

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD TUESDAY, JANUARY 20, 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 type="checkbox"/> Present	<input checked="" 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 checked="" type="checkbox"/> Chief of Police Joe Edwards
<input checked="" type="checkbox"/> Building Inspector Al Holden	<input type="checkbox"/> City Treasurer Bob Naumann
<input checked="" type="checkbox"/> City Engineer Ron Williams	<input 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 checked="" type="checkbox"/> Labor Attorney Mark Weisman	<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, January 5, 2009 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken. Mr. Hoeffken deferred to Mayor Hutchinson regarding changes requested by Alderman Hejna. Mayor Hutchinson stated he did not make the statement requested by Aldermen Hejna. After a discussion by the Council, Mayor Hutchinson stated he would concede and allow the recommended change.

MOTION:

It was moved to approve the minutes of the Executive Session of the City Council held Monday, January 5, 2009, as amended and on file at City Hall.

Moved by: Unnerstall Second: None Vote: Roll Call

Motion Failed due to the lack of a second.

The minutes of the Regular Meeting of the City Council held Monday, January 5, 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 Monday, January 5, 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	Absent	Stumpf	Abstain
Niemietz	Yea	Hejna	Yea		

Motion Carried 7 To 0

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

III. DELEGATIONS

There were no delegations present.

IV. REPORT OF OFFICERS

A. Library Board

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

B. Police Department

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

C. EMS Department

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

D. Fire Department

The monthly and annual reports of the Fire Department were presented to the Council.

E. Building and Zoning

The monthly and annual reports of the Building and Zoning Department were presented to the Council.

F. City Engineer

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

1. Water Department Truck

MOTION:

It was moved and seconded to accept the recommendation of the City Engineer and accept the low bid of \$24,054.00 under the State of Illinois Cooperative Procurement Program for the purchase of a truck and dump body from Landmark Ford in Springfield, Illinois.

Moved by: Ebersohl Second: Oberkfell Vote: Roll Call

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

Motion Carried 7 To 0

2. St. Clair County GIS Information

MOTION:

It was moved and seconded to accept the recommendation of the City Engineer and purchase GIS information from St. Clair County at a cost of \$11,813.60.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

Motion Carried 7 To 0

3. Ordinance No. 2702 - Employ Horner & Shifrin

Alderman Unnerstall expressed concern about using Horner & Shifrin because of problem the City has had in the past with them proceeding with work prior to authorization from the Council. Mr. Williams responded the State of Illinois will be reimbursing the City for all expenses. Alderman Unnerstall inquired if bids had been requested. Mr. Williams explained you do not put

these projects out for bid, but rather request qualifications to compete the project, and the price is the last thing considered in the selection process. Alderman Oberkfell stated he wants to make sure everything is in order and trusts Mr. Williams to manage the project in the best interest of the City.

MOTION:

It was moved and seconded to pass Ordinance No. 2702, an ordinance employing Horner & Shifrin, Inc. of St. Louis, Missouri to render professional services to the City of Columbia, Illinois in connection with the water main relocation for the IL Route 158 Improvement Project.

Moved by: Ebersohl Second: Agne Vote: Roll Call

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

Motion Carried 7 To 1

G. Community and Economic Development

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

1. SWIC Intern

MOTION:

It was moved and seconded to accept the recommendation of the Director of Community and Economic Development and approve Patricia Mosley as a part-time intern for the City with her salary being paid directly from the Illinois Work Study Program through Southwestern Illinois College.

Moved by: Niemietz Second: Agne Vote: Roll Call

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

Motion Carried 7 To 0

H. Plan Commission

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

I. City Attorney

1. Ordinance Amending Exterior Building Material Requirement

MOTION:

It was moved and seconded to forward the proposed ordinance amending Section 17.14.070 of the City's Zoning Code correcting the exterior building material requirement in an R-7 zoned district to the Planning Commission for its review and recommendation and the Zoning Board of Appeals for public hearing and their review and recommendation.

