

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD TUESDAY, SEPTEMBER 2, 2008 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:

<b>Ebersohl</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent	<b>Row</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
<b>Agne</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent	<b>Hejna</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
<b>Niemietz</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent	<b>Oberkfell</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
<b>Unnerstall</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent	<b>Stumpf</b>	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent

Quorum Present.

Administrative Staff Present:

<input checked="" type="checkbox"/> City Clerk Wes Hoeffken	<input checked="" type="checkbox"/> City Administrative Asst. Theresa Lucas-Stephan
<input checked="" type="checkbox"/> City Attorney Tom Adams	<input type="checkbox"/> Chief of Police Joe Edwards
<input checked="" type="checkbox"/> Building Inspector Al Holden	<input type="checkbox"/> City Treasurer Bob Naumann
<input checked="" type="checkbox"/> City Engineer Ron Williams	<input type="checkbox"/> Director of Economic Development Paul Ellis
<input type="checkbox"/> Fire Chief Mike Roediger	<input type="checkbox"/> Deputy Chief of Police Jerry Paul
<input type="checkbox"/> Deputy CEMS Director Ken Buss	<input checked="" type="checkbox"/> Accounting Manager Linda Sharp

The Council recited the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

The minutes of the Executive Session of the City Council held Monday, August 4, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

**MOTION:**

It was moved and seconded to approve the minutes of the Executive Session of the City Council held Monday, August 4, 2008, as amended and on file at City Hall.

Moved by: Row    Second: Ebersohl    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried    8 To 0

The minutes of the Executive Session of the City Council held Monday, August 18, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

**MOTION:**

It was moved and seconded to table approval of the minutes of the Executive Session of the City Council held Monday, August 18, 2008, to allow the Council to review amendments to the minutes.

Moved by: Ebersohl    Second: Unnerstall    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried    8 To 0

The minutes of the Regular Meeting of the City Council held Monday, August 18, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved and seconded to approve the minutes of the Regular Meeting of the City Council held Monday, August 18, 2008, as amended and on file at City Hall.

Moved by: Unnerstall    Second: Stumpf    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried    8 To 0

**III. DELEGATIONS**

A. Sergeant Michael Conrad - Police Pension Fund Audit Report

Sergeant Conrad presented a summary of the audit conducted on the Police Pension Fund.

**IV. REPORT OF OFFICERS**

A. Building and Zoning

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

1. Building Permit Fee - Immaculate Conception Church

MOTION:

It was moved and seconded to waive the building permit fee in the amount of \$216.00 for the Immaculate Conception Catholic Church for the construction of a storage shed at their cemetery.

Moved by: Row    Second: Oberkfell    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried    8 To 0

B. City Engineer

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

1. Rock for Levee District

MOTION:

It was moved and seconded to approve the request of Luhr Brothers and the Columbia Levee and Drainage District to use the larger rock from the City's stockpile at the lagoon for filling the remaining washed out area around the exposed discharge pipe from the Wastewater Treatment Facility.

Moved by: Ebersohl    Second: Row    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried    8 To 0

2. Illinois Clean Energy Grant - Upgraded Lighting

MOTION:

It was moved and seconded to direct Nu Way Lighting to proceed with the Illinois Clean Energy Grant and DCEO grant for upgraded lighting for the Police Department and Fire Department.

Moved by: Hejna      Second: Oberkfell      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

3. Market Street 50/50 Sidewalk Project

MOTION:

It was moved and seconded to accept the low bid of \$3,400.00 submitted by KDO, Inc. of Waterloo, Illinois for concrete work for the Liberty and Market Streets 50/50 Sidewalk Project based on the plans prepared by Heneghan & Associates dated July 21, 2008.

Moved by: Ebersohl      Second: Niemietz      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

4. Trail and Legion Roadway Guardrail

MOTION:

It was moved and seconded to accept the low bid of \$10,496.00 submitted by Collins Hermann, Inc. of St. Louis, MO for the installation of guardrail dividing the trail and the Legion Park access roadway.

