

**O'FALLON CITY COUNCIL
MEETING MINUTES
February 6, 2006**

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, 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, present. A quorum was declared present.

Motion was made by J. Mouser and seconded by E. True to approve the minutes of the January 17, 2006, meeting. All ayes. Motion carried.

Shortly after the roll call, Dennis Renner received a telephone call and was excused for the remainder of the meeting.

PUBLIC HEARING:

1. Central Park Plaza #1, Special Service Area #6. Opened to public at 7:05 p.m. Mayor Graham called three times for public input, but no one responded. Public hearing was closed at 7:06 p.m.
2. Annexation Agreement with OTHS and Milburn Estates. Opened to public at 7:06 p.m. Mayor Graham called three times for public input, but no one responded. Public hearing was closed at 7:06 p.m.

RESIDENTS:

Mayor Graham invited any residents of O'Fallon who would like to speak to the Council to step to the microphone, but no one came forward.

REPORTS:

Clerk's Report: None

Mayor's Report:

Mayor Graham recognized a boy scout in the audience who was working on his merit badge.

The Mayor reminded City Council members of the Main Street Ball being held Saturday night and encouraged attendance.

RESOLUTIONS:

Motion was made by J. Mouser and seconded by M. Bennett to consider the Omnibus Rule for Resolution Items 1-8 and 10-12. All ayes. Motion carried.

ITEM 1 – Resolution Declaring 131 East First Street as Surplus Real Estate

ITEM 2 – Resolution Declaring 118 East Washington Street as Surplus Real Estate

ITEM 3 – Resolution Approving the Release of Closed Session Minutes

ITEM 4 – Resolution Recommending Schedule B of the Closed Session Minutes Not to be Released Because the Need for Confidentiality Still Exists

ITEM 5 – Resolution Authorizing the Expenditure of Funds from the City Cash Reserves

ITEM 6 – Resolution Authorizing the Mayor to Execute an Agreement with the Burns & McDonnell for Professional Services to Revise the Design for Reconstruction of North Lincoln

ITEM 7 – Resolution Authorizing the Mayor to Execute an Agreement with Burns & McDonnell for Professional Engineering Services (General Services for CY2006)

ITEM 8 – Resolution Authorizing the Mayor to Execute an Agreement with Burns & McDonnell for Professional Services to Provide Additional Support for the Water Mapping and Modeling Effort

ITEM 10 – Resolution Authorizing the Mayor to Execute a Permit with St. Clair County for the Installation and Maintenance of Sidewalks Along Green Mount Road in County Right-of-Way

ITEM 11 - Resolution Authorizing the Mayor to Execute an Extension of an Agreement with Rite-Way Excavating for General Concrete Repairs Based on CY2005 Prices

ITEM 12 -Resolution Authorizing the Mayor to Execute an Agreement with Haier Plumbing and Heating, Inc. for the Elm & Orchard Mine Subsidence Water and Sewer Replacement Project in the amount of \$462,663.21

Motion was made by R. Reckamp and seconded by M. Bennett to reword the last line of Resolution Item 4, which reads "...the closed session minutes from those meetings set forth on Schedule "B" attached are *not* to be released..." and change it to a positive phrase such as "...shall remain confidential." All ayes. Motion carried.

Motion was made by J. Mouser and seconded by J. West to approve Resolution Items 1-8 (Item 4 as amended) and 10-12.

N. Drolet recommended that while the North Lincoln reconstruction is being planned, the City should include the removal of the tanks from the Clark gas station to prevent future disruption of that intersection. He stated there is grant money available to municipalities through the Brownfield grant for the removal of these tanks. D. Sullivan responded that the City does not own that property, nor does it control the ownership of the property; therefore, the use of Brownfield funds is not allowed. He added that the property is still in bankruptcy. N. Drolet said he would meet with D. Sullivan to discuss recent changes in the law that might allow the City to move forward on this matter.

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; J. Boone, aye; N. Drolet, aye; J. West, aye; J. Albrecht, aye; N. Grogan, aye. All ayes. Motion carried.

Motion was made by J. Albrecht and seconded by E. True to approve Resolution Item 9.

ITEM 9 – Resolution Authorizing the Mayor to Execute an Extension to the Agreement with Merrell Brothers for the North Sludge Lagoon Cleaning and Sludge Disposal in the Amount of \$74,367.00

R. Reckamp said he intends to amend the motion to include the provision for prevailing wages for Merrell Brothers, making the bid \$85,917, which would still be \$3,000 less than the next lowest bidder. He spoke of the low wages of Merrell Brothers employees compared to employees at Burns & McDonnell, an engineering firm hired by the City.

Motion was made by R. Reckamp to amend the motion so the contract with Merrell Brothers is for \$85,917, which would include prevailing wages. There was no second. Motion died.

E. True noted the City did not *force* Mr. Merrell to make the bid of \$74,367, and he felt the bid should be accepted as offered.

The Mayor indicated that although he wants people to be paid well, cleaning out a sewer lagoon is not considered professional labor.

Regarding approval of Item 9:

ROLL CALL: E. True, aye; B. Henry, aye; R. Reckamp, present; 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. Ayes – 12; Present - 1. Motion carried.

