

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, DECEMBER 17, 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, Chief of Police Joe Edwards, Building Inspector Al Holden, and Accounting Systems Conversion Specialist Maria Todd.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, December 3, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Mr. Hoeffken stated the requested changes did not change the context of the minutes and consequently would not be added to the minutes.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to approve the minutes of the Executive Session of the City Council held Monday, December 3, 2007, as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, and Niemietz voted yea. Aldermen Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted nay. Motion Failed.

The minutes of the Regular Meeting of the City Council held Monday, December 3, 2007 were submitted for approval. Mayor Hutchinson stated the minutes would not be considered for approval until the Executive Session minutes are approved.

III. DELEGATIONS

A. County Commissioners

County Board Chairman Dale Haudrich addressed the Council regarding the Levee Decertification. Commissioner Terry Liefer addressed the Council regarding the Western Egyptian agency.

B. Columbia Crossing

Mr. Gene Bergmann, representing Progress For Columbia, expressed concern about the urgency of the Fish Lake area in regards to the levee improvements and the importance of reaching an agreement between Monroe County and St. Clair County.

Mr. Lester Schneider, former Mayor of Columbia, expressed similar concerns and explained while there are two levee districts, there is really only one levee system.

IV. REPORT OF OFFICERS

A. Library Board

The monthly report of the Library Board was presented to the Council.

B. Police Department

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

C. EMS Department

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

1. Full Time EMT-P (Paramedic)

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Niemietz, to accept the recommendation of the Chief of Police/Director of EMS and employee Mr. Tom Weber as a full time EMT-P to fill the vacancy created by the resignation of Mr. Dan Burgess. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Part Time EMT-B (Basic)

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Row, to accept the recommendation of the Assistant Director of EMS and employee Mrs. Shirelle Parks as a part time EMT-B paid/volunteer. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

D. Plan Commission

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

E. City Attorney

1. Ordinance No. 2617 - Cable and Communications Code

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to pass Ordinance No. 2617, an ordinance amending the Cable and Communications Code of the City of Columbia, Illinois to amend certain rights of way use requirements, to impose certain fees, and to impose certain customer service requirements upon providers of cable and video services operating 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.

2. Admiral Trost Development

Mr. Adams informed the Council the City has received the deeds to Lots 13 and 15 in the Admiral Trost subdivision. Mr. Adams then explained that Lot 14 (the 1.27 acre tract the City will be using for parking lot and restrooms for the City Park to be located on Lots 13 & 15) belongs to Budnick Converting, Inc. and is required to be deeded to the City in exchange for the City deeding about 1/2 of the No-Name-Street to the Mark Wegmann Trust to be used for a driveway for the Diehl Plaza Subdivision development. Consequently, Lot 14 is hung up in the Wegmann divorce because a corporate asset is required to be exchanged for a property that will be a personal benefit (or enrichment) to one of the parties involved in the divorce; and, Mr. Adams understands the parties to the divorce are arguing about whether Mr. Wegmann should have to pay Budnick Converting, Inc. for Lot 14 and how much he should pay for that Budnick property to be traded to the City. Mr. Adams advised that since Lots 13 & 15 were not involved in

the divorce and the city needed that 33 acres, more or less for its Park Set Aside Ordinance inventory, he would recommend to the city that they wait a bit longer on the real estate exchange for Lot 14 provided the city received Lots 13 & 15 at this time.

3. Ordinance No. 2618 - PMOA

Alderman Oberkfell requested the PMOA ordinance be discussed in Executive Session prior to taking action in open session. Alderman Row stated there has been a lot of discussion about the PMOA and the Horner & Shifrin, Inc. amendments and he would like to discuss with Mr. Skigen again. Mayor Hutchinson expressed concern about delaying any action again. Alderman Stumpf stated he would like to have Mr. Skigen reassure what the Council should do, especially in light of the recent letter from the Peoria Tribe of Indians of Oklahoma. Alderman Unnerstall stated they had just received today, a letter from the Peoria Tribe of Indians of Oklahoma that raises some concern over approving the PMOA. Alderman Row stated he had a lot of unanswered questions regarding the PMOA and the Horner & Shifrin, Inc. agreement. There was additional discussion by the Council regarding this issue, as well as the First, Second, and Third amendments to an agreement with Horner & Shifrin, Inc.

