

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE CITY
COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
MARCH 12, 2012 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Chairman Ebersohl called the Committee of the Whole Meeting of the City Council of the City of Columbia, Illinois to order at 7:03 p.m.

Upon Roll Call, the following members were:

Present: Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis and Mayor Hutchinson.

Absent: None.

Quorum Present.

Administrative Staff Present: City Administrator Al Hudzik, City Engineer Ron Williams (left meeting at 7:40 p.m.), Chief of Police and EMS Director Joe Edwards, Chief of the EMS Division Ken Buss (left meeting at 8:55 p.m.), Attorney Mark W. Weisman (arrived at 7:35 p.m.; left at 8:55 p.m.), Accounting Manager Linda Sharp, Head Librarian Erica Pyle (left meeting at 7:20 p.m.) and Accounting/Clerical Assistant Sandy Garmer.

Guests Present: Susan Walla, a member of the Library Board, and Louis Mund.

Chairman Ebersohl stated the meeting was called for the purpose of discussing (1) Library weekend closings; (2) an easement and royalty rights conveyance requests from L. Mund; (3) a financial information presentation and budget update; (4) the sale of surplus property; and (5) any other items to be considered.

II. DISCUSSION ON LIBRARY WEEKEND CLOSINGS

Chairman Ebersohl opened the meeting and called upon Library Committee Chairman Huch to make opening remarks on this topic. Alderman Huch stated that concerns were expressed by some Council Members pertaining to library closings on Saturdays before some city holidays, and indicated that Head Librarian Erica Pyle would be addressing the Committee Members on this issue. Erica stated that pursuant to Library Board approval, the Public Library has been closed on the Saturday before each city holiday falling on a weekend or a Monday since July 2010 – she said the decision (to close) was made since the library had experienced decreased traffic on those Saturdays in the past; she indicated no formal study had been conducted and that only the observations of customer usage on those Saturdays was used as the basis for the closings since the summer of 2010. A general discussion was then held wherein all in attendance were given the opportunity to ask questions, make comments and express their opinions, which included: (i) the cost to

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Memo (and Attachments) from City Engineer Ron Williams re: Mule Tank Property – Request for Easement from Louis Mund (4 pages)

Memo from Accounting Manager Linda Sharp re: 2012-2013 F.Y. Budget Schedule (2 pages)

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staff the library on Saturdays (Erica is the only salaried employee at the library and she does not normally work on Saturdays), and the Saturday hours of operation (9:00 AM – 4:00 PM); (ii) the lack of a formal study on Saturday closings before holiday weekends prior to the determination to close on those Saturdays; and (iii) opening on those Saturdays is a service to the residents of Columbia and there are probably other days when the user traffic is also light and the library remains open. It was the general consensus of the Committee Members that the Library Board again review the Saturday closings (before city holidays) issue – Erica said she would present the Committee Members' concerns (on this issue) to the Library Board Members at their March 14th meeting.

III. REQUEST FOR EASEMENT AND ROYALTY RIGHTS DISCUSSION - L. MUND

City Engineer Ron Williams informed the Committee Members that Louis Mund was present at this meeting to address the Committee on his requests and answer any questions they may have. Ron then reviewed his Memo of March 8, 2012, re: Mule Tank Property – Request for Easement from Louis Mund, which had previously been distributed to the Committee Members. Ron informed the Committee Members that he had checked with (a) DOPW Foremen Steve Mueller, who felt the granting of the requested easement would not interfere with the city's operation of the city's adjacent Mule Road water tank; and (b) the Illinois Emergency Management Agency, which did not express any concerns on the granting of the requested easement. He then stated that from a city staff standpoint, he can see no reason not to grant the requested easement, as long as Mr. Mund agrees to properly maintain the easement property due to any damage caused by vehicles using it for access to Mr. Mund's property. Ron also informed the Committee Members that Mr. Mund had requested that the city consider conveying any mineral rights it has pertaining to the Mule Road water tank property to him (Mr. Mund) – Ron indicated that he tried to locate the 1995 agreement conveying said property to the city, but had been unsuccessful in locating it.

