

Mascoutah City Council

July 7, 2014

REGULAR MEETING AGENDA

City Council Meeting - 7:00 pm

1. PRAYER & PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. ROLL CALL

4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

5. MINUTES, June 16, 2014 City Council Meeting (Page 1 to Page 9)

6. PUBLIC COMMENTS (3 minutes) – opportunity for the public to comment.

7. REPORTS AND COMMUNICATIONS

- A. Mayor
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

8. COUNCIL BUSINESS

A. Council Items for Action:

1. **PC14-04 – Rezoning of 8.8 acres north of Interstate 64 and west of IL Route 4 from GC, General Commercial, to RM, Multiple-Family Residential (First Reading)** (Page 7 to Page 31)

Description: Rezoning of 8.8 acres north of Interstate 64 and west of IL Route 4 from GC, General Commercial, to RM, Multiple-Family Residential, by adoption of ordinance to approve or adoption of resolution to deny.

Recommendation: First reading.

2. **St. Clair County MidAmerica Enterprise Zone – Intergovernmental Agreement Amendment and an Ordinance to Add Territory** (Page 32 to Page 61)

Description: Approval to amend St. Clair County MidAmerica Enterprise Zone Intergovernmental Agreement and approval of an Ordinance to add territory.

Staff Recommendation: Council waiver of first reading and approval .

3. **Main Street Closing – Fall Fest** (Page 58 to Page 60)
Description: Mascoutah Chamber of Commerce is requesting that the City close Main Street (IL 177) on October 18, 2014 for the Fall Fest.
Staff Recommendation: Council Approval of Resolution.
4. **Main Street Closing – Christmas Parade** (Page 61 to Page 63)
Description: Mascoutah Chamber of Commerce is requesting that the City close Main Street (IL 177) on December 5, 2014 for the annual Miracle on Main Christmas Parade.
Staff Recommendation: Council Approval of Resolution.
5. **Resolution Opposing SB3507 Regarding Restriction on Collection of Connection Fees** (Page 64 to Page 66)
Description: Approval of a resolution urging the Governor to veto Senate Bill 3507 which restricts the collection of connection fees charged by municipalities.
Staff Recommendation: Council Approval of Resolution.
6. **Bid Award – Harnett Street Improvements, Phase II** (Page 67 to Page 69)
Description: Approval and authorization of bids for furnishing all labor, materials and equipment to reconstruct Harnett Street from Rte. 4 to North 6th Street and from North 10th Street to County Road. This project will also include re-striping Harnett Street from 6th Street to 10th Street.
Staff Recommendation: Council Approval.
7. **IDOT Resolutions / Access Permits – Harnett Street** (Page 70 to Page 72)
Description: Adoption of resolutions requesting permission and authorization to do certain work within the IDOT right-of-way on State Highways 6th Street and IL Route 4 for the reconstruction of Harnett Street.
Staff Recommendation: Council Approval of Resolutions.

B. Council – Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION - NONE

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 7/3/14 at 5:00 PM

**1CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

JUNE 16, 2014

The minutes of the regular meeting of the City Council of the City of Mascoutah.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Kari Haas. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Gerald Daugherty called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Mayor Gerald Daugherty and Council members Paul Schorr, John Weyant, and Pat McMahan.

Absent: Council member Ben Grodeon.

Other Staff Present: City Manager Cody Hawkins, City Clerk Kari Haas, City Attorney Al Paulson, Fire Chief Joe Zinck, Police Chief Bruce Fleshren, City Engineer Ron Yeager, and Assistant City Manager Lisa Koerkenmeier.

Establishment of a Quorum: A quorum of City Council members was present.

AMEND AGENDA

None.

MINUTES

The minutes of the June 2, 2014 regular City Council meeting were presented and stood as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Jason Holtman, resident, Crown Pointe subdivision – Spoke regarding receipt of property tax bill and special service area tax on that bill. Would like the City to review the tax and the fact that it was not disclosed to them at time of closing when they purchased their homes. Would like the City to either eliminate the tax or share it throughout the entire community. Will be bringing a petition to the Council at the next meeting.

Joe Lawson, resident – Stated that he is currently renting through Bail-Co and found out that they have been running electric illegally through his apartment and forcing him to pay for

that electric. Stated that he has spoken with Bail-Co and they are going to continue to make him pay for this electric and will not resolve the problem. Mayor recommended he contact the City Manager's office to report his problem.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – May 2014 report was provided.

Public Safety Director Bruce Fleshren – May 2014 report was provided.

Police Chief presented Kathy Kelsheimer with a retirement shadow box recognizing her 22 years of service.

City Clerk Kari Haas swore in Officer Matt Steinkamp as Sergeant.

Finance Coordinator Lynn Weidenbenner – absent – Monthly financials provided.

City Engineer/Director of Public Works Ron Yeager – Status report on public projects and monthly building permits report provided. Councilman Weyant asked about the 2013 Roads Program and when the punch list items would be completed. City Engineer stated that the punch list items should be completed by the end of the week and final pay request processed by the end of the month.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: Chamber meeting, Habitat for Humanity meeting, 4th of July planning meeting, change of command at Scott AFB, picnic at Leu Civic Center and light box parade.

City Council

Schorr – Attended the following meetings and functions: Ice Cream for Mascoutah, Sgt. Kelsheimer's retirement luncheon.

Weyant – Attended the following meetings and functions: Sgt. Kelsheimer's retirement luncheon.

McMahan – Attended the following meetings and functions: Worked at Habitat for Humanity house, Parks and Recreation Commission meeting, working at park setting up for Rodeo.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The May 2014 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Councilman Weyant asked what SILEC stood for. City Attorney stated that it stands for Southern Illinois Law Enforcement Commission and is for law enforcement training.

Councilman Weyant asked about the long distance bills. City Manager stated that it is for all of the land lines within the City buildings.

McMahan moved, seconded by Schorr, to accept all items under Omnibus consideration.

Motion passed. AYE's – Schorr, Weyant, McMahan, Daugherty. NAY's – none.
ABSENT – Grodeon.

CODE CHANGE – RECREATION AND PARKS CODE

City Manager presented report for Council consideration of approval of revisions to Chapter 31 – Recreation and Parks of the City Code by adoption of ordinance.

Schorr moved, seconded by Weyant, to approve and adopt Ordinance No. 14-07, thereby modifying Chapter 31 – Recreation and Parks.

Motion passed. AYE's – Schorr, Weyant, McMahan, Daugherty. NAY's – none.
ABSENT – Grodeon.

PREVAILING WAGE ORDINANCE

City Manager presented report for Council consideration of approval of an ordinance adopting and affirming the City of Mascoutah, St. Clair County, Prevailing Wage.

Weyant moved, seconded by McMahan, to approve and adopt Ordinance No. 14-08, thereby reaffirming and establishing the legal prevailing rate of wages for the City of Mascoutah.

Motion passed. AYE's – Schorr, Weyant, McMahan, Daugherty. NAY's – none.
ABSENT – Grodeon.

STREET CLOSINGS – HOMECOMING PARADE

City Manager presented report for Council consideration of approval of request from the Mascoutah Improvement Association to close streets for the annual Homecoming Parade.

McMahan moved, seconded by Schorr, to approve and adopt Resolution No. 14-15-05 to authorize the closing of Main Street from Lebanon Street to Sixth Street and Sixth Street from Main Street to Park Drive from 4:45 p.m. to 6:15 p.m. on August 2nd and from 4:45 p.m. to 6:15 p.m. on August 3rd for the annual Mascoutah Homecoming Parade.

Motion passed. AYE's – Schorr, Weyant, McMahan, Daugherty. NAY's – none.
ABSENT – Grodeon.

