

**O'FALLON CITY COUNCIL
MEETING MINUTES
June 6, 2005**

The meeting was called to order at 7:03 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, excused; 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 J. Mouser and seconded by E. True to approve the minutes of the May 16, 2005, meeting. All ayes. Motion carried.

PUBLIC HEARING:

1. Annexation Agreement with Porter Road, LLC for 86 acres located at the northwest corner of Porter/Simmons Road and B & O Railroad. Opened to public at 7:04 p.m. Mayor Graham called three times for public input, but no one came forward. Closed to public at 7:05 p.m.
2. Annexation Agreement with Kombrink Executive Homes for 95.8 acres near the northwest corner of Oberneufemann and Porter Road. Opened to public at 7:05 p.m. Mayor Graham called for public input. Mr. Rand Juliano, attorney representing the developer, stepped to the microphone and asked the Council to consider two variations to the annexation agreement: (1) The City will bring the water to the edge of the development parcel and allow it to be a back-charge to the residents in the subdivision instead of the developer paying for it, and (2) Instead of the developer paying a fee to the City for a future sidewalk to be constructed along Simmons Road, the developer would prefer to build the sidewalk themselves.

Mayor Graham asked Mr. Juliano if the developer would be agreeable to putting up a letter of credit for the sidewalk. Mr. Juliano said they would be agreeable to that, but they would prefer to construct the sidewalk themselves during the course of the development. Mayor Graham noted the City doesn't know when or how Simmons Road will be improved; therefore, constructing the sidewalk now may not be the best decision. M. Bennett commented it may be several years before Simmons Road is improved; and when the Family Sports Park is built, it will be necessary for there to be sidewalks along Simmons Road for the safety of the children going to the Park.

With regard to the water issue, J. Boone asked what the advantage was to the residents paying for this on their water bill as opposed to the developer paying the fee up front. He noted it would be easier for the City and residents if the developer pays for it now and passes the fee on to the residents. Mr. Juliano referred to

Windermere Ridge, and said they are requesting the same kind of “standard” treatment given to all the other developments in this area. Dean Rich clarified that Windermere Ridge was the first development where the fees were included in the residents’ water bills, and it caused a great deal of confusion and frustration. Mr. Juliano withdrew their request but noted they would still like to include the sidewalk variance. Continued discussion was held regarding the sidewalks. The Mayor said he would ask the Council to pass the Annexation Agreement and include giving him the authority to finalize the sidewalk issue.

N. Drolet noted a variance for Lots 93 and 100 for the length of a block; and he asked if Lots 96 and 97 also need a variance, since they are also less than 500’ in length. T. Shekell said a block width is typically two lots, and Lots 96 and 97 constitute a block width. A block length is typically five lots or 500’; however, Lots 93 and 100 together are 450’, so they are requesting a variance for the 50’ shortage.

N. Drolet said the Planning Commission recommended access be given to Outlot A for maintenance issues or for future development of a bike trail. He recommended this be specified in the Annexation Agreement so residents are aware of the possibility of a future bike trail between the two lots leading to Outlot A.

N. Drolet expressed his concern with there being no access from this development to the west. T. Shekell said primary access from this subdivision to the west would be through a larger corridor that is shown on the Northwest Quadrant Traffic Study.

Finally, N. Drolet said he is concerned with accepting money from the developer in lieu of park land. He suggested the City take only half the money so a small, residential park could still be developed.

Mayor Graham called two more times for public input, but no one came forward. Public hearing was closed at 7:25 p.m.

RESIDENTS:

Mayor Graham invited any residents of O’Fallon who would like to speak to the Council to step to the microphone. No one came forward.

REPORTS:

Clerk’s Report: City Clerk Phil Goodwin presented four requests:

1. Request from the O’Fallon Kiwanis Club to conduct a raffle from June 2005 – September 2005.
2. Request from O’Fallon United Church of Christ to conduct a raffle from June 2005 – December 8, 2005.

3. Request from O'Fallon Woman's Club to conduct a raffle in June 2005.
4. Request from the Heart 'N' Hands Quilt Guild to conduct a raffle from June 2005 – October 2005.

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

Mayor's Report: Mayor Graham read a proclamation declaring June 11, 2005, as "Salute to Scott Appreciation Day." Accepting the proclamation were Colonel Raymond Rottman, Commander, 375th Airlift Wing; Chief Kevin Bruch, 375th Airlift Wing, Command Post; and Ray Holden, Chairman of Military Affairs.

RESOLUTIONS:

Motion was made by J. Mouser and seconded by D. Renner to consider the Omnibus Rule for Resolution Items 4-12. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Items 4-12.