Moved by: Oberkfell Second: Niemietz Vote: Roll Call

Eberschl	Yea	Unnerstall	Yea	Oberkfell	Yea
Agne	Yea	Row	Absent	Stumpf	Yea
Niemietz	Yea	Hejna	Yea		

Motion Carried 7 To 0

J. Administration Department

The report of the Administration Department was presented to the Council.

MOTION:

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

Moved by: Unnerstall Second: Ebersohl Vote: Voice

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

Motion Carried 7 To 0

V. CLAIMS & ACCOUNTS

A. Vouchers

Alderman Hejna informed the Council the invoices for Sam's Club membership and the Optimist membership are being withheld from payment until they can be discussed in a Finance Committee meeting. Alderman Hejna also inquired about the invoice for Gore Perry Reporting for a Disciplinary Hearing invoice. Chief Edwards stated that invoice regarded a personnel issue and would have to be addressed in Executive Session.

MOTION:

It was moved and seconded to authorize the payment of vouchers received through January 15, 2009; the total amount of the vouchers to be paid is one hundred eighty thousand, three hundred twenty-seven dollars, and twenty-four cents (\$180,327.24).

Moved by: Hejna Second: Unnerstall Vote: Roll Call

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

Motion Carried 7 To 0

B. Statement of Funds

The monthly Statement of Funds report was presented to the Council.

MOTION:

It was moved and seconded to accept the report of the Statement of Funds as presented.

Moved by: Hejna Second: Oberkfell Vote: Roll Call

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

Motion Carried 7 To 0

VI. OLD BUSINESS

There was no Old Business brought before the Council.

VII. NEW BUSINESS

A. Gibault Catholic High School Girl's Tennis Team

MOTION:

It was moved and seconded to approve the request of the Gibault Catholic High School Girl's Tennis Team for use of the tennis courts at Bolm-Schuhkraft Park as requested and on file at City Hall.

Moved by: Niemietz Second: Hejna Vote: Roll Call

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

Motion Carried 7 To 0

VIII. REPORT OF STANDING COMMITTEES

A. Parks, Playgrounds, and Recreation Committee

Minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 12, 2009 were presented to the Council for approval.

1. Trail

MOTION:

It was moved and seconded to accept the recommendation of the Parks, Playgrounds, and Recreation Committee and accept the proposal for the trail from Locust Street to Cherry Street as designed by the City Engineer.

Moved by: Niemietz Second: Ebersohl Vote: Roll Call

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

Motion Carried 7 To 0

MOTION:

It was moved and seconded to approve the minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, January 12, 2009 as on file at City Hall.

Moved by: Niemietz Second: Ebersohl Vote: Roll Call

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

Motion Carried 7 To 0

B. Streets, Sidewalks, Drainage, and Public Utilities Committee

Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, January 12, 2009 were presented to the Council for approval.

1. Immaculate Conception Church Annexation

MOTION:

It was moved and seconded to accept the recommendation of the Streets, Sidewalks, Drainage, and Public Utilities Committee and direct Mayor Hutchinson, Mr. Williams, and Alderman Ebersohl to contact Fr. Carl Scherer, pastor for the Immaculate Conception Church to initiate discussions regarding the annexation for property for the proposed new church.

Moved by: Ebersohl Second: Unnerstall Vote: Roll Call

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

Motion Carried 7 To 0

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, January 12, 2009 as amended and on file at City Hall.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

Motion Carried 7 To 0

C. Committee Of The Whole

Minutes of the Committee Of The Whole meeting held Monday, January 12, 2009 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 Committee Of The Whole Committee meeting held Monday, January 12, 2009 as amended and on file at City Hall.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

Motion Carried 7 To 0

D. Ambulance, Radio Communication, and Dispatch Committee

Minutes of the Ambulance, Radio Communication, and Dispatch Committee meeting held Monday, January 12, 2009 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the Ambulance, Radio Communication, and Dispatch Committee meeting held Monday, January 12, 2009 as on file at City Hall.

