



**NOTICE OF THE CITY OF O'FALLON  
CITY COUNCIL COMMITTEE OF THE WHOLE  
100 North Main Street  
O'Fallon, Missouri 63366  
August 11th, 2011, 5:30 p.m.**

**PUBLIC NOTICE IS HEREBY GIVEN a Committee of the Whole Meeting will be held in the Council Chambers at the O'Fallon Municipal Centre, 100 North Main Street, O'Fallon, Missouri, on the 11th day of August at 5:30 p.m.**

### **Tentative Workshop Agenda**

- A. Call to order**
- B. Roll Call**
- C. Approval of the Agenda**
- D. Discussion of Council agenda items**
- E. Discuss proposed Property Tax & Sewer Lateral Insurance Levy - Vicki Boschert**
- F. Discuss the involuntary annexation of properties - David Woods**
- G. Discuss changing the location of Workshops to MPR - Keith Riesberg**
- H. Discussion of plans for beautification of intersections - Council member Mack**
- I. Discuss proposed resolution regarding "Rule of Law" community - Council member Pepper**
- J. Discuss proposed ordinance regarding employment of illegal aliens - Council member Pepper**
- K. Discuss proposed ordinance amending record keeping and reporting requirements for Municipal Court - Council member Schwentker**
- L. Presentation of AgendaQuick program - Pam Clement**
- M. Other Items for Consideration**

## **N. Adjourn**

Posted <@DATE@>



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Pamela L. Clement, MRCC  
City Clerk

**Notice is hereby given that, subject to a motion duly made and adopted, the City Council of the City of O'Fallon, Missouri may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: 610.021(1) Legal Actions, Causes of Action, Litigation or Privileged Communications between the City's representatives and its attorneys; 610.021(2) Leasing, purchasing or sale of real estate; 610.021(3) Hiring, firing, disciplining or promotion of employees; 610.021(9) preparation, including any discussion or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups; 610.021(11) Specifications or competitive bidding; 610.021(12) Sealed bids or related documents. 610.021(13) individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment.**



# City of O'Fallon, Missouri

## Memorandum

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### **Council Meeting Workshop**

**F.**

**Meeting Date:** 08/11/2011  
**Re:** Involuntary Annexations  
**From:** David Woods, Director of Planning and Development  
**Department:** Planning and Development  
**Agenda Category:** Discussion Item

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### **Information**

#### **Item:**

This is a discussion of possible parcels to be considered for the April 6, 2012 City ballot as involuntary annexation cases.

#### **Background:**

For the past several years, the Planning and Development Department has been actively reviewing parcels of property for possible annexation into the City of O'Fallon. This process eliminates pockets of unincorporated properties, and makes the City more contiguous. A total of 8 areas have been identified, and a map will be reviewed with the City Council at the workshop.

In brief, the areas are as follows: 1) 570 acres (13 parcels) in the floodplain which includes a landscaping nursery with a house, and a sod company's office building, north of Highway 79, abutting the City's sewer plant; 2) 136 acres (8 parcels), all undeveloped, a majority of which are in the Peruque Creek floodplain; 3) 1.43 acres at 653 Feise Road, which are occupied by a seeding and sod company and contain a cell tower warehouse and several small sheds; 4) 4.88 acres at the southwest corner of Highway N and Springhurst Parkway, with an existing electrical sub-station; 5) 21.07 acres located at 9044 Highway DD, with the Foxhaven Subdivision located along 3 sides, and containing an existing landscape nursery; 6) 11.05 acres at the west side of Elaine Drive north of the railroad tracks; 7) 175.92 acres used for agricultural purposes north of TR Hughes Blvd.; and 8) 2.92 acres (4 parcels) near Laura Hill Road and Highway K, currently used for storage and warehousing of equipment for sod installation.

#### **Previous Council Action:**

Attached is a chart which depicts the history and status of prior annexations approved by the City Council since 2007.

#### **Recommendation:**

Staff recommends the City Council consider the information presented and provide staff with direction on whether to pursue the parcels discussed.

