

**O'FALLON CITY COUNCIL
MEETING MINUTES
July 18, 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, excused; Ed True, present; Becky Henry, excused; Rick Reckamp, present; Jerry Mouser, present; Tom Bequette, excused; Allen Medford, present; Michael Bennett, present; Dennis Renner, present; Jason Boone, present; Ned Drolet, present; John West, present; Jerry Albrecht, present. A quorum was declared present.

Motion was made by J. Mouser and seconded by D. Renner to approve the minutes of the July 5, 2005, meeting. All ayes. Motion carried.

PUBLIC HEARING: None.

RESIDENTS:

Mayor Graham introduced and welcomed Representative Ron Stephens. Representative Stephens updated the audience on topics discussed during their last session, including medical malpractice reform, the State's budget, and a catastrophic retirement program for police and fire workers. He invited everyone to contact him with any questions at his Highland office, his home in Greenville, or at the State Capitol.

Mayor Graham invited any residents of O'Fallon who would like to speak to the Council to step to the microphone.

Mr. Frank Carril of Hill Top Drive stepped forward and read a statement from the residents of Hill Top Drive saying they reject the contract with O'Fallon Township to take over the maintenance of Hill Top Drive. He enumerated the many upgrades needed on their street, and he urged the City of O'Fallon to obtain funds from the developer to pay for these upgrades.

Mr. Jack Roberson, also of Hill Top Drive, came forward and explained a problem that occurred when he had to call the police. He initially called the St. Clair County police, who instructed him to call the City of O'Fallon Police. After contacting the City of O'Fallon Police, he was told he needed to call the County.

Mayor Graham pointed out that Mr. Carril and Mr. Roberson are residents of the *Township* and not the *City* of O'Fallon. The Mayor addressed Mr. Carril and Mr. Roberson saying that when the project began, the residents of Hill Top Drive did not want access to the church from off of Hill Top Drive. He said the City agreed to their decision, and the residents now must live with their decision. Mayor Graham

also said they do not have, nor have they ever had, right-of-way to build a proper road. He expressed his regret that the residents have been inconvenienced; but he noted that if the residents could go back, they would probably change their position on the access road. Mayor Graham explained there is no mandate under the law to rebuild the road, but he said they would maintain it just as it has been maintained in the past.

Mr. Chip Shaffer, VFW Post Commander #805, stepped forward to provide additional information regarding the Special Event Request under the Standing Committees section of tonight's agenda. He stated that if approved tonight, the VFW Post #805 will observe Patriots' Day on September 11 in honor of those who perished in the terrorist attacks of 9/11/01. He described the events that are scheduled for September 11, and he encouraged everyone to participate in the activities and observance ceremonies. Mr. Shaffer presented a flag to Mayor Graham that was flown on 9/11/01.

REPORTS:

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

1. Request from St. Nicholas Church to conduct a raffle from August 2005 through June 2006

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

Mayor's Report:

Police Sgt. Mark Berry presented a plaque to Mrs. Melissa Sohn for Crime Fighting Assistance. Sgt. Berry explained that in May, Mrs. Sohn heard some noises outside her residence at approximately 3 a.m. She looked out the window and saw three men exit a van and enter a house that was under construction in her neighborhood. She immediately called 9-1-1 and was able to provide a detailed description of the suspects and the vehicle they drove, which ultimately resulted in the arrest of the three men. Sgt. Berry noted that this case solved several burglaries in the Metro East Area.

Mayor Graham read a Proclamation declaring August 3rd as National Night Out in the City of O'Fallon. More than 32 million people in 9,600 communities will participate in America's Night Out Against Crime, which is supported by the U.S. Department of Justice and the Bureau of Justice Systems. The festivities in O'Fallon will include an evening-long Going-Away Party for Crime at the Community Park from 5-9:00 p.m. on Tuesday, August 2nd; followed by the traditional night-out celebration on Wednesday, August 3rd; and concluding with a free pool party on Thursday, August 4th, from 7-10 p.m. at the Community Pool.

Mayor Graham said the City's Waste Management contract is up. He noted the contract option they intend to exercise is still less costly than any other City in this area, when you look at the total package.

The Mayor recognized the Boy Scouts in the audience, representing Troop #555.

RESOLUTIONS:

Motion was made by J. Mouser and seconded by M. Bennett to approve Resolution Item 1.

