

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF THE
CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
FEBRUARY 27, 2017 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Chairman Ebersohl called the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois to order at 7:00 P.M.

Upon Roll Call, the following members were:

Present: Chairman Ebersohl and Committee Members - Aldermen Agne, Huch, Reis, and Holtkamp. Mayor Hutchinson was also present.

Absent: Aldermen Niemietz, Roessler and Martens.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney J.D. Brandmeyer, Deputy Chief of Police Jason Donjon, City Engineer Chris Smith, Director of Community Development Emily Fultz, Accounting Manager Linda Sharp, and Deputy Clerk Donna Mehaffey.

Guests: Mr. David Wittenauer, one of the developers of the former Video Exchange Property.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Second Amendment to MOU - Former Video Exchange Property; (2) Fences in Commercial Zoning Districts; (3) Travel Reimbursement Policy; (4) Franchise or Rights-of-Way Use Agreement; (5) Mobile Telecommunications Services; (6) FY 2017-2018 Budget; (7) Other Items to be Considered; (8) Citizen Comments; and (9) Executive Session – 5 ILCS 120/2(c).

II. SECOND AMENDMENT TO MOU - FORMER VIDEO EXCHANGE PROPERTY

City Administrator James Morani stated this item was discussed at the last committee meeting. The developer had previously received a permit from the Illinois Department of Natural Resources (IDNR) to start the project. Mr. Morani referenced the proposed draft ordinance with added language acknowledging there is an additional amendment as an exhibit MOU (Exhibit A) and also included the IDNR Permit as an exhibit - IDNR Permit DS2016077 (Exhibit B). Mr. Morani said the requirement for the conditional letter of map amendment was removed from the original MOU and #7 of the second amendment to the MOU was added.

On the second amendment draft to the MOU, there was a change on page 2, item 7. Item 7 was changed to read: "The Pendleton IRA and the Wittenauer IRA will obtain a certificate of elevation reflecting that the lowest finish floor elevation is a minimum of one foot above the 100 year flood elevation as determined by the adopted flood insurance rate maps within 33 months following the execution of this MOU".

Mr. Morani said that Mr. David Wittenauer, one of the developers of the property, was in attendance if there were any questions

City Engineer Chris Smith referred to the handout of the area showing the demolition and grading fill plan with several maps. Mr. Smith said this was at Alderman Reis' request.

Alderman Holtkamp inquired if the Certificate of Elevation was something that could be accomplished within a six-month window or if it is something the engineer has to go out and measure. Mr. Smith said a licensed surveyor has to shoot the grades, sign a form, and it is just a two-page form. Alderman Holtkamp concurred it should be pretty straightforward to complete.

It was the consensus of the committee to move forward on the proposed draft ordinance with the draft second amendment to the MOU as Exhibit A with the change on Item 7 and the IDNR Permit No. DS2016077 as Exhibit B for consideration at the next City Council meeting.

III. FENCES IN COMMERCIAL ZONING DISTRICTS

Alderman Agne had requested this item be added to the committee agenda and reported to the committee this issue is just an introduction tonight. He reported there is a business with a six-foot fence in a Commercial Zoned District that needs repair. The slats have been repaired which still makes it a six-foot fence. However, the property owner has asked if they could replace the fence with a seven-foot fence. Mr. Agne asked if the City would allow a seven-foot fence in a Commercial Zoned District. Alderman Agne said in the residential areas, the fence height could still be at six feet. Alderman Ebersohl stated a variance could be obtained for the seven-foot fence, but Alderman Agne said additional funds by the property owner would have to be paid for the fence variance.

Mr. Morani said he has met with Director of Community Development Emily Fultz and Building Official Justin Osterhage about this issue. Mr. Morani said staff's opinion was that it could be acceptable to have a higher fence than six feet in a commercial area, but it may depend on the circumstances. Mr. Morani said it is important to keep the fence height at six feet in residential areas. He added the seven-foot fence in a Commercial Zoned District needs a discussion through the formal Zoning Code revision process, which is commencing with staff and the Plan Commission. Mr. Morani said a change such as this could have broader implications. Mr. Morani also said the owner could apply for a variance and it may be considered for approval because of a possible hardship because of the topography of the

area, but that would depend on the findings of facts in the case as presented to the Zoning Board of Appeals.

