



APPROVED BY THE CITY COUNCIL

APR - 8 2010

**City of O'Fallon
100 North Main Street
O'Fallon, Missouri 63366
City Council Meeting
March 25th, 2010**

A. Mayor Hennessy called the meeting to order at 7:30 P.M., there were approximately 35 people in attendance.

B. Roll Call

Councilman Gardner	Present	Councilman Haman	Present
Councilman Perkins	Present	Councilman Haney	Present
Councilman Lucas	Present	Councilman Howell	Present
Councilman Conley	Present	Councilman Schwentker	Present
Mayor Hennessy	Present		

C. Invocation by Reverend Kurt Klaus with Child of God Lutheran Church and School, followed by the Pledge of Allegiance

D. A Motion was made by Councilman Conley, seconded by Councilman Haman to approve the agenda as presented.

All Councilmen were in favor of approving Agenda as presented, Motion Passes

E. Presiding Officer's Report

Mayor Hennessy wished his mother a happy 80th birthday.

F. Citizen Comments

The following people spoke during the Citizen Comment portion of the meeting and they are listed below:

- 1.) Jim Pepper located at 41 Sanibel Court gave an update of the Hutchings Farm Homeowners Association.**
- 2.) Scott Avery located at 287 Tyndale Drive gave an update of the Fire District ballot issue.**
- 3.) A.C. Dienoff located at 1202 Begonia Drive gave an update of the Fire District ballot issue.**

Ward Reports

Each Councilman gave a report for their Ward.

G. Old Business

- 1. Bill No. 5949, Sponsored by Councilman Schwentker, an Ordinance providing for the rezoning of a certain tract of land located at northwest corner of the Highway 70 and TR Hughes Blvd. interchange owned by The City of O'Fallon, from I-1/Light Industrial District to C-2/General Business District.**

Comment: Second and Final Passage. Ordinance is attached for your review. **Located in Ward 2.**

A motion for second reading of Bill 5949 was made by Councilman Schwentker, seconded by Councilman Howell. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

A motion was made for final passage by Councilman Schwentker, seconded by Councilman Howell.

Random Roll Call:

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

All Councilmen present were in favor, Motion Passes

Bill No. 5949 now becomes Ordinance No. 5575

- 2. Public Comments per Section 400.035 of Chapter 400, Title IV, of the Municipal Code of the City of O'Fallon to consider granting a Conditional Use Permit to the Pet Spa to allow the operation of a dog grooming business within an existing retail center on a certain tract of land owned by Joseph Szramkowski zoned C-2/General Business District within the City of O'Fallon, Missouri.**

Christine Look with Pickett, Ray & Silver addressed the mayor and city council and explained the reason for the Conditional Use Permit.

No one else requested to speak, the Public Hearing was closed.

- 3. Bill No. 5950, Sponsored by Councilmen Schwentker and Howell, an Ordinance granting a Conditional Use Permit to the Pet Spa to allow the operation of a dog grooming business within an existing retail center on a certain tract of land owned by Joseph Szramkowski zoned C-2/General Business District within the City of O'Fallon, Missouri.**

Comment: Second and Final Passage. Ordinance, report reflecting the Planning Commissions recommendation of **approval**, location maps are attached for your review. **Located in Ward 4.**

A motion was made by Councilman Schwentker to amend Bill 5950 to include the amended ordinance submitted in the packet, seconded by Councilman Howell.

All Councilmen present were in favor, Motion Passes

A motion for second reading of Bill 5950 was made by Councilman Schwentker, seconded by Councilman Howell. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

A motion was made for final passage by Councilman Schwentker, seconded by Councilman Howell.

Random Roll Call:

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

All Councilmen present were in favor, Motion Passes

Bill No. 5950.1 now becomes Ordinance No. 5576

4. **Bill No. 5951, Sponsored by Councilmen Perkins and Gardner, an Ordinance approving entering into an agreement between the City of O'Fallon and the Missouri Highways and Transportation Commission to fund the West Terra Phase 3 Project.**

Comment: Second and Final Passage. Ordinance is attached for your review.

A motion for second reading of Bill 5951 was made by Councilman Perkins, seconded by Councilman Gardner. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

A motion was made for final passage by Councilman Perkins, seconded by Councilman Gardner.

Random Roll Call:

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

All Councilmen present were in favor, Motion Passes

Bill No. 5951 now becomes Ordinance No. 5577

5. **Bill No. 5952, Sponsored by Councilmen Lucas, an Ordinance amending Section 220.105 of the Municipal Code relating to obstructions to view at intersections.**

Comment: Second and Final Passage. Ordinance is attached for your review.

A motion for second reading of Bill 5952 was made by Councilman Lucas, seconded by Councilman Haman. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

A motion was made for final passage by Councilman Lucas, seconded by Councilman Haman.

Random Roll Call:

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

All Councilmen present were in favor, Motion Passes

Bill No. 5952 now becomes Ordinance No. 5578

6. Bill No. 5953, Sponsored by Councilmen Lucas, an Ordinance amending Section 365.070 of the Municipal Code relating to vehicular parking on cul-de-sacs.

Comment: Second and Final Passage. Ordinance is attached for your review.

A motion for second reading of Bill 5953 was made by Councilman Lucas, seconded by Councilman Conley. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

A motion was made for final passage by Councilman Lucas, seconded by Councilman Schwentker.

Random Roll Call:

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

All Councilmen present were in favor, Motion Passes

Bill No. 5953 now becomes Ordinance No. 5579

Pamela Clement, City Clerk presented the Committee and Commission Reports.

