

**O'FALLON CITY COUNCIL  
MEETING MINUTES  
December 5, 2005**

The meeting was called to order at 7:01 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, excused; Dennis Renner, present; Jason Boone, present; Ned Drolet, present; John West, present; Jerry Albrecht, present. A quorum was declared present.

Motion was made by D. Renner and seconded by E. True to approve the minutes of the November 21, 2005, meeting. All ayes. Motion carried.

**PUBLIC HEARING:**

1. Pre-Annexation Agreement with Pausch Road, LLC for approximately 194.68 acres for the proposed Heritage Knolls Subdivision. Opened to public at 7:02 p.m. Mayor Graham called for public input. Mr. John Wilson of the Hollywood Heights Volunteer Fire Department and Fire Protection District came forward and stated that some of the acreage the City is offering to annex is currently part of the Hollywood Heights Fire Protection District. He asked the City to consider allowing the annexed property to remain in their Fire Protection District, as other cities such as Fairview Heights and Caseyville have done in similar situations. Mayor Graham thanked them for the work they have done and asked Deputy Chief Jerry Brewer to schedule a meeting with the Hollywood Heights District to discuss the issue.

Mayor Graham called again for public input, and Mr. Jack Holshouser addressed the Council. Representing seven owners of land adjacent to the proposed Heritage Knolls Subdivision, he expressed their concerns as follows: (1) there is an easement running through the proposed subdivision that has private water and telephone lines on it for these adjacent landowners, and they are concerned with it being buried under a street; (2) the developer verbally agreed to add buffer zones around their properties and provide free tap-ins to the City water if these landowners would abandon the private waterlines, but they have heard nothing further on these proposals; and (3) no detention ponds are shown on the proposed subdivision plats that would catch the runoff before it runs into their existing water system. He urged the City Council to not move forward on this project until these issues are resolved. The Mayor said the City and the developer would work with these residents to try to resolve the issues. He recommended they attend all Community Development meetings, and J. Mouser announced the next meeting is December 12 at 6 p.m.

Mayor Graham called a third time for public input. Mr. Rand Juliano, attorney for the developer, stated they still agree to the buffer proposed in their meetings with these residents, as well as reconnecting their waterlines (without interruption) to either O'Fallon or Caseyville if that was their preference. However, he stated the residents are now asking for \$140,000 on top of these other agreements. Mr. Juliano said at their last meeting with the residents, they explained that if an agreement could not be reached, the developer would simply move the road over and have the public road lie on top of the easement, which is perfectly legal. Mr. Juliano addressed their concern with runoff and stated they will not get anymore flow into their lakes than they are currently experiencing. Additionally, he said the engineering calculations indicate the water they will get from the subdivision will be cleaner than they are currently getting. Mr. Juliano presented the preliminary plat and gave a brief explanation of the development, including its park space, the European-style circle drive, and the non-loaded boulevard.

Mayor Graham asked if their plat had already been approved in the county, and Mr. Juliano responded "no." The Mayor explained that if a developer is in the county, he could generally get more liberal zoning but still be in the O'Fallon school district. Then a few years later, they ask to be annexed into the City and request the City to add sidewalks, streetlights, etc., to their development. Annexing them now protects the City from the responsibility of future improvements.

No one else came forward to speak for or against the petition. The public hearing was closed at 7:22 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:** None.

## **Mayor's Report:**

Mayor Graham said as part of the Comprehensive Plan update process, all 14 aldermen need to be interviewed by the consultant, Woolpert. He requested the aldermen sign up after the City Council meeting to schedule their interview.

The Mayor praised the Scott Mid-America Band for their concert performance on Sunday. He noted that Captain Donald Scoffield, Jr., the Commander and Conductor of the band, lives in O'Fallon.

Mayor Graham proposed the Council appoint Attorney Paul Evans as the City's Hearing Officer. He requested the appointment be made on a month-to-month basis.

Motion was made by J. Mouser and seconded by J. Boone to approve the appointment.

The Mayor said the rate for this position is generally \$250-\$350 per *session*; however, they have decided to pay an hourly rate, with a guaranteed minimum of one hour. He asked the vote to include appointment of Mr. Evans and authorization for pay.

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

### **RESOLUTIONS:**

Regarding Item 1, M. Schmidt pointed out that under Article 2 - Memberships, it states there are five (5) wards and there are actually seven (7) wards. She questioned the value of the Mayor appointing the chairman. She also asked if the actual membership of the Committee could have input on the agenda, and she pointed out there are two vacancies on the Planning Commission. In response, Mayor Graham said he felt it was necessary for the Mayor to appoint the chairman. He stated that since the Planning Commission members are volunteers, they cannot know fully what is important to the City Council and should not set the agenda.

