

**O'FALLON CITY COUNCIL
MEETING MINUTES
July 6, 2004**

The meeting was called to order at 7:06 p.m. by Mayor Gary Graham who then led "The Pledge of Allegiance to the Flag."

Maryanne Fair, Deputy City Clerk, called the roll: David Horton, present; Nila Grogan, present; Ed True, excused; Becky Henry, present; 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, present; Jerry Albrecht, excused. 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 21st meeting. All ayes. Motion carried.

PUBLIC HEARING: None.

REPORTS

Residents of O'Fallon

David Antognoli, of Osborn Developers explained Item #11 regarding Road Dedication Plat for Lake St. Ellen Subdivision to the Council members. He stated this subdivision would be located on the corner of Ashland and Old Collinsville Road and is now subject to litigation, which was filed on January 30, 2004. He stated after the approval process was completed, a third party, St. Ellen LLC, filed suit raising a claim to a 1-acre parcel located within the subdivision. The lawsuit is pending with Osborn defending the claim in hopes to resolve this. He stated the City wants to see an alternative means for access to the subdivision in case Osborn is unsuccessful in defending the title to the property. This alternate access would be approximately 400' south of the existing access on Old Collinsville Road. M. Bennett raised concern regarding the street name, Lake St. Ellen Drive, as it closely resembles the name of an existing street in the City, and he suggested a different name be considered.

Brandon Meadows, Commander of OUSART, spoke regarding Item #12; regarding solicitation by charitable organizations. He stated that OUSART has been doing roadblocks the weekend after Thanksgiving for over 20 years, with the money collected during that time used for their needy children's Christmas party. This holiday party serves over 100 families in O'Fallon and Shiloh, and he is concerned that if they are unable to hold a roadblock they may not be able to provide this party. He stated the year prior they raised approximately \$2500. Mayor Graham asked if they hold a roadblock in Shiloh and further stated that the City's Police and Fire Departments have discontinued using roadblocks as fund raising due to safety issues and liability issues. He further stated that he would ask the Council to allow the City to fund this years'

upcoming Christmas party until OUSART could find alternate sources for revenue, and he stated that he would personally help raise money. N. Drolet informed the Council there were nine roadblocks in 2003. Discussion was made regarding golf tournaments as fund raising or other solutions. A. Medford reminded the public that OUSART is a non-profit organization, and that any donations made to them would be tax deductible.

Clerk

Request from St. Nicholas Church to conduct a raffle from July 2004 - June 2005. Motion was made by J. Mouser and seconded by D. Renner to approve. All ayes. Motion carried.

Request from the La Leche League to conduct a raffle on August 7, 2004. Motion was made by J. West and seconded by R. Reckamp to approve. All ayes. Motion carried.

Request from Animal Protective Association of Southern Illinois to conduct a roadblock on July 31, 2004 from 9:00 a.m. - 2:00 p.m. at the intersection of Lincoln and State Street. Motion made by D. Renner to approve. No second made. J. Boone raised discussion regarding the contact person and where this organization is located. Motion denied for lack of a second.

Mayors Report

Ted Shekell introduced Lisa Reime as a new City Planner. She worked in Carbondale and was the City Planner in Belleville, as well as in private consulting.

Mayor Graham announced the Open Swim at the City Park on July 16th from 8:00 p.m. – 10:00 p.m.

Mayor Graham recognized Jerry Mouser with a special award from Ward 5 for his efforts in protecting the ducks at Jack Schmidt.

Mayor Graham gave Mary Jeanne Hutchison a proclamation declaring July as National Recreation and Park Association month.

M. Bennett raised discussion regarding the recent storm and the problem of stoplights not working. He asked if the City could provide a public service announcement to educate people about the rules of the road. Mayor Graham stated they would put this on Channel 10. Discussion was made regarding the use of temporary signs on the stoplights. Chief Betten stated that IDOT prohibits the use of temporary signs at intersections when the power is out.

R. Reckamp raised discussion regarding all the tree limbs down due to the recent storm and asked what the City's policy would be regarding this. Mayor Graham read a press release stating 'that any resident should place storm debris at the curb for pickup by

Waste Management, as the City has a contract with them. WM requires the tree limbs be less than 6" in diameter and be tied in bundles no larger than 4' long and 24" in diameter, and weighing less than 60 lbs. Starting July 12th, the City will send out crews along with WM trucks to assist with loading for residents who have hardships and difficulty with bundling at the curb.' Mayor Graham stated the last time they City did this, they spent \$350,000 of tax money on clean up and that working with WM will save the taxpayers money. WM will work on their normal route and this process may take up to three weeks. M. Bennett stated the citizens could use yard waste cans too.

Mayor Graham reminded the public that Hubbard's' Pro Am is still accepting fishing poles.

