

**O'FALLON CITY COUNCIL  
MEETING MINUTES  
February 4, 2008**

The meeting was called to order at 7:04 p.m. by Mayor Gary Graham, who then led the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Nila Grogan, present; Mary Schmidt, present; Ed True, present; Dan Polites, present; Rick Reckamp, present; Jerry Mouser, present; John Drolet, present; Allen Medford, present; Michael Bennett, present; Dennis Renner, present; Steve Engler, present; Ned Drolet, present; John West, present; Jerry Albrecht, present. A quorum was declared present.

Motion was made by J. Mouser and seconded by D. Renner to approve the minutes of January 22, 2008. All ayes. Motion carried.

**PUBLIC HEARING:** None scheduled.

**RESIDENTS:** Chris Hocht of Edwards Street came forward to discuss his concerns on the traffic situation at the intersection of Edwards and Hwy 50. He said the area has seen a lot of accidents over the years. He would like to see it made safer for driving. He said the entrance to Edwards Street should be widened, there should be a no left turn lane at Fifth Street, and/or make the short section of Fifth Street a one-way. Mayor Graham responded that his request would go to the Public Safety committee for review.

**REPORTS:**

**Clerk's Report:** P. Goodwin read a request from the St. Clair County Extension and Education Foundation to conduct a raffle at the KC Hall on March 4, 2008.

Motion was made by R. Reckamp and seconded by J. Drolet to approve the request. All ayes. Motion carried.

**Mayor's Report:** Mayor Graham thanked the Public Works department for the great job in removing the snow. He said that we had about 7 – 10 inches. Many were out for 24-36 hours. We had very few complaints. However, there were a few regarding blocking driveways and mailboxes. He also suggested that if a citizen has a street that is missed to call City Administrator, Walter Denton, and he will look into it. We are investigating other methods to improve the process.

## **RESOLUTIONS:**

M. Bennett had questions regarding the resolutions concerning the roundabout. He stated that he had just received the Railroad Overpass Study and would like time to review it before voting on the resolutions. Mayor Graham pointed out that the overpass cost was significantly higher at State Street. The grant is only good at Venita, but we could apply for one at State Street, if needed.

R. Reckamp stated that he believed that the overpass at State Street is a better location than at Venita. Green Mount is a major through street. He understands that there is a big difference in cost, but we should work towards getting the overpass at Green Mount and State, since it is more logical location.

Mayor Graham responded that it cost a lot of money just for one piece of property at State, and it would be significantly higher to secure more property with the businesses and bank at the corner. It took over six years to secure the property at Venita, and it would take at least that long at the intersection at State Street.

D. Renner voiced his concerns about road closures during the construction period. There was further discussion to table Resolutions 1 – 4 and the feasibility of going forward with the roundabout, if we approve an overpass in the future. D. Sullivan said the roundabout bid is \$397,500. Mayor Graham said that would give people immediate relief.

Motion by M. Bennett and seconded by N. Drolet to table Resolutions 1 – 4 until the next committee meeting.

**ROLL CALL:** Grogan, no; Schmidt, no; E. True, aye; D. Polites, no; R. Reckamp, aye; J. Mouser, no; A. Medford, aye; J. Drolet, no; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. Albrecht, no; J. West, no. Ayes – 7; Nos - 7. Mayor Graham noted no. Motion carried. Mayor Graham said he had the right to veto for 14 days, so if they wanted to review it in committee or they could let him know their concerns in that time period.

Motion was made by J. Mouser and seconded by J. Albrecht to consider Resolutions 1 - 6 under the Omnibus Agreement. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by E. True to approve Resolution Item 1 - 6.

ITEM 1 - Resolution Authorizing the Mayor to Execute an Agreement with Gonzalez Companies, LLC for Resident Engineer Services for the State Street Roundabout in an amount not to exceed \$30,000

ITEM 2 – Resolution Authorizing an Illinois Department of Transportation (IDOT) Motor Fuel Tax (MFT) Resolution Appropriating Funds in the amount of \$163,000 for the State Street Roundabout, Section 05-00054-01-PV

ITEM 3 - Resolution Authorizing the Mayor to Execute an Agreement with Quality Testing and Engineering, Inc. for the Testing Services on the State Street and Roundabout Project

ITEM 4 - Resolution Authorizing the Mayor to Execute an Agreement with Rhutasel and Associates, Inc. for Professional Services for the Obernuefemann Road and State Street Railroad Crossing Improvements in an amount not to exceed \$17,000

ITEM 5 - Resolution Authorizing the Mayor to Execute an Agreement with Hoelscher Engineering for the Design of the Wesley Drive Storm Sewer Culvert Replacements at a cost not to exceed \$34,900.00

ITEM 6 – Resolution Authorizing the Mayor to Execute an Agreement with St. Clair County Parks Grant Commission for the Ogle’s Creek Phase 1 Development of a neighborhood park in the amount of \$50,000

**ROLL CALL:** Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, abstain; N. Drolet, aye; J. Albrecht, aye; J. West, aye. Ayes - 13; Abstain – 1. Motion carried.

## **ORDINANCES:**

### **1<sup>st</sup> Readings**

Motion was made by J. West and seconded by R. Reckamp to place on 1st Reading Item 7.

Item 7 - Ord. Approving the Transfer of Volume Cap in Connection with Private Activity Bond Issues, and Related Matters

Mayor Graham clarified for the public that the Southwestern Illinois Development Authority has requested that we transfer our unused Illinois private activity bond allocations and there is no cost to the City. The funds are spread to the cities that need it.

