

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, JULY 21, 2008 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:02 PM. Upon Roll Call, the following members were:

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

Quorum Present.

Administrative Staff Present:

<input checked="" type="checkbox"/> City Clerk Wes Hoeffken	<input type="checkbox"/> City Administrator Anthony Traxler
<input checked="" type="checkbox"/> City Attorney Tom Adams	<input checked="" 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 checked="" type="checkbox"/> Director of Economic Development Paul Ellis
<input checked="" type="checkbox"/> Fire Chief Mike Roediger	<input checked="" 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 Regular Meeting of the City Council held Monday, July 7, 2008 were submitted for approval.

MOTION:

It was moved and seconded to approve the minutes of the Regular Meeting of the City Council held Monday, July 7, 2008, as on file at City Hall.

Moved by: Niemietz Second: Row Vote: Roll Call

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

Motion Carried 8 To 0

Aldermen Agne and Stumpf abstained since they were not present for the July 7, 2008 meeting.

III. DELEGATIONS

A. Recognition Award - Chief Joe Edwards

Deputy Chief Jerry Paul, and the Columbia Police Department, presented a recognition award and plaque to Chief Edwards for his completion of the FBI National Police Chiefs Academy.

B. Freedom of Information - Jack Norman

Mr. Jack Norman, of 906 N. Metter, Columbia, IL, read a prepared statement regarding the Freedom of Information Act (FOIA) and a Freedom Of Information Request (FOIR) he filed with the City in April 2007. Mr. Hoeffken responded that his office had previously responded to the FOIR informing him as requested, the records are available for inspection.

C. Big Box Ordinance

Mr. Joe Cotton of 517 Columbia Avenue, Dupo, IL, read a statement regarding the need for a Big Box Ordinance. Mrs. Audrey Wattler, of Fenton, MO, addressed the Council regarding the Gravois Bluff development. Suzette Cotton Bement, of 208 E. Madison, Columbia, IL, read a statement to the Council.

Mayor Hutchinson thanked all of the guests and stated all of the concerns have been, or are being addressed. Alderman Unnerstall stated the Master Development Agreement promises to provide all tax incentives to the developer and he does not see how the tax payers will benefit from the development.

IV. REPORT OF OFFICERS

A. Fire Department

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

1. Ordinance No. 2669 - Foreign Fire Insurance Company Fee

MOTION:

It was moved and seconded to pass Ordinance No.2669, an ordinance amending Section 2.36 (Fire Department) of Title 2 (Administration and Personnel) of the Municipal Code of the City of Columbia, Illinois to add thereto Chapter 2.36.100 (Foreign Fire Insurance Company Fee) to assess a Foreign Fire Insurance Company Fee of 2% of the gross receipts received from the sale of fire insurance by insurance companies not incorporated in Illinois upon property situated in the City of Columbia, Illinois and to establish a Foreign Fire Insurance Board to administer the Foreign Fire Insurance Fees received by the City under and pursuant to the Foreign Fire Insurance Company Fee Statute of the State of Illinois (65 ILCS 5/11-10-1, ET. SEQ).

Moved by: Ebersohl Second: Hejna Vote: Roll Call

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

Motion Carried 9 To 0

B. Library Board

There was no monthly report of the Library Board since there was no meeting of the Library Board.

C. Building and Zoning

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

D. Police Department

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

E. EMS Department

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

F. City Engineer

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

1. 2008 Motor Fuel Tax Maintenance Program Bids

MOTION:

It was moved and seconded to accept the low bid of \$21,375.00 submitted by McClair Asphalt Sales, LLC for Item 1, and the low bid of \$9,375.00 submitted by McClair Asphalt Sales, LLC for Item 2, and the low bid of \$8,600.46 submitted by Wolfmeier Trucking for Item 3, and the low bid of \$12,645.05 submitted by Beelman Logistics for Item 4, and the low bid of \$1,740.00 submitted by Columbia Quarry Co. for Item 5, and the low bid of \$1,740.00 submitted by Columbia Quarry Co. for Item 6, and the low bid of \$1,240.00 submitted by Columbia Quarry Co. for Item 7, and the low bid of \$19,791.25 submitted by Concrete Supply of Illinois for Group 8, and the low bid of \$5,912.50 submitted by Columbia Quarry Co. for Group 9, and the low

bid of \$36,319.29 submitted by JTC Petroleum Co. for Item 10, and the low bid of \$3,727.40 submitted by Wolfmeier Trucking for Item 12.

