

## CITY OF O'FALLON

### GARY L. GRAHAM

Mayor

### PHILIP A. GOODWIN

City Clerk

Walter Denton

City Administrator

### DAVID H. HURSEY

City Treasurer

### ALDERMAN

Gene McCoskey Ward 1 John Drolet Ward 4

Richie Meile Ward 1 Michael Bennett Ward 5

Ed True Ward 2 Courtney Cardona Ward 5

Jerry Albrecht Ward 2 Jim Hursey Ward 6

Jerry Mouser Ward 3 Ray Holden Ward 6

Kevin Hagarty Ward 3 David Cozad Ward 7

Herb Roach Ward 4 Harlan Gerrish Ward 7

## CITY COUNCIL MEETING

### A G E N D A

**Monday, December 15, 2014  
7:00 P.M. – Council Chambers**

#### I. CALL TO ORDER

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

#### IV. APPROVAL OF MINUTES – [December 1, 2014](#)

#### V. PUBLIC HEARING – 1. Annexation agreement with Michael Dietz for an approximate 2.84 acres located at 9920 Rieder Road, Lebanon, Illinois

#### VI. REPORTS

**A. Residents of O'Fallon** – This portion of the City Council meeting is reserved for any resident wishing to address Council. The Illinois Open Meetings Act (5 ILCS 120/1) mandates NO action shall be taken on matters not listed on this agenda, but Council may direct staff to address the topic or refer the matter to a committee. Please provide City Clerk with name & address; speak into microphone; limit presentation to 3 minutes; and avoid repetitious comments. Thank you.

#### B. Clerk's Report

1. Request from the VFW Post 805 to conduct a monthly raffle at 223 W. First Street starting January 2015 and ending December 2015
2. Request from the Knights of Columbus to conduct a monthly raffle at 402 E. Hwy 50 starting January 2015 and ending December 2015
3. Request from OTHS Softball Boosters to conduct a raffle on January 24, 2015 for a lotto tree at 402 E. Hwy 50

#### C. Mayor's Report

#### VII. RESOLUTIONS –

**ITEM 1** – Resolution approving the release of certain Executive Session minutes ([Click here to view the staff report and Schedule A](#))

**ITEM 2** – Resolution recommending schedule B of the Executive Session minutes remain closed because the need for confidentiality still exists ([Schedule B](#))

**ITEM 3** – Resolution authorizing the submission of a Public Question on the ballot for the April 7, 2015 Consolidated Election regarding whether the City should lease or sale the City’s water and sewer system ([Click here to view the staff report](#))

**ITEM 4** – Resolution authorizing the Mayor to sign an annexation agreement with Michael Dietz for 9920 Rieder Road ([Click here to view the staff report](#), the [agreement](#), the [petition](#), and [map](#))

## VIII. ORDINANCES

### A. 1<sup>st</sup> reading

**B. 2<sup>ND</sup> Reading** (The following Ordinances may be found from the December 1<sup>st</sup> agenda - <http://www.ofallon.org/city-council/agenda/city-council-19>)

5. Ord. Amending Chapter 77, Stop Signs for intersections at Stonebriar and Chesapeake Junction Subdivision – Norfolk Way, Cabot Court, Briar Meadow Court, Ridge Pointe Drive, Silverlink Drive, Pacific Crossing and Arriva Court

6. Ord. providing for the annual levy for the fiscal year commencing on the first day of May 1, 2014 and ending on the thirtieth day of April 2015

7. Ord. amending Chapter 111, Section 111.99 (**On Hold**)

## IX. STANDING COMMITTEES

1. Community Development – *Minutes Attached* - **Motion** to approve the one year commercial extension for the Frank Scott Lakeside Apartment Planned Use ([Click here to view the staff report](#) and [map](#))

2. Public Works

3. Public Safety

4. Finance and Administration

5. Parks/Environment

**X. EXECUTIVE SESSION** – Occasionally, the Council may go into closed session in order to discuss such items covered under 5 ILCS 120/2 (b) which are as follows: Legal Matters; Purchase, Lease or Sale of Real Estate; Setting of a price for sale or lease of property owned by the public body; Employment/appointment matters; Business matters or Security/criminal matters and may possibly vote on such items after coming out of closed session.

## XI. ACTION TAKEN ON EXECUTIVE SESSION ITEMS

## XII. ADJOURNMENT

**O'FALLON CITY COUNCIL  
MINUTES OF THE REGULAR COUNCIL MEETING  
Draft December 1, 2014**

The regular meeting was called to order at 7:03 p.m. by Mayor Graham who asked Pack 35, Den 6 to lead the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Gene McCoskey, present; Richie Meile, present; Ed True, present; Jerry Albrecht, present; Jerry Mouser, present; Kevin Hagarty, present; John Drolet, present; Herb Roach, present; Michael Bennett, present; Courtney Cardona, present; Jim Hursey, present; Ray Holden, present; David Cozad, present; Harlan Gerrish, present. A quorum was declared present.

