

**O'FALLON CITY COUNCIL
MEETING MINUTES
June 21, 2004**

The meeting was called to order at 7:02 p.m. by Mayor Gary Graham who then led "The Pledge of Allegiance to the Flag."

Walter Denton, City Administrator, called the roll: David Horton, present; Nila Grogan, present; Ed True, present; Becky Henry, excused; Rick Reckamp, present; Jerry Mouser, present; Tom Bequette, present; Allen Medford, present; Michael Bennett, present; Dennis Renner, present; Jason Boone, present; Ned Drolet, present; John West, excused; Jerry Albrecht, present. A quorum was declared present.

APPROVAL OF MINUTES

Motion was made by J. Mouser and seconded by D. Renner to approve the minutes of the June 7th meeting. All ayes. Motion carried.

PUBLIC HEARINGS:

Public Hearing opened at 7:03 p.m.

Annexation Agreement for Stone Briar Subdivision located at 6836 Old Collinsville Road consisting of 88.41 acres owned by Stone Briar LLC

Comment was made by John Kilday, who is an adjacent neighbor of the property. He made comment that he is in disagreement with the proposed plat as the current boundary may encroach on his property. He will have an independent survey done this week and states that there is an approximately 20' difference on the west end and on the east end approximately 10'. Rand Juliano, attorney for Stone Briar, stated that they feel the plat is correct, but the portion that has brought to their attention is in Phase II. He agrees that they could modify the lines of the Preliminary Plat at a later date. He wanted the Council to know that they have been in communication with the land owner to resolve this.

Public Hearing closed at 7:08 p.m.

Annexation Agreement for property located northwest of the intersection of Milburn School Road and Pausch Road owned in total or in part by Jerry, Doris, Bernard, and Onita Oberneufemann and Terry Neubauer as Trustee of TJN Land Trust #1055 which contains approximately 113.45 acres

Public Hearing opened at 7:08 p.m. No comments were made for or against hearing. Public Hearing closed at 7:09 p.m.

REPORTS

Residents of O'Fallon: None.

Clerk: None.

Mayors Report:

Mayor Graham introduced Mollie Ramsey, Miss O'Fallon. She spoke about her experience as being Miss O'Fallon the past year and thanked the community for their support of the fine people of this City.

The Mayor recognized Chief Betten, who gave a presentation of DUI Arrest Pins from the IDOT representative to seven O'Fallon police officers. He stated this program began in 2001. To date, eight officers have received recognition for achieving at least 25 DUI arrests, and two officers achieved the 50 mark. They are: John Dilday, Tim Holcomb, Mike Mojzis, Brian Riggan, Scott Wetzler, Brian Gimpel (50), Patrick Feldhake, Craig Koch (50). They have removed over 250 impaired drivers off the roads.

Chief Betten also stated the Click It or Ticket national campaign is going very well and over the course of three months they have observed 4000 cars and only issued 92 citations. Thus giving the City a 98% compliance rate, which is 16% above the state average.

The IML Conference is scheduled for September 16 - 19, 2004. Please submit your reservation forms for the conference and hotel to Jamie NLT June 30, 2004. E. True stated he has brochures from the IML organization, if anyone is interested. He recommends going. D. Horton stated it would be beneficial for department heads to attend as well. W. Denton gave his approval to review that.

RESOLUTIONS

Motion was made by J. Mouser and seconded by D. Renner to consider The Omnibus Rule on Items 1 through 15, excluding Item 6. All ayes. Motion carried.

ITEM 1 - Resolution Approving the Release of Closed Session Minutes.

ITEM 2 - Resolution Recommending Schedule B of the Closed Session Minutes Not be Released Because the Need for Confidentiality Still Exists.

ITEM 3 - Resolution Authorizing the Mayor to Sign an Annexation Agreement with Jerry and Doris Oberneufemann, Bernard and Onita Oberneufemann, and TJN Land Trust.

ITEM 4 - Resolution Authorizing the Mayor to Sign an Agreement with Stone Briar LLC.

ITEM 5 - Resolution Approving and Accepting the Preliminary Plat of Stone Briar Subdivision.

ITEM 7 - Resolution Authorizing the Mayor to Sign a Pre-annexation Agreement with O'Fallon Development company, LLC (Also known as Shoppes at Green Mount Subdivision).

ITEM 8 - Resolution Approving and Accepting the Preliminary Plat of Shoppes at Green Mount.

ITEM 9 - Resolution Approving and Accepting the Preliminary Plat of Green Mount Lakes Planned Commercial and Residential Development Subdivision.

ITEM 10 - Resolution Authorizing the Mayor to Execute an Agreement with Haier Plumbing & Heating for Sewer Trunk Line Repairs in an amount not to Exceed \$82,097.00.

ITEM 11 - Resolution Authorizing the Mayor to Execute an Agreement with Burns & McDonnell for Professional Services for the Design of Road Reconstruction on North Lincoln from State Street to East Jackson in the amount not to exceed \$58,301.00.