RESOLUTIONS

ITEM 1 - Resolution Authorizing the Mayor to Execute an Agreement with Christ Brothers for the Vine Street Repair Project in the amount of \$91,287.25

ITEM 2 - Resolution Authorizing the Mayor to Execute an Agreement with M & I Construction for the Frank Scott Parkway Water Main Project in the amount of \$66,688.80

ITEM 3 - Resolution Authorizing the Mayor to Execute an Agreement with Belleville Fencing for the Public Works Compound in the amount of \$9,202.00

Motion was made by J. Mouser and seconded by N. Grogan to consider the omnibus rule on Items 1, 2, & 3. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by N. Grogan to pass Item 1, 2 & 3 under the omnibus rule.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. West, aye; D. Horton, aye. All ayes. Motion carried.

ORDINANCES

1st Reading

ITEM 4 - Ord. Proposing the Establishment of Special Area Number One (Shoppes at Greenmount), the Issuance of Special Service Area Bonds in an amount Sufficient to Pay Costs of Certain Special Services, and Setting a Date and Providing Notice for a Related Public Hearing. (HOLD)

ITEM 5- Ord. Proposing the Establishment of Special Area Number Two (Greenmount Commercial), the Issuance of Special Service Area Bonds in an amount Sufficient to Pay Costs of Certain Special Services, and Setting a Date and Providing Notice for a Related Public Hearing. (HOLD)

M. Bennett raised question regarding the report about the Special Service Area bonds. He asked Dale Funk if there would be a cost or liability to the City, and if there was any

way this could hurt the City's credit rating if the project goes south. D. Funk stated he is not the bond consultant for the City, but it was his understanding that it would not affect it. Mayor Graham stated the City's credit would not be used, just simply issued through the City. D. Renner asked if any of these items are pertaining to the Schantz Convention Center. The answer was no.

Items 4 and 5 were placed on hold.

ITEM 6 - Ord. Authorizing the City to Purchase Real Estate Consisting of 50 acres, said Parcel being Situated Between Porter Road and Venita Drive.

ITEM 7 - Ord. Authorizing the City to Purchase Real Estate Consisting of 49.74 acres, said Parcel being Situated Between Porter Road and Venita Drive.

ITEM 8 - Ord. Authorizing the City to Purchase Real Estate Consisting of 17 acres, said Parcel being situated near the Junction of Porter Road and Venita Drive.

Items 6, 7 & 8 were held until after Executive Session.

ITEM 9 - Ord. Authorizing the City to Lease Real Estate located at 1305/1307 W. Hwy 50 to American Freedom Mortgage Company.

ITEM 10 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as KFC/Texaco Redevelopment.

ITEM 11 - Ord. Approving a Road Dedication Plat for the Lake St. Ellen Planned Use Subdivision.

M. Bennett raised question with Item 9 and American Freedom Mortgage using the City's lot. T. Shekell stated the Zoning is only applicable to the private lot and there was no parking lot proposed on the City's property, and that improvements will be made with landscaping and fencing. He stated that in exchange for the lease, he agreed to maintain the lot as long as he is using it. Discussion was made regarding the location of the parcels as well as the maintenance. D. Horton questioned the determination of right-of-way lines. T. Shekell stated that his understanding is that the City would not be restricting the placement of barricades for public safety.

J. Boone made a comment regarding Item 12. He stated he is in favor of banning roadblocks and feels confident that organizations will find other ways to raise money.

Motion was made by J. Mouser and seconded by J. West to approve under the omnibus rule Items 9, 10, & 11 on 1st Reading. **ROLL CALL:** N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. West, aye; D. Horton, aye. All ayes. Motion carried.

ITEM 12 - Ord. Rescinding Title XI, Chapter 111, Section 111.08, Regarding Solicitation by Charitable and Nonprofit Organizations.

Motion was made by J. Mouser and seconded by J. Boone to approve Item #12 on 1st Reading.

D. Renner stated he understood the reasons why they are banning the roadblocks, but he further stated he feels bad since fine organizations such as the Lions Club, VFW and KC make a lot of money using the roadblocks. J. Boone commented that he agrees they all need to raise funds, but he feels there are other ways to do this, such as sitting outside grocery stores, Walgreen's, etc.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, no; T. Bequette, no; A. Medford, aye; M. Bennett, aye; D. Renner, no; J. Boone, aye; J. West, aye; D. Horton, aye. 9 – ayes, 3 - nos. Motion carried.

2nd Reading

Motion was made by J. Mouser and seconded by A. Medford to consider the Omnibus Rule on Items 13A, 14, & 15 on 2nd Reading. All ayes. Motion carried.

ITEM 13A - Ord. Amending Ord. 623, Zoning, Planned Use Development known as Lakes at Green Mount Planned Commercial and Residential Development (**As Amended**).

ITEM 14 -Ord. Annexing Certain Territory, Obernuefemann Annexation, containing approximately 14.35 acres.

ITEM 15 - Ord. Annexing Certain Territory, Stone Briar Annexation, containing approximately 88.41 acres.

Motion was made by J. Mouser and seconded by N. Grogan to approve Items 13A, 14 and 15 under 2nd Reading. **ROLL CALL:** N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. West, aye; D. Horton. All ayes. Motion carried.

ITEM 13 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as KFC/Texaco Redevelopment.

Motion was made by J. Mouser and seconded by J. West to suspend the rules and place Item 13 on 1st & 2nd Readings; as it would be beneficial to the City to move forward with the agreement to get this area cleaned up.