Motion was made by J. Mouser and seconded by D. Renner to consider the Omnibus Rule for Resolution Items 1-4 and 6-8. All ayes. Motion carried.

ITEM 1 – Resolution Approving the Planning Commission Bylaws

ITEM 2 – Resolution Authorizing the Mayor to Execute an Agreement with Burns & McDonnell for Continuing GIS Services in the amount of \$9,300

ITEM 3 – Resolution Authorizing the Mayor to Execute an Agreement with M & I Construction for Water Line Replacement and Fire Hydrant Repair in the amounts of \$27,470, \$27,975, and \$15,090.

ITEM 4 – Resolution Authorizing the Mayor to Execute an Agreement with Discount Storage for the Adopt-a-Street Program for 1<sup>st</sup> Street from Smiley to Betty Lane

ITEM 6 – Resolution Authorizing the Mayor to Execute an Agreement with Gateway Geospatial for Sewer Trunk Main Manhole Location Data Collection via GPS Methods in an amount not to exceed \$5,760

ITEM 7 – Resolution Authorizing the Mayor to Execute an Agreement with Gonzalez Companies, LLC for Continuing Professional Services

ITEM 8 – Resolution Authorizing the Mayor to Negotiate an Agreement to Sell City Property located at 702 W. Hwy. 50

Motion was made by J. Mouser and seconded by J. West to approve Resolution Items 1-4 and 6-8.

**ROLL CALL:** E. True, aye; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, aye; D. Renner, 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 5.

ITEM 5 – Resolution Approving and Accepting the Preliminary Plat of Park Glen Estates

R. Reckamp requested language be added to Item 7 to the effect that “if the homeowners’ association goes defunct, a Special Services Area (SSA) would maintain the natural drainage ways.” T. Shekell noted the Pre-Annexation Agreement has been approved but not yet consummated; so if the Council voted to include the proposed language, it could be added prior to the Mayor’s signature.

Motion was made by R. Reckamp and seconded by N. Drolet to amend the motion to include the following language under Item 7: “If the homeowners’ association goes defunct, an SSA would be established and would automatically take over the responsibilities of the drainage ways and basins. Every homeowner in that SSA would be charged with this responsibility, rather than it being spread across the entire City.”

City Attorney D. Funk recommended this language also be included in the residents’ covenants so it is a matter of public record and the homeowners know upon purchasing a lot that such an SSA could be created if the homeowners’ association goes defunct. T. Shekell stated the covenants would be drafted at the final plat stage, and he ensured any language passed tonight would be included in those covenants.

Regarding the amendment to the original motion:

**ROLL CALL:** B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, 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. All ayes. Motion carried.

Regarding approving the motion as amended:

**ROLL CALL:** R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, 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; B. Henry, aye. All ayes. Motion carried.

## **ORDINANCES:**

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

Motion was made by J. Mouser and seconded by J. West to place on 1<sup>st</sup> Reading Ordinance Item 9. All ayes. Motion carried.

ITEM 9 – Ordinance Amending Ordinance 623, Zoning, Planned Use Development known as “Subaru of O’Fallon” located at 1290 Central Park Drive

R. Reckamp asked if the City is providing sanitary sewers to this property as per the staff report. T. Shekell said the staff report is incorrect, and Caseyville Township is providing the sanitary sewers.

**ROLL CALL:** J. Mouser, aye; T. Bequette, aye; A. Medford, 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; B. Henry, aye; R. Reckamp, aye. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by J. Albrecht to place on 1<sup>st</sup> Reading Ordinance Item 10.

ITEM 10 – Ordinance Amending Ordinance 623, Zoning Planned Use Amendment, Home Depot located at 1706 W. Hwy. 50

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

Mayor Graham stated Home Depot’s parking lot has historically been an eyesore. He requested staff meet with Home Depot regarding this problem and report back to him to ensure this will not be a problem in the future.

Motion was made by J. West and seconded by R. Reckamp to place on 1<sup>st</sup> Reading Ordinance Item 11.

ITEM 11 – Ordinance Providing for the Annual Levy for the Fiscal Year Commencing on the First Day of May 2005 and Ending on the Thirtieth Day of April 2006

Mayor Graham noted this is a 5% **reduction** in taxes, and he commended the City Council for lowering the City’s tax rate for the past eight (8) consecutive years.

**ROLL CALL:** A. Medford, 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; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye. All ayes. Motion carried.

Motion was made by J. West and seconded by N. Grogan to place on 1<sup>st</sup> Reading Ordinance Item 12.