ITEM 12 - Resolution Authorizing the Mayor to Execute an Agreement with Rite-Way Excavating for 808 Monterey Culvert Replacement in an Amount not to Exceed \$7,740.00.

ITEM 13 - Resolution Authorizing the Mayor to Execute an Agreement with Haier Plumbing & Heating and Execute an IDOT Utility Permit for the Anne/Alma/Edward/Maryland Sewer Replacement Project, Phase I, (Oak Street) in an amount not to exceed \$86,558.10.

ITEM 14 - Resolution Authorizing the Mayor to Execute an Agreement with Varion Systems for Professional Services for Training and Implementation of Cityworks Software in an amount not to exceed \$33,250.00.

ITEM 15 - Resolution Authorizing the Mayor to Execute an Agreement with P.H. Weis for Professional Services for the Design of the Public Works Storage Facility.

Motion was made by J. Mouser and seconded by N. Grogan to pass Items 1 – 15, excluding Item 6 under The Omnibus Agreement. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, present; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. 11 ayes, 1 present. Motion carried.

Motion was made by J. Mouser and seconded by E. True to pass Resolution Item 6.

ITEM 6 - Resolution Approving and Accepting the Annexation Agreement of Townsend Annexation,

T. Shekell explained that the Community Development Committee unanimously agreed to reject this project. He stated a Special Variance was given by the County approximately 1.5 years ago to build a plumbing business in a mobile home zoned district. At the time of that application he told the County he had approval for water/sewer from the City, which he did not have. Mr. Townsend did not sign an annexation agreement and connect to the City. The request of B-2 zoning is in conflict with the City's Comprehensive Plan for that area.

ROLL CALL: N. Grogan, no; E. True, no; R. Reckamp, no; J. Mouser, no; T. Bequette no; A. Medford, no; M. Bennett, no; D. Renner, no; J. Boone, no; N. Drolet, no; J. Albrecht, no; D. Horton, no. All nos. Motion denied.

ORDINANCES

1ST Readings:

1st Reading: Motion was made by J. Mouser and seconded by E. True to consider The Omnibus Agreement for Items 16, 17, 18, 19, & 20 on 1st reading. All ayes. Motion carried.

ITEM 16 - Ord. Annexing Certain Territory, Obernuefemann Annexation, containing approximately 14.35 acres.

ITEM 17 - Ord. Annexing Certain Territory, Stone Briar Annexation, containing approximately 88.41 acres.

ITEM 18 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as State Farm Insurance Agency.

ITEM 19 - Ord. Amending Ord. 623, Zoning District Planned Use Development known as Shoppes at Green Mount.

ITEM 20 - Ord. Annexing Certain Territory, Shoppes at Green Mount, containing approximately 37.6 acres.

Motion was made by J. Mouser and seconded by N. Grogan to approve Items 16, 17, 18, 19 & 20 under The Omnibus Agreement, on 1st reading. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye;

M. Bennett, no; D. Renner, no; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. 2 nos, 10-eyes. Motion carried.

M. Bennett stated he voted no due to his continuing opposition to Item 18 as he does not agree with the conversion of a single family home and feels it should have been planned out better.

ITEM 21 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as Lakes at Green Mount Planned Commercial and Residential Development.

Discussion was raised by J. Boone, regarding the bike path/sidewalks mentioned in the PC Report. He stated these are not included on the current map. He would like to see clarification as to if this is either a bike path or a sidewalk and annotated clearly on the map before it moves to the 2nd Reading. A. Medford stated this was spoken about in CD and they will certainly reinforce this.

Motion was made by J. Mouser and seconded by A. Medford to pass Item 21 on 1st Reading. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser,

aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, no; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. 1 nos, 11-ayes. Motion carried.

ITEM 22 (See Item 6) - Ord. Amending Ord. 623, Zoning Districts Planned Use Development known as Preferred Plumbing.

Motion was made by J. Mouser and seconded by D. Renner to pass Item 22 on 1st Reading. ROLL CALL: N. Grogan, no; E. True, no; R. Reckamp, no; J. Mouser, no; T. Bequette no; A. Medford, no; M. Bennett, no; D. Renner, no; J. Boone, no; N. Drolet, no; J. Albrecht, no; D. Horton, no. All nos. Motion denied.

ITEM 23 (See Item 6) - Ord. Annexing Certain Territory, Townsend Annexation, containing approximately .321 acres.

Motion was made by J. Mouser and seconded by D. Renner to pass Item 23 on 1st Reading. ROLL CALL: N. Grogan, no; E. True, no; R. Reckamp, no; J. Mouser, no; T. Bequette no; A. Medford, no; M. Bennett, no; D. Renner, no; J. Boone, no; N. Drolet, no; J. Albrecht, no; D. Horton, no. All nos. Motion denied.

