

**Minutes of the Regular Meeting of the City Council of the City of Columbia, Illinois  
Held Monday, June 15, 2020 in the Council Room of City Hall.**

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**A. Call Meeting to Order**

Mayor Hutchinson called the City Council of Columbia, Illinois to order at 7:00 PM.

**B. Roll Call**

**Present:** Aldermen Ebersohl, Agne, Niemietz\*, Roessler\*, Huch, Holtkamp\*, Martens, and Riddle.

**Absent:** None.

Quorum present.

**Administrative Staff present:**

City Clerk Wes Hoeffken\*

City Attorney Terry Bruckert

City Engineer Chris Smith

IT Manager James Mitchell

Head Librarian Annette Bland\*

City Administrator Douglas Brimm

Chief of Police Jerry Paul\*

Dir. Of Community Dev. Scott Dunakey\*

EMS Chief Kim Lamprecht\*

Admin. Asst. to City Admin. Sure Spargo\*

**C. Pledge of Allegiance**

Those in attendance recited the Pledge of Allegiance.

**D. Proclamations/Recognitions/Presentations**

There were no proclamations, recognitions, or presentations.

**E. Public Input**

Mr. Brimm read the following public comments that were received via email prior to the meeting.

**Gerry and Durinda Siekerka**

We strongly object to the proposed changes to zoning that would allow Sunset Overlook to reopen their outdoor venue. This proposal smells of conflict of interest. The City council must represent all the citizens of Columbia, and not bow to special interests, conflicts of interest, and petitioners. How many of the petitioners are home owners? How many of the petitioners are residents of Columbia? How many of the petitioners would be directly affected by the noise? The neighborhoods impacted by Sunset Overlook are among the nicest quietest in Columbia and they will be harmed by this proposal. The City should not sacrifice these peaceful neighborhoods for the sake of one business.

**Bruce Freeland**

You are being asked to consider changes to Columbia's C-1 zoning ordinances directly affecting Sunset Overlook's operations. Although the changes have been presented as if they are a compromise between Sunset and neighboring property owners, if enacted, the changes would essentially permit Sunset Overlook to operate as it did when it opened,

which has caused much conflict and embroiled all involved in extensive litigation. None of Sunset Overlook's prior seating or service areas were within a 50-foot setback of our properties, so the proposed setback in 17.26.030(D) will do nothing to protect us. Patrons will without question gather on the back patio in large groups, engaging in heavy drinking, and shouting juvenile obscenities toward our homes. Section G will not protect us, as we can hear every word of even normal conversations the area is essentially an amphitheater, and we have the best seats in the house, if the goal is to hear drunken screaming into the early morning hours. Section G's use of the word "deliberately" also creates ambiguity that Sunset Overlook will use to claim the lack of intentional violations. Please protect our property rights as residents of Columbia.

**Paul Galeski**

I have lived in my home for 29 years now. Up until two years ago, it was peaceful, quiet, and had a beautiful view. Everything changed when Sunset Overlook opened. Sunset Overlook's owners had the property rezoned to C-1, and told us on the record when doing so that they were going to be a bakery. Now we have a bar in our backyards. We have video recordings and multitudes of photos of what this has been like for us. People cursing, people flipping us the bird, people shouting, "One, two, three" and then screaming in unison, followed by "What are they gonna do, sue us too?!" and then laughing together while it's pitch black outside in the summer. This is not a laughing matter. All we want is to have our peace back. We are simply asking that the City enforce the rules put in place to protect us, and not enact new loophole-filled ordinances. We are happy to discuss potential solutions representing actual compromises/solutions that will end our problems and not simply perpetuate the current Hatfield and McCoy situation.

**Cindy Huseman**

I am humbly asking the City to consider why the current protections offered by the C-1 regulations were put in place to protect surrounding property owners. Back in 2005, the City specifically considered these provisions, and in their transcripts noted that outdoor beer gardens would not be acceptable in C-1 districts. Sunset Overlook has submitted self-drafted letters signed by people from all over St. Louis, Godfrey, Waterloo, etc. But no one who signed those letters has had to deal with Sunset Overlook's antics in their backyards. Their properties don't have a bar right down the hill. We are asking for a compromise that will allow Sunset Overlook to conduct business and still protect us. This Commission must take note that even without outdoor service and without any ancillary entertainment, Sunset Overlook can and has thrived. In February 2020 before the coronavirus hit us, Sunset Overlook regularly had a full parking lot, despite the Illinois courts restricting its activities to indoors-only. We can co-exist with Sunset Overlook, but our coexistence must reflect protection of our pre-existing property rights. We ask that you stand up and protect our constitutional rights now, so we may all avoid continued contentious litigation over these matters.