Mr. Morani said that staff will talk about this issue in more detail and doesn't think it is a bad idea altogether. Staff's primary concern is how this could affect the character of certain areas in the City, such as downtown. He reiterated that it would be best to discuss this item during the Zoning Code revision process and the committee agreed.

IV. TRAVEL REIMBURSEMENT POLICY

Mr. Morani reported to the committee that he has distributed a copy of the Local Government Travel Expense Control Act (Public Act 099-0604), as well as a proposed draft policy in the form of an ordinance that Non-Home Rule Municipalities are required to adopt pursuant to the Act. It went into effect on January 1, but it did not have to be adopted until 180 days after the effective date. Mr. Morani would like to adopt the ordinance at the next council meeting in order to approve any travel reimbursements after March 1 to comply with the Act. Mr. Morani has reviewed the statute and researched other cities to see what they are doing; some cities have adopted a very lengthy policy and he does not think it should be any more complicated than it needs to be. Mr. Morani said the Act states that any travel, and that could include reimbursement for mileage, meals, and lodging, needs to be approved prior to the expenditure of public funds. The Act clearly defines in one section that reimbursement could mean any funds expended which could include payments to a third party.

Mr. Morani said he has worked with City Attorney Terry Bruckert on the proposed policy. Mr. Morani proposes to have in place guidelines based on the IRS mileage rates and not to exceed \$400. Mr. Morani said this would cover a round trip to Chicago, but it could be significantly less and does not see it being applied often. Mr. Morani also said the City has not typically taken trips that expensive. There are also meals and lodging limits; the City has to place limits on these and it is up to the City to establish these limits. If the expenses exceeds the limit, the City Council must approve. The purpose of the Act is to increase transparency and that public funds are not being abused. The IML ordinance was used as a model.

Mayor Hutchinson said the City is already following guidelines set forth in the proposed policy. Mayor Hutchinson said he would almost call this an unfunded mandate and Mr. Morani agreed. Mayor Hutchinson said the current practice is that before anyone does any travel, it gets approval. Before it is reimbursed or paid, it gets approval by multiple city officials. Mayor Hutchinson said the only item he wanted to comment on was the maximum travel. He asked Mr. Morani to look up round-trip airline ticket costs in the Continental United States. Mayor Hutchinson added that because we have become global, there may be a symposium or conference the City Engineer or the Director of Community Development may attend. It may make sense to increase the travel amount and asked Mr. Morani to get ticket price costs to San Diego, San Francisco, Seattle, New York, etc. to use for the maximum travel limit. Mayor Hutchinson also suggested for Mr. Morani to look at the lodging expenses as well and increase those amounts if needed. Mr. Morani added that the Act

makes it clear that all of this information can be obtained under the Freedom of Information Act (FOIA).

It was the consensus of the committee for Mr. Morani to make the proposed changes and bring the Travel Reimbursement Policy draft ordinance back to the committee for review.

V. FRANCHISE OR RIGHTS-OF-WAY USE AGREEMENT

Mr. Morani presented excerpts from the City of Columbia's Cable and Communications Code and a Franchise or Rights-Of-Way Use Agreement Application Form. Mr. Morani said at the last committee meeting, he provided a short summary regarding a request from a small wireless device company. Mr. Morani said this is new technology and the Illinois General Assembly is also getting involved with introducing legislation regulating the practice. Mr. Morani stated what is currently in our Cable and Communications Code, which contained a section that specifically addressed other communications uses. Mr. Morani took excerpts from the Cable and Communications Code, which are 2.1 Unlawful to Operate Without an Agreement, 2.5 Use Fee and 4.15 Provider Responsible for Costs. Mr. Morani explained the portion of the code, 2.1 and said it is unlawful to operate without an agreement. Mr. Morani said any company, whether it be cable or any other company, would not be able to operate in the City's right-of-ways without some form of an agreement. The company has been informed this is in our code and they will need some sort of agreement, which could be in the form of a franchise agreement.

