

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, AUGUST 18, 2008 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:16 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 type="checkbox"/> Building Inspector Al Holden	<input type="checkbox"/> City Treasurer Bob Naumann
<input 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 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 Executive Session of the City Council held Monday, August 4, 2008 were submitted for approval.

Alderman Oberkfell expressed concern about the corrections submitted by Mr. Adams. Mr. Hoeffken stated he had reviewed the minutes and shortened the corrections, which were emailed to the Council on Saturday, August 16, 2008. Aldermen Oberkfell and Hejna stated they had not received the email. Approval of the minutes was deferred until the Aldermen could review the latest changes.

The minutes of the Regular Meeting of the City Council held Monday, August 4, 2008 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 Monday, August 4, 2008, as amended and on file at City Hall.

Moved by: Row Second: Niemietz Vote: Roll Call

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

Alderman Agne abstained because he was not present for the Council meeting.

Motion Carried 8 To 0

III. DELEGATIONS

A. Richard Sambo - Code Enforcement

Mr. Richard Sambo, of 437 Fairfax Drive, addressed the Council regarding excessive and high weeds in the Wernings Subdivision.

IV. REPORT OF OFFICERS

A. Fire Department

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

B. Library Board

The monthly report of the Library Board was presented to the Council.

C. Police Department

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

D. EMS Department

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

E. City Engineer

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

1. Open Alley Between Rauch and Rueck Roads

This issue was referred to the Streets, Sidewalks, Drainage, and Public Utilities Committee.

F. Community and Economic Development

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

1. Intern

MOTION:

It was moved and seconded to employee Meagan Reeves as an unpaid part-time Intern in the Community and Economic Development Department of the City effective August 25, 2008.

Moved by: Niemietz 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

2. Main Street Façade Program

This issue was referred to the Main Street Committee.

G. Plan Commission

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

H. City Attorney

1. Ordinance No. 2673 – ID Networks

MOTION:

It was moved and seconded to pass Ordinance No. 2673, an ordinance authorizing an Inter-Governmental Cooperation Agreement between the Cities of Columbia, Illinois and Waterloo, Illinois; the County of Monroe, Illinois; and, the Monroe County 911 Telephone Systems Board to create shared responsibility with regard to License Agreements and Maintenance Agreements to be made and entered into with ID Networks, Inc. of Ashtabula, Ohio for the providing of Internet Technology Software, Software Services, Software Training, Equipment and Maintenance for coordinated and joint use and operation of the City of Waterloo, Illinois and the City of Columbia, Illinois Police Departments, the Monroe County Illinois Sheriff's Department and the Monroe County Illinois 911 Emergency Telephone Systems Board.

Moved by: Niemietz 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

2. Ordinance No. 2674 - ID Networks

MOTION:

It was moved and seconded to pass Ordinance No. 2674, an ordinance authorizing an Internet Technology Software License Agreement and Maintenance Agreements between ID Networks, Inc., of Ashtabula, Ohio, an Ohio Corporation, (as the party of the first part) and the Cities of Columbia, Illinois and Waterloo, Illinois and the County of Monroe, Illinois, (as the parties of the second part) for ID Networks, Inc. to provide Internet Technology Software, Software Services, Software Training, Equipment and Maintenance for the coordinated and joint use and operation of the City of Waterloo, Illinois and the City of Columbia, Illinois Police Departments and the Monroe County Illinois Sheriff's Department.

Moved by: Hejna 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

3. Ordinance No. 2675 - Communication Easement

MOTION:

It was moved and seconded to pass Ordinance No. 2675, an ordinance authorizing and approving the form of an Underground Communication System Easement for Harrisonville Telephone Company from the City of Columbia, Illinois for Wilson Hills Subdivision in the City and other service area.

Moved by: Stumpf 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. 2676 - Fiege Estate Sale

MOTION:

It was moved and seconded to pass Ordinance No. 2676, an ordinance authorizing a Real Estate Sales Contract for the Winnifred B. D. Fiege Estate, real estate having the assigned address of 140 South Main Street, Columbia, Illinois to be used, owned, maintained, operated, and preserved as a Historic Public Building in the City by the City.

Moved by: Agne Second: Unnerstall 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

I. City Clerk

Mr. Hoeffken presented his report to the Council.

J. Administration Department

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

1. Ordinance No. 2677 - Park Rules

MOTION:

It was moved and seconded to pass Ordinance No. 2677, an ordinance amending Section 12.32.020 (Hours of Operation) and repealing Section 12.32.030 (Entry After Hours Unlawful) of Chapter 12.32 (City Parks) of Title 12, of the City of Columbia, Illinois Municipal Code governing hours of operation in the city park commonly known as the Bolm-Schuhkraft Memorial Park in the City of Columbia, Illinois.

Moved by: Niemietz 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

2. Draft Ordinance - Graphic Design and Digital Printing

MOTION:

It was moved and seconded to forward the draft of the Graphic Design and Digital Printing ordinance to the Zoning Board of Appeals and the Plan Commission for their review and recommendation to the Council.

