

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, JANUARY 21, 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:

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, and Building Inspector Al Holden.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, January 7, 2008 were submitted for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to approve the minutes of the Executive Session of the City Council held Monday, January 7, 2008, 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, January 7, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Oberkfell, to approve the minutes of the Regular Meeting of the City Council held Monday, January 7, 2008, 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. Levee Improvements - Commissioner Dale Haudrich

Mayor Hutchinson introduced Mr. Dale Haudrich, Monroe County Board Chairman and Mr. Alan Dunstan, Madison County Board Chairman. Mr. Haudrich updated the Council on the Tri-County Levee Task Force and stated he was seeking the city's support to assist with the funding of the \$25,000.00 participation fee for the start up of the task force. Mr. Dunstan explained Congressman Costello has requested the levee repairs be a united regional effort with all three counties, St. Clair, Madison, and Monroe working together. Mr. Dunstan then explained the various situations with each levee, and also explained the assessed value in the Prairie Du Pont and Fish Lake levees is not sufficient enough to fund that part of the project; hence the need to be a unified region. Mr. Dunstan added Madison and St. Clair are each contributing \$100,000.00, while Monroe County is only being asked to contribute \$25,000.00.

Alderman Unnerstall inquired as to expected services that would be delivered for the \$225,000.00. Mr. Dunstan stated there would be some legal services, but mostly engineering services. Mr. Haudrich stated committing the \$25,000.00 would not be obligating the City to any additional monies. Alderman Stumpf inquired about the composition of the Task Force. Mr. Dunstan stated there are six members from Madison County, six members from St. Clair County, three members from Monroe County, and a non-voting member from each of the four levee districts for a total of nineteen members. Mr. Haudrich stated the three members from Monroe County are Rodney Linker, Terry Liefer, and Ron Williams. Alderman Agne inquired as to how the participation amounts were determined. Mr. Dunstan stated there was no real method, but explained St. Clair and Madison counties have more to lose. Alderman Agne inquired if Waterloo and Valmeyer will be asked to contribute. Alderman Agne stated we need to look at several options including a buy out of the residences and on the other hand using the TIF to pay for the levee so that development can occur. Mr. Haudrich stated he is getting a lot of resistance from people outside of Columbia who feel the recertification should be paid by people directly impacted by the levee. Mr. Dunstan stated he has had the same situation in Madison County with cities like Highland. Alderman Unnerstall inquired as to the expected end product for the \$225,000.00. Mr. Dunstan explained the plan is to work with the Army Corp of Engineers to avoid reinventing the wheel, while trying to identify the funding sources up front and seek federal monies. Mr. Dunstan then explained without the involvement of the Corp, federal reimbursement will not be possible. Mr. Dunstan also stated engineering services should result in some preliminary reports and answers. Alderman Unnerstall inquired the funding breakdown for St. Clair County and Madison County. Mr. Dunstan stated each of those counties is fronting 100% of the funding, while Monroe County has a different situation with only one city being directly impacted. Alderman Unnerstall inquired if Monroe County might be foregoing future federal funds by rushing into upgrading the levee. Mr. Dunstan explained there will be a cooperative agreement with FEMA providing for recoupment of reconstruction funds, should future funds become available. Alderman Stumpf inquired if any of the levee districts are funded county wide in Madison County. Mr. Dunstan explained Conoco Phillips funded \$350,000.00 of the \$500,000.00 for the Wood River Levee District, with the remaining funding being paid by residents within the district. Alderman Oberkfell stated the levee repairs should be funded by the levee districts. Mr. Haudrich explained the levee district only has an annual revenue stream of \$25,000.00 which is used to fund ongoing maintenance and repairs of the levee. Mr. Dunstan stated a levee district with annual revenues of \$25,000.00 could not fund a \$20M improvement project. Alderman Unnerstall stated approximately 1.5 miles of the 7 mile levee resides in the City which is about 20% of the levee, or the acreage impact results in 1/3 in the City and 2/3 in the County. Alderman Stumpf stated he would like to see a sharing between the City, County, and the Levee District. Alderman Stumpf also stated a compromise to consider would be to have the City pay 1/3, the County pay 1/3 and the Levee District pay 1/3 of the \$25,000 for the Tri-County Levee Task Force. Mr. Dunstan stated he would be happy to be able to tell Madison and St. Clair Counties that Monroe County is on board and will be participating. Alderman Row stated this also impacts property all the way up to the canal in Cahokia. Alderman Niemietz stated this is not just a situation of here and now, but providing a solution for the future, as well. Mayor Hutchison stated the City will be receiving services at 10% on the dollar. Mayor Hutchinson also explained the repairs will be important to the Discovery Park and Columbia Crossing developments. Alderman Unnerstall stated the levee repairs are listed as Qualified Costs in the Master Development Agreement, and so Mr. Grewe will expect reimbursement from public tax dollars that could be used for other projects. Alderman Oberkfell inquired about the legal map required by FEMA for the new AR Zone. Mr. Haudrich stated the part that was undeveloped as of now was put on as a footnote to that map and it cannot be shown as developed area. You are correct. According to the FEMA regulations this area should be designated as undeveloped. Mr. Haudrich stated Mr. Ron Williams should be able to provide a copy of the map. Mr. Dunstan explained the maps won't be required for 4 - 5 years if everything goes the way he hopes.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to support the Tri-County Levee Task Force, including the \$25,000.00 one-time participation fee, and to initiate discussions with the Monroe County Board to negotiate a cooperative agreement between the City of Columbia and Monroe County, identifying the cost sharing arrangement for the \$25,000.00. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