**Natalie Lorenz**

The proposed changes to the C-1 zoning ordinance, if enacted, will constitute illegal "spot zoning" which is allowing uses in a location out of character for the surrounding area. In determining whether illegal spot zoning has occurred, Illinois courts consider whether the subject property is zoned in conformity with surrounding existing uses. Here, the proposed changes expand the current C-1 ordinance so that it permits activities previously reserved

only for businesses in C-2 districts. Sunset Overlook previously requested C-2 rezoning and was denied upon the very same considerations that a court would analyze in determining that zoning Sunset Overlook as C-2 would be illegal "spot zoning." There is no legitimate need for making the proposed changes to the C-1 ordinance except as an end-run around this spot zoning issue, and the changes, if enacted, will invite litigation with constitutional challenges. My clients want to see an end to this dispute, and are more than willing to discuss ways to accommodate the needs of all parties involved: (1) disallow seating, service, and smoking in any yard adjoining a parcel used for residential purposes; and (2) disallow amplification of any sound such that the sound may be heard from neighboring properties.

The following comments were made during the meeting:

**Dan Lytle** – Representative of Sunset Overlook

Sunset Overlook has always been very open with the Plan Commission and City Council regarding expected business practices. Significant improvements have been made to the property. The proposed changes are formalizing what previously has been an interpretation of the code and Sunset Overlook is asking for the Council's continued support.

**Natalie Lorenz** - Representative of Neighboring Residents

Sunset Overlook has requested several zoning changes and has not always been clear of their business practices and a bar was never in the mix. My clients have been assured by the City the Zoning Code would protect their interests and after careful consideration there needs to be a resolution that will avoid additional litigation. Constitutional concerns will be raised in any future litigation, including "spot zoning". The residents do not want to put Sunset Overlook out of business they only want a reasonable resolution to the issue of loud customers past midnight.

**Paul Galeski** – Neighboring Resident

I am sad that I need to discuss the Sunset Overlook situation with the City Council. This is not about the C-1 zoning for Sunset Overlook, but the predisposition to Sunset Overlook and their continued actions that impact the peaceful life of the residents. This is a matter of right versus wrong. How many of the petitions received by the City supported the denial of citizen's rights? This appears to be more of a mob rule win over the violation of citizen's rights. Peaceful times do not include the yelling of obscenities. We need the Council to act out of fairness versus political favoritism. All we are asking is a restriction of outside use to the front of the building and that Section G strike the word "deliberately". This is a reasonable compromise.

**F. Comments & Announcements - Mayor**

There were no Mayor Comments & Announcements

**G. Comments & Announcements - Aldermen**

There were no Aldermen Comments & Announcements.

**H. Comments & Announcements – Department Directors**

Police Chief Paul informed the Council that James Mitchell recently made suggestion to the Monroe County Emergency Telephone System Board that resulted in over \$4,000 in savings for back-up equipment for the 9-1-1 system.

**I. Consent Agenda**

City Clerk Hoeffken read the Consent Agenda.

1. Motion to approve minutes of the Regular City Council Meeting held Monday, June 01, 2020
2. Motion to approve minutes of the Closed Session of the City Council held Monday, June 01, 2020
3. Motion to authorize the payment of vouchers for the period from May 30, 2020 through June 12, 2020 in the amount of \$282,876.33.
4. Motion to approve the Statement of Funds for the month ending Tuesday, March 31, 2020 as submitted and on file at City Hall.
5. Motion to approve a Special Event Permit Application for the City of Columbia Electronics Recycling as submitted and on file at City Hall.

Mayor Hutchinson inquired if the Council wished to remove any items prior to a motion. There were none.

**Motion:**

It was moved by Alderman Huch, and seconded by Alderman Martens, to approve the Consent Agenda as read.

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle  
0 Nay:  
0 Absent:  
0 Abstain:

**J. Unfinished Business**

1. Ordinance No. 3522 – Lease Agreement Amendment for 130 South Rapp Avenue

**Motion:**

It was moved by Alderman Ebersohl, and seconded by Alderman Riddle, to pass and approve Ordinance No. 3522, an ordinance authorizing a Lease Agreement Amendment between the City of Columbia, Illinois and Nathan D. Williamson, DMD, LLC, an Illinois Limited Liability Company, for the lease of improved property locate at 130 South Rapp Avenue in the City of Columbia, Illinois.

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

2. Ordinance No 3523 – Amend Columbia Municipal Code

Alderman Agne stated he has concerns about the word “deliberately” and finds the current activities at Sunset Overlook to be offensive. Alderman Agne then stated there has to be some middle ground that is acceptable to all parties. Mr. Bruckert stated the zoning changes are intended to make things more respectful to neighbors. Mr. Dunakey stated the word “deliberately” is used to refer for the amplification of sound that could be heard outside the property, or beyond, and clarified music must be played inside the building and cannot be heard outdoors, otherwise it would be considered ancillary entertainment. Alderman Holtkamp stated including the word “deliberately” is going to open up more loopholes and added there needs to be better terminology to limit the hours of outside noise and activities before midnight, suggesting outside activities be capped at 9:00 PM or 9:30 PM. Alderman Ebersohl agreed with the proposal to cap the hours of outside activities.