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## **Fiscal Impact**

**Budgeted Y/N?:** N

### **Budget Information:**

The cost of the election has not been budgeted as it would be incurred in FY 2012. Because the election would be held in conjunction with the normal April municipal election, the estimated cost to hold the election would be approximately \$50,000. Based upon the assessed valuation of the parcels being considered for annexation, the estimated property tax revenue to be received from these parcels is \$2,000.

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## **Attachments**

Involuntary Annexation Status

## INVOLUNTARY ANNEXATIONS

PROPERTY LOCATION/DESCRIPTION	BALLOT YEAR	STATUS	CITY COUNCIL APPROVAL DATE	ORDINANCE NO.
PLAN OF INTENT GENERAL MUNICIPAL ELECTION APRIL 3, 2007	2007	APPROVED	01/12/2007	<a href="#">5115</a>
CARL AND KATHLEEN LASK <a href="#">1116 MEXICO ROAD</a>	2007	APPROVED	07/31/2007	<a href="#">5208</a>
CHARLES FEISE <a href="#">845 FEISE ROAD</a>	2007	APPROVED	03/24/2011	<a href="#">5691</a>
PANSY SMITH <a href="#">18 NORTHWOOD DRIVE</a>	2007	FAILED AT GENERAL ELECTION	N/A	N/A
HUTCHINGS FARM PLAZA <a href="#">2534 HIGHWAY K</a>	2007	APPROVED	02/28/2008	<a href="#">5291</a>
ACC PROPERTIES <a href="#">2760 HIGHWAY K</a>	2007	APPROVED	02/28/2008	<a href="#">5290</a>
ACC PROPERTIES <a href="#">2770 HIGHWAY K</a>	2007	FAILED AT GENERAL ELECTION	N/A	N/A
<a href="#">2764 HIGHWAY K</a>	2007	APPROVED	02/25/2010	<a href="#">5570</a>
ACC PROPERTIES (IMO'S PIZZA) <a href="#">2756 HIGHWAY K</a>	2007	APPROVED	02/28/2008	<a href="#">5289</a>
TRIAD CENTER (STONE CREEK HOLDINGS) <a href="#">1000 ROCK CREEK ELEMENTARY DRIVE</a>	2007	APPROVED (VOLUNTARY)	02/26/2009	<a href="#">5434</a>
TRIAD CENTER (COLLIER ORGANIZATION) <a href="#">8980 MEXICO</a>	2007	APPROVED (VOLUNTARY)	05/14/2009	<a href="#">5456</a>
PANSY SMITH <a href="#">NE CORNER OF FEISE ROAD AND NORTHWOOD DRIVE</a>	2007	APPROVED	05/08/2008	<a href="#">5326</a>
IFFRIG PROPERTY <a href="#">SW CORNER OF MEXICO ROAD AND KNAUST ROAD</a>	2007	APPROVED	04/23/2008	<a href="#">5314</a>

<b>PROPERTY LOCATION/DESCRIPTION</b>	<b>BALLOT YEAR</b>	<b>STATUS</b>	<b>CITY COUNCIL APPROVAL DATE</b>	<b>ORDINANCE NO.</b>
PLAN OF INTENT GENERAL MUNICIPAL ELECTION APRIL 8, 2008	2008	APPROVED	01/24/2008	<a href="#">5282</a>
BAYFIELD SUBDIVISION <a href="#">PLAT 1, 2 AND 3 AND AMARILLO VILLAGE SUBDIVISION</a>	2008	APPROVED	10/23/2008	<a href="#">5388</a>

