

**O'FALLON CITY COUNCIL
MEETING MINUTES
December 17, 2007**

The meeting was called to order at 7:02 p.m. by Mayor Gary Graham, who then led the "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Nila Grogan, present; Mary Schmidt, present; Ed True, present; Dan Polites, present; Rick Reckamp, present; Jerry Mouser, present; John Drolet, present; Allen Medford, present; Michael Bennett, present (arrived at 7:04); Dennis Renner, present; Steve Engler, present; Ned Drolet, present; John West, present; Jerry Albrecht, absent. A quorum was declared present.

Motion was made by J. Mouser and seconded by N. Grogan to approve the minutes of December 3, 2007. All ayes. Motion carried.

PUBLIC HEARING:

1. Proposed Property Tax Levy. The public hearing was opened to the public by Mayor Graham at 7:04 p.m. He asked if anyone wanted to speak for or against the levy. Kyle McCarter stepped to the podium and said he was speaking on behalf of a number of citizens who have recently asked every taxing body to bring relief. He said that he appreciated the effort to minimize any increase in taxes. Mayor Graham said he appreciated his efforts, and the City is working to try to hold the tax increase. The multiplier set by the County is going to increase 6.5%. In the last three years, the City has tried to go with a zero dollar increase. In the past we could not get an exact EAV number from the County, so this year we are giving the County a dollar amount. Another resident, Steve Springer also came forward to support Mr. McCarter's comments. Mayor Graham said the Lions were also in attendance in support of holding the tax increase. After Mayor Graham asked if any one else had any other comments, the public hearing was closed at 7:09 p.m.

RESIDENTS: No one came forward.

REPORTS:

Denner Renner mentioned that the Underwater Search and Rescue Team is going to have their Christmas party for the kids this weekend and asked for donations of toys or cash. They can be dropped off at City Hall or the Township building.

Clerk's Report: No report.

Mayor's Report: The Mayor read a proclamation declaring December 20, 2007 as "Patricia Jane Underwood" day in honor of her retirement after 23 years of service from the University of Illinois Extension.

Mayor Graham called Alderman Rick Reckamp forward and surprised him with a proclamation honoring his twenty years of service on the City Council. Karyl Reckamp, his wife, accepted the proclamation with him. Alderman Reckamp said it was a pleasure working with the Council and the wonderful town.

RESOLUTIONS: None.

ORDINANCES:

1st Readings

Motion was made by J. Mouser and seconded by D. Renner to place on 1st Reading Ordinance Item 1. All ayes. Motion carried.

ITEM 1 – Ord. Amending Chapter 114 Relating to the Regulation of Providers of Cable and Video Services

M. Bennett stated that the State was going to require us to broadcast in digital. He also inquired about the money that we had set aside earlier for upgrades in the amount of \$75,000. Pam Funk, City Administrator Assistant, answered that we have placed the order on hold while we get the AT&T stuff straightened out. We hope not to have to spend the entire \$75,000. We hope to have the digital in place early in the year and it will be broadcast on both systems.

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

2nd Readings

Motion was made by J. Mouser and seconded by J. West to consider the Omnibus Agreement for 2nd Reading Ordinance Items 2, 3, 4, 5, and 6. All ayes. Motion carried.

D. Renner said that people are concerned about the security at the Teen Center. T. Shekell said that the applicant had three security officers in the plan. Mayor Graham said the City will closely monitor the situation. D. Renner said the parents wanted safeguards and wanted to be assured that a sheriff's deputy would be on-site. The owner, Craig Alford, said that he could provide a copy of the lease that states he must have three security guards. M. Schmidt stated that the applicant is interested in making it a successful business.

M. Bennett said other area businesses like the "Y" and the bowling alley have lock-ins and we do not require that they be monitored. He also inquired about the other items that were added since the Council voted on the amended Ordinance. As a Point of Order, we need to have a motion to vote to amend the ordinance. T. Shekell said that they added more criteria other than what was amended at the last meeting.

City Attorney D. Funk stated that someone should make a motion to amend the Ordinance as amended and the motion for the omnibus reading should be withdrawn since additional criteria were added.