N. Drolet asked for clarification as to what happens if the document is not signed to agree to remove the trailers. Mayor Graham stated that the City's first responsibility is to the law, but that these people had agreed to this. If it does not work, then the Council would then have to decide if they want to go to court. He feels the City should move forward on good faith.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, no; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, no; J. Boone, aye; J. West, aye; D. Horton. 10- ayes, 2 nos. Motion carried.

ITEM 16 - Ord. Amending Ord. 623, Zoning, Planned Use Development known as State Farm Insurance Agency.

Motion was made by J. Mouser and seconded by A. Medford to place Item 16 on 2nd Reading.

M. Bennett reiterated his prior objections to this project as he has risen in the past, regarding the lack of planning.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, no; D. Renner, no; J. Boone, aye; J. West, aye; D. Horton, aye. 10- ayes, 2 nos. Motion carried.

ITEM 17. Ord. Amending Ord. 623, Zoning District Planned Use Development known as Shoppes at Green Mount (HOLD)

ITEM 18. Ord. Annexing Certain Territory, Shoppes at Green Mount, containing approximately 37.6 acres. (HOLD)

ITEM 19. Ord. Amending Ord. 623, Zoning, Planned Use Development known as Waterfall Business Park" (HOLD)

STANDING COMMITTEES

Community Development: J. Mouser stated that copies of the last meeting are in the packet. Motion was made by J. Mouser and seconded by D. Renner to review the Special Use Permit Decision for the Mid America billboard sign by the Zoning Board of Appeals. The Mayor stated the City would like to see the Frontage Road continued and moving the sign on that property would be a way to continue the road through that area in the future. Discussion was made regarding the grandfathering in of this variance. N. Drolet made a point that the sign was originally approved because it was relocated from another location for First Bank, and it should have been removed when it no longer was a First Bank sign.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, no; J. Mouser, aye; T. Bequette, no; A. Medford, no; M. Bennett, no; D. Renner, aye; J. Boone, aye; J. West, no; D. Horton, aye. 7 - ayes, 5- nos. Motion carried.

Special Event Request from Troy-Edwardsville Shrine Club to hold a Final Stop for a Motorcycle Poker Run on July 18, 2004 from 4:00 p.m. - 8:00 p.m. The request was dropped due to insurance/permit issues.

Public Works: A. Medford stated the minutes of the prior meeting are in the packet. Motion was made by A. Medford and seconded by J. Mouser to approve the purchase of two Slimboy Cabinet Coolers for the Waste Water Treatment Plant for \$9,160.00.

ROLL CALL: N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J.

Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. West, aye; D. Horton, aye. All ayes. Motion carried. Next meeting is July 7th at 6:30 p.m.

PUBLIC SAFETY: The next committee meeting will be July 14th 6:30 p.m.

FINANCE AND ADMINISTRATION: J. West stated the minutes of the prior meeting are in the packet. They met before the meeting to discuss Warrant #67.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant #67 in the amount of \$1,601,497.24. . **ROLL CALL:** N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; N. Drolet, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; J. West, aye; D. Horton, aye. All ayes. Motion carried. The next meeting is July 8th at 5:30 p.m.

Parks/Environment: The next meeting is July 12th at 7:00 p.m. Discussions will include a Trailnet Open House for the public for the bike trail plan and the Sports Complex public input meeting July 21st at 6:00 p.m.

EXECUTIVE SESSION

Motion by D. Renner and was seconded by N. Grogan to go into Executive Session to discuss sale or purchase of City property. **ROLL CALL:** D. Horton, aye; N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; All ayes. Motion carried.

The Council went into Executive Session at 8:05 p.m. and came out at 8:25 p.m.

ACTION TAKEN ON EXECUTIVE SESSION ITEMS: Union contracts and purchase of real estate.

Motion was made by J. Mouser and seconded by N. Grogan to consider the omnibus rule for 1st Reading Items 6, 7 & 8. All ayes. Motion carried.

ITEM 6 - Ord. Authorizing the City to Purchase Real Estate Consisting of 50 acres, said Parcel being Situated Between Porter Road and Venita Drive.

ITEM 7 - Ord. Authorizing the City to Purchase Real Estate Consisting of 49.74 acres, said Parcel being Situated Between Porter Road and Venita Drive.

ITEM 8 - Ord. Authorizing the City to Purchase Real Estate Consisting of 17 acres, said Parcel being situated near the Junction of Porter Road and Venita Drive.

Motion was made by J. Mouser and seconded by D. West to pass under 1st Reading Items 6, 7 & 8.

ROLL CALL: D. Horton, aye; N. Grogan, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye. All ayes. Motion carried.

The Mayor stated that Illinois Power is working round the clock to get the power on in the City. M. Bennett stated at one point they had 7,000 homes out, down to 2,000 from this afternoon.

D. Renner stated several residents in his ward were concerned about their tornado siren being repaired. Chief Betten stated he was not aware of that, but they will check it out.

ADJOURNMENT

Motion was made by J. Mouser and seconded by N. Drolet to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk