

**O'FALLON CITY COUNCIL
MEETING MINUTES
May 15, 2006**

The meeting was called to order at 7:00 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, excused; 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 E. True and seconded by J. Albrecht to approve the minutes of the May 1, 2006, meeting. All ayes. Motion carried.

PUBLIC HEARING:

1. Pre-Annexation Agreement with O'Fallon Development Group, LLC for approximately 5.09 acres located at the northeast corner of Old Collinsville Road and Rowe Lane.

The public hearing was continued until the next City Council meeting.

RESIDENTS:

Mayor Graham invited any residents of O'Fallon who would like to speak to the Council to step to the microphone. Mr. Jerry Rombach, Executive Director of the Home Builders Association of Greater Southwest Illinois, voiced his objections to the proposed school impact fees. He gave several reasons for his disapproval, including that the adoption of the school impact fees would cause new growth to slow down considerably, and it would place an unreasonable burden on the majority of new homebuyers.

Mr. Jerry Frederking came forward to address the Council. Mr. Frederking owns Yachts to Sea, a marine dealership in Nashville, Illinois. He indicated he has been working with the manager of Sam's Club to conduct a sales event this weekend on the Sam's Club parking lot. He was told that no special permits were required to conduct the event. Mr. Frederking said they have spent approximately \$5,000 to advertise this event. However, they were told today that they do, in fact, need a special permit to hold this event. He asked the City Council if anything could be done to allow the event to take place as planned. He also noted that the City would receive its share of sales tax during the event.

Mayor Graham expressed his regret that Mr. Frederking was misinformed regarding the special permit process, as that process has been in place for many years.

A motion was made by A. Medford and seconded by J. West to amend the agenda to include consideration of a special use permit for Mr. Frederking.

M. Bennett asked for clarification on the City receiving sales tax from this event. Mr. Frederking said the City's portion of the sales tax would be 1%. Dean Rich confirmed this to be correct, stating it is a multi-jurisdictional tax.

D. Renner spoke on behalf of J. Mouser, who was absent, and stated other businesses have objected to Mr. Frederking being granted a special permit without having to follow the procedures that everyone else is required to follow.

N. Drolet stated the auto dealerships that hold events at Sam's Club are *local* businesses that are simply having additional exposure within the City. He also noted that the City has a boat dealership located in the O'Fallon that pays an enormous amount of real estate taxes to the City, and this event would be in direct competition with that business.

City Attorney Dale Funk said the agenda could not be amended fewer than 48 hours prior to the Council meeting for the purpose of taking action on an item; therefore, the motion was disregarded. Mayor Graham said he would allow Mr. Frederking to set up a booth at Sam's Club this weekend to meet with customers since the event has already been advertised. However, no sales will be allowed. There were no objections to this decision. Mr. Frederking was told to call the City and make the necessary administrative arrangements. Mr. Frederking asked if he would be allowed to hold such an event in the future if he obtained the special permit. Mayor Graham said there is no written policy on who can be granted a special permit; it is the Council's prerogative to make that decision.

REPORTS:

Clerk's Report: City Clerk Phil Goodwin advised everyone that the Booster Parade would be held at 5 p.m. on Saturday instead of its normal 6 p.m. start time.

Mayor's Report: Mayor Graham asked Ted Shekell to provide an update on a current development within the City. T. Shekell read the following:

"We have had recent inquiries regarding the use of substandard homebuilding construction techniques, materials, and designs that have not previously been used in our community and which present significant deviation to the community standards established by existing construction and the new construction being undertaken. Such possible issues include construction without minimum of 12" eaves and gables; use of sub par vinyl siding (less than .4 mil); safety concerns of no front facing doors for emergency visibility and access; slab on grade architectural feature omissions that are inconsistent with the minimum community and industry standards that have been built applying our existing codes. Because there appears to be a desire to contravene the existing practices, regardless of code application, the City may need to address the

overall issue to ensure that the codes are adequate and that the safety, property values, and aesthetics of new developments do not violate our community standards and minimum requirements.”

T. Shekell explained that over the next three weeks, staff would be working to bring an ordinance to the Council for their consideration regarding changes to the City’s building and zoning codes regarding building and design standards within the community. Staff proposes that a public hearing be held on June 5 at a special meeting of the Planning Commission, followed by a presentation of some ordinance changes to the Council at 7 p.m.

Mayor Graham noted this is a new development and something the City has never seen before. The measures being taken are preventive in nature.

The Mayor introduced Doug Snyder, President and CEO of the Special Olympics of Illinois. Mr. Snyder presented Misty Fincher, a 24-year-old Special Olympian who recently graduated from Lewis and Clark College. Ms. Fincher spoke about Special Olympics and how they have enriched and affected her life. Mr. Snyder then spoke of the tremendous involvement of the O’Fallon Knights of Columbus in the Special Olympics program, and he presented a thank-you banner in appreciation for all they have done. Mr. Snyder then spoke of the Law Enforcement Torch Run for Special Olympics, and he commended the O’Fallon Police Department for leading this tremendous effort in the State of Illinois. He presented a thank-you banner and plaques to the O’Fallon Police Department recognizing their leadership efforts in this event.