ITEM 1 – Resolution Authorizing and Approving the Execution and Delivery of an Intergovernmental Agreement for Maintenance of Hill Top Road

D. Renner noted that, after reading the contract with the Township, there are no guarantees this road will ever get oiled and chipped on a routine basis. City Attorney D. Funk said maintenance other than snow removal and mowing the weeds will be at the discretion of the City. Therefore, the City Council will dictate when the road will be oiled and chipped. The Mayor noted this would be paid for by the City.

ROLL CALL: E. True, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; M. Bennett, aye; D. Renner, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye. Ayes - 10; Nays - 1. Motion carried.

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

ITEM 2 - Resolution Authorizing the Mayor and City Clerk to Execute an Illinois Department of Transportation (IDOT) Resolution to Show City of O'Fallon Support for the Project known as Illini Trail Access and Madison Street Extension

Motion was made by J. West and seconded by J. Albrecht to approve Resolution Item 3.

ITEM 3 - Resolution Authorizing the Mayor to Execute an Agreement with Horner & Shifrin for Surveying Services for Temporary and Permanent Easements, and Right-of-Way (ROW) needed for the Reconstruction of Simmons Road in an Amount not to Exceed \$11,236

ROLL CALL: R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; E. True, 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 6, 7, 8 and 9. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to place on 1st Reading Ordinance Items 6, 7, 8 and 9.

ITEM 6 – Ordinance Annexing Certain Territory known as the (Ahl Property Subdivision) containing approximately 76.84 acres

ITEM 7 - An Ordinance Amending Ordinance 623, Zoning Development Known as “Ahl Property Subdivision” Portion Of Parcel Number 03-14.0-300-001)

ITEM 8 - An Ordinance Annexing Certain Territory known as the (Glarner Property) containing approximately 5.00 acres

ITEM 9 - An Ordinance Amending Ordinance 623, Zoning, Development Known as “Glarner Property” Portion of Parcel Number 03-14.0-300-001)

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

Regarding 1st Reading Ordinance Item 4, E. True noted that the word “also” should be removed from the last sentence of the Ordinance. The Mayor clarified the last sentence should read, “Fire Department vehicles, ambulances and vehicles owned or used by the City are exempt.”

Motion was made by E. True and seconded by J. Boone to place on 1st Reading Ordinance Item 4.

ITEM 4 – Ordinance Amending Chapter 72, regarding Prohibited Parking of Certain Vehicles

R. Reckamp expressed concern regarding commercial vehicles being parked on residential streets that are not necessarily over the size or weight limit, but which residents feel are not aesthetically pleasing. These are work vehicles being driven home by residents and not vehicles that are in the neighborhood doing repair work.

J. Boone pointed out that an ordinance was passed in December banning the parking of Class D vehicles on City streets. Subsequently, the State eliminated the Class C license in January, making common trucks such as the F-350 a Class D vehicle. Therefore, if this ordinance is not passed, these larger, common trucks could not be parked on City streets.

D. Renner raised discussion concerning the size and weight limits that prevent RVs and trailers from being parked on the street. Extensive discussion ensued, and Chief Betten pointed out that the ordinance has not changed with regard to trailers – they cannot be parked on the street unless they are attached to a vehicle.

ROLL CALL: A. Medford, aye; M. Bennett, aye; D. Renner, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; E. True, aye; R. Reckamp, nay; J. Mouser, aye. Ayes – 9; Nays - 2. Motion carried.

Motion was made by J. Mouser and seconded by A. Medford to place on 1st Reading Ordinance Item 5.

ITEM 5 – Ordinance Amending Ordinance 623, Zoning, Planned Use for Full Circle Services and Supply located at 510 S. Lincoln

N. Drolet stated that this petitioner is a responsible business owner who is trying to provide a service to the community, but they have had some problems in complying with all of the rules and regulations of the City. He stated he would like to see the City reach some kind of an agreement with Full Circle Services.

D. Renner spoke highly of the owners of Full Circle Services and stated he was in agreement with N. Drolet.

J. Mouser noted the zoning request is from a B-1 to a B-2, which would constitute as spot zoning. He stated he was not in favor of the rezoning given the close proximity of homes located directly behind the business.

A. Medford said 37 residents signed a petition in opposition of the petition. J. Mouser and R. Reckamp, aldermen for this area, stated the residents have asked them to oppose this rezoning.

M. Bennett clarified the zoning request is for a B-2(P), and he asked what implications the (P) would have on the rezoning. T. Shekell explained the Planned Use regulates the site and not the actual use of the property. He stated if the property were rezoned as requested, the business would be allowed to do any type of automotive repairs that would be allowed in a commercial district.

