

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, MAY 1, 2006 IN THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:01 PM.

Upon Roll Call, the following members were:

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

Absent: Alderman Unnerstall.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Attorney Tom Adams, City Administrator Anthony Traxler, Building Inspector Al Holden, Engineering Consultant 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, April 17, 2006 were submitted for approval.

**MOTION:**

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, to approve the minutes of the Public Hearing of the City Council held Monday, April 17, 2006, as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Executive Session of the City Council held Monday, April 17, 2006 were submitted for approval.

**MOTION:**

It was moved by Alderman Huch, and seconded by Alderman Ebersohl, to approve the minutes of the Executive Session of the City Council held Monday, April 17, 2006, as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, April 17, 2006 were submitted for approval.

**MOTION:**

It was moved by Alderman Conrad, and seconded by Alderman Niemietz, to approve the minutes of the Regular Meeting of the City Council held Monday, April 17, 2006, as submitted and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

**III. DELEGATIONS**

Mayor Hutchinson presented a Certification of Recognition to the Department of Public Works for being recognized as the Illinois Association of Water Pollution Operators 2005 Plant of the Year.

**IV. REPORT OF OFFICERS**

A. Community and Economic Development

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

1. Ordinance No. 2458 - Amend Sign Code

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to pass Ordinance No. 2458, an ordinance amending the Sign Code of the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, 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. Administration Department

1. Ordinance No. 2459 - Salary Ordinance

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Huch, to pass Ordinance No. 2459, an ordinance establishing the salary/remuneration of employees of the City of Columbia, Illinois for the fiscal year of the City commencing May 1, 2006 and ending April 30, 2007.

Alderman Niemietz withdrew her motion and Alderman Huch withdrew his second as a result of Council members wanting to discuss specific salaries in Executive Session.

2. Ordinance No. 2460 - Appointed Officials

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, to pass Ordinance No. 2460, an ordinance filling the offices and setting the compensation of appointed City Officers for the fiscal year of the City of Columbia, Illinois commencing May 1, 2006 and ending April 30, 2007. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

3. Ordinance No. 2461 - Boards and Commissions

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2461, an ordinance providing for the appointment of members of certain Boards and Commissions of the City of Columbia, Illinois commencing May 1, 2006 and ending April 30, 2007. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

MOTION:

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

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

MOTION:

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

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

1. 1<sup>st</sup> National Bank Building Variance

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Koesterer, to accept the recommendation of the Zoning Board of Appeals and grant a variance to the First National Bank of Waterloo from Section 17.28.070 of the Columbia Municipal Code, which requires exterior walls of buildings and structures in a C-2 Business District to consist of brick, brick veneer, natural stone, marble, granite, or glass. Upon Roll Call vote, Aldermen Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Aldermen Conrad, Ebersohl, and Agne voted nay. Motion Carried.

MOTION:

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

- E. City Attorney

1. Ordinance No. 2462 - Amend Section 02.02.100

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Agne, to pass Ordinance No. 2462, an ordinance amending Section 02.02.100 of the City of Columbia, Illinois Municipal Code to change the vote required to override the Veto of the Mayor in order to bring the same into compliance with State law. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2463 - Repeal Ordinance No. 2438

MOTION:

It was moved by Alderman Conrad, and seconded by Alderman Ebersohl, to pass Ordinance No. 2463, an ordinance repealing Ordinance No. 2438 of the City of Columbia, Illinois enacted the 6<sup>th</sup> day of February 2006 to hire Hydrochem Industrial Services, Inc. to remove concrete from the City's elevator shaft at it's Public Safety Complex located at 1020 North Main Street, Columbia, Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

3. Abundant Love Fellowship Variance Order

The following Order was presented to the City:

**AN ORDER TO GRANT A VARIANCE FROM STRICT APPLICATION OF THE CITY OF COLUMBIA, ILLINOIS SUBDIVISION CODE TO ALLOW THE SUBDIVISION OF AN 84.321 ACRE TRACT OF PROPERTY BELONGING TO THE ABUNDANT LOVE FELLOWSHIP, INCORPORATED CHURCH TO BE SUBDIVIDED BY MINOR SUBDIVISION PLAT**

