

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF COLUMBIA,
ILLINOIS HELD MONDAY, DECEMBER 3, 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, Building Inspector Al Holden, City Engineer Ron Williams, and Fire Chief Mike Roediger.

The Council recited the Pledge of Allegiance.

II. APPROVAL OF MINUTES

The minutes of the Executive Session of the City Council held Monday, November 19, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to approve the minutes of the Executive Session of the City Council held Monday, November 19, 2007, as amended and on file at City Hall. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, Oberkfell, and Stumpf voted yea. Alderman Unnerstall and Hejna voted nay. Motion Carried.

The minutes of the Regular Meeting of the City Council held Monday, November 19, 2007 were submitted for approval.

Corrections were forwarded to Mr. Hoeffken.

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to approve the minutes of the Regular Meeting of the City Council held Monday, November 19, 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

There were no delegations present.

IV. REPORT OF OFFICERS

A. City Engineer

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

1. Resolution No. 18-2007 - Carl Street Improvements

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Oberkfell, to pass Resolution No. 18-2007, a resolution for Improvement by

Municipality under the Illinois Highway Code for the Carl Street Improvement Project. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, Stumpf, and Mayor Hutchinson voted yea. Motion Carried.

2. Ordinance No. 2609 - Employ All Type Tree Service

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to pass Ordinance No. 2609, an ordinance authorizing an agreement to employ All Type Tree Service, Inc. of Waterloo, Illinois to perform leaf removal pick-up in 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. 2610 - Employ All Type Tree Service

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to pass Ordinance No. 2610, an ordinance authorizing an agreement to employ All Type Tree Service, Inc. of Waterloo, Illinois to perform limb removal pick-up in 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.

4. Ordinance No. 2611 - Employ Walden Associated Technologies

MOTION:

It was moved by Alderman Row, and seconded by Alderman Ebersohl, to pass Ordinance No. 2611, an ordinance authorizing an agreement to employ Walden Associated Technologies, Inc. of Glen Carbon, Illinois to install linings in four (4) sanitary sewer manholes in 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.

5. Ordinance No. 2612 - Employ H. J. Frierdich & Sons

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Stumpf, to pass Ordinance No. 2612, an ordinance authorizing an agreement to employ H. J. Frierdich & Sons, Inc. of Columbia, Illinois to construct the comfort station for Bolm-Schuhkraft Park in the City of Columbia, Illinois. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, Stumpf, and Mayor Hutchinson voted yea. Aldermen Unnerstall, Hejna, and Oberkfell voted nay. Motion Carried.

6. Old Town Improvement Project - Value of Rights Acquired

MOTION:

It was moved by Alderman Unnerstall, and seconded by Alderman Row, to approve the Value of Rights Acquired for five (5) properties for the Old Town Improvement Project as prepared by Mr. Craig Hiser. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

7. Crown Linen - Sewer Rate Discount

The request of Crown Linen to be granted a discount on sewer usage was referred to the Water and Sewer Committee.

B. Building and Zoning

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

C. Plan Commission

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

D. City Attorney

1. Virginia Payne Trust Annexation

Mr. Adams informed the Council the issue regarding the Virginia Payne Trust Annexation has been resolved.

2. Office of the Attorney General

Mr. Adams informed the Council the City has received a letter from the Office of the Attorney General, State of Illinois, indicating the material submitted by the City and the complaints filed with their office have been reviewed it and it appears the City of Columbia did not violate the Illinois Open Meetings Act, 5ILCS 120 at the meeting held Monday, June 25, 2007. Mr. Adams then stated the letter has also been copied to the complainants, Jay Unnerstall and Allen and Wyona Farmer.

E. Administration Department

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

1. Ordinance No. 2613 - Levy Taxes

Alderman Unnerstall stated he was against raising the taxes of the citizens of Columbia. Mayor Hutchinson stated the ordinance is authorizing a 4.99% increase in the City's revenue from real estate taxes, but is not increasing the citizen's taxes by 4.99%. Mayor Hutchinson then inquired how Alderman Unnerstall plans to cover the City's increase in expense without an increase in tax revenues. Alderman Unnerstall stated the City can limit spending increases and spend its revenues more wisely. Alderman Row inquired as to how much additional revenue would be generated by this ordinance. Mayor Hutchinson stated roughly \$80,000.00.

