

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, FEBRUARY 19, 2007 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 7:00 PM.

Upon Roll Call, the following members were:

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

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Attorney Tom Adams, Chief of Police Joe Edwards, Building Inspector Al Holden, and Director of Community and Economic Development Mike Hemmer.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, February 5, 2007 were submitted for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Conrad, to approve the minutes of the Executive Session of the City Council held Monday, February 5, 2007, as on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Public Hearing of the City Council held Monday, February 5, 2007 were submitted for approval.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Huch, to approve the minutes of the Public Hearing of the City Council held Monday, February 5, 2007, as on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, February 5, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Niemietz, to approve the minutes of the Regular Meeting of the City Council held Monday, February 5, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

III. DELEGATIONS

A. William Phelps - Columbia School Board

Mr. William Phelps, President of the Columbia School Board, presented information regarding the School District to the Council. Mr. Phelps also answered questions from the Council and the audience.

#### IV. COLUMBIA CROSSING

##### A. Wyona Farmer

Ms. Farmer addressed the Council regarding the proposed Columbia Crossing development. Ms. Farmer asked each Alderman to explain why they are supporting this development.

Alderman Huch stated that he is a sixth generation resident of Columbia and would like nothing else than to see the bottom land stay as pristine farm land but the city cannot deny a landowner to sell and or develop their property. Alderman Huch then stated that in lieu of this, the only thing the city could do is control and restrict the type of development via zoning and the use of a single developer for the project.

Alderman Unnerstall stated that he agreed the area will eventually develop but did not see any sense in throwing gas on the fire.

Alderman Niemietz stated that this development has been a long and tedious process of meetings, discussions, research, and negotiations and this proposed development provides a long range plan for that area.

Alderman Conrad stated that this development provides for a long range plan and where would the City be if residents like A.C. Metter didn't have long range plans and the foresight to initiate projects like the Rt. 3 bypass. Alderman Conrad then inquired as to where the City would be if the bypass had not been constructed.

Alderman Ebersohl states that he sees this development as an answer to long range planning and provides the City with the best opportunity to control development.

Alderman Agne stated that it is more efficient to have a single developer for long range planning and that using a single developer will allow the City to have a common architectural theme throughout the development along with tighter restrictions.

Alderman Koesterer stated that she has been holding meetings throughout her ward and that the project has been well received. Alderman Koesterer then stated that this development provides the City with the best opportunity to control and restrict what happens in the bottoms.

Alderman Row stated that he agrees with the concept of one developer, but does not agree with the use of tax increment financing and believes using that tool could actually create blight for the City.

##### B. Eminent Domain

Alderman Unnerstall stated that he had asked the City Attorney about eminent domain in Illinois and that Mr. Adams stated that he did not feel comfortable answering those questions without some research. Alderman Unnerstall then stated that he thought Mr. Grimm, legal counsel for the City, had previously stated that blighted land within a TIF could be used for private development. Alderman Unnerstall then stated that there seems to be inconsistencies between what he has read and heard.

Mr. Grimm stated that the use of eminent domain would be a policy decision for the Council and that policy is almost irrelevant since Mr. Grewe already has optioned 100% of the property in his proposed development. Mr. Grimm then stated there is no need for eminent domain in that area to add value but merely to clear title. Mr. Grimm then stated that the Master Development Agreement does not set out any contractual commitments to use eminent domain. Mr. Grewe confirmed that the use of eminent domain is required to clear title on some abandoned utility easements and to acquire an easement to bring water and sewer service onto the property. Mr. Adams stated that depending on the situation, the City might be able to use Quiet

Title to clear up the abandon easements. Mr. Mello, attorney for G. J. Grewe, stated that the developer would be willing to provide the City with the verbiage that will be used in the redevelopment agreement limiting its use. Alderman Unnerstall stated that he wants the 2004 Development Agreement modified to remove all references to eminent domain.

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Row to initiate negotiations with G.J. Grewe to amend paragraph 5.2 of the 2004 Master Development Agreement to limit the use of eminent domain to just the acquisition of public easements. Upon Roll Call vote, Aldermen Agne, Niemietz, Unnerstall, and Row voted yea. Aldermen Conrad, Ebersohl, Koesterer, Huch, and Mayor Hutchinson voted nay. Motion Failed.

**V. REPORT OF OFFICERS**

A. Plan Commission

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

MOTION:

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

B. Fire Department

The monthly report of the Fire Department was presented to the Council.

MOTION:

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

C. Economic Development Department

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

1. Gas Mart Building Material Variance

Alderman Agne stated that he is against the variance request because the City developed codes and standards to maintain higher standards and dryvit is a cheaper building material. Alderman Agne also stated that he would like to see a monument sign. Alderman Row stated that he agreed with Alderman Agne and since this is a new development, the City has an opportunity to have a nice development and needs to adhere to the City codes. Mr. Brad Oberkfell, Chairman of the Street Graphics Committee stated that dryvit was first introduced to the industry as an accent, not a building wrap. Alderman Koesterer stated that the Council has all of these boards and committees in place to review these types of requests and subsequently advise the Council and we should not contradict their decisions.

Mr. Dickerson, President of Dickerson Petroleum stated that this project has been 4 years in the planning stages and he will use the building materials required by the City. Alderman Agne stated that he would like to see a brick building.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to deny the granting a building material variance to Dickerson Petroleum, Inc. of Belleville, Illinois to allow the gasoline station to use a building material not prescribed by the City's Building Code at its location within the City of Columbia, Illinois. There was additional discussion by the Council regarding whether the overhang of the building was considered part of the exterior wall or part of the roof. Mr. Holden stated that in his opinion, the overhang

was considered part of the Roof. Mr. Adams read the City building code and agreed that the overhang was not part of the exterior wall.