Motion was made by J. Mouser and seconded by D. Renner to withdraw Item 2 from the previous Omnibus Agreement. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to consider the previous Omnibus Agreement for 2nd Reading Ordinance Items 3, 4, 5, and 6. All ayes. Motion carried.

3. Ord. Providing for the Annual Levy for the Fiscal Year Commencing on the first day of May 2007 and ending on the 30th day of April 2008

4. Ord. Amending Chapter 77, Traffic Schedules, Stop Signs Regarding Del Ray, Faith, and Cherylwood

5. Ord. Amending Ord. 623, Zoning, Regarding the development known as Kingdom Hall of Jehovah's Witnesses

6. Ord. Amending Ord. 623, Zoning, Development known as the Noles Properties Retail Building

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

Motion was made by J. West and seconded by R. Reckamp to amend Ordinance Item 2, as amended.

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

Motion was made by J. Mouser and seconded by J. West to place on 2nd Reading Ordinance Item 2, as amended.

2. Ordinance Amending Ord. 623, Zoning, Development known as the Teen Center, as amended

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

STANDING COMMITTEES:

Community Development: J. Mouser stated they met and the minutes are in the packet. Mr. Medford chaired the meeting.

Motion was made by J. Mouser and seconded by D. Renner to authorize the Mayor to allow an emergency water tap and to ratify the pre-annexation agreement with Gary and Kathy Bathon of 8601 Oak Hill School Road

Voice vote. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by R. Reckamp to reconsider the decision of the Zoning Hearing Officer to approve the variance to allow six dogs for the property at 719 South Vine.

Mayor Graham stated that a "yes" vote will reconsider the Zoning Hearing Officer's decision and send the motion back to committee for further review and a "no" vote would allow the ruling to stand.

ROLL CALL: N. Grogan, aye; M. Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, no; J. Drolet, aye; A. Medford, aye; M. Bennett, aye; D. Renner, no; S. Engler, aye; N. Drolet, aye; J. West, aye. Ayes -11, nays - 2. Motion carried.

Motion was made by J. Mouser and seconded by A. Medford to confirm the decision of the Zoning Hearing Officer to approve four variances to the parking and landscaping requirements for a real estate office in the B-1 District for the property at 622 South Lincoln.

M. Bennett asked if there were any objections to any of the variances. Mayor Graham said that there is a dispute on property lines (survey issue) and drainage.

ROLL CALL: N. Grogan, aye; M. Schmidt, no; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; J. Drolet, aye; A. Medford, aye; M. Bennett, aye; D. Renner, no; S. Engler, aye; N. Drolet, aye; J. West, aye. Ayes -11, nays - 2. Motion carried.

J. Mouser stated that the next Community Development meeting will be January 14th at 6 p.m. He also asked T. Shekell for clarification on the Zoning Hearing Officer decision. T. Shekell said that the Zoning Hearing Officer did recommend that the Council review the Use variance. The Use Variance is only approved by the City Council.

Public Works: A. Medford stated that the next Public Works meeting will be January 28th at 7 p.m.

Public Safety: E. True said the Public Safety committee met on December 10th, and the minutes will be available next week. The next scheduled meeting is January 14th at 7:00 p.m.

Finance/Administration: J. West said that the Finance committee met prior to the Council meeting.

Motion was made by J. West and seconded by R. Reckamp to pay Warrant 150 in the amount of \$602,459.94.

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

The next Finance meeting will be on January 28th.

Parks/Environment: J. Albrecht was not in attendance. Mayor Graham said that there will not be a meeting until after the first of the year.

Mayor Graham asked Jim Hursey to come forward. He acknowledged and thanked Jim for the many hours that he volunteers to run the camera for the Council meetings.

EXECUTIVE SESSION:

At 7: 39 p.m. a motion was made by J. Mouser and seconded by D Renner to go into Executive Session to discuss pending litigation.

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

At 7:49 p.m. the City Council returned from Executive Session.

Motion was made by D. Renner and seconded by J. Mouser to authorize City Attorney, Dale Funk, to send the attorney for Kathy Withers the letter reviewed and discussed in executive session.

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

ADJOURNMENT:

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

The meeting was adjourned at 7:52 p.m.

Submitted by,

Philip A. Goodwin, City Clerk

*Minutes taken by
Maryanne Fair, Deputy City Clerk
Proper notice having been duly given*