

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, FEBRUARY 6, 2006 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:

Present: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch.

Absent: Alderman Conrad.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Attorney Tom Adams, City Administrator Anthony Traxler, Building Commissioner John Kildea, Consulting Engineer Ken Vaughn, and Director of Community and Economic Development Mike Hemmer.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Public Hearing of the City Council held Monday, January 16, 2006 were submitted for approval.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Niemietz, to approve the minutes of the Public Hearing of the City Council held Monday, January 16, 2006, as presented and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, January 16, 2006 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Ebersohl, to approve the minutes of the Regular Meeting of the City Council held Monday, January 16, 2006, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

III. DELEGATIONS

A. Traffic Signalization

Mayor Hutchinson requested that, due to the large number of visitors, comments be limited to spokespersons only. Mayor Hutchinson then asked Mr. Thompson if he would like to present an overview to the Council. Along with presenting an overview, Mr. Thompson also presented the Council and guests with a letter from Mary C. Lamie, Deputy Director of Highways, and Jeffrey L. Keirn, District Operations Engineer, both with the Illinois Department of Transportation, stating that the Gilmore Lake Road and Rt.3 and Hill Castle Road and Rt.3 intersections do not warrant traffic lights, and will not warrant signalization with the proposed subdivision. After Mr. Thompson presented his overview, Mayor Hutchinson inquired if there were any comments or questions from the delegations.

Mr. Kurt Jahr stated that he lives at 112 Gilmore Lake Road and has lived there for 15 years before the Country Crossings subdivision was developed and does not think a traffic light will solve anything but does think the speed limit needs to be reduced for that area along Rt. 3.

Mayor Hutchinson stated that he has the accident count for the Gilmore Lakes intersection from the Columbia Police Department and there were 5 accidents in 2002, 4 in 2003, 3 in 2004 and only 2 in 2005. Alderman Koesterer inquired when it would be appropriate to assess fees for this type of improvement. Mr. Adams stated that the City has the authority to require a traffic study as a condition for approval of an annexation agreement or approval of an amendment of an annexation agreement. The City might also have an opportunity to require the traffic study in connection with subdivision plat approval or approval of the improvement plans for the subdivision based upon the fact that the on site design and engineering of the subdivision may create an off-site traffic hazard. While, Mr. Adams was not sure about conditioning subdivision plat or improvement plan approvals on a study for an off-premises traffic hazard which might be created by a proposed subdivision, he thinks the "Police Powers" of a non-home-rule municipality like Columbia to regulate for the health, safety and welfare of the community would support and authorize that. However, there is no question that regulation can be part of an annexation agreement or an amendment of an annexation agreement. Mr. Adams added that the City cannot have impact fees since it is a non-home rule municipality, and is skeptical about adding fees onto building permits.

Mr. Terry Derr stated that he lives on Clover Ridge and has observed the traffic and speed and can't understand why the developer is being dragged into this issue.

Mr. Jarrett Johnson, of 1700 Clover Ridge, stated that he is not sure a traffic light is needed but that the City needs to reduce the speed limit on Rt.3. Mr. Johnson also stated that he is concerned about the construction traffic within the subdivision.

Ms. Debbie Caldwell stated that there are 92 children in the Country Crossing subdivision and that the realtor who sold them their house stated that there would be a second entrance to the subdivision. Alderman Unnerstall inquired how the City would pay for a second ingress/egress. Mr. Thompson stated that he has previously told the City that if he can acquire the property, he will construct a second ingress/egress. Mayor Hutchinson stated that a second ingress/egress for the development is planned. Alderman Row stated that it is not just this subdivision but the Council needs to look at these assessments for all future development. Mayor Hutchinson stated that Alderman Ebersohl is already working with the City Attorney on this issue.

Mr. Brad Oberfell stated that he is in the process of buying a lot in the subdivision and feels reducing the speed limit is the best thing to do at this point in time.

Mr. Joe Dent stated the speed limit can be changed, but without law enforcement, it won't mean anything and that in the past 60 days, every time he turns onto Rt.3, by the time he accelerates to 55 MPH, someone else is already passing him.

Mayor Hutchinson stated that he has already drafted a letter to IDOT requesting that the speed limit be reduced along that stretch of road. Mr. Victor Gilpin inquired how long it will take to get IDOT to approve the request. Mayor Hutchinson stated that we are moving at IDOT's timeline and cannot change the speed limit without IDOT approval, but anticipates an answer within a few months.

Mr. Raymond Merlenbach stated that the speed is bad and that a reduced speed limit and a second entrance would be an improvement.