Mr. Morani said what the City did not have on the books is the formal process to deal with these types of requests that are not cable. Mr. Morani said he has proposed to use essentially the same application form the City has used for the cable franchise agreement renewals. Mr. Morani said the submitted application would be reviewed by staff, by the city engineer and himself. Mr. Morani added if there are any zoning issues, the application would also be reviewed by the Building and Zoning Department. This would all be completed before it came to the City Council.

Mr. Morani added the City does not have an application fee in the code for non-cable uses of ROW and said we are required to establish a reasonable cost associated with those fees. Mr. Morani said after he spoke with Mr. Vogel, he is proposing an application fee of \$2,500, but it is actually in the form of a deposit. If the company wants to pursue a franchise agreement with the City, we want the fee to cover the City's cost, which will primarily be legal costs. For example, Mr. Morani said if we expend \$1,800 completing a franchise agreement for an entity, then they would get reimbursed \$700. Mr. Morani said it is more like a retainer, that is how Mr. Vogel suggested we administer it. Mr. Morani said the City can't be excessive on the fees. Mr. Morani added that the company is knocking at our door and proposes this be finalized at the next City Council meeting. Mr. Morani said the committee won't see a submitted application right away until staff and the attorney has reviewed it. He said it is mostly an administrative function and that the fee is what is needed most to start the process.

Alderman Holtkamp said these devices require power to operate and wants to know how to handle that on a utility pole as far as the low voltage or 120volt power. Mr. Morani said that was not discussed in the meeting with the potential applicant but can inquire about the power usage. Alderman Holtkamp said he is familiar with these devices and indicated this power requirement should be listed on the application under "Other Equipment Facilities to be Installed". It was pointed out it does not operate on solar power. Mr. Morani said the applicant showed him some proprietary information that he did not want to disseminate to the committee. Mr. Morani said he only received a couple of examples of what the antennas would look like, but has not received an actual site plan; they have not gotten to that step yet. Alderman Holtkamp stated he knows someone who works in the antenna business, said this is a big problem and these companies are hitting every utility pole in the country. Mr. Morani said he could add on the application: "Low voltage power". Mr. Morani said it may not be up to the City to deny them access to a utility pole; it would have to be Ameren as it would be on their facilities. Mr. Morani said it wouldn't necessarily be on a City utility or street pole. Mr. Morani said if they want to locate on the City utility or street pole, we could deny it.

Alderman Reis asked what the frequency is. Alderman Holtkamp said it is not Wi-Fi. Mr. Morani explained it is his understanding the communications devices are amplifying the signal or acting as a repeater. Alderman Holtkamp said this is for filling in the holes of cell phone carriers. Mr. Morani said their clients are cellular networks such as Sprint, Verizon, and AT& T. Mr. Morani said the antennas would be to enhance the coverage of the cell phone companies if they are not receiving good coverage in a certain area. Alderman Holtkamp said it is a small repeater, either a 100 or 150 foot repeater from a cell phone frequency. Alderman Reis said he would still like to know the frequency. It was pointed out there is a frequency with all cell phone carriers. Alderman Reis explained the frequency will have a range, but he said that the 800 is going to be doing this. He said there are going to be a lot of these and he already knows they are looking at 800 for this in different places. He said it would be interesting to find out for sure.

Mr. Morani reminded the committee that if a franchise agreement is completed, the City would have control on how to regulate this. Mr. Morani said these types of companies are saying they simply need a permit to operate in their rights-of-way. Mr. Morani said it is not going to be that easy and believes the City has regulatory authority. Mr. Morani said at this time, there is only one antenna the company wants to place on a utility pole. Mr. Morani said based on the discussions they had and as technology is improving, the installation of these may proliferate. Alderman Holtkamp said they are only going where the cell phone carriers have problems. Mr. Morani also reported that he asked how these antennas on the utility pole would affect our cell towers and the company said they would not be affected, there would be no conflict, and would not be competing against it; it would only enhance it. Mr. Morani said this is the beginning stage and a lot of questions will need to be answered. He added that some larger cities have been approached by three or four companies. Mr. Morani said it is only going to continue.

Mr. Morani said he will get the power and frequency answers to questions posed by Alderman Holtkamp and Alderman Reis.

It was the consensus of the committee to move forward with the proposed City of Columbia Franchise or Rights-Of-Way Use Agreement Application Form with the proposed fee for consideration at the next City Council meeting of March 6.