Mayor Graham asked for approval of the minutes. Motion was made by J. Mouser and seconded by E. True to approve the minutes of November 17, 2014. All ayes. Motion carried.

**PUBLIC HEARING** – Mayor Graham opened the hearing for the annexation agreement with James Joseph for an approximate 6.86 acres located at 10037 Rieder Road, Lebanon, Illinois at 7:05 p.m. and asked for public input. Mr. James Joseph rose to explain to the Council that he is currently on a well and would like to have city water. Mayor Graham called two more times for public input and no one else stepped forward. He closed the public hearing at 7:06 p.m.

**RESIDENTS:** Mayor Graham invited residents forward to speak. He reminded everyone that we are under Robert Rules of Order. He asked that anyone give their name and address before speaking.

Doreen Klages came forward to commend the Public Works committee for approving that the sale or lease of the water/sewer proposal be placed on the April ballot.

Bob Kueker said that the sale or lease of the water RFP has stirred a lot of interest as he has spoken to many people while he was requesting signatures on his petition. He also requested that the sale be placed as a referendum on the ballot. The question was worded as the "We the undersigned qualified voters of the City of O'Fallon, St. Clair County, do hereby petition that the following question of public policy be placed on the aforementioned body of local government at the election to be held on April 7, 2015 "Shall the City of O'Fallon sell or lease the municipal water and wastewater systems and related assets?"", per the Mayor's question.

Mayor Graham told them that the Council has not decided on anything yet. He is hoping within the next month that the City will have the question together with the facts denoted properly.

Charles Pitt asked the Council why they are proposing this sale now and why it is a good idea in the first place.

Mayor Graham reiterated that the Council has not made a decision one way or the other. The funds that we receive now can only be used for water and sewer projects. He added that the sewer plant is self-insured. We have 18,000 rate payers on our system. We do not have final proposals from the bidders yet. The administration has tried to stay away from a raise in the property tax. He mentioned that we need 4.9 million dollars a year to maintain our storm water and streets. He stated that we have a fine line of trying to get funds and moving the city forward to position it in the next ten years.

Mike Cook also said he was opposed to the concept. He recognizes that it is a complex issue. He believes that the citizens have a right to vote on the issue. He would like to see information, as soon as it is received. He would like to attend some public forums to get more information.

Mayor Graham said that a letter will be going out in the next week which will give some more information. However, nothing has been received from the bidders yet.

Vern Malare also spoke and he also would like to see a public meeting. Mayor Graham said the Council is paid for Special meetings, so they would like to keep them at a minimum.

Mr. Behrens read a statement and added that he would like to be able to vote on the issue.

Steve Johnston spoke about the move of St. Elizabeth to O'Fallon. He had questions regarding the employment opportunities. Mayor Graham mentioned those jobs and the ones from Geospatial – another potential employer. Many businesses plan to open that are indirectly connected to the hospital.

Kay Zelms came forward to voice her opposition to the water proposal. She said they have to file their question by January 5<sup>th</sup> as it is the deadline. She spoke to 180 people, who asked why we are asking that question right now, what drove us to this, and they thought they would be able to vote on it. She said an expert could have given us an estimate of how much our assets are worth. She added that if a special meeting is called for, it is important to the City.

## **REPORTS:**

**Clerk's Report:** Motion by M. Bennett and seconded by J. Hursey to approve the request from the O'Fallon Panther Band Boosters to conduct a raffle from December 1 – December 10, 2014 for an xBox system. All ayes. Motion carried.

**Mayor's Report:** Mayor Graham did not have an additional report.

**RESOLUTIONS:** Motion by J. Albrecht and seconded by D. Cozad to consider Resolution Item 1 – 4 under the Omnibus Agreement.

Mayor Graham read the following resolutions aloud:

Item 1, a Resolution authorizing the Mayor to execute an agreement with Thouvenot, Wade & Moerchen, Inc. (TWM) for the design of the Indian Springs replacement Lift Station in the amount of \$8,400

Item 2 – Resolution authorizing the Mayor to execute an agreement with Gonzalez Companies for the revision of the design of the Woodstream Sewer Bypass Project to a total cost of \$203,010

Item 3 – Resolution authorizing the Mayor to sign an annexation agreement with James Joseph for 10037 Rieder Road

Item 4 – Resolution authorizing the Mayor to execute an agreement with IDOT in support of the East Wesley Drive resurfacing project and authorizing the City Clerk to execute an IDOT resolution form approving the use of local Motor Fuel Tax (MFT) in the amount of \$730,000