H. Committee and Commission Reports:

1. Minutes of the February 3rd, 2010 Advisory Green Council.
2. Community Development monthly report for February 2010.
3. Water and Sewer Department Reports for February 2010.
4. Parks and Recreation Monthly Report for February 2010.

Pamela Clement, City Clerk presented the Consent Calendar.

I. Consent Calendar

1. Extension of the escrow for Hyland Green, Plat One in the amount of \$2,005.00 until April 15, 2012.
2. Extension of the escrow for Hyland Green, Plat Three in the amount of \$2,175.00 until April 15, 2012.
3. Extension of the escrow for Fox Haven, Plat One in the amount of \$22,411.61 until April 15, 2012.
4. Extension of the escrow for Wyndgate Village B, Plat One in the amount of \$56,163.58 until March 31, 2012.
5. Extension of the escrow for Villages at Springhurst, Plat One in the amount of \$70,298.26 until August 30, 2011.
6. Extension of the escrow for Villages at Springhurst, Plat Six in the amount of \$7,334.75 until March 28, 2012.
7. Extension of the escrow for Progress Point Lot C-1 Office Building in the amount of \$3,287.66 until December 15, 2012.
8. Extension of the escrow for Willow Walk Estates, Phase One in the amount of \$113,909.05 until June 30, 2012.
9. Extension of the escrow for The Heights at O'Fallon in the amount of \$60,374.57 until January 30, 2012.

Motion was made to approve the Consent Calendar as presented by Councilman Schwentker, seconded by Councilman Howell.

All Councilmen present were in favor, Motion Passes

J. New Business

1. Bill No. 5954, Sponsored by Councilmen Conley and Lucas, an Ordinance finding and declaring that the acquisition of certain lands for the public stormwater improvement for the Knolls Creekbank Stabilization Improvements project is declared to be necessary for municipal purposes, and authorizing acquisition of said land.

Comment: First Reading Only. Ordinance is attached for your review.

Bill 5954 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Conley, seconded by Councilman Lucas. Councilman Conley read the title of the Bill.

2. Bill No. 5955, Sponsored by Councilmen Haney and Haman, an Ordinance annexing certain property contiguous and compact to the City of O'Fallon, Missouri, pursuant to Section 71.015 R.S.MO. and upon an election duly held on April 7, 2009, and a Declaratory Judgment issued by the St. Charles County Circuit Court.

Comment: First Reading Only. Ordinance is attached for your review.

Bill 5955 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Haney, seconded by Councilman Haman. Councilman Haney read the title of the Bill.

- 3. Bill No. 5956, Sponsored by The Council as a Whole, an Ordinance amending the 2010 Budget for the period of January 1, 2010 through December 31, 2010, for the City of O'Fallon, Missouri, and providing for the approval of expenditures made pursuant to said budget.**

Comment: First Reading Only. Ordinance is attached for your review.

Bill 5956 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Haman, seconded by Councilman Schwentker. Councilman Haman read the title of the Bill.

- 4. Bill No. 5957, Sponsored by Councilman Lucas, an Ordinance authorizing the Mayor to enter into a cooperative purchasing agreement with the City of Lake St. Louis.**

Comment: First Reading Only. Ordinance is attached for your review.

Bill 5957 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Lucas, seconded by Councilman Howell. Councilman Lucas read the title of the Bill.

- 5. Resolution No. 3-25-10, A Resolution vacating two railroad crossings in the City of O'Fallon and authorizing the reconstruction of the access road from Westhoff Park to the City's fueling facility.**

A motion to read the Resolution by title only by Councilman Gardner, second by Councilman Perkins. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 3-25-2010** by title only.

Motion was made to approve Resolution 3-25-2010 by Councilman Gardner, seconded by Councilman Perkins.

Mayor Hennessy asked if everyone was in favor of approving the Resolution.

All Councilmen present were in favor, Motion passes

- 6. Resolution No. 3-25-10A, A Resolution appropriating Funds and authorizing the City Administrator to enter into two agreements with Missouri Enterprise.**

A motion to read the Resolution by title only by Councilman Schwentker, second by Councilman Howell. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 3-25-2010A** by title only.

Motion was made to approve Resolution 3-25-2010A by Councilman Schwentker, seconded by Councilman Howell.

Mayor Hennessy asked if everyone was in favor of approving the Resolution.

All Councilmen present were in favor, Motion passes

7. Resolution No. 3-25-10B, A Resolution authorizing Change Order Numbers One, Two, and Three for Wastewater Treatment Plant and Lift Station Improvements – Project "B".

A motion to read the Resolution by title only by Councilman Lucas, second by Councilman Conley. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 3-25-2010B** by title only.

Motion was made to approve Resolution 3-25-2010B by Councilman Lucas, seconded by Councilman Conley.

Mayor Hennessy asked if everyone was in favor of approving the Resolution.

All Councilmen present were in favor, Motion passes

K. City Administrators Report

Keith Riesberg, City Administrator reminded everyone to vote at the April 6th, 2010 election and explained the ballot issues.

L. Adjourn


A motion was made by Councilman Conley, seconded by Councilman Haman to adjourn to a Closed Executive Session for RSMO Sections 610.021(1) legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys 610.021(3) Hiring, firing, disciplining or promotion of employees at 8:18 p.m.

Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Conley	Yes
Councilman Howell	No
Councilman Haman	Yes
Councilman Schwentker	No

Six (6) Councilmen voted yes, Two (2) Councilmen voted no, Motion Passes

After a brief recess the City Council reconvened at 8:30 p.m. A motion was made by Councilman Schwentker, seconded by Councilman Conley to adjourn from Closed Executive Session at 10:10 p.m.

Respectfully Submitted


Pamela L. Clement
City Clerk