**DEVELOPMENT AGREEMENT – DOUGLAS AVENUE APARTMENTS,
AMENDED BY CITY COUNCIL ON MARCH 3, 2014**

City Manager presented report for Council consideration of approval to extend terms of the amended Development Agreement for Douglas Avenue Apartments between the City of Mascoutah and M.T.S. Development, approved by City Council on March 3, 2014.

Councilman Schorr asked if it was extended what action does the developer have to take to comply. City Manager stated that the developer would have to pull the building permits.

Matt Stukenberg stated that he has the building permits and check ready to be submitted to the City tonight and would ask for a 2 week extension from the June 3, 2014 deadline.

Councilman Schorr stated that if an extension was provided then an exact date needs to be stated in the motion. City Attorney recommended if Council grants the extension to provide a couple more days to account for any issues that could occur after submittal so would recommend extending the agreement until Friday.

Schorr moved, seconded by Weyant, to amend the Development Agreement approved March 3, 2014 between the City of Mascoutah and M.T.S. Development (Matt Stukenberg) granting the developer 16 days or until close of business on Friday, June 20, 2014 to commence permitting and construction of Douglas Avenue Apartments.

Motion passed. AYE's – Schorr, Weyant, McMahan, Daugherty. NAY's – none.
ABSENT – Grodeon.

**REQUEST FOR ECONOMIC DEVELOPMENT INCENTIVES FROM MIKE
BAKER / BAKCO PROPERTIES FOR PENDING SALE / REDEVELOPMENT OF
PROPERTY AT 101 E. MAIN / 104 N. MARKET STREETS**

City Manager presented report for Council consideration of approval to induce economic development incentives for Mike Baker / BAKCO Properties for pending sale and redevelopment of the property at 101 E. Main / 104 N. Market Streets.

Councilman Schorr stated that he is opposed to this because costs like this are directly related to selling the property and should come out of the profits derived from selling the property and also using TIF funds like this would open a whole new area of requests for TIF funds reimbursement that this TIF was not designed for.

Councilman Weyant asked about the 15%. City Manager stated that within the incentives packet, the policy of the City is to only reimburse 15% of the total project cost unless there is good reason to do so. Councilman Weyant stated that he sees no problem with

approving it since it is a TIF eligible expense but would recommend only reimbursing 15%.

Mayor stated that he agrees that it would open a whole new area of requests for TIF funds and stated that the incentives are for redevelopment so he is opposed to it.

Council discussed the incentives and whether or not to approve this request. City Manager stated that it is a policy decision; this type of expense is an allowable expense under the TIF law but Council needs to decide if it is an allowable incentive expense under the City's Economic Development Incentives Program. City Manager stated that in the program, typically the 15% reimbursement of the project cost is provided to the developer, to the person who will be making the investment to increase the value of the property.

Weyant moved, seconded by McMahan, to approve a TIF 2B expenditure in the amount of 15% of the \$4,300.00 to Mike Baker / BAKCO Properties for Phase 2 Environmental Testing at 101 E. Main / 104 N. Market Streets upon the sale and closing of the property to Bill Millikin / Millikins, LLC.

Motion failed. AYE's – Weyant, McMahan. NAY's – Schorr, Daugherty. ABSENT – Grodeon.

City Attorney stated that approval would need a majority vote. City Attorney stated that Council could make a motion at the next meeting to reconsider.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Schorr asked about the property near Tom's Supermarket where a pool was installed and the dirt that is piled on the right-of-way. City Manager stated that they were granted temporary approval and the City used some of that dirt to backfill on Park Drive and the rest of the dirt needs to be hauled away so he will contact the property owner.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager provided information to Council regarding the asphalt zipper that was purchased by the City years ago and is highly underutilized. City Manager stated that he would like to sell the piece of equipment either by broker or bidding. Council was in agreement to sell the equipment and purchase something that will be better utilized.

PUBLIC COMMENTS

None.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Schorr, to **adjourn at 7:55 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.


Kari D. Haas, City Clerk

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 14-04 – Rezoning of 8.8 acres north of Interstate 64 and west of IL Route 4 from GC, General Commercial, to RM, Multiple-Family Residential (First Reading)**

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Rezoning of 8.8 acres north of Interstate 64 and west of IL Route 4 from GC, General Commercial, to RM, Multiple-Family Residential, by adoption of ordinance to approve or adoption of resolution to deny.

BACKGROUND & STAFF COMMENTS:

The applicant, Barry Hayden/Plaza 23 LLC, is the property owner of a 34.47 acre parcel located in the northwest quadrant of Interstate 64 and Illinois Route 4, north of Hayden Drive and west of Beller Drive. Mr. Hayden is requesting the north 8.8 acres of this parcel be rezoned from GC, General Commercial, to RM, Multiple-Family Residential. The portion of the parcel subject to the rezoning request has approximately 294 feet of frontage along Beller Drive and a depth of 1,300 feet.

The subject property was part of a larger 106 acre tract which was purchased by the applicant approximately 8 years ago. The property was zoned GC, General Commercial when he purchased the property. In 2006, 41.96 acres was platted as The Plaza, Phase 1. This Phase included five (5) commercial lots of which the Mobile Station and Best Western Plus Hotel (formerly La Quinta Inn) was subsequently developed. Phase 1 also included the construction of detention areas which are to serve the entire 106 acres and Hayden Drive and Beller Drive which were constructed as commercial collector streets and includes a 36' pavement width and 40' width back-to-back of curb. Hayden and Beller Drives are to serve as commercial frontage roads running parallel to Interstate 64 and Illinois Route 4 respectively.

The subject property is designated as Commercial on the Land Use map in the City's Comprehensive Plan. The Commercial land use designation was assigned to the subject property given its location and frontage along Interstate 64 and Illinois Route 4 and the City's desire that the property be developed for commercial use. Additionally, the entire 106 acres was included in the Mascoutah Business District to encourage commercial development. If the property is rezoned to multiple-family residential, apartments would not contribute to the business district tax. Therefore, staff made a recommendation to deny the rezoning request to multiple-family residential.

On June 18, 2014, the Planning Commission held a public hearing for PC 14-04. Following the public hearing, the Planning Commission voted 4-ayes and 3-nays to approve the rezoning

subject to the Findings for Approval attached. The Planning Commission meeting minutes are attached. Two spoke in favor and no one in opposition to the rezoning request. In accordance with Section 34-15-7 of the Unified Land Development Code, an affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request or to adopt any amendment to the Code. An abstention vote is counted with the voting majority.

STAFF RECOMMENDATION:

Staff recommends denial of the rezoning of 8.8 acres north of Interstate 64 and west of Illinois Route 4 from GC, General Commercial, to RM, Multiple-Family Residential.

SUGGESTED MOTIONS:

I move that the City Council approve and adopt Ordinance 14-____, approving the rezoning of 8.8 acres north of Interstate 64 and west of Illinois Route 4, subject to the Findings for Approval attached.

I move that the City Council adopt Resolution 14-15-____, denying the rezoning of 8.8 acres north of Interstate 64 and west of Illinois Route 4, subject to the Findings for Denial.

