

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF
THE CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
MAY 14, 2018 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Chairman Niemietz called the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois to order at 7:03 P.M.

Upon Roll Call, the following members were:

Present: Committee Members - Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens. Mayor Hutchinson was also present.

Absent: Alderman Ebersohl.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney Terry Bruckert, City Clerk and Director of EMA Wes Hoeffken, City Engineer Chris Smith, Building Official Justin Osterhage, Police Chief Jerry Paul, Deputy Chief of Police Jason Donjon, EMS Chief Kim Lamprecht, and Deputy Clerk Donna Mehaffey.

Guests: James and Jeanine Lansing of 1103 Palmer Creek Drive, Developers of Gedern Estates - Bill Hawn and Norman Schaefer, and David and Mary Ann Rodenberg of 3 Briarhill Lane.

Those in attendance recited the Pledge of Allegiance.

Chairman Niemietz stated the meeting was called for the purpose of discussing: (1) Approval of Minutes from the April 23, 2018 Committee of the Whole Meeting; (2) Approval of Executive Session Minutes from the April 23, 2018 Committee of the Whole Meeting; (3) Budnick Converting Variance Application (104 Mark Drive); (4) 1103 Palmer Creek Drive Drainage; (5) Storm Sewer in Briarhill Subdivision - 3 Briarhill; (6) Groundwater Ordinance Effecting 305 North Main Street and Surrounding Properties; (7) Enterprise Zone; (8) Other Items to be Considered; (9) Public Comments; and (10) Executive Session – 5 ILCS 120/2(c)

II. APPROVAL OF MINUTES FROM THE APRIL 23, 2018 COMMITTEE OF THE WHOLE MEETING

The minutes from the April 23, 2018 Committee of the Whole committee meeting were submitted for approval.

MOTION:

It was moved by Alderman Reis and seconded by Alderman Holtkamp, to approve the minutes from the April 23, 2018 Committee of the Whole committee meeting as corrected. Upon Roll Call vote, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

III. APPROVAL OF EXECUTIVE SESSION MINUTES FROM THE APRIL 23, 2018 COMMITTEE OF THE WHOLE MEETING

The Executive Session minutes from the April 23, 2018 Committee of the Whole committee meeting were submitted for approval.

MOTION:

It was moved by Alderman Reis and seconded by Alderman Martens, to approve the Executive Session minutes from the April 23, 2018 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

IV. BUDNICK CONVERTING VARIANCE APPLICATION (104 MARK DRIVE)

Building Official Justin Osterhage reported to the Committee on the Budnick Converting Variance Application.

Budnick Converting, Inc. at 104 Mark Drive located in a C-3 (Highway Business District) Zoning District is requesting a variance from Section 16.4.13 (D) "No fences shall exceed seventy-two (72) inches in height". The applicant desires to erect a security and screening fence ninety-six (96) inches in height for their mechanical equipment and tanks. The members of the Zoning Board of Appeals voted unanimously 4 to 0 to accept and is requesting City Council recommendation.

It was the consensus of the Committee to recommend the proposed ordinance for the Budnick Converting Variance be considered for approval at the next City Council meeting.

V. **1103 PALMER CREEK DRIVE DRAINAGE**

City Engineer Chris Smith led the discussion regarding the drainage issue at the James and Jeanine Lansing property at 1103 Palmer Creek Drive. Photos of the eroding bank near and past the property, Google Earth photos of Palmer Creek from 1988, 1998, 2002, 2004, the Trunk "G" Sewer, the James and Jeanine Lansing Sewer and the Midwest Streams, Inc. report were referenced from the meeting packet.

Mr. Smith reported on the background of the drainage issue. Mr. Lansing had first contacted him in 2015. Mr. Smith said the City does not have any jurisdiction or authority on Palmer Creek and is a regulated waterway by the Corp of Engineers. He added that since 2000 to current, most of the subdivisions have a disclaimer that says any drainage issues are the responsibility of the home owner or the homeowners' association. Mr. Smith contacted the Corp of Engineers to have them look at the situation and see what the options are. The Corp of Engineers recommended Midwest Streams, Inc. and Mr. Wayne Kinney, Stream Specialist be contacted. Mr. Kinney pointed out that on the aerial from 2004, there may have been 600 feet of channel removed from the original Palmer Creek. Mr. Kinney explained that when an area of channel is removed, the creek has less of an area to flow and will flow faster than before. This may have possibly accelerated the eroding bank near the Lansing home. A report was completed by Midwest Streams, Inc. and the cost to repair the creek near the Lansing home was approximately \$40,000. It was then brought to Mr. Smith's attention by one of the developers who is an attorney that when the DRD Eckert sewer line was installed 30 years ago, that the City may have possibly connected the creek at that time and the City should also help participate in the solution. No public works employees or even the superintendent at that time were aware of any changes to the creek when the DRD Eckert sewer line was installed as some of the public works employees still work for the City. Mr. Smith said he was asked for the City's participation in the repair and Mr. Smith said it would have to be brought before the Committee of the Whole for discussion.