4. First & Second Amendment to Horner & Shifrin, Inc. Agreement
Action on this ordinance was tabled.

5. Third Amendment to Horner & Shifrin, Inc. Agreement
Action on this ordinance was tabled.

6. Mixed Use Development Zoning District

Mr. Adams explained that if the changes to be made to the Mixed Use Development Zoning District Ordinance as originally proposed by the City Council and sent by the City Council to the Planning Commission for their review and comments and to the Zoning Board for public hearing and the Zoning Board's recommendations the City Council is proposing to make are substantial changes (after the public hearing and recommendations received from those boards) so that the ordinance is, in essence, a different document than what was originally proposed, then the City Council needs to start over and send the revised document back to the Planning Commission for their comments and the Zoning Board for another public hearing and that board's recommendations. The reason for that is because the City Council requirement for public hearing (and public comment opportunity) would not be satisfied if the changes result in the City Council proposing to adopt a document that was significantly (and substantively) different than what the public was given an opportunity to comment on originally. On the other hand, if the changes to the document the City Council is proposing to adopt after the original process are insignificant (and not substantive), the City Council is not required to resubmit it through the process again and to have an additional public hearing on it. The Council is not required to resubmit the ordinance just because it is enacted with some changes from the original submittal just because changes are made after the public hearing and before adoption.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall to adopt the current version of the Mixed Use Development Zoning District. Upon Roll Vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted nay. Motion Failed.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to send the revised Mixed Use Development Zoning District to the Plan

Commission and Zoning Board of Appeals for their review and subsequent recommendations. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

F. Administration Department

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

1. DOPW Recognition

Acknowledgement was made about the exemplary quality work done and positive attitudes by numerous employees in the Public Works Department during the recent upgrades to the City Council Chamber.

2. Accounting Manager Hire Recommendation

Alderman Niemietz stated she would like to discuss the recommendation submitted by the City Administrator in Executive Session before taking any action in open session.

3. Aldermen Salary Increase Recommendation

Mr. Traxler distributed the comparable salary information he had accumulated.

4. Crown Linen Sewer Rate Discount

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to accept the recommendation of the Water and Sewer Committee and rebate Crown Linen \$3,191.60 for previously invoiced sewer charges, and subsequently adjust future invoices by 10%. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

5. Senior Nutrition Site

There was a preliminary discussion about the Senior Nutrition Site and was referred to the Finance Committee for further review.

G. City Clerk

Mr. Hoeffken presented his report to the Council.

1. Report of Collections

The Report of Collections for the periods commencing August 26, 2007 and ending September 25, 2007 and commencing September 26, 2007 and ending October 25, 2007 was presented to the Council.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Stumpf, to approve the Report of Collections for the periods commencing August 26, 2007 and ending September 25, 2007 and commencing September 26, 2007 and ending October 25, 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.

H. Zoning Board of Appeals

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

1. Bovinette Variance Request

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to accept the recommendation of the Zoning Board of Appeals and approve a variance from Section 17.22.050, Yard Area, of the Columbia Municipal Code, granting a rear yard set-back variance, reducing the 30 foot

set-back by 14-feet to allow for an addition to the existing residential property for property located at 226 Wenkel, which is located in an R-6 (One Family Dwelling) Zoning District. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

I. Civic Progress Committee

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

1. Main Street Façade Application

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Hejna, to accept the recommendation of the Civic Progress Committee and approve the Columbia Main Street Façade Application submitted by Darren and Tammy Hines for improvements to a commercial building located at 207 N. Main Street, formerly the Weilbacher Dry Goods building, 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.

2. Main Street Lighting

Mr. Tom Cissell, of Oates Associates, and Mr. Bruce Coleman, of the Civic Progress Committee, presented the Main Street Lighting light selection recommendation to the Council. Alderman Agne stated he would like additional research from other cities, especially since the proposed lighting looks too industrial. Alderman Niemietz stated concern over trying to maintain the lighting theme that was introduced in Metter Park, and thinks the city needs to play on its cultural history. Mr. Lester Schneider, a member of the Civic Progress Committee, stated this has been a long review process and the style of lighting was selected to accommodate the City's Christmas decorations, banners, and flags, while preventing light from shining into second story windows. Mr. Coleman stated IDOT has strict lighting requirements and guidelines for fixtures and pole top globes would require a variance from IDOT. Ms. Deb Naumann, a member of the Civic Progress Committee, stated the acorn type lights would not provide enough lighting and would require more light poles. Alderman Agne stated the proposal does not fit the theme of lower lights. Mayor Hutchinson suggested this be referred to the Streets, Sidewalks, Drainage, and Public Utilities Committee for a joint meeting with the Civic Progress Committee to discuss, especially since the City is on a tight timeline to use the grant received from IDOT. Alderman Hejna inquired if the City Engineer had reviewed the plan. Mr. Schneider stated Mr. Williams has been involved in the process.

MOTION:

It was moved by Alderman Agne, 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 monthly Statement of Funds was presented to the Council.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Unnerstall, 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 Unnerstall, to authorize the payment of vouchers received through December 13, 2007; the total amount of the vouchers to be paid is two hundred eighty thousand, eight hundred three dollars, and seventy-four cents (\$280,803.74). 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

There was no New Business brought before the Council.

VIII. REPORT OF STANDING COMMITTEES

A. Water and Sewer Committee

Minutes of the Water and Sewer Committee meeting held Monday, December 10, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Oberkfell, to approve the minutes of the Water and Sewer Committee meeting held Monday, December 10, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Alderman Niemietz abstained since she was not present for the Committee meeting. Motion Carried.