Prepared By: Lisa Koerkenmeier Approved By: Cody Hawkins
Lisa Koerkenmeier, AICP Cody Hawkins
Assistant City Manager City Manager

Attachments: A – Ordinance, Findings for Approval
B – Resolution, Findings for Denial
C – Planning Commission Staff Report
D – Minutes from the Planning Commission Meeting and Public Hearing of June 18, 2014

ORDINANCE NO. 14-_____

**AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, OFFICIAL CHANGE TO
THE ZONING MAP PER ARTICLE XV OF THE CITY OF MASCOUTAH CODES,
COMMONLY REFERRED TO AS THE UNIFIED LAND DEVELOPMENT CODE.**

WHEREAS, a Petition has been filed by Barry Hayden, Plaza 23 LLC, requesting that certain property within the zoning jurisdiction of the City of Mascoutah be rezoned from GC, General Commercial, to RM, Multiple-Family Residential; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Mascoutah Herald* on the 29th day of May, 2014, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official served notice on all the property owners within 250 feet of said property according to Section 34-15-6 of the Unified Land Development Code of the City of Mascoutah; and,

WHEREAS, a hearing of the Planning Commission of the City of Mascoutah was called at 7:00 p.m. on the 18th day of June, 2014, at the City Council Chambers in said City to consider the zoning classification of said property; and,

WHEREAS, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and,

WHEREAS, the Planning Commission have processed and recommended approval for this Zone Map change per City regulations; and,

WHEREAS, the Planning Commission's official "Report to Council" is represented by a complete report attached hereto and has been forwarded to the City Council for deliberation, approval and adoption of this Zone Map change.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:**

SECTION 1: That Chapter 34 "Unified Land Development Code," Article IV – Official Map, is hereby amended to officially change from General Commercial (GC) to Multiple-Family Residential (RM), the property described herein and shown in "Exhibit A," being part of the Southwest Quarter of Section 6, Township 1 North, Range 6 West of the 3rd P.M., St. Clair County, Illinois, more specifically as follows:

The North 294' of Lots 14 and 15 as recorded in the recorder in Book A, Page 388. Beginning at the intersection of the right-of-way line and the Northern property line of said parcel and then South 00 degrees, 33 minutes, 38 seconds, West 294 feet; thence leaving said Easterly right-of-way, North 89 degrees, 26 minutes, 25 seconds, West 1246.50 Feet; thence North 03 degrees, 01 minutes, 01 seconds, East 294.27 Feet; thence South 89 degrees, 26 minutes, 25 seconds, East 1233.89 Feet to the point of beginning of the tract herein described. Parcel contains 8.8 acres of

364,616 square feet, more or less.

SECTION 2: That the Ordinance shall be in full force and effect from after its passage and approval as provided by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 21st day of July, 2014, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Benjamin Grodeon	_____	_____	_____	_____
Paul Schorr	_____	_____	_____	_____
John Weyant	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____
Gerald Daugherty	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 21st day of July, 2014.

Mayor

ATTEST:

City Clerk

(SEAL)

FINDINGS FOR APPROVAL – City Council Version

ZONE CHANGE: 8.8 Acres North of Interstate 64
and West of Illinois Route 4

DATE: July 21, 2014

FINDINGS: The Mascoutah City Council, pursuant to the applicant's initiated Zone Change for the tract of land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed zone change is compatible with surrounding uses and the zoning of nearby property.
2. The rezoning application is consistent with good general planning.
3. The proposed zone change does not create land use compatibility problems with adjacent uses and is compatible with surrounding uses.
4. The proposed zone change is deemed desirable to promote the general welfare of the City.



RESOLUTION NO. 14-15-_____

**RESOLUTION TO DENY AN APPLICATION TO REZONE CERTAIN TERRITORY
WITHIN THE ZONING JURISDICTION OF THE CITY OF MASCOUTAH, ILLINOIS**

WHEREAS, a Petition has been filed by Barry Hayden, Plaza 23 LLC, requesting that certain property within the zoning jurisdiction of the City of Mascoutah be rezoned from GC, General Commercial, to RM, Multiple-Family Residential; and,

WHEREAS, a notice of the hearing stating its purpose was published in the *Mascoutah Herald* on the 29th day of May, 2014, being at least fifteen (15) days prior to said hearing; and,

WHEREAS, the administrative official served notice on all the property owners within 250 feet of said property according to Section 34-15-6 of the Unified Land Development Code of the City of Mascoutah; and,

WHEREAS, a hearing of the Planning Commission of the City of Mascoutah was called at 7:00 p.m. on the 18th day of June, 2014, at the City Council Chambers in said City to consider the zoning classification of said property; and,

WHEREAS, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and,

WHEREAS, said Planning Commission thereafter filed with the City Council a report of its hearing disclosing its findings of fact and its recommendations, said recommendation being as follows: to approve PC 14-04, Barry Hayden, Plaza 23 LLC, from GC, General Commercial, to RM, Multiple Family Residential; and,

WHEREAS, the City Council of the City of Mascoutah has considered the findings of fact filed by the Planning Commission with the City Council, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that said property should not be rezoned.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Mascoutah, Illinois as follows:

SECTION 1: That the real property subject to this resolution is described as being part of the Southwest Quarter of Section 6, Township 1 North, Range 6 West of the 3rd P.M., St. Clair County, Illinois, more specifically as follows:

The North 294' of Lots 14 and 15 as recorded in the recorder in Book A, Page 388. Beginning at the intersection of the right-of-way line and the Northern property line of said parcel and then South 00 degrees, 33 minutes, 38 seconds, West 294 feet; thence leaving said Easterly right-of-way, North 89 degrees, 26 minutes, 25 seconds, West 1246.50 Feet; thence North 03 degrees, 01 minutes, 01 seconds, East 294.27 Feet; thence South 89 degrees, 26 minutes, 25 seconds, East 1233.89 Feet to the point of beginning of the tract herein described. Parcel contains 8.8 acres of

364,616 square feet, more or less.

SECTION 2: That said petition as represented by PC 14-04 and on file in the City Manager's Office is hereby denied and that the property described herein above as shown in "Exhibit A" shall remain zoned GC, General Commercial.

SECTION 3: That the City Council of the City of Mascoutah makes the following findings as their basis for denial of said petition:

- a. The present zoning classification of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements and Comprehensive Plan.
- b. The present zoning classification is compatible with surrounding uses and the zoning of nearby property.
- c. The land is suitable for the uses permitted in the General Commercial Zoning District.
- d. The present zoning classification is consistent with good general planning.
- e. The present zoning classification is compatible with surrounding uses.
- f. The present zoning classification is deemed desirable to promote the general welfare of the City.

