

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,  
ILLINOIS HELD MONDAY, OCTOBER 15, 2007 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:

Present: Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf.

Absent: None.

Quorum Present.

Administrative Staff Present: City Clerk Wes Hoeffken, City Administrator Anthony Traxler, City Attorney Tom Adams, Chief of Police Joe Edwards, Building Inspector Al Holden, and City Auditor Jim Schmersahl.

The Council recited the Pledge of Allegiance.

**II. APPROVAL OF MINUTES**

The minutes of the Executive Session of the City Council held Monday, October 1, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to approve the minutes of the Executive Session of the City Council held Monday, October 1, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, October 1, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Stumpf, and seconded by Alderman Unnerstall, to approve the minutes of the Regular Meeting of the City Council held Monday, October 1, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

**III. DELEGATIONS**

**A. School District Resolution**

Mr. Bill Phelps, President of the Columbia School Board, presented a resolution to the Council supporting the Columbia Crossing development. Mr. Phelps invited the City Council to participate in a joint meeting of the Council and the Building and Grounds Committee of the School Board. Mr. Phelps then inquired if there were any questions from the Council. Alderman Oberkfell inquired whether this resolution was passed or discussed in an open meeting to the public. Mr. Phelps stated yes, it passed unanimously in an open session. Alderman Oberkfell inquired as to which meeting it was discussed, in which Mr. Phelps stated the last school board meeting in September. Alderman Unnerstall inquired if the School District had conducted an impact study concerning the effect a development this size would have on

the District. Mr. Phelps stated the District continues to review this information and even conducted a study during the planning of the new Middle School. Mr. Phelps then explained the District needs to take the next step and define what Columbia Crossing is going to be so the District can complete some additional impact analysis. Alderman Unnerstall expressed concern about the absence of data on the additional costs to the school district due to the population growth Columbia Crossing will bring and then inquired how the District can be so positive about the development specifically regarding how much additional revenue the school district will receive. Mr. Phelps stated the District cannot continue down the current path of tax revenue. Mr. Phelps again invited the Council to sit down and discuss options with the proposed development. Alderman Stumpf inquired about the impact of a 35% pass through in the proposed development and inquired as to who authorized the resolution. Mr. Phelps stated the resolution was drafted by Superintendent Jack Turner under the direction of the School Board. Mr. Phelps also explained there are different scenarios that need to be reviewed, but cannot be identified until the Council defines a more definitive picture of their plans for the Columbia Crossing development. Alderman Hejna inquired about the annual budget for the District. Mr. Phelps informed the Council the current budget is \$17,000,000.00 and is funded by real estate, state and federal taxes. Alderman Hejna stated the School Board's minutes from their meeting held August 16, 2006 reflects the Board voted to give a \$125,000.00 real estate tax abatement to the St. Elizabeth's Critical Care Center. Alderman Hejna inquired as to who authorized the School Board to do this. Mr. Phelps stated as a taxing authority, they are authorized to offer incentives. Mr. Phelps then stated the incentive was a way to keep the St. Elizabeth's complex on the tax rolls as a privately owned property. Alderman Unnerstall stated if a TIF district is established within the Columbia Crossing development, the School District would not have access to the real estate taxes unless they owned property in the TIF district. Mr. Phelps stated he believes that is not the case, but whatever incentives are proposed, they will need to be reviewed to determine the impact on the District. Alderman Stumpf stated the projected incentive package upon stabilization of the Columbia Crossing Development, the 35% cut thru, based on \$500 Million in taxable sales, will generate \$17 Million which is 10% of the current school budget for the School District. Mr. Phelps stated it all needs to be reviewed. Alderman Ebersohl stated for each \$1,000,000.00 in increased EAV, the school receives \$30,000.00 less in state funding. Mr. Phelps confirmed this statement.

#### IV. REPORT OF OFFICERS

A. Library Board

The monthly report of the Library Board was presented to the Council.

B. Fire Department

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

C. Police Department

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

1. Part-Time Police Officer

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Hejna, to accept the recommendation of the Chief Of Police and employ Matthew Cerminn as a Part-time Patrolman for the Columbia Police Department. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

D. CEMS Department

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

1. EMT-B Employment

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to accept the recommendation of the Assistant EMS Director and employ Anthony Perez and Charles Kujawski as EMT-B's. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

E. Plan Commission

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

Alderman Oberkfell stated the Council should consider rescheduling the Zoning Board of Appeals meeting until the Plan Commission reaches a decision regarding Exhibit "H". Alderman Niemietz stated she is confused over this request since Exhibit "H" is a zoning classification and too much emphasis is being placed on the concept plan for the Columbia Crossing development. Alderman Niemietz then stated the Plan Commission has done an excellent job reviewing all sections of Exhibit "H" and does not think the concept plan is part of the decision process. Chairman Dean stated a copy of the concept plan would be a great tool to help everyone understand the Mixed Use Development identified in Exhibit "H". Mr. Traxler explained using the term "conditional" versus "special use" gives the Council a better restriction parcel-by-parcel versus placing it at the "special use" level.