VI. MOBILE TELECOMMUNICATIONS SERVICES

Mr. Morani reported that for years, the city has had Verizon Wireless as their cell phone carrier. Mr. Morani said Sprint has approached the City recently about the city's cell phones and he is trying to save the City money. Mr. Morani said after 18 months with Sprint, there is an even greater savings. Mr. Morani added it is easier to give all the old cell phones back to the company via lease agreement instead of trying to sell them, which is what happens now with the devices we purchase. That is an additional service that Sprint offers. Mr. Morani said it is sometimes very challenging not having a consistent account representative with Verizon Wireless. With Sprint, the City would have an account representative as well as a rep from an area retailer, Marshall Wireless. Mr. Morani said other City employees who have the service are satisfied with Sprint. City Attorney Terry Bruckert has reviewed the proposed cooperative purchasing agreement with the Houston-Galveston Area Council and there will be a resolution ready to go at the next City Council meeting. This agreement will allow the City to lease the equipment from Sprint at deeper discounts. Mr. Morani also said there would be no disruption of service to employees, specifically the Police Department when the cell phones are switched over and all phone numbers will remain the same.

It was the consensus of the committee to move forward on the proposed resolution for consideration at the next City Council meeting to authorize the City Administrator to execute an interlocal contract for cooperative purchasing with the Houston-Galveston Area Council for Sprint.

VII. FY 2017-2018 BUDGET

Accounting Manager Linda Sharp reported on the FY 2017-2018 Budget. She said that she and Mr. Morani have met with all of the departments and have done a first review of their budget needs. She has started to place those budget needs into the budget and have returned the department's forms showing all the changes that were discussed. She added that the new department heads or assistants are providing more detail for the budget process this year. Mrs. Sharp said she will be separating Community Development into a separate department and it will show more detail.

Mrs. Sharp said the draft budget may be ready for the next committee meeting on March 13 at which time we will also discuss the fee schedule. She added they should be able to discuss the Capital Equipment and Capital Project needs. Mr. Morani and Mrs. Sharp are meeting with City Engineer Chris Smith this week to look at the MFT Fund and Capital Development Fund to see what kind of projects can be completed. They will also look at the bond funds.

The City has the 2015 bond refunding and we also have the new bonds. Mr. Morani said some of the bond money has been reallocated when it was put towards Main Street but there may be some funds remaining. Mr. Morani said Mr. Smith wants to do more projects this year with the aging infrastructure in the City. Mr. Morani pointed out this is the first full year for Mr. Smith and Chief of Police Jerry Paul and there is a lot more detail and discussion this year during budget time as compared to years past, which is good for everyone involved. Mr. Morani said the new department heads are getting more familiar with the various funds, but noted Mr. Smith's budget is a bit more complex because of the number of funds.

VIII. OTHER ITEMS TO BE CONSIDERED

A. St. Paul's Lutheran Church Historic Church and School - 108 W. Liberty Street

Mr. Morani provided an update on Mrs. Alberta Spradling's request for street parking for the St. Paul's Lutheran Church Historic Church and School. Mr. Morani said that he, Ms. Fultz and Mr. Osterhage discussed the parking situation and they don't know what the City can do but to ask her to apply for a variance for the on-street parking. He said that he and/or Ms. Fultz will tell her she needs to apply for a variance. Alderman Reis said the area in question is in his ward; that portion of W. Liberty Street is a one-way street; said it is in a really tight area for parking; there will be problems. Mr. Morani said the area is in a residential area and that if Mrs. Spradling applies for a variance, neighbors will be notified of the public hearing.

Mr. Morani said staff will speak to Mrs. Spradling this week.

IX. CITIZEN COMMENTS

There were no citizen comments.


X. EXECUTIVE SESSION – 5 ILCS 120/2(c)

There was no call for Executive Session.


XI. ADJOURNMENT

MOTION:

It was moved by Alderman Reis and seconded by Alderman Huch to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, February 27, 2017 at 7:45 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Huch, Reis, and Holtkamp voted yea. **MOTION CARRIED.**



GENE EBERSOHL, Chairman
COMMITTEE OF THE WHOLE

Minutes taken by:


Donna Mehaffey, Deputy Clerk