

**O'FALLON CITY COUNCIL
MEETING MINUTES
March 16, 2009**

The meeting was called to order at 7:03 p.m. by City Clerk Phil Goodwin who led the Council in "The Pledge of Allegiance to the Flag." He announced that Mayor Graham would not be present.

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, present. A quorum was declared present.

City Clerk Goodwin asked for a motion to appoint a Mayor Pro Tem.

Motion was made by J. West and seconded by S. Engler to appoint Alderman Mouser as Mayor Pro Tem.

Motion was made by M. Schmidt and seconded by R. Reckamp to amend the original motion and appoint R. Reckamp as Mayor Pro Tem as Alderman Mouser is running for re-election and Mr. Reckamp is the senior alderman.

ROLL CALL: Grogan, no; Schmidt, aye; True, aye; Polites, aye; Mouser, abstain; Reckamp, aye; Medford, no; J. Drolet, aye; N. Drolet, aye; Engler, no; Renner; no; Bennett, no; West, no; Albrecht, no. Ayes – 6; Nays – 7; Abstain -1. Motion failed.

Roll call on original motion: Grogan, aye; Schmidt, no; True, aye; Polites, aye; Mouser, abstain; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. Ayes – 12; Nays – 1, Abstain - 1. Motion carried.

Motion was made by J. Albrecht and seconded by N. Grogan to approve the minutes of March 2, 2009. All ayes. Motion carried.

RESIDENTS: Pat Bennett stepped forward and introduced his wife, Luane. They have been residents of Braeswood Forest subdivision since 2004. He had an intrusive lighting complaint. His neighbor has been approached several times and he has asked our Code Enforcement to speak to him as well, but he still continues to direct bright light toward his back yard. Ted Shekell responded that his department has sent letters and has to go through the due process.

He has spoken to his alderman, John Drolet. J. Drolet answered that he also has seen the problem and spoken to the neighbor. Mayor Pro Tem Mouser said that he will ensure that it is on the Community Development agenda next Monday at

6:00 p.m. Mr. Bennett said that he will come prepared with the definition of “glare” from other communities that have identified light trespass issues.

Attorney Lori DaCosse also came forward to state that she was in attendance to represent her client, SMA, LLC regarding the Planned Use application on Item #4.

REPORTS:

Clerk’s Report: City Clerk Philip Goodwin read a request for a raffle license from the Senior Citizen Club of O’Fallon to sell raffle tickets for a quilt, etc. from April – September 16, 2009. Motion was made by D. Renner and seconded by E. True to approve the request. All ayes. Motion carried.

He also read a request from the Rotary Club of O’Fallon Sunrise to sell alcohol at the Katy Cavins Community Center on April 18 and on May 29, 2009, pending insurance verification. Motion was made by R. Reckamp and seconded by N. Grogan to approve the request. All ayes. Motion carried.

Mayor’s Report: Mayor Pro Tem Mouser mentioned that this month’s Southwestern Illinois Council of Mayors will be held in Columbia on Thursday, March 26th. He asked that they RSVP to Jamie before March 20th.

RESOLUTIONS:

Motion was made by J. Albrecht and seconded by J. West to approve Item 1 - A Resolution authorizing the Mayor to award the 2009 Municipal Mowing Bids to Cobblestone Landscaping Category 1 & 2, Hank’s Landscaping, Inc. Category 3 in the amounts not to exceed \$440 Category 1, \$600 Category 2, and \$835 Category 3, per occurrence. He added that they were competitively bid.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

Motion was made by J. Albrecht and seconded by N. Grogan to approve Item 2 – A Resolution authorizing the Mayor to sign a Successor Developer Deposit Agreement with Louisville Realty Corporation in the matter of Hearthstone Subdivision.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

ORDINANCES:

1st Readings

Motion was made by J. Albrecht and seconded by A. Medford to consider on 1st Reading Item 3, 4, 5, and 6 under the Omnibus Agreement. All ayes. Motion carried.

Mayor Pro Tem Mouser read the following resolutions:

ITEM 3 – An Ordinance amending Ord. 623, Zoning, Development known as True Vine Christian Center Church

ITEM 4 – An Ordinance amending Ord. 623, Zoning, Development known as La Parilla Mexican Restaurant

ITEM 5 – An Ordinance amending Ord. 623, Zoning, Development known as OK Salon

ITEM 6 – An Ordinance designating as a Local Historic Landmark, 104 South Cherry Street

Motion was made by J. Albrecht and seconded by J. West to approve Items 3, 4, 5, and 6 under the previous Omnibus Agreement.