Mayor Graham indicated he would be presenting a Proclamation to the Public Works Department declaring May 21-27, 2006, as “National Public Works Week.” He commended the department for the hard work and commitment to our City.

The Mayor announced the following reappointments to the Planning Commission: Carlton Bjerkaas, Andrew Davidson, Gene McCoskey, David Snyder, Kent Zimmerman, Joan Cavins, and Larry Sewell.

Motion was made by R. Reckamp and seconded by E. True to accept the reappointments. All ayes. Motion carried.

Mayor Graham stated this month’s Southwestern Illinois Council of Mayors meeting would be held at the Hamel Community Center on Thursday, May 25. Council members should call Jamie by Monday, May 22, to make their reservation.

Jeff Stehman announced the winners of the fourth annual coloring contest sponsored by the City in conjunction with Building Safety Week May 7-13. He noted that the contest is for grades 3-5; however, there were no fourth grade participants this year.

3rd Grade, 1st Place – Sarah Lenzie, Mrs. Geller’s class, Hinchcliffe School
3rd Grade, 2nd Place – Abby Shirtz, Ms. Roskos’ class, Moyer School

5th Grade, 1st Place – Rebecca Boehning, Mr. Bell’s class, Laverne Evans School
5th Grade, 2nd Place – Darrell Cockrell, Ms. Peel’s class, Estelle Kampmeyer School

It was noted that Rebecca Boehning has been a 1st place winner for the past three years. First place winners received a \$75 savings bond, and second place winners received a \$50 savings bond.

RESOLUTIONS:

Motion was made by D. Renner and seconded by J. Albrecht to consider the Omnibus Rule for Resolution Items 1-5. All ayes. Motion carried.

ITEM 1 – Resolution Authorizing the Mayor to Execute an Agreement with Parsons Water & Infrastructure, Inc. for Contract Modification #4 for Revised Lighting Design regarding the Family Sports Park in the amount of \$12,300

ITEM 2 – Resolution Authorizing the Mayor to Execute an Agreement with Planning Design Studio, LLC for the Design Service for the Grading Plan of Future Athletic Fields for the Family Sports Park not to exceed \$67,000

ITEM 3 – Resolution Authorizing the Mayor to Execute an Agreement with Planning Design Studio, LLC for the Construction Period Service for the Family Sports Park in an Amount not to exceed \$269,248.00

ITEM 4 – Resolution Authorizing the City to Purchase Real Estate located at 204 East Madison

ITEM 5 – Resolution Authorizing the City to Enter into a Contract for Assignment of Purchase Agreement and Purchase Real Estate

Motion was made by D. Renner and seconded by N. Grogan to approve Resolution Items 1-5.

ROLL CALL: M. Schmidt, aye; E. True, aye; B. Henry, aye; R. Reckamp, 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. All ayes. Motion carried.

ORDINANCES:

1st Readings

Motion was made by D. Renner and seconded by E. True to consider the Omnibus Rule for 1st Reading Ordinance Items 6-8. All ayes. Motion carried.

ITEM 6 – Ordinance Amending Chapter 78, Parking Schedules, Schedule I, No Parking Zones regarding Planters Crossing Drive

ITEM 7 – Ordinance Approving the Final Plat of the Del Ray Estates Subdivision

ITEM 8 – Ordinance Approving the Final Plat of the Chesapeake Junction Phase II

Motion was made by D. Renner and seconded by N. Grogan to place on 1st Reading Ordinance Items 6-8.

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

Motion was made by D. Renner and seconded by B. Henry to place on 1st Reading Ordinance Item 9.

ITEM 9 – Ordinance Amending the Subdivision and Development Control Ordinance to Establish an Educational Facilities Dedication and Fee-in-Lieu Requirement

N. Drolet stated that although he is in favor of great schools, he felt this ordinance is not the right thing to do. He gave an overview of various fees charged by the City five years ago versus their respective amounts today, with the combined fees totaling \$2,530 five years ago versus \$8,690 today. N. Drolet noted that Fairview Heights does not charge a school impact fee, thus giving its contractors a great advantage over contractors building in O'Fallon. He suggested that the City of O'Fallon would eventually drive away its new home business.

E. True stated that although various fees have been added over the years, each has been evaluated and voted on individually. He felt the various fees have been justified by improving the quality of life in O'Fallon.

A. Medford noted that some Fairview Heights residents feed into the O'Fallon school district but will not be contributing to the school impact fees.

R. Reckamp suggested that new residents to O'Fallon would be more than willing to pay the estimated \$5,000 in school impact fees for the privilege of sending their children to O'Fallon schools. He felt that families who are building new homes in the City, thus requiring the schools to be larger to accommodate their children, should shoulder the added cost.

M. Schmidt stated there is no more important quality of life in the City than our schools; therefore, everyone's home values will increase from the impact fees simply because we are helping out our schools.