Mr. Mund then addressed the Committee Members and indicated that he was one of the owners of the property on which the Mule Road water tank is located, and that said property was gifted to the city so it could locate a water tank on it; he also informed the Committee that he was recently contacted about drilling a few test wells on his property (at least one in the vicinity of the Mule Road water tank) to determine its oil producing capabilities, and that he was asking the City Council to convey the mineral rights to the Mule Road water tank property to him, since it is difficult (if not impossible) to tell whether any oil extracted is located beneath the city's property vs. his property. Mr. Mund also stated that the city must use an easement, that he granted when the property was conveyed to the city, in order to get to the Mule Road water tank – he then described (using overhead drawings of the property) the easement currently granted to the city (to access the Mule Road water tank) and his requested easement, which is an extension of the easement granted to the city, in order to reach his land on the other side. During the presentations given, a general discussion was held among those in attendance, which included (A) that Ron Williams continue searching for the agreement conveying the Mule

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Road water tank property to the city (in the mid 1990s) so the Committee Members have the opportunity to review it; (B) that legal review/research may be necessary when considering the conveyance of mineral interests as well as the granting of the requested easement; and (C) that Mr. Mund has been very cooperative with the city in the past. It was the general consensus of the Committee Members that no recommended action be taken at this meeting, and that city staff present additional documentation for the Committee Members consideration prior to their recommendation(s) to the council pertaining to Mr. Mund's requests.

**IV. FINANCIAL INFORMATION PRESENTATION AND BUDGET UPDATE
(7:40 – 8:30 PM and 8:55 – 9:15 PM)**

Ken Buss, Chief of the EMS Division, addressed the Committee Members to present financial information on the city's EMS Department (Ken referred to the graphs and figures presented at the January 23, 2012 Finance Committee meeting (pertaining to the EMS Department) during his presentation). His presentation included a comparison of EMS services and expenses of other similar sized communities, whether the services were provided directly by city personnel or contracted out to private companies, as well as that provided by Monroe County. During Ken's presentation, all in attendance were given the opportunity to ask questions, make comments and express their opinions, which included: (i) the department's sources of funding consist of (a) patient billing collections; (b) funds received from Monroe County (for Columbia's EMS Division to provide service to Monroe County residents outside the city limits but within the area served by the EMS Division) – possible funding from St. Clair County was also discussed; and (c) funding by the city (from general revenues); (ii) the ambulance department does provide some revenues (i.e., patient billings) to help offset its expenses; (iii) the difficulty in estimating patient billing revenues, since you cannot predict how many individuals will need to utilize the service and collection rates are very hard to predict; (iv) a private company or the county's ambulance service would probably not be able to deliver the services in a more cost efficient manner, the response time(s) may not be as good as those the city service currently provides (averaging approximately 3.5 minutes) and the same level of community services may not be provided (i.e., since Columbia EMS personnel are currently present at many civic and community functions open to the general public); (v) since employment costs constitute a large part of the EMS Department's budget, the only way to substantially reduce expenses is to staff only one ambulance (instead of the two normally in service), which will have an impact on response times; (vi) that the approximate cost to the city's residents (based upon the average amount contributed from city general revenues to subsidize the EMS Department for the past four (4) fiscal years) approximates \$1.00/month/resident; and (vii) that city finances are extremely tight and all departments must do what they can to reduce expenses.

(After Ken's presentation (which ended at approximately 8:30 PM), an Executive Session was held, which was followed by "Other Items to be Considered or Discussed" – see minutes pertaining to those items following this portion of these Committee of the Whole Meeting minutes – additional items under this topic were then presented beginning at approximately 8:55 PM)

Accounting Manager Linda Sharp reviewed her Memo of March 7, 2012, re: 2012-2013 F.Y. Budget Schedule, which had previously been distributed to the Committee Members, and its budget schedule attachment detailing various Budget Actions to be taken/Meetings to be held prior to the presentation of the city's FY May 1, 2012 - April 30, 2013 budget to the City Council for its consideration (anticipated to occur on April 16, 2012).

City Administrator Al Hudzik then reviewed his Memo of March 9, 2012, re: Financial Information, which had previously been distributed to the Committee Members along with its attachments. The "Capital Equipment and Capital Projects" worksheets, which were supplemented by worksheets distributed at this meeting for (i) the current fiscal year (9 mos. figures (05/01/11 thru 01/31/12)); and (ii) those same Equipment and Capital Projects items "Categorized by Department/Area of Responsibility" for each of the fiscal years (partial fiscal year for FY 2011-2012) contained on the worksheets distributed (previously or at this meeting). Hudzik then distributed and reviewed worksheets (containing fiscal year and fiscal year to date ("YTD") information) entitled "Sales Tax Receipts Summary", reflecting monthly sales tax receipts; "George Weber Chevrolet 1% Sales Tax Payments by Month"; "Income Tax Receipts", reflecting monthly income tax receipts (and listing payments currently owed to the city by the state); "Use Tax Receipts", reflecting monthly use tax receipts; "Utility Tax Receipts", reflecting monthly utility tax receipts; and Charter Communications/HTC Communications Cable TV franchise fees, reflecting quarterly franchise fees. Hudzik's presentation included analytical data comparing this year's YTD figures to those of previous years – he also highlighted and commented upon several of the figures presented on the worksheets.