WHEREAS, by City of Columbia, Illinois (the "City") Ordinance No. 2408, enacted the 7<sup>th</sup> day of November, 2005, the City annexed a 84.321 acre tract of property belonging to the Abundant Love Fellowship, Incorporated Church (the "Church") to the City and by City Ordinance No. 2419, enacted the 5<sup>th</sup> day of December, 2005, the City zoned 20.28 acres of said property CP (Commercial Park Zoned District) and zoned the remaining 64.04 acres A-1 (Agricultural Zoned District);

WHEREAS, by City Ordinance No. 2431, enacted the 7<sup>th</sup> day of January, 2006, the City added to the permitted uses allowed in a CP zoned district in the City "senior care homes, nursing homes, convalescent homes and assisted living homes";

WHEREAS, the Church intends to sell or has sold the 20.28 acre tract of property that is zoned CP to a buyer who intends to develop the same for senior housing and needs to subdivide the property in order to conclude said sale;

WHEREAS, Section 34-3-26 of the City's Subdivision Code allows for the subdivision of minor subdivisions by final subdivision plat and without the requirement of preliminary subdivision plat approval or of review of the subdivision plat by the City's Plan Commission where the subdivision involves six (6) or fewer lots and otherwise qualifies as a minor subdivision as the same is defined in said Subdivision Code;

WHEREAS, Section 32-2-3 of the City's Subdivision Code defines a "minor subdivision" to be:

"Property development whether residential, commercial or otherwise, located on a unitary tract of property or upon two (2) but not more than six (6) lots, all of which front on an existing street, not involving any streets or other rights-of-way, easements and improvements, or other provisions for public area and facilities";

WHEREAS, the subject 84.321 acre tract would qualify for subdivision into two (2) separate lots (the 20.28 acre CP zoned tract and the 64.04 acre A-1 zoned tract) by minor subdivision plat but for the fact that the City sanitary sewer transmission main and City water main will be required to be extended a short distance in order to provide sanitary sewer service and water service for the senior housing to be located on the CP zoned tract and easements shall be required to be created for the same;

WHEREAS, Section 34-6-1 of the City's Subdivision Code allows the City's City Council to grant a variance or special exception from all provisions of the Subdivision Code where the City Council finds that the same is in compliance with the purpose of the Subdivision Code, and, the subdivider shows that because of topographical or other physical conditions peculiar to the site strict adherence to the requirements of the Subdivision Code would cause unnecessary hardships;

WHEREAS, the City Council has found and determined that the short extension of sanitary sewer service and water service to the CP zoned tract and the need to create easements for the same is a physical condition peculiar to the site which will result in an undue hardship and delay for the subdivider if the subdivider is required to comply with the preliminary platting requirements of the Subdivision Code and to have a preliminary plat reviewed by the City's Plan Commission in order to subdivide the property; and, that a variance should be granted to relieve of strict adherence to the City's Subdivision Code to allow the property to be subdivided by minor subdivision plat.

Alderman Niemietz moved the City Council to grant the variance from strict application of the City's Subdivision Code to allow the owner of the 84.321 acre Abundant Love Fellowship, Incorporated tract to be subdivided by minor subdivision plat and without the need of first obtaining preliminary plat approval. The motion was seconded by Alderman Conrad and the Roll Call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson.

NAYS: None.

ABSENT: Alderman Unnerstall.

ABSTENTIONS: None.

The Mayor declared the motion passed; the order adopted and the Subdivision Code variance granted.

4. Ordinance No. 2464 - Exterior Wall Masonry Coverage Requirement

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to pass Ordinance No. 2464, an ordinance incorporating an Exterior Wall Masonry Coverage Requirement for single family dwelling homes located in all residential zoned districts in the City of Columbia, Illinois in the City's Building and Construction Code. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, and Row voted yea. Alderman Huch and Mayor Hutchinson voted nay. Motion Carried.

