

**O'FALLON CITY COUNCIL  
MEETING MINUTES  
May 16, 2005**

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."

Philip Goodwin, City Clerk, called the roll: Nila Grogan, present; Mary Schmidt, present; 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.

Motion was made by D. Renner and seconded by J. Mouser to approve the minutes of the May 2, 2005, meeting. All ayes. Motion carried.

**PUBLIC HEARING:** None.

**RESIDENTS:**

Mayor Graham invited any residents of O'Fallon who would like to speak to the Council to step to the microphone. Mr. Rand Juliano and Dave Threlkeld addressed the Council regarding 2<sup>nd</sup> Reading Item 8, asking the Council to de-annex the 1.52 acres known as Threlkeld/Magna Land Trust from the City of O'Fallon into the Village of Shiloh. Mr. Juliano showed a map of the development and pointed out the area that is currently located in O'Fallon, compared to the majority of the development that is in the Village of Shiloh, and stated it makes sense for the entire development to be in the Village of Shiloh.

R. Reckamp responded that if it is such a small, insignificant, unimportant piece of property, as Mr. Juliano described it, why not simply leave it in the City of O'Fallon.

D. Renner said it makes sense because some of the residents on one particular street reside in Shiloh, while the residents on the other side of the street reside in O'Fallon. There will be problems with the two police departments not knowing which houses they serve, and there is no unity within the neighborhood.

**REPORTS:**

**Clerk's Report:** City Clerk Phil Goodwin presented one request:

1. Request from O'Fallon Knights of Columbus to conduct a raffle from May, 2005, through April 30, 2006

A motion was made by R. Reckamp and seconded by E. True to approve the request. All ayes. Motion carried.

**Mayor's Report:** Mayor Graham presented two requests:

1. Motion to retain Dale Funk as City Attorney
2. Reappointment of John Betten as Director of Public Safety

Motion was made by J. Mouser and seconded by J. West to approve both requests. All ayes. Motion carried.

The Mayor invited Debbie Raboin, one of the art teachers at O'Fallon Township High School, to talk about the Community Art Project banners. Ms. Raboin sponsors the Art Club at OTHS, and she explained that the Community Art Project was a collaborative effort between the Arts Commission and the OTHS Art Club to promote public art. The project took on a "Walk of Fame" approach. Community members were asked to donate money, and in return their handprint was displayed on one of five large panels that now hang above the Council Chambers entryway. Ms. Raboin said the funds collected would be used to purchase a sculpture that will be displayed in Thoman Park. She commended the Art Club members for their hard work and the community for their donations and support.

The City's Building and Zoning Supervisor, Jeff Stehman, presented awards for the third annual Building Safety Week Coloring Contest Winners. He stated that in order to promote Building Safety Week, the Planning and Zoning Department sponsors this contest for children in Grades 3-5. The winners were as follows:

3<sup>rd</sup> Grade

1<sup>st</sup> Place – Brandon Bullock of Moye School

4<sup>th</sup> Grade

1<sup>st</sup> Place – Rebecca Boehning of LaVerna Evans

2<sup>nd</sup> Place – Elaine Etheridge of LaVerna Evans

5<sup>th</sup> Grade

1<sup>st</sup> Place – Ellie Kanaskie of Estelle Kampmeyer

2<sup>nd</sup> Place – Janelle Griffin of Estelle Kampmeyer

First Place winners each receive a \$75.00 savings bond. Second Place winners each receive a \$50.00 savings bond.

Mayor Graham announced that Mike Kinsall, Principal of Estelle Kampmeyer, had emergency surgery over the weekend. He is doing fine at Barnes Hospital.

The Mayor said the "Run for the Wall" is coming through O'Fallon on Tuesday, May 24, and will arrive at the Green Mount Exit (Target/Dierbergs) at approximately 10:45 a.m. There will be about 300 motorcyclists coming through on their way to Washington D.C. to raise awareness of the POWs and MIAs still unaccounted for from

all wars. He thanked Roger and Andrea Comridge for organizing this stop and urged citizens who will be in the area to salute these motorcyclists.

Boy Scout Leader Mike Reese and Troop 46 (United Methodist Church) were in the audience working on their Citizenship Merit Badge.

Mike Bennett said the park baseball league is organizing a team(s) of children to advance to the Cal Ripkin/Babe Ruth League Baseball state tournament in Chicago later this year. He asked if anyone or any corporation would like to sponsor some of these kids, please contact Mary Jeanne Hutchison or Andy Fleck of the Parks and Recreation Department.

## **RESOLUTIONS:**

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

ITEM 1 - Resolution Authorizing the Mayor to Execute a Professional Services Contract with Peckham, Guyton, Albers, and Viets (PGAV), to Provide Planning and Economic Development Technical Services

Mayor Graham noted Item 1 is Not-to-Exceed \$30,000.00.

**ROLL CALL:** M. Schmidt, aye; 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; N. Grogan, aye. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by E. True to approve Resolution Item 2.

ITEM 2 - Resolution Authorizing the Mayor to Execute an Agreement with Burns & McDonnell for Professional Engineering Services for the GIS Cityworks Geodatabase Management

Mayor Graham noted Item 2 is Not-to-Exceed \$11,100.00.

**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; N. Grogan, aye; M. Schmidt, aye. All ayes. Motion carried.

## **ORDINANCES:**

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

Motion was made by J. Mouser and seconded by B. Henry to place on 1<sup>st</sup> Reading Ordinance Item 3.

ITEM 3 – Ordinance Amending Ordinance 623, Zoning, Planned Use for Stone Bridge Master Planned Development – *Amended*

M. Bennett spoke of this project being denied twice by the Planning Commission and once by the Community Development Committee. He also noted that residents filed an objection according to City Ordinance, but their objection was rejected because the City Ordinance is incorrect. He explained Central School's concern with multi-family units, and he stated the first row of four-plexes is located in an area shown as single-family housing in the Comprehensive Plan. He said if the Council continues to go against what the Comprehensive Plan states, it would weaken the Plan and encourage other multi-family developments in this school district.

D. Renner said O'Fallon is known for our excellent schools. He noted that Central School has come forward several times telling us why this project is bad for their district and suggested we take this opportunity to support the school on this issue.

J. Boone said he felt it is important for the City Council to do what they can to support Central School. He also said the Comprehensive Plan is very important as well. In his conversations with the developers, J. Boone said he was given various reasons why he should vote for the development. During one of those conversations he realized the City needs developers who are good, corporate citizens and who reflect the diverse views of the City of O'Fallon.

R. Reckamp said the case against this development has never shown why it should not be built in the proposed location except for the multi-family units that will be located outside of the direction of the Comprehensive Plan.

J. Mouser said the citizens who are residents and elect us to run the City are more important than the corporate citizens.

Mayor Graham asked Ted Shekell if this development was in violation of the Comprehensive Plan. T. Shekell said the Comprehensive Plan is like any policy and subject to interpretation. However, it appears to staff that the project fits within the Comprehensive Plan. The project area is shown in the Comprehensive Plan as a mix of single-family and medium-density residential. He explained that medium-density has a density of 4-7 units per acre, and the villa portion of this project is only about 4 units per acre. The Plan says medium-density is allowed to have single-family detached homes, as well as single-family attached homes. The question is whether or not the villas are considered single-family attached homes, and the Plan is silent on this issue.

T. Shekell stated the Comprehensive Plan is different than the Planning and Zoning maps. A line on the Planning and Zoning map represents the law and a binding ordinance. However, the Comprehensive Plan is not a law – it is a guide and should be used by the Council in making decisions regarding land use.

D. Renner indicated there are three different components to this development: single-family homes, villas, and the church. He asked if the developer could change the development later to all villas. T. Shekell said if this project is passed tonight, the Council is passing a law that would require the developer to build according to the plans submitted. The only way they could change this "law" would be for the developer to come back to the Council and request permission to change their plan.

**ROLL CALL:** B. Henry, aye; R. Reckamp, aye; J. Mouser, nay; T. Bequette, nay; A. Medford, aye; M. Bennett, nay; D. Renner, nay; J. Boone, nay; N. Drolet, aye; J. West, aye; N. Grogan, nay; M. Schmidt, aye; E. True, aye; Mayor Graham, aye. Ayes – 8; Nays - 6. Motion carried.

Motion was made by J. Mouser and seconded by E. True to place on 1<sup>st</sup> Reading Ordinance Item 4.

ITEM 4 – Ordinance Repealing Chapter 117, Massage Establishments and Services, and Implementing a Revised Chapter 117, Massage Establishments and Services

**ROLL CALL:** 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; N. Grogan, aye; M. Schmidt, aye; E. True, aye; B. Henry, aye. All ayes. Motion carried.

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

Motion was made by J. Mouser and seconded by D. Renner to consider the Omnibus Rule for 2<sup>nd</sup> Reading Ordinance Items 5, 6, 9, and 10. All ayes. Motion carried.

ITEM 5 – Ordinance Amending Ordinance 623, Zoning, Planned Use for O'Fallon Storage - *Amended*

ITEM 6 – ordinance Amending Ordinance 623, Zoning, Planned Use for Sunrise Center II - *Amended*

ITEM 9 – Ordinance Approving the Final Plat of the Estates at Prairie Crossing – 2<sup>nd</sup> Addition

ITEM 10 – Ordinance Amending Ordinance 623, Zoning, Planned Use for Central School District 104, Early Childhood Center

Motion was made by J. Mouser and seconded by N. Grogan to approve 2<sup>nd</sup> Reading Ordinance Items 5, 6, 9, and 10.

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

Motion was made by J. Mouser and seconded by D. Renner to place on 2<sup>nd</sup> Reading Ordinance Item 8.