Motion was made by J. Mouser and seconded by E. True to approve Resolution Item 13.

ITEM 13 – Resolution Approving and Accepting a Subdivision of Land to be known as the Resubdivision of Lot 19 of Spring Valley

B. Henry stated this is an established subdivision with large lots, and dividing this lot will result in two much smaller lots than the rest of the neighborhood. A. Medford concurred and added the neighboring residents are unaware of this request.

M. Bennett asked if the divided lots would still meet the zoning requirements. T. Shekell responded that they would still meet the zoning requirements; however, the two new lots will be the two smallest lots on the street by a couple thousand feet on each lot.

J. Boone asked if the City is setting itself up for a liability if they deny the request.

T. Shekell said the Subdivision Ordinance states if the Council rejects a subdivision plat of any kind, they must state the reason for denial to show it is not just an arbitrary decision. Mayor Graham said from the discussion held, the reason for denial would be encroachment on the neighborhood by being considerably smaller than the other lots.

N. Drolet said the aerial photo appears to have other lots in that area that are similar in size to the proposed subdivided lots. T. Shekell said his staff calculated the lot sizes on that street, and the new lots would be about 1,000-2,000 sq. ft. smaller for each lot.

ROLL CALL: B. Henry, nay; R. Reckamp, aye; J. Mouser, aye; T. Bequette, aye; A. Medford, nay; M. Bennett, aye; J. Boone, nay; N. Drolet, aye; J. West, nay; J. Albrecht, nay; N. Grogan, nay; M. Schmidt, aye; E. True, aye. Ayes – 7; Nays - 6. Motion carried. Mayor Graham said he would hold the petition for two weeks until the neighbors have been notified.

Motion was made by J. Mouser and seconded by J. West to approve Resolution Item 14.

ITEM 14 - Resolution Authorizing the Mayor to Sign an Annexation Agreement with O'Fallon Township High School

M. Bennett expressed his concern with (1) the agreement for OTHS to sell an acre of ground for a water tower site, (2) the waiver for the sidewalks, and (3) the lighting code being too open-ended.

R. Reckamp also expressed concern over the sidewalk issue and requested the last three words "on the frontage" be removed from the Sidewalk section of the staff memorandum to ensure the City does not have to pay for sidewalks in the future.

N. Drolet expressed his objection to allowing 9' x 18' parking spaces.

Extensive discussion ensued regarding the sidewalks. In response to M. Bennett's concerns, Mayor Graham responded that the issue with sidewalks is not *if* there will be sidewalks but rather *where* they will be placed. Regarding lights, the Mayor said the school district doesn't have a final plan to know where the lights will be situated, nor do they know when the school will be built and what requirements will be in place at that time. Finally, regarding the water tower site, the City has talked to the school district about selling the property for the water tower at their cost. The issue will be discussed in more depth after the school district knows what their layout will be.

OTHS Superintendent Russell Clover said they would do whatever it takes to accomplish this goal. He concurred with Mayor Graham's comments, and stressed again that the school board would work with the City on every issue, as it has done for over a century.

M. Bennett suggested wording be included to the effect that if the OTHS board decides to sell the City property for the water tower, that the property would be sold at the school's cost. He raised discussion again regarding the sidewalks and lights. Supt. Clover noted their architects and lawyers would work to meet the requirements of the state architect and state board of education in these matters.

A. Medford asked if the decision has been made regarding the grade levels of this school because that may dictate the type of lighting needed. Supt. Clover said that decision has not been finalized.

N. Drolet raised discussion regarding the need for the smaller parking spaces. Supt. Clover said they simply need all the parking spaces they can get.

Motion was made by N. Drolet and seconded by R. Reckamp that the portion addressing the parking lot be stricken from the agreement and that this be worked out more fully after the school determines their exact parking needs.

Mayor Graham explained that additional parking will mean more tax dollars for citizens. M. Bennett asked if the smaller parking spaces have caused problems on their current parking lot. Supt. Clover said there have been no more problems than normal.

B. Henry noted that in a school parking lot, students arrive at school and park all day. In contrast, a parking lot at a business or retail establishment has people going in and out of the parking spaces throughout the day.

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

Regarding approval of Resolution Item 14:

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

ORDINANCES:

1st Readings

Motion was made by J. Mouser and seconded by J. West to consider the Omnibus Rule for 1st Reading Ordinance Items 15-18. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by E. True to place on 1st Reading Ordinance Items 15-18.

ITEM 15 – Ordinance Declaring a 1998 Ford Crown Victoria, 1993 Ford F150 Truck, 1991 Ford F150 Truck, garage door, and electric trash pump as Surplus Property

ITEM 16 – Ordinance Annexing O’Fallon Township High School Property containing approximately 110.06 Acres

ITEM 17 – Ordinance Annexing Milburn Estates Subdivision containing approximately 51 Acres

ITEM 18 – Ordinance Amending Chapter 52, Section 52.081, Regarding Water Rate Changes

ROLL CALL: 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; B. Henry, aye; R. Reckamp, aye; J. Mouser, aye. All ayes. Motion carried.