Mr. James Lansing provided a timeline of events and added that Mr. Smith has been extremely helpful with this situation. Mr. Lansing said he purchased the property in January 2011 and at that time the creek was a small creek, was no more than a ditch, and they could walk across it. Mr. Lansing said it was basically about 10 feet wide and four (4) to five (5) feet deep. There were no issues for five (5) years. The Village of Wernings subdivision begins to be developed and there is a retention pond behind it. If there is a heavy rain, all of the rain from the Village of Wernings is to go into the retention pond. Mr. Lansing reported all of the water does not go into the retention pond and that it runs in a ditch behind all of Palmer Creek and then it flows into Palmer Creek. Mr. Lansing said that was starting to cause a little bit of the erosion at their property. When the next phase of Village of Wernings started to be developed and graded, at the corner of Rueck Road and Quarry Road, there were two ditches that ran to the creek

behind the Lansing home. In January and February 2016, there were heavy rainfalls at the time. The water was rushing so hard through the creek, that a large chunk of the embankment broke off near his home. Mr. Lansing spoke to Mr. Smith regarding the creek issue and Mr. Smith then spoke to the developers of the Village of Wernings about their drainage issues. Mr. Lansing showed pictures from March and April 2016 after the rains had stopped and the Village of Wernings had worked on the drainage issue. Now, the water is not draining into the creek with such force, but the problem has already been created. Mr. Lansing, Mr. Smith, and the Corp of Engineers had a meeting and Tyson with the Corp of Engineers suggested to contact Mr. Kinney with Midwest Streams. In January 2017, they met with Mr. Kinney, Tyson of the Corp of Engineers, Mr. Smith and Attorney and Developer Mr. Art Morris to see how this issue could be repaired. See the Midwest Streams, Inc. report. Mr. Lansing said everyone was in agreement the creek needed to be cut back straight. Mr. Lansing also noted that Mr. Kinney surveyed Mr. Lansing's property. Mr. Lansing also said Mr. Mike Luhr of Luhr Brothers contacted him and had an employee of Luhr Brothers look at the issue in February 2017 and said it would cost approximately \$42,000 to fix it and that amount is way on the high side. Mr. Lansing asked Mr. Smith why the City of Columbia could not fix the issue as he is paying property taxes and the City has the manpower and equipment to do it. Mr. Smith said there are other issues; he can't make the decision and it has to go before the City Council. Mr. Lansing said the Village of Wernings ditches are gone, there has not been any torrential rains, there has not been an issue, but it does need to be fixed. Mr. Lansing reached out to Mr. Smith again in August 2017 since he had not heard anything. Mr. Lansing commented a creek is a living entity, you can't move it and is trying to go back to its original direction. Mr. Lansing referenced the aerial view map from 1988 where the creek was located and said someone moved the creek and removed 600 feet out of the channel. Mr. Lansing said if the creek would have been left straight across, this problem would not exist today. He also referenced the aerial view map from 2004 and compared to 1988, the creek had been moved. He then referenced the sewer line map he received from Mr. Smith that shows the sewer line was installed behind the Norman Schaefer residence, the creek and Mr. Lansing's home. Mr. Lansing said you can tell by the pictures that whomever installed the sewer line, that is who moved the creek channel. Mr. Lansing said he then met with Mr. Norman Schaefer and Mr. Ed Schaefer to give him some history on the sewer line because they have farmed that area their whole lives. Mr. Lansing said of today the creek is 13 feet from his home, but looking from the other side of the creek, there is a crack and when that portion of the embankment falls off, the creek will be 10 feet from his home. He added the creek is much wider and deeper from when they purchased the property.

Mr. Norman Schaefer of 412 Quarry Road and one of the developers of Gedern Estates addressed the committee about the situation. He said he has been farming the property all his life and said the City did move the creek because the City did not want to run the sewer line through under the creek. Mr. Schaefer added the City made the creek straight,

shortened it off and ran the sewer line on the north side of the creek when Lakefield Place was developed. Mr. Schaefer said that is what changed it because the City wanted to make a straight shot, otherwise, the City would have to go all the way around. Mr. Schaefer added the City actually cleared about one acre of woods and it happened in the early 1990's. Mr. Schaefer said he is just verifying that is what took place and said the creek got straight when the sanitary sewer line was installed. Alderman Roessler clarified that none of the Gedern Subdivision development was going on and that it was all farm land. Mr. Schaefer said that some of the development going on at that time was the Franke and the Emma Heinrich property and that no other development was going on at the time. Mr. Schaefer said his home was built in 1998 and the Gedern Estates Subdivision was developed in 2000 and the Village of Wernings Subdivision was not started.

