

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF THE  
CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,  
JULY 24, 2017 IN THE COUNCIL ROOM OF CITY HALL**

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**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: Committee Members - Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens. Mayor Hutchinson was also present.

Absent: None.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney J.D. Brandmeyer, City Clerk and Director of EMA Wes Hoeffken, City Engineer Chris Smith, Accounting Manager Linda Sharp, Chief of Police and EMS Director Jerry Paul, Deputy Chief of Police Jason Donjon, Community Relations and Tourism Director Sue Spargo and Deputy Clerk Donna Mehaffey.

Guests: None.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Approval of Minutes from the June 26, 2017 Committee of the Whole Meeting; (2) Mobile Food Vendor Regulations; (3) Stop Sign Proposal; Legion Avenue/Bottom Avenue; (4) Private Sewage Disposal Systems; (5) Disc Golf Course update; (6) Other Items to be Considered; (7) Citizen Comments; and (8) Executive Session – 5 ILCS 120/2(c)

**II. APPROVAL OF MINUTES FROM THE JUNE 26, 2017 COMMITTEE OF THE WHOLE MEETING**

The minutes from the June 26, 2017 Committee of the Whole committee meeting were submitted for approval.

**MOTION:**

It was moved by Alderman Niemietz and seconded by Alderman Holtkamp, to approve the minutes from the June 26, 2017 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

### **III. MOBILE FOOD VENDOR REGULATIONS**

City Administrator James Morani said some of the areas of the Mobile Food Vendors (Food Trucks) Section 5.50 ordinance needed to be revised. Mr. Morani turned the meeting over to Community Relations and Tourism Coordinator Sue Spargo.

Mrs. Spargo reviewed the changes with the Committee. They were:

- 1) 5.50.010 Definitions. "Food truck vendor" Definition. Removed "non-alcoholic" from the definition. The proposed definition shall read: "Food truck vendor means a person engaged in the business of selling food or beverages from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration. A food truck vendor does not include an ice cream truck operator". Mrs. Spargo said this proposed change will allow permit food trucks to sell alcohol if they have a City liquor license.
- 2) 5.50.020 License Required. The second sentence was changed to read into two sentences: "Such license shall be renewed annually on a rolling basis. All other licensing regulations of Section 5.04 BUSINESS LICENSING AND REGULATION shall apply". Mrs. Spargo said this was changed so the license did not have to be prorated. If a food truck's licensing started July 1, they would pay for the entire year and then be renewed for another year on the following July 1. The licensing would not run by the City's fiscal year.
- 3) 5.50.030 Manner of Operation. Sale of Liquor Prohibited. Remove "Prohibited" from the paragraph heading so it would be changed to "Sale of Liquor". Add "regulated by Section 5.20 (LIQUOR CODE) of the City's code of Ordinances" to the sentence and remove "prohibited" at the end of the sentence. The proposed sentence shall read: "Selling or serving of liquor, including beer, wine, and all alcoholic beverages from food trucks shall be regulated by Section 5.20 (LIQUOR CODE) of the City's Code of Ordinances". This proposed change is being made to allow the in-town business food trucks to sell alcohol. Per Mr. Morani's question, the committee was comfortable with in-town businesses selling alcohol from their food trucks as long as their business has a food truck license and their business has a City liquor license.
- 4) 5.50.030 Manner of Operation. Peripheral Setup. On the third sentence, remove "vendors are not permitted to" and add "shall only be permitted to" and "with the written consent of the City". The proposed sentence shall read: "Food trucks shall only be permitted to connect to City water, electric, or other utility to conduct business with the written consent of the City". Mrs. Spargo said currently the ordinance says the food trucks cannot connect at all, however there was some concern there may be one or two that may need to connect and the City would need to approve

it. She added they would like to have this option if possible. Alderman Niemietz asked if anyone had spoken to the utilities department and what does it mean as far as monetarily, availability, cost to the City, and liability. Mrs. Spargo said they have not run into this issue at this point and believed the food truck vendor may want water and electric at some point. She said most of the trucks have their own generators.