ITEM 8 – Ordinance Disconnecting Certain Territory known as Threlkeld/Magna Land Trust Disconnection Containing Approximately 1.52 Acres

M. Bennett stated because of the geographic nature of this property, it should have never been in Shiloh. He believes the entire development should be located within the City of O'Fallon, where the police and fire services are closer. However, he said if the property must be split, it should be along Kensington Street.

R. Reckamp agreed the split could easily be made at Kensington Street. He added that if this property de-annexed, it would encourage other developers and municipalities to work our system to their advantage and to the detriment of O'Fallon.

D. Renner agreed the property should not have been in Shiloh. However, over the years the current situation has created various problems and a hardship for the neighborhood because the residents live in different cities and school districts.

**ROLL CALL:** T. Bequette, nay; A. Medford, aye; M. Bennett, nay; D. Renner, aye; J. Boone, aye; N. Drolet, nay; J. West, aye; N. Grogan, aye; M. Schmidt, nay; E. True, aye; B. Henry, aye; R. Reckamp, nay; J. Mouser, aye. Ayes – 8; Nays – 5. Motion carried.

Motion was made by D. Reckamp and seconded by A. Medford to suspend the rules and place Ordinance Item 7 on 2<sup>nd</sup> Reading tonight. Mayor Graham noted that a reason for suspension of the rules had to be given. R. Reckamp felt the developer should be granted a 2<sup>nd</sup> Reading tonight because the project has been delayed for quite a while now, and the construction season is wearing on.

ITEM 7 – Ordinance Amending Ordinance 623, Zoning, Planned Use for Stone Bridge Master Planned Development – *Amended* – (Per Applicant Request)

Mayor Graham noted a 2/3 vote was required for a suspension of the rules for placing Ordinance Item 7 on 2<sup>nd</sup> Reading. He also wanted to clarify that a “yes” vote would be to place the Ordinance on 2<sup>nd</sup> Reading.

**ROLL CALL:** A. Medford, aye; M. Bennett, nay; D. Renner, nay; J. Boone, nay; N. Drolet, nay; J. West, aye; N. Grogan, aye; M. Schmidt, aye; E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, nay; T. Bequette, nay. Ayes – 7; Nays – 6. Motion failed.

## **STANDING COMMITTEES:**

**Community Development:** J. Mouser stated they met on May 19, 2005; and they have one motion coming from that committee meeting. Motion was made by J. Mouser and seconded by N. Grogan to approve Special Permit Request from Jack Schmitt to conduct an off-site car sale at Sam's Club from June 16-18, 2005. All ayes. Motion carried.

Their next meeting will be May 23, 2005, at 6:30 p.m.

**Public Works:** A. Medford said they met as scheduled, and they had two motions that came out of their meeting.

Motion was made by A. Medford and seconded by E. True to approve the purchase of the Azteca Systems Cityworks Concurrent Use Software in the amount of \$14,995.

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

Motion was made by A. Medford and seconded by D. Renner to approve the 2005 Water Supplies purchase for \$19,435.

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

Motion was made by A. Medford and seconded by R. Reckamp to approve the purchase of ESRI ArcInfo software in the amount of \$13,068.84.

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

Their next meeting will be May 23, 2005, at 7:30 p.m.

**Public Safety:** E. True stated their last meeting was May 9, 2005, and their minutes are attached. Their next meeting is scheduled for June 13, 2005, at 7:30 p.m.

**Finance/Administration:** J. West stated they met before tonight's City Council meeting to discuss Warrant 88, and it would need to be done in two parts.

Motion was made by J. West and seconded by R. Reckamp to approve Gifts for Individuals in the amount of \$162.00.

**ROLL CALL:** N. Drolet, abstain; J. West, aye; N. Grogan, aye; M. Schmidt, aye; 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. Ayes – 12; Abstain - 1. Motion carried.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 88 in the amount of \$639,697.99.

**ROLL CALL:** J. West, aye; N. Grogan, aye; M. Schmidt, aye; 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. All ayes. Motion carried.

Their next meeting is scheduled for May 23, 2005, at 5:30 p.m.

**Parks/Environment:** No report.

**EXECUTIVE SESSION:** At 7:52 p.m. a motion was made by D. Renner and seconded by N. Grogan to go into Executive Session to discuss legal matters and the purchase or sale of property.

**ROLL CALL:** N. Grogan, aye; M. Schmidt, aye; 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. All ayes. Motion carried.

At 8:00 p.m. City Council members returned from Executive Session.

**ADJOURNMENT:**

Motion was made by D. Renner and seconded by E. True to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:03 p.m.

B. Henry expressed her appreciation for the community's support during the recent death of her husband, and she asked everyone to continue praying for her and her family.

Respectfully submitted by,

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Philip A. Goodwin, City Clerk

*Minutes taken by*  
Sharon L. Wisely, Transcriptionist