ITEM 4 – Resolution Ascertaining the Prevailing Rate of Wages for Laborers, Workmen, and Mechanics Employed by Contractors or Subcontractors in the Performance of Public Works Contracts from June 1, 2005, to May 31, 2006

ITEM 5 – Resolution Approving the Release of Closed Session Minutes

ITEM 6 – Resolution Recommending Schedule B of the Closed Session Minutes Remain Closed as the Need for Confidentiality Still Exists

ITEM 7 – Resolution Authorizing the Mayor to Execute an Agreement with Rite-Way Excavating for General Concrete Repairs in the amount of \$88,839.25

ITEM 8 – Resolution Authorizing the Mayor to Execute an Agreement with Crawford, Bunte, Brammeier (CBB) for Professional Services under an Indefinite Order Contract

ITEM 9 – Resolution Authorizing the Mayor and the City Clerk to Execute an IDOT Jurisdictional Transfer Agreement for the Frontage Road on Hwy. 50

ITEM 10 – Resolution Authorizing the Mayor to Execute a Grant Agreement with the Illinois Clean Energy Community Foundation for a LED Traffic Signal Lighting Upgrade Project in the amount of \$28,730

ITEM 11 – Resolution Authorizing the Mayor to Execute an Agreement with Rhutasel & Associates, Inc. for Professional Services for the Design of OCR Reconstruction (Rowe Lane to Milburn School Road) Project for an amount not to exceed \$77,300

ITEM 12 – Resolution Authorizing the Mayor to Execute an Agreement with Rite-Way Excavating for the Public Safety Facility Area Improvements in the amount of \$205,748.10

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. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Item 1.

ITEM 1 – Resolution Authorizing the Mayor to Execute an Annexation Agreement with Kombrink Executive Homes

Motion was made by N. Drolet and seconded by M. Schmidt to amend Resolution Item 1 to strike the money in lieu of acreage from the Annexation Agreement so there will be park land within that subdivision.

B. Henry said this was discussed in Committee, and she asked T. Shekell to comment on the opinions that came from staff. T. Shekell said discussions were held with M. Hutchison, and it was decided to accept \$161,000 from the developer in lieu of park land since the development is in such close proximity to the Family Sports Park. M. Hutchison added that the National Park and Recreation Guidelines suggest a neighborhood park be within 1.5 miles of residential developments. Approximately 45% of the Family Sports Park will be designated as park land, so she felt accepting the money in lieu of a neighborhood park is the City's best decision.

ROLL CALL: E. True, nay; B. Henry, nay; R. Reckamp, nay; J. Mouser, nay; T. Bequette, nay; A. Medford, nay; M. Bennett, nay; D. Renner, nay; J. Boone, nay; N. Drolet, aye; J. West, nay; M. Schmidt, aye. Ayes – 2; Nays - 10. Motion failed.

Motion was made by J. Mouser and seconded by R. Reckamp to amend Resolution Item 1 to allow Mayor Graham to finalize the sidewalk and waterline issues with the developer.

ROLL CALL: 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; M. Schmidt, aye; E. True, aye. All ayes. Motion carried.

Regarding the approval of Resolution Item 1, *as amended*:

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; M. Schmidt, aye; E. True, aye; B. Henry, aye. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Item 2.

ITEM 2 – Resolution Approving the Preliminary Plat for Kombrink Estates

ROLL CALL: J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, nay; J. West, aye; M. Schmidt, nay; E. True, aye; B. Henry, aye; R. Reckamp, aye. Ayes – 10; Nays – 2. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Item 3.

ITEM 3 - Resolution Authorizing the Mayor to Execute an Annexation Agreement with Porter Road, LLC

Motion was made by R. Reckamp and seconded by D. Renner to amend Resolution Item 3 to allow Mayor Graham to finalize the entrance relocation, sidewalks, and a turn lane with the developer.

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

Regarding approval of Resolution Item 3, *as amended*:

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

ORDINANCES:

1st Readings

Motion was made by J. Mouser and seconded by D. Renner to consider the Omnibus Rule for 1st Reading Ordinance Items 14-18. All ayes. Motion carried.

ITEM 14 – Ordinance Approving an Intergovernmental Agreement and Establishing a Not-For-Profit Corporation

ITEM 15 – Ordinance Amending Ordinance 623, Zoning, Planned Use on Reliance Bank

ITEM 16 – Ordinance Amending Chapter 52, Section 52.090 Regarding Temporary Hydrant Meter Charges

ITEM 17 – Ordinance Amending Ordinance 623, Zoning, Amendment to Little Gym's Retail Center located at 210 Hartman Lane

ITEM 18 – Ordinance Approving the Annexation and Zoning of Kombrink Executive Homes containing 95.8 acres

Motion was made by J. Mouser and seconded by E. True to place on 1st Reading Ordinance Items 14-18.

ROLL CALL: M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, 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 E. True to approve 1st Reading Ordinance Item 13.