5. Ordinance No. 2465 - Employ Illinois Excavators

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Conrad, to pass Ordinance No. 2465, an ordinance employing Illinois Excavators, Inc. of Ruma, Illinois as the contractor to construct the frontage road for the Young Men's Christian Association of Southwest Illinois and the St. E. Columbia, L.L.C buildings and facilities which frontage road will be located on the east side of Illinois Route No. 3 Highway (A/K/A FAI-312), adjacent to the Route No. 3 Highway and will be accessed at an intersection on "EE" Road in Monroe County, Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

6. Ordinance No. 2466 - Employ Ozark Underground Laboratory

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2466, an ordinance authorizing the employment of

Ozark Underground Laboratory of Protem, Missouri to perform dye injection and sampling to evaluate the adequacy of the monitoring wells at the Columbia Municipal Landfill. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

7. Admiral Trost Development Subdivision

After a discussion by the Council regarding alternatives for the construction of sidewalks for the Admiral Trost Development subdivision, the following Order was presented to the Council.

**AN ORDER TO AMEND A PRIOR ORDER OF THE COLUMBIA, ILLINOIS CITY COUNCIL ENTERED FEBRUARY 21, 2005 WHICH PRIOR ORDER GRANTED CONDITIONAL APPROVAL OF THE PRELIMINARY SUBDIVISION PLAT FOR THE ADMIRAL TROST DEVELOPMENT SUBDIVISION IN THE CITY OF COLUMBIA, ILLILNOIS AND GRANTED CERTAIN VARIANCES FROM STRICT COMPLIANCE WITH CERTAIN CITY SUBDIVISION CODE REGULATIONS**

A motion was made by Alderman Koesterer and seconded by Alderman Agne to amend the Order of the City of Columbia, Illinois City Council entered February 21, 2005 for conditional approval of the preliminary subdivision plat for the Admiral Trost Development Subdivision in the City of Columbia, Illinois and to grant certain variances from strict compliance with certain provisions of the City's Subdivision Code, as follows:

I.

Change and amend Item (13) of the February 21, 2005 Order, which reads as follows:

"As an alternative to the City Code required road, shoulder and sidewalk construction requirement, the subdivider/developer shall be required to extend the proposed barrier curb and gutter and six (6) foot wide Portland cement concrete sidewalk along the south side of Valmeyer Road adjoining the north boundary of the subdivision. In the event topographic features still result in interruptions in the construction and installation of sidewalks along and adjoining the entire north boundary of the subdivision property, notwithstanding the use and installation of the barrier curb and gutter at the subject location, the City Council shall decide at the time of final Subdivision plat approval whether to grant a Subdivision Code variance to relieve of the obligation to construct and install sidewalk along the north boundary of the subdivision or to grant such variances as are necessary to allow such breaks in the sidewalk extension at the subject location as are required by topography and still require the subdivider/developer to install the sidewalk along the south side of Valmeyer Road where topography allows and provides."

to read, instead, as follows:

As an alternative to the City Code required road, shoulder and sidewalk construction requirement, the subdivider/developer shall be required to deposit in an account created by the City Treasurer, at a bank selected by the City, which account shall be entitled "Admiral Trost Development - Valmeyer Road Sidewalk Construction Account" or something to that effect, a sum approved by the City Engineering Consultant as sufficient to construct and install a six (6) foot wide Portland cement concrete sidewalk along the south side of Valmeyer Road

adjoining the north boundary of the Admiral Trost Development Subdivision, which sum shall include the cost to construct a pedestrian sidewalk along the south side of Valmeyer Road in the Admiral Trost Development Subdivision if deemed necessary by the City Engineering Consultant in order to make the subject sidewalk Federal Americans with Disability Act (ADA) compliant for pedestrian use. Those funds and the accumulated interest earned on the fund deposits shall belong to the City and shall be used by the City to construct the subject sidewalk (and pedestrian bridge, if required) at the subject location at such future time as the City shall deem to be appropriate, after the completion of the reconstruction of the Valmeyer Road Intersection at Admiral Parkway (a/k/a Illinois Route #3) in the City. The subdivider/developer shall be required to extend the barrier curb and gutter to allow for the future sidewalk construction at the subject location to the northwest boundary of the subdivision."

II.

The February 21, 2006 Order of the City Council aforesaid, shall remain and be in full force and effect, as amended by this Order.

**END OF ORDER**

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Agne, to pass the Order as presented. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, and Huch voted yea. Alderman Row voted nay. Motion Carried.