Mayor Hutchinson said the fact that the food truck vendor will have to have the City's written consent means the City will touch on those utility items they are asking for. For water, our City Engineer will be asked what is needed. Mayor Hutchinson said they will need an approved backflow preventer, a water meter, and the water meter has to be back charged. Mayor Hutchinson said he knows this has been done before for a group that wanted to hook up to a fire hydrant for something and then the group was billed for the services. He said that would be part of the written consent. Mr. Morani said if the service was ever needed, it would be the City Engineer making that decision. Mr. Morani said this can be discussed at the next regular meeting before the revised ordinance gets approved. Mr. Morani said after conferring with Ms. Fultz, the utility set up by written consent of the City was placed in the proposed ordinance for flexibility in case it came up.

It was the consensus of the Committee to have the proposed Mobile Food Vendor Regulations (Food Truck Vendor) ordinance ready for consideration at the next City Council meeting.

#### **IV. STOP SIGN PROPOSAL; LEGION AVENUE / BOTTOM AVENUE**

Mr. Morani said they have a new process for reviewing stop sign proposals which are reviewed by Streets Chairman Alderman Gene Ebersohl, City Engineer Chris Smith, Chief of Police Jerry Paul and him. Mr. Morani explained the stop sign proposal for Legion Avenue at Bottom Avenue. Mr. Morani felt it was worth considering placing a stop sign at that location and wanted the Committee of the Whole to review it. Mr. Morani said a resident had requested the stop sign a while ago. Mr. Morani explained as you travel on Legion Avenue to Bottom Avenue, there is a line of sight issue with the vehicle parked on Legion from the Bottom Avenue stop sign. He added there is a hill and a pedestrian crosswalk on Legion Avenue that leads to school property.

Alderman Agne referenced an incident that happened to him at that intersection and thought a stop sign is needed at that location.

Alderman Niemietz said she would like someone to check if there is a need for another stop sign since there is already a stop sign on Carl Street at Legion and to possibly eliminate the parking space on Legion at the intersection if the vehicle is blocking vision per the photo provided. Mr. Morani said this stop sign proposal could go either way.

Chief of Police Jerry Paul said Mrs. Patricia Robles, the Custodial/Maintenance/Transportation Director for the Columbia School District said during

school they station a maintenance employee at the cross walk to watch for vehicles until the school children can cross the street. Chief Paul also said Mrs. Robles said the proposed stop sign would help with the school buses leaving the school and she was in favor of placing a stop sign on Legion Avenue. Also, Columbia School District Superintendent Dr. Gina Segobiano said if Mrs. Robles was okay with the proposed stop sign, then she is okay with it as well.

Alderman Niemietz then stated if it serves the majority, she is all for it.

It was the consensus of the committee to move forward with the proposed stop sign to be placed on Legion Avenue at the intersection with Bottom Avenue. An ordinance will be ready for consideration at the next City Council meeting.

## **V. PRIVATE SEWAGE DISPOSAL SYSTEMS**

City Engineer Chris Smith addressed the Committee. He explained there are still some properties in the City of Columbia that have septic systems. He said he wanted to check with the Committee to see what they wanted to do because in the City Code, if the availability of a public sanitary sewer line is within 200 feet to which the property can connect, the property owner must pay the usual and customary connection or tap-in fee to the City and connect the improvement to be served by the connection to the City public sanitary sewer service. And if there is a private septic tank or aeration system and City sanitary sewer service becomes available for the property, the property owner will be required to connect to the City sanitary sewer system within three years after the City sanitary sewer service becomes available and will thereafter have to disconnect their private sanitary sewer service. Mr. Smith said this is a public health issue.