Mayor Hutchinson questioned the 2004 Aerial Photo of Palmer Creek where it shows the 600 feet of old channel removed. He stated if the 600 feet of old channel was removed 30 years ago, how would that cause a problem recently at the Lansing property. Mr. Smith noted if the creek was manipulated, it had to be done between April 1988 and August 1988 according to the aerial photos. Mayor Hutchinson also said if the creek was changed 30 years ago, why wasn't there a problem until the latest developer did not install their drainage properly. Mayor Hutchinson also said the kink in the creek has always been there and nothing had happened to the kink 30 years prior.

Mr. Schaefer pointed out that there used to be a pond that the Franke family owned and all the water from the north went into the pond where Phase 4 of the Village of Wernings is taking place at the corner of Rueck Road and Quarry Road. He said it was basically a catch basin for the water before it went into Palmer Creek and was eliminated when all of the earth moving was completed by the Village of Wernings Phase 4 developers. Alderman Martens vouched for the pond being there at one time and then was removed.

Mayor Hutchinson reiterated with Mr. Lansing that since the Village of Wernings fixed their drainage issues, installed them the proper way, and have not had any torrential rains, the Palmer Creek erosion is not getting any worse in the past two years. Mayor Hutchinson said the point he is seeing is whether the City moved the creek or whether nature moved the creek and whatever happened in the red loop, the water stopped running through there. Then approximately 30 years later, a developer develops and then some 14 or 15 years later, another developer develops and that is when you start seeing the issues within the last seven to two years. Mr. Lansing said most of the damage occurred in about one year, 2016 to 2017. Mayor Hutchinson said the issue is not Mr. Lansing's and something caused the water to change in the creek from the day his home was built to when the bad erosion happened and to change again and today doesn't seem as bad in these current heavy rains. Mayor Hutchinson said that entity seems to be the developer of the Village of Wernings. He added he is not trying to pass the buck, but

someone needs to step up and help Mr. Lansing. Mayor Hutchinson doesn't think it is necessarily the City's problem or maybe need to research this issue and discuss with the City's attorney. Mayor Hutchinson stated it seems like there may be another entity or so that the City has to have discussions with because the City of Columbia isn't always the catch-all for these issues. When developers and people do things and things happen, sometimes they may not do it per plan and then actions need to be taken, but is not sure what that is.

Hypothetically, Mr. Lansing said if the creek would have been left alone 30 years ago, maybe this problem would not have happened at all.

Alderman Roessler said he remembers when the latest subdivision being developed at Rueck Road and Quarry Road, the developer opened up the pond and let it flow into the creek. Alderman Roessler said that was about the time when all the water was coming through the creek with the heavy rains. With the retention pond being gone plus the lack of grading on the new development, he can see how these issues compounded.

Mr. Lansing said one thing everyone is in agreement is that it needs to be repaired. He added that if the creek would be repaired by removing the two bends and go straight across, that would fix the situation. Mr. Smith said that a joint application would have to be filed with the Corp of Engineers and the same application would have to be filed with the IEPA, and the IDNR. It goes to all three entities. Mr. Smith said the Corp of Engineers would be amicable with it, the IEPA would not have any water quality issues, and the only unknown is the IDNR because there is over one square mile of drainage. Mr. Smith does not know if the IDNR needs an individual permit or not and is not sure how they would handle this situation.

After discussion, Mayor Hutchinson proposed to have a dialogue with Mr. Smith and the City Attorney about what options can be outlined, completed, timelines, what other entities are involved, legalities, etc. and Mr. Lansing will be contacted if needed. It was the consensus of the Committee to move forward with Mayor Hutchinson's proposal.

VI. STORM SEWER IN BRIARHILL SUBDIVISION - 3 BRIARHILL LANE

Mr. Smith reviewed with the Committee the Briarhill Subdivision storm sewer issue at the David and Mary Ann Rodenberg property located at 3 Briarhill Lane. References were made from Google Earth maps from the Briarhill Subdivision in 2002, 2004, 2005, 2008, 2015, 2017, Briarhill Subdivision Plats, and photos one and two from the subdivision. The Rodenbergs live at the end of a cul-de-sac and a hole has been created in their yard. Mr. Smith explained it is the end of the run for the storm sewer and is a dead end pipe which caused the hole. He added the pipe needs to be extended and run to an opening from which it can drain away naturally. The subdivision was developed in

1984. Mr. Smith noted that since this concern was located on private property, he wanted to get the Committee's authorization.

It was the consensus of the Committee to draw up the utility easements needed and repair the storm sewer issue at 3 Briarhill Lane.