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

2. Old Town Project - Easements

MOTION:

It was moved and seconded to approve the payment to property owners for easements for the Old Town Improvement Project.

Moved by: Unnerstall 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

3. Ordinance No. 2670 - Prohibit Ground Water Consumption

Alderman Unnerstall stated this ordinance should not be approved until a letter is sent to all of the landowners impacted by the area. Mr. Williams stated the IEPA will require official notification via registered mail once the ordinance is approved.

MOTION:

It was moved and seconded to pass Ordinance No. 2670, an ordinance prohibiting the use or consumption of ground water in a specified area at or near the intersection of North Main Street and East Lepp Avenue in the City of Columbia, Illinois as a result of probable ground water contamination caused by release of petroleum (gasoline and diesel fuels) from a former service station site at 906 North Main Street in the City of Columbia, Illinois.

Moved by: Row Second: Ebersohl Vote: Roll Call

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

Motion Carried 7 To 2

4. Harrisonville Telephone Company Easement

MOTION:

It was moved and seconded to draft an ordinance approving an easement along the north side of the proposed Creekside Park to Harrisonville Telephone Company (HTC) for the installation of new buried facilities contingent upon HTC agreeing to relocate the buried facilities if they interfere with future development of the park.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

G. Plan Commission

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

H. City Attorney

Mr. Adams informed the Council he had a land acquisition item that needed to be discussed in Executive Session.

I. Administration Department

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

1. Interim City Administrator Appointment

Alderman Hejna read a prepared statement regarding the interim appointment of a City Administrator. Alderman Hejna stated the Mayor did not have the authority to appoint a temporary City Administrator, and questioned why the Mayor would appoint someone so closely associated with the Madison County machine. Alderman Hejna also stated having a City Administrator was a failed experiment. Mayor Hutchinson stated Mr. Hank Sinda has years of experience and is highly qualified for the position.

MOTION:

It was moved Alderman Hejna to suspend expenditures for the salary of a City Administrator.

Mayor Hutchinson stated Alderman Hejna can not make a motion to cease the expenditure of the salary for a City Administrator without an ordinance amending the current budget. Alderman Unnerstall stated he too did not think the Mayor had the authority to appoint a temporary administrator. Mr. Adams explained the state statute, specifically Section 3.1-30-5 of the Illinois Municipal Code (65ILCS 5/3.1-30-5) authorizes the Mayor to appoint a temporary successor to the City Administrator Office if the position is vacated due to the office being abandoned. Abandonment is when the office holder leaves the office with the intent of not returning. Mr. Adams then explained effective August 6, 2008, Mr. Traxler will be abandoning the position of the City Administrator. Alderman Unnerstall stated the City's Personnel Code states any temporary appointments are with the advice and consent of the Council. Mr. Adams explained that the Personnel Code applies to City "employees" and does not apply to "appointed City Officers". The appointment of "appointed City Officers" is governed by State Statute (the Illinois Municipal Code) and not by the City Personnel Code. Further, the Personnel Code being referred to here is apparently referring to "temporary" vacancy in a City employee position rather than "abandonment" of an appointed City Office". Mr. Adams also stated City ordinances do not preempt state statutes. Alderman Unnerstall expressed concern the Mayor and the Chairman of the Personnel Committee did not confer with the rest of the Council. Alderman Oberkfell stated there is a difference between interim and temporary. Mr. Adams stated it is actually a difference between temporary vacancy and abandonment of an office. Alderman Hejna stated an Administrator is not needed and the department heads can report to the various committee chairs. Mayor Hutchinson stated four years ago the Council decided to take politics out of the day to day operations of the City and decided to employ an Administrator.