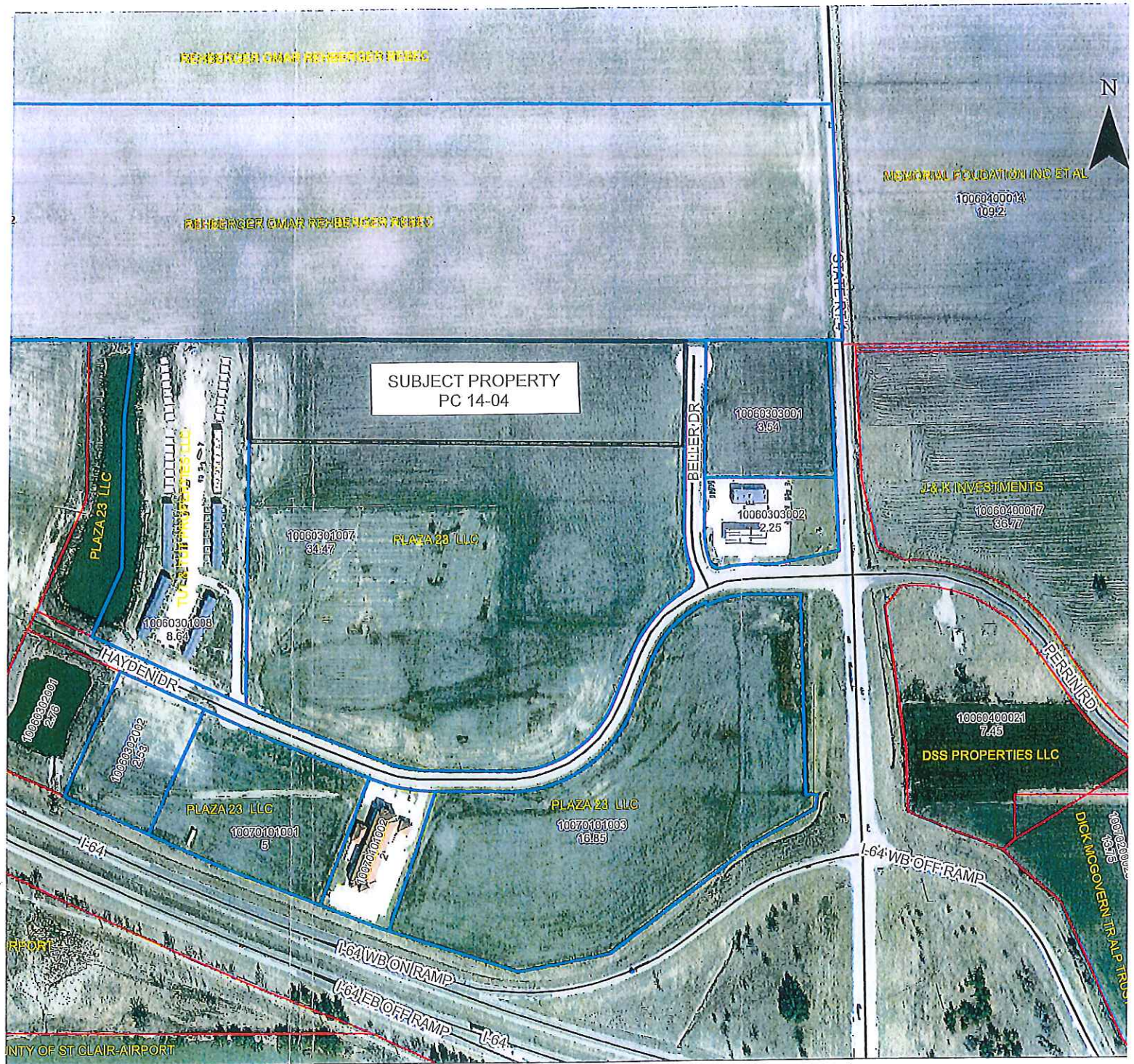
SECTION 4: That this Resolution be spread at length upon the minute records of the City Council of the City of Mascoutah, Illinois.

This Resolution adopted at a regular meeting of the City Council of the City of Mascoutah, Illinois on the 21st day of July, 2014.

Mayor

ATTEST:

City Clerk
(SEAL)



CITY OF MASCOUTAH
Mascoutah, Illinois

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: PC 14-04 – Rezoning of 8.8 Acres North of Interstate 64 and West of Illinois Route 4 from General Commercial (GC) to Multiple-Family Residential (RM)

MEETING DATE: June 18, 2014

REQUESTED ACTION:

Public hearing by the Planning Commission and review of a rezoning application for 8.8 acres located north of Interstate 64 and west of Illinois Route 4 from GC, General Commercial, to RM, Multiple-Family Residential.

BACKGROUND & STAFF COMMENTS:

The applicant, Barry Hayden/Plaza 23 LLC, is the property owner of a 34.47 acre parcel located in the northwest quadrant of Interstate 64 and Illinois Route 4, north of Hayden Drive and west of Beller Drive. Mr. Hayden is requesting the north 8.8 acres of this parcel be rezoned from GC, General Commercial to RM, Multiple-Family Residential. The portion of the parcel subject to the rezoning request has approximately 294 feet of frontage along Beller Drive and a depth of 1,300 feet. The request exceeds the minimum district size of two (2) acres required to establish a RM District.

The subject property was part of a larger 106 acre tract which was purchased by the applicant approximately 8 years ago. The property was zoned GC, General Commercial when he purchased the property. In 2006, 41.96 acres was platted as The Plaza, Phase 1. This Phase included five (5) commercial lots of which the Mobile Station and Best Western Plus Hotel (formerly La Quinta Inn) was subsequently developed. Phase 1 also included the construction of detention areas which are to serve the entire 106 acres and Hayden Drive and Beller Drive which were constructed as commercial collector streets and includes a 36' pavement width and 40' width back-to-back of curb. Hayden and Beller Drives are to serve as commercial frontage roads running parallel to Interstate 64 and Illinois Route 4 respectively.

In 2009, the applicant submitted a site plan to build an apartment complex to construct 64 units (eight, 8-unit buildings) and 130 parking spaces on 8.64 acres north of Hayden Drive and east of the detention basin. The site plan application was rejected. Subsequently, the applicant filed suit against the City on the grounds that the definition of allowed uses in GC General Commercial Zoning District permitted apartments as an acceptable use. In September 2010, the Court ruled that the applicant was correct, and the City was obligated to approve the site plan as submitted. The Plaza, Phase 2 subdivision constitutes the lot for the apartment complex. The 8.64 acres comprising the apartment complex remains zoned GC, General Commercial and was sold earlier

this year. The General Commercial District was revised and apartments are no longer a permitted use. For any additional apartments to be built on the applicant's property it must be rezoned to RM, Multiple-Family Residential.

The applicant has continued to market the property for commercial use, but no additional commercial development has been constructed since the fuel station and hotel. The applicant believes that additional apartments in this location would spur commercial interest in the property, on the premise that more residents results in more spending power and more customers to attract commercial development.

In 2011, the entire 106 acres was included in the Mascoutah Business District. A Business District is a special redevelopment area within the City which provides a significant source of development financing assistance in the form of a 1% sales and a 1% hotel tax which may be imposed for a period of up to 23 years. These taxes are in addition to all existing retail occupation and service taxes and home rule sales taxes. The revenue from the Business District tax can be pledged to secure notes of bonds to finance improvements within the District and is a valuable economic development tool. The additional Business District tax is applied to sales tax, therefore residential development does not contribute to a Business District. The property is also adjacent to the St. Clair County Mid America Enterprise Zone. If a commercial project was proposed, a request can be made to expand the enterprise zone and the developer may receive a state sales tax exemption on all construction materials for the project. In summary, the City has taken steps and will continue to assist the applicant with attracting commercial development to this location.

Although not required for a rezoning application, the applicant provided a conceptual site plan which includes 144 units, 292 parking spaces and a common area on 8.8 acres. The rezoning request should not be considered based on the merits of a conceptual plan, but rather should be reviewed on the criteria noted below which are typically the key factors used by the courts when considering whether a property should be rezoned.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The subject property and the entire 106 acres at the northwest quadrant of I-64/IL 4 are zoned General Commercial. The subject property is designated as Commercial on the Land Use Map in the City's Comprehensive Plan as is land within the immediate area with frontage along Interstate 64 and Illinois Route 4. The Commercial land use designation was assigned to the subject property given its location to the interstate and a state highway and the City's desire that the property be developed for commercial use.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Commercial	General Commercial	Vacant
North:	outside Plan Area	County O-3, Airport Overlay	Agricultural
South:	Commercial	General Commercial	Vacant
East:	Commercial	General Commercial	Commercial
West:	Commercial	General Commercial	Apartments

At the time the applicant purchased the property it was zoned General Commercial. The subject property is currently vacant as is most of the land in the immediate vicinity. A large percentage of land around the subject property is listed for sale and continues to be farmed. The land north and further east of the subject property is located in an unincorporated area of St. Clair County and zoned Agricultural, however much of the land north of the subject property is actively listed at sale prices to be used for other purposes other than agricultural uses. The applicant's property has key marketing advantages over the land to the north given its location and access to Interstate 64 and Illinois Route 4, availability to utilities, commercial collector street and development incentives. It is the City's intention that this land be used for commercial use, and apartments at this site are not the highest and best use of the property.