Mr. Adams stated the Zoning Board of Appeals is the only tool for the public to make comments and the Zoning Board must make a decision independent of any other advisory boards and recommendations.

V. CLAIMS & ACCOUNTS

A. Statement of Funds

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

MOTION:

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

B. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Oberkfell, to authorize the payment of vouchers received through October 11, 2007; the total amount of the vouchers to be paid is five hundred forty-one thousand, eight hundred fourteen dollars, and twenty-three cents (\$541,814.23). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

C. Debt Service Discussion

Mr. Schmersahl presented a summary of bond refinancing options to the Council.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Hejna, to proceed with calling the existing revenue bonds, refinancing those bonds over 20-years through Bernardi Securities, and rolling in the financing for a new fire truck. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

VI. REPORT OF OFFICERS (Continued)

F. City Attorney

1. City of Columbia Property Acquisition Discussion  
Mr. Adams informed the Council this issue needs to be discussed in Executive Session.
2. City of Columbia Purchase of Historic Property  
Mr. Adams informed the Council this issue needs to be discussed in Executive Session.
3. Columbia Lakes Boundary Change Approval  
Mayor Hutchinson stated this issue is being deferred until the City Engineer is ready to act on it.

G. Administration Department

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

1. Ordinance No. 2595 - Employ Hepler Broom

MOTION:

It was moved by Alderman Row, and seconded by Alderman Oberkfell, to pass Ordinance No. 2595, an ordinance authorizing an Engagement Agreement to hire Hepler, Broom, MacDonald, Hebrank, True & Noce, LLC to provide legal services to the City of Columbia, Illinois relating to the proposed Columbia Crossing Development. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2596 - Employ J.W. Boyle

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Oberkfell, to pass Ordinance No. 2596, an ordinance authorizing a Professional Services Contract to hire J.W. Boyle & Co., LTD to provide Professional Accounting Services to the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

3. Ordinance No. 2597 - Amend Ordinance No. 2549

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Unnerstall, to pass Ordinance No. 2597, an ordinance amending Ordinance No. 2549 which filled the offices and set the compensation of Appointed City Officers for the fiscal year of the City commencing May 1, 2007 and ending April 30, 2008. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell and Stumpf voted yea. Motion Carried.

4. Part-Time Accounting Clerk

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to accept the recommendation of the City Administrator and employ Pam Friedrich as a Part-time Accounting Clerk contingent upon completion of a drug test and physical. Upon Roll Call vote, Aldermen Ebersohl,

Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

5. Full-Time Librarian Assistant

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Unnerstall, to accept the recommendation of the City Administrator and employ Anna Hesterberg as a Full-time Librarian Assistant, contingent upon completion of a drug test and physical. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

6. Librarian Assistant Back-Pay

Mr. Traxler informed the Council of a situation regarding Ms. Hesterberg being employed by the Library prior to Council approval. Mr. Traxler informed the Council approval is needed to authorize the payment of wages for that period. Alderman Niemietz expressed concern about what would happen if every department in the City ignored procedures. Mr. Traxler stated he has discussed this issue with the Library Board and does not expect any problems going forward. Alderman Oberkfell stated Ms. Hesterberg is partially responsible and should have been aware of procedures. Alderman Niemietz stated it was the responsibility of the Head Librarian to follow procedures and not Ms. Hesterberg's. Mr. Traxler stated there are also federal wage and labor laws that need to be followed.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Unnerstall, to authorize the payment of wages to Ms. Hesterberg for time worked at the Columbia Library prior to her employment by the City Council. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

7. Zoning Board of Appeals Recommendations

a. Diehl Plaza Special Use Permit

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to accept the recommendation of the Zoning Board of Appeals and grant a Special Use Permit to locate a jewelry store in the Diehl Plaza development located at 1550 N. Main Street. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

b. Columbia Kinder College Special Use Permit

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Oberkfell, to accept the recommendation of the Zoning Board of Appeals and grant a Special Use Permit to operate a day care center in a C-2 Zoning District to Columbia Kinder College located at 218 S. Rapp Avenue. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

c. Lawlor Funeral Home - Parking Lot Variance

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to accept the recommendation of the Zoning Board of Appeals and grant a parking lot variance to Lawlor Funeral Home to enlarge their existing parking lot and use the same surface material, oil and chip of their existing lot, with the understanding that the property owner will enter into a Cooperation Agreement with the City which will provide and require within five years, the lot will be resurfaced with concrete or asphalt. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf 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 May 26, 2007 and ending June 25, 2007, and the period commencing June 26, 2007 and ending July 25, 2007 was presented to the Council.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Hejna, to approve the Report of Collections for the period commencing May 26, 2007 and ending June 25, 2007, and the period commencing June 26, 2007 and ending July 25, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

2. Resolution No. 13-2007 - Release Executive Session Minutes

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Niemietz, to pass Resolution No. 13-2007, a Resolution regarding the release of Closed Session Minutes. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

I. Mayor

Mayor Hutchinson presented his report to the Council.