Moved by: Agne 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

3. Ordinance - Appointed Officials

Alderman Unnerstall requested this proposed ordinance be discussed in executive session prior to any action being taken by the Council.

4. Ordinance - Professional Services Agreement

Mayor Hutchinson stated this ordinance could not be addressed until the Appointed Officials ordinance is approved.

MOTION:

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

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

V. CLAIMS & ACCOUNTS

A. Vouchers

MOTION:

It was moved and seconded to authorize the payment of vouchers received through August 15, 2008; the total amount of the vouchers to be paid is two hundred fifty-eight thousand, one hundred forty-two dollars, and ninety-six cents (\$258,142.96).

Moved by: Hejna 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

B. Utility Billing & Accounts Receivable Aging Reports

These reports were referred to the Finance, Claims, Bonds, and Interest Committee.

C. Transfer of Funds Ordinance

Mayor Hutchinson stated this ordinance would not be addressed by the Council until after the executive session since the fund transfer was dependent upon the action taken on the employment of a City Administrator.

D. Report of Collections

The Report of Collections for the period commencing May 26, 2008 and ending June 25, 2008 was presented to the Council.

MOTION:

It was moved and seconded to approve the Report of Collections for the period commencing May 26, 2008 and ending June 25, 2008, as submitted and on file at City Hall.

Moved by: Hejna 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

E. Statement of Funds

The June Statement of Funds was presented to the Council. The report was referred to the Finance, Claims, Bonds, and Interest Committee.

VI. OLD BUSINESS

A. Resolution No. 05-2008 - Release of Closed Session Minutes

MOTION:

It was moved and seconded to pass Resolution No. 05-2008, a resolution regarding the release of closed session minutes.

Moved by: Ebersohl Second: Niemietz

Alderman Unnerstall inquired if this resolution would require a motion to reconsider since the Council previously failed to approve this Resolution. Mr. Adams stated he would need to research this issue. It was agreed to discuss this issue in Executive Session. Alderman Ebersohl withdrew his motion and Alderman Niemietz withdrew her second of the motion.

B. Library Board Appointment Ordinance

Mayor Hutchinson stated he would entertain a motion to appoint Mr. Dan Brutton to the Library Board. There was no motion.

C. Columbia High School Bolm-Schuhkraft Park Use Request

MOTION:

It was moved and seconded to approve the request of the Columbia High School to use the Bolm-Schuhkraft Park for band, football, and baseball practice and games during August, September, October, and November 2008 and March, April, and May 2009, and to request the presence of the Columbia Fire Department for the annual Homecoming Bonfire to be held on Tuesday, October 14, 2008, and to request permission to hold the annual homecoming parade on Friday, October 17, 2008 at 4:30 P.M., contingent upon coordination with the Columbia Police Department, Columbia Fire Department, the Department of Public Works, and the City Clerk's Office.

Moved by: Row 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

D. Millstadt American Legion Poppy Day Sale

MOTION:

It was moved and seconded to approve the request of the Millstadt American Legion to hold their annual Poppy Day sale on October 3 and 4, 2008 as requested, and contingent upon not interfering with the Columbia American Legion Poppy Day sale.

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

VII. NEW BUSINESS

A. Columbia Lakes Subdivision Foreclosure

Mayor Hutchinson informed the Council he received a call from Mr. Robert T. Jones, developer of the Columbia Lakes Subdivision indicating the bank is getting ready to foreclose on the Columbia Lakes IV development. Mayor Hutchinson then stated the City has a letter of credit for the Jennifer Court subdivision and the Route 3 ingress/egress. Mr. Williams stated in addition to not completing these infrastructure improvements, there is also a siltation issue that is preventing the approval of the final plat. Mr. Adams stated the developer was originally given 12 months to complete the improvements. Mr. Adams then suggested the City send a 30-day Notice of Default and Opportunity to Cure the Default to the developer, as is required by the Performance Guarantee Letter of Credit, (advising the developer that it has 30 days to recommence construction and complete the construction of the Route 3 Access Drive). Thereafter (if the construction of the drive is not completed within that time) the City Council would enact a resolution to draw on the Letter of Credit Performance Guarantee issued by the First National Bank of St. Louis (the same lender who is threatening foreclosure on the subject Columbia Lakes Subdivision) to hire the contractor(s) to complete the construction of the Route 3 Access Drive and draw on the Letter of Credit Performance Guarantee to pay for the same. Mr. Adams also suggested that Mr. Lewis at the First National Bank of St. Louis be promptly notified that the aforementioned action of the

City Council was being taken and that if nothing was worked out with the developer or the bank to promptly complete the construction of the Route 3 Access Drive, then their customer would not only owe the bank what ever is due on the bank's mortgage, but also the amount required to be used from the Letter of Credit to complete the construction of the Drive by contractors to be chosen by the City. The Council agreed to follow the recommendation of the City Attorney and begin with notifying the bank of the City's intent to call the letter of credit.