Representatives from two local development firms, Development Strategies, Inc. of St. Louis and Moran Economic Development of Edwardsville concur that the applicant's land, although currently struggling to attract commercial development, stated that the property's highest and best use remains commercial. One representative indicated that more important to commercial developers than actual "rooftops" is having a strong labor force presence in the market area, since the labor force population significantly contributes to the buying power in a market area. People generally "shop or buy" where they work, and as they travel to and from their home.

The RM District allows for a maximum density of 20 units per acre. The parking spaces required for a multi-family dwelling unit is two (2) parking spaces per unit. The property if rezoned, may be developed in accordance with the applicant's conceptual plan of 144 units and could potentially include 176 units and still meet the RM District density requirements.

Utilities: The subject property is served by a municipal 12" water main and a 15" sanitary sewer that run along Hayden and Beller Drives. These City utilities would be adequate if the property was developed for multi-family residential or commercial purposes.

Drainage: The subject property will utilize a large detention area west of the existing apartments. This reflects a regional approach to drain all 106 acres, rather than each site having to construct individual detention/retention areas. This basin drains into a second basin to the South, which drains into a larger facility south of I-64, and then on into the Silver Creek Watershed.

Traffic Study: Following the purchase of the property by the applicant, and prior to subdividing and developing the property in 2006, a traffic study was completed for the development to see if additional traffic improvements to Illinois Route 4 were warranted. IDOT approved the traffic study and the present design of the intersection of Hayden Drive and Illinois Route 4. Staff contacted the Permit Unit Chief of District 8 regarding the rezoning application. The permit division indicated that if the property was rezoned and apartments constructed at the maximum density, no additional improvements would be required. The volumes generated by the apartments are not a significant impact to the existing intersection as it was designed based on land uses that generate higher volumes.

Airport Overlay: Airport Overlay limitations exist on this property regarding light glare, emissions, and other potential flight hazards. However, the subject property is not located within

the Clear Zone or Accident Potential Zones, so mandatory review by Scott Air Force Base and MidAmerica Airport is not required.

Public Notice: A request to rezone property requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to 3 property owners within 250' of the subject property. As of the date of this report, staff has not received any inquiries about the rezoning application.

Zoning Amendment Review: In accordance with Sections 34-15-4 and 34-15-7, any proposed rezoning/map amendment shall be reviewed by the Planning Commission and a public hearing held to review the application. An affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request.

REVIEW AND APPROVAL CRITERIA: The current Unified Land Development Code does not list specific review criteria to consider for rezoning requests. However the following criteria are typically the key factors used by the courts when considering whether a property should be rezoned.

- The existing use and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restriction.
- The extent to which the diminution of property values of the subject property promotes the health, safety, morals and general welfare of the public.
- The relative gain to the public vis-à-vis the hardship imposed upon the individual property owner.
- The suitability of the subject property for zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with the City has undertaken to plan its land use development.
- The evidence or lack thereof of the City's need for the proposed use.

RECOMMENDATION:

Staff recommends denial of the rezoning request for 8.8 acres located north of Interstate 64 and west of Illinois Route 4 from GC, General Commercial, to RM, Multiple-Family Residential, subject to the Findings attached.

MOTION:

I move that the Planning Commission deny the rezoning request for 8.8 acres located north of Interstate 64 and west of Illinois Route 4 from GC, General Commercial, to RM, Multiple-Family Residential, subject to the Findings attached.

MOTION Goodlin SECOND Klopmeier

Ayes 4 Nays 3 Abstentions 0

Approved By: Cody Hawkins
Cody Hawkins
City Manager

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Findings
B – Location/Zoning Map
C – Aerial/Parcel Map of Site
D – Photos of Subject Property
E – Concept Plan Provided by the Applicant
F – Public Hearing Notice

FINDINGS FOR APPROVAL – Planning Commission Version

ZONE CHANGE: 8.8 Acres North of Interstate 64
and West of Illinois Route 4

DATE: June 18, 2014

FINDINGS: The Mascoutah Planning Commission, pursuant to the applicant's initiated Zone Change for the tract of land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed zone change of the site is not appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements and Comprehensive Plan.
2. The proposed zone change is not compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the uses permitted in the General Commercial Zoning District.
4. The rezoning application is not consistent with good general planning.
5. The proposed zone change creates land use compatibility problems with adjacent uses and is not compatible with surrounding uses.
6. The proposed zone change is not deemed desirable to promote the general welfare of the City.

Attachment A

THOUVENOT,
WADE &
MOERCHEN, INC.
BUSINESS • SURVEYORS • PLANNERS

TWM

■ CORPORATE OFFICE
4840 OLD COLLINSVILLE RD.
SPANGDA, ILLINOIS 62226
TEL (618) 624-6100
FAX (618) 624-6108
corp@twm-inc.com

□ WATERLOO OFFICE
113 SOUTH MAIN STREET
WATERLOO, ILLINOIS 62296
TEL (618) 624-6100
FAX (618) 624-6108
waterloo@twm-inc.com

□ EDWARDSVILLE OFFICE
113 SOUTH MAIN STREET, SUITE 1
EDWARDSVILLE, ILLINOIS 62226
TEL (618) 624-6100
FAX (618) 624-6108
edwardsville@twm-inc.com

□ ST. LOUIS OFFICE
200 S. 1ST ST.
ST. LOUIS, MISSOURI 63101
TEL (314) 241-6300
stlouis@twm-inc.com

