



APPROVED BY THE CITY COUNCIL

MAY 13 2010

**City of O'Fallon  
100 North Main Street  
O'Fallon, Missouri 63366  
City Council Meeting  
April 22<sup>nd</sup>, 2010**

A. Mayor Hennessy called the meeting to order at 7:30 P.M., there were approximately 85 people in attendance.

**B. Roll Call**

<b>Councilman Gardner</b>	<b>Present</b>	<b>Councilman Haman</b>	<b>Present</b>
<b>Councilman Lucas</b>	<b>Present</b>	<b>Councilman Haney</b>	<b>Present</b>
<b>Councilman Pepper</b>	<b>Present</b>	<b>Councilman Howell</b>	<b>Present</b>
<b>Vacant Seat</b>	<b>Present</b>	<b>Councilman Schwentker</b>	<b>Present</b>
<b>Councilman Phenev</b>	<b>Present</b>	<b>Councilman Perkins</b>	<b>Present</b>
<b>Mayor Hennessy</b>	<b>Present</b>		

C. **Invocation by Sister Carol Boschert with the Sisters of the Most Precious Blood, followed by the Pledge of Allegiance**

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

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

**E. Presiding Officer's Report**

**1. Consideration of a motion to ratify the Mayoral appointment to the position of Ward 2, Council Member.**

Mayor Hennessy asked the Councilman to support his choice of Rose Mack as Councilwoman for Ward 2.

A motion was made by Councilman Pepper, seconded by Councilman Schwentker to ratify the Mayoral appointment of Rose Mack to the position of Ward 2, Councilwoman.

**All Councilmen present were in favor, Motion Passes**

Pamela Clement, City Clerk administered the Oath of Office to Councilwoman Mack and Mayor Hennessy presented her with a framed copy of her Oath of Office.

Councilwoman Mack thanked everyone for her appointment and said she was looking forward to the challenge. Councilwoman Mack took her seat on the dais.

**2. Recognition of Officer Bryan Harr for exemplary performance of his duties**

Chief Joachimstaler along with Mayor Hennessy presented Officer Bryan Harr a certificate and a pin for his exemplary performance of his duties.

**3. Recognition of Alex Ellis**

Chief Joachimstaler along with Mayor Hennessy presented Alex Ellis a certificate for his bravery and quick action of calling 911 to help his grandmother.

**4. Recognition of CERT Graduates**

Officer Andy Stowers recognized all the CERT graduates and thanked them for their participation in the program. He also encouraged everyone to enroll in the next class.

**5. Proclamations – "Older Americans Month"  
"Drinking Water Week "**

Councilman Pepper presented the "Older Americans Month" to Sister Carol Boschert a member of the Senior Resident Advisory Committee.

Councilman Lucas presented "Drinking Water Week" to Al Kilpatrick the Manager of the Water Sewer Department.

**F. Citizen Comments**

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

- 1.) Glen Tucker located at 545 Legacy Pointe Drive addressed the Mayor and City Council spoke in opposition of the pedestrian markings painted on the streets in his subdivision.
- 2.) A. C. Dienoff located at P.O. Box 1535 was concerned with Bill 5962 regarding tall weeds and requested consideration of lowering the height to 10 (ten) from twelve (12).

**G. Ward Reports**

**Each Councilman gave a report for their Ward.**

**H. Old Business**

1. Bill No. 5958, Sponsored by Councilman Schwentker, an Ordinance of the City of O'Fallon adopting new applications and checklists for Record Plats, Condominium, Resubdivision and Boundary Adjustment Plats and Commercial Construction Site Plans and matters relating thereto.

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

A motion for second reading of Bill 5958 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 Howell	Yes
Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Pepper	Yes
Councilman Phenev	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes
Councilwoman Mack	Yes

**All Council Members present were in favor, Motion Passes**

**Bill No. 5958 now becomes Ordinance No. 5585**

2. **Bill No. 5959, Sponsored by The Council as a Whole, 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 and a Declaratory Judgment issued by the St. Charles County Circuit Court.**

**Comment: Second and Final Passage.** Ordinance is attached for your review.  
**Located in Ward 4**

A motion for second reading of Bill 5959 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 Howell	Yes
Councilman Lucas	Yes
Councilman Haney	Yes
Councilwoman Mack	Yes
Councilman Perkins	Yes
Councilman Gardner	Yes
Councilman Pepper	Yes
Councilman Phenev	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

**All Council Members present were in favor, Motion Passes**

**Bill No. 5959 now becomes Ordinance No. 5586**

3. **Bill No. 5960, Sponsored by The Council as a Whole, 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 and a Declaratory Judgment issued by the St. Charles County Circuit Court.

