

**Minutes of the Regular Meeting of the City Council of the City of Columbia, Illinois  
Held Monday, July 20, 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 7:03 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

EMS Chief Kim Lamprecht\*

IT Manager James Mitchell\*

City Administrator Douglas Brimm

Chief of Police Jerry Paul

Deputy Chief of Police Jason Donjon

Dir. of Community Dev. Scott Dunakey

**C. Pledge of Allegiance**

Those in attendance recited the Pledge of Allegiance.

**D. Proclamations/Recognitions/Presentations**

1. Oaths of Office – Police Officers Luke Moravec and Kyle Hannon

Mayor Hutchinson administered the Oath of Office to Police Officer Luke Moravec. Officer Kyle Hannon was not available for the meeting.

2. Metropolitan Enforcement Group of Southwestern Illinois – Sergeant Michael Conrad

This recognition was deferred until a later meeting since Sergeant Michael Conrad was not available for the meeting.

**E. Public Input**

Due to technical difficulties, public input was deferred until later in the meeting.

**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**

There were no Department Director Comments & Announcements.

**I. Consent Agenda**

City Clerk Hoeffken read the Consent Agenda.

1. Motion to approve minutes of the Public Hearing before the City Council held Monday, July 06, 2020
2. Motion to approve minutes of the Regular City Council Meeting held Monday, July 06, 2020
3. Motion to approve minutes of the Closed Session of the City Council held Monday, July 06, 2020
4. Motion to authorize the payment of vouchers for the period from July 1, 2020 through July 16, 2020 in the amount of \$274,672.82.
5. Motion to approve Resolution No. 2020-17 approving an Authorized Agent with respect to the Illinois Municipal Retirement Fund.

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

**Motion:**

It was moved by Alderman Niemietz, and seconded by Alderman Huch, 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**

There was no Unfinished Business addressed by the Council.

**K. New Business**

1. Resolution No 2020-18 – Supply of Electricity and Natural Gas for City Facilities

**Motion:**

It was moved by Alderman Ebersohl, and seconded by Alderman Martens, to pass and approve Resolution No. 2020-18, a resolution authorizing the execution of a Service Agreement for the supply of electricity and natural gas for City facilities.

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. 3527 – Side Letter of Agreement with Illinois FOP

Motion:

It was moved by Alderman Martens, and seconded by Alderman Holtkamp, to pass and approve Ordinance No. 3527, an ordinance approving a Side Letter of Agreement between the City of Columbia and the Illinois Fraternal Order of Police Labor Council.

Motion Passed.

Roll Call Vote results:

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

3. Ordinance No 3528 – Annexation Agreement for 3646 Sweet Briar Lane

Motion:

It was moved by Alderman Roessler, and seconded by Alderman Martens, to pass and approve Ordinance No. 3528, an ordinance approving an Annexation Agreement for property having Monroe County Parcel No. 04-27-304-018-000 located at 3646 Sweet Briar Lane.

Motion Passed.

Roll Call Vote results:

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

4. Special Use Permit Application for 11604 Bluff Road (Sunset Overlook)

This agenda item was deferred until later in the meeting to allow for public input prior to any discussion.

**L. Closed Session**

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

**Motion:**

It was moved by Alderman Huch, and seconded by Alderman Agne, to direct the Mayor to go into Closed Session at 7:17 PM to discuss the purchase or lease of real property for the use of the Public Body 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 Roessler, to return to Regular Session of the City Council at 7:18 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. Public Input**

**1. Natalie Lorenz**

Natalie Lorenz stated that Sunset Overlook is not entitled to the approval of the Special Use Permit and the City's role is to approve or deny the request. Ms. Lorenz added that approving this request will create additional headaches for the City. Ms. Lorenz also stated the current use on the property is non-compliant with City code and the surrounding resident's rights continue to erode and the City needs to protect those rights.

**2. Paul Galeski**

Paul Galeski stated this issue has been an ongoing battle with Sunset Overlook and the business owners continue to violate everything and allowing music will only make a bad situation worse. Mr. Galeski added there are four homes adjacent to the property that have all been listed for sale and that alone should send some kind of a message to the Council. Mr. Galeski also stated the Sunset Overlook establishment continues to violate the rights of the adjoining neighbors and the bias exercised by the City is overwhelming and just does not make sense, especially knowing the music will move outside. Mr. Galeski concluded that the owners of Sunset Overlook constantly distort the facts.

3. Julie Ingold

Julie Ingold thanked the Council for their consideration of the Special Use request. Ms. Ingold then stated that Sunset Overlook has never disobeyed any requirements placed on them by the City and other residents adjacent to the property are supportive of the business. Ms. Ingold added that the music will remain inside the building.

4. Dan Lytle

Dan Lytle stated the Special Use Permit is a way for the City to reconcile what was inferred at the time the business concept was first presented to the City and the request is not asking for anything new and will formalize business operations as originally intended. Mr. Lytle added the application was open-ended but the Plan Commission has recommended limitations, which will be honored by Sunset Overlook, and requested the Council approve the application as amended. Mr. Lytle then stated there is no evidence of deliberate violations by Sunset Overlook. Mr. Lytle concluded that he is appalled that Ms. Lorenz is threatening future litigation as a basis for denying the application.