There was a discussion by the Council regarding the appropriate time to limit outside activities. Mayor Hutchinson suggested outside activities end at 9:00 PM weeknights and 10:00 PM on weekends. Alderman Roessler stated a 9:00 deadline for all evenings is more conservative and the times can always be amended later, if warranted. Alderman Niemietz stated a 9:30 cap might be more flexible, especially in summer months when the sunset is later.

Motion:

It was moved by Alderman Huch, and seconded by Alderman Riddle, to pass and approve Ordinance No. 3523, an ordinance amending Section 17.40.030, Section 17.26.030, and Section 17.56.020 of the Columbia Municipal Code, as amended to limit outside activities to conclude by 9:30 PM under section 17.26.030 (B).

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

**K. New Business**

1. Appoint Full-Time Police Officers

Motion:

It was moved by Alderman Martens, and seconded by Alderman Ebersohl, to pass and approve accept the recommendation of the Chief of Police and appoint Brittney Newport, Luke Moravec, Kyle Hannon as full-time Police Officers.

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 0 Nay:

0 0 Absent:

0 0 Abstain:

2. Resolution No 2020-12 – MOU - Monroe County Emergency Telephone System Board  
Chief Paul informed the Council that the Monroe County Emergency Telephone System Board will pay for \$40,000 annually for the Omnigo system.

Motion:

It was moved by Alderman Martens, and seconded by Alderman Ebersohl, to pass and approve Resolution No. 2020-12, a resolution approving a Memorandum of Understanding between the City of Columbia and the Monroe County Emergency Telephone System Board.

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 0 Nay:

0 0 Absent:

0 0 Abstain:

3. Award Bid for Quarry Road Resurfacing – Phase 1  
Mr. Smith informed the Council the bids for the Quarry Road Resurfacing – Phase 1 project came in higher than the original engineer estimates and he is working with the Illinois Department of Transportation to identify available options.
4. Discussion of Preliminary Subdivision Plat for Country Crossings 2  
Mr. Dunakey provided an overview of the recent history regarding Country Crossings 2, including the request for a CUP-B, which was subsequently denied by the City Council. Mr. Dunakey then stated revised drawings have been submitted after staff identified some issues. Mr. Dunakey explained a variance will be required for a cul-de-sac since the subdivision code limits the length of a road leading to a cul-de-sac to 500' but the current plans has a length of 720'.

5. Discussion of Sign Variance for 1000 Eleven South

Mr. Dunakey explained the current sign variance request would add a 123.75 sq. ft. electronic message center to the existing sign 29.7' in height and 534.6 sq. ft. monument sign variance previously approved October 3, 2016. Mr. Dunakey then explained the Plan Commission reviewed the variance request and recommended approval since the request meets the standards for approval. Mr. Dunakey added the electronic sign board would allow for advertising all businesses within the development, including smaller tenants who cannot qualify for signage on their respective building. Alderman Roessler inquired what is unique about this area versus other developments within the City. Mr. Dunakey stated this would result in a single large sign, versus individual signs for each parcel. Alderman Agne stated this is just the beginning of what will be multiple signs along Rt. 3, flashing at all times, and turning Columbia into the next Cahokia, adding that once the City goes down this path it will not be able to retract its actions.

**L. Closed Session**

Mayor Hutchinson informed the Council that he would entertain a motion to go into Closed Session to discuss the purchase/lease of real estate as permitted under 5 ILCS 120/2(c)(5).

**Motion:**

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to direct the Mayor to go into Closed Session at 8:08 PM to discuss the purchase/lease of real estate as permitted under 5 ILCS 120/2(c)(5).

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

**Motion:**

It was moved by Alderman Martens, and seconded by Alderman Agne, to return to Regular Session of the City Council at 8:17 PM.

Motion Passed.

Roll Call Vote results:

8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, Riddle, and Mayor Hutchinson were present.

**M. Announcements**

There were no announcements.

**N. Adjournment**

**Motion:**

It was moved by Alderman Riddle, and seconded by Alderman Agne, to adjourn the Regular City Council meeting held Monday, June 15, 2020 at 8:17 PM.

Motion Passed.

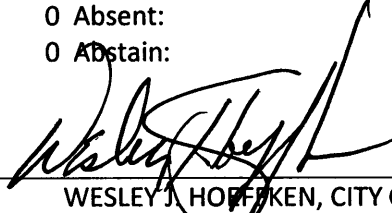
Roll Call Vote results:

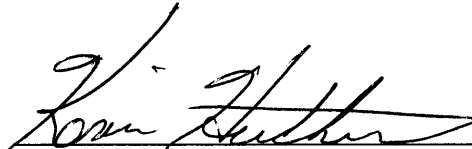
8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

  
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WESLEY J. HOFFKEN, CITY CLERK

  
\_\_\_\_\_  
MAYOR KEVIN B. HUTCHINSON

**NOTE: Pursuant to the Governor's Executive Order (2020-10) in response to COVID-19 issued March 16, 2020 this meeting was held virtually with certain members attending remotely, as noted above with an asterisk (\*) by their name.**