

**O'FALLON CITY COUNCIL
MEETING MINUTES
August 15, 2005**

The meeting was called to order at 7:05 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, excused; Rick Reckamp, present; Jerry Mouser, present; Tom Bequette, present; Allen Medford, present; Michael Bennett, present; Dennis Renner, present (arrived at 7:48 p.m.); 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 E. True to approve the minutes of the August 1, 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.

The Mayor introduced Delmar Koebel, O'Fallon's ex-City Attorney, who recounted events that took place in 1970 when both the City of O'Fallon and the City of Fairview Heights filed petitions to annex the property now know as St. Clair Square into their respective cities. Mr. Koebel presented the Mayor a book containing copies of the Ordinance passed by both cities, the agreement signed by both cities, the Resolutions adopted by the Councils, notices, and other legal documents pertaining to the case.

Mayor Graham announced that later in the evening there would be discussion regarding interim appointments on the Planning Commission and the Zoning Board of Appeals. He welcomed any public comments, and Mr. Don Drouin came forward. Mr. Drouin protested the removal of the Planning Commission and Zoning Board of Appeals members. He noted a consolidation of the two boards was a good idea, but he felt it should be reviewed by an independent research committee; and he volunteered to serve on such a committee.

Mr. Luke Rheame of 816 Alexander Drive spoke to the Council and expressed frustration with not being notified of various changes to the property that surrounds his home. He lives between Prairie Crossing and the Public Safety building. Some of the changes that have occurred include the addition of a street adjacent to his property; rezoning of the Public Safety property from agriculture; the future addition of the Veteran's Memorial, including a lake; and a sanitary sewer installed by Mr. Fulford in the easement of his property. Mr. Rheame indicated he left a message for T. Shekell on Wednesday to discuss these issues. Mayor Graham explained that T.

Shekell has been on vacation and was extremely busy with other issues today, but he stated T. Shekell would be in contact with him.

The Mayor asked if anyone else would like to speak to the Council, but no one came forward.

REPORTS:

Clerk's Report: City Clerk Phil Goodwin presented two requests:

1. Request from the Dania Shrine Club to conduct a roadblock on September 9, 2005, from 7:00 a.m. – 9:00 a.m. at the intersections of State/Lincoln and State/Smiley

A motion was made by N. Grogan and seconded by E. True to approve the request. Ayes – 11; nays - 1 (Drolet). Motion carried.

2. Request from the Knights of Columbus to conduct a roadblock on September 16, 2005, from 8:00 a.m. – 10:00 a.m. and 3:00 – 5:00 p.m. at the intersections of State/Lincoln and State/Smiley

P. Goodwin noted the original request included September 17, but the Kiwanis are holding a roadblock on that day.

A motion was made by J. Boone and seconded by J. Albrecht to approve the request. Ayes – 11; nays - 1 (Drolet). Motion carried.

Mayor's Report:

Mayor Graham expressed the City's condolences to the family of Bob Becker and noted he was the City Attorney for O'Fallon for many years. He remembered him as a wonderful person and a class act who would be dearly missed for his great knowledge.

The Mayor announced the following reappointments: Jodi Caticchio to the Arts Commission, Russ Thoman and Horace Humphries to the Police and Fire Board, Ruth Hill and Cathy Rosen to the Library Board and Le Yaeger to the Investment Committee.

A motion was made by J. Mouser and seconded by E. True to approve the reappointments. All ayes. Motion carried.

Police Sgt. Mark Berry and Officer Craig Koch of the Traffic Safety Unit presented a "Saved by the Belt" award to Ms. Susie Greenlee for being an excellent role model to the community. On May 17 Ms. Greenlee was involved in a very serious auto accident at the intersection of Green Mount and I-64, but she escaped with minor injuries because she was wearing her seatbelt.

The Mayor announced this month's Southwestern Illinois Council of Mayors would be held on Thursday, August 25, 2005, at 7:00 p.m. in Smithton. Council members wishing to attend should RSVP to Jamie no later than noon on Monday, August 22.