D. Renner thanked the staff for addressing the noise issue in respect to the neighbors.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

2nd Readings

Motion was made by J. Albrecht and seconded by E. True to approve on 2nd Reading Item 7 - An Ordinance amending Ord. 623, Zoning, Development known as Four Paws Veterinary Expansion.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

Motion was made by J. Albrecht and seconded by E. True to approve Item 8 - An Ordinance amending Ord. 623, Zoning, Development known as Eternal Hope Church of the Living God.

D. Renner stated that he still had concerns about it being too small.

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

STANDING COMMITTEES:

Community Development: J. Mouser stated that the committee met on March 9 and they had several motions out of the committee.

Motion was made by J. Albrecht and seconded by S. Engler to consider all the requests except for the Special Event request from the bicycle permit under the Omnibus Agreement. All ayes. Motion carried.

Affirm the Zoning Hearing Officer's Decision to approve the Area-Bulk Variance to allow construction of a covered front porch which will encroach into the required 25 ft. front yard setback in the SR-3 Zoning District at 1003 West Madison.

Special Event Permit request from Outlaw Blues Restaurant to hold a "Curbside Take-Out Blitz" on March 22 – 28th, April 19 – 25th and May 17 – 23, 2009

Special Event Permit request from Frieze Harley-Davidson to hold the "14th Annual Cancer Benefit Ride" and "Spring Open House" on May 17, 2009 from 9:00 a.m. – 4:00 p.m.

Special Event Permit request from Keller Farms, Inc. to have the "Annual Sweet Corn Stand" from approximately June 15th – August 31, 2009 from 9:00 a.m. – 6:00 p.m. daily.

Special Event Permit request from Home Depot to conduct a "Plant/Tractor Sale" on their lot from March 16 – July 5, 2009 consistent with their regular store hours.

Special Event Permit request to have a "Hartman Lane Tropical Sno Concession" from May – September 2009 from 10:00 a.m. – 10:00 p.m.

Motion was made by J. West and seconded by N. Grogan to approve the requests.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

Motion was made by J. Albrecht and seconded by R. Reckamp to approve the Special Event Permit request from Metro East Cycling to hold the "O'Fallon Grand Prix Bicycle Race" on May 30, 2009 from 6:00 a.m. – 4:00 p.m.

D. Renner stated that he was concerned about 18 year olds directing traffic with swim noodles. He believes that the City is taking on a risk without ensuring that the flaggers had IDOT flagging cards. He also did not think it was good for the police department to be giving direction to them because it would further put the City at risk. He is concerned about a potential lawsuit.

J. Mouser said that he is sure everyone is concerned about safety. He understands that the volunteers are older people this year.

M. Schmidt replied that the intent of using the swim noodles is to direct the bikers – not vehicles. They have corrected their mistakes from last year, so they will have adults manning the two corners that have more traffic. After additional safety concerns voiced by D. Renner, she added that there will be no lane closure or impediment to traffic.

R. Reckamp said he has an official flaggers' card, but he does not think this event warrants using them. The O'Fallon police department is not going to give them instructions to be flaggers. He said the event organizer, Steve Schmidt, is going to have more volunteers this year. It was a well run event last year.

N. Drolet called for the question.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, no; Renner; no; Bennett, aye; West, aye; Albrecht, aye. Ayes 12; Nays - 2. Motion carried.

J. Mouser stated that the next scheduled meeting will be March 23 at 6:00 p.m. in the Mayor's Conference Room.

Public Works: A. Medford stated that the next meeting is scheduled at 7:00 p.m. in the Mayor's Conference Room on March 23rd.

Public Safety: E. True stated that they met on March 9th and the minutes are in the packet. The next meeting is scheduled for April 13th at 7:00 p.m.

Finance/Administration: J. West said that the finance committee met before the Council meeting to discuss Warrant #180.

Motion was made by J. West and seconded by R. Reckamp to pay Warrant #180 in the amount of \$362,942.41.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

J. West stated that the next meeting is scheduled for March 23rd at 5:30 p.m.

Parks and Environment: J. Albrecht said that met last Monday. Their next meeting is the second Monday in April.

EXECUTIVE SESSION: Mayor Pro Tem Mouser announced that the Council would go into Executive Session to discuss real estate acquisition.

Motion was made by D. Renner and seconded by E. True to go into Executive Session to discuss the purchase of Real Estate at 7:36.

ROLL CALL: Grogan, aye; Schmidt, aye; True, aye; Polites, aye; Mouser, aye; Reckamp, aye; Medford, aye; J. Drolet, aye; N. Drolet, aye; Engler, aye; Renner; aye; Bennett, aye; West, aye; Albrecht, aye. All Ayes. Motion carried.

The Council returned from Executive Session at 7:42 with no action.

ADJOURNMENT:

Motion was made by S. Engler 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