V. EXECUTIVE SESSION

Chairman Ebersohl entertained a motion to go into Executive Session to discuss the employment of legal counsel for the city.

MOTION – EXECUTIVE SESSION

It was moved by Alderman Agne and seconded by Alderman Roessler to go into Executive Session at 8:29 p.m. to discuss the employment of legal counsel for the city. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea. **MOTION CARRIED.**

MOTION – REGULAR SESSION

It was moved by Alderman Roessler and seconded by Alderman Huch to return to the Regular Session of the Committee of the Whole at 8:39 p.m. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea. **MOTION CARRIED.**

Upon return to the Regular Session of the Committee of the Whole Meeting, Mayor Hutchinson and the following Committee Members were present: Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis.

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Chairman Ebersohl asked if there was any action to be taken as a result of the Executive Session of the Committee of the Whole Meeting.

MOTION:

It was moved by Alderman Niemietz and seconded by Alderman Huch to recommend to the City Council (i) the employment of Mark W. Weisman, attorney with the firm Gallop, Johnson & Neuman, on the issues discussed in Executive Session, and (ii) ratification of any actions that may have been taken by Mr. Weisman in representing the city in this matter. Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea. **MOTION CARRIED.**

VI. OTHER ITEMS TO BE CONSIDERED OR DISCUSSED (8:40 – 8:55 PM)

Mark W. Weisman, attorney with the firm of Gallop, Johnson & Neuman, addressed the Committee on the correspondence the city received from the Illinois Labor Relations Board (“ILRB”) re: representation petition received from the American Federation of State, County and Municipal Employees, Council 31 (“AFSCME”) with respect to the city’s Emergency Medical Services (“EMS”) Division. Mark gave a broad overview of Illinois law as it pertains to collective bargaining representation and reviewed the information the city has to provide to the ILRB (at its request and as provided by law), and the Notice to Employees that must be posted. He then informed the Committee Members that the city can file a written response to the representation petition if it has any issues to raise concerning the appropriateness of the bargaining unit and whether any employees sought to be included in the unit should be excluded from the unit. A general discussion was then held wherein all in attendance were able to ask questions and make comments, which included: (A) the EMS Division has only four (4) full-time employees and three (3) of them are officers – all other employees (besides Chief Buss and the office manager (both of whom are part time)) are paid volunteers; (B) whether the paid volunteers should be included as members of the unit; (C) the definition of a supervisor and a managerial employee; (D) Illinois law provides for mandatory arbitration in the case of public safety employees; and (E) the city’s written response is due within the next couple of days unless an extension can be obtained. It was the consensus of the Committee Members that (i) city staff compile and submit the information requested by the ILRB and post the Notice to Employees document; and (ii) Attorney Weisman submit the city’s written response (with input from city staff) to the ILRB within the time frame allotted concerning the representation petition filed by AFSCME.

VII. SALE OF SURPLUS PROPERTY DISCUSSION (9:15 – 9:20 PM)

City Administrator Hudzik then briefly reviewed the provisions of 65 ILCS 5/11-76-4, which deal with the sale of a city’s surplus personal property. He informed the council members that the city’s surplus property is normally sold by public auction (the city has used Action Auction Associates in the past) and presented a list entitled “2012 City Auction Items” listing some of the city’s surplus items to be sold; he indicated additional items may be added to the list. He then recommended that city staff be given authority to prepare and present the necessary documentation (to the City Council) to allow for the sale of the city’s surplus property by public auction.

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MOTION:

It was moved by Alderman Agne and seconded by Alderman Reis to recommend to the City Council that city staff be authorized to prepare and present the necessary documentation to allow the sale of the city's surplus property by public auction. Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea. **MOTION CARRIED.**

VIII. ADJOURNMENT

MOTION:

It was moved by Alderman Agne and seconded by Alderman Reis to adjourn the Committee of the Whole Meeting of the City Council of the City of Columbia, Illinois held Monday, March 12, 2012 at 9:20 p.m. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Mathews, Piazza and Reis voted yea.

MOTION CARRIED.

Gene Ebersohl

GENE EBERSOHL, Chairman
COMMITTEE OF THE WHOLE

Minutes taken by:

Sandra Garner

SANDRA GARMER, Accounting/Clerical Assistant