PROPERTY LOCATION/DESCRIPTION	BALLOT YEAR	STATUS	CITY COUNCIL APPROVAL DATE	ORDINANCE NO.
PLAN OF INTENT GENERAL MUNICIPAL ELECTION APRIL 7, 2009	2009	APPROVED	01/24/2009	<a href="#">5414</a>
<a href="#">BRIGHTON POINT PLAT TWO</a>	2009	APPROVED	04/22/2010	<a href="#">5586</a>
STONE CREEK MOBILE HOME PARK	2009	FAILED AT GENERAL ELECTION	N/A	N/A
NORTH SIDE OF VETERAN'S MEMORIAL PARKWAY <a href="#">2-057D-SO29-00-29.2</a>	2009	APPROVED	11/12/2009	<a href="#">5520</a>
NORTH SIDE OF VETERAN'S MEMORIAL PARKWAY 2-057D-S029-00-44.1	2009	APPROVED	12/10/2009	<a href="#">5533</a>
NORTH SIDE OF WEST TERRA LANE 2-0145-1780-00-1	2009	PENDING		
NORTH SIDE OF WEST TERRA LANE 2-0057-S030-00-4	2009	APPROVED	02/25/2010	<a href="#">5571</a>
SOUTH OF EAST PITMAN AVE 4-0052-0054-00.9	2009	PENDING		
SOUTH OF MEXICO ROAD <a href="#">4-0021-S026-001.3</a>	2009	APPROVED	08/26/2010	<a href="#">5618</a>
SOUTH OF MEXICO ROAD <a href="#">4-0020-S027-00-1.21.2</a>	2009	APPROVED	08/26/2010	<a href="#">5618</a>
WEST OF FOXGATE COURT <a href="#">2-0066-S004-00-4.2</a>	2009	APPROVED	11/18/2010	<a href="#">5637</a>
AUBURN TRACE KNAUST ROAD 2-0069-S010-00-9 AND 2-0069-S010-00-9.1	2009	APPROVED (VOLUNTARY WITH AGREEMENT)	02/26/2009 (EFFECTIVE 01/01/2011)	<a href="#">5431</a>
SOUTH SIDE OF THE SOUTH OUTER ROAD 364 2-0129-3225-00-1	2009	APPROVED	04/08/2010	<a href="#">5581</a>
NORTH SIDE OF KEATON CORPORATE PARKWAY 3-157D-1669-00-23	2009	APPROVED (VOLUNTARY WITH AGREEMENT)	03/31/2009	<a href="#">5446</a>

NORTH SIDE OF KEATON CORPORATE PARKWAY <a href="#">3-157D-A604-00-6</a> , <a href="#">3-157D-A291-00-1</a> , <a href="#">3-157D-A291-00-2</a> , <a href="#">3-157D-A291-00-3</a> , <a href="#">3-157D-A291-00-4</a> , <a href="#">3-157D-A291-00-5</a> AND <a href="#">3-157D-A291-00-6</a>	2009	APPROVED	06/10/2010	<a href="#">5601</a>
NORTH OF HIGHWAY 40-61/TECHNOLOGY DRIVE <a href="#">3-157E-8446-00-1</a>	2009	APPROVED	04/22/2010	<a href="#">5587</a>
NORTH OF HIGHWAY 40-61/TECHNOLOGY DRIVE <a href="#">3-157E-8446-00-2</a>	2009	APPROVED	05/13/2010	<a href="#">5590</a>
NORTH SIDE OF WEST TERRA LANE 2-0057-S030-00-13.1	2009	PENDING		
NORTH SIDE OF WEST TERRA LANE <a href="#">2-0057-S030-00-13</a>	2009	APPROVED	09/23/2010	<a href="#">5623</a>
SOUTH SIDE OF VETERAN'S MEMORIAL PARKWAY 2-0057-S030-00-21	2009	APPROVED	01/14/2010	<a href="#">5546</a>
SOUTH SIDE OF VETERAN'S MEMORIAL PARKWAY 2-0057-S030-00-27	2009	APPROVED	01/28/2010	<a href="#">5564</a>

