

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, SEPTEMBER 17, 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 Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Attorney Tom Adams, Chief of Police Joe Edwards, Building Inspector Al Holden, Fire Chief Mike Roediger, and City Auditor Gene Schorb.

The Council recited the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

The minutes of the Executive Session of the City Council held Tuesday, September 4, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to approve the minutes of the Executive Session of the City Council held Tuesday, September 4, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Tuesday, September 4, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Hejna, to approve the minutes of the Regular Meeting of the City Council held Tuesday, September 4, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf voted yea. Motion Carried.

**III. DELEGATIONS**

A. Columbia Crossing - Joe Knese

Mr. Joe Knese inquired if it is a conflict of interest for Alderman Stumpf to be voting on issues regarding the Columbia Crossing development since he owns a business that could suffer from future competition from a big box store. Mayor Hutchinson explained that the City had already researched this issue and it has been determined that there is not a conflict of interest.

B. Progress for Columbia - Jon Lewis and Will Trowbridge

Mr. Jon Lewis informed the Council he is a member of the group, "Progress For Columbia," and that group has made known the members of their steering committee. Mr. Lewis then inquired if anyone on the Council could identify

the members of the "Citizens For Columbia" steering committee, or their officers. There was no response from the Council.

Mr. Lewis then inquired if the City is covered by their insurance carrier for the litigation filed by Columbia Crossing, LLC against the City. Mayor Hutchinson stated that the City has received official notice that our insurance carrier will not cover any litigation in this suit.

**IV. REPORT OF OFFICERS**

A. Library Board

The monthly report of the Library Board was not available.

B. Fire Department

The monthly report of the Fire Department was presented to the Council.

C. Police Department

The report of the Chief of Police was presented to the Council.

D. EMS Department

The monthly report of the Director of the Columbia Emergency Medical Service was presented to the Council.

E. Plan Commission

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

Alderman Niemietz inquired if the Plan Commission has received and/or reviewed the traffic study for Ghent Road and Quarry Road. Ms. Dean stated no.

F. Administration Department

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

1. Accounting and Auditing Services

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Hejna, to accept the recommendation of the Finance, Claims, Bonds, and Interest Committee and accept the proposal submitted by Schorb and Schmersahl, LLC for professional auditing. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to accept the recommendation of the Finance, Claims, Bonds, and Interest Committee and accept the proposal submitted by J. W. Boyle & Co., LTD. for professional accounting services. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. July Month-End Financial Report

The monthly report was presented to the Council.

3. Cleaning Services Recommendation

This issue was forward to the Municipal Buildings, Property, and Capital Improvements Committee for review and recommendation.

4. REJIS Update

A project status was presented to the Council.

5. Ordinance No. 2590 - Discrimination and Harassment Policy

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2590, an ordinance amending Section 2.68.040 (Equal Employment Opportunity) of the Municipal Code of 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.

6. Palmer Road Improvement Estimate - Revised

This item was referred to the City Engineer for his review and approval.

7. Dissemination of Public Information Materials

A memo authored by Mr. Traxler was forwarded to the Alderman explaining that all requests for official City documents must be made with the City Clerk's office.

8. 37-Day Occupancy Ordinance

Chief Edwards informed the Council that he and Mr. Traxler were working on an update to City ordinances to correct some conflicts within the City's municipal code.

G. City Clerk

Mr. Hoeffken presented his report to the Council.

Mr. Hoeffken inquired about the status of the technical specifications for the sound system for the Council Chambers. Mr. Hoeffken then stated he would like to insure the system includes a public address system for the entire chambers and the system also has impaired hearing capabilities.

H. Architectural Review Board & Street Graphics

1. Hampton Inn Sign Package

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to accept the recommendation of the Zoning Board of Appeals and approve the Sign Variance as requested by Johnson Properties for the proposed Hampton Inn, and on file at City Hall, allowing two (2) building signs and one (1) monument sign and allowing 189 sq. ft of sign area in the three (3) signs. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Hampton Inn Building Materials