Motion by J. Albrecht and seconded by E. True to pass the resolutions items 1 – 4 approved under the previous Omnibus Agreement.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

**ORDINANCES:**

**1<sup>st</sup> Reading** – Motion by J. Albrecht and seconded by J. Mouser to consider 1<sup>st</sup> Reading Ordinance, Item 5, an Ordinance amending Chapter 77, Stop Signs for intersections at Stonebriar and Chesapeake Junction Subdivision – Norfolk Way, Cabot Court, Briar Meadow Court, Ridge Pointe Drive, Silverlink Drive, Pacific Crossing and Arriva Court.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

Motion by J. Albrecht and seconded by E. True to consider 1<sup>st</sup> Reading Ordinance, Item 6, Ord. providing for the annual levy for the fiscal year commencing on the first day of May 1, 2014 and ending on the thirtieth day of April 2015.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

## **2nd Readings –**

Motion by J. Albrecht and seconded by J. Mouser to pass 2nd Reading Ordinance, Item 7, an Ordinance adopting the 2012 International Building Code, the 2012 International Fire Code, the 2012 International Mechanical Code, the 2012 International Property Maintenance Code, the 2012 International Residential Code, the 2012 International existing Building Code, the 2012 International Fuel Gas Code, the 2012 International Energy Conservation Code, and the 2011 National Electrical Code.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

Motion by J. Albrecht and seconded by J. Mouser to pass 2nd Reading Ordinance, Item 8, an Ordinance amending Ordinance 3789, Zoning Districts and Ordinance 3792, Execution of an Economic Incentive Agreement (Development known as CarMax) located at 1254 Central Park Drive.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, no; Cardona, no; Hursey, no; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 11; Nos – 3. Motion carried.

Mayor Graham said that that the Ordinance amending Chapter 111, Section 111.99 is on hold.

## **STANDING COMMITTEES –**

**Community Development:** J. Albrecht stated the committee will meet next Monday at 6:00 p.m. at the Public Safety building.

**Public Works:** R. Meile announced that they will meet December 22nd at the Public Safety Building at 7:00 p.m.

**Public Safety:** K. Hagarty said they will meet at 5:00 p.m. on December 8<sup>th</sup> at the Public Safety Building.

**Finance/Administration:** Motion by M. Bennett and seconded by J. Hursey to approve Warrant #314 in the amount of \$2,435,349.73.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

**Parks and Environment:** E. True said they will meet next Monday at 5:30 p.m.

**EXECUTIVE SESSION:** Mayor Graham the Council will go into closed session to discuss the purchase, lease or sale of real estate; and setting of a price for sale or lease of property owned by the public body.

Motion by J. Mouser and seconded by J. Albrecht to discuss the purchase, lease or sale of real estate; and setting of a price for sale or lease of property owned by the public body.

**ROLL CALL:** McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye; Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

The Council went into closed session at 7:55 p.m. and returned at 8:58 p.m. with no action.

**ADJOURNMENT:** Motion by M. Bennett and seconded by J. Albrecht to adjourn. All ayes. Motion carried.

The meeting was adjourned at 8:58 p.m.

Submitted by,

---

Philip A. Goodwin  
City Clerk

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

CITY OF O'FALLON, ILLINOIS  
RESOLUTION 2014 -

**A RESOLUTION  
APPROVING THE RELEASE OF EXECUTIVE SESSION MINUTES**

**WHEREAS**, the Mayor and City Council of the City of O'Fallon have met from time to time in closed session for purposes authorized by the Illinois Open Meetings Act;

**WHEREAS**, as required by the Act, the Council has kept written minutes of all such closed sessions; and

**WHEREAS**, pursuant to the requirements of Public Act 85-1355, the Mayor and City Council have determined that the minutes of the meetings listed on Schedule "A" attached hereto no longer require confidential treatment and should be made available for public inspection; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of O'Fallon, Illinois that the closed session minutes from those meetings set forth on Schedule "A" attached are hereby released;

Be it further resolved that City Clerk is hereby authorized and directed to make said minutes available for inspection and copying in accordance with the standing procedures of the Clerk's office.

This Resolution shall become effective immediately upon its adoption by City Council.

\*\*\*\*\*

ATTEST:

Adopted this \_\_ day of December 2014.

(seal)

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor





**CITY COUNCIL AGENDA ITEM**

**To:** Mayor Graham and City Council

**From:** Maryanne Fair, Deputy City Clerk  
Philip A. Goodwin, City Clerk  
Walter Denton, City Administrator

**Date:** December 15, 2014

**Subject:** Executive Session Minutes Release and Retention

---

**List of committees that have reviewed:** A committee is not required to review. The City Administrator and City Attorney has cleared Schedule A of the Executive Session minutes for release and has determined that Schedule B will remain closed.