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

A motion for second reading of Bill 5960 was made by Councilman Lucas, seconded by Councilman Schwentker. 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:

Councilwoman Mack	Yes
Councilman Perkins	Yes
Councilman Howell	Yes
Councilman Lucas	Yes
Councilman Haney	Yes
Councilman Gardner	Yes
Councilman Pepper	Yes
Councilman Phenev	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

**All Council Members present were in favor, Motion Passes**

**Bill No. 5960 now becomes Ordinance No. 5587**

4. **Bill No. 5961, Sponsored by Councilmen Perkins and Gardner, an Ordinance approving a petition filed by Margaret M. Grelle and Robert W. Grelle regarding certain property contiguous and compact to the City of O'Fallon, Missouri and generally located along Genteman Road at the intersection of West Terra Lane.**

**Comment: Second and Final Passage.** Ordinance is attached for your review.  
**Located in Ward 5**

A motion for second reading of Bill 5961 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 Haney	Yes
Councilman Gardner	Yes
Councilman Perkins	Yes
Councilman Howell	Yes
Councilman Lucas	Yes
Councilman Pepper	Yes
Councilman Phenev	Yes
Councilwoman Mack	Yes
Councilman Haman	Yes

Councilman Schwentker Yes

**All Council Members present were in favor, Motion Passes**

**Bill No. 5961 now becomes Ordinance No. 5588**

- 5. Bill No. 5962, Sponsored by The Council as a Whole, an Ordinance amending certain provisions of Chapter 220 of Title II relating to procedures for enforcement and abatement of certain nuisances and clarifying requirements for the maximum height of grass, weeds and vegetation.**

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

A motion for second reading of Bill 5942 was made by Councilman Schwentker, seconded by Councilman Lucas. All signed aye. City Attorney, Kevin O'Keefe read the Bill.

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

There was a lengthy discussion regarding the height of the weeds. All members of the Council debated whether the height should be reduced.

A motion was made by Councilman Haney, seconded by Councilwoman Mack to amend all sections referring to height of weeds from (12) twelve inches and change to ten (10) inches.

Random Roll Call:

Councilman Haney	Yes
Councilman Gardner	Yes
Councilman Perkins	Yes
Councilman Howell	No
Councilman Lucas	Yes
Councilman Pepper	Yes
Councilman Phenev	Yes
Councilwoman Mack	Yes
Councilman Haman	Yes
Councilman Schwentker	Yes

**Councilman Howell voted no, All remaining Council Members were in favor, Motion Passes**

**Bill No. 5962 now becomes Ordinance No. 5589**

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

**I. Committee and Commission Reports:**

- 1. Minutes of the March 3, 2010 Advisory Green Council Meeting.**
- 2. Minutes of the February 9, 2010 Parks Board Meeting.**
- 3. Community Development monthly Report for March 2010.**
- 4. Water and Sewer Department reports for March 2010.**

***Pamela Clement, City Clerk presented the Consent Calendar.***

## J. Consent Calendar

1. **Minutes** of the April 8<sup>th</sup>, 2010 City Council Meeting.
2. **Liquor license** request from John H. Whicker for T & J Restaurants, LLC., D/B/A Chevy's Fresh Mex located at 3005 Highway K for a Extension of the Premises License for an event to be held on May 5<sup>th</sup>, 2010.
3. **Liquor license** request from Steve Longenecker for Applebee's Neighborhood Bar & Grill located at 1377 Highway K for a Extension of the Premises License for an event to be held on May 5<sup>th</sup>, 2010.
4. **Live Entertainment/Special Event License** request from John H. Whicker for T & J Restaurants, LLC., D/B/A Chevy's Fresh Mex located at 3005 Highway K for a Extension of the Premises License for an event to be held on May 5<sup>th</sup>, 2010.
5. **Live Entertainment/Special Event License** request from Nate Soukup for Applebee's Neighborhood Bar & Grill located at 1377 Highway K for a Extension of the Premises License for an event to be held on May 5<sup>th</sup>, 2010.
6. **Extension of the escrow** for Preston Woods, Plat Three in the amount of \$113,818.64 until February 28, 2012.
7. **Extension of the escrow** for Preston Woods, Plat Two-B in the amount of \$76,827.00 until March 31, 2012.
8. **Extension of the escrow** for Preston Woods, Plat One in the amount of \$98,150.31 until March 31, 2012.
9. **Extension of the escrow** for Preston Woods, Plat Two (grading) in the amount of \$107,440.00 until July 30, 2012.
10. **Extension of the escrow** for Preston Woods, Plat Two (grading2) in the amount of \$7,289.00 until August 30, 2012.
11. **Extension of the escrow** for Spring Orchard Commercial, Phase II, in the amount of \$28,552.00 until October 31, 2012.

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

**All Councilmen present were in favor, Motion Passes**

## K. New Business

1. **Bill No. 5964, Sponsored by The Council as a Whole, 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 election duly held and a Declaratory Judgment issued by the St. Charles County Circuit Court.