Moved by: Stumpf Second: Niemietz Vote: Roll Call

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

Motion Carried 7 To 0

E. License, Insurance Claims, CEMA, and Contracts Committee

Minutes of the License, Insurance Claims, CEMA, and Contracts Committee meeting held Monday, January 12, 2009 were presented to the Council for approval.

Alderman Unnerstall stated he did not think there was a need to have the Council take action on all four of the motions made in Committee. Alderman Hejna stated she did not see the reason for a motion to require staff to follow an existing ordinance. Mr. Adams stated it would be a way to send a message that the ordinance will be followed. Alderman Niemietz stated the entire issue of legal fees needs to be reviewed closely in order to identify how it affects the day to day operations of the City, especially since there could be a 2 - 3 week lag in some months if legal assistance is required. Alderman Niemietz

added that prior to Mr. Traxler's departure; he coordinated the need for seeking legal counsel on City issues. Alderman Hejna stated she did not believe there would be a 2 - 3 week lag, and if necessary, a special council meeting could be called. Alderman Unnerstall stated the Council could look at the existing code, but he is opposed to changing the existing code because it provides checks and balances for authorizing outside legal counsel, as in the use of the labor attorney. Alderman Unnerstall added there was a blatant abuse of the labor attorney when Mayor Hutchinson had a private citizen investigated. Mayor Hutchinson stated it all was a lie and he never directed Mr. Weisman's firm to investigate a citizen. Alderman Niemietz stated legal issues need to be addressed when they arise and each situation needs to be reviewed individually. Mayor Hutchinson stated the department heads are very capable of deciding when they need to engage an attorney, and in the past, the administration was able to contact the labor attorney for guidance on employment issues. Mayor Hutchinson then cautioned the impact these motions might have with the three bargaining unit contracts. Alderman Unnerstall stated no one is trying to take anything away from the department heads, but this action might force them to make decisions without involving the labor attorney. Alderman Niemietz stated the Council needs to understand how this whole process evolved and explained that in the past, when labor and personnel issues surfaced, Mr. Adams was not always comfortable addressing them because of the expertise required in labor law to resolve many of the issues. Alderman Hejna stated the expenses for the labor attorney are out of hand and need to be reined in. Alderman Unnerstall stated there has been an abuse of the use of the labor attorney and the existing ordinance needs to be followed.

Alderman Ebersohl inquired how any of the proposed motions would help the City respond quicker to personnel issues. Alderman Unnerstall stated the city would have a list of cheaper firms that could provide the same level of service.

Chief Edwards stated he has contacted Mr. Weisman several times in the past based on Ordinance No. 2508, which authorized the Chief to contact the labor attorney regarding police department personnel issues. Chief Edwards then explained that per the bargaining unit contract, he is responsible for disciplinary suspensions up to five days, and the Police Board is responsible for suspension greater than five days and the Council only gets involved if the officer files a grievance, then Step 2 of the grievance procedures allow the matter to go before the City Council. Chief Edwards also stated items placed in an officer's personnel file can only be viewed by the Chief of Police, the Deputy Chief, and the Police Board. Alderman Unnerstall stated he understood the situation, but stated the ordinance is quite clear about who can contact the labor attorney. Chief Edwards stated passing these motions could be a violation of the FOP Contract and the FOP has contacted me and told me they will have an issue if these motions are passed, or if police personnel issues are brought before the Council before action can be taken. Alderman Oberkfell stated he agreed with the Chief and personnel issues are very sensitive. Alderman Oberkfell then stated he is more concerned about how funds are being expended. Alderman Hejna stated she has read the FOP contract and will have to read it again, but the police department is one of the largest users of the labor attorney. Alderman Hejna then stated the Council will need to review Ordinance No. 2508 since the aldermen were elected to know what is going on. Alderman Unnerstall stated there is a way to satisfy all parties and suggested the Chief could continue to work the personnel issue, but the Council would have to approve the use of outside legal counsel. Chief Edwards stated that when a citizen makes a formal complaint against an officer, there is a 50/50 chance it will result in the need to contact Mr. Weisman. Alderman Agne inquired if the intent is to select a new labor attorney to be used for all personnel issues going forward, or if the Council would be going through this process every time a personnel issue arises. Alderman Unnerstall stated the intent is to have a list of attorneys available to provide services each time an issue surfaces. Alderman Niemietz stated this is not the time to address this issue.