**Background:** Per the Open Meetings Act, 5 ILCS 120/2.06, closed session minutes must be reviewed twice a year in order to determine retention or release. It has been determined that those minutes listed on Schedule B shall remain closed as confidentiality still exists.

**Legal Considerations, if any:** As outlined above.

**Budget Impact:** n/a

**Staff Recommendation:** To approve the passage of the resolution regarding the release and retention of closed session minutes.

**SCHEDULE "A"**  
**EXECUTIVE SESSION MINUTES**  
**RECOMMENDED FOR RELEASE**  
December 15, 2014

March 3, 2014 – Lit.

October 20, 2014 – Prop.

CITY OF O'FALLON, ILLINOIS  
RESOLUTION 2014 -

**A RESOLUTION RECOMMENDING SCHEDULE B OF THE EXECUTIVE SESSION  
MINUTES REMAIN CLOSED BECAUSE THE NEED FOR CONFIDENTIALITY  
STILL EXISTS**

**WHEREAS**, the Mayor and City Council of the City of O'Fallon have met from time to time in closed session for purposes authorized by the Illinois Open Meetings Act; and

**WHEREAS**, as required by the Act the Council has kept written minutes of all such closed sessions; and

**WHEREAS**, the Mayor and City Council have further determined a need for confidentiality still exists as to the closed session minutes from the meetings set forth on Schedule "B" attached hereto;

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of O'Fallon, Illinois that the closed session minutes from those meetings set forth on Schedule "B" attached are to remain closed and remain confidential.

This Resolution shall become effective immediately upon its adoption by City Council.

\*\*\*\*\*

ATTEST:

Adopted this \_\_\_\_\_ day of December 2014.

(seal)

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

Key:  
 Per=Personnel  
 Lit = Litigation  
 Pro=Property

**SCHEDULE "B"**  
**CLOSED EXECUTIVE SESSION MINUTES**

July 1, 1985 – Per.	September 18, 1990 –	March 21, 1994 – Per.
May 5, 1986 – Per.	Per./Lit.	March 28, 1994 – Per.
May 5, 1986 –	October 29, 1990 – Per.	April 18, 1994 – Per.
Transcript – Per.	November 5, 1990 –	June 20, 1994 – Per.
June 30, 1986 – Per.	Per./Lit.	August 15, 1994 – Per.
April 6, 1987 – Per.	December 17, 1990 –	September 19, 1994 –
April 20, 1987 – Per.	Per.	Per./Lit.
May 4, 1987 – Per.	January 7, 1991 – Per.	October 3, 1994 –
June 1, 1987 – Per.	March 4, 1991 – Per.	Per./Lit.
June 8, 1987 – Per.	April 1, 1991 – Per.	March 20, 1995 – Per.
June 15, 1987 – Per.	June 17, 1991 – Per.	May 1, 1995 – Per.
June 29, 1987 – Per.	July 1, 1991 – Per.	July 31, 1995 – Per.
July 6, 1987 – Per.	August 19, 1991 – Per.	August 7, 1995 – Per.
August 3, 1987 – Per.	October 7, 1991 – Per.	January 29, 1996 – Per.
October 5, 1987 – Per.	January 21, 1992 – Per.	June 3, 1996 – Per.
October 19, 1987 – Per.	March 2, 1992 – Per.	July 29, 1996 – Per.
November 16, 1987 –	March 30, 1992 – Per.	September 3, 1996 –
Per.	December 7, 1992 – Per.	Per.
May 2, 1988 – Per.	March 1, 1993 – Per.	September 30, 1996 –
July 18, 1988 – Per.	April 5, 1993 – Per.	Per.
August 1, 1988 – Per.	April 19, 1993 – Per.	May 5, 1997 – Per./Lit.
September 19, 1988 –	May 3, 1993 – Per.	June 16, 1997 – Per.
Per.	May 17, 1993 – Per.	August 4, 1997 – Per.
May 15, 1989 – Per.	August 16, 1993 – Per.	August 18, 1997 – Per.
May 30, 1989 – Per.	November 1, 1993 –	November 3, 1997 –
July 31, 1989 – Per.	Per.	Per.
August 21, 1989 – Per.	January 31, 1994 – Per.	November 17, 1997 –
October 2, 1989 – Per.	February 7, 1994 – Per.	Per./Lit.
April 30, 1990 – Per.	February 22, 1994 – Per.	December 1, 1997 –
	March 7, 1994 – Per.	Per./Lit.