ITEM 13 – Ordinance Amending Ordinance 3204 (D), Relating to a Sewer Rate Reduction

N. Drolet noted that allowing this rate reduction for June-August would not benefit those residents who fill their swimming pools in time for the Memorial Day weekend.

M. Bennett said a 10 percent reduction to everyone in the City would encourage water usage during the months when we want people to be conserving it.

Mayor Graham said this reduction has been in place for 10-12 years; and although the intent was to assist those who were filling their swimming pools, the reduction has applied to everyone. He suggested the City make plans to phase this out next year and inform the citizens now of our intent.

R. Reckamp clarified that citizens are not receiving a reduction in their water bill; they are, in fact, paying for all the water they use. However, the City is charging citizens for sewer treatment when they water their lawns and fill their swimming pool with water that is not going into the sewers. Although this is not a perfect solution, he felt a reduction in sewer bills during the summer months is a fair solution.

A lengthy discussion ensued regarding installing separate meters, the best months to allow the reduction, and excluding businesses from the reduction.

Motion was made by J. Boone to amend 1st Reading Ordinance Item 13 to include the months of May through July instead of June through August for the 10 percent rate reduction. There was no second on the motion.

Motion was made by N. Drolet and seconded by D. Renner to amend 1st Reading Ordinance Item 13 to apply the rate reduction to 2005 *only* and have the Ordinance

reviewed in Committee for future years. After continued discussions, the motion and second were withdrawn by N. Drolet and D. Renner.

Motion was made by R. Reckamp and seconded by E. True to amend 1st Reading Ordinance Item 13 to include *residents* only in this reduction. D. Rich suggested we limit it to 1" or smaller meters in order to exclude most commercial businesses. After continued discussions, the motion and second were withdrawn by R. Reckamp and E. True.

Motion was made by M. Bennett and seconded by Renner to amend 1st Reading Ordinance Item 13 to apply only to the month of June 2005, and then be sent to Committee for further review.

ROLL CALL: D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, 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.

Regarding approval of 1st Reading Ordinance Item 13, *as amended*:

ROLL CALL: J. Boone, aye; N. Drolet, aye; J. West, aye; M. Schmidt, aye; E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, nay; D. Renner, nay. Ayes – 10; Nays - 2. Motion carried.

2nd Readings

Motion was made by J. Mouser and seconded by R. Reckamp to approve 2nd Reading Ordinance Item 19.

ITEM 19 – Ordinance Amending Ordinance 623, Zoning, Planned Use for Stone Bridge Master Planned Development – *As Amended*

M. Bennett raised discussion regarding the traffic study indicating Hartman Lane will need to be widened on the east side by Stone Bridge to include a left turn lane.

Motion was made by M. Bennett and seconded by J. West to amend 2nd Reading Ordinance Item 19 to include the developer's widening of Hartman Lane to provide a left turn lane.

ROLL CALL: N. Drolet, aye; J. West, 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. All ayes. Motion carried.

Regarding approval of 2nd Reading Ordinance Item 19, as amended:

ROLL CALL: J. West, aye; M. Schmidt, aye; E. True, aye; 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; Mayor Graham, aye. Ayes – 8; Nays - 5. Motion carried.

Motion was made by J. Mouser and seconded by E. True to approve 2nd Reading Ordinance Item 20.

ITEM 20 – Ordinance Repealing Chapter 117, Massage Establishments and Services, and Implementing a Revised Chapter 117, Massage Establishments and Services

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. All ayes. Motion carried.

STANDING COMMITTEES:

Community Development: J. Mouser stated their next meeting is scheduled for June 13, 2005, at 6:30 p.m.

Public Works: A. Medford said their next meeting is scheduled for June 27, 2005, at 7:30 p.m.

Public Safety: E. True stated their next meeting is scheduled for June 13, 2005, at 7:30 p.m. The meeting will be chaired by Alderman Reckamp.

Finance/Administration: J. West stated the minutes from their meeting of June 23 are included in the packets. They met before tonight's City Council meeting to discuss Warrant 89.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 89 in the amount of \$657,575.49.

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; M. Schmidt, aye. All ayes. Motion carried.

Their next meeting is scheduled for June 27, 2005, at 5:30 p.m.

Parks/Environment: Their next meeting is scheduled for June 13, 2005, at 5:30 p.m.

M. Bennett commented that the park baseball league has one team advancing to the Babe Ruth League Baseball state tournament in Chicago. The cost is \$3,000-\$4,000 for the team. If anyone or any corporation would like to help sponsor the team, please contact Andy Fleck of the Parks and Recreation Department.

EXECUTIVE SESSION: None.

ADJOURNMENT:

Motion was made by D. Renner and seconded by M. Bennett to adjourn. All ayes.
Motion carried.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk

Minutes taken by
Sharon L. Wisely, Transcriptionist