PROPERTY LOCATION/DESCRIPTION	BALLOT YEAR	STATUS	CITY COUNCIL APPROVAL DATE	ORDINANCE NO.
PLAN OF INTENT <a href="#">GENERAL MUNICIPAL ELECTION APRIL 6, 2010</a>	2010	APPROVED	01/14/2010	<a href="#">5543</a>
OSCAR & HELEN SCHNEIDER NORTH MAIN STREET <a href="#">2-0041-S016-00-3</a>	2010	APPROVED	09/23/2010	<a href="#">5624</a>
MEMC ELECTRONICS MATERIALS PEARL DRIVE 2-106B-0749-00-7	2010	APPROVED	01/13/2011	<a href="#">5658</a>
HILMER TRUST WEST GENEVA DRIVE 2-106-B-0731-00-7	2010	PENDING		
GRELLE TRUST WEST TERRA LANE 2-0057-S030-00-9	2010	APPROVED (VOLUNTARY)	04/22/2010	<a href="#">5588</a>
NEUMANN, SWESTERN BELL, SPECIALIZED ROOFING 4 PARCELS ON WEST TERRA LANE <a href="#">4-0053-1780-00-2, 4-0053-1780-00-3, 2-0145-1780-00-4 AND 2-0145-1780-00-4.2</a>	2010	APPROVED	11/18/2010	<a href="#">5636</a>
LOWE'S, DAVID KELLEY AND CAS HOLDINGS <a href="#">4 PARCELS OFF MEXICO ROAD AND WHITE OAK LANE 2-0019-4227-00-1, 2-0119-4227-001.1, 2-0119-1766-00-22 AND 2-0119-4227-00-14</a>	2010	APPROVED	10/28/2010	<a href="#">5635</a>
MERCER HIGHWAY K 2-0067-S005-00-3.9	2010	PENDING		
WOODS HIGHWAY K 2-0070-S016-00-7	2010	PENDING		

PROPERTY LOCATION/DESCRIPTION	BALLOT YEAR	STATUS	CITY COUNCIL APPROVAL DATE	ORDINANCE NO.
PLAN OF INTENT <a href="#">GENERAL MUNICIPAL ELECTION APRIL 5, 2011</a>	2011	APPROVED	01/13/2011	<a href="#">5665</a>
HOFF ROAD AND KEMMAR COURT 2-0049-S023-00-7.2	2011	BALLOT ITEM FOR 04/05/2011	---	---
1000 HOFF ROAD 2-0049-S024-00-12.2	2011	BALLOT ITEM FOR 04/05/2011	---	---
4 PARCELS BETWEEN HIGHWAY N AND PAGE SOUTH OUTER ROAD 2-0129-3225-00-1.6, 2-1029-3225-00-2.5, 2-0129-3225-00-2.52 AND 2-0129-3225-00-2.51	2011	BALLOT ITEM FOR 04/05/2011	---	---
HIGHWAY N 2-0068-S008-00-1.21	2011	BALLOT ITEM FOR 04/05/2011	---	---
2 PARCELS BETWEEN HIGHWAY N AND THE PAGE SOUTH OUTER ROAD 2-113A-1669-00-1.91 AND 2-113A-1669-00-2.1	2011	BALLOT ITEM FOR 04/05/2011	---	---
4 PARCELS ON THE WEST SIDE OF INTERSTATE 64, SOUTH OF HIGHWAY N AND ON BOTH SIDES OF THE SOUTH OUTER ROAD 4-0036-S011-00-2, 4-0036-S011-00-2.1, 4-0036-S011-00-2.2 AND 4-0036-S011-00-2.6	2011	BALLOT ITEM FOR 04/05/2011	---	---
WEST SIDE OF INTERSTATE 64, SOUTH OF FOX TROTTER DRIVE 4-0036-S011-00-2.33	2011	BALLOT ITEM FOR 04/05/2011	---	---



# City of O'Fallon, Missouri

## Memorandum

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### **Council Meeting Workshop**

**K.**

**Meeting Date:** 08/11/2011

**Re:** Discuss proposed ordinance amending record keeping and reporting requirements for Municipal Court

**Department:** Administration

**Agenda Category:** Discussion Item

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### **Information**

**Item:**

Mayor Hennessy and Council member Schwentker requested to place this item on the workshop agenda for discussion following the meeting with the Judge and Prosecuting Attorney.

**Background:**

The proposed ordinance would amend City Code to reflect the administrative rules regarding court reporting requirements to the City Council. Presently the language in City Code mirrors State Statute, which has been replaced by administrative orders issued by the Missouri Supreme Court.