Alderman Unnerstall stated while the EIFS surface looks good now, he had concerns about the surface 20 years from now. Alderman Unnerstall then stated the City has gone to great lengths to set a higher standard of buildings and does not want to compromise those standards. Mr. Terry Johnson stated an all brick building would be more like an office building and would not be as inviting for a hotel. Alderman Oberkfell stated EIFS was initially designated as an accent material and having 60% of the surface with this material is more than an accent. Alderman Oberkfell added he could approve the building if the brick continued for another story. Alderman Agne concurred another floor of brick would get the EIFS surface closer to 40%. Alderman Niemietz stated previous discussions for Exhibit H for the Columbia Crossing development addressed this same material. Alderman Row stated Exhibit H would require the first 10' of exterior surface to be masonry but mentioned a limit of 40% as a maximum coverage for EIFS. Mr. Toby Heading, architect for the building, stated another floor of brick would make for a very heavy building and this would present a

problem since this will be a wood structure building. Alderman Stumpf stated he thought the proposed design is a good looking building.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Stumpf, to accept the recommendation of the Zoning Board of Appeals and approve the EIFS on the upper portions of the proposed Hampton Inn building as an acceptable building material. Upon Roll Call vote, Aldermen Ebersohl, Niemietz, Row, Hejna, and Stumpf voted yea. Aldermen Agne, Unnerstall, and Oberkfell voted nay. Motion Carried.

I. Civic Progress Committee

1. Main Street Façade Application - Revision

The proposed revision was referred to the Ordinance, Planning, and Zoning Committee.

2. Main Street Façade Application - Deb Naumann

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to refer the approval of the Columbia Main Street Façade Application submitted by Deb Naumann for Reality Executive Hometown and Columbia Optical, located at 106 and 108 S. Main Street to the Ordinance, Planning, and Zoning Committee for review and recommendation to the Council. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

J. Zoning Board of Appeals

The report of the Zoning Board of Appeals was presented to the Council.

1. Columbia Kinder College Variances

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to accept the recommendation of the Zoning Board of Appeals and approve the Set-back Variance as requested by Columbia Kinder College, and on file at City Hall, for a building located in a C-2 (General Business District). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to accept the recommendation of the Zoning Board of Appeals and approve the Parking Variance as requested by Columbia Kinder College, and on file at City Hall, for a business located in a C-2 (General Business District). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to forward the recommendations for the Columbia Kinder College identified by Alderman Agne in the Zoning Board of Appeals hearing to the Ordinance, Planning, and Zoning Committee for review. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Mayor Hutchinson explained to the Council as an individual, the Aldermen do not have the power to administer the City, but they do as a Council. Mayor Hutchinson then explained Aldermen, as a Council, set policy and procedures, but are not authorized to administer the day-to-day operations of the City. Mayor Hutchinson

explained there is a chain of command the Council expects City employees to follow and the Council should also follow the same chain. Mayor Hutchinson concluded if any Alderman has a problem with an employee, or department head, it needs to be addressed with Mr. Traxler and then the Personnel Committee. Alderman Unnerstall stated he objects to an Alderman taking over a meeting, but the new Aldermen are just trying to gather information and he sees no objection to that.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Oberkfell, to accept the reports 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 Stumpf, to refer the prepayment of bonds to the Finance, Claims, Bonds, and Interest Committee for review and recommendation. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, 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 September 12, 2007; the total amount of the vouchers to be paid is two hundred thirty-one thousand, four hundred eighteen dollars, and fifty-two cents (\$231,418.52). 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. RFQ For Legal Services

This issue was referred to the License, Insurance Claims, CEMA, and Contracts Committee for review and recommendation.

B. TIF Administration Contract & Grant Closeout Administration

Alderman Unnerstall inquired why the bid was received from PGAV. Mayor Hutchinson stated Mr. Hemmer, who now works for PGAV, is the most knowledgeable about the City's current TIF and would not require the ramp-up time that another service provider would require. Alderman Unnerstall then suggested the City contact PGAV and have them sharpen their pencil for a better rate. Mayor Hutchinson stated he would have Mr. Traxler review the rates with PGAV. Alderman Oberkfell stated the City normally would solicit bids from at least 3 service providers. Mayor Hutchinson stated there are legal issues with the review and the City does not have time to be selective. Mayor Hutchinson reminded the Council that Mr. Hemmer has only been gone for a little over 30-days and we didn't have a 6-month notice to seek outside services. Mr. Schorb stated the review board has to meet and all reports need to be filed by October 31, 2007.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to approve the contract for Professional Services between the City of Columbia, Illinois and Peckham Guyton Albers & Viets, Inc. to provide TIF Administration of the Admiral Parkway Tax Increment Financing District and to approve the contract for Professional Services between the City of Columbia, Illinois and Peckham Guyton Albers & Viets, Inc. to provide professional services for the administration of an Infrastructure Grant from the Illinois Department of Commerce and Economic Opportunity for infrastructure improvements concerning sewer and road extensions for the St. Elizabeth's facility located on Illinois State Route 3 south of Columbia, contingent upon the validation of rates for services quoted. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

C. Attorney General Letter

Alderman Unnerstall stated he received an anonymous letter from the Illinois Attorney General and wanted to know why the Council had not been copied. Mayor Hutchinson stated the letter had been received and forwarded to the City Attorney and the City Administrator and a formal response had already been filed with the Attorney General. Alderman Unnerstall stated that he wanted to receive a copy of the response.

