

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, FEBRUARY 4, 2008 IN THE COUNCIL ROOM OF CITY HALL

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:05 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, Building Inspector Al Holden, City Engineer Ron Williams, and Fire Chief Mike Roediger. Mr. Wayne Skigen, special counsel for the Columbia Crossing LLC litigation, was also present.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, January 21, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to approve the minutes of the Executive Session of the City Council held Monday, January 21, 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.

The minutes of the Regular Meeting of the City Council held Monday, January 21, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Row, to approve the minutes of the Regular Meeting of the City Council held Monday, January 21, 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

There were no delegations present.

A. Columbia High School 2007 Varsity Football Team

Mayor Hutchinson recognized the Columbia High School 2007 Varsity Football Team and their coaching staff.

B. Human Support Services

Mr. Robert Cole, Executive Director of Human Support Services, provided a summary of the services provided by Human Support Services, specifically housing to low income disabled persons.

C. Progress For Columbia

There were no delegations from Progress for Columbia.

IV. REPORT OF OFFICERS

A. Fire Department

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

B. City Engineer

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

1. Ordinance No. 2627 - Employ Diverse Construction Group LLC

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Stumpf, to pass Ordinance No. 2627, an ordinance authorizing an agreement to employ Diverse Construction Group LLC of St. Louis, Missouri to construct the Valmeyer Road Pedestrian Improvements Project 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.

2. Ordinance No. 2628 - Employ TWM

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Niemietz, to pass Ordinance No. 2628, an ordinance employing Thouvenot, Wade & Moerchen, Inc. of Swansea, Illinois to render professional services to the City of Columbia in connection with the construction engineering associated with the Valmeyer Road Pedestrian Improvements Project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

3. Surface Transportation Program

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to direct the City Engineer to proceed with the Preliminary Applications phase of the proposed Surface Transportation Program for the 2012 program for improvement of Cherry Street from Main Street to past Liberty Street. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

4. DOPW Building Quotes

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Ebersohl, to accept the recommendation of the City Engineer and accept the low bid of \$17,120.00 submitted by H.J. Friedrich & Sons, Inc. for the construction of the footing and foundation for the DOPW shop building. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

5. EMS Trailer

Alderman Stumpf stated he preferred the directional bore for installation of the water and sewer lines to the trailer. Alderman Hejna stated she was under the impression this was a temporary facility until a permanent housing situation is identified and questioned the amount of money that would be required for a temporary solution. Alderman Stumpf stated it is a lot of money but the alternative is to build a permanent housing facility which would be more expensive. Alderman Niemietz stated the Council should accept

the recommendation of the City Engineer. Alderman Stumpf stated since there is some concern by other members of the Council, this issue should be referred to committee for additional discussion and a subsequent recommendation.

6. Bottom Avenue - Additional Expenditures

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to accept the recommendation of the City Engineer and authorize the payment in the amount of \$4,212.60 to Hank's Excavating and Landscaping for early strength concrete used as part of the Bottom Avenue reconstruction project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

7. Creekside Park - Trail Expenditures

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Unnerstall, to accept the recommendation of the City Engineer and authorize the payment in the amount of \$3,200.00 to Hoelscher Engineering to perform engineering services for the connection of the Creekside Park trail into the railroad right-of-way. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

8. Ordinance No. 2629 - No Parking - Lake Side Drive

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Oberkfell, to pass Ordinance No. 2629, an ordinance amending Ordinance No. 2300 limiting parking of vehicles on the public streets in the Columbia Lakes Subdivision 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.

9. FEMA Restoration Zone

Mr. Williams provided a status of the FEMA Restoration Zone to the Council. Mr. Williams then explained the maps submitted with the application were developed by the East West Gateway Council of Governments and is a liberal interpretation of the FEMA definitions, and it was those guidelines that he used to review the maps. Mr. Williams then explained the maps and application have already been filed with FEMA and are available online. Mr. Williams then explained he is not sure of the impact of designating a parcel as undeveloped if structures already exist within the parcel. Alderman Unnerstall inquired if Mr. Williams' review was informal, if the City was asked to approve the maps, and if the City is an official approver of the maps. Alderman Row stated he was under the impression FEMA would review the maps and application and then refer questions back to the appropriate party. Alderman Unnerstall expressed concern about the liberal interpretation of the term "developed" as used to complete the map. Alderman Oberkfell expressed the same sentiment, also expressed concern the City has not adopted the map, feels the City needs to make a decision about the maps, and thinks the City should change the document tonight. Mayor Hutchinson inquired as to why the Council would want to seal the fate of every landowner in that area and not wait for FEMA to come back with questions. Mayor Hutchinson then explained the cost per acre for crop insurance for acreage not identified as "developed" would increase approximately \$150 per acre. Mr. Williams explained FEMA was involved in the way the maps were identified. Alderman Agne stated while an individual parcel may not look developed, as a zoned parcel, it is considered developed. Mr.

