

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, FEBRUARY 2, 2009 IN THE COUNCIL ROOM OF CITY HALL

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:00 PM. Upon Roll Call, the following members were:

| | | | | | |
|------------|---|---------------------------------|-----------|---|---------------------------------|
| 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 checked="" type="checkbox"/> City Administrator Al Hudzik |
| <input checked="" type="checkbox"/> City Attorney Tom Adams | <input type="checkbox"/> Chief of Police Joe Edwards |
| <input 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 type="checkbox"/> Fire Chief Mike Roediger | <input type="checkbox"/> Deputy Chief of Police Jerry Paul |
| <input type="checkbox"/> Deputy CEMS Director Ken Buss | <input 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 Tuesday, January 20, 2009 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. There was a discussion regarding some of the requested changes.

MOTION:

It was moved and seconded to approve the minutes of the Executive Session of the City Council held Tuesday, January 20, 2009, as amended and on file at City Hall.

Moved by: Ebersohl Second: Agne Vote: Roll Call

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

Motion Failed 5 To 3

The minutes of the Regular Meeting of the City Council held Tuesday, January 20, 2009 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 Tuesday, January 20, 2009, as amended and on file at City Hall.

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

III. DELEGATIONS

There were no delegations present.

IV. REPORT OF OFFICERS

A. City Engineer

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

1. Lighting Upgrade Grant

MOTION:

It was moved and seconded to proceed with the upgrading of the fixtures and lamps in the Police and Fire Department facilities by Nu-Way Lighting with the excess amount of \$1,436.17 being waived by Nu-Way Lighting.

Moved by: Oberkfell Second: Agne 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. Ordinance No. 2703 - Employ Oates Associates, Inc.

MOTION:

It was moved and seconded to pass Ordinance No. 2703, an ordinance employing Oates Associates, Inc. of Collinsville, Illinois to render professional services to the City of Columbia, Illinois in connection with preliminary and construction engineering for the Kunz Street improvements.

Moved by: Eberschl 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

3. Ordinance No. 2704 - Employ Oates Associates, Inc.

MOTION:

It was moved and seconded to pass Ordinance No. 2704, an ordinance employing Oates Associates, Inc. of Collinsville, Illinois to render professional services to the City of Columbia, Illinois in connection with preliminary engineering for the IL-3 and South Main Street intersection improvements.

Moved by: Ebersohl Second: Niemietz 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

4. Ordinance No. 2705 - Employ Oates Associates, Inc.

MOTION:

It was moved and seconded to pass Ordinance No. 2705, an ordinance employing Oates Associates, Inc. of Collinsville, Illinois to render professional services to the City of Columbia, Illinois in connection with construction engineering for the IL-3 and South Main Street intersection improvements.

Moved by: Row Second: Ebersohl 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

5. Burns & McDonnell Professional Services Agreement

MOTION:

It was moved and seconded to authorize the City Engineer to proceed with Amendment No. 4 to the Professional Services Agreement with Burns & McDonnell for Old Town engineering services.

Moved by: Row Second: Unnerstall Vote: Roll Call

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

Motion Carried 7 To 1

6. Main Street Streetscape Project

MOTION:

It was moved and seconded to accept the recommendation of the City Engineer and proceed with the First Phase of the Main Street Streetscape Project Option C.

Moved by: Niemietz 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

7. Palmer Road - Monroe County Proposal

MOTION:

It was moved and seconded to authorize the City Engineer to proceed with the completion of the application for federal stimulation funds for improvements to Palmer Road from the Bluff/DD Road intersection to the Route 3 entrance ramp in conjunction with the Monroe County Truck Route/Bluff Road improvement project.

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

8. Resolution No. 10-2008 - Columbia Lakes IV Preliminary Plat

MOTION:

It was moved and seconded to pass Resolution No. 10-2008, a resolution conditionally approving the Preliminary Subdivision Plat for the Columbia Lakes IV Subdivision in the City of Columbia, Illinois.

Moved by: Ebersohl Second: Oberkfell 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

9. Ordinance No. 2706 - Columbia Lakes IV Final Subdivision Plat

MOTION:

It was moved and seconded to pass Ordinance No. 2706, an ordinance conditionally approving the Final Subdivision Plat for the Columbia Lakes IV Subdivision in the City of Columbia Illinois.