**N. New Business**

1. Special Use Permit Application for 11604 Bluff Road (Sunset Overlook)

Mr. Dunakey initiated a discussion regarding the Special Use Permit Application to allow Ancillary entertainment on property zoned C-1 (Neighborhood Business District) located at 11604 Bluff Road and formally known as Sunset Overlook. Mr. Dunakey noted that, as a result of comments made during the Plan Commission meeting, he conducted another review of emails and found one additional email that opposed the Sunset Overlook business. This email was included in the Council packet.

Mr. Dunakey added that the Plan Commission did recommend approval of the Special Use Permit application based on the following:

- Uses and Zoning of Nearby Property Single-family residential zoning and development exist adjacent to the subject property, with some homes built less than 400 feet from the primary structure on the site. The property east across Bluff Rd. is outside city limits and actively used for crop production. Because the zoning code restricts ancillary entertainment to indoor locations and prohibits sound amplification to outdoor locations, the requested special use should have little impact on surrounding development.
- Negative Impact on Subject Property Value vs. Public Health, Safety & Welfare The subject property is already developed with a restaurant with outdoor patio dining. The proposed ancillary entertainment is required by the zoning code to take place indoors and should have little impact on outdoor locations. Disapproval would continue to deny the applicant the opportunity to conduct entertainment-based promotions, which will diminish the applicant's profit potential. Approving the requested special use will improve opportunities for

income that enhance the property's value, with little impact to the public health, safety, and welfare.

- Public Gain vs. Hardship to Subject Property Owner Disapproval would continue to deny the applicant the opportunity to conduct entertainment-based promotions, which will diminish the applicant's profit potential and ability to compete with similar businesses. Approving the special use request will cause little, if any, harm to the public, while denying the request would be a hardship to the property owner.
- Suitability of Subject Property for Proposed Use The subject property is already developed with a restaurant with outdoor patio dining. The proposed ancillary entertainment is required by the zoning code to take place indoors and should have little impact on outdoor locations. Therefore, the subject property is suitable for the proposed special use.
- Consistency with the Community Vision & Planned Land Uses The subject property is in the "Central Planning District" of the Columbia 20/20 Master Plan. The plan states that the district should be "preserved and enhanced as a vibrant center of small-scale commercial activity." The subject property is considered small-scale as it is the only parcel in a commercial zoning and the restaurant and a storage shed are the only structures on the 5-acre lot. The proposed special use is consistent with the comprehensive plan

Mr. Dunakey then explained the Plan Commission recommended approval of the application with the following recommendations:

- Ancillary entertainment shall be restricted to indoor locations per Section 17.40.010 of the Zoning Code.
- All live music performances shall conclude by 8:00 p.m. Sunday –Thursday and by 10:00 p.m. Friday-Saturday.
- No temporary signs or banners advertising entertainment events or sales promotions shall be allowed without first receiving an approved sign permit.
- Sound amplification (use of speakers, P.A. systems, amplifiers, etc.) shall take place only within the primary structure and may not take place on the porch, on patio areas, or in locations elsewhere on the subject property.

Alderman Roessler clarified the music would have to remain inside the structure and cannot be amplified. Mr. Dunakey confirmed the request has been amended to prevent deliberate amplification of music outside the structure. Alderman Agne stated the music will be heard outside whenever staff enters or exits the building to serve patrons. Mr. Dunakey stated there is no way to monitor the noise that occurs as part of the normal operation of the business.

**O. Closed Session**

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

**Motion:**

It was moved by Alderman Niemietz, and seconded by Alderman Riddle, to direct the Mayor to go into Closed Session at 7:41 PM to discuss the purchase or lease of real property for the use of the Public Body 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 Agne, and seconded by Alderman Riddle, to return to Regular Session of the City Council at 7:52 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.

**P. Announcements**

There were no announcements.

**Q. Adjournment**

**Motion:**

It was moved by Alderman Roessler, and seconded by Alderman Ebersohl, to adjourn the Regular City Council meeting held Monday, July 20, 2020 at 7:52 PM.

Motion Passed.

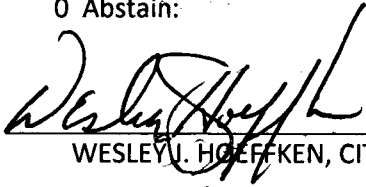
Roll Call Vote results:

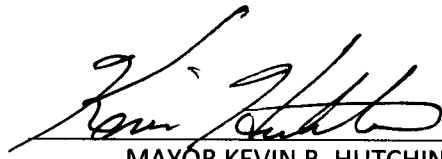
8 Aye: Ebersohl, Agne, Niemietz, Roessler, Huch, Holtkamp, Martens, and Riddle

0 Nay:

0 Absent:

0 Abstain:

  
WESLEY J. HOEFFKEN, 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.**