

**O'FALLON CITY COUNCIL
MEETING MINUTES
January 22, 2008**

The meeting was called to order at 7:03 p.m. by Mayor Gary Graham, who asked Troop 35 who were in attendance to lead the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Nila Grogan, excused; Mary Schmidt, present; Ed True, excused; Dan Polites, present; Rick Reckamp, present; Jerry Mouser, present; John Drolet, present; Allen Medford, excused; Michael Bennett, present (arrived at 7:10 p.m.); Dennis Renner, present; Steve Engler, present; Ned Drolet, present; John West, present; Jerry Albrecht, present. A quorum was declared present.

Motion was made by J. Mouser and seconded by D. Renner to approve the minutes of January 7, 2008. All ayes. Motion carried.

PUBLIC HEARING: None scheduled.

RESIDENTS: Joan Ohlendorf stepped forward to discuss the rezoning on Vine Street since she owns a home at 723 S. Vine Street. She voiced her concerns about allowing so many dogs because they bark a lot. Eventually, she plans to retire in her family home, so she does not welcome the noise. She said the City should not grant a variance just for this particular house. It should be city-wide – not just in this neighborhood.

Teresa Aydt spoke on her own behalf. She said her dogs are members of the family, and she has never had anyone come to her home to complain about the noise or smell from the dogs. She does not run a kennel nor has any plans to adopt dogs out of her home. She asked the Council to approve the variance granted by the Zoning Hearing Officer. She has agreed to the conditions dictated by the Zoning Hearing Officer, which included erecting a fence and cleaning up the yard.

Mayor Graham said it was an emotional issue for everyone. The Zoning Hearing Officer did grant the variance, and the City Council has a right to review his decision. He thanked the residents for coming in to explain their positions.

REPORTS:

Clerk's Report: P. Goodwin read a request from Estelle Kampmeyer PTO to sell raffle tickets at the school during the Winter Carnival on Friday, January 25, 2008.

Motion was made by R. Reckamp and seconded by J. Albrecht to approve the request. All ayes. Motion carried.

Mayor's Report:

Mayor Graham called Beth Eckert to the dais to explain the Boy Scout program and fund raising effort that she is spearheading. Beth thanked the Mayor for supporting them. She explained several of the active programs that they have in the area. A kick-off program starts tomorrow at City Hall.

Mayor Graham said the fund-raising contributes 24%, and we have over 1,000 youth participating in the various programs in O'Fallon.

Jim Kramper, Warning Coordination Meteorologist, of the National Weather Service came forward to present the City with road signs certifying the City as a StormReady community.

Mayor Graham also reminded everyone that this month's Southwestern Illinois Council of Mayors will meet on Thursday, January 24th at the Falls Conference Center in Columbia. He asked that they contact Jamie if they would like to attend.

RESOLUTIONS:

Motion was made by J. Mouser and seconded by J. Albrecht to consider Resolutions 1 and 2 under the Omnibus Agreement. All ayes. Motion carried.

S. Engler questioned the list that was provided with the resolutions. Mayor Graham replied that he could review the closed minutes.

Voice vote. All ayes except for S. Engler. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Item 1 and 2.

Voice vote. All ayes except for S. Engler. Motion carried.

ITEM 1 - Resolution Approving the Release of Executive Session Minutes

ITEM 2 - Resolution Recommending Schedule B of the Executive Session Minutes Remain Closed because the need for Confidentiality Still Exists

On Item 3, Mayor Graham stated that he would like to be able to negotiate terms for the agreement and add some flexibility. We may not need this property for ten years, but it may not be available then.

Motion was made by D. Renner and seconded by J. Drolet to approve Resolution Item 3.

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

Motion was made by J. Mouser and seconded by D. Renner to approve Resolution Item 3, as amended.

ITEM 3 - Resolution Authorizing the City of O'Fallon to Purchase Real Estate, aka Three Corners Property (North Lincoln)

J. Drolet stated that he does not see a need for this property. He has reservations about commercial development in the north end of the City. Mayor Graham replied that in ten years it will be considered the center of the City where Lincoln, Troy-O'Fallon Road and Bowler Road all converge. We will need some intersection that is currently not available.