Adams explained FEMA used the corporate limits of the City to define the overall area, and the City is over 75% developed, consequently satisfying the 75% developed requirement. Mr. Adams then explained FEMA will make the final decision within 18 months after the deadline for filing the application. Alderman Unnerstall stated it does not make sense to include the area of the City above the bluffs. Mr. Adams stated FEMA may end up dismissing that area, added this is all new territory for FEMA and only one other state, California, has had to deal with this situation and our application and maps are being patterned after what was done in California. Alderman Stumpf inquired if FEMA is aware of the unique situation of the City with part of the corporate limits above the bluffs and part below the bluffs. Mr. Adams explained this is a preliminary map and FEMA will be aware of it for their discussions and review and will make a decision based on their research. Mr. Williams explained the application had to be submitted by January 31, 2008. Alderman Row stated the maps have already been submitted to FEMA and if anyone has an issue with the classifications, they should send those concerns to FEMA for them to review. Alderman Hejna stated it would have been advantageous if the Council would have had a chance to review the maps and change the classification to undeveloped. Mayor Hutchinson cautioned the Council that going against the standards adopted by the three counties and other 25 municipalities will result in isolating Columbia from the rest of the area. Alderman Unnerstall stated he understands why St. Clair and Madison counties took a more liberal view since they have massive industrial development, but Monroe County is not in the same situation. Alderman Unnerstall then stated the application and maps should be flexible enough to include the unique situation of Monroe County. Alderman Oberkfell stated the maps should be designated correctly and the City should be careful of what it is portraying as the truth. Alderman Unnerstall stated the Council should send a letter to FEMA. Alderman Niemietz stated this should be done through the City's designated representative. Alderman Niemietz then inquired as to how some of the Aldermen can define what is right or wrong without being privy to all of the information, and what determines undeveloped if there is already infrastructures and buildings in the area. Alderman Unnerstall responded all one has to do is read the FEMA definition of "developed" for themselves to understand the matter since it is defined there in black and white. Alderman Row suggested if anyone has concerns about the classifications on the map, they should send a letter to FEMA. Alderman Agne stated the City should wait for FEMA to issue their decision. Alderman Hejna stated a lot of information was withheld from the Council.

C. Building and Zoning

The monthly report of the Building and Zoning Department 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. 2630 - Automobile Sales as Ancillary Use

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to pass Ordinance No. 2630, an ordinance allowing used automobile sales as an ancillary use for an automobile repair business by Special Use Permit only in a C-3 (Highway Business Zoned District) 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.

F. Administration Department

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

1. New Hire Update

Mr. Traxler informed the Council Mr. Paul Ellis has accepted the position of Community Development Director.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to employ with Mr. Paul Ellis as Community Development Director at a starting salary of \$67,636.00, effective March 21, 2008 contingent upon successfully passing a physical and drug test. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row and Stumpf voted yea. Aldermen Hejna and Oberfell voted nay. Motion Carried.

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. December Financial Report

The December Financial report was presented to the Council.

B. Report of Collections

The Report of Collections for the period commencing November 26, 2007 and ending December 25, 2007 was presented to the Council.

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Oberfell, to approve the Report of Collections for the period commencing November 26, 2007 and ending December 25, 2007, as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Oberfell, to authorize the payment of vouchers received through January 31, 2008; the total amount of the vouchers to be paid is one hundred fifty-eight thousand, nine hundred forty-nine dollars, and three cents (\$158,949.03). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberfell, and Stumpf voted yea. Motion Carried.

VI. OLD BUSINESS

There was no Old Business brought before the Council.

VII. NEW BUSINESS

There was no New Business brought before the Council.

VIII. 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 LLC litigation, land acquisition, and personnel.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to direct the Mayor to go into Executive Session at 9:05 PM for the purpose of discussing the Columbia Crossing LLC 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 Ebersohl, and seconded by Alderman Niemietz, to return to the Regular Session of the City Council at 10:42 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. Old Town Easement Acquisitions

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Oberkfell, to direct Aldermen Unnerstall and Row to work with Craig Hiser to acquire easements required for the Old Town Improvement Project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

IX. REPORT OF STANDING COMMITTEES

A. 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.

MOTION:

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

B. 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.

MOTION:

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

C. 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.

MOTION:

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

D. Finance, Claims, Bonds and Interest Committee

Minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, January 28, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

1. Farewell Luncheons

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Unnerstall, to prohibit the use of tax generated City Funds for employee farewell luncheons except in the event of employee retirements. Upon Roll Call vote, Aldermen Agne, Unnerstall, Row, Hejna, Oberkfell, Stumpf voted yea. Alderman Ebersohl voted nay. Alderman Niemietz passed; goes with the affirmative. Motion Carried.

Mayor Hutchison expressed concern about the completeness of the minutes and requested the City Clerk have Ms. Mehaffey review the recording of the meeting and verify the minutes are correct. Mayor Hutchinson added that if Ms. Mehaffey agrees with the current version of the minutes, he will submit corrections.

X. CALL FOR COMMITTEE MEETINGS

XI. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Monday, February 4, 2008 at 10:59 PM. Upon voice vote, all Aldermen present voted yea. Motion Carried.

Wesley J. Hoefkens
Wesley J. Hoefkens City Clerk

Kevin B. Hutchinson
Mayor Kevin B. Hutchinson