

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, MAY 5, 2008 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:00 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 checked="" type="checkbox"/> City Administrator Anthony Traxler
<input checked="" type="checkbox"/> City Attorney Tom Adams	<input 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 checked="" type="checkbox"/> Director of Economic Development Paul Ellis
<input checked="" type="checkbox"/> Fire Chief Mike Roediger	<input checked="" type="checkbox"/> Deputy Chief of Police Jerry Paul
<input type="checkbox"/> Deputy CEMS Director Ken Buss	<input type="checkbox"/> Accounting Manager Linda Sharp

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Public Hearing of the City Council held Monday, April 21, 2008 were submitted for approval.

MOTION:

It was moved and seconded to approve the minutes of the Public Hearing of the City Council held Monday, April 21, 2008, as on file at City Hall.

Moved by: Niemietz 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

The minutes of the Regular Meeting of the City Council held Monday, April 21, 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, April 21, 2008, as amended and on file at City Hall.

Moved by: Unnerstall 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

The minutes of the Executive Session of the City Council held Monday, April 28, 2008 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

Approval of the minutes for the April 28, 2008 Special Meeting and Executive Session were deferred until the next meeting of the Council.

III. DELEGATIONS

A. Gregg Crawford Recognition

Mayor Hutchinson deferred this item until Mr. Crawford arrived.

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. Lagoon Effluent Pipe Repair

MOTION:

It was moved and seconded to accept the bid of \$6,000.00 submitted by Luhr Bros., Inc. to repair the scour at the City's lagoon discharge pipe by building a toe dike.

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

2. Motor Fuel Tax Maintenance Program

MOTION:

It was moved and seconded to authorize the City Engineer to solicit bids for the City's annual Motor Fuel Tax Maintenance Program.

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

3. American Legion Parking Lot

MOTION:

It was moved and seconded to approve the request by the American Legion allow the extension of a parking area along the new road constructed by the City.

Moved by: Ebersohl Second: Niemietz Vote: Roll Call

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

Motion: Carried 8 To 0

4. Columbia Lakes - Jennifer Court Street Vacation

Mr. Williams informed the Council Mr. Bob Jones, developer of the Columbia Lakes Subdivision, has requested the City vacate Jennifer Court so the street and surrounding lots can be deeded over to the

Columbia Lakes Homeowners Association. Mr. Williams then explained the request is the result of an old landfill in the area. Mr. Jones provided a history of the area in question, including the various studies conducted and submitted to the Illinois Environmental Protection Agency. Alderman Unnerstall inquired if the homeowners association is aware of the situation. Mr. Williams stated that based on the number of calls he has received from the residents of Columbia Lakes, they are aware of the situation. Alderman Row inquired if the area will become common ground. Mr. Jones stated yes. Alderman Unnerstall stated he would like to coordinate approval of the ordinance with the homeowners so they have input on the situation. Alderman Stumpf stated he would still like to see the cul-de-sac at the end of Jennifer Court constructed, otherwise, this is unfinished business. Mr. Jones stated a rock cul-de-sac already exists. Alderman Oberkfell stated he would like to hear the citizens' comments. Alderman Niemietz stated if the City vacates the street, they can not require construction of the cul-de-sac to be completed. Mr. Williams stated stub streets are typically a maintenance nightmare for municipalities. Mr. Adams explained the City will also need to vacate the bubble cul-de-sac of another street that has already been extended. Alderman Unnerstall again stated the homeowners association should be made aware of the situation. Alderman Row stated the Council should accept the recommendation of Mr. Williams and proceed with the vacation. Alderman Oberkfell stated it would be worth seeking input from the residents.

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

5. Columbia Kinder College - 50/50 Sidewalk Program

Mr. Williams informed the Council; Mr. David Killy of Columbia Kinder College has submitted an application to participate in the 50/50 Sidewalk Program. Alderman Ebersohl referred this item to the Streets, Sidewalks, Drainage, and Public Utilities Committee.

C. Greg Crawford Recognition

Mayor Hutchinson read a Proclamation proclaiming the first week of May, 2008 as Greg Crawford Week, in recognition of his outstanding contribution to the public good.

D. Building and Zoning

The monthly report of the Building and Zoning Department was presented to the Council.

E. Community and Economic Development

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

F. Plan Commission

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

G. City Attorney

1. Ordinance No. 2652 - Multiple Purpose Easement

MOTION:

It was moved and seconded to pass Ordinance No. 2652, an ordinance approving a multiple purpose easement for a municipal retaining wall, fencing and storm water facility for the City of Columbia Old Town Renovation Project from the Immaculate Conception Roman Catholic Church and the Diocese of Belleville of the Roman Catholic Church and to authorize the Mayor to execute and the City Attorney to record the same for and on behalf of the City.