M. Bennett agreed that it would be a good investment because the price of the land will be much higher in the future. R. Reckamp replied that if we do not see a need for it in three or four years, we could easily recoup our investment.

ROLL CALL: Schmidt, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; J. Drolet, no; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. Albrecht, aye; J. West, aye. Ayes- 10; No – 1. Motion carried.

ORDINANCES:

1st Readings

ITEM 4 - Ord. Amending City Zoning Regulations Chapter 42, Section 9, Relating to Planned Uses and Section 15 Relating to Variances and Appeals

Motion was made by J. Mouser and seconded by D. Renner to place on 1st Reading Ordinance Item 4.

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

2nd Readings

Item 5 - Ord. Amending Chapter 78, Snow Routes, Schedule IV

Motion was made by J. Mouser and seconded by D. Renner to place on 2nd Reading Ordinance Number 5.

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

STANDING COMMITTEES:

Community Development: Motion was made by J. Mouser and seconded by J. West to approve the Special Event Permit request from Kalert's Tropical Snow, Inc. All ayes. Motion carried.

Motion was made by J. Mouser and seconded by D. Renner to Reconsider the decision of the Zoning Hearing Officer to Approve the Variance to Allow Six Dogs for the property located at 719 South Vine.

N. Drolet said that he had an issue with dogs constantly barking that is disturbing the neighbors, so the owner needs to prove that they are controlling the barking problem.

R. Reckamp said both ladies expressed everything very well, but he said that three dogs should be enough. It should be a city-wide decision.

J. Mouser reminded the Council that the Zoning Hearing Officer, Mr. Wigginton's decision was to allow the six dogs with conditions. He read aloud results of the research that he had performed regarding a kennel's definition.

Motion was made by J. West and seconded by M. Schmidt to send the resolution to reconsider the decision of the Zoning Hearing Officer back to committee.

J. Drolet stated that he did not see any merit in sending it back to committee because it has already been discussed in length. He added that our current ordinance states that anything over three dogs is considered a kennel. A complaint has been lodged against the owner, so we must address that complaint. S. Engler further stated that you have to stop it somewhere, so a decision needs to be made. R. Reckamp included that we should follow our ordinance.

After much discussion, the Mayor reminded everyone that Mr. Wigginton gave an opinion, but not a legal opinion. The Council is here to review the decision made by the Zoning Hearing Officer. T. Shekell agreed that there is no deadline for the Council's review and stated that Mr. Wigginton's decision stands until the Council overrides it.

ROLL CALL: Schmidt, aye; D. Polites, no; R. Reckamp, aye; J. Mouser, aye; J. Drolet, no; M. Bennett, aye; D. Renner, aye; S. Engler, no; N. Drolet, aye; J. Albrecht, no; J. West, aye. Ayes -7, nays - 4. Motion carried.

J. Mouser stated the next meeting will be held on January 28th at 6:00 p.m.

Public Works: J. West stated the next Public Works meeting will be January 28th at 7 p.m.

Public Safety: Mayor Graham stated the next scheduled meeting is February 11th 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 152 in the amount of \$788,909.68.

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

The next Finance meeting will be on January 28th at 5:30 p.m.

Parks/Environment: J. Albrecht stated that at the January 14th meeting they discussed a set of rules and procedures regarding alcohol sales at the Family Sports Park. The next meeting will be held on Monday, February 11th at 5:30 p.m.

EXECUTIVE SESSION:

At 8:01 p.m. a motion was made by D. Renner to go into Executive Session to discuss purchase of real estate.

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

At 8:25 p.m. the City Council returned from Executive Session.

A motion was made by J. Mouser and seconded by J. Albrecht to authorize the Mayor to negotiate an agreement for the purchase of real estate. All ayes. Motion carried.

ADJOURNMENT:

Motion was made by D. Renner and seconded by S. Engler to adjourn. All ayes.
Motion carried.

The meeting was adjourned at 8:28 p.m.

Submitted by,

Philip A. Goodwin, City Clerk

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