2nd Reading

ITEM 24 - Ord. Annexing Certain Territory (Kurtz Annexation) Containing Approximately 3.19 Acres.

Motion was made by J. Mouser and seconded by N. Grogan to place on 2nd Reading Item 24. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. All ayes. Motion carried.

ITEM 25 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as KFC/Texaco Redevelopment.

N. Drolet expressed his concern regarding the existence of two trailers on the property adjacent to this project. He feels there is no real teeth in the ordinance as written that would require them to be moved. J. Albrecht raised questions about moving the trailers, since they are on the adjoining property. R. Reckamp stated that Bel-o owns the trailers, and he questioned the legality of asking them to move them. A. Medford stated that it is appropriate to ask them to move, as they are in violation of City Ordinance. D. Renner stated there are many trailers in the City and questioned the fairness of this. Mayor Graham stated it is up to the City to enforce the law. Discussion was raised by D. Horton regarding the trailers, as they were placed on the property in 1969 and thus predating the Zoning Ordinance so are nonconforming use and grandfathered in. J. Boone stated if it was only a 10' boundary, they should at least move it that 10'. He further stated that hopefully Bel-o would be a good corporate citizen and make the effort to move them completely off the property.

Motion was made by N. Drolet and seconded by J. Boone to *amend* Item 25 on 2nd Reading as stated: The ordinance be modified/amended, in that the approval be contingent on the removal of the trailers from that area. ROLL CALL: N. Grogan, no; E.

True, no; R. Reckamp, aye; J. Mouser, aye; T. Bequette, no; A. Medford, aye; M. Bennett, aye; D. Renner, no; J. Boone, aye; N. Drolet, aye; J. Albrecht, no; D. Horton, abstain. 1 abstain, 5 – nos, 6 – ayes. Motion carried.

Motion was made by J. Mouser and seconded by N. Grogan to place Item 25 on 2nd Reading. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, no; J. Boone, aye; N. Drolet, aye; J. Albrecht, yes; D. Horton, no. 2 – nos, 10 – ayes. Motion carried.

ITEM 26 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as Gator's Drive-Thru.

Motion was made by J. Mouser and seconded by A. Medford to place Item 26 on 2nd Reading. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. All ayes. Motion carried.

ITEM 27 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as Waterfall Business Park" (**HOLD**)

STANDING COMMITTEES

Community Development: J. Mouser stated the last meeting was June 15th. Motion was made by J. Mouser and seconded by A. Medford to approve a Special Event Permit for Kids Motorcycle show sponsored by AC Computers and Main Street. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. All ayes. Motion carried.

Next meeting is June 22nd at 6:00 p.m. Occupancy permits will be on the agenda.

Public Works: A. Medford stated minutes from last meeting are in the packet. Motion was made by A. Medford and seconded by J. Mouser to approve purchase of a Johnston 770 Street Sweeper from Woody's Municipal Supply for \$141,724. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. Albrecht, aye; D. Horton, aye. All ayes. Motion carried.

D. Renner asked about training for the use of this sweeper. D. Sullivan stated they will come on site and train the workers. M. Bennett raised discussion about scheduling the street sweeping. Discussion was made regarding the feasibility of scheduling.

Next meeting is Thursday, June 24th at 6:30 p.m.

Safety: E. True stated they met on June 9th but had no quorum. Discussion was made at that meeting regarding Roadblocks. The alderman present at that meeting wanted to disband roadblocks due to safety. The City must give 48-hour public notice. D. Renner asked if the newspapers could publish the information to the organizations of O'Fallon,

such as Kiwanis, VFW, etc. Motion made by J. Albrecht and seconded by N. Grogan to table discussion of disbanding roadblocks until the next CC meeting. All ayes. Motion carried.

Next meeting is July 14th at 6:30 p.m.

Personnel/Finance: A. Medford stated the minutes of prior meeting are in the packet. They met before tonight's Council meeting to discuss Warrant #66. Motion was made by A. Medford and seconded by R. Reckamp to approve Warrant #66 in the amount of \$1,675,939.072. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. Albrecht, aye; N. Drolet, aye; D. Horton, aye. All ayes. Motion carried.

Next meeting Thursday, June 22nd at 5:30 p.m.

Parks/Environment: Next meeting was scheduled but nothing on agenda, so it is cancelled. Next meeting is July 12th at 7:00 p.m.

EXECUTIVE SESSION: Purchase or sale of City property and legal matters.

Motion by J. Mouser and was seconded by A. Medford to go into Executive Session. ROLL CALL: N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. Albrecht, aye; N. Drolet, aye; D. Horton, aye. All ayes. Motion carried

The Council went into Executive Session at 8:00 p.m. and came out at 8:20 p.m.

ACTION TAKEN ON EXECUTIVE SESSION ITEMS: None.

ADJOURNMENT

Motion was made by M. Bennett and seconded by R. Reckamp to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:25 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk