

**O'FALLON CITY COUNCIL  
MEETING MINUTES  
July 19, 2004**

The meeting was called to order at 7:05 p.m. by Mayor Gary Graham, who then led in the "The Pledge of Allegiance to the Flag".

Philip Goodwin, City Clerk, called the roll: David Horton, present; Nila Grogan, excused; Ed True, present; 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. West and seconded by R. Reckamp to approve the minutes of the July 9th meeting. All ayes. Motion carried.

**PUBLIC HEARING:**

Annexation Agreement with Kevin Townsend for property located at 121 Behrens Ave. Open to public at 7:08 p.m. No comments were made for or against this hearing. Closed to public at 7:08 p.m.

Annexation Agreement with John Kildea for property located at 917 Kildea Lane. Open to public at 7:09 p.m. No comments were made for or against this hearing. Closed to public at 7:09 p.m.

Amended annexation agreement with Chesapeake Junction. Open to public at 7:10. Rand Juliano, attorney, stated they came to an agreement to buy the "aligned entrance" property. He stated the owner of the property signed a petition to sign annex to the City, and they will close soon. He stated that after discussions with the staff and Dan Vogel, they decided they do not need to amend the annexation agreement, but instead draft a letter agreement stating because of the huge purchase price they had to pay for the property, the City will grant five annexation credits, (approximately \$11,000), to help defray the cost. D. Renner thanked them for working with the City. Closed to public at 7:13 p.m.

Annexation Agreement with Paul Obernuefemann and Jean Shelton for property located at 530 Scott-Troy Road containing approximately 3.6 acres (**Petition Withdrawn**).

**RESIDENTS:**

Brandon Meadows of OUSART spoke to the Council to show his opposition to Item #14 Rescinding of Title XI, regarding solicitation by organizations. He reminded them that their roadblock collections are used to host a Christmas party for the needy children of the area.

Bob Hughes, member of O'Fallon Lions stated he would like to see the roadblocks remain as it is.

Rick Bierbaur, O'Fallon VFW Post 85 stated the roadblocks are their best fund raising program. He stated that they have been turned down at stores and is asking the City to help them, not just the local merchants.

**REPORTS**

**Clerk:**

Request from Hearts 'n' Hands Quilt Guild to conduct a raffle from July 2004 December 14, 2004. Motion was made by J. Mouser and seconded by D. Renner. All ayes. Motion carried.

**Mayor:**

Presentation of winners of the Speed Limit Design Contest. Chief Betten introduced the 5<sup>th</sup> and 6<sup>th</sup> graders from several O'Fallon schools who designed and won the contest: Lucas Bennett from Central School, Jenny Cornwall from Marie Schaefer, Keely Vasatka from Evans Elementary, Samuel Peter from St. Clare, Richard Sison from E.K. School, and Taylor Engel from Moye Elementary. They received \$100 for their classroom to have a party. The six designs will have approximately 10 signs made to place on collector streets in town, as well as have bumper stickers and yard sales to encourage public awareness.

Members of Scout Troop 40 from Shiloh were in attendance working on a merit badge: Steve Shaw, Todd Healy.

Chief Saunders introduced the O'Fallon Fire Departments newest officers. He stated they have logged about 15,000 classroom hours in addition to the Fire Department's weekly training drills. They are: Brian Bailey, Cpt. (Preplanning Tasks); Jay Carvelat, Cpt. (Training Officer); Gary Stein, Cpt. (Customer Service); Tim Claxton, Lt., (Communications); John Novack, Lt., (Fire Prevention &Community Education); Frank Schumacher, Lt., (Training); Rod Hamilton, Lt., (Safety). Two new voluntary firemen were also introduced: Steve and Dane.

Presentation of Proclamation declaring August 3, 2004 as the 21<sup>st</sup> Annual National Night Out day. Neighbors are invited to participate in this National Crime and Drug Prevention Awareness day, along with Child Safety. He thanked the Police Department and EMS for organizing this.

The Mayor informed the City and Council members that the City had received complaints from residents regarding the City helping Waste Management with the recent storm cleanup. He stated the bundling of the debris helps to guard against Workman's Compensation cases. He stated the City would help the hardship cases.

The next Southwestern Illinois Council of Mayors meeting will be held Thursday, July 22<sup>nd</sup> on the Chain of Rocks Bridge. Please RSVP to Jamie by July 19<sup>th</sup>.

### **RESOLUTIONS**

Motion was made by J. Mouser and seconded by D. Renner to consider Resolution Items, 3, 4, & 5 under the omnibus rule. All ayes. Motion carried.

**ITEM 3** – Resolution Authorizing the Mayor to Execute an Agreement with Henry, Meisenheimer & Gende, Inc. (HMG) for Professional Services to Establish the General Rate.