VII. GROUNDWATER ORDINANCE EFFECTING 305 NORTH MAIN STREET AND SURROUNDING PROPERTIES

Mr. Morani presented to the Committee a proposed ordinance entitled "An Ordinance Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by any Other Method" regarding 305 N. Main Street - Schlemmer Automotive, Inc. and surrounding properties. Mr. Morani explained the City of Columbia does not have a City wide groundwater ordinance and the proposed ordinance will satisfy the groundwater ordinance in this area. A similar ordinance was completed for the old Neighborhood Shell Gas Station at 906 North Main Street.

A brief discussion was held regarding any operation of wells in the City of Columbia.

It was the consensus of the Committee to move forward with the proposed Groundwater Ordinance for 305 North Main Street and surrounding properties for consideration at the next City Council meeting.

VIII. ENTERPRISE ZONE

Mr. Morani presented a sample agreement for an Enterprise Zone entitled "Agreement for Technical Services and Assistance Enterprise Zone Application Monroe/Randolph County Enterprise Zone". Mr. Morani informed the Committee about the proposed establishment of an Enterprise Zone and said two meetings had been held with Monroe County Economic Development Corporation that he, Alderman Kevin Martens, and former Director of Community Development Emily Fultz attended. He said there is not an Enterprise Zone in Monroe or Randolph County. Several years ago, the State of Illinois changed the process about how many zones would be established as well as the application process. Many EDC members feel it is a good idea to pursue an Enterprise Zone. An application must be prepared and there are 10 criteria that are outlined in the proposal that the commission at the State level reviews to determine eligibility and ratings for the proposed Enterprise Zones. He said there are zones that will not renew and some are consolidating so there will be between 10 to 14 zones up for grab this year. Mr. Morani said costs will be shared with other entities and all Monroe County participants are on board and would adopt the same agreement.

An Enterprise Zone was explained by Mayor Hutchinson. If a company is building a commercial building in an Enterprise Zone, the company does not have to pay sales tax on the building materials as long as the building materials are purchased in the State of Illinois. The zone is an actual district and all areas of the zone have to be contiguous. It is similar to a TIF District or a Business District. Mr. Morani said there is a list by the Illinois Department of Revenue that outlines what items are covered as building materials. If the item is attached to the building, it is usually eligible for the sales tax exemption. If it is a piece of equipment or furniture that could be removed, it would not be eligible. It was made clear that the sales tax exemption is only on building materials and not on the proposed business items sold; the Enterprise Zone is not being proposed for residential and a property tax abatement would not be included as a benefit. Mr. Morani mentioned some Enterprise Zones will have tax abatements for commercial and industrial properties, but the proposed one will not. Mr. Morani said he can distribute to the Committee the complete list of incentives for the proposed Enterprise Zone. He added the proposed zone is 15 square miles.

It was the consensus of the Committee to move forward on the proposed Enterprise Zone agreement, "Agreement for Technical Services and Assistance Enterprise Zone Application Monroe/Randolph County Enterprise Zone" for consideration at the June 4th City Council meeting.

IX. OTHER ITEMS TO BE CONSIDERED

A. Signage

Mr. Morani mentioned for informational purposes that Building Official Justin Osterhage's office sent out letters to several property owners that dealt with illegal signage.

B. Gas Line Break Update

City Engineer Chris Smith reported he has been getting more information and provided an update on the gas line break that occurred on May 11 at North Main Street.

X. PUBLIC COMMENTS

There were no public comments.

XI. EXECUTIVE SESSION – 5 ILCS 120/2(c)

Chairman Niemietz informed the Committee of the Whole that she would entertain a motion to go into Executive Session to discuss the Purchase or Lease of Real Estate and Litigation and as permitted under 5 ILCS 120/2(c)(5) and (11).

MOTION:

It was moved by Alderman Reis and seconded by Alderman Martens, to direct Chairman Niemietz to go into Executive Session at 8:10 P.M. to discuss the Purchase or Lease of Real Estate and Litigation as permitted under 5 ILCS 120/2(c)(5) and (11). Upon Roll Call vote, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

MOTION:

It was moved by Alderman Reis and seconded by Alderman Agne, to return to the Regular Session of the Committee of the Whole at 8:30 P.M. Upon Roll Call vote, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

Upon return to Regular Session, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp, Martens, and Mayor Hutchinson were present.

No action was taken as a result of Executive Session.

XII. ADJOURNMENT

MOTION:

It was moved by Alderman Reis and seconded by Alderman Agne to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, May 14, 2018 at 8:31 P.M. Upon voice vote, Chairman Niemietz and Aldermen Agne, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

Minutes taken by:



Chairman Mary Ellen Niemietz _____
Committee of the Whole

Donna Mehaffey, Deputy Clerk