B. Finance, Claims, Bonds, and Interest Committee

Minutes of the Finance, Claims, Bonds, and Interest Committee meeting held Monday, December 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, December 10, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Alderman Niemietz abstained since she was not present for the Committee meeting. Motion Carried.

C. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, December 10, 2007 were presented to the Council for approval.

1. First Bank Sign Variance Request

Mr. Holden informed the Council the sign company would like to make changes to their variance request and present the new plans to the Council.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall to accept the recommendation of the Ordinance, Planning, and Zoning Committee and deny the First Bank sign height variance request. Upon Roll Call vote, Aldermen Ebersohl, Agne, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Alderman Niemietz voted nay. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall to accept the recommendation of the Ordinance, Planning, and Zoning Committee and deny the First Bank sign set-back variance request.

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 Unnerstall to accept the recommendation of the Ordinance, Planning, and Zoning Committee and deny the First Bank Sign Electronic Message Board variance request. Upon Roll Call vote, Aldermen Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Alderman Ebersohl voted nay. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall to waive the fees for First Bank to submit a new sign variance request. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Admiral Trost Signage Variance

Mr. Adams informed the council that he read in the minutes of a committee meeting that the committee was going to recommend a variance for a monument sign for the Admiral Trost Development Subdivision in exchange for the lot owners in the subdivision waiving their right to have individual pole signs for each lot in the subdivision. He also read that Mr. Wegmann advised the committee that he was going to have a cooperation agreement among the lot owners that they would give up their right to the pole signs in exchange for the noncompliant monument sign. Mr. Adams advised the Council that conditional sign variances are not allowed and the only way for the city to do this and enforce it is to have a cooperation agreement between the city and the lot owners before the variance is granted so that the city could enforce the agreement. Otherwise the cooperation agreement would be like subdivision restrictions that the city could not enforce.

3. Big Box Stores

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Oberkfell to accept the recommendation of the Ordinance, Planning, and Zoning Committee and direct Mr. John Brancaglione, of PGAV, to begin researching and drafting an ordinance for the entire City defining Big Box Store limitations. 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 Oberkfell, to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, December 10, 2007 as submitted and on file at City Hall.

Mayor Hutchinson stated there needs to be clarification on if the Mixed Use Development Zoning District is being referred to as MUZD or MDD. Alderman Agne withdrew his motion, and Alderman Oberkfell withdrew his second of the motion, until the proper acronym for the Mixed Use Development Zoning District can be determined.

D. Committee Of The Whole

Minutes of the Executive Session of the Committee Of The Whole meeting held Monday, December 10, 2007 were presented to the Council for approval.

Corrections were forwarded to Mr. Hoeffken. Mr. Hoeffken stated Mr. Skigen had already reviewed the minutes for the Executive Session and he wanted Mr. Skigen to review the proposed changes before incorporating into the minutes. It was agreed to forward the requested changes to Mr. Skigen for his review and defer approval of the minutes until Mr. Skigen has reviewed the changes.

Minutes of the Committee Of The Whole meeting held Monday, December 10, 2007 were presented to the Council for approval.

Approval of the minutes was deferred until the requested changes to the Executive Session of the Committee Of The Whole are reviewed by Mr. Skigen.

E. Work Station - City Clerk's Office

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Stumpf, to authorize the purchase of a work station for the City Clerk's office. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

IX. CALL FOR COMMITTEE MEETINGS

Monday, January 14, 2008

7:00 PM - Finance, Claims, Bonds, and Interest
7:20 PM - Streets, Sidewalks, Drainage, and Public Utilities
7:40 PM - Ordinance, Planning, and Zoning
8:00 PM - Parks, Playgrounds, and Recreation
8:20 PM - Fire Department
8:40 PM - Personnel

X. 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, litigation and personnel.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to direct the Mayor to go into Executive Session at 9:40 PM for the purpose of discussing land acquisition, litigation and personnel. 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 Niemietz, to return to Regular Session of the City Council at 11:51 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

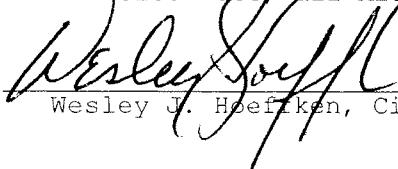
Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf and Mayor Hutchinson were present.

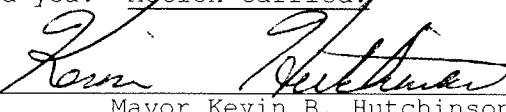
Mayor Hutchinson inquired if there was any business to be brought before the Council as a result of the Executive Session. There was none.

XI. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to adjourn the Regular City Council Meeting held Monday, December 17, 2007 at 11:59 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.


Wesley J. Hoefken, City Clerk


Mayor Kevin B. Hutchinson