Key:  
 Per=Personnel  
 Lit = Litigation  
 Pro=Property

December 15, 1997 – Per.	October 30, 2000 – Lit.	February 18, 2003 – Lit./Per.
February 17, 1998 – Per.	December 4, 2000 – Lit.	July 7, 2003 – Per.
June 1, 1998 – Per./Lit.	December 18, 2000-Per.	February 17, 2004 - Pro./Per.
June 29, 1998 – Per./Lit.	January 29, 2001 – Lit.	March 1, 2004 - Per.
August 17 & 24, 1998 – Per./Lit.	May 7, 2001 – Per.	May 3, 2004 - Pro.
August 31, 1998 – Per./Lit.	July 16, 2001 – Per.	July 19, 2004 – Pro/Per.
September 8, 1998 – Per.	October 1, 2001 – Pro./Lit.	August 16, 2004 – Pro/Per.
November 30, 1998 – Lit.	October 29, 2001 – Per.	January 18, 2005 – Pro/Per.
January 19, 1999	November 19, 2001 – Per/Pro.	February 7, 2005- Pro./ Per.
May 3, 1999 – Lit.	December 3, 2001 – Per/Lit/Pro.	May 2, 2005 – Pro./Per.
May 24, 1999 – Lit.	December 17, 2001 – Lit./Per.	May 16, 2005 – Pro./Per.
July 6, 1999 – Per./Lit.	January 22, 2002 – Per/Pro.	June 20, 2005 – Per.
August 8, 1999 – Per./Lit.	March 4, 2002 – Per/Lit/Pro.	July 18, 2005 – Per.
August 30, 1999 – Lit.	April 15, 2002 – Per/Lit.	August 5, 2005 – Per.
September 7, 1999 – Lit./Per.	September 30, 2002 – Pro/Per.	Sept. 6, 2005 – Lit./Per.
October 4, 1999 – Lit. Per.	October 7, 2002 – Per/Pro/Lit.	Oct. 17, 2005 – Per.
July 17, 2000 – Lit	December 16, 2002 – Per/Pro.	February 6, 2006 – Lit/Per/Pro.
July 31, 2000 – Lit.	February 3, 2003 – Pro./Lit./Per.	February 21, 2006 – Per/Lit
March 6, 2000 – Per/Lit/Prop		May 1, 2006 –Pro/Per
August 7, 2000 – Lit.		May 15, 2006 – Pro.
August 21, 2000 – Lit.		

Key:  
Per=Personnel  
Lit = Litigation  
Pro=Property

October 2, 2006 – Lit./Pro.	July 2, 2012 – Lit.
August 20, 2007 – Per./Pro.	August 6, 2012 – Lit.
Oct. 20, 2008 – Pro.	August 20, 2012 – Prop.
June 1, 2009 – Lit.	Feb. 4, 2013 – Lit.
January 19, 2010 – Lit.	August 19, 2013 – Prop.
February 16, 2010 – Lit.	May 5, 2014 – Prop.
March 1, 2010 – Lit.	May 19, 2014 – Prop.
April 19, 2010 – Sec.	June 2, 2014 – Prop./Lit.
May 17, 2010 – Per./Emp.	June 17, 2014 – Per.
June 7, 2010 – Per.	July 21, 2014 – Prop.
July 6, 2010 – Lit.	August 18, 104 – Lit. Prop.
Oct. 18, 2010 – Lit/Per.	April 21, 2014 – Lit.
Jan. 18, 2011 – Prop/Per.	Sept. 2, 2014 – Prop.
Feb. 22, 2011 – Lit/Per.	Nov. 10, 2014 – Prop.
June 20, 2011 – Lit.	Nov. 17, 2014 – Lit.
July 18, 2011 – Lit.	
August 1, 2011 – Lit.	
Oct. 3, 2011 – Per.	
Nov. 7, 2011 – Lit.	
Dec. 5, 2011 – Lit.Per.	
March 5, 2012 – Per.	
May 21, 2012 – Lit.	

**RESOLUTION 2014 -**

**A RESOLUTION AUTHORIZING THE  
SUBMISSION OF PUBLIC QUESTION ON  
THE BALLOT FOR THE APRIL 7, 2015  
CONSOLIDATED ELECTION REGARDING  
WHETHER THE CITY SHOULD LEASE OR  
SALE THE CITY'S WATER AND SEWER  
SYSTEM**

**WHEREAS**, the City of O'Fallon is contemplating leasing or selling its water and sewer systems; and

**WHEREAS**, some citizens of the City have expressed, to the City Council, their desire to have the issue of the lease or sale of the City water and sewer systems submitted as a public question at the consolidated election on April 7, 2015; and

**WHEREAS**, the City Council deems it to be in the best interest of the citizens of the City that an advisory public question as to whether the City should lease or sale the City's water and sewer system be submitted to the voters at the April 7, 2015 consolidated election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS;

Section 1. The foregoing recitals are incorporated herein as findings of the City Council.