**ITEM 4** – Resolution Authorizing the Mayor to sign an Intergovernmental Agreement with Fairview Heights (Old Collinsville Road Police Authority).

**ITEM 5** – Resolution Approving and Accepting a Minor Subdivision of Land to be known as Central Park Plaza, 2<sup>nd</sup> Addition, 1<sup>st</sup> Amendment.

Discussion was made about Item 5. Mayor Graham stated that Newbold has asked to be placed on the agenda tonight, it was posted this morning, and it was up to the council to agree. D. Funk, stated if it did not have 48 hours advance posting, the Council could discuss it but not vote on it. He recommended waiting until next meeting. E. True asked if they could discuss it and then do a phone call vote tomorrow night. J. Boone raised comment about them holding the City liable for a delay. Mayor Graham stated that if anyone in the public has a concern, they should call City Hall this week. D. Funk suggested they can vote, and if there are objections it could be vetoed.

M. Bennett raised discussion about Item 4. He stated they tried unsuccessfully several years ago to get boundary lines clarified. D. Horton stated this is to make formal an informal arrangement they have had since 1970. E. True stated this resolution is strictly for police authority only. Chief Betten confirmed they are granting authority for Fairview Heights police to maintain a 400' section of the road that is technically O'Fallon, and that O'Fallon would have authority as well.

Motion was made by J. Mouser and seconded by J. West to approve Resolution Items 3, 4, & 5, under the omnibus rule. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, pass. 11- ayes, 1 – pass. Motion carried.

## ORDINANCES

### 1<sup>st</sup> Reading

Motion was made by J. Mouser and seconded by E. True to consider 1<sup>st</sup> Reading Ordinance Items 6, 7, 8, & 9 under The omnibus rule. All ayes. Motion carried.

M. Bennett raised question regarding Item 9 and the costs or danger to the City regarding a Special Service Bond. Dean Rich, stated that all expenses are included in the bond cost, indemnification, defense and hold harmless agreements with the developer who further assures that this is no cost to the City project. M. Bennett raised question about the City's crediting rating, and D. Rich stated this would not affect the rating at all, and that the property itself stands for the bond. M. Bennett stated he was not against this, only asking for clarification about the language in the annexation agreement about no SSA. J. Mouser asked about ownership of property change in the future. Mayor Graham stated the property secures the bond.

**ITEM 6** - Ord. Approving the Final Plat of the Estates at Prairie Crossing – 1<sup>st</sup> Addition

**ITEM 7** - Ord. Approving the Final Plat of Chesapeake Junction – 1<sup>st</sup> Phase

**ITEM 8** – Ord. Prohibiting Left Turns from North Smiley into Estelle Kampmeyer Grade School

**ITEM 9** - Ord. Proposing the Establishment of Special Service Area Number Three (Central Park Plaza #1) and the Issuance of Special Service Area Bonds in an Amount Sufficient to Pay Costs.

Motion was made by J. Mouser and seconded by J. West to pass on 1<sup>st</sup> Reading Items 6, 7, 8, & 9 under The omnibus rule. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

## 2<sup>nd</sup> Readings

Motion was made by J. Mouser and seconded by E. True to consider Items 10, 11, 12, & 13 under The omnibus rule on 2<sup>nd</sup> reading. All ayes. Motion carried.

M. Bennett raised discussion regarding Item 10 and the naming of the street, as it was confusing with the other two other streets with similar name. T. Shekell stated that 911 and the County have signed off on this, the plat has been reviewed with no objections, but the City staff will look into. Mayor Graham stated it is confusing and asked Chief Betten to look into it. He stated they would hold it for two weeks.

**ITEM 10** - Ord. Approving a Road Dedication Plat for the Lake St. Ellen Planned Use Subdivision – **Amended.**

**ITEM 11** - Ord. Amending Ord. 623, Zoning, Planned Use Development known as Waterfall Business Park" – **Amended.**

**ITEM 12** - 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.

**ITEM 13** - Ord. Authorizing the City to Lease Real Estate located at 1305/1307 W. Hwy 50 to American Freedom Mortgage Company.

Motion was made by J. Mouser and seconded by R. Reckamp to pass Items 10, 11, 12 & 13 on 2<sup>nd</sup> reading under The omnibus rule. . **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

Motion was made by E. True and seconded by R. Reckamp to place Item 14 on 2<sup>nd</sup> reading. He stated that did not have a quorum at last committee meeting but he is recommended they rescind this on 2<sup>nd</sup> reading. All ayes. Motion carried.