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Row, to pass Ordinance No. 2613, an ordinance levying the taxes for the Fiscal Year ending April 30, 2008. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Row, and Mayor Hutchinson voted yea. Aldermen Unnerstall, Hejna, Oberkfell, and Stumpf voted nay. Motion Carried.

2. Ordinance to Amend Salary Ordinance

Alderman Hejna inquired why this issue had not been brought before the Personnel Committee before it came to the City Council. Alderman Niemietz stated she had already discussed this salary change with Mr. Traxler and change represents a title change and a change in responsibilities. Alderman Niemietz added this was discussed during the employment process and it was agreed the change would take place if the employee was capable of moving into the position. Alderman Unnerstall stated in the past, salary changes were always discussed in Executive Session and worked out prior to the open meeting. Mayor Hutchinson stated this was discussed at length during the budget process and also discussed during the employment process. It was agreed to discuss the proposed change in Executive Session.

3. Ordinance No. 2614 - 37-day Occupancy Permit

MOTION:

It was moved by Alderman Row, and seconded by Alderman Unnerstall, to pass Ordinance No. 2614, an ordinance amending Section 15.09.050 (Certificate of Dwelling Maintenance and Occupancy Permit) of the Municipal Code of 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.

F. Zoning Board of Appeals

The report of the Zoning Board of Appeals was presented to the Council.

1. Quality Collision Zoning Amendment Request

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Stumpf, to direct the City Attorney to draft the necessary ordinance to amend Section 17.30.020 (Permitted Uses and Uses Permitted by Special Use Permit Only) of the Columbia Municipal Code to allow, by special use permit, used car lots as an ancillary business to an existing auto-related business. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

G. Street Graphics Advisory Board

The report of the Street Graphics Advisory Board was presented to the Council.

1. First Bank Sign Variance Request

Mr. Bill Behrens of Warren Sign Company made a power point presentation to the Council. After the presentation, Alderman Agne presented a brief history of the Street Graphics and the desire to reduce the number and size of signs within the City, especially Main Street. Alderman Agne then stated he would not support the variance request because of the size of the sign, the request for a message board, and the height of the sign. Mr. Behrens stated the square footage of the sign is within the City's code and a variance is not required for that. Alderman Oberkfell expressed concern about the width of the sign base and thought a 2 ft. wide base would present a hazard. Alderman Oberkfell inquired if a narrower base could be designed. Alderman Unnerstall inquired how the bank at the north end of Main Street was able to erect a message sign. Alderman Agne stated that sign was installed before the city enacted an ordinance regulating message board signs. Alderman Agne inquired if amber lights could be used to soften the glare. Mr. Behrens stated amber lights could be used along with dimming the lights 70% during night hours. Alderman Niemietz stated she finds message boards helpful, but does have concerns about the glaring lights. Alderman Niemietz added this is in a high traffic area and dimming the lights and reducing the base would be a concern. Mr. Behrens stated the base could be reduced to just fit around the existing pole. Alderman Row stated the proposed message board is more attractive than the sign that is currently on the site. Mayor Hutchinson stated he would be more concerned if the variance was for the introduction of a new sign, but this request is to replace an existing, aging sign. It was then agreed to refer this matter to the Ordinance, Planning, and Zoning Committee and discuss the use of amber lights, dimming the lights 70% during night hours, limiting the message to change once a day, redesigning the base to the same size as the existing pole, and lowering the sign to 16 feet.

H. Fire Department

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

1. Ordinance No. 2615 - Purchase Fire Truck

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to pass Ordinance No. 2615, an ordinance authorizing a contract between Pierce Manufacturing, Inc. and the City of Columbia, Illinois for the purchase of a platform fire truck. Upon Roll Call vote, Aldermen

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

I. Mayor' Report

Mayor Hutchinson presented his report to the Council.

1. Ordinance No. 2616 - Celebration 2009

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Row, to pass Ordinance No. 2616, an ordinance establishing the Celebration 2009 Committee of 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.

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.

V. CLAIMS & ACCOUNTS

A. Vouchers

MOTION:

It was moved by Alderman Hejna, and seconded by Alderman Unnerstall, to authorize the payment of vouchers received through November 29, 2007; the total amount of the vouchers to be paid is four hundred ninety-nine thousand, one hundred fourteen dollars, and seven cents (\$499,114.07). Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Report of Collections

The Report of Collections for the period commencing July 26, 2007 and ending August 25, 2007 was presented to the Council.