Mayor Graham said schools have always been the City's main priority, but the school impact fees will not fund new schools. District 90 will receive approximately \$300,000 during the first year the fees are incorporated; OTHS will receive about \$70,000. The Mayor agreed this has been a long, drawn out affair. However, he stated that the City did not drag its feet on this issue—the information necessary to pass this ordinance was not presented to the City until March 22. In addition, he said the schools have worked hard to prepare a complete program on demographics.

ROLL CALL: B. Henry, aye; R. Reckamp, aye; T. Bequette, aye; A. Medford, nay; M. Bennett, aye; D. Renner, aye; J. Boone, aye; N. Drolet, nay; J. West, aye; J. Albrecht, nay; N. Grogan, aye; M. Schmidt, aye; E. True, aye. Ayes – 10; Nays – 3. Motion carried.

Motion was made by D. Renner and seconded by N. Grogan to reconsider the approval of 2nd Reading Ordinance Item 10 from the last Council meeting.

Mayor Graham stated that for Item 10 to be reconsidered, the motion and second must be made by City Council members who had previously voted *against* the original passage. Both D. Renner and N. Grogan stated they previously voted *against* the ordinance.

ITEM 10 – Ordinance Establishing a Tax on the Sale of Food and Beverages Prepared for Immediate Consumption

ROLL CALL: R. Reckamp, nay; T. Bequette, nay; 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, nay; E. True, aye; B. Henry, aye. Ayes – 10; Nays – 3. Motion carried.

Motion was made by D. Renner and seconded by N. Grogan to place 1st Reading Ordinance Item 10 into the Finance and Administration Committee for further review.

ROLL CALL: T. Bequette, nay; 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, nay; E. True, aye; B. Henry, aye; R. Reckamp, nay. Ayes – 10; Nays – 3. Motion carried.

2nd Readings

Motion was made by D. Renner and seconded by J. West to consider the Omnibus Rule for 2nd Reading Ordinance Items 12-14. All ayes. Motion carried.

Motion was made by D. Renner and seconded by J. Albrecht to approve 2nd Reading Ordinance Items 12-14.

ITEM 12 – Ordinance Authorizing the Intergovernmental Agreement with the O'Fallon Consolidated Community School District 90 Relating to the Exchange of Real Property Between the City and O'Fallon Consolidated Community School District 90

ITEM 13 – Ordinance Imposing a Hotel/Motel Tax (Reenacting Ordinance 1824)

ITEM 14 – Ordinance Vacating Alley Right-of-Way (the west end owned by St. Clair School will not be vacated)

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; B. Henry, aye; R. Reckamp, aye; T. Bequette, aye; A. Medford, aye. All ayes. Motion carried.

Motion was made by D. Renner and seconded by J. West to approve 2nd Reading Ordinance Item 11.

ITEM 11 – Ordinance Approving the Form and Authorizing the Execution for the Subaru Economic Incentive Agreement

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; T. Bequette, aye; A. Medford, aye; M. Bennett, nay. Ayes – 10; Nays – 3. Motion carried.

STANDING COMMITTEES:

Community Development: D. Renner stated the minutes from their last meeting are included in the packets. Their next meeting will be May 22, 2006, at 6 p.m.

Public Works: A. Medford said they have not met since the last Council meeting. Motion was made by A. Medford and seconded by J. West to approve the Purchase of WWTP Bubble Diffusers at a cost of \$13,520.

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; T. Bequette, aye; A. Medford, aye; M. Bennett, aye; D. Renner, aye. All ayes. Motion carried.

Their next meeting is scheduled for May 22, 2006, 7 p.m.

Public Safety: E. True stated they met on May 8, 2006; and Item 6 on the agenda came out of that meeting. Their next meeting will be June 12, 2006, at 7 p.m.

Finance/Administration: J. West stated they met before tonight's City Council meeting to discuss Warrant 112.

Motion was made by J. West and seconded by R. Reckamp to pay "Gifts for Individuals" in the amount of \$2,688.87.

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

Motion was made by J. West and seconded by R. Reckamp to approve Warrant 112 in the amount of \$450,777.67.

ROLL CALL: J. West, aye; J. Albrecht, aye; N. Grogan, aye; M. Schmidt, aye; E. True, aye; B. Henry, aye; R. Reckamp, aye; T. Bequette, 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 May 22, 2006, at 5:30 p.m.

Parks/Environment: J. Albrecht said they met on May 8, 2006; and Items 1-3 came out of that meeting. He noted that the ground breaking for the new park was held today, and it was well attended. He commended Mary Jeanne Hutchison for taking the lead role in this effort.

Mayor Graham thanked the school superintendents and board members who were in the audience for working with the City on the school impact fees and for their dedication in fighting for the students of our community.

EXECUTIVE SESSION: At 8:02 p.m. a motion was made by D. Renner and seconded by J. West to go into Executive Session to discuss property acquisition.

ROLL CALL: J. Albrecht, aye; N. Grogan, aye; M. Schmidt, aye; E. True, aye; B. Henry, aye; R. Reckamp, 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.

At 8:17 City Council members returned from Executive Session.

ADJOURNMENT:

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

The meeting was adjourned at 8:18 p.m.

Respectfully submitted by,

Philip A. Goodwin, City Clerk

Minutes taken by
Sharon L. Wisely, Transcriptionist