Motion was made by A. Medford and seconded by E. True to place on 1st Reading Ordinance Item 19.

ITEM 19 – Ordinance Amending Chapter 51, Regarding Sewer Service Rates

M. Bennett expressed his objection to this motion because of the poor management of these funds.

J. Albrecht suggested the specific months of the “summer billing period” be noted.

ROLL CALL: A. Medford, aye; M. Bennett, nay; 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, nay. Ayes - 11; Nays - 2. Motion carried.

Mayor Graham explained that the reason for the rate increase is because the City is under mandate by the state to add water storage, which is in excess of \$4 million.

2nd Readings

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

ITEM 20 – Ordinance Proposing the Establishment of a Special Service Area Number Five (Subaru), the Issuance of Special Service Area Bonds in an amount Sufficient to Pay Costs of Certain Special Services and Setting a Date for a Public Hearing

ROLL CALL: M. Bennett, 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; A. Medford, aye. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by E. True to approve 2nd Reading Ordinance Item 21.

ITEM 21 – Ordinance Approving a Pre-Development Agreement with Tish Enterprises, LLC et al. in Connection with a Proposed Special Service Area Number Five (Subaru)

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

ITEM 22 – Ordinance Annexing Heritage Knolls Subdivision containing 194.68 acres ***(Placed on hold.)***

ITEM 23 – Ordinance Amending Ordinance 623, Zoning, known as Heritage Knolls Subdivision ***(Placed on hold.)***

ITEM 24 – Ordinance Amending Chapter 51, Regarding Tap In Charges ***(Placed on hold.)***

STANDING COMMITTEES:

Community Development: J. Mouser stated they met on February 6, and their minutes are in the packets. The next Community Development meeting is scheduled for February 13, 2006, at 6 p.m. He also said the Tourism Board met on January 20, and they decided to *not* renew the interstate signboards at this time.

Public Works:

Motion was made by A. Medford and seconded by J. Mouser to approve the Decorative Street Light Repair on Lincoln in the amount of \$6,960.

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; M. Bennett, aye; J. Boone, aye. All ayes. Motion carried.

Motion was made by A. Medford and seconded by J. Mouser to approve the Scott AFB Heritage Air Park in the amount of \$3,000 initially.

E. True asked for the cost estimate of the entire project. A. Medford said in addition to the initial \$3,000, the City is requested to contribute \$50,000, paid as \$10,000 over five years. Mayor Graham spoke highly of the project said he would like to see the \$50,000 paid over three years.

M. Bennett objected to paying the \$50,000 since the project is not located within the City of O'Fallon.

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; M. Bennett, nay; J. Boone, aye; N. Drolet, aye. Ayes – 12; Nays - 1. Motion carried.

Motion was made by A. Medford and seconded by J. West to approve the low bidder National Waterworks for water supplies in the amount of \$65,849.00.

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; M. Bennett, aye; J. Boone, aye; N. Drolet, aye; J. West, aye. All ayes. Motion carried.

Motion was made by A. Medford and seconded by J. West to approve the Large Street Signage Procurement and Installation in the amount of \$17,201.22.

M. Bennett asked if these will replace current street signs or if they are designated to be the larger signs on stoplights. D. Sullivan said the majority of them would be on the traffic signal lights.

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

The next Public Works meeting will be February 27, 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 February 13, 2006, at 7 p.m.

Finance/Administration: J. West stated they met on January 26, and their minutes are included in the packets. They also met before tonight's City Council meeting to discuss Warrant 105.

Motion was made by J. West and seconded by R. Reckamp to pay Gifts for Individuals in the amount of \$125.00.

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; J. Boone, aye; N. Drolet, abstain; J. West, aye; J. Albrecht, aye; N. Grogan, aye. Ayes – 12; Abstain -1. Motion carried.

Motion was made by J. West and seconded by N. Grogan to approve Warrant 105 in the amount of \$620,798.31.

ROLL CALL: E. True, aye; B. Henry, 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.

Their next meeting is scheduled for February 27, 2006, at 5:30 p.m.

Parks/Environment: J. Albrecht stated their meeting scheduled for February 27 has been canceled. Their next meeting will be March 13, 2006.

Mayor Graham distributed pictures of the new Veteran's Monument that is being built. He also thanked Mr. Hursey of Hursey Telecom for volunteering his time as cameraman tonight.

EXECUTIVE SESSION:

At 8:08 p.m. a motion was made by J. Mouser and seconded by J. West to go into Executive Session to discuss the sale of the old Police Department building, settlement with an insurance company, purchase of property, and union negotiations.

ROLL CALL: B. Henry, 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; E. True, aye. All ayes. Motion carried.

At 8:40 City Council members returned from Executive Session.

Motion was made by J. Mouser and seconded by J. West to assign claims and negotiate settlement with our past insurance company, Reliance Insurance.

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; B. Henry, aye. All ayes. Motion carried.

ADJOURNMENT:

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

The meeting was adjourned at 8:42 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk

Minutes taken by
Sharon L. Wisely, Transcriptionist