Moved by: Row 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

2. Ordinance No. 2653 - Pet Boarding

MOTION:

It was moved and seconded to pass Ordinance No. 2653, an ordinance allowing pet boarding in a C-3 (Highway Business) Zoned District as a Special Use in the City of Columbia, Illinois.

Moved by: Agne 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

3. Communication Tower Site Lease

Mr. Adams informed the Council the AT&T Tower cohabitation fee issue has been turned over to Mr. Dan Vogel who represents the city in communication tower issues.

4. Monroe County Heritage Foundation Litigation

Mr. Adams informed the Council oral arguments for the Monroe County Heritage Foundation litigation is scheduled for June 4, 2008 at 11:00 am.

H. Administration Department

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

1. Employ EMS Personnel

MOTION:

It was moved and seconded to accept the recommendation of the City Administrator and the Deputy EMS Director Ken Buss and promote Jason Sitzes to Operations Supervisor, and employ Gary Hutchinson and Michelle Wrigley as Full-time Paramedics, effective immediately and contingent upon the proper drug testing, medical examinations, and background checks.

Moved by: Niemietz 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

I. City Clerk

Mr. Hoeffken presented his report to the Council.

J. Mayor

Mayor Hutchinson presented his report to the Council.

1. Ordinance No. 2654 - Boards and Commissions.

MOTION:

It was moved and seconded to pass Ordinance No. 2654, an ordinance providing for the appointment of members of certain Boards and Commissions of the City of Columbia, Illinois for the fiscal year of the City commencing May 1, 2008 and ending April 30, 2009.

Moved by: Agne Second: Niemietz 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

MOTION:

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

Moved by: Ebersohl 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

V. CLAIMS & ACCOUNTS

A. Vouchers

Alderman Unnerstall inquired about the invoices for PGAV and Alderman Hejna verified the charges were not for deposition time.

MOTION:

It was moved and seconded to authorize the payment of vouchers received through May 2, 2008; the total amount of the vouchers to be paid is one hundred ninety-five thousand, eight hundred fifty-four dollars, and forty-six cents (\$195,854.46).

Moved by: Hejna 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

B. Report of Collections

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

MOTION:

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

Moved by: Hejna Second: Unnerstall Vote: Roll Call

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

VI. OLD BUSINESS

A. Columbia Crossing Update

1. Legal

The monthly summary of legal fees was presented to the Council. Total legal fees to date are \$167,249.97.

2. Planning Consultation

The monthly summary of planning consultation fees was presented to the Council. Total consultation fees to date are \$32,082.05.

VII. NEW BUSINESS

There was no New Business brought before the Council.

VIII. REPORT OF STANDING COMMITTEES

A. Ambulance, Radio Communication, and Dispatch and Personnel Committees

Minutes of the joint meeting of the Ambulance, Radio Communication, and Dispatch Committee and the Personnel Committee meeting held Monday, April 14, 2008 were presented to the Council for approval.

MOTION:

It was moved and seconded to approve the minutes of the joint meeting of the Ambulance, Radio Communication, and Dispatch Committee and the Personnel Committee meeting held Monday, April 14, 2008 as presented and on file at City Hall.

Moved by: Stumpf Second: Niemietz 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. Finance, Claims, Bonds and Interest Committee

Minutes of the Finance, Claims, Bonds and Interest Committee meeting held Monday, April 14, 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 Finance, Claims, Bonds and Interest Committee meeting held Monday, April 14, 2008 as amended and on file at City Hall.

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

C. Fire Department Committee

Minutes of the Fire Department Committee meeting held Tuesday, March 11, 2008 were deferred until the next meeting of the Council.