Moved by: Ebersohl      Second: Niemietz      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

C. Plan Commission

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

D. City Attorney

1. No Name Road (Diehl Plaza)

Alderman Unnerstall inquired about the status of the real estate exchange with Budnick Converting, Inc. for the City to exchange its "No-Name-Street" at the Diehl Plaza Subdivision development for a 1.25 acre, more or less, tract of property in the Admiral Trost Development Subdivision belonging to Budnick Converting, Inc. Mr. Adams stated he would have to review the file and added the Council previously stated there was no rush on this issue. Mr. Adams added the property exchange that involves this property is currently tied up in a divorce.

2. Columbia Lakes Foreclosure

Mr. Adams informed the Council he and Mr. Williams will be meeting with Jim Lewis, Executive Vice President of the First National Bank of St. Louis, Thursday, regarding the real estate mortgage foreclosure, the calling in of the Letter of Credit Performance Guarantee for the Route 3 Access Drive for the Subdivision and the status of the approval of the Columbia Lakes IV final subdivision plat. Mr. Adams explained this also involves the completion or vacation of the Jennifer Court cul-de-sac in the Columbia Lakes III subdivision. Alderman Hejna also inquired about the Route 3 access drive.

3. Labor Attorney Fees

Alderman Unnerstall inquired about the right of City Aldermen to request information about legal fees of outside counsel employed by the City in accordance with the e-mail message he had sent to Mr. Adams. Mr. Adams explained he was preparing all day for an appellate court hearing the following day and he did not have time to look into the matter other than to look at the City's Municipal Code. The Columbia Municipal Code provides in Section 2.20.040 that the City Attorney shall be the legal advisor of the City and shall render advise on all legal questions affecting the City whenever requested to do so by any City Official. In Section 2.20.070 the Municipal Code provides the City Council may retain or authorize the employment of other counsel to give advise or render service to the City. Since the City Council is the corporate authority of the City and the code restricts the rendering of service and advise by outside counsel to the providing of the same to the City, (subject to researching it further and devoting more time to it), Mr. Adams advised (unlike a request to the City Attorney) it is not appropriate for individual Aldermen to contact outside legal counsel for legal advise or information unless the City Council authorizes them to do so. However, it is always appropriate for the City to inquire and obtain information from an attorney regarding the attorney's fees and billing. Mr. Adams also stated that legal questions other than those having to do with matters for which outside legal counsel has been retained by the City should be referred to him as the City Attorney. Alderman Unnerstall stated he would support this motion in order to get his questions answered, but he did not think it was appropriate that a motion and approval of the City Council should be necessary just to get information released to the entire City Council.

MOTION:

It was moved and seconded to direct Labor Attorney Mark Weisman to supply answers to Alderman Unnerstall's questions, previously listed in an email, to the Council.

Moved by: Unnerstall      Second: Stumpf      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

E. Administration Department

The report of the Administration Department was presented to the Council.

1. Telephone System RFP

Alderman Hejna referred the Telephone System RFP to the License, Insurance Claims, CEMA, and Contracts Committee for review.

2. Delta Dental Renewal

MOTION:

It was moved and seconded to accept the Delta Dental Renewal Package for the City of Columbia contingent upon confirming the coverage has not changed.

Moved by: Unnerstall      Second: Niemietz      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

F. Mayor

Mayor Hutchinson presented his report to the Council.

MOTION:

It was moved and seconded to accept the report of all Departments and Officers as presented.

Moved by: Unnerstall      Second: Oberkfell      Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried      8 To 0

V. CLAIMS & ACCOUNTS

A. Vouchers

Alderman Hejna stated the invoice for Wireless USA in the amount of \$16,597.97 should have required prior Council approval and requested it be removed from the invoices until the expense could be discussed.

MOTION:

It was moved and seconded to authorize the payment of vouchers received through August 29, 2008; the total amount of the vouchers to be paid is one hundred seventy-two thousand, eight hundred thirteen dollars, and seventy-seven cents (\$172,813.77).

Moved by: Hejna      Second: Unnerstall      Vote: Roll Call

Ebersohl Nay		Unnerstall	Yea	Oberkfell	Yea
Agne Yea		Row	Yea	Stumpf	Yea
Niemietz Yea		Hejna	Yea		

Motion Carried 7 To 1

B. EMS Trailer Expenditures

Alderman Stumpf referred the EMS Trailer expenditures to the Ambulance, Radio Communication, and Dispatch Committee.