ITEM 12 – Ordinance Approving the Form and Authorizing the Execution of the Newbold Toyota/BMW for an Economic Incentive Agreement

R. Reckamp stated he is in favor of this project and is confident of its success. For that reason, he expressed his objection to offering an Economic Incentive Agreement of \$250,000. J. West noted the City is getting a 10' easement on the property's north end for the right-of-way for the road, which is probably worth \$200,000+. The Mayor stated the City would not be getting the easement without the Economic Incentive Agreement. He went on to explain that this is not a cost to the City because if the dealership doesn't sell additional cars, the City pays nothing. J. Albrecht noted this Ordinance follows the City's Economic Incentive Policy that has been in place for the past 4-5 years.

**ROLL CALL:** D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, nay; E. True, aye; B. Henry, aye; R. Reckamp, nay; J. Mouser, aye; T. Bequette, aye; A. Medford, aye. Ayes – 11; Nays – 2. Motion carried.

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

Motion was made by J. Mouser and seconded by N. Grogan to consider the Omnibus Rule for 2<sup>nd</sup> Reading Ordinance Items 13-17. All ayes. Motion carried.

ITEM 13 – Ordinance Amending Ordinance 623, Zoning, Park Glen Estates (As Amended)

ITEM 14 – Ordinance Designating Wolfersberger Funeral Home as a Local Historical Landmark located at 102 West Washington

ITEM 15 – Ordinance Amending Ordinance 3302 Revising the Building Codes

ITEM 16 – Ordinance Repealing Articles I, VI, IX, and X of the Zoning Code and Replacing with new Articles pertaining to General Provisions, Administration, Non-Conforming Uses, Vested Rights, and Telecommunications Regulations

ITEM 17 – Ordinance Amending Ordinance 623, Zoning, Enterprise Rent-a-Car located at 909 W. Hwy. 50

Motion was made by J. Mouser and seconded by D. Renner to approve 2<sup>nd</sup> Reading Ordinance Items 13-17.

Mayor Graham cited past problems with Enterprise Rent-a-Car regarding trash in the neighborhood of their current location. He said before the Ordinance is signed, he would request a meeting with Enterprise to ensure this doesn't happen in the future.

**ROLL CALL:** J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, 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; D. Renner, aye. All ayes. Motion carried.

ITEM 18 – Ordinance Approving the Final Plat of Savannah Hills Additions (***On hold.***)

ITEM 19 – Ordinance Amending Chapter 51, Regarding Sewer Service Rates (***On hold.***)

ITEM 20 – Ordinance Amending Chapter 51, Regarding Tap In Charges (***On hold.***)

#### **STANDING COMMITTEES:**

**Community Development:** J. Mouser stated they met on November 28, 2005, and the minutes are attached. Their next meeting will be December 12, 2005, at 6 p.m., followed by an additional meeting on December 19, 2005, at 6 p.m.

**Public Works:** A. Medford said they met on November 28, 2005. They have one item to bring before the Council.

Motion was made by A. Medford and seconded by E. True to approve the purchase of a Sewage Lagoon Pump from Jim Hodel, Inc. in the amount of \$10,200

**ROLL CALL:** N. Drolet, aye; J. West, aye; J. Albrecht, 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; D. Renner, aye; J. Boone, aye. All ayes. Motion carried.

Their next meeting will be January 23, 2006, at 7 p.m.

**Public Safety:** E. True stated they have not met since the last City Council meeting. The next Public Safety meeting is scheduled for December 12, 2005, at 7 p.m.

**Finance/Administration:** J. West stated they met before tonight's City Council meeting to discuss Warrant 101.

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 101 in the amount of \$537,302.55.

**ROLL CALL:** J. West, aye; J. Albrecht, 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; D. Renner, aye; J. Boone, aye; N. Drolet, aye. All ayes. Motion carried.

Motion was made by J. West and seconded by R. Reckamp to correct employee retirement eligibility and pay the necessary one month City share of the retirement in the amount of \$441.06.

**ROLL CALL:** J. Albrecht, 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; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye. All ayes. Motion carried.

Their next meeting is scheduled for January 23, 2006, at 5:30 p.m.

**Parks/Environment:** J. Albrecht stated their next meeting is scheduled for December 12, 2005, at 5:30 p.m.

**EXECUTIVE SESSION:** At 7:58 p.m. a motion was made by J. Mouser and seconded by E. True to go into Executive Session to discuss the purchase/legal aspects of a piece of property going up for auction.

**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; D. Renner, aye; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye. All ayes. Motion carried.

At 8:09 p.m. City Council members returned from Executive Session.

**ADJOURNMENT:**

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

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

Respectfully submitted by,

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Philip A. Goodwin, City Clerk

*Minutes taken by*  
Sharon L. Wisely, Transcriptionist