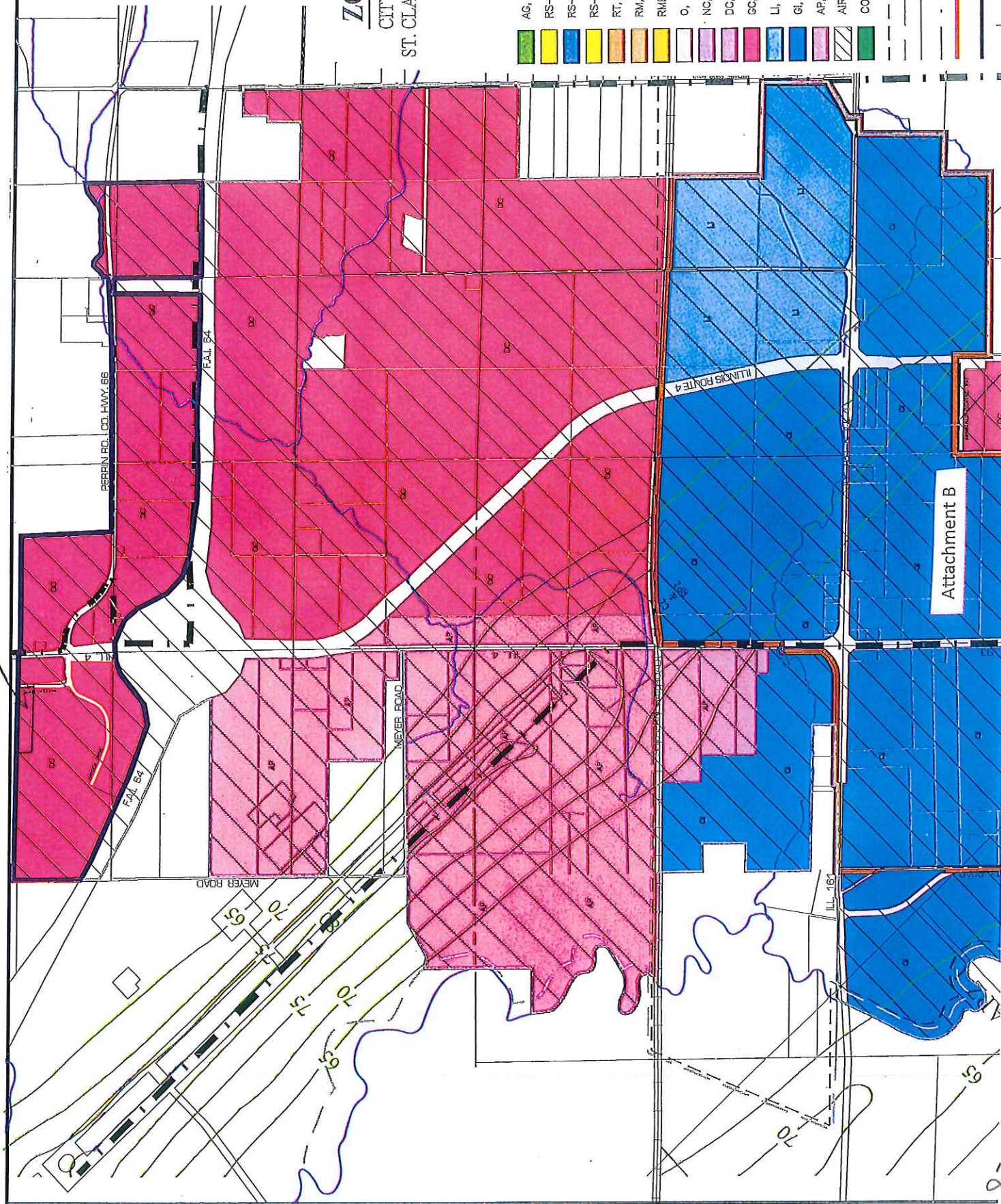
ZONING MAP

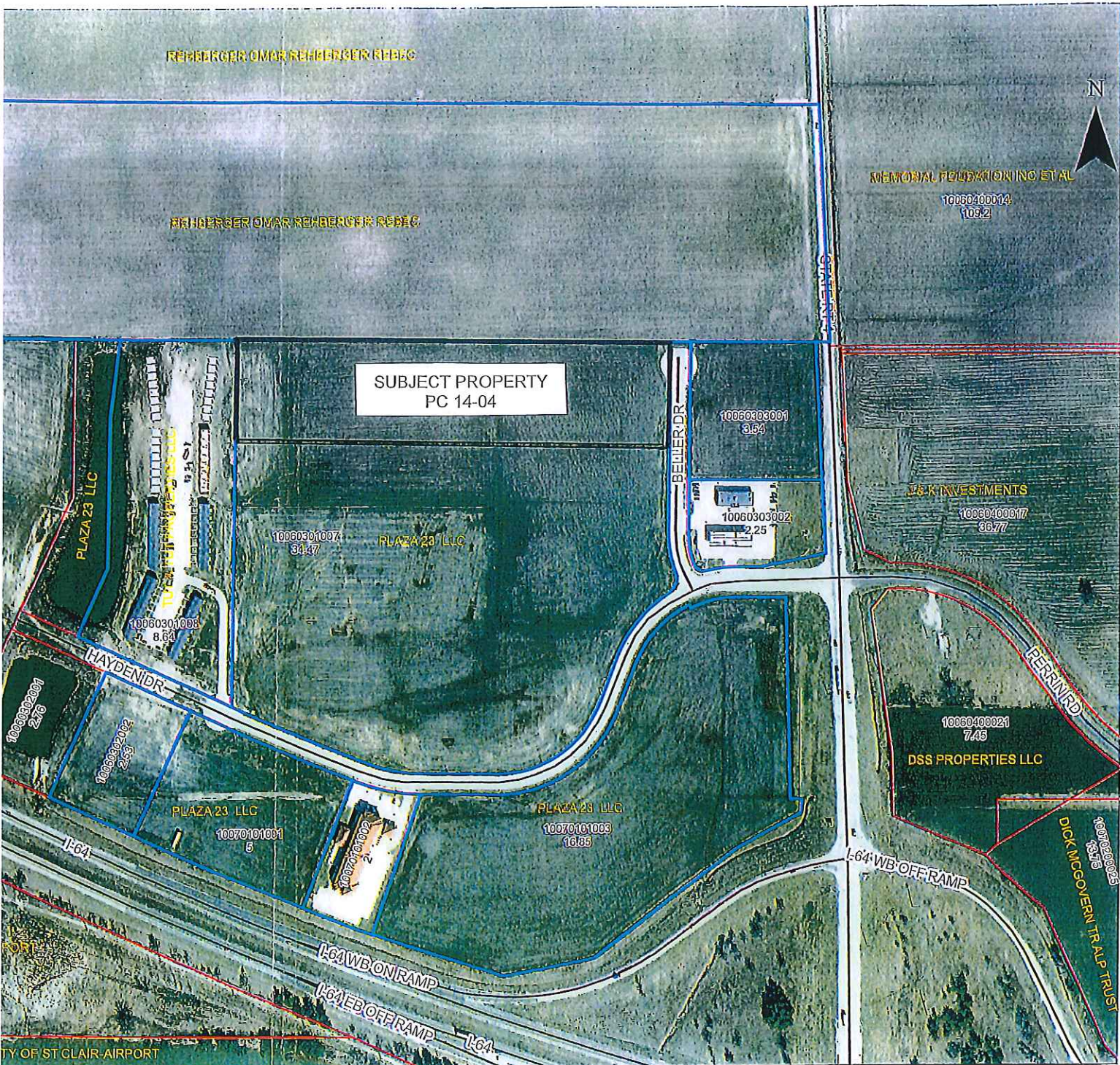
CITY OF MASCOUTAH
ST. CLAIR COUNTY, ILLINOIS

MARCH 2014

LEGEND

- AG, AGRICULTURAL
- RS-10, SINGLE-FAMILY RESIDENTIAL
- RS-8, SINGLE-FAMILY RESIDENTIAL
- RS-5, SINGLE-FAMILY RESIDENTIAL
- RT, TWO-FAMILY RESIDENTIAL
- RM, MULTIPLE-FAMILY RESIDENTIAL
- RMH, MOBILE HOME RESIDENTIAL
- O, OFFICE
- NC, NEIGHBORHOOD COMMERCIAL
- DC, DOWNTOWN COMMERCIAL
- GC, GENERAL COMMERCIAL
- LI, LIGHT INDUSTRIAL
- GI, GENERAL INDUSTRIAL
- AP, AIRPORT
- AIRPORT OVERLAY DISTRICT
- COMMUNITY FACILITY DISTRICT
- NOISE IMPACT ZONE
- HEIGHT HAZARD ZONE
- CITY BOUNDARY
- ENTERPRISE ZONE
- TIF BOUNDARY
- MBD, MASCOUTAH BUSINESS DISTRICT





Subject Photos

PC 14-04, 8.8 Acres North of Interstate 64 and West of Illinois Route 4
Rezoning from GC to RM