Mayor Graham presented interim appointments to the Planning Commission and Zoning Board of Appeals. He clarified this will not be a joint commission -- they are separate groups, but there will be some joint membership. He stressed that no ordinances have been changed. The Planning Commission will conduct their meeting, and then adjourn. The Zoning Board of Appeals will then conduct their meeting. The Mayor stated they have talked with attorneys and other cities that have taken this same action in order to streamline the process. He explained these two groups of people would serve until the end of April 2006. At that time, the Council will appoint a permanent board or commission. The Mayor stated the City has followed the law in this matter. He received resignations from the Zoning Board of Appeals members whose terms had not expired.

The Mayor stated the Planning Commission appointments are: Gene McCoskey (chairman), Gary Fulton, Thomas Bennett, Kent Zimmerman, Joe Behnken, Andrew Davidson, Joan Cavins, Larry Sewell, and David Snyder. One additional person will be announced within two weeks. The Zoning Board of Appeals appointments are: Gene McCoskey (chairman), Gary Fulton, Thomas Bennett, Kent Zimmerman, Joe Behnken, and Andrew Davidson. One additional member will soon be announced to this board, as well.

M. Bennett and M. Schmidt voiced their concerns about combining the Zoning Board of Appeals and Planning Committee. City Attorney Dale Funk stated that, for the Zoning Board of Appeals, since four (4) of the members resigned and the remaining three (3) members were serving beyond their terms, nothing further needed to be done. The statute says a public hearing is necessary to *remove* someone from the Board. However, the members serving terms were not removed -- they resigned. Mr. Funk said that with regard to the Planning Commission, Mr. Drouin said a just cause was needed. The statute says a "charge" is necessary, and the charge is that the Mayor believes this is in the community's best interest. He stated it is his legal opinion and that of other counsel that the Mayor has the right to remove the present board members, it is not an abuse of power on the part of the Mayor, and it is up to the Council to either vote to approve or disapprove his action. He noted a two-thirds vote would be required to disapprove the Mayor's decision and reinstate the Planning Commission members.

Mayor Graham said they will be taking two separate votes, and he clarified that a "yes" vote will confirm the new appointments.

A motion was made by J. Albrecht and seconded by J. Mouser to approve the appointment of Gene McCoskey (chairman), Gary Fulton, Thomas Bennett, Kent Zimmerman, Joe Behnken, Andrew Davidson, Joan Cavins, Larry Sewell, and David Snyder to the interim Planning Commission serving until May 1, 2006.

ROLL CALL: M. Schmidt, nay; E. True, aye; R. Reckamp, nay; J. Mouser, aye; T. Bequette, nay; A. Medford, aye; M. Bennett, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye. Ayes - 8; Nays - 4. Motion carried.

A motion was made by J. Albrecht and seconded by J. Mouser to approve the appointment of Gene McCoskey (chairman), Gary Fulton, Thomas Bennett, Kent Zimmerman, Joe Behnken, and Andrew Davidson to the interim Zoning Board of Appeals serving until May 1, 2006.

ROLL CALL: E. True, aye; R. Reckamp, nay; J. Mouser, aye; T. Bequette, nay; A. Medford, aye; M. Bennett, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, nay. Ayes - 8; Nays - 4. Motion carried.

RESOLUTIONS:

Motion was made by J. Mouser and seconded by N. Grogan to approve Resolution Item 1.

ITEM 1 – Amendment to the Intergovernmental Agreement with O’Fallon District 90

ROLL CALL: E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, 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 Emergency Communications Network, Inc. (Code Red) for the Purpose of Providing a Web-Based Emergency Telephone Notification System in an amount not to exceed \$14,000

The Mayor compared this to a reverse 911 system, allowing the City to notify residents who have a land line telephone to be contacted in the event of an emergency.

J. Boone asked the Mayor if this resolution gave him the authority to renew the contract at \$7,000 or if the Council had to vote on the renewal at the end of the year. Mayor Graham said the Council would vote on that matter.

M. Bennett noted this is not a budgeted item and asked how the City would pay for it. Mayor Graham said they are not certain yet where the funds would come from, but he indicated it is a necessary expenditure. M. Bennett asked who would decide what calls were emergencies. The Mayor said the system would be used in emergencies or situations such as notifying residents of a street closing. There would be a very tight control over its use, and Walter Denton would probably serve as the main contact. However, the Police and Fire Chiefs would have open authority to use the system.