VI. OLD BUSINESS

A. Library Board Appointment

There was no action taken on this issue.

VII. NEW BUSINESS

A. Sales Contract - 2008 Osage Custom SuperWarrior Ambulance

Alderman Stumpf referred the Sales Contract for a 2008 Osage Custom SuperWarrior Ambulance to the Ambulance, Radio Communication, and Dispatch Committee.

**B. Bolm-Schuhkraft Park Request**

**MOTION:**

It was moved and seconded to approve the request of Boy Scout Troop 320 to use the Bolm-Schuhkraft Park for a campout as requested and on file at City Hall.

Moved by: Niemietz      Second: Row      Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

**VIII. REPORT OF STANDING COMMITTEES**

**A. Personnel Committee**

Minutes of the Personnel Committee meeting held Monday, August 18, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

**MOTION:**

It was moved and seconded to approve the minutes of the Executive Session of the Personnel Committee meeting held Monday, August 18, 2008 as amended and on file at City Hall.

Moved by: Niemietz      Second: Row      Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

**MOTION:**

It was moved and seconded to approve the minutes of the Personnel Committee meeting held Monday, August 18, 2008 as submitted and on file at City Hall.

Moved by: Niemietz      Second: Row      Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

**B. Personnel Committee**

Minutes of the Personnel Committee meeting held Monday, August 25, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

**MOTION:**

It was moved and seconded to approve the minutes of the Executive Session of the Personnel Committee meeting held Monday, August 25, 2008 as amended and on file at City Hall.

Moved by: Niemietz      Second: Ebersohl      Vote: Roll Call

Eberschl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

MOTION:

It was moved and seconded to approve the minutes of the Personnel Committee meeting held Monday, August 25, 2008 as submitted and on file at City Hall.

Moved by: Niemietz    Second: Row    Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

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

Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, August 25, 2008 were presented to the Council for approval.

1. Rauch Street and Rueck Street Alley Deeds

MOTION:

It was moved and seconded to accept the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee and direct the City Engineer to coordinate property deed reviews with the City Attorney Tom Adams for six (6) properties regarding the unimproved alley between Rauch Street and Rueck Street.

Moved by: Ebersohl    Second: Niemietz    Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, August 25, 2008 as amended and on file at City Hall.

Moved by: Row    Second: Niemietz    Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

D. Finance, Claims, Bonds and Interest Committee

Minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, August 25, 2008 were presented to the Council for approval. Alderman Hejna tabled approval of the minutes until the Council has an opportunity to review the minutes.

1. Void Invoice No. 9101

Alderman Niemietz inquired as to how a decision regarding this issue could be made without securing a transcript of the conversation that took place between Alderman Hejna and Mr. Weisman.

MOTION:

It was moved and seconded to accept the recommendation of the Finance, Claims, Bonds, and Interest Committee that invoice 9101, an invoice for attorney fees invoiced to Candace Hejna in the amount of \$620.00, be considered an invalid invoice and that the City Clerk be directed to void Invoice 9101.

Moved by: Unnerstall    Second: Stumpf    Vote: Roll Call

Ebersohl	Nay	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Abstain	Hejna	Abstain		

Motion Carried    7 To 1

Alderman Niemietz abstained because she did not have enough information to vote on the issue. Alderman Hejna abstained since the invoice was for her.

E. Joint Meeting - Municipal Buildings, Property, and Capital Improvements Committee & Finance, Claims, Bonds and Interest Committee

Minutes of the joint meeting of the Municipal Buildings, Property, and Capital Improvements Committee and the Finance, Claims, Bonds and Interest Committee meeting held Monday, August 25, 2008 were presented to the Council for approval.

1. Police Department Elevator Inspection Expense

Alderman Niemietz stated she would be voting against this recommendation until more information regarding the impact on the Police Department budget is made available. Mayor Hutchinson inquired if Alderman Oberkfell had discussed this issue with Chief Edwards. Alderman Niemietz stated professional courtesy would suggest the department head be contacted prior to taking any formal action. Alderman Unnerstall stated the \$1,500 expense should be manageable within the department's \$1.5M budget, as it only represents 1/1000 of the budget and we are only one quarter of the way through the budget year. Alderman Unnerstall also stated it was his understanding that it was the proper accounting practice to place expenses in the account where they are being spent and not the general fund.