Alderman Agne withdrew his motion and Alderman Unnerstall withdrew his second.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to table the variance request submitted by Dickerson Petroleum, Inc. of Belleville, Illinois until additional discussions are held between the Building Inspector and Mr. Dickerson regarding the building material for the construction of the building overhang. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2532 - Gas Mart Sign Variance

Alderman Agne stated that he wants to see uniform signage and does not think the sign variance is required. Alderman Koesterer stated that she thought there was a philosophical difference between sign along Main Street and Route 3.

MOTION:

It was moved by Alderman Koesterer, and seconded by Alderman Agne, to pass Ordinance No. 2532, an ordinance granting a sign variance to Dickerson Petroleum, Inc. of Belleville, Illinois to allow the gasoline station to install and maintain signage which exceeds the Sign Area Allowance prescribed by the City's Sign Code at its location within the City of Columbia, Illinois. Upon Roll Call vote, Alderman Koesterer voted yea. Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Row, Huch, and Mayor Hutchinson voted nay. Motion Failed.

3. Holiday Inn Express Presentation

Mr. Terry Johnson made a brief presentation to the Council regarding the proposed Holiday Inn Express. Mr. Johnson stated that they will be asking for certain incentives, including the waiving of fees and rebate of the hotel/motel tax. This issue was referred to Committee.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Row, to accept the report of the Director of Community and Economic Development as presented. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

D. Building and Zoning

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

1. Alternative For Seniors Special Use Permit

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to accept the recommendation of the Zoning Board of Appeals and grant a Special Use Permit to construct a man-made lake that exceeds the allowed size, as requested by Alternatives For Seniors for their facility located within the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

MOTION:

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

E. Police Department

The report of the Chief of Police was presented to the Council

MOTION:

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

F. Ambulance Director

The monthly report of the Director of the Columbia Emergency Medical Service was presented to the Council.

MOTION:

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

G. City Attorney

1. Ordinance No. 2532 - Amend Exterior Wall Masonry Coverage

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to pass Ordinance No. 2532, an ordinance amending the Exterior Wall Masonry Coverage Requirements for single family dwelling homes located in all residential zoned districts in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Alderman Conrad and Mayor Hutchinson voted nay. Motion Carried.

2. American Legion Park Access Road

Mr. Adams stated that the documents regarding the American Legion Park access are ready for review. Mayor Hutchinson inquired if the City could legally construct a private driveway to a private parking lot. Mr. Adams stated this was legal provided the access is used for public use in conjunction with a cooperation agreement between the City and the American Legion. This issue was sent back to Committee for review.

MOTION:

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

H. City Clerk

Mr. Hoeffken presented his report to the Council.

1. Report of Collections

The Report of Collections for the period commencing December 26, 2006 and ending January 25, 2007 was presented to the Council.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Agne, to approve the Report of Collections for the period commencing December 26, 2006 and ending January 25, 2007, as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**VI. EXECUTIVE SESSION**

Mayor Hutchinson inquired if there was any need to call an Executive Session. There was none.

**VII. CLAIMS & ACCOUNTS**

A. Vouchers

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Koesterer, to authorize the payment of vouchers received through February 16, 2007; the total amount of the vouchers to be paid is one hundred sixty-seven thousand, one hundred twenty-eight dollars, and fifty-five cents (\$167,128.55). Upon Roll Call vote, Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, and Huch voted yea. Motion Carried.

B. Statement of Funds

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

MOTION:

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

**VIII. OLD BUSINESS**

There was no Old Business brought before the Council.

**IX. NEW BUSINESS**

There was no New Business brought before the Council.

**X. REPORT OF STANDING COMMITTEES**

A. Streets, Sidewalks, Drainage, and Utilities Committee

Minutes of the Streets, Sidewalks, Drainage, and Utilities Committee meeting held Monday, February 12, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

MOTION:

It was moved by Alderman Huch, and seconded by Alderman Row, to approve the minutes of the Streets, Sidewalks, Drainage, and Utilities Committee meeting held Monday, February 12, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

B. Personnel Committee

Minutes of the Personnel Committee meeting held Monday, February 12, 2007 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 Ebersohl, to approve the minutes of the Personnel Committee meeting held Monday, February 12, 2007 as amended and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Ordinances, Planning, and Zoning Committee

Minutes of the Ordinances, Planning, and Zoning Committee meeting held Monday, February 12, 2007 were presented to the Council for approval.

Corrections were forwarded to the City Administrator.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Koesterer, to approve the minutes of the Ordinances, Planning, and Zoning Committee

meeting held Monday, February 12, 2007 as amended and on file at City Hall.  
Upon Voice vote, all Aldermen present voted yea. Motion Carried.

**XI. CALL FOR COMMITTEE MEETINGS**

Monday, February 26, 2007

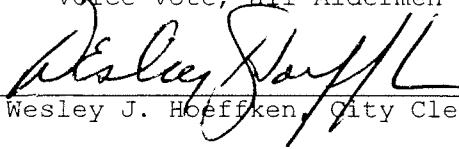
7:00 PM - Ordinances, Planning, and Zoning

7:05 PM - Streets, Sidewalks, Drainage, and Utilities

**XII. ADJOURNMENT**

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Monday, February 19, 2007 at 10:35 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 B. Hutchinson