Mr. Smith said this has always been in Columbia's Municipal Code, but has not been enforced and would like to have direction on this issue. There have been situations where a main has gone right by someone's home for a new subdivision and they have not tapped in even though the main is right in front of their home. Right now, someone is selling a home that has a septic system and a sanitary sewer line must be installed. Mr. Smith thought this would be a good time to have a consistent policy in place. However, the seller of the property is very upset. Alderman Holtkamp asked what the cost would be for a sanitary sewer connection and Mr. Smith said it depends on how far you have to go to get to the sewer main. Mr. Smith said the one the City is dealing with right now will cost approximately \$18,000. Mr. Smith said this is a larger piece of property and is not a typical lot inside the City. Mr. Smith said it would range from \$3,000-\$4,000 up to \$18,000 for sewer connections. Mr. Morani said Building Official Justin Osterhage has been using the change of occupancy when the property is sold to enforce the sewer connection in the past but has not been forcing residents who currently have a septic system and have had sewer line availability more than three years. Mr. Morani said Mr. Osterhage enforcing the change of occupancy has been the recent precedence since he has been with the City. Mr. Morani asked the Committee if the City should send out a letter to all current septic system property

owners and inform them they have three years to hook up to city sewer, but Mr. Morani thought the change of occupancy would be the best way to handle this situation. He also said the City needs consistency going forward. Mr. Morani added state statute says the City can't approve a new or renovated septic system if there is a public sanitary sewer service within 300 feet of the property. He said many local ordinances have mirrored this statute, but Columbia is more restrictive and the state allows the City to do this. Many local ordinances have the 200-foot requirement, so if a public sewer becomes available within the 200 feet, the property owner is required to tap into it.

Mr. Smith said the one the City is dealing with right now is not typical. It is not the same as one that would be on Gall Road as the sewer lines are either in front or behind the homes.

City Clerk and Director of EMA Wes Hoeffken informed the committee there are three things to factor in on the cost of hooking up to sewer in the City. They are the cost of the sewer line, the sewer tap in fee, and recoupment fees. He said the only relief the City could give would be the sewer tap in fee. He said he personally has a recoupment agreement for Eckert Lane with the City of Columbia.

Alderman Reis suggested for the City to do both; either the property owner hooks up to sanitary sewer in three years or go by change of occupancy. Mr. Morani said you could do both, but it still doesn't alleviate some of the individuals that have recoupment agreements. Mr. Morani said from a staff standpoint, the change of occupancy makes it easier to administer.

Alderman Agne asked if the sewer requirement could fall back on the seller. Mr. Morani said the City doesn't get involved if it is the seller or the buyer. It was noted these septic systems are mostly scattered around Columbia along the outskirts of the City.

Mr. Smith said that septic systems are permitted by the Monroe County Department of Health and they have to be enforcing them. If someone is installing a new septic system in the City of Columbia, Columbia should be notified. Mr. Morani said the City needs to contact the Monroe County Department of Public Health to make sure they are actually enforcing that.

Mayor Hutchinson suggested that to solve this issue is for the City to send a letter to everyone with septic systems, place a notice in the City's newsletter, and notify through other means that if the property owner completes a sewer tap-in and connection to the City's sewer system within two or three years, the sewer tap-in fee will be waived. This will give an incentive to soften the blow. Mayor Hutchinson said it won't be that much of an impact on our sewer revenues. He also said the City would be showing good faith. There would also have to be notification that it must be done within three years or whatever time frame is determined. Mayor Hutchinson then said the City has done something for the homeowners to be more proactive to get a benefit from it. All present were in agreement this was a good idea, but Mr. Morani said he will have to check with City Attorney Terry Bruckert to see if

this is feasible. Mr. Morani said the current sewer tap-in cost is \$2,284.00 for a standard residential home. Mr. Smith said there could be a sewer lateral that would have to be installed in the street, so there could be additional costs on a sewer tap returning the street to its original pavement.

Alderman Roessler asked if the City will have a legal issue if the City has not been enforcing this issue and will now start. Mr. Morani said he has already checked with the City Attorney and the City has every right to do this. Mayor Hutchinson said we have had this same issue on other cases and there was no legal issue with it.