1. Research Legal Firms

MOTION:

It was moved and seconded to accept the recommendation of the License, Insurance Claims, CEMA, and Contracts Committee and direct Mr. Hudzik to research and provide a list of legal firms, including resumes, rate, and cost information available to provide counsel to the City for personnel matters in an effort to allow the City to respond more quickly when legal counsel is needed.

Moved by: Unnerstall Second: Hejna Vote: Roll Call

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

Motion Failed 4 To 4

Corrections were forwarded to the City Clerk.

MOTION:

It was moved and seconded to approve the minutes of the License, Insurance Claims, CEMA, and Contracts Committee meeting held Monday, January 12, 2009 as amended and on file at City Hall.

Moved by: Unnerstall Second: Hejna Vote: Roll Call

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

Motion Carried 7 To 0

IX. CALL FOR COMMITTEE MEETINGS

Monday, January 26, 2009

7:00 PM - Personnel
7:30 PM - Finance, Claims, Bonds, and Interest
8:00 PM - Committee of the Whole
8:30 PM - Refuse Collection and Recycling

X. EXECUTIVE SESSION

Mayor Hutchinson informed the Council that he would entertain a motion to go into Executive Session for the purpose of discussing land acquisition and personnel regarding the EMS, Library, and the EEOC Complaint.

MOTION:

It was moved and seconded to direct the Mayor to go into Executive Session at 9:39 PM for the purpose of discussing land acquisition, and personnel regarding the EMS, Library, and the EEOC Complaint.

Moved by: Agne Second: Stumpf Vote: Roll Call

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

Motion Carried 7 To 0

MOTION:

It was moved and seconded to return to Regular Session of the City Council at 12:29 AM on Wednesday, January 21, 2009.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

Motion Carried 7 To 0

Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, 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. Library

MOTION:

It was moved and seconded to authorize the City Administrator to advertise for the open position of Head Librarian for the Columbia Library.

Moved by: Niemietz Second: Unnerstall Vote: Roll Call

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

Motion Carried 7 To 0

B. "Not To Exceed" Proposal

MOTION:

It was moved and seconded to direct Mr. Mark Weisman to prepare a Not to Exceed proposal for the EEOC Discrimination litigation.

Moved by: Stumpf Second: Ebersohl Vote: Roll Call

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

Motion Carried 7 To 0

XI. ADJOURNMENT

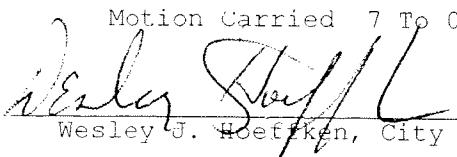
MOTION:

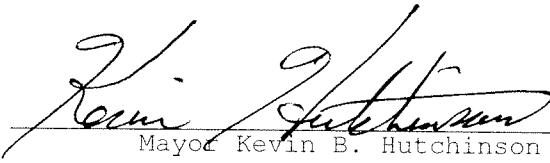
It was moved and seconded to adjourn the Regular City Council Meeting held Tuesday, January 20, 2009 at 12:31 AM on Wednesday, January 21, 2009.

Moved by: Hejna Second: Unnerstall Vote: Roll Call

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

Motion Carried 7 To 0


Wesley J. Hoeffken, City Clerk


Mayor Kevin B. Hutchinson