Moved by: Ebersohl Second: Oberkfell 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

10. Ordinance No. 2707 - Vacate Jennifer Court ROW

MOTION:

It was moved and seconded to pass Ordinance No. 2707, an ordinance vacating a portion of Jennifer Court right-of-way, a municipal street right-of-way in the Columbia Lakes III, Phase 4 Subdivisions in the City of Columbia, Illinois.

Moved by: Oberkfell Second: Ebersohl 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. Community and Economic Development

The report of the Director of Community and Economic Development was presented to the Council.

1. Ordinance No. 2708 - Landmark Designation

MOTION:

It was moved and seconded to pass Ordinance No. 2708, an ordinance declaring Fort Piggott, the Stone Arch Bridge, the Old St. Paul's Lutheran Church, the Gundlach-Grosse home, the Wagner-Gundlach home, the William G. Rose home, the former First National Bank building (now Estes Financial, LTD.), the Charles Breidecker home, the Nicholas and Anna Ferkel home, the Turner Dance Pavilion, the Nolan-Schneider home, the Theodore & Mary Shaefer home, the Alfred Henckler home, the Immaculate Conception Cemetery, the John Weist house, the former Conrad Wenkel Old Mill Saloon and Inn (now Our House Coffee & Crafts), and the Henry Kunz home in the City of Columbia, Illinois to be City of Columbia, Illinois Historic Site Landmarks.

Moved by: Hejna Second: Agne 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

C. Plan Commission

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

D. City Attorney

1. Ordinance No. 2709 - Real Estate Exchange - Budnick Converting

MOTION:

It was moved and seconded to pass Ordinance No. 2709, an ordinance authorizing a Real Estate Exchange Agreement between Budnick Converting, Inc., a Delaware Corporation authorized to do business in the State of Illinois, and the City of Columbia, Illinois.

Moved by: Ebersohl Second: Niemietz 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

E. Administration Department

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

1. FOP Contract

Mr. Hudzik informed the Council the City needs to respond to the letter from the FOP demanding bargaining. Alderman Unnerstall inquired if there were any specific legal questions that needed to be answered. Mr. Hudzik stated there are no specific questions, but the FOP will want to set dates to begin contract negotiations for both contracts that expire April 30, 2009. Alderman Unnerstall inquired if it was necessary to have legal counsel present for the negotiations. Alderman Niemietz stated everything is negotiated based on the contract that is already in effect, as well as past contracts, and it slows the process to have to go back and forth without legal counsel. Alderman Niemietz also stated negotiations are a lengthy process and does not understand why the City would not want legal representation, especially since the bargaining unit will. Alderman Unnerstall stated the City is spending \$300,000.00 each year just for legal maintenance costs, compared to other municipalities who spend only \$100,000.00. Alderman Niemietz stated it is unfair to make an unjustified statement like that without looking at specifics the City has had to address in the past year, and cautioned against not using legal counsel especially with the City's exposure to liability. Alderman Unnerstall stated the City needs to restrict legal counsel to legal issues. Alderman Niemietz stated a bargaining unit contract is a legal interpretation. Mr. Hudzik stated a lot of the issues the City is dealing with are labor law issues, and he will represent the City as best he can, and will try to keep legal fees to a minimum, but also does not want to shortcut the process just to keep legal fees down. Mr. Hudzik then stated that Council needs to appoint a legal counsel for labor issues. Alderman Stumpf inquired if the wants of the Council are discussed up front as part of the contract process. Alderman Niemietz stated yes and added the Council is kept up to date during the negotiation process. Alderman Hejna stated she would like to see legal fees kept to a minimum. Mr. Hudzik suggested the labor attorney participate in the initial hearing with the bargaining unit and then they could determine attendance schedules for subsequent meetings. Mayor Hutchinson stated the union representative's specialty is contract negotiations and having an attorney present levels the playing field. Alderman Stumpf inquired if there is an issue with other members of the Council present during the negotiation sessions. Mr. Hudzik stated that would need to be addressed with the bargaining unit. Alderman Niemietz stated opening up the negotiations is a step backwards. Alderman Unnerstall stated he would like

to hold off on appointing a labor attorney until the Council knows what is required from the bargaining unit and until specific legal questions arise.