2. Assistant City Engineer Hire Recommendation

Alderman Stumpf inquired if the Personnel Committee was involved in the interview and selection process for Mr. Searcy. Alderman Niemietz explained that Mr. Traxler and Mr. Williams conducted the initial interviews and narrowed the field to three candidates, at which time she participated in the interviews. Alderman Niemietz then stressed she offered no recommendation since it is the Administrator and City Engineer who will be working with this person. Alderman Unnerstall stated he does not have an issue with the recommendation of Mr. Williams, but the process to hire is not being performed, and consequently can not support the employment of Mr.

Searcy. Alderman Niemietz stated she will schedule a Personnel Committee meeting to review the recommendation of Mr. Williams.

MOTION:

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

Moved by: Niemietz Second: Row Vote: Voice

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

MOTION:

It was moved and seconded to authorize the payment of vouchers received through July 18, 2008; the total amount of the vouchers to be paid is one hundred seventy-eight thousand, two hundred forty-seven dollars, and fifty cents (\$178,247.50).

Moved by: Hejna 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

B. Statement of Funds

The June Statement of Funds was presented to the Council.

MOTION:

It was moved and seconded to accept the June Statement of Funds as presented.

Moved by: Hejna 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

VI. OLD BUSINESS

A. Ordinance No. 2671 - Monroe County Emergency Operation Plan

MOTION:

It was moved and seconded to adopt the 2008 Monroe County Emergency Operation Plan and Hazardous Mitigation in accordance with National Incident Management System and Homeland Security Rules.

Moved by: Agne Second: Row Vote: Roll Call

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

Motion Carried 9 To 0

B. Release of Executive Session Minutes

Mr. Hoeffken informed the Council Mr. Mark Weisman has reviewed the minutes of the March 15, 2008 Executive Session meeting and did not see any reason to not release the minutes. Mr. Hoeffken also explained Mr. Adams had deferred this matter to Mr. Weisman since it was a personnel issue. Alderman Unnerstall stated he wants Chief Edwards to review the minutes to insure he has no objection to releasing the minutes.

C. Library Board Appointment

There was no action by the Council on this item.

VII. NEW BUSINESS

A. Great Rivers Ride Agreement

MOTION:

It was moved and seconded to approve the Illinois Department of Transportation Illinois Great Rivers Ride 2008 agreement selecting Columbia, Illinois as a featured city on the ride and to authorize the use of Bolm-Schuhkraft Memorial Park for camping the night of Sunday, September 7, 2008, contingent upon coordinating the event with the Columbia Police Department, The Department of Public Works, and the Office of the City Clerk.

Moved by: Niemietz 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

VIII. REPORT OF STANDING COMMITTEES

A. Finance, Claims, Bonds and Interest Committee

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

MOTION:

It was moved and seconded to approve the minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, July 14, 2008 as submitted and on file at City Hall.

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

B. Finance, Claims, Bonds and Interest Committee & Fire Department

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

MOTION:

It was moved and seconded to approve the minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, July 14, 2008 as submitted and on file at City Hall.

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

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

Corrections were forwarded to the City Clerk.

1. Mixed Use Development District

MOTION:

It was moved and seconded to accept the recommendation of the Ordinance, Planning, and Zoning Committee and approve the change to the proposed Mixed Use Development District requiring a 60-day review process for a MDD.

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

MOTION:

It was moved and seconded to accept the recommendation of the Ordinance, Planning, and Zoning Committee to leave unchanged the proposed Mixed Use Development District requiring a mutual consultant selection.

Moved by: Agne Second: Ebersohl Vote: Roll Call

Alderman Unnerstall stated he was voting no because this leaves the MDD open-ended.