IV. REPORT OF OFFICERS

A. Director of Community and Economic Development

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

1. Ordinance No. 2437 - Preservation of Historic Sites

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to pass Ordinance No. 2437, an ordinance providing for the preservation of historic sites in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Agne, to accept the report of the Director of Community and Economic Development as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Fire Department

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

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Huch, to accept the report of the Fire Marshall as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Administration Department

1. Ordinance No. 2438 - HydroChem Contract

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to pass Ordinance No. 2438, an ordinance authorizing the employment of HydroChem Industrial Services, Inc. to remove concrete from the elevator shaft located at the City's Public Safety complex, 1020 North Main Street, Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Niemietz, to accept the report of the Administration Department as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

D. Plan Commission

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

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Unnerstall, to accept the report of the Plan Commission as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

E. Zoning Board of Appeals

The report of the Zoning Board of Appeals was presented to the Council.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to accept the report of the Zoning Board of Appeals as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

F. City Attorney

1. Ordinance No. 2439 - Dalton Subdivision

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Huch, to pass Ordinance No. 2439, an ordinance conditionally approving the Minor Subdivision Plat for the Dalton Subdivision, a two (2) lot subdivision located on Ghent Road in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2440 - Vacate East Gate South-West Subdivision Plat

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to pass Ordinance No. 2440, an ordinance authorizing and approving the form of a Subdivision Plat Vacation Document for the vacation of the East Gate South-West Subdivision Plat recorded in the Monroe County, Illinois Recorder's Office in Plat Envelope 2-113B, as Document No. 238203, on February 22, 2000 to extinguish the East Gate South-West Subdivision located in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea.

3. Ordinance No. 2441 - Approve East Gate South-West 2 Subdivision Plat

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to pass Ordinance No. 2441, an ordinance accepting and approving the Final Subdivision Plat for the "East Gate South-West 2" Subdivision in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

4. Ordinance No. 2442 - Quit Claim - East Gate South-West Subdivision

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to pass Ordinance No. 2442, an ordinance authorizing Quit Claim Deeds from the City of Columbia to extinguish off-site drainage easements created for the East Gate South-West Subdivision, which drainage easements are not required for the East Gate South-West 2 Subdivision which replaced the East Gate South-West Subdivision upon vacation of the Subdivision Plat for the East Gate South-West Subdivision located in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea.

5. Ordinance No. 2443 - Public Works Contract - Hank's Excavating

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Unnerstall, to pass Ordinance No. 2443, an ordinance authorizing a Public Works Contract to pay the increased cost differential for the Hank's Excavating and Landscaping, Inc. Construction Contract with the Illinois Department of Transportation for the performance of Phases 2 and 3 of the City's Rueck Road Reconstruction Project. Upon Roll Call

vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to accept the report of the City Attorney as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

Alderman Unnerstall inquired about the City's options for assessing fees for intersection signalization improvements such as the Gilmore Lakes Road and Rt.3 intersection. Mr. Adams stated that the best time to address this type of an assessment is as part of the annexation agreement.

G. Building and Zoning Department

The monthly report of the Building Commissioner was presented to the Council.

1. St. Paul United Church of Christ Waive Fee Request

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Huch, to waive the building permit fees of \$244.00 for the installation of one restroom and renovation of another. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to accept the report of the Building Commissioner as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

H. City Clerk

Mr. Hoeffken presented his report to the Council.

I. City Engineer

There was no City Engineer report.

V. MAYOR'S REPORT

A. December, 2005 Report

Mayor Hutchinson presented his report to the Council.

VI. CLAIMS & ACCOUNTS

A. Auditor

The monthly report of the City Auditor was presented to the Council.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Koesterer, to approve the Auditor's report as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Report of Collections

The Report of Collections will be presented at the next meeting of the Council.

C. Vouchers

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Koesterer, to authorize the payment of vouchers received through February 3, 2006; the total amount of the vouchers to be paid is five hundred twenty-five

thousand, nine hundred eighty-seven dollars, and sixteen cents (\$525,987.16). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row and Huch voted yea. Motion Carried.