1. Ordinance No. 2598 - Amend Ordinance No. 2570

Alderman Hejna stated she could not support commission appointments to people who write derogatory letters to the editor. Alderman Niemietz stated that it has always been the privilege of the Mayor to make appointments to boards and commissions and this is not a debate or negotiation. Alderman Row stated he would like to see the appointment of people more neutral on both sides of the issues.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to pass Ordinance No. 2598, an ordinance amending Ordinance No. 2570 which provided 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, 2007 and ending April 30, 2008. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Aldermen Unnerstall and Hejna voted nay. Motion Carried.

2. Animal Shelter Appreciation Week Proclamation

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to authorize the Mayor to sign a proclamation proclaiming October 21, 2007 through October 27, 2007 as Animal Shelter Appreciation Week. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

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

**VII. OLD BUSINESS**

There was no Old Business brought before the Council.

**VIII. NEW BUSINESS**

A. Chamber of Commerce Halloween Parade

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to approve the request of the Columbia Chamber of Commerce to hold their annual Halloween Parade in conjunction with "Halloween Hi-Jinks" on Saturday, October 27, 2007, contingent upon coordinating the event with the City Clerk's Office, the Department of Public Works, and the Columbia Police Department. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

**IX. REPORT OF STANDING COMMITTEES**

A. Fire Department

Minutes of the Fire Department Committee meeting held Monday, October 8, 2007 were presented to the Council for approval.

Approval of the minutes were deferred until the next meeting of the Council.

B. Municipal Buildings, Property, and Capital Improvements Committee

Minutes of the Municipal Buildings, Property, and Capital Improvements Committee meeting held Monday, October 8, 2007 were presented to the Council for approval.

1. Cleaning Services

MOTION:

It was moved by Alderman Oberkfell, and seconded by Alderman Agne, to hire Kleen Sweep of Waterloo, Illinois to perform cleaning services for all City buildings, contingent upon the company raising their liability limits. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Row, and seconded by Alderman Agne, to approve the minutes of the Municipal Buildings, Property, and Capital Improvements Committee meeting held Monday, October 8, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

C. Personnel Committee

Minutes of the Personnel Committee meeting held Monday, October 8, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to approve the minutes of the Personnel Committee meeting held Monday, October 8, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

D. License, Insurance Claims, CEMA, and Contracts Committee

Minutes of the License, Insurance Claims, CEMA, and Contracts Committee meeting held Monday, October 8, 2007 were presented to the Council for approval.

Approval of the minutes were deferred until the next meeting of the Council.

E. Parks, Playgrounds, and Recreation Committee

Minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, October 8, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to approve the minutes of the Parks, Playgrounds, and Recreation Committee meeting held Monday, October 8, 2007 as submitted and on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

X. CALL FOR COMMITTEE MEETINGS

There was no Call for Committee Meetings

XI. EXECUTIVE SESSION

Mayor Hutchinson informed the Council he would entertain a motion to go into Executive Session for the purpose of discussing land acquisition, litigation, and personnel.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to direct the Mayor to go into Executive Session at 9:11 PM for the purpose of discussing land acquisition, litigation, and personnel. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Row, to return to Regular Session of the City Council at 11:24 PM. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

Upon return to Regular Session, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf 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.

A. Personnel

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to ratify the suspension to-date of a City employee, without pay, and to notify the employee of their rights and due process afforded that employee. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Installment Sale

MOTION:


It was moved by Alderman Hejna, and seconded by Alderman Row, to abandon installment sales financing and roll the sale price amount into the bond refinancing for the purchase of commercial property discussed in Executive Session. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

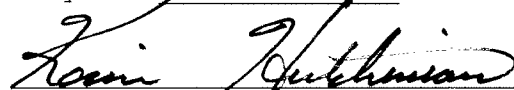


XII. ADJOURNMENT

MOTION:

It was moved by Alderman Row, and seconded by Alderman Niemietz, to adjourn the Regular City Council Meeting held Monday, October 15, 2007 at 11:26 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

  
\_\_\_\_\_  
Wesley J. Hoeffken, City Clerk

  
\_\_\_\_\_  
Mayor Kevin B. Hutchinson