Section 2. The City is authorized to initiate and submit, to a referendum on the April 7, 2015 consolidated election, an advisory public question as to whether the City should lease or sale its water and sewer systems.

Section 3. This resolution shall be in full force and effect from and after its passage and approval and its publication in the manner provided by law.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2014.

\*\*\*\*\*

ATTEST: Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2014.  
(seal)

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor



## **CITY COUNCIL AGENDA ITEMS**

**TO:** Mayor Graham and City Council

**FROM:** Pam Funk, Asst. City Administrator  
Walter Denton, City Administrator

**DATE:** December 15, 2014

**SUBJECT:** Pubic Question on Ballot for April 7, 2015 Consolidated Election

**List of committees that have reviewed:** No committees have reviewed.

**Background:** This Resolution will authorize the submission of a Public Question on the ballot for the April 7, 2015 Consolidated Election regarding whether the City should lease or sell the City's water and sewer system. A second Resolution will be presented to the Council in January that will contain the actual language that will go on the ballot.

**Legal considerations, if any:** City Attorney has reviewed the Resolution.

**Budget Impact:** None.

**Staff recommendation:** Approval.



CITY OF O'FALLON, ILLINOIS  
RESOLUTION 2014 -

**AUTHORIZING THE MAYOR TO SIGN AN ANNEXATION AGREEMENT  
WITH MICHAEL DIETZ FOR 9920 RIEDER ROAD**

**WHEREAS**, a proposed annexation agreement has been filed with the City Clerk of the City of O'Fallon by Michael Dietz for 9920 Rieder Road, more specifically Parcel Number 04-35.0-200-005; and

**WHEREAS**, the proposed annexation agreement has been reviewed and has been determined to be beneficial to the public welfare; and

**WHEREAS**, the proposed annexation agreement was reviewed at the December 8, 2014 Community Development Committee meeting and approved with a vote of 5-0; and

**WHEREAS**, a public hearing on such terms of the annexation agreement was held on December 15, 2014, before the O'Fallon City Council.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF O'FALLON, ILLINOIS THAT:**

- 1) The Mayor is authorized to sign an annexation agreement between the City of O'Fallon and Michael Dietz for 9920 Rieder Road in substantially the form of the agreement attached to and made an integral and continuing part of this resolution by reference.
- 2) The City of O'Fallon hereby agrees with all terms and conditions as indicated therein.
- 3) This resolution shall be come effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Attest:

Approved:

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

\_\_\_\_\_  
Gary L. Graham, Mayor

## PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (Agreement) is made and entered into this 17<sup>th</sup> day of November 2014, by and among Michael Dietz, ("Owner") and the City of O'Fallon (the "City") a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and City Council (collectively, "Corporate Authorities").

A. Owners are the owners of record of certain parcels of real property located at 9920 Rieder Road, Lebanon, IL 62254, Parcel Number 04-35.0-200-005 and is contiguous to or is expected to be contiguous to the City of O'Fallon in St. Clair County, Illinois, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Parcel").

B. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Pre-Annexation Agreement in substance and form the same as this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice, all as provided by statute and the ordinances of the City.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and agreements herein contained, and in compliance with the ordinances, codes, and regulations of the City in effect as of the date hereof, or as may hereinafter be enacted, the parties hereto hereby agree as follows:

1 **Annexation.** Owners have filed with the City Clerk a Petition for Annexation of the Parcel to the City conditioned on the terms and provisions of this Agreement, which petition has been prepared, executed, and filed in accordance with 65 ILCS 5/7-1-8, and the ordinances and other requirements of the City. A copy of said Petition is attached hereto as Exhibit C and made a part hereof. To the extent that the Parcels are not yet contiguous to the City, Owners agree to execute such additional Petition in the future as may be required by the City upon the Parcel becoming contiguous to the City boundary. Subject to the requirements and conditions herein and satisfaction of the conditions of the Petition for Annexation, the City shall, if during the term of this agreement it determines in its discretion to annex the Parcels, shall do so subject to this agreement approved pursuant to 65 ILCS 5/11-15.1-1, *et seq.* Owners have filed with the City Clerk a preliminary Plat of Annexation, which contains an accurate map of the Parcel, which Plat is attached hereto as **Exhibit B** and made a part hereof. This annexation is not for the purpose of a new residential development

2. **Water Supply.** From the effective date of this Agreement, the City shall supply fresh, potable water service when available to the Parcel in quantities and pressure sufficient in all respects to serve the needs of the Parcel as currently used and the persons therein and subject to otherwise applicable usage charges, fees and regulations, provided that any change in the use of the property is subject to and in compliance with the provisions of the City's ordinances and regulations, whether prior to or after annexation the effective date of the annexation.

