

**O'FALLON CITY COUNCIL
MEETING MINUTES
March 3, 2008**

The meeting was called to order at 7:06 p.m. by Mayor Gary Graham, who then led the Council in "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; 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 E. True to approve the minutes of February 19, 2008. All ayes. Motion carried.

PUBLIC HEARING: None scheduled.

RESIDENTS: No one came forward. Mayor Graham welcomed a Boy Scout from Troop 35 who was in attendance, working on his merit badge.

REPORTS:

Clerk's Report: Nothing to report.

Mayor's Report: Mayor Graham announced that he was removing Item 2, which is a Resolution on the Tax Increment Financing (TIF) from the agenda. He stated that the developers are going to meet with the schools, and they are going to have another meeting. The Council can make a decision based on what the schools do.

Mayor Graham mentioned that it was Local Government Week.

M. Bennett stated that Spencer Kennels does dog grooming, boarding and they have an adoption service. Mayor Graham said they are a "no-kill" kennel. D. Renner said they accept donations.

RESOLUTIONS:

Motion by J. Mouser and seconded by D. Renner to consider Resolutions 3, 4, 5, 6, 8, and 9 under the Omnibus Agreement. All ayes. Motion carried.

Motion by J. Mouser and seconded by E. True to approve Resolutions 3, 4, 5, 6, 8, and 9 under the previous Omnibus Agreement.

ITEM 3 - Resolution Authorizing the Mayor to Execute an Agreement with Rite-Way Excavating for the Concrete Replacement Bid in the amount of \$109,600

ITEM 4 - Resolution Authorizing the Mayor to Execute an Agreement with MSI for CY2008 Micro-Surfacing in an amount of \$156,254.44 based on Unit Rates bid

ITEM 5 - Resolution Authorizing the Mayor to Execute an Agreement with Christ Brothers for CY2008 Street Resurfacing in an amount of \$864,306.63 Based on the Unit Bid

ITEM 6 - Resolution Authorizing the Mayor to Execute an Agreement with Mertzke Trucking and Excavating Company for the Demolition of 413 E. Adams and 410 E. Washington for an amount not to exceed \$7,972.00

ITEM 8 – Resolution Authorizing the City Clerk to Sign an IDOT Resolution for Motor Fuel Tax (MFT), Municipal Estimate of Maintenance

ITEM 9 – Resolution Authorizing the Mayor to Execute an Agreement with CBI Constructors, Inc. for Construction of the Kyle Road and Pausch Road Elevated Water Towers

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

Motion by J. West and seconded by E. True to approve Resolution Item 1.

ITEM 1 – Resolution of the City of O'Fallon's Intent to Create a Business District and to Induce Development Interest within area

S. Engler said that he has read quotes from the administration that we are the second highest in commercial development in the area. He further stated that since we have had this much development in the last two years, he wondered why we would consider creating an inducement. He stated that all of the area is undermined. He was concerned that O'Fallon is one of the highest taxing areas. He cannot support the resolution with the 1% sales tax.

J. West answered that that particular area is not developing and Shiloh and Fairview Heights is giving incentives. D. Rich said that it has been ten years since we put the road through there. It is a very small inducement compared to the TIF and sales tax rebate at Dierbergs. He said that we have lost to other developers because we have not been able to offer a tax incentive. The cities in surrounding areas have all offered the tax incentive to the new businesses. He has been working on alternatives for the last ten years.

Mayor Graham countered that we have the lowest tax rate in the area. The incentives are just a matter of competition. He agreed that nobody wants more taxes. We had several car dealerships that went to other cities because we did not offer incentives.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, no; N. Drolet, aye; J. West, aye. Ayes – 12; Nays - 1. Motion carried.

Motion by A. Medford and seconded by N. Grogan to approve Resolution Item 7.

ITEM 7 - Resolution Authorizing the Mayor to Execute an Agreement with Merrell Brothers of Kokomo, Indiana for Sludge Lagoon Cleaning and Sludge Disposal in the amount of \$97,482.00

R. Reckamp protested the award to Merrell Brothers because they do not pay prevailing wages. He stated that in the past we have paid prevailing wages to attorneys, consultants, etc. M. Bennett disagreed because we do not know if any of the companies pay prevailing wages. We would not be able to control it.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, no; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, aye; D. Renner, aye; S. Engler, aye; N. Drolet, aye; J. West, aye. Ayes – 12; Nays - 1. Motion carried.

ORDINANCES:

1st Readings

There were no first readings.

2nd Readings

Motion was made by J. Mouser and seconded by S. Engler to consider 2nd Reading Items 10 – 12 under the Omnibus Agreement. All Ayes. Motion carried.