**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.

D. Plan Commission

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

E. City Attorney

1. Ordinance No. 2624 - Horner & Shifrin Amendments 1 & 2

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to pass Ordinance No. 2624, an ordinance reforming City of Columbia, Illinois Ordinance No. 2589 and then rescind that ordinance and to enact this ordinance to allow a First and Second amendment 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 of the Fish Lake Interchange on Federal Highway I-255 in the City of Columbia, Illinois to include the amended completion date and the full amount of the project costs requested by Horner & Shifrin for the subject Amendments in September 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2625 - Horner & Shifrin Amendment 3

MOTION:

It was moved by Alderman Row, and seconded by Alderman Oberkfell, to pass Ordinance No. 2625, an ordinance allowing a Third Amendment 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 of the Fish Lake Interchange on Federal Highway I-255 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.

3. PMOA

Mayor Hutchinson explained the PMOA has been put on hold as a result of the Advisory Council of Historic Preservation now wanting to be a party of the PMOA, which will require some modifications to the PMOA.

4. Ordinance No. 2626 - Immaculate Conception Church Sign Variance

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Unnerstall, to pass Ordinance No. 2626, an ordinance granting a Sign

Variance to the Immaculate Conception Roman Catholic Church of Columbia, Illinois to allow the Church to install and maintain a monument sign at the Immaculate Conception Church Cemetery located on Cherry Street in the City of Columbia, Illinois which sign exceeds the sign area allowance prescribed by the City's Sign Code. 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 presented to the Council.

1. Braddock Point Improvement Plans

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Row, to reconsider action on the motion for Ordinance 2622 passed at the January 7, 2008 Regular Meeting of the City Council. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Row, to pass Ordinance No. 2622, an ordinance approving the Improvement Plans for the Braddock Point Subdivision as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted nay. Motion Failed.

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Oberkfell, to approve the Improvement Plans for the Braddock Point Subdivision 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. Pay Day Loan

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to forward the proposed ordinance amending the Zoning Code of the City of Columbia, Illinois to define the uses of banks and financial institutions and short-term loan businesses and to allow a short-term loan business as a use allowed by Special Use Permit in an I-1 (Light Industrial Zoned District) in the City of Columbia, Illinois and to prohibit that use in all other zoned districts in the City; to the Plan Commission and the 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.

3. Accounting Manager New Hire - Linda Sharp

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to accept the recommendation of the City Administrator and employ Ms. Linda Sharp as the Accounting Manager. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, and Stumpf voted yea. Aldermen Hejna and Oberkfell voted nay. Motion Carried.

4. Economic Development Director

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to direct the City Administrator to proceed with the negotiations to

employee a Community Development Director as discussed in Executive Session.

Alderman Row stated he would like to discuss this in Executive Session prior to taking any action. Alderman Niemietz withdrew her motion and Alderman Ebersohl withdrew his second of the motion.

G. Mayor

Mayor Hutchinson presented his report to the Council.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, 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 January 17, 2008; the total amount of the vouchers to be paid is one hundred eighty-six thousand, seven hundred eighty-two dollars, and forty-eight cents (\$186,782.48). 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. Celebration 2009

Alderman Niemietz informed the Council that the Celebration 2009 Committee had a meeting and would be preparing a request for initial funding from the Council.

VIII. REPORT OF STANDING COMMITTEES

A. 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.

Corrections were forwarded to the City Clerk.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Hejna, to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, December 10, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

1. Mixed Use Development District

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to accept the recommendation of the Ordinance, Planning, and Zoning Committee and forward the latest version of the Mixed Use Development District to the Plan Commission and the 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.

B. Finance, Claims, Bonds and Interest Committee

Minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, January 14, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

1. Senior Nutrition Site

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Unnerstall, to accept the recommendation of the Finance, Claims, Bonds, and Interest Committee and authorize the expenditure of up to \$8,200.00 to the Columbia Senior Nutrition Site to cover any shortfall up to the end of the City's fiscal year ending April 30, 2008. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Approval of the minutes was delayed until the next meeting of the Council in order to allow the Council to review the minutes since they were first received prior to the meeting.

