

**O'FALLON CITY COUNCIL
MEETING MINUTES
Draft December 21, 2009**

The meeting was called to order at 7:03 p.m. by Mayor Gary Graham who led the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Nila Grogan, present; Gene McCoskey, present; Ed True, present; Dan Polites, present; Rick Reckamp, present; Jerry Mouser, present; John Drolet, present; David Snyder, present; Michael Bennett, present; Dennis Renner, present; Ned Drolet, present; Steve Engler, present; Jerry Albrecht, present; David Cozad, present. A quorum was declared present.

Motion by J. Mouser and seconded by J. Albrecht to approve the minutes of December 7, 2009. R. Reckamp had corrections in page 1 and 2. He stated that McKuen is spelled McKeon. He said that on page 7, in the third paragraph, he wanted it added that it is our job to set standards and regulations.

Motion by J. Albrecht and seconded by M. Bennett to approve the minutes as amended. All ayes. Motion carried.

PUBLIC HEARING – None scheduled.

RESIDENTS - Mayor Graham asked Debbie Arell-Martinez, Chamber of O'Fallon Director, to step forward and give everyone an update on the "It Pays to buy O'Fallon" program. She said so far that it was successful with a lot of participation. They now have four grand prize packages. She said the businesses have been very generous.

REPORTS:

Clerk's Report: City Clerk Goodwin read a request from O'Fallon Rotary Club to sell alcohol at the Katy Cavins Community Center for the O'Fallon Kixx Soccer fundraiser on January 30, 2010. Motion by E. True and seconded by R. Reckamp to approve the request. All ayes. Motion carried.

Mayor's Report: Mayor Graham announced the appointment of Larry Sewell as the chairman of the Planning Commission. Motion by R. Reckamp and seconded by E. True to approve the appointment. All ayes. Motion carried.

RESOLUTIONS: Motion by D. Renner and seconded by J. Mouser to approve Item 1 – A Resolution authorizing the Mayor to execute agreements with Kruep Construction, Maxson Plumbing, MAC Electric, Flooring Fashions, Hursey Telecom, Schneider Painting, and procure restroom furnishings in a total not to exceed \$119,107 for the City Hall Annex (200 South Lincoln).

D. Snyder asked why we didn't have an elevator included. D. Sullivan answered that if we only use less than 1000 square feet on the second floor, an elevator is not required.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

Motion by J. Mouser and seconded by D. Renner to consider Items 2, 3, and 4 under the Omnibus Agreement. All ayes. Motion carried.

Motion by J. Mouser and seconded by J. Albrecht to approve Items 2, 3, and 4 under the previous Omnibus agreement.

Mayor Graham read the following resolutions:

Item 2 – Resolution authorizing the Establishment of Tax Increment Financing “Interested Parties” Registries and Adopting Registration Rules for such Registries

Item 3 – Resolution authorizing the Mayor to sign a Letter of Understanding pertaining to the Right-of-Way Access located at the southeast corner of the Intersection of Milburn School Road and Old Collinsville Road

Item 4 - Resolution authorizing the Mayor to sign an annexation agreement with R.P. South, LLC, for the tract of land legally described in Exhibit A to the annexation agreement

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

ORDINANCES:

1st Readings –

Motion by J. Mouser and seconded by J. Albrecht to consider on 1st reading Items 5, 6, and 9 under the Omnibus Agreement. All ayes. Motion carried.

Motion by J. Mouser and seconded by N. Grogan to approve on 1st reading Items 5, 6, and 9 under the previous Omnibus Agreement.

Mayor Graham read the following:

Item 5 – Ord. Amending Ord. 623, Zoning, Development known as Emily's Resale and Consignment

Item 6 – Ord. Amending Ord. 623, Zoning, Development known as St. Nicholas Church Expansion

Item 9 – Ord. Establishing Service Fees for Non-Residents of the Fire Protection District

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

Motion by N. Drolet and seconded by J. Albrecht to approve on 1st reading Item 7 – An Ordinance requiring that an Administrative Tow Fee be paid to the O'Fallon Police Department for any vehicle towed and impounded as a result of the commission of a crime or other violations that result in custodial arrest.