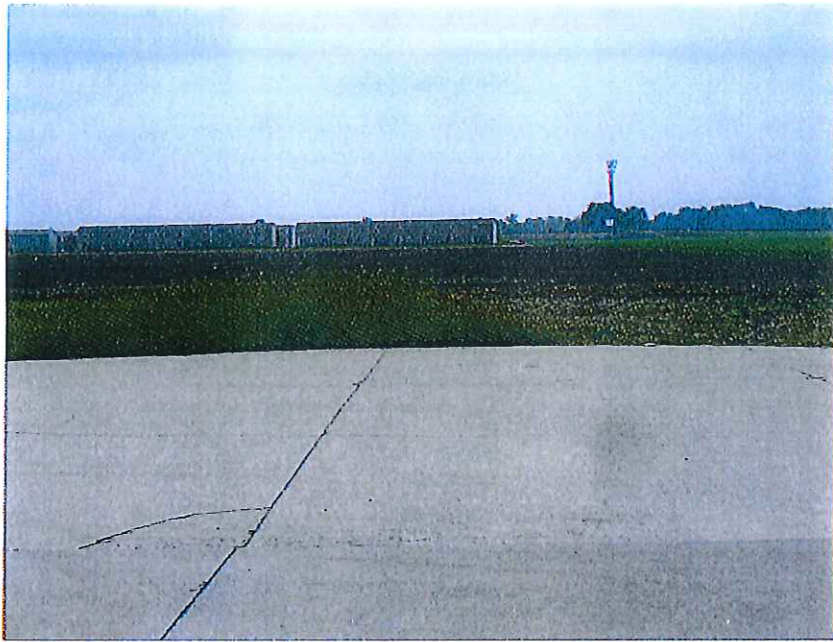


Illinois Route 4 in background



Beller Drive looking south

Attachment D



Subject Property looking west

**CITY OF MASCOUTAH
3 WEST MAIN ST.
MASCOUTAH IL. 62258
618-566-2964 EXT. 122**

NOTICE OF PUBLIC HEARING

The City of Mascoutah Planning Commission will conduct a Public Hearing on **Wednesday, June 18, 2014**, at **7:00 PM** in the City Council Chambers at City Hall, #3 West Main Street, Mascoutah, IL 62258.

The purpose of this hearing is to consider rezoning of property from GC, General Commercial, to RM, Multiple-Family Residential, located at Beller Drive, more specifically as follows:

The North 294' of Lots 14 and 15 as recorded in the recorder in Book A, Page 388. Beginning at the intersection of the right-of-way line and the Northern property line of said parcel and then South 00 degrees, 33 minutes, 38 seconds, West 294 feet; thence leaving said Easterly right-of-way, North 89 degrees, 26 minutes, 25 seconds, West 1246.50 Feet; thence North 03 degrees, 01 minutes, 01 seconds, East 294.27 Feet; thence South 89 degrees, 26 minutes, 25 seconds, East 1233.89 Feet to the point of beginning of the tract herein described. Parcel contains 8.4 acres of 364,616 square feet, more or less.

Anyone interested in this hearing may appear and be heard for or against. The regular meeting of the Planning Commission shall follow this hearing wherein the Commission shall make a recommendation on this request.

Questions or requests for further details can be directed to the City Manager's Office, City Hall, 618- 566-2964, ext. 122. Comments in writing may be forwarded to the City Manager's Office, 3 West Main St., Mascoutah, IL 62258.

Posting Date: **May 27, 2014**

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

Attachment F

**CITY OF MASCOUTAH
PLANNING COMMISSION
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

JUNE 18, 2014

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

PUBLIC HEARING – 7:00PM

**REZONING APPLICATION FOR 8.8 ACRES NORTH OF INTERSTATE 64 AND
WEST OF ILLINOIS ROUTE 4 FROM GENERAL COMMERCIAL (GC) TO
MULTIPLE-FAMILY RESIDENTIAL (RM)**

Chairman opened the hearing and gave the floor to staff for their report.

Assistant City Manager Lisa Koerkenmeier stated that the rezoning process requires a public hearing before the Planning Commission. The legal notice was published and notices sent to property owners within 250' of the subject property.

Koerkenmeier stated that the applicant, Barry Hayden/Plaza 23 LLC, is the property owner of a 34.47 acre parcel located in the northwest quadrant of Interstate 64 and Illinois Route 4, north of Hayden Drive and west of Beller Drive. Mr. Hayden is requesting the north 8.8 acres of this parcel be rezoned from GC, General Commercial to RM, Multiple-Family Residential.

Koerkenmeier presented a slide show with pictures, project summary, key factors for Commission members to consider to rezone property and staff's recommendation to deny the rezoning. She explained that the property is designated as Commercial on the Comprehensive Plan Land Use Map, and the two roadways within the existing development were constructed to commercial street standards. The City desires to keep the property and this intersection for commercial development and created a business district to help Mr. Hayden.

Originally Mr. Hayden proposed a 13 acre plot to rezone to RM in the west portion of the property. City staff suggested going to the north to avoid taking up primary frontage along Hayden Drive with apartments. Staff explained how the ground is too valuable on Hayden Drive to rezone RM. Koerkenmeier stated that staff will provide comments to a proposal, but ultimately it is the applicants decision what request to bring forward. Some Commission members seemed to think the west might have been a better choice during some of the discussion.

The applicant took the floor for questions and comments. He stated he still has room for a big box. Mr. Hayden also made the commission aware that the business district tax has not been used. Chairman asked what he still owned. Hayden said he sold the apartments in October. They are 100% occupied and there is a need for more apartments. He still is owner of the gas station and hotel and stated that the Best Western is doing very well.

His intentions are to keep the proposed apartments for a while which consist of 144 two bedroom townhomes with all brick fronts and a pool and playground. Mr. Hayden also made a comment

about the \$800,000 in just water and sewer tap fees the City would get if approved. Thompson stated that the existing apartments are not appealing at all. He agreed and stated he was not allowed by the City to upgrade them like he had wanted to.

Commission asked if there will be competition between the two sets of apartments. Mr. Hayden said he does not see a problem and will not go crazy with building at first. He will do it in phases and believes it is not hard to find people with good credit to rent to.

Commission also asked about traffic problems at RT 4 and Hayden Drive and staff commented that they see no problem. A preliminary review by IDOT resulted in a comment from the access permit division that the apartments would generate much less traffic trips than commercial development.

Mr. Hayden said that fast food places are in the process between the gas station and RT 4 and also south of Hayden Drive. He also commented that he has been working on getting a big box for 8 years and they ask where are the rooftops and people. He tries to tell them that people come from the East and this intersection would be the first thing they see.

Commission members were asking about the concept plan and Koerkenmeier stated that the rezoning request is the only thing we are reviewing at this time. The question at hand is do we want to change the zoning or leave it the way it was intended for commercial use. Chairman reminded the commission that we are limited to how much commercial development could be built around the RT 4 interchange.

Mr. Hayden also talked about the surrounding areas and the mixed uses we are finding everywhere in Illinois and in Missouri. He commented that the gas station across the street took 50% of his retail business and 60% of his gas business. He stated that he needs food on my side of the street to draw the business over.

Some commission members stated if we don't follow our own Comp Plan then why have it.

Mr. Johnny Knobloch and Rebecca Rehberger spoke in favor of the project and questioned the benefit of utilities from the new apartments. They also stated that it is nice to build big, but it could take a long time. If he wants to spend money, let him.

Ms. Koerkenmeier stated that utilities from the proposed apartments have not been estimated since it is unknown how many and what type of units would be built. She reiterated that although Mr. Hayden submitted a concept plan with the rezoning application, he was not required to, and if the property was rezoned to RM, anyone could build the maximum number of apartments allowable under the present RM District. The review of the concept plan and the type of construction for the apartments is not part of this request this evening.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:45 PM

CALL TO ORDER at 7:46 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Charles Lee, Jack Klopmeier, Glenn Shelley, Rich Thompson, Bruce Jung, Darren Goodlin, and Chairman Ken Zacharski were present.

ABSENT

No Commission members were absent.

ALSO PRESENT

Assistant City Manager Lisa Koerkenmeier, Deputy City Clerk Melissa Schanz, Councilman Paul Schorr, Mr. Hayden, Mr. Knobloch and Ms. Rehberger.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

None

AMEND AGENDA

There was no need to amend Agenda.