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

ORDINANCES:

1st Readings

Regarding Items 6 and 7, M. Bennett asked if the final plats matched the preliminary plats. There were some requests for variances, and he wanted to know if they were included in this vote or would be presented at a later time. T. Shekell said those variance requests are included in this vote.

Motion was made by J. Mouser and seconded by J. Albrecht to consider the Omnibus Rule for 1st Reading Ordinance Items 3, 5, and 7. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by A. Medford to place on 1st Reading Ordinance Items 3, 5 and 7.

ITEM 3 – Ordinance Establishing Procedures for the Recording of Closed Sessions

ITEM 5 – Ordinance Approving the Final Plat of Milburn Estates Subdivision

ITEM 7 – Ordinance Approving the Final Plat of Stone Bridge Estates

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; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, aye; E. True, aye; R. Reckamp, aye. All ayes. Motion carried.

Motion was made by J. West and seconded by J. Albrecht to place on 1st Reading Ordinance Item 4.

ITEM 4 – Ordinance Approving the Rate Change for the Simplified Telecommunications Tax

M. Bennett expressed concern for families with multiple land lines and cell phones being taxed on each phone. He noted that although the funds are going to a *worthy* cause, it is not a *necessary* cause and felt the parks should be paid for with hotel/motel tax.

R. Reckamp said he feels this is a worthwhile project; however, his intention is to vote against it because everyone he has spoken to has been against the tax increase.

J. Boone stated he and D. Rich reviewed a citizen's cell phone bill that showed an incorrect entry for City of O'Fallon taxes. He recommended people review their phone bills and contact D. Rich if they have questions regarding the tax portion.

E. True said he has received more positive calls than negative calls from citizens, saying they would prefer a telephone tax to a property tax for funding the park.

M. Schmidt said she has received calls from citizens opposing the tax. She stated every meeting she has attended regarding the parks has implied the parks would put "heads in beds," and the hotel/motel tax would fund the parks.

D. Renner said he understands the concerns of the citizens, but the growth of the City demands park space and programs for the children. J. Mouser said he agreed with D. Renner and noted the need for park space has been an ongoing issue for the past eight years, and he felt the cost of the tax was justified.

N. Drolet objected to raising funds from utilities and using them for something totally different.

The Mayor said if we don't want to proceed with this tax, the completion of the park would require a 20-year plan. This tax will generate approximately \$1.38 per telephone per month.

A. Medford said two major expenses coming soon that will need funding are a new sewer system and a new fire department on the north end of town. Mayor Graham responded the fire tax is a separate issue. The sewer system is not at capacity yet, but the City has been told verbally that the Governor is going to approve a grant for about \$800,000.

ROLL CALL: T. Bequette, nay; A. Medford, aye; M. Bennett, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, nay; E. True, aye; R. Reckamp, nay; J. Mouser, aye; D. Renner, aye. Ayes – 9; Nays - 4. Motion carried.

Motion was made by J. Mouser and seconded by J. Albrecht to place on 1st Reading Ordinance Item 6.

ITEM 6 – Ordinance Approving the Final Plat for Stone Bridge Villas

M. Bennett said the final plat includes variances for the villas only, and his fear has always been that the estates would never be built. He asked for clarification on the variances. T. Shekell noted the variances are listed in the Council members' packets. The developer would like relief from the need to have the improvements (streets, water, sewer, etc.) constructed, inspected and accepted by the City *before* receiving their building permits. They would like to construct the clubhouse and their first two model units immediately. They are also asking for relief from their requirement to build the entire infrastructure in the estates and villas at the onset of the project. They would like the villas to be built in three phases; therefore, they are asking to build the infrastructure for the estates and Phase I of the villas first; and to ensure all three phases of the villas

are built, they will provide a 100% letter of credit to the City for Phases II and III of the villas.

N. Drolet favored this action because the developer is building the clubhouse upfront. This is in contrast to Cambridge Commons, whose plan in the beginning was to build a clubhouse; but at the end of the development it was downgraded to a restroom facility.