VII. OLD BUSINESS

A. Freimuth Annexation Agreement Amendment

Alderman Unnerstall stated that he requested this item be put on the agenda because the previous action of the Council did not address traffic and safety issues as a result of the proposed subdivision. Mayor Hutchinson stated that he has talked to several engineer firms familiar with the property and all have stated that the R-3 zoning is less dense than the original C-3 zoning. Mayor Hutchinson then stated that this is a zoning issue only. Alderman Unnerstall stated that Mr. Thompson already stated that the C-3 zoning would not work so does not factor into the equation. Alderman Agne stated that the question is when an assessment for intersection improvements can be made. Alderman Koesterer inquired if the assessment would be per lot in a subdivision, or a flat assessment for the entire subdivision. Alderman Row stated that if the previous action is not rescinded tonight, the City cannot start the assessment with this subdivision. Alderman Agne stated that this all needs to be discussed at a committee meeting. Alderman Unnerstall stated that the City needs to start an escrow account for this intersection and that STS needs to contribute, but not pay for all of the costs. Alderman Koesterer reminded the Council that the City Attorney stated that the City could amend the annexation agreement requiring participation in an assessment for the intersection improvements. Mayor Hutchinson stated that there is a difference with this property since it is already annexed to the City and zoned, which is different than, for example, the YMCA property, which has an annexation agreement with the City, but has not yet annexed. Alderman Unnerstall explained his interpretation of the City Attorney's statement. Mayor Hutchinson then inquired how long it would take the Council to define the guidelines for this assessment and inquired how long it took to define a similar impact fee for green space within the City. Alderman Unnerstall stated that while these plans take time, the City needs to start with this development. Alderman Row stated that if the City does not start with this development, it will never happen. Alderman Agne stated that the annexation took place 6 years ago and that all the Council can act on is the zoning and the only motion that can be rescinded is the motion to rezone the property and will not support a motion to reconsider. Alderman Koesterer stated that her ward includes Carl Street and thinks the concept for the assessment is great, but is concerned if this is the right place to begin this program. Alderman Koesterer also stated that she likes the R-3 zoning for the subdivision. Mayor Hutchinson stated that the City needs to determine if a controlled intersection is the right solution. Mr. Thompson stated that the Illinois Department of Transportation has already identified other intersections along Route 3 that are being considered for future signalization by IDOT, and the Gilmore Lake Road/Rt. 3 intersection is not one of them.

Alderman Ebersohl stated that he make a motion to reconsider to get the issue on the floor. Mayor Hutchinson stated that the City Clerk had information regarding a motion to reconsider. Mr. Hoeffken stated that according to the Illinois Municipal League (IML), the Council, upon adjournment of its meeting, has no power to reconsider its previous action if the rights of other person have intervened. Mr. Hoeffken then explained that per the IML, if STS has spent any money on the development as a result of the previous Council action, then he has rights that have intervened. Mr. Hoeffken then stated that he also had a copy of Opinion 95-004 from the Illinois Attorney General which concurs that in the case of the City of Kankakee versus Small (1925), 317 Ill.55, the court reviewed cases from a number of jurisdiction and concluded that "Under the decisions here quoted and the general rules relating to powers of deliberative bodies of the

character of city councils, we are of the opinion that where such a body has finally voted upon a proposition and no motion for reconsideration or other motion is pending thereon, the city council, upon adjournment of its meeting, has no power to reconsider its action where the rights of other persons have intervened." Mayor Hutchinson then inquired if Alderman Ebersohl still wanted to make a motion based on the information provided.

MOTION:

It was moved by Aldermen Ebersohl to reconsider the Council's previous motion made at the Regular Meeting of the City Council held Monday, January 16, 2006, authorizing a First Amendment to a Pre-annexation Agreement between the City of Columbia, Illinois and STS Custom Homes, Inc. There was no second to the motion. Motion Failed due to lack of a second.

VIII. NEW BUSINESS

A. Employee Retirement/Dignitary Gift Ideas

Mayor Hutchinson informed the Council that he had purchased 6 commemorative Illinois Quarters along with the die used to stamp the coin with the intent that they be used as gifts for retirees and dignitaries. Mayor Hutchinson then requested the Council to purchase additional sets to be used as future gifts.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Huch, to authorize Mayor Hutchinson to purchase 25 commemorative Illinois Quarters and Die Gift Sets to be used as gifts for retirees and dignitaries. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

B. Temporary Banner Request

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to approve the Temporary Banner Request for the Columbia Khoury League as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

IX. REPORT OF STANDING COMMITTEES

Standing Committee reports were not available and will be presented at the next meeting of the Council.

X. CALL FOR COMMITTEE MEETINGS

Monday, February 27, 2006
7:00 PM - Committee of the Whole
7:05 PM - Ordinances, Planning, and Zoning

XI. ADJOURNMENT

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Huch, to adjourn the Regular City Council Meeting held Monday, February 6, 2006 at 9:13 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

Wesley J. Hoeffken, City Clerk

Mayor Kevin Hutchinson