Alderman Holtkamp asked if the sewer tap-in could be tied to the size of the lot. Mr. Morani said Monroe County says that for any lot smaller than 2.50 acres, you are required to hook on to the public sewer if available. Alderman Holtkamp said if you have been living in the City on 2.50 acres and are then required to hook onto City sewer which would cost \$15,000-\$20,000, he believes that would be a hardship for the property owner. Mr. Morani added if someone would have a septic system renovated or a new one installed, the City would have a dialogue with the County Health Department to make sure they are adhering to the state law. Chairman Ebersohl asked what would happen if the property owner subdivided the property. Mr. Smith said he believes that is what this property owner wants to do with this larger property. Mr. Morani said if the property was subdivided and made into smaller lots, they would have to install a sanitary sewer connection for each lot. Alderman Roessler suggested you could place a footnote on it saying it is grandfathered for 2.50 acres and over, but if it is ever subdivided, then it will have to tie into the City's sanitary sewer system. Mr. Hoeffken added all the county will worry about is that it is not under the City of Columbia Zoning Code. The City will still have jurisdiction on the zoning of the City of Columbia one and one-half miles outside the City Limits of Columbia regarding subdividing property. Mr. Morani also stated if the City adopted an ordinance and placed an acreage limit, then the City would not have to force this seller/new owner to tie onto the sewer. Right now, Mr. Morani said the City's hands are tied and staff is going by change of occupancy which is what has been administered. But Mr. Morani said if the City changes the ordinance for 2.50 acres, it could be on the next person when the property is subdivided. Mr. Smith said if this was today, the property in question would not be approved for a septic system in Columbia.

Mr. Morani said this can be researched further to make sure the City is doing everything legally and is not in conflict with any state law. Alderman Holtkamp thought the 2.50 acres made sense, but also asked about placing a distant limitation on the lot in case there was a long and narrow lot, you could possibly have the sewage go to other lots if the septic system failed. Alderman Holtkamp asked if you could place the septic system 100 feet off the property line. Mr. Morani said he cautions against putting any dimension requirements on the property, except the way state laws are written. Mr. Morani said the City is covered with the acreage size, but Alderman Holtkamp felt there must be some kind of specifications for the septic system installation, especially close to property lines.

Alderman Roessler suggested to Mr. Morani if the lots are regular size, they could possibly get three years to tie into the City's sewer system and if the property is more than 2.50 acres, to possibly give them seven years to tie into the City's sewer system since it would be a much larger cost to complete. Mr. Morani said this will be up to the City Council and doesn't help this current situation since it will be on the new owner. Mr. Morani said it may be better to temporarily relax the code rather than to change it permanently. He said it would be better to give the property owners a grace period to hook up to the City's sewer. Alderman Holtkamp said if the City does follow the laws, the City's code was amended, and the state statute and County's code are all current law, there should not be anything to worry about and all could be placed in the City's Code.

The size of the lot was questioned. The lot is 2.84 acres and is not very large. It was noted the zoning on this piece of property is R-5, One-Family Dwelling District. It was also noted the buyer of the property in question cannot get an occupancy permit until the sanitary sewer is installed.

Mayor Hutchinson informed Mr. Morani to take what was discussed tonight and prepare a policy with the idea of what the State requires, the change of occupancy, a time frame that the City would waive sewer tap-in fees and for it to be completed, add some acreage language and bring it back to the Committee. He also said it sounds like three of the items are fine, but the other two would have to be discussed. Mr. Morani said some items would be a definite change in the City's Code, but the other item of waiving the sewer tap-in could not be considered until he speaks to City Attorney Bruckert.

Alderman Holtkamp asked why residents need to connect to the sanitary sewer system. Mr. Morani said it is a public health issue. Alderman Holtkamp questioned if a perfectly good and maintained septic system is a public health risk. Alderman Niemietz said it has always been understood with the City Council that it is a public health issue and that is why the 1.5-mile facility planning area was established with regard to the areas surrounding the City. She added one of the main reasons was if there is access to City utilities, it is eventually going to become part of the City so you want to have those services established. She also said when the City grows, you need to encompass those areas. That is why the City is talking about spot areas in the City right now. Mr. Morani added some individuals do not maintain their septic systems and said the City has very little regulation over them.