C. Water and Sewer Committee

Minutes of the Water and Sewer Committee meeting held Monday, January 14, 2008 were presented to the Council for approval.

1. Meadow Ridge West Condo Assoc. Overpayment Reimbursement

MOTION:

It was moved by Alderman Row, and seconded by Alderman Oberkfell, to accept the recommendation of the Water and Sewer Committee and reimburse the Meadow Ridge West Condominium Association the second month high water bill payment of the two bills due September 17, 2007 and October 15, 2007, receive an average water usage for one year, and adjust the other bills plus remove all late charges. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Oberkfell, and Stumpf voted yea. Alderman Hejna abstained since she is a property owner in the Meadow Ridge West Condominium Association. Motion Carried.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to approve the minutes of the Water and Sewer Committee meeting held Monday, January 14, 2008 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

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

Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, January 14, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

1. Main Street Streetscape Lighting

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Hejna, to accept the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee and approve Configuration #1 with a 25 ft. pole for the City of Columbia Main Street Streetscape lighting fixtures. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

2. Ferkel Street Parking

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 approve the parking on one side only of Ferkel Street subject to the recommendation of the City Engineer. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Approval of the minutes was delayed until the next meeting of the Council in order to allow the Council to review the minutes since they were first received prior to the meeting.

E. Personnel Committee

Minutes of the Personnel Committee meeting held Monday, January 14, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Hejna, to approve the minutes of the Personnel Committee meeting held Monday, January 14, 2008 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

F. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, January 14, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

1. Auto Repairs and Sales

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Hejna, to accept the recommendation of the Ordinance, Planning, and Zoning Committee and amend the Zoning Code of the City of Columbia, Illinois to add a new Special Use in a C-3 (Highway Business District) zoned district titled Auto Repair and Sales as an Ancillary Use. 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 Ordinance, Planning, and Zoning Committee meeting held Monday, January 14, 2008 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**IX. CALL FOR COMMITTEE MEETINGS**

Monday, January 28, 2008

6:30 PM - Finance, Claims, Bonds, and Interest

Monday, February 11, 2008

6:45 PM - Streets, Sidewalks, Drainage, and Public Utilities

7:00 PM - Fire Department

**X. EXECUTIVE SESSION**

Mayor Hutchinson informed the Council he would entertain a motion to go into Executive Session for the purpose of discussing the Columbia Crossing litigation, land acquisition, and personnel.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Oberkfell, to direct the Mayor to go into Executive Session at 9:02 PM for the purpose of discussing the Columbia Crossing litigation, land acquisition, 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 Niemietz, and seconded by Alderman Ebersohl, to return to the Regular Session of the City Council at 9:37 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. Community Development Director

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to direct the City Administrator to proceed with the negotiations to employ a Community Development Director as discussed in Executive Session. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, and Stumpf voted yea. Aldermen Hejna and Oberkfell voted nay. Motion Carried.

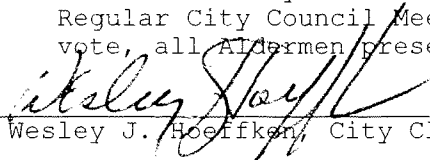
B. Freedom Of Information Act Request - Legal Fees

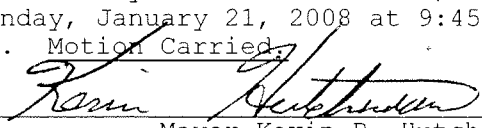
Alderman Hejna stated she wanted to continue the discussion on the Freedom of Information Act Request filed by Mr. Will Trowbridge requesting a copy of invoices from HeplerBroom. Alderman Hejna then inquired if Mr. Hoeffken contacted Mr. Skigen via email or a phone call. Mr. Hoeffken stated the contact was made via an email. Alderman Hejna then inquired why the Council did not receive a copy of the email correspondence with Mr. Skigen. Mr. Hoeffken explained the communication between himself and his Deputy Clerk and the clarification he received from Mr. Skigen, which resulted in the detail information from the invoices not being provided, as requested via the FOIA request. Alderman Hejna stated that all FOIA requests regarding information about the Columbia Crossing development, and associated litigation should be forwarded to Mr. Skigen prior to responding to the FOIA request. Mr. Hoeffken explained it was his opinion that Mr. Skigen only wanted to see FOIA requests submitted by, or on behalf, of G.J Grewe or Columbia Crossing LLC. Alderman Unnerstall stated he agreed with Alderman Hejna and also requested the City Clerk refer all FOIA requests regarding Columbia Crossing to Mr. Skigen for direction.

XI. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to adjourn the Regular City Council Meeting held Monday, January 21, 2008 at 9:45 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

  
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Wesley J. Hoeffken, City Clerk

  
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Mayor Kevin B. Hutchinson