R. Reckamp objected to the fees because they tend to be high and they fall on the ones with less ability to pay the fees. Many of them end up with their cars being impounded and sold off. He believes it is a regressive fee and tax and falls on the poorest and least able to pay. N. Drolet countered that if they do not commit a crime, they won't have their cars towed.

D. Snyder asked what the 00.00.02 (B) Level 2 administrative fees would include. J. Betten answered that paragraph (a) have all the Level 1 fees outlined. The Level 2 fees consist of custodial arrest which would include driving on a suspended license instead of a revoked license. It is anything where you are not physically taken away from your car.

D. Renner stated that the fees are for the people that are really breaking the law. J. Betten agreed that it is an intentional act on someone's part.

D. Cozad inquired as to when the person's vehicle would be returned. J. Betten said that they could claim their vehicle during the Public Safety's regular business hours which includes Saturday. J. Betten replied to R. Reckamp that it is a regressive tax.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, nay; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 13; Nays - 1. Motion carried.

Motion by D. Renner and seconded by J. Albrecht to approve on 1st reading Item 8 – An Ordinance amending Chapter 92, Section 92.04 regarding Grave Lot Fees including Perpetual Care and Transfer Fees.

D. Renner thanked the committee members for thinking with their hearts, speaking with their minds and doing the right thing.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, nay; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 13; Nays - 1. Motion carried.

2nd Readings –

Motion by J. Mouser and seconded by J. Albrecht to approve on 2nd reading Item 10 – An Ordinance Annexing Certain Territory, RP South, LLC containing approximately 36.14 Acres.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

Motion by M. Bennett and seconded by N. Grogan to approve on 2nd reading An Ordinance providing for the Annual Levy for the fiscal year commencing on the first day of May 2009 and ending on the thirtieth day of April 2010.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

Motion by M. Bennett and seconded by J. Albrecht to approve on 2nd reading an Ordinance establishing and designating the Regency Park Business District and approving the Regency Park Business District Plan.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., nay; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, nay; Albrecht, aye; Cozad, aye. Ayes - 12; Nays - 2. Motion carried.

Motion by M. Bennett and seconded by E. True to approve on 2nd reading an Ordinance adopting a Municipal Retailers' Occupation Business District Service Occupation Tax and Business District Hotel Operator's Occupation Tax.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., nay; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, nay; Albrecht, aye; Cozad, aye. Ayes - 12; Nays - 2. Motion carried.

Mayor Graham announced that the Ordinance adopting and adding a new Chapter 120, "Residential Rental Licenses", to the Code of Ordinances is on hold.

STANDING COMMITTEES –

Community Development: J. Mouser stated that the next meeting is cancelled. They will meet on January 11th.

Public Works: R. Reckamp said the last meeting was November 23rd. The December 28th meeting is cancelled. They will meet on January 25 at 7:00 p.m.

Public Safety: N. Drolet stated the minutes of the December 14th meeting were in the packets and the next meeting will be January 11th at 7:00 p.m.

Finance/Administration: Motion by M. Bennett and seconded by J. Albrecht to approve Warrant #198 in the amount of \$479,463.89.

ROLL CALL: Grogan, aye; McCoskey, aye; True; aye; Polites, aye; Reckamp, aye; Mouser, aye; Drolet, J., aye; Snyder, aye; Bennett, aye; Renner, aye; Drolet, N., aye; Engler, aye; Albrecht, aye; Cozad, aye. Ayes - 14; Nays - 0. Motion carried.

M. Bennett said the next meeting is cancelled. They will meet again in January.

Parks and Environment: D. Renner said the minutes from the last meeting are attached. They will meet again in January.

EXECUTIVE SESSION: None scheduled.

ADJOURNMENT:

Motion by D. Synder and seconded by N. Grogan to adjourn. All ayes. Motion carried.

The meeting was adjourned at 7:25 p.m.

Submitted by,

Philip A. Goodwin
City Clerk

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