Alderman Roessler asked what would happen if the home owner does not comply with the waived sewer tap-in within three years, what recourse would the City have if they just don't comply? Mr. Morani said the City is sticking with the idea that they need to hook on to City sewer. Mr. Morani said the best thing to do is keep the three-year requirement in the Municipal Code, add the change of occupancy, relax the three-year requirement as directed by the City Council, and see if the City can legally waive the tap fees. This will be the incentive to get the tap-in completed within a reasonable period of time. The City could either waive the tap fee or the tap fee could be paid in increments (if the attorney says that can be done) so the incentive is to get it completely early, otherwise you lose your chance

and will be required to tap on and pay the full sewer tap at a later date. He said he will try to come up with a reasonable policy. Mr. Morani said other communities are similar to ours per the sewer tap-in fee ordinance from Alderman Niemietz's question.

It was the consensus of the Committee for staff to perform more research on this issue, make sure there is no conflict with any state laws, and bring it back to the Committee for further discussion.

## **VI. DISC GOLF COURSE UPDATE**

City Engineer Chris Smith gave a brief update of the Disc Golf Course in Meadowridge Park. The Boy Scout in charge of this project has ordered all of the material for the disc golf course and installation will be either the August 12 or 13, weather permitting.

## **VII. OTHER ITEMS TO BE CONSIDERED**

### **A. Emergency Warning Sirens Update**

Director of EMA Wes Hoeffken updated the Committee on the new emergency warning sirens. Mr. Hoeffken said all of the solar panels have been assembled and all of the easements have been signed. He added the coordination of the installation with the company - Outdoor Warning Systems, DOPW, and the Monroe County Electric Co-Op will wait until much cooler weather.

### **B. Audit**

Accounting Manager Linda Sharp reported that the audit is now being conducted. She said the engagement letter will be presented at the next City Council meeting for consideration. She added the fee has increased this year by \$900 and will be \$20,900. Mrs. Sharp said the auditors have been working for the last six days and all is going well. Mrs. Sharp also said the financial statements would be completed earlier than last year.

### **C. Special Census Update**

Mr. Morani informed the committee the Special Census has been completed and he is waiting for the certification of the preliminary counts. Mr. Morani said it has to go through an auditing stage. Once the City receives the verified counts, the City will coordinate with the various state agencies so the certified population gets applied to the City's income tax distributions, etc. He said when he spoke to some of the other communities after they received their final numbers, they were receiving new revenue from the state within two months. He said before the end of the year, the City will definitely receive new revenue based on the new population count.



**VIII. CITIZEN COMMENTS**

There were no citizen comments.

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

Chairman Ebersohl asked if there was a need to go into Executive Session. There was none.


**X. ADJOURNMENT**

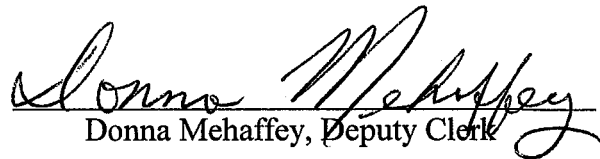
**MOTION:**

It was moved by Alderman Niemietz 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, July 24, 2017 at 7:55 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea.

**MOTION CARRIED.**

Minutes taken by:

  
\_\_\_\_\_  
Chairman Gene Ebersohl  
Committee of the Whole

  
\_\_\_\_\_  
Donna Mehaffey, Deputy Clerk

**MINUTES OF THE EXECUTIVE AND RULES COMMITTEE MEETING OF  
THE CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD  
MONDAY, JULY 24, 2017 IN THE COUNCIL ROOM OF CITY HALL**

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**I. CALL TO ORDER**

Chairman Ebersohl called the Executive and Rules Committee Meeting of the City Council of the City of Columbia, Illinois to order at 7:56 P.M.

