A. Municipal Buildings, Property, and Capital Improvements

Minutes of the Municipal Buildings, Property, and Capital Improvements Committee meeting held Monday, June 25, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

1. City Hall Air Conditioner

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Agne, to accept the recommendation of the Municipal Buildings, Property, and Capital Improvements Committee and authorize the replacement of the outside air conditioner unit at City Hall at an estimated cost of \$1909.00 as budgeted. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

2. Purchase of FEMA Trailer

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Row, to accept the recommendation of the Municipal Buildings, Property, and Capital Improvements Committee and authorize the purchase of a surplus Federal Emergency Management Association trailer at an approximate cost of \$4,500. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Oberkfell, to approve the minutes of the Municipal Buildings, Property, and Capital Committee meeting held Monday, June 25, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Committee Of The Whole

Minutes of the Committee Of The Whole meeting held Monday, June 25, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

1. Change in Committee Meeting Day of Week

Alderman Niemietz stated that changing the meeting day from Monday to Tuesday, while providing an extra day to prepare for meetings, would interfere with the ability to meet with other Committees and Commissions to discuss various issues. It was agreed to table any changes at this time.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to approve the minutes of the Committee Of The Whole meeting held Monday, June 25, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

IX. CALL FOR COMMITTEE MEETINGS

Monday, July 9, 2007
7:00 PM - Fire Department
7:10 PM - Committee of the Whole

X. EXECUTIVE SESSION

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing Litigation regarding the Monroe County Historic Foundation, the city of Columbia, and H&M Backhoe.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Niemietz, to direct the Mayor to go into Executive Session at 8:44 PM for the purpose of discussing Litigation. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to return to Regular Session of the City Council at 9:13 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

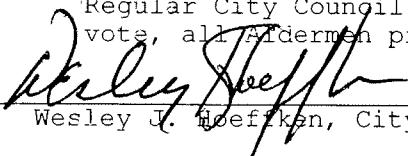
Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson were present.

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

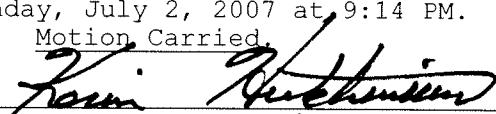
XI. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Niemietz, to adjourn the Regular City Council Meeting held Monday, July 2, 2007 at 9:14 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoefken, City Clerk



Mayor Kevin Hutchinson