MOTION:

It was moved and seconded to accept the recommendation of the Municipal Buildings, Property, and Capital Improvements Committee and the Finance, Claims, Bonds, and Interest Committee and direct Chief Edwards to manage the payment of the Police Department elevator state inspection fee from the Police Department budget.

Moved by: Oberkfell    Second: Unnerstall    Vote: Roll Call

Ebersohl	Nay	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Nay	Hejna	Yea		

Motion Carried    6 To 2

MOTION:

It was moved and seconded to approve the minutes of the joint meeting of the Municipal Buildings, Property, and Capital Improvements Committee and the Finance, Claims, Bonds and Interest Committee meeting held Monday, August 25, 2008 as submitted and on file at City Hall.

Moved by: Oberkfell    Second: Row    Vote: Roll Call

Ebersohl Yea	Unnerstall	Yea	Oberkfell	Yea
Agne Yea	Row	Yea	Stumpf	Yea
Niemietz Yea	Hejna	Yea		

Motion Carried 8 To 0

F. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 25, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 25, 2008 as amended and on file at City Hall.

Moved by: Agne Second: Niemietz Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

G. Finance, Claims, Bonds and Interest Committee

1. IML Conference Expenses

MOTION:

It was moved and seconded to accept the recommendation of the Finance, Claims, Bonds, and Interest Committee and direct Accounting Manager Linda Sharp, to investigate the possibility of covering department head registration fees and travel costs out of the General Fund and payment of remaining expenses through department budgets for the annual IML Conference.

Moved by: Hejna Second: Unnerstall Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

H. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, May 12, 2008 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, May 12, 2008 as amended and on file at City Hall.

Moved by: Agne Second: Unnerstall Vote: Roll Call

Ebersohl Yea	Unnerstall Yea	Oberkfell Yea
Agne Yea	Row Yea	Stumpf Yea
Niemietz Yea	Hejna Yea	

Motion Carried 8 To 0

IX. CALL FOR COMMITTEE MEETINGS

Monday, September 8, 2008

7:00 PM - Ambulance, Radio Communications, and Dispatch

7:15 PM - Finance, Claims, Bonds, and Interest

7:30 PM - License, Insurance Claims, CEMA, and Contracts

**X. EXECUTIVE SESSION**

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing personnel.

**MOTION:**

It was moved and seconded to direct the Mayor to go into Executive Session at 9:21 PM for the purpose of discussing personnel.

Moved by: Niemietz    Second: Row    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried 8 To 0

**MOTION:**

It was moved and seconded to return to Regular Session of the City Council at 9:40 PM.

Moved by: Row    Second: Niemietz    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried 8 To 0

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. Assistant City Engineer**

**MOTION:**

It was moved and seconded to direct the City Engineer to proceed with negotiating an employment agreement with the candidates for the Assistant City Engineer position.

Moved by: Row    Second: Oberkfell    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried 8 To 0

XI. ADJOURNMENT

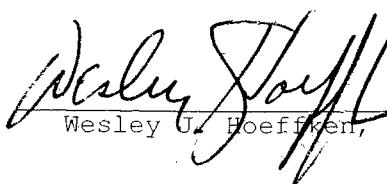
MOTION:

It was moved and seconded to adjourn the Regular City Council Meeting held Tuesday, September 2, 2008 at 9:42 PM.

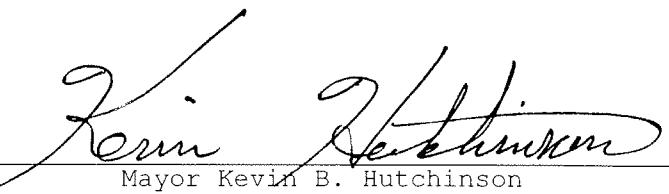
Moved by: Row    Second: Niemietz    Vote: Roll Call

Ebersohl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Yea	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried 8 To 0



Wesley U. Hoeffken, City Clerk



Kevin B. Hutchinson

Mayor Kevin B. Hutchinson