Extensive discussion followed comparing this site to other automotive or similar businesses in O'Fallon.

ROLL CALL: M. Bennett, nay; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, nay; J. Albrecht, nay; N. Grogan, nay; E. True, aye; R. Reckamp, nay; J. Mouser, nay; A. Medford, nay. Ayes – 4; Nays - 7. Motion failed.

2nd Readings

Motion was made by J. Mouser and seconded by N. Grogan to approve 2nd Reading Ordinance Item 10.

ITEM 10 – Ordinance Authorizing the Purchase of Real Estate Located Adjacent to City Hall

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

Motion was made by J. Mouser and seconded by A. Medford to approve 2nd Reading Ordinance Item 11.

ITEM 11 – Ordinance Annexing Property known as Porter Road containing approximately 86 Acres

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

Motion was made by A. Medford and seconded by J. West to approve 2nd Reading Ordinance Item 12.

ITEM 12 – Ordinance Amending Ordinance 3345 and Ordinance 3204 (D), Chapter 51, Sewer Relating to a Sewer Rate Reduction

M. Bennett expressed his disapproval of the ordinance because many people who are receiving a credit do not deserve it. He also noted several other areas where he felt the funds would be more wisely spent, including installing dual meters to track outside and inside water usage separately.

R. Reckamp stated the City should not be billing sewer charges to residents for water that is not going into the sewer. He said there is no perfect way to solve this problem, but he said the 10% reduction is the way to assess it most equally. He also noted that dual water meters utilize cross-connection systems, which can contaminate the water supply.

As an added note, Mayor Graham stated sprinkler systems utilize a backflow preventer, which prevents contamination of the water. He stated there is an ordinance in the City

of O'Fallon that requires those backflow preventers to be inspected on an annual basis. Failure to do so will put the owner in violation of federal and city laws.

ROLL CALL: N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; M. Bennett, nay; D. Renner, nay; J. Boone, aye. Ayes – 9; Nays – 2. Motion carried.

STANDING COMMITTEES:

Community Development: J. Mouser stated they met on July 11, 2005; and they have one motion coming from that meeting. Motion was made by J. Mouser and seconded by N. Grogan to approve the Special Event Request from VFW Post 805 to conduct an Open Dance Anniversary of 9/11.

A. Medford said he felt September 11 should be a somber day of reflection instead of a day of celebration. D. Renner disagreed and compared it to celebrations that are currently held on Memorial Day, Independence Day, etc.

Ayes – 10; Nays – 1 (A. Medford).

Their next meeting will be July 26, 2005, at 6:30 p.m.

Public Works: A. Medford said they are scheduled to meet July 25 2005, at 7:30 p.m.

Public Safety: E. True stated they met on July 11, 2005, at 7:30 p.m. Item 4, which was voted on earlier, came out of their meeting. Their next meeting is scheduled for August 8, 2005, at 7:30 p.m.

Finance/Administration: J. West stated they met before tonight's City Council meeting to discuss Warrant 92.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 92 in the amount of \$697,539.91.

ROLL CALL: J. West, aye; J. Albrecht, aye; N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, 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 July 25, 2005, at 5:30 p.m.

Parks/Environment: J. Albrecht stated they met on July 11, 2005; and they have three items to present.

Motion was made by J. Albrecht and seconded by A. Medford to accept the low bid from Midwest Tennis Courts, Inc. for the Community Park Tennis Court Recoating in the amount of \$11,759.

ROLL CALL: J. Albrecht, aye; N. Grogan, aye; E. True, aye; R. Reckamp, aye; J. Mouser, 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. Albrecht and seconded by J. Mouser to accept the low bid from Bi-State Seal Coatings, Inc. for seal coating and striping of parking lots in the amount of \$6,070.00 and to accept the low bid from Woody's Municipal Supply for the purchase of a 9 foot snowplow and hopper spreader in the amount of \$9,053.

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

Their next meeting is scheduled for August 8, 2005, at 5:30 p.m.

EXECUTIVE SESSION: At 8:15 p.m. a motion was made by J. Albrecht and seconded by N. Grogan to go into Executive Session to discuss labor negotiations with the F.O.P. Union.

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

At 8:24 p.m. City Council members returned from Executive Session.

ADJOURNMENT:

Motion was made by J. Mouser and seconded by D. Renner to adjourn. All ayes. Motion carried.

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

Respectfully submitted by,

Philip A. Goodwin, City Clerk

Minutes taken by
Sharon L. Wisely, Transcriptionist