Upon Roll Call, the following members were:

Present: Chairman Ebersohl and Aldermen Agne, Niemietz and Roessler.

Absent: None.

Quorum Present.

Others Present: Mayor Hutchinson and Aldermen Huch, Reis, Holtkamp and Martens.

Administrative Staff Present: City Administrator James Morani, City Attorney J.D. Brandmeyer, City Clerk and Director EMA Wes Hoeffken, Accounting Manager Linda Sharp, City Engineer Chris Smith, Chief of Police and Director of EMS Jerry Paul, Deputy Chief of Police Jason Donjon and Deputy Clerk Donna Mehaffey.

Guests Present: None.

Chairman Ebersohl stated the purpose of the meeting was to discuss City Council Standing Committees.

**II. CITY COUNCIL STANDING COMMITTEES**

Mr. Morani presented the City Council Standing Committee Restructuring Proposal to the Executive and Rules Committee.

Alderman Reis pointed out on the proposal there are ten proposed committees and the senior alderman would serve as chair for the Committee of the Whole and the Executive and Rules Committees. He said if eight alderman are to serve as chair of each of the committees, the senior alderman would also have to serve as chairman on three committees, not just two. Mr. Morani will make the correction on the proposal to add the word "also" on the last sentence. The sentence will read: "The result of the committee restructuring below would result in each alderman serving as chair for one committee, with the exception of the senior alderman who would also serve as chair of the Committee of the Whole and Executive and Rules Committees".

The new committee proposal is: 1) Committee of the Whole; 2) Executive and Rules; 3) Planning, Zoning, and Economic Development; 4) Public Safety; 5) Community and Intergovernmental Relations; 6) Municipal Buildings and Property; 7) Parks and Recreation; 8) Personnel; 9) Public Infrastructure, Municipal Services, and Utilities; and 10) Finance. Mr. Morani said the proposed committees will have descriptions per Alderman Agne's concern. He also said he wants to utilize the committees more and the restructuring proposal was prepared with the assistance of City Attorney Terry Bruckert and City Clerk Wes Hoeffken.

It was the consensus of the committee to move forward with the City Council Standing Committee Restructuring Proposal, all of the aldermen were asked to send an e-mail to Mr. Morani with their committee preferences and the Executive and Rules Committee will meet to determine committee assignments.

### III. ADJOURNMENT

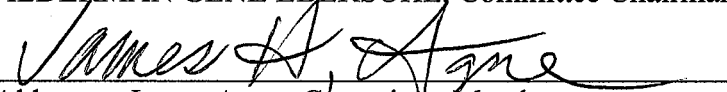
#### MOTION:

It was moved by Alderman Niemietz and seconded by Alderman Roessler to adjourn the Executive and Rules Committee Meeting held Monday, July 24, 2017 at 8:12 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz and Roessler voted yea.

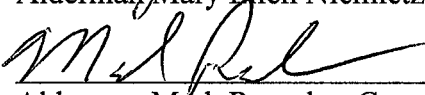
#### MOTION CARRIED.

#### EXECUTIVE AND RULES COMMITTEE

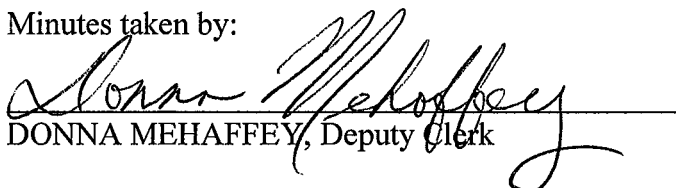
  
ALDERMAN GENE EBERSOHL, Committee Chairman

  
Alderman James Agne, Committee Member

  
Alderman Mary Ellen Niemietz, Committee Member

  
Alderman Mark Roessler, Committee Member

Minutes taken by:

  
DONNA MEHAFFEY, Deputy Clerk