**ITEM 14** - Ord. Rescinding Title XI, Chapter 111, Section 111.08, Regarding Solicitation by Charitable and Nonprofit Organizations

D. Renner raised discussion about amending the ordinance to stall for a year as well as limit to O'Fallon organizations.

D. Horton suggested they simply change the ordinance to reflect an effective date such as a year or six months from now, which would be when the Ordinance

comes in effect. D. Horton stated they would be simply amending the Ordinance and then voting on the Ordinance as amended.

Mayor Graham raised discussion about the liability issue. Discussion was made regarding which amendment to vote on first, and there was some conflicting opinions and confusion over which amendment to vote on first.

A motion was made by D. Renner and seconded by J. Mouser to amend the Ordinance to state the organizations show proof of insurance showing they could cover the liability, as well as set a limit of coverage. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

R. Reckamp raised discussion and asked the City Attorney to clarify that no matter how they vote on the amendment to stall for a year and limit to O'Fallon organizations, if the original motion is passed, then the roadblocks are dead. D. Funk stated if the 1<sup>st</sup> Amendment (year delay) is passed, then they go back to the original ordinance to rescind. He also suggested amending the ordinance again to keep the rdinance in place with the amendments, as opposed to rescinding the ordinance. J. Boone stated they have been discussing this roadblock issue for two years, and that even if the City is covered with the insurance, it still is a safety issue.

A motion was made by D. Renner and seconded by M. Bennett to amend the ordinance to take effect one year from now, as well as be restricted to O'Fallon organizations. **ROLL CALL:** E. True, no; B. Henry, aye; R. Reckamp, no; J. Mouser, aye; T. Bequette aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, no; N. Drolet, no; J. West, no; D. Horton, aye. 7- ayes, 5 - nos Motion carried.

A motion was made by J. Boone and seconded by M. Bennett to table Item 14 until next month in order to clarify and clean up the wording. D. Funk stated the language should define what an O'Fallon based organization is. **ROLL CALL:** E. True, no; B. Henry, aye; R. Reckamp, no; J. Mouser, aye; T. Bequette aye; A. Medford, no; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, no; J. West, no; D. Horton, aye. 7- ayes, 5 - nos Motion carried.

Item 14 goes back to committee, which meets August 11<sup>th</sup>.

### **STANDING COMMITTEES**

**Community Development:** J. Mouser stated they met July 16<sup>th</sup> and the minutes from their last meeting are in the packet. Next meeting is July 20<sup>th</sup> at 6:00. D. Renner asked about discussion of occupancy permits not being on the agenda.

A. Medford stated they discussed it two weeks ago. J. Mouser suggested they add it to the next agenda. M. Bennett made comment that committees do not follow the same strict rules as the Council, and they can bring up a point of discussion during a committee meeting.

**Public Works:** A. Medford stated the met and minutes are in the packet. Next meeting is July 22<sup>nd</sup> in Main Conference Room at 6:30 p.m.

**Safety:** E. True stated they met July 14<sup>th</sup>. The next meeting is August 11<sup>th</sup> at 6:30 p.m. He stated the minutes were ready for the packet but they will be in their boxes.

**Personnel/Finance:** J. West stated the minutes of the July 8<sup>th</sup> meeting are in the packet.

A motion was made by J. West and seconded by J. Mouser to Authorize the Mayor to obtain legal counsel to defend against a lawsuit against the City for a catastrophic injury case. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

A motion was made by J. West and seconded by R. Reckamp to approve Warrant #68 in the amount of \$1,179, 487. 06. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

The next meeting is cancelled (July 22<sup>nd</sup>).

**Parks/Environment:** M. Hutchison stated they would hold an open house on July 21<sup>st</sup> at 6:00 p.m. at Cavins for the public to have an opportunity to provide input for the design of the Sports Complex and park. Also from August 4<sup>th</sup> from 6:00 to 8:00 p.m. at Cavins Center, Trailnet will meet. Public notices have been sent out.

**ANNOUNCEMENTS:** D. Renner announced that on August 2<sup>nd</sup> at 6:00 p.m. the occupancy permits would be discussed at Community Development Committee meeting.

**EXECUTIVE SESSION:** To discuss union negotiations and purchase of property.

Motion was made by J. West and seconded by R. Reckamp to go into

Executive Session. **ROLL CALL:** E. True, aye; B. Henry, 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. West, aye; D. Horton, aye. All ayes. Motion carried.

Council went into Executive Session at 8:10 p.m.

**ACTION TAKEN DURING EXECUTIVE SESSION:** None.

**ADJOURNMENT**

Motion was made by J. Boone and seconded by M. Bennett to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:33 p.m.

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Respectfully submitted by,

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Philip A. Goodwin, City Clerk