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: Agne Second: Row Vote: Voice

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|----------|-----|------------|-----|-----------|-----|
| 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 January 29, 2009; the total amount of the vouchers to be paid is ninety thousand, five hundred fifty dollars, and thirty-five cents (\$90,550.35).

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

VI. OLD BUSINESS

There was no Old Business brought before the Council.

VII. NEW BUSINESS

A. Lion's Pavilion Request

Alderman Niemietz stated there was nothing to be brought before the Council regarding this issue as the pavilion has already been reserved.

VIII. REPORT OF STANDING COMMITTEES

A. Personnel Committee

Minutes of the Personnel Committee meeting held Monday, January 26, 2009 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the Personnel Committee meeting held Monday, January 26, 2009 as on file at City Hall.

Moved by: Niemietz Second: Stumpf Vote: Roll Call

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

Alderman Unnerstall abstained because he was not present for the meeting.

Motion Carried 8 To 0

B. Parks, Playgrounds, and Recreation Committee

Minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 26, 2009 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 26, 2009 as on file at City Hall.

Moved by: Niemietz Second: Ebersohl Vote: Roll Call

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

Aldermen Unnerstall and Hejna abstained because they were not present for the meeting.

Motion Carried 8 To 0

IX. CALL FOR COMMITTEE MEETINGS

Monday, February 9, 2009

7:00 PM - Refuse Collection and Recycling
7:10 PM - Finance, Claims, Bonds, and Interest
7:20 PM - Committee of the Whole

X. EXECUTIVE SESSION

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing litigation, the EEOC Complaint, and a personnel issue.

MOTION:

It was moved and seconded to direct the Mayor to go into Executive Session at 9:14 PM for the purpose of discussing litigation, the EEOC Complaint, and a personnel issue.

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

MOTION:

It was moved and seconded to return to Regular Session of the City Council at 10:53 PM.

Moved by: Unnerstall Second: Oberkfell Vote: Roll Call

| | | | | | |
|----------|--------|------------|-----|-----------|-----|
| Ebersohl | Yea | Unnerstall | Yea | Oberkfell | Yea |
| Agne | Yea | Row | Yea | Stumpf | Yea |
| Niemietz | Absent | Hejna | Yea | | |

Motion Carried 7 To 0

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

Mayor Hutchinson inquired if there was any business to be brought before the Council as a result of the Executive Session.

A. EEOC Complaint

Mayor Hutchinson stated Alderman Unnerstall has a conflict of interest because he is too close to the situation and befriended Ms. Mehaffey.

MOTION:

It was moved and seconded to proceed with the settlement of the EEOC Age and Gender Discrimination Complaint as discussed in Executive Session.

Moved by: Unnerstall Second: Hejna Vote: Roll Call

| | | | | | |
|----------|--------|------------|-----|-----------|-----|
| Ebersohl | Nay | Unnerstall | Yea | Oberkfell | Yea |
| Agne | Nay | Row | Yea | Stumpf | Yea |
| Niemietz | Absent | Hejna | Yea | | |

Motion Carried 5 To 2

XI. ADJOURNMENT

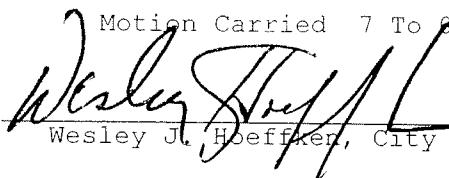
MOTION:

It was moved and seconded to adjourn the Regular City Council Meeting held Monday, February 2, 2009 at 10:56 PM.

Moved by: Ebersohl Second: Unnerstall Vote: Roll Call

| | | | | | |
|----------|--------|------------|-----|-----------|-----|
| Ebersohl | Yea | Unnerstall | Yea | Oberkfell | Yea |
| Agne | Yea | Row | Yea | Stumpf | Yea |
| Niemietz | Absent | Hejna | Yea | | |

Motion Carried 7 To 0


Wesley J. Hoeffken, City Clerk


Mayor Kevin B. Hutchinson