VIII. REPORT OF STANDING COMMITTEES

A. Personnel Committee

Minutes of the Personnel Committee meeting and the Executive Session of the Personnel Committee held Monday, August 11, 2008 were presented to the Council for approval.

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the Executive Session of the Personnel Committee meeting held Monday, August 11, 2008 as amended and on file at City Hall.

Moved by: Unnerstall Second: Ebersohl Vote: Roll Call

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

Motion Carried 8 To 0

Alderman Row abstained because he was not present for the Committee meeting.

MOTION:

It was moved and seconded to approve the minutes of the Personnel Committee meeting held Monday, August 11, 2008 as on file at City Hall.

Moved by: Unnerstall Second: Stumpf Vote: Roll Call

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

Motion Carried 8 To 0

Alderman Row abstained because he was not present for the Committee meeting.

B. Finance, Claims, Bonds and Interest Committee

Minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, August 11, 2008 were presented to the Council for approval.

1. E-Pay Direct Bank Drafting

MOTION:

It was moved and seconded to proceed with direct bank drafting via the E-Pay program and to offer credit card payment options, online only.

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

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, August 11, 2008 as amended and on file at City Hall.

Moved by: Hejna Second: Stumpf Vote: Roll Call

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

Motion Carried 8 To 0

Aldermen Row and Niemietz abstained because they were not present for the Committee meeting.

C. Finance, Claims, Bonds and Interest Committee & Fire Department Committee
Minutes of the joint meeting of the Finance, Claims, Bonds and Interest Committee and the Fire Department Committee meeting held Monday, August 11, 2008 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the joint meeting of the Finance, Claims, Bonds and Interest Committee and the Fire Department Committee meeting held Monday, August 11, 2008 as amended and on file at City Hall.

Moved by: Hejna Second: Stumpf Vote: Roll Call

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

Motion Carried 8 To 0

Aldermen Row and Niemietz abstained because they were not present for the Committee meeting.

D. Ordinance, Planning, and Zoning Committee
Minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 11, 2008 were presented to the Council for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved and seconded to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, August 11, 2008 as amended and on file at City Hall.

Moved by: Unnerstall Second: Oberkfell Vote: Roll Call

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

Motion Carried 8 To 0

Aldermen Row and Niemietz abstained because they were not present for the Committee meeting.

IX. CALL FOR COMMITTEE MEETINGS

Monday, August 25, 2008

7:00 PM - Personnel

7:10 PM - Streets, Sidewalks, Drainage, and Public Utilities

7:20 PM - Finance, Claims, Bonds, and Interest

7:30 PM - Municipal Buildings, Property, and Capital Improvements

7:40 PM - Ordinance, Planning, and Zoning

Monday, September 8, 2008

7:00 PM - License, Insurance Claims, CEMA, and Contracts

Mr. Adams explained to the Council a motion to reconsider was not required for the Release of Closed Session minutes since the motion from a previous meeting had not passed.

X. EXECUTIVE SESSION

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing personnel and the release of closed session minutes.

MOTION:

It was moved and seconded to direct the Mayor to go into Executive Session at 9:40 PM for the purpose of discussing personnel and the release of closed session minutes.

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

MOTION:

It was moved and seconded to return to Regular Session of the City Council at 11:51 PM.

Moved by: Ebersohl 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

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. Ordinance No. 2678 - Appoint Temporary City Administrator

MOTION:

It was moved and seconded to pass Ordinance No. 2678, an ordinance amending Ordinance No. 2648 which fills the offices and sets the compensation of Appointed City Officers of the City of Columbia, Illinois for the fiscal year of the City commencing May 1, 2008 and ending April 30, 2009.

Moved by: Niemietz Second: Ebersohl Vote: Roll Call

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

Motion Failed 5 To 4

B. Ordinance No. 2678 - Transfer of Funds

Mayor Hutchinson stated the transfer of funds should not be addressed until the issue regarding the employment of a City Administrator is resolved. Alderman Unnerstall stated more than enough funds are available due to saving for the Assistant City Engineer and City Administrator positions. Alderman Hejna inquired if the City is required to pass this Ordinance. Mr. Adams stated yes.

MOTION:

It was moved and seconded to pass Ordinance No. 2678, an ordinance authorizing the transfer of funds from certain budget appropriations to another budget appropriation within the City of Columbia, Illinois General Corporate Fund.

Moved by: Unnerstall Second: Hejna Vote: Roll Call

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

Motion Carried 6 To 3

C. Resolution No. 05-2008 - Release of Closed Session Minutes

MOTION:

It was moved and seconded to pass Resolution No. 05-2008, a resolution regarding the release of Closed Session Minutes.

Moved by: Ebersohl Second: Agne Vote: Roll Call

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

Motion Carried 5 To 4

XI. ADJOURNMENT

MOTION:

It was moved and seconded to adjourn the Regular City Council Meeting held Monday, August 18, 2008 at 12:05 AM on Tuesday, August 19, 2008.

Moved by: Ebersohl 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


Wesley J. Hoeffken, City Clerk


Mayor Kevin B. Hutchinson