8. Ordinance No. 2467 - Development Agreements

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to pass Ordinance No. 2467, an ordinance amending the Subdivision Code of the City of Columbia, Illinois to add thereto Article VII entitled "Development Agreements". Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

9. 515 N. Main Street - Balcony Discussion

Mr. Adams explained that the Building Permit was issued for code compliance only and it is up to the developer to determine ownership of the sidewalk along the front of the building.

MOTION:

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

F. Building and Zoning

The monthly report of the Zoning Administrator was presented to the Council.

MOTION:

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

1. The Fountains Assisted Living Facility

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Huch to accept the recommendation of the Architectural Review Board and allow a vinyl siding material of at least .046 thickness as an acceptable deviation from the materials on the exterior walls in the courtyard only and require all other exterior walls to meet the City's ordinance requirements. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Koesterer and Huch voted yea. Aldermen Niemietz and Row voted nay. Motion Carried.

G. City Clerk  
Mr. Hoeffken presented his report to the Council.

H. City Engineer  
The report of the City Engineer will be presented at the next meeting of the Council.

**V. EXECUTIVE SESSION**

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

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Ebersohl, to direct the Mayor to go into Executive Session at 8:53 PM for the purpose of discussing personnel. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Niemietz, to return to Regular Session of the City Council at 9:30 PM. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

Upon return to Regular Session, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, Huch 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.

1. Ordinance No. 2459 - Salary Ordinance

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2459, an ordinance establishing the salary/remuneration of employees of the City of Columbia, Illinois for the fiscal year of the City commencing May 1, 2006 and ending April 30, 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Koesterer, Huch, and Hutchinson voted yea. Aldermen Conrad and Row voted nay. Motion Carried.

**VI. MAYOR'S REPORT**

Mayor Hutchinson presented his report to the Council.

**VII. CLAIMS & ACCOUNTS**

A. Report of Collections  
The Report of Collections for the period commencing February 26, 2006 and ending March 25, 2006 was presented to the Council.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Conrad, to approve the Report of Collections for the period commencing February 26, 2006 and



ending March 25, 2006, as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Vouchers

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Row, to authorize the payment of vouchers received through April 28, 2006; the total amount of the vouchers to be paid is one hundred ninety-two thousand, seven hundred forty-four dollars, and seventy cents (\$192,744.70). Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

**VIII. OLD BUSINESS**

There was no Old Business.

**IX. NEW BUSINESS**

A. Temporary Banner Request

MOTION:

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

B. Bolm-Schuhkraft Park - Special Event

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, to approve the request from the Columbia High School to hold Cross Country events in the Bolm-Schuhkraft Park. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

**X. REPORT OF STANDING COMMITTEES**

A. Streets, Sidewalks, Drainage and Public Utilities Committee

Minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, April 24, 2006 were presented to the Council for approval.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Huch, to approve the minutes of the Streets, Sidewalks, Drainage, and Public Utilities Committee meeting held Monday, April 24, 2006 as presented and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Parks, Playgrounds, and Recreation Committee

Minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, April 24, 2006 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to approve the minutes of the Parks, Playgrounds, and Recreation Committee meeting held

Monday, April 24, 2006 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

1. Piggott Fort

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Niemietz, to direct Mr. Hemmer to draft a letter to the Columbia Historical Society regarding Piggott Fort. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Koesterer, Row, and Huch voted yea. Motion Carried.

C. Personnel Committee

Minutes of the Personnel Committee meeting held Monday, April 24, 2006 and the Executive Session of the Personnel Committee held Monday, April 24, 2006 were presented to the Council for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, to approve the minutes of the Executive Session of the Personnel Committee held Monday, April 24, 2006 as presented and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Koesterer, to approve the minutes of the Personnel Committee held Monday, April 24, 2006 as presented and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**XI. CALL FOR COMMITTEE MEETINGS**

Monday, May 8, 2006

7:00 PM - Ordinances, Planning, and Zoning

**XII. ADJOURNMENT**

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Ebersohl, to adjourn the Regular City Council Meeting held Monday, May 1, 2006 at 9:44 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

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Wesley J. Hoeffken, City Clerk

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Mayor Kevin Hutchinson