MOTION:

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

VI. OLD BUSINESS

There was no Old Business brought before the Council.

VII. NEW BUSINESS

A. Appeal of Personnel Committee Decision - James S. McDaniel

Mr. Traxler stated he has been advised Mr. McDaniel has decided not to orally address the Council on his appeal, and as for his presentation, he submits his prior written statements of October 30, 2007 and November 8, 2007, and he asks, with all due respect, the decision to terminate him be reversed, he be reinstated with full benefits, and that this appeal is without prejudice to his right to proceed to arbitration under the terms of the collective bargaining agreement. Mr. Traxler then stated this issue will be discussed in Executive Session.

VIII. REPORT OF STANDING COMMITTEES

A. Ordinance, Planning, and Zoning Committee

Minutes of the Ordinance, Planning, and Zoning Committee meeting held Wednesday, November 14, 2007 and Monday, November 26, 2007 were presented to the Council for approval.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Unnerstall, to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Wednesday, November 14, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Motion Carried.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Hejna, to approve the minutes of the Ordinance, Planning, and Zoning Committee meeting held Monday, November 26, 2007 as on file at City Hall. Upon Voice vote, all Aldermen present voted yea. Alderman Niemietz abstained since she was not present for the Committee meeting. Motion Carried.

B. Mixed Use Zoning

Mayor Hutchinson stated he would like to send the revised version of the Mixed Use Zoning classification back to the Plan Commission and the Zoning Board of Appeals for their review and recommendation.

MOTION:

It was moved by Alderman Agne, and seconded by Alderman Ebersohl, to send the revised Mixed Use Zoning to the Plan Commission and Zoning Board of Appeals for their review and subsequent recommendations. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

IX. CALL FOR COMMITTEE MEETINGS

Monday, December 10, 2007

6:30 PM - Finance, Claims, Bonds, and Interest
7:00 PM - Ordinance, Planning, and Zoning
8:00 PM - Committee of the Whole
8:30 PM - Water and Sewer

X. EXECUTIVE SESSION

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

MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Stumpf, to direct the Mayor to go into Executive Session at 9:16 PM for the purpose of discussing personnel and potential litigation. 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 Ebersohl, to return to Regular Session of the City Council at 11:03 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. Resignation of Larry Kremmel

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to accept the resignation of Larry Kremmel, effect November 23, 2007. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

B. Personnel - James S. McDaniel

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Ebersohl, to reaffirm the previous action of the Council to proceed with the termination of Mr. James McDaniel's employment as warranted for possessing alcoholic beverages on City property and threatening another City employee. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

C. Admiral Trost Subdivision

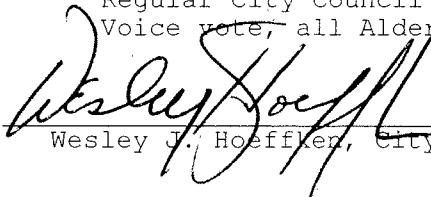
MOTION:

It was moved by Alderman Ebersohl, and seconded by Alderman Agne, to authorize the City Attorney to file a lis pendens notice for Lots 13, 14, and 15 of the Admiral Trost Subdivision, and to proceed with litigation against Budnick Converting, Inc. if the deeds for lots 13 and 15 are not received by 5:00 PM on Tuesday, December 18, 2007, to recover all legal expenses associated with securing the deeds, and to escrow all future TIF distributions until the deeds are received. Upon Roll Call vote, Aldermen Ebersohl, Agne, Niemietz, Unnerstall, Row, Hejna, Oberkfell, and Stumpf voted yea. Motion Carried.

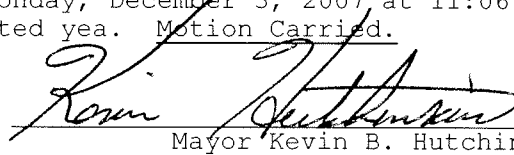
XI. ADJOURNMENT

MOTION:

It was moved by Alderman Niemietz, and seconded by Alderman Agne, to adjourn the Regular City Council Meeting held Monday, December 3, 2007 at 11:06 PM. Upon Voice vote, all Aldermen present voted yea. Motion Carried.



Wesley J. Hoeffker, City Clerk



Mayor Kevin B. Hutchinson