**VIII. REPORT OF STANDING COMMITTEES**

A. Municipal Buildings, Property, and Capital Improvements Committee

Minutes of the Municipal Buildings, Property, and Capital Improvements Committee meeting and the Executive Session of the Municipal Buildings, Property, and Capital Improvements Committee held Monday, September 10, 2007 were presented to the Council for approval.

1. Real Estate Purchase

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 proceed with the purchase of real estate, building, and contents therein as discussed in the Executive Session of the Municipal Buildings, Property, and Capital Improvements Committee held Monday, September 10, 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Rural Fire Department Negotiations

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Hejna, to accept the recommendation of the Municipal Buildings, Property, and Capital Improvements Committee and proceed with negotiations with the Columbia Rural Fire District as discussed in the Executive Session of the Municipal Buildings, Property, and Capital Improvements Committee held Monday, September 10, 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Hejna, to approve the minutes of the Executive Session of the Municipal Buildings, Property, and Capital Improvements Committee meeting held Monday, September 10, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Stumpf, to approve the minutes of the Municipal Buildings, Property, and Capital Improvements Committee meeting held Monday, September 10, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Finance, Claims, Bonds, and Interest Committee

Minutes of the Finance, Claims, Bonds, and Interest Committee meeting held Monday, September 10, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to approve the minutes of the Finance, Claims, Bonds, and Interest Committee meeting held Monday, September 10, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Streets, Sidewalks, Drainage, and Public Utilities Committee

Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, September 10, 2007 were presented to the Council for approval.

1. Lawlor Funeral Home 50-50 Curb and Guttering Program

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to accept the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee and proceed with a 50-50 co-op between the City of Columbia and Lawlor Funeral Home for the installation of sidewalk, curb, and guttering across the front of their property. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Handicap Access Ramp - Legion and Main

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Hejna, to refer to the City Engineer the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee regarding the requested handicap access ramp at the corner of Legion and Main Streets. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

3. Columbia Lakes Ingress/Egress

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to table any action regarding the Columbia Lakes ingress/egress. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to approve the minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, September 10, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**IX. CALL FOR COMMITTEE MEETINGS**

Monday, September 24, 2007

7:00 PM - License, Insurance Claims, CEMA, and Contracts

7:05 PM - Water and Sewer

7:10 PM - Streets, Sidewalks, Drainage, and Public Utilities

7:15 PM - Ordinance, Planning, and Zoning

Monday, October 8, 2007  
7:00 PM - Fire Department  
7:05 PM - Municipal Buildings, Property, and Capital Improvements  
7:10 PM - Finance, Claims, Bonds, and Interest

**X. EXECUTIVE SESSION**

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing the Shoemaker Litigation and the Columbia Crossing LLC Litigation.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to direct the Mayor to go into Executive Session at 9:14 PM for the purpose of discussing the Shoemaker Litigation and the Columbia Crossing LLC 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 Row, to return to Regular Session of the City Council at 10:03 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

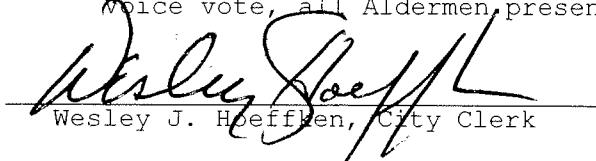
Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson were present.

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

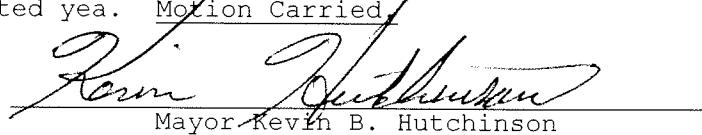
**XI. ADJOURNMENT**

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to adjourn the Regular City Council Meeting held Monday, September 17, 2007 at 10:03 PM. Upon voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoeffken, City Clerk



Kevin B. Hutchinson