

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD TUESDAY, SEPTEMBER 4, 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, Building Inspector Al Holden, and City Engineer Ron Williams.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, August 20, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Unnerstall, to approve the minutes of the Executive Session of the City Council held Monday, August 20, 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 Regular Meeting of the City Council held Monday, August 20, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Stumpf, to approve the minutes of the Regular Meeting of the City Council held Monday, August 20, 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.

III. DELEGATIONS

A. Columbia Sportsmen's Club - Drainage Issue

Mr. David Hoock addressed the council regarding stormwater run-off problems the Columbia Sportsmen's Club is experiencing as a result of the Columbia Lakes subdivision and the Brellinger subdivision. Mayor Hutchinson referred the matter to Aldermen Ebersohl and Oberkfell and the City Engineer.

B. Horner & Shifrin

Mr. Bill Clark, Mr. Glen Cherry, and Mr. Steven Donahue of Horner & Shifrin, and Scott Harding of SCI Engineering, Inc. addressed the Council regarding their outstanding amendments to their contract regarding the Fish Lake Interchange project as it relates to the Columbia Crossing development.

Alderman Row stated that he would support a motion to amend the agreement only for services already performed.

Ordinance No. 2589 - Amend Horner & Shifrin Contract

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to pass Ordinance No. 2589, an ordinance allowing two (2) amendments to a Public Works Engineering Agreement dated November 14, 2005 between the City of Columbia, Illinois and Horner & Shifrin, Inc. for the Design and Construction Engineering Services required for the construction of the Fish Lake Interchange on Federal Highway I-255 in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, Stumpf, and Mayor Hutchinson voted yea. Aldermen Unnerstall, Hejna, and Oberkfell voted nay. Motion Carried.

C. Columbia Crossing - Gene Bergmann

Mr. Gene Bergman addressed the Council as a follow-up to the questions he had asked members of the Council at the August 20, 2007 meeting. Alderman Stumpf stated that any comment he would make could further create or impose additional litigation. Alderman Hejna stated that any comment she would make could further create or impose additional litigation. Alderman Niemietz stated that she was not afraid of any potential litigation and had nothing to hide and would be willing to answer questions about the proposed development. Alderman Row stated that he has not changed his position and has always opposed TIF as an incentive. Alderman Oberkfell handed a prepared answer to Mr. Bergman and then read his answer to the first of the two questions previously asked of him.

IV. REPORT OF OFFICERS

A. City Engineer

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

1. Replacement Service Truck - DOPW

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to accept the recommendation of the City Engineer and accept the low bid of \$28,377.83 as submitted by Bob Ridings, Inc. as part of the State of Illinois Official Joint Purchase Contract, for a 2008 Ford Super Duty Regular Cab 4X4, 8 ft. bed. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Resolution 10-2007 - MFT Funds

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to pass Resolution No. 10-2007, a resolution for improvements by a municipality under the Illinois Highway Code for the Carl Street and Legion Street improvement project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

3. Valmeyer Road Sidewalk Bids

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to accept the recommendation of the City Engineer and reject all bids received for the Valmeyer Road Sidewalk Project and review the project to identify potential changes to the project that could result in lower bids for a re-bid process. Upon Roll Call vote, Aldermen

Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

4. Environmental Management, Inc. Request

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to approve the request of Environmental Management, Inc. and Neighborhood Service and allow the drilling and location of monitor wells within the City's right-of-way of North Main Street, East Lepp, and West Kalowsky, and authorize the Mayor to sign the necessary agreement allowing Environmental Management to proceed with the project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Building and Zoning

The monthly report of the Building and Zoning was presented to the Council.

C. Plan Commission

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

D. Administration Department

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

1. Sexual Harassment Policy

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to accept the recommendation of the City Administrator and proceed with drafting an ordinance for the proposed changes to the City's current Sexual Harassment Policy. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Auditing and Accounting Services Bids

Mr. Traxler recommended the Request for Proposal submitted by Schorb and Schmersahl, LLC for professional auditing services be accepted as the low bid and the Request For Proposal submitted by J. W. Boyle & Co., LTD. for professional accounting services be accepted as the low bid. Alderman Hejna stated that she would call a Finance Committee to review the proposals.

E. 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. Statement of Funds

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

MOTION:

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

B. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to authorize the payment of vouchers received through August 29, 2007; the total amount of the vouchers to be paid is three hundred fifteen thousand, six hundred fifty-nine dollars, and ten cents (\$315,659.10). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

VI. OLD BUSINESS

A. IML Attendance

Mr. Traxler reminded the council that reservations have been made for the Annual IML conference and that anyone still considering attendance needs to decide as soon as possible since hotel rooms are becoming scarce.

B. Ordinance No. 2590 - PMOA

Mayor Hutchinson stated that he would entertain a motion to pass an ordinance approving a Programmatic Memorandum of Agreement. Mayor Hutchinson then stated that unless one of the five Aldermen, who previously voted against the motion, makes the motion, it would be senseless to take a vote. There was no motion.

VII. NEW BUSINESS

A. Columbia High School - Bolm-Schuhkraft Park Use

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to approve the request of the Columbia High School to use the Bolm-Schuhkraft Park for band practices, football practices, and baseball games and practices during the 2007 - 2008 school year and to coordinate the applicable dates with the City Clerk's Office. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Columbia High School Homecoming Parade Request

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to approve the request of the Columbia High School to hold their annual Homecoming Parade on Friday, October 5, 2007 at 4:30 pm and to coordinate the parade with the Columbia Police Department and the Department of Public Works. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

VIII. REPORT OF STANDING COMMITTEES

There were no Standing Committee reports.

IX. CALL FOR COMMITTEE MEETINGS

Monday, September 10, 2007

7:00 PM - Municipal Buildings, Property, and Capital Improvements
7:05 PM - Personnel
7:10 PM - Finance, Claims, Bonds, and Interest
7:15 PM - Streets, Sidewalks, Drainage, and Public Utilities
7:20 PM - Parks, Playgrounds, and Recreation

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 between the City of Columbia and Columbia Crossing LLC, and litigation regarding the Shoemaker Schoolhouse.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to direct the Mayor to go into Executive Session at 8:40 PM for the purpose of discussing litigation between the City of Columbia and Columbia Crossing LLC, and litigation regarding the Shoemaker Schoolhouse. 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 Unnerstall, to return to Regular Session of the City Council at 9:36 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. Shoemaker Schoolhouse

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to proceed with the Monroe County Heritage litigation as discussed in Executive Session. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Columbia Crossing LLC Litigation

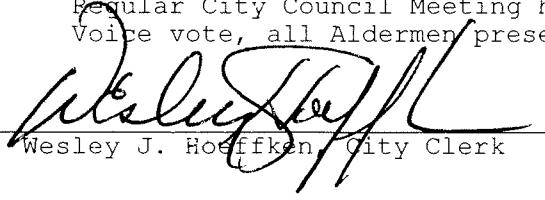
MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Hejna, to accept litigation service in the Columbia Crossing LLC lawsuit. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

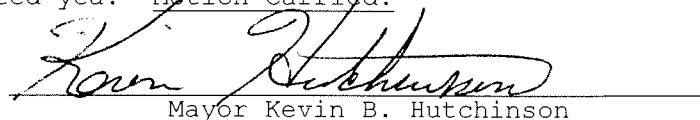
XI. ADJOURNMENT

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Tuesday, September 4, 2007 at 9:37 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoeffken, City Clerk



Kevin B. Hutchinson