**ROLL CALL:** Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. Albrecht, aye; J. West, aye. All ayes. Motion carried.

## **2nd Readings**

Motion was made by J. Mouser and seconded by J. Albrecht to place on 2nd Reading Ordinance Number 8.

8. Ord. Amending City Zoning Regulations Chapter 42, Section 9, Relating to Planned Uses and Section 15 Relating to Variances and Appeals

**ROLL CALL:** Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. Albrecht, aye; J. West, aye. All ayes. Motion carried.

### **STANDING COMMITTEES:**

**Community Development:** Motion was made by J. Mouser to approve the McDonald's/Southview Plaza Commercial Center Water Main Variance.

After questions were raised, D. Sullivan replied that a 6" line is a minimum. D. Sullivan said that McDonalds would need to pay to replace it with an 8" line according to our subdivision ordinance. M. Bennett clarified that it involves the hydrant pressure. R. Reckamp agreed that our subdivision ordinance requires the developer to put in an 8" line. J. Mouser said it was brought up in his committee. It was his understanding that McDonalds' is on a 10" line; they are not even accessing the 6" line. D. Renner reminded the Council that we required Super Smokers to hold to our standards. A. Medford stated that we did not require the 8" line at the pre-development stage.

The McDonalds' site design representative in attendance told the Mayor that it would delay their construction until the water issue is resolved. He also stated that it would cost them \$50,000 to change the line. N. Drolet said Walpert Properties was aware of the change since October 12, 2007 and took 90 days to respond.

Motion was made by A. Medford and seconded by M. Bennett to refer to the Public Works committee for further review.

**ROLL CALL:** Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, no; S. Engler, aye; N. Drolet, aye; J. Albrecht, aye; J. West, aye. Ayes - 13; Nos -1. Motion carried.

Motion was made by J. Mouser and seconded by M. Bennett to uphold the Zoning Hearing Officer's decision which is no more additional animals, erect a 6-ft. privacy fence, remove animal waste promptly and limit 3 dogs outside at any given time.

R. Reckamp reiterated his objection to six dogs. Mayor Graham said the staff said that allowing the variance to go through that it stands, but that is not what you want. The

staff recommends that we say that the variance does not stand and we give the people a certain time to do the very same thing.

J. Drolet said the owner does not want to get rid of any dogs under any circumstance.

A. Medford said that only three dogs would be permitted outside at one time.

M. Schmidt stated that the owner has not taken any steps to comply. Mayor Graham also mentioned the occupancy ordinance with strict standards and this parallels it.

J. Mouser discussed the staff's position: requires a fence, one-year compliance, regulate the doggy door, and if she had any complaints they would be dealt with on a nuisance basis.

**ROLL CALL:** Grogan, no; Schmidt, no; E. True, no; D. Polites, no; R. Reckamp, no; J. Mouser, aye; A. Medford, no; J. Drolet, no; M. Bennett, no; D. Renner, aye; S. Engler, no; N. Drolet, no; J. Albrecht, no; J. West, no. Ayes - 2; Nos - 12. Motion failed.

R. Reckamp stated that attorney Dan Vogel's decision included one-year compliance.

Motion by J. Mouser seconded by D. Renner to approve Dan Vogel's alternative position: owner must be in compliance with the code within one year, no more additional animals, construct 6-ft. privacy fence, remove animal waste promptly, and limit three dogs outside at any given time. A signed statement must be submitted within 60 days. If a signed statement of compliance is not received, owner will be in violation.

J. Drolet responded that he does not believe the owner will be in compliance in one year. N. Drolet stated that the neighbors have been disturbed and 90 days is being generous. J. Mouser commented that he had spoken to all of the neighbors, but there was only one complaint and it did not specify whose dog was barking.

**ROLL CALL:** Grogan, aye; Schmidt, no; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, no; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, no; J. Albrecht, aye; J. West, no. Ayes – 10; Nos - 4. Motion carried.

J. Mouser said that they will have a Special Meeting on February 7<sup>th</sup> at 6:30 p.m. to discuss the sign ordinance and the next regular meeting will be held on February 11<sup>th</sup> at 6:00 p.m.

**Public Works:** A. Medford stated the next Public Works meeting will be February 25<sup>th</sup> at 7 p.m.

**Public Safety:** Ed True stated the next scheduled meeting is February 11<sup>th</sup> at 7:00 p.m.

**Finance/Administration:** J. West said that the Finance committee met prior to the Council meeting.

Motion was made by J. West and seconded by R. Reckamp to pay Warrant 153 in the amount of \$688,067.21.

**ROLL CALL:** Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. Albrecht, aye; J. West, aye. All ayes. Motion carried.

The next Finance meeting will be on February 25<sup>th</sup> at 5:30 p.m.

**Parks/Environment:** The next meeting will be held on Monday, February 11th at 5:30 p.m. and alcohol sales at the Family Sports Park will be discussed. J. Albrecht said that the electrical contractor has been burning in the lights at the Family Sports Park. They had to replace and re-aim the lights at their own expense.

**EXECUTIVE SESSION:** None.

Mayor Graham reminded everyone to get out and vote tomorrow and be careful around the polling places because they are generally in our schools.

**ADJOURNMENT:**

Motion was made by D. Renner and seconded by J. Mouser to adjourn. All ayes. Motion carried.

The meeting was adjourned at 7:58 p.m.

Submitted by,

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Philip A. Goodwin, City Clerk

*Minutes taken by  
Maryanne Fair, Deputy City Clerk  
Proper notice having been duly given*