**Comment: First Reading ONLY.** Ordinance is attached for your review.

Bill 5964 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Schwentker, seconded by Councilwoman Mack. Councilman Perkins read the title of the Bill.

2. **Bill No. 5965, Sponsored by The Council as a Whole, an Ordinance** amending Chapter 120 of the O'Fallon City Code to increase the membership of the Public Works Commission and Senior Resident Advisory Committee to reflect the expansion of the City Council to five Wards.

**Comment: First Reading ONLY.** Ordinance is attached for your review.

Bill 5965 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Howell, seconded by Councilman Perkins. Councilman Howell read the title of the Bill.

3. **Bill No. 5966, Sponsored by Councilman Perkins and Gardner, an Ordinance approving the plans for the Public Road Improvement project known as West Terra, Phase 1 and Phase 2; declaring that the project to be necessary and appropriate; authorizing acquisition of said land; and authorizing certain other actions.**

**Comment: First Reading ONLY.** Ordinance is attached for your review.

Bill 5966 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Perkins, seconded by Councilman Gardner. Councilman Perkins read the title of the Bill.

4. **Bill No. 5967, Sponsored by The Council as a Whole, an Ordinance amending Section 150.030 of the O'Fallon City Code to clarify the right of employees to have the Personnel Board review disciplinary employment actions.**

**Comment: First Reading ONLY.** Ordinance is attached for your review.

Bill 5967 was introduced and a motion was made to read the Bill for First Reading by title only by Councilman Pepper, seconded by Councilman Schwentker. Councilman Pepper read the title of the Bill.

5. **Resolution No. 4-22-2010A, A Resolution authorizing an agreement for the Lease/purchase of three (3) automated sideloaders for the City of O'Fallon, Missouri, Environmental Services Department.**

A motion to read the Resolution by title only by Councilman Perkins, second by Councilman Lucas. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 4-22-2010A** by title only.

Motion was made to approve Resolution 4-22-2010A by Councilman Perkins, seconded by Councilman Lucas.

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

**All Councilmen present were in favor, Motion passes**

6. **Resolution No. 4-22-2010B, A Resolution requesting authorization for the City of O'Fallon Police Department to participate in the Missouri Highway Safety Program with the Missouri Department of Transportation.**

A motion to read the Resolution by title only by Councilman Howell, second by Councilman Pepper. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 4-22-2010B** by title only.

Motion was made to approve Resolution 4-22-2010B by Councilman Howell, seconded by Councilman Pepper.

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

**All Councilmen present were in favor, Motion passes**

**7. Resolution No. 4-22-2010C, A Resolution authorizing the purchase of eight (8) 2010 Ford Crown Victoria Police Interceptor vehicles for the City of O'Fallon Police Department**

A motion to read the Resolution by title only by Councilman Haney, second by Councilman Haman. All Councilmen signed aye. City Attorney, Kevin O'Keefe, read **Resolution 4-22-2010C** by title only.

Motion was made to approve Resolution 4-22-2010C by Councilman Haney, seconded by Councilman Haman.

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

**All Councilmen present were in favor, Motion passes**

**L. City Administrators Report**

Keith Riesberg, City Administrator announced the Water Sewer Department was recognized by the Missouri Water Environment Association. He said they received the 2009 Safety Award for being accident free for more than a year. He congratulated staff for their accomplishment.

**M. Adjourn**

Mayor Hennessy asked for motion to adjourn to Closed Executive Session for the purpose of dealing with matters relating to 610.021 (1) Legal action, litigation or privileged communications between the City's representatives and its attorneys.

**A motion was made by Councilman Haman, seconded by Councilman Gardner.**

Roll Call:

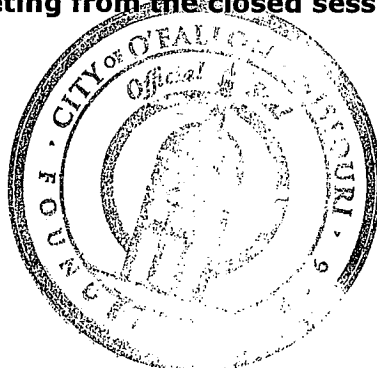
Councilman Haney	No
Councilman Gardner	Yes
Councilman Perkins	Yes
Councilman Howell	No
Councilman Lucas	Yes
Councilman Pepper	No
Councilman Phenev	Yes
Councilwoman Mack	Yes
Councilman Haman	Yes
Councilman Schwentker	No

**Six (6) yes votes, four (4) no votes, Motion passes**

**Motion was made to adjourn the meeting from the closed session at 9:52 p.m.**

Respectfully Submitted

  
Pamela L. Clement  
City Clerk



4/22/10

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