E. True raised discussion regarding how close the developer was to having final plans. T. Shekell said their packets include final plat approval for both the estates and the villas, and the developer plans to build the infrastructure concurrently in both.

ROLL CALL: A. Medford, aye; M. Bennett, nay; D. Renner, nay; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, nay; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, nay. Ayes – 9; Nays - 4. Motion carried.

2nd Readings

Motion was made by J. Mouser and seconded by J. Albrecht to consider the Omnibus Rule for 2nd Reading Ordinance Items 8-11. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by N. Grogan to approve 2nd Reading Ordinance Items 8-11.

ITEM 8 – Ordinance Amending Ordinance 623, Zoning, Planned Use known as Suburban Extended Stay Hotel Development

ITEM 9 – Ordinance Amending Chapter 52, Section 52.080, Water Rate Change

ITEM 10 – Ordinance Amending Section 52.121, Regarding Authority of the City

ITEM 11 – Ordinance Approving a Pre-Development Agreement with Drury Hotel to Establish a Special Service Area, Not to Exceed \$2,500,000 Aggregate Principal Amount

ITEM 12 – Ordinance Approving the Final Plat of the Clock Tower Plaza/Green Mount Lakes has been placed on hold.

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

STANDING COMMITTEES:

Community Development: J. Mouser stated they met on August 8, 2005; and they have one motion coming from that meeting. Motion was made by J. Mouser and

seconded by R. Reckamp to approve the Special Event Request from St. Clare Church to conduct their "Oktoberfest" on September 24, 2005, in the St. Clare School parking lot and a request for approval to sell alcohol, as well as a raffle license request to sell raffle tickets for the above event from present until September 24, 2005. All ayes. Motion carried.

Their next meeting will be August 22, 2005, at 6:30 p.m.

Public Works: A. Medford said they met as scheduled, and they have one motion coming from that meeting. Motion was made by A. Medford and seconded by J. Albrecht to approve the purchase of ¾ Inch Soft Copper Waterline from the low bidder, Schulte Supply for 10,000 lineal feet of piping for \$14,990.

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

Their next meeting is scheduled for August 22, 2005, at 7:30 p.m.

Public Safety: E. True stated they met on August 8, 2005, at 7:30 p.m. Item 2, which was voted on earlier, came out of their meeting. Their next meeting is scheduled for September 12, 2005, at 7:30 p.m.

Finance/Administration: J. West stated they met before tonight's City Council meeting to discuss Warrant 94.

Motion was made by J. West and seconded by R. Reckamp to pay Gifts for Individuals in the amount of \$1,454.60.

ROLL CALL: J. Boone, aye; N. Drolet, abstain; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, aye; E. True, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye. Ayes – 12; Abstain – 1. Motion carried.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 94 in the amount of \$1,065,782.61.

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

Their next meeting is scheduled for August 22, 2005, at 5:30 p.m.

Parks/Environment: J. Albrecht stated the minutes from their August 8 meeting were distributed. Item 1, which was voted on earlier, came out of their meeting. Their next meeting is scheduled for September 12, 2005, at 5:30 p.m.

Mayor Graham asked if a roll call was done on Item 1, since it involved spending money. J. Albrecht said "yes." The Mayor explained that Item 1 – Amendment to the Intergovernmental Agreement with O'Fallon District 90 was a not-to-exceed amount of \$30,000. The PTO is also donating \$30,000. These funds will go toward construction of a new playground. District 90 has been asked to guarantee the \$30,000 commitment made by the PTO. Mayor Graham asked for a new motion and roll call since the \$30,000 expenditure was not stated earlier.

Motion was made by J. West and seconded by E. True approve the Intergovernmental Agreement and the expenditure of \$30,000.

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

Mayor Graham said the Homecoming Parade was rained out Saturday because power lines were down on the route. There was no backup plan in place, and it was a tremendous disappointment for everyone involved. He noted, however, that the children's parade put on by the Rotary Club was a great success.

EXECUTIVE SESSION: None.

ADJOURNMENT:

Motion was made by R. Reckamp and seconded by J. Mouser to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk

Minutes taken by
Sharon L. Wisely, Transcriptionist