### 3. Miscellaneous

- (a) This Agreement shall be effective for a term of twenty (20) years from the date hereof, provided that the obligations to the City shall survive such termination to the extent not inconsistent with 65 ILCS 5/11-15.1-1.
- (b) Upon annexation, the parcel shall be zoned to the City zoning classification equivalent to the County zoning in place at the time of the annexation. The Owner shall retain the right to petition to rezone their property, pursuant to the laws of the City, during the term of the agreement. The City agrees that it will not seek to rezone the Parcel to another zoning district classification without the written petition of the Owner for the duration of the agreement.
- (c) Pole barn type construction and metal sided buildings shall be allowed for any new lawful agricultural or accessory structure.
- (d) Livestock can be had and maintained on the Parcel as provided for by the requirements of the Agricultural zoning district provided that the property is zoned within that district.

- (e) Burning of yard waste generated from the Parcel shall be allowed on the Parcel in accordance with the laws of the City of O'Fallon.
- (f) One free residential water tap shall be provided for the Parcel shown on Exhibit B, when available, and subject to all other applicable conditions.
- (g) The Parcel shall be subject to all laws, codes, ordinances, fees, annexation fees, taxes, usage charges, and regulations of the City, now existing or as may hereinafter be amended, enacted or enforced, and nothing herein shall be interpreted to limit the enforceability or application of such; provided that the required annexation fee of \$2,250 per unit shall NOT apply to the Parcel and be required to be paid until the Parcel is rezoned at the request of the property owner or the Parcel is developed as a new residential subdivision.
- (h) This Agreement and the obligations of Owner hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcel, and may be recorded.
- (i) The undersigned persons whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation indicated below, and (iv) to have signed this Agreement on their own behalf or on behalf of such municipal corporation as their own free acts and deeds and/or the free acts and deeds of such municipal corporation after opportunity to consult with legal counsel.
- (j) The City may terminate this Agreement prior to effective date of the Annexation on written notice to the Owner if deemed by the City appropriate in the public interest, in which event the obligations of all parties pursuant to this Agreement shall thereafter cease.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CITY OF O'FALLON  
 A Municipal Corporation,  
 County of St. Clair  
 State of Illinois

ATTEST:

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: Philip A. Goodwin

Name: Gary L. Graham

Title: City Clerk

Title: Mayor

OWNER: Michael Dietz

DATED: 11/17/14

BY: Michael Dietz

ATTEST: \_\_\_\_\_

State of Illinois  
County of St. Clair

SUBSCRIBED AND SWORN to before me this 17<sup>th</sup> day of November, 2010.

Jo A. Thieleman  
Notary Public

O'Fallon, Illinois



My Commission expires: 4-16-17

**LIST OF EXHIBITS**

- A. Legal Description of Parcel
- B. Plat of Annexation
- C. Annexation Petition

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

The undersigned Petitioners hereby respectfully petition to annex to the City of O'Fallon, St. Clair County, Illinois, the tract of land described as follows:

ADDRESS: 9920 South Rieder Road, Lebanon, IL 62254

PARCEL NUMBER: 04-35.0-200-005

(See attached Exhibits "A") (hereinafter the "Tract")

and states as follows:

- 1. The Tract is not within the corporate limits of any municipality.
2. The Tract is contiguous to the City of O'Fallon, St. Clair County, Illinois.
3. There are \_\_\_ electors residing on the Tract.
4. The Petitioners are the sole owners of record of all land within the Tract, and they have also executed this Petition as such owners.
5. This Petition is conditioned on the provisions of a certain Annexation Agreement between the City of O'Fallon by and through its Mayor and City Council and Petitioners.

WHEREFORE, Petitioners respectfully request that the corporate authorities of the City of St. Clair County, Illinois, annex the Tract to said City in accordance with the provisions of this Petition and in accordance with the law in such case made and provided.

DATE: Michael Dietz
OWNER: Michael Dietz
DATED: 11/17/14
BY: \_\_\_\_\_

State of Illinois
County of St. Clair
SUBSCRIBED AND SWORN to before me this 17th day of November, 2010.

Signature of Jo A. Thieleman
Notary Public



O'Fallon, Illinois
My Commission expires: 4-16-17



# AA2014-02: 9920 Rieder Road



 Subject Property

0 155 310 620 930 Feet



*O'Fallon*  
ILLINOIS



**DRAFT MINUTES  
COMMUNITY DEVELOPMENT COMMITTEE  
6:00 PM Monday, December 8, 2014**

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held at the Public Safety Building, 285 N. Seven Hills Road, O'Fallon, Illinois.