**Previous Council Action:**

On April 28 staff presented to the City Council an ordinance to amend the City Code regarding the record keeping and reporting requirements of the Municipal Court. After discussing the matter at workshop, the proposed ordinance had first reading on May 12. On May 26 the City Council voted 6 - 3 to NOT adopt the ordinance.

**Recommendation:**

Staff recommends adopting the ordinance to remove the conflict between City Code and the administrative rules that govern the record keeping and reporting requirements for municipal courts.

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### **Attachments**

Court Reports Proposed Ordinance

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

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Sponsored by: Mayor Hennessy, Council member Schwentker

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**AN ORDINANCE AMENDING SECTION 130.080 REGARDING RECORD KEEPING AND REPORTING BY THE O'FALLON MUNICIPAL COURT.**

**WHEREAS**, pursuant to Article V of the Missouri Constitution, Section 479.010, RSMo., and Section 130.010 of the O'Fallon City Code, the O'Fallon Municipal Court is a division of the 11<sup>th</sup> Judicial Circuit of the State of Missouri which serves as the judicial branch of the O'Fallon city government in accord with the provisions of the O'Fallon Charter, Missouri statutes and rules promulgated by the Missouri Supreme Court and the 11<sup>th</sup> Judicial Circuit; and

**WHEREAS**, various provisions of state statutes, court rules and city ordinances address record retention, confidentiality, accounting and reporting of various aspects of the municipal court's activities; and

**WHEREAS**, in particular, Section 479.080.3, RSMo. 2000, provides for certain municipal division reporting requirements "[u]ntil modified or otherwise provided by . . . administrative rule[s]" which "[t]he supreme court by administrative rule may [adopt with respect to] uniform procedure, and reporting forms for the collection and transmittal of fines and costs"; and

**WHEREAS**, by Operating Rule 4.01 the Missouri Supreme Court has adopted and required that "[t] here shall be a uniform record keeping system in the Circuit Court that shall be mandatory for the form, style, and maintenance of records dealing with civil, criminal, juvenile, probate, mental health, family court, traffic and municipal cases"; and pursuant to Operating Rule 4.29 the Missouri Supreme Court has specified that "[o]n or before the 15th of each month, the Municipal Division shall submit to the municipality a copy of the monthly case load summary report for the preceding month required by Court Operating Rule 4.28"; and

**WHEREAS**, the Mayor and Council find that conforming city ordinances regarding reporting of court activities with the requirements of state law and Supreme Court rules will avoid unnecessary duplication, overhead and

expense; promote efficiency; provide adequate information for oversight, accounting and auditing purposes; respect legitimate privacy interests and requirements, and reconcile city procedures with those mandated by the judicial administration of the state;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:**

**Section One.**

Section 130.080 of Article I of Chapter 130 of Title I of the Code of Ordinances of the City of O'Fallon, Missouri, is hereby repealed and a new Section 130.080 is hereby enacted in lieu thereof to read as follows:

**TITLE I. GOVERNMENT CODE**

**CHAPTER 130: MUNICIPAL COURT**

**ARTICLE I. GENERAL PROVISIONS**

**SECTION 130.080: REPORT TO CITY COUNCIL; PAYMENTS TO TREASURER**

The Municipal Judge shall cause the Court Administrator to prepare and file with the city clerk and director of finance regular monthly reports conforming to all forms and requirements of rules adopted for such purpose by or pursuant to the authority of the Missouri Supreme Court and/or the 11<sup>th</sup> Judicial Circuit, copies of which shall be made available to the mayor and city council promptly thereafter. The Municipal Court shall, immediately upon reconciliation of the docket by the Court Administrator pay to the Municipal Treasurer the full amount of all fines and costs collected, if not previously paid to the Municipal Treasurer.

**Section 2.**

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of O'Fallon, Missouri hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that

any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 3.**

The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

**Section 4.**

This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

**ADOPTED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON,  
MISSOURI, THIS           , DAY OF           , 2011.**

Mayor Bill Hennessy  
Presiding Officer

Attest:

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Pamela L. Clement, City Clerk

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Bill Hennessy, Mayor

Attest:

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Pamela L. Clement, City Clerk

Approved as to Form:

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Kevin M. O'Keefe, City Attorney