IX. CALL FOR COMMITTEE MEETINGS

Mayor Hutchinson stated he would like a Finance, Claims, Bonds, and Interest Committee called to discuss Alderman Hejna's concerns over legal bills and would like all the attorneys present to address any questions. Alderman Hejna inquired if Mr. Weisman would be in attendance. Mayor Hutchinson said he would like all the attorneys present since concerns have been expressed over services provided by Mr. Adams and Mr. Weisman and would like to allow them the opportunity to answer questions. Alderman Hejna stated she does have concerns with the bills but does not understand the need to call a committee meeting next week when there are many other committee meetings already scheduled and is shocked to see this item on the agenda. Mayor Hutchinson stated the item is on the agenda because he has heard numerous times over the past few months that Alderman Hejna has concerns with the bills. Alderman Unnerstall inquired if the attorneys could just respond to the Council's written questions? Mayor Hutchinson stated he would like the attorneys present so they can defend themselves and added he continues to hear there are issues with the bills, but has never been told the nature of these issues. Alderman Hejna stated she believes the people have a right to know the amounts of the other legal bills because they come to a large amount and expressed concern with a charge for researching Mayoral authority on Mr. Weisman's bill. Alderman Hejna stated she did not understand what this item had to do with saving any litigation. Alderman Niemietz stated the Council should have the meeting. Alderman Hejna asked why the City should incur more cost when she believes the citizens have a right to know what the City is paying in legal fees. Alderman Niemietz stated there are always accusations and the Council should have the meeting so the attorneys can explain any items in question rather than continuing to talk about the attorneys and their fees without them being present to provide an explanation. Mayor Hutchinson stated he could ask the same question of Alderman Hejna as to why she used the City's labor attorney for a personal issue, referring to when Alderman Hejna called Mr. Weisman because she had concerns with Officer Bayer. Alderman Hejna stated Mayor Hutchinson is incredible in how he withholds information from the Council and how he runs his administration and added it is incredible that Mayor Hutchinson would bring this out in the public since it is known Officer Bayer filed a grievance. Alderman Hejna added this statement was not fair. Mayor Hutchinson stated Alderman Hejna is sidestepping the issue and that she had no problem bringing his name up and accusing him of improprieties. Alderman Hejna stated that when a person is scared, they are allowed to do that. Mayor Hutchinson stated Alderman Hejna had no authority to consult the City's attorney for a personal issue and she should have gone through the proper channels. Alderman Hejna stated that if the Mayor followed proper protocol, she would not have this problem. Mayor Hutchinson asked Alderman Hejna several times what protocol he has not followed. Alderman Hejna had no response. Alderman Oberkfell inquired if the Council was going to go line-by-line through the bills. Mayor Hutchinson answered that was up to Alderman Hejna. Alderman Niemietz stated that if the Council would follow the procedures that are in place, this would not be necessary because this is a day-to-day operations issue and the review of these bills fall under the scope of the City Administrator's duties. Alderman Oberkfell stated this is the ongoing saga of the Council with things mysteriously appearing that go on behind the Council's back. Alderman Niemietz stated this is just normal day-to-day business operations. Alderman Oberkfell stated that process is old school and asked if Alderman Niemietz would like to be informed. Alderman Niemietz stated she is informed. Alderman Oberkfell stated the problem is that Alderman Niemietz is informed and others are not. Alderman Niemietz asked Alderman Oberkfell which department heads are not providing him with information, when asked. Alderman Niemietz then referred Alderman Oberkfell to the Municipal Code and reminded him of the individual alderman's duties regarding day-to-day operations and then asked if Alderman Oberkfell does not trust any of the staff that has been hired to carry out these duties. Alderman Niemietz then stated you cannot sit on the Council and make accusations and try to discredit everyone. Mr. Traxler asked Alderman Oberkfell who has withheld information from him. Alderman Oberkfell stated he would have to go through two file cabinets and spend numerous hours to provide that information. Mr. Traxler stated that would be beneficial since he could finally address specific problems, and added the City could then move forward and make sure the Council is kept informed of what they want to know. Alderman Unnerstall stated the City Council

never received a copy of the letter from the Attorney General notifying the City of the Open Meetings Act violation investigation or Mr. Adams' response until after the fact. Alderman Hejna stated she would not call a Finance Committee meeting and was against calling the meeting with all the attorneys present. Mayor Hutchinson stated he is fine with that but added the Council needs to stop attacking the attorneys. Alderman Hejna stated the citizens need to know what the City is spending in other legal fees, in addition to the City's litigation costs. Mr. Hoeffken stated the legal fees are included, by firm name, in the Vouchers to be Paid Report, which is published with the minutes and are therefore public record. Mr. Traxler reminded the Council they can visit his office at any time to review these bills, as Aldermen Hejna, Niemietz, and Mayor Hutchinson have done in the past. Alderman Hejna added the bills are very detailed. Mr. Traxler explained that because of their detail, and confidential nature, these bills are kept in a centralized, locked location, and again stated any member of the Council is welcome and encouraged to visit his office at any time to review these bills.

Monday, May 12, 2008

7:00 PM - Streets, Sidewalks, Drainage, and Public Utilities

7:15 PM - Ordinance, Planning, and Zoning

X. EXECUTIVE SESSION

Mayor Hutchinson inquired if there was any reason the go into Executive Session. There was none.

XI. ADJOURNMENT

MOTION:

It was moved and seconded to adjourn the Regular City Council Meeting held Monday, May 5, 2008 at 8:44 PM.

Moved by: Agne Second: Niemietz 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