CALL TO ORDER: 6:00 PM

- I) **Roll Call** – *Committee members:* Jerry Albrecht, Gene McCouskey, David Cozad, Jerry Mouser and Harlan Gerrish. *Other Elected Officials Present:* John Drolet, Herb Roach, Kevin Hagerty, Ed True and Richie Meile. *Staff:* Pam Funk, Ted Shekell, Jeff Stehman, Sandy Evans and Justin Randall. *Visitors:* Charlie Pitts, Chuck Jorgenson, Vern Malare, Nancy Chase, Phil Kammann, Anita Bedeer, Edward Martinez, Mark Kampen, Mike Rushey and Joseph Uram.
  
- II) **Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
  
- III) **Items Requiring Council Action**
  - A. Pre-annexation Agreement – 9920 Rieder Road (Resolution) – Justin Randall gave a brief overview of the agreement, indicating that the city requested an easement through the property to run a new water main. In return the city would give the property owner a water tap. Ted Shekell indicated that a number of residences along the Rieder Road have signed the pre-annexation agreement so when the city has annexed to the property, the agreements are already signed and can be annexed into the city. The committee discussed the pre-annexation agreement and recommended approval with a vote of 5-0.
  
  - B. Video Gaming (1<sup>st</sup> Reading) – Ted Shekell gave a brief update on the video gaming issue discussed at the previous committee meeting. Just Randall provided the committee with an update on current revenues and how other communities were dealing with video gaming. Shekell commented on the unintended consequences of approving video gaming. Anita Bedeer spoke to the committee about other consequences of video gaming. Jeff Chasing, Nancy Chase, Chuck Jorgenson all spoke to the committee on the importance of allowing the existing business obtaining video gaming and the costs of surrounding communities having video gaming. Joe Uram spoke briefly on limiting the city's liquor licenses to curb widespread growth of video gaming. The committee discussed the video gaming issue and a motion was made to table the item until December 22, 2014 for city staff to determine whether home rule communities can supersede the state laws in limiting video gaming. The committee voted to table the item with a vote of 5-0.
  
  - C. Frank Scott Lakeside Apartment – Commercial Extension (Motion) – Justin Randall gave a brief overview of the extension to the commercial portion of the development right on Frank Scott Road. The committee discussed the extension and recommended approval with a vote of 5-0.
  
- IV) **Other Business**



- A. General Project Updates – Ted Shekell updated the committee on some of the current development projects and public meetings during the next week.

**MEETING ADJOURNED:** 7:30 PM

**NEXT MEETING:** December 22, 2014 – Public Safety Building

**Prepared by:** Justin Randall, Senior City Planner



## CITY COUNCIL AGENDA ITEM

**To:** Mayor Graham and City Council

**From:** Ted Shekell, Planning Director  
Walter Denton, City Administrator

**Date:** December 15, 2014

**Subject:** Frank Scott Lakeside Apartments – Commercial Extension (MOTION)

---

**List of committees that have reviewed:** The Community Development Committee reviewed this application at its December 15, 2014 meeting and unanimously recommended it for approval.

### **Background**

In December 2009, the City Council approved Ordinance 3645 for Balke Brown Associates for an apartment complex and commercial/retail building at 1146 Frank Scott Parkway East. Per Ordinance 3645, the Planned Use for the commercial/retail building was approval for two (2) years. Then in 2012, the City entered into a Redevelopment Agreement with Central Park Plaza Condominium, LLC for the commercial/retail building. Within the Redevelopment Agreement, Section 8.3(b) granted the approval a 2-year extension of the planned use approval. The extension is set to expire later this month and Steve Brown of Balke Brown Transwestern has filed a written request for an extension to this approval, citing the applicant is seeking additional time to finalize construction document for an initial phase of the project begin in 2015. The petitioner is requesting a 2-year extension, however per Section 9.050(F) of the City of O'Fallon Zoning Code, *"The City Council may grant no more than one (1) extension not exceeding twelve (12) months each upon written request."*

Staff reviewed the TIF Redevelopment Agreement and found that the agreement is tied to the Central Park TIF Redevelopment Agreement. Therefore, the agreement does not require an extension by the City Council. At this time, staff believes a one year extension can be handled with a motion from committee, instead of a full amendment to the original ordinance.

### **Legal Considerations, if any:**

- None

### **Budget Impact:**

- None

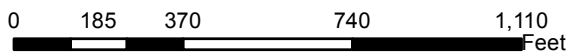
### **Staff Recommendation**

At this time staff recommends approving a one year extension for the commercial project approved in the Frank Scott Lakeside Apartment Planned Use.





Subject Property



Provided by East-West Gateway Council of Governments, imagery  
town by SURDEX