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

Item 10 - Ord. Amending the Code of Ordinances by Adding Chapter 156, Mobile Home Park Code – *As Amended*

11. Ord. Amending Chapter 137, Section 137.27, Fireworks

12. Ord. Amending Chapter 94, Providing for the Regulation of Nuisances within the City, Number of Animals

Motion was made by J. Mouser and seconded by J. West to approve on 2nd Reading Items 10 – 12.

N. Drolet stated that we should add the information on the fireworks Ordinance in the City quarterly newsletter to let the people know the limitations on fireworks and use within City limits in case there is some misunderstanding, so they will know the rules on the new law.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, 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 on February 25th.

Motion was made by J. Mouser and seconded by N. Grogan to approve the Special Event Permit requests 2, 3, 4, and 5 under the Omnibus Agreement. All ayes. Motion carried.

Mayor Graham read the requests aloud:

2. Approve the Special Event Permit request from Keller Farms to operate a "Sweet Corn Stand" at 1790 W. Hwy 50 from June 15th – August 31, 2008
3. Approve the Special Event Permit request from Weichert Enterprise Sno-Cone Stand at 512 South Lincoln from April 15th – September 15, 2008
4. Approve the Special Event Permit request from Wal-Mart to operate a Garden Center in their parking lot from March 1 – July 11, 2008
5. Approve the Special Event Permit request from Luehrs' Ideal Rides, Inc. for the spring promotion at Lincoln Crossing Shopping Center

Motion was made by J. Mouser and seconded by A. Medford to approve the Special Event Permit requests.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, 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 approve the Special Event Permit request to Approve the Clarification of Age Limits for the Teen Center on Old Collinsville Road to change it from 17 to 18 as the maximum age limit.

D. Renner stated that eighteen years old is too old to enter. The age limit will ensure that it is just high school kids in the teen center. R. Reckamp agreed with D. Renner. T. Shekell responded that the committee recommended that the ages be 13 – 18, but because of a scrivener's error, the Ordinance was recorded with the ages 13 – 17. Mayor Graham responded that the vote corrects an administrative error.

ROLL CALL: Grogan, no; Schmidt, aye; E. True, aye; D. Polites, no; R. Reckamp, no; J. Mouser, aye; A. Medford, aye; J. Drolet, aye; M. Bennett, no; D. Renner, no; S. Engler, no; N. Drolet, aye; J. West, aye. Ayes – 7; Nays - 6. Motion carried.

J. Mouser announced that they have a Special Meeting tomorrow night to discuss signs. Their next meeting is March 10th.

Public Works: Motion was made by A. Medford and seconded by J. Mouser to award the water division supplies bid to the low bidder, Midwest Municipal Supply for \$35,925.

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

Motion was made by A. Medford and seconded by J. Mouser to approve the variance to the Ordinance to allow use of the existing 6-inch waterline at the Southview Plaza Commercial Center.

R. Reckamp questioned whether our city engineer approved the 6-inch line. He said the developer should pay for the larger line. Mayor Graham answered that the flow test worked. It is a \$50,000 line. M. Bennett wanted clarification on what the staff recommended. D. Sullivan, City Engineer, clarified that the flow tests worked. B. Saunders, Fire Chief, replied that the line meets the current flow requirements. R. Reckamp further stated that the \$50,000 estimate included curb and gutter.

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

A. Medford said that their next meeting is on March 24th.

Public Safety: E. True reminded everyone to remove their cars from the roads along the snow routes. Mayor Graham reiterated that it was important to remove the cars. In fact, during the last snow some residents wanted the police to ticket the cars that were left on the snow routes.

E. True stated that the next meeting is scheduled for March 10th at 7:00 p.m.

Finance/Administration: J. West said the minutes were included in the packet and that the Finance committee met prior to the Council meeting.

Motion was made by J. West and seconded by R. Reckamp to pay Warrant 155 in the amount of \$602,963.72.

ROLL CALL: Grogan, aye; Schmidt, aye; E. True, aye; D. Polites, aye; R. Reckamp, aye; J. Mouser, aye; A. Medford, aye; J. Drolet, 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 March 24th at 5:30 p.m.

Parks/Environment: The next meeting will be March 10th at 5:00 p.m. to review the budget.

EXECUTIVE SESSION: None.

ADJOURNMENT:

Motion was made by D. Renner and seconded by N. Grogan to adjourn. All ayes. Motion carried.

The meeting was adjourned at 7:43 p.m.

Submitted by,

Philip A. Goodwin, City Clerk

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