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

Motion Carried 5 To 4

MOTION:

It was moved and seconded to accept the recommendation of the Ordinance, Planning, and Zoning Committee and to leave unchanged the proposed Mixed Use Development District requiring the incentive language be treated as a separate issue and not part of the MDD ordinance.

Moved by: Agne Second: Ebersohl Vote: Roll Call

Alderman Row inquired if the incentive package should be in place before the zoning, to reduce the possibility of having to change the zoning if the incentive package is not approved. Alderman Agne stated the land use has to be in place before an incentive package can be negotiated. Alderman Oberkfell stated the incentive package and zoning request should be a parallel process. Alderman Agne stated they typically do run a parallel course. Alderman Unnerstall stated if a developer comes in with a major development, you should know the incentives as part of the MDD request. Alderman Agne stated the developer will want to know the zoning is in place before he purchases the property. Alderman Stumpf stated shortly after being elected, he talked to a business person with experience in TIF who stated it is a simple process; you identify the incentives, complete a feasibility study, and if the numbers don't work, you walk away from the project. Mayor Hutchinson inquired if Mr. Koppeis also told Alderman Stumpf that his development was zoned before the incentive package was negotiated?

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

Motion Failed 5 To 3

MOTION:

It was moved and seconded to accept the recommendation of the Ordinance, Planning, and Zoning Committee and approve a change to the Zoning Code expediting the Special Use Permit process by allowing the Zoning Board of Appeals to approve a change to the zoning code and approving the special use request in the same meeting.

Moved by: Agne 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 accept the recommendation of the Ordinance, Planning, and Zoning Committee and direct the Plan Commission to study the Big Box Ordinance and report back to the Council.

Moved by: Agne Second: Niemietz Vote: Roll Call

Alderman Stumpf stated the Big Box Ordinance should be attached to the Mixed Use Development District (MDD). Alderman Unnerstall stated the MDD applies city-wide and should not take effect until the Big Box Ordinance is approved.

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 Ordinance, Planning, and Zoning Committee meeting held Monday, July 14, 2008 as amended and on file at City Hall.

Moved by: Agne 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

IX. CALL FOR COMMITTEE MEETINGS

Monday, August 11, 2008

7:00 PM - Joint Meeting

Finance, Claims, Bonds, and Interest
Fire Department

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.

MOTION:

It was moved and seconded to direct the Mayor to go into Executive Session at 9:55 PM for the purpose of discussing land acquisition.

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

MOTION:

It was moved and seconded to return to the Regular Session of the City Council at 10:11 PM.

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

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. Employ Myron Hanna - Special Counsel

MOTION:

It was moved and seconded to employ Myron Hanna to represent the City in the pending Winnifred Fiege estate claim.

Moved by: Row 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

XI. ADJOURNMENT

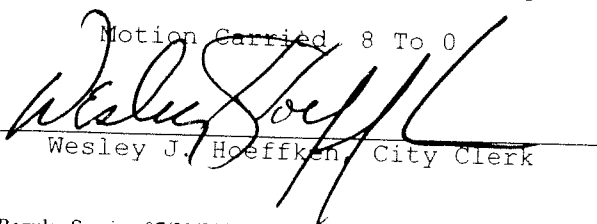
MOTION:

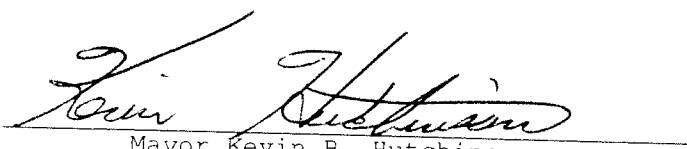
It was moved and seconded to adjourn the Regular City Council Meeting held Monday, July 21, 2008 at 10:14 PM.

Moved by: Agne 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


Wesley J. Hoeffken, City Clerk


Mayor Kevin B. Hutchinson