MINUTES

Lee moved, seconded by Klopmeier, to approve the minutes of the March 19, 2014 Planning Commission Meeting.

PC 14-04 – REZONING OF 8.8 ACRES NORTH OF INTERSTATE 64 AND WEST OF ILLINOIS ROUTE 4 FROM GENERAL COMMERCIAL (GC) TO MULTIPLE-FAMILY RESIDENTIAL (RM).

Discussion was held during the Public Hearing Process. Please see Public Hearing section of these minutes for details.

MOTION

Goodlin moved, seconded by Klopmeier, that the Planning Commission approve the rezoning request for 8.8 acres located north of Interstate 64 and west of Illinois Route 4 from GC, General Commercial, to RM Multiple Family Residential, subject to the amended Findings below.

FINDINGS FOR APPROVAL – Planning Commission Version

ZONE CHANGE: 8.8 Acres North of Interstate 64
and West of Illinois Route 4

DATE: June 18, 2014

FINDINGS: The Mascoutah Planning Commission, pursuant to the applicant's initiated Zone Change for the tract of land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed zone change is compatible with surrounding uses and the zoning of nearby property.
2. The rezoning application is consistent with good general planning.

3. The proposed zone change does not create land use compatibility problems with adjacent uses and is compatible with surrounding uses.
4. The proposed zone change is deemed desirable to promote the general welfare of the City.

THE MOTION BY ROLL CALL

Charles Lee nay, Jack Klopmeier aye, Glenn Shelley nay, Rich Thompson aye, Bruce Jung aye, Darren Goodlin aye and Chairman Ken Zacharski nay
4-ayes, 3-nays

MISCELLANEOUS

Koerkenmeier stated that staff is moving forward with a complete re-write of Chapter 34, the Unified Land Development Code. A packet to review the Planned Use concept was distributed to the Commission. Future meetings will be held to review these major re-writes.

ADJOURNMENT

Lee moved, seconded by Thompson, to adjourn at 8:09 p.m.

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **St. Clair County MidAmerica Enterprise Zone – Intergovernmental Agreement Amendment and an Ordinance to Add Territory**

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Approval to amend St. Clair County MidAmerica Enterprise Zone Intergovernmental Agreement and approval of an Ordinance to add territory.

BACKGROUND & STAFF COMMENTS:

The attached amendment to the St. Clair County MidAmerica Enterprise Zone Intergovernmental Agreement and ordinance to add territory will allow the expansion of the enterprise zone to include two developments in Mascoutah (Mascoutah Hardware Building at 101 E. Main and Commercial Building at 522 E. Main) and a development in O'Fallon (Ice hockey rink at IL Route 158/E. Highway 50). The amendment to the intergovernmental agreement and approval of the ordinance requires passage by the City of Mascoutah, Lebanon, O'Fallon, Shiloh and St. Clair County which will occur this month. Once this ordinance is passed, it will be sent to the Illinois Department of Commerce and Economic Opportunity (IDCEO) for processing to allow the developments in Mascoutah and O'Fallon to be added to the enterprise zone and utilize development incentives. The review by IDECO may take up to 90 days.

Staff is asking the Council to waive the first reading of this ordinance since the sooner each entity can get the amendment to the agreement and their ordinances adopted and forwarded to the State, the sooner the developments can become part of the enterprise zone and receive development incentives.

FUNDING:

N/A

RECOMMENDATION:

City Manager recommends that the Council approve the amendment to the intergovernmental agreement and adopt the ordinance.

SUGGESTED MOTION:

I move that the Council waive the first reading of the ordinance.

I move that the Council amend the St. Clair County MidAmerica Enterprise Zone Intergovernmental Agreement and approve Ordinance No. 14-___ amending Ordinance No. 99-125 to add territory to St. Clair County MidAmerica Enterprise Zone and authorize the appropriate city officials to execute and implement the appropriate documents.

Prepared By:

Lisa Koerkermeier

Lisa Koerkermeier
Assistant City Manager

Approved By:

Cody Hawkins

Cody Hawkins
City Manager

Attachments: A – Intergovernmental Agreement
B – Ordinance

**ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE
AMENDING INTERGOVERNMENTAL AGREEMENT**

An Amending Intergovernmental Agreement by and among the County of St. Clair, Illinois (hereinafter referred to as "St. Clair County"); the City of Lebanon (hereinafter referred to as "Lebanon"); the City of Mascoutah (hereinafter referred to as "Mascoutah"); the City of O'Fallon (hereinafter referred to as "O'Fallon"); the Village of Shiloh (hereinafter referred to as "Shiloh"); and the Southwestern Illinois Development Authority (hereinafter referred to as "SWIDA") in respect to the St. Clair County MidAmerica Enterprise Zone.

WHEREAS, the Southwestern Illinois Development Authority Act, 70 ILCS 520/1 et seq., as amended, authorizes SWIDA by ordinance to designate prior to January 1, 2000 a portion of the territorial jurisdiction of SWIDA located in the townships of O'Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other Enterprise Zones which may be created under that Act. The area shall have all the privileges and rights of an Enterprise Zone under the Illinois Enterprise Zone Act, but shall not be counted in determining the number of Enterprise Zones to be created in any year under that Act;

WHEREAS, the Illinois Enterprise Zone Act, 20 ILCS 655/1 et seq., as amended, requires a county or municipality, or any combination thereof, to designate by ordinance and/or resolution an area within its jurisdiction as an enterprise zone;

WHEREAS, St. Clair County, Lebanon, Mascoutah, O'Fallon and Shiloh have by separate ordinances and/or resolution designated an enterprise zone for establishment by SWIDA and have obtained approval of such zone;

WHEREAS, the Illinois Enterprise Zone Act 20 ILCS 655/8.2 new Sec. 8.2 c further requires that the administration of an enterprise zone shall be under the jurisdiction of the designating municipality or county and further provides that a Zone Administrator shall be appointed;

WHEREAS, the parties entered into an Intergovernmental Agreement on December 16, 1999 for the management and operation of the Enterprise Zone;

WHEREAS, a First Amendment to the Intergovernmental Agreement was approved and certified by the IDCEO on January 31, 2012 for a technical correction to the termination date, amend the building materials sales tax exemption, and to add and delete territory from the St. Clair County MidAmerica Enterprise Zone;

WHEREAS, a Second Amendment to the Intergovernmental Agreement was approved and certified by the IDECO on September 6, 2013 to expand the boundaries of the St. Clair County MidAmerica Enterprise Zone;

WHEREAS, the parties have determined that it is in the best interest of the parties and the public to further expand the current boundaries of the St. Clair County MidAmerica Enterprise Zone for projects that will provide an immediate benefit to the zone area and to make revisions to the Sales Tax Credit Section pursuant to Public Act 97-905 that transferred the authority to issue sales tax exemption certificates from Zone Administrator to the Illinois Department of Revenue.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. SWIDA agrees to delegate for the entire term of the enterprise zone the administrative functions of the enterprise zone to a Zone Management Board comprised of the Chairman of the St. Clair County Board, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O'Fallon, the Mayor of Shiloh and SWIDA's Executive Director, who will be an "ex officio" member with no voting rights. The Zone Management Board will be the governing body of the enterprise zone and will be responsible for all decisions within the zone.
2. **Description:** The area precisely described in *Exhibit "A"*, attached hereto and hereby made a part hereof as if fully set out herein, is hereby designated an Enterprise Zone pursuant to and in accordance with the "Illinois Enterprise Zone Act of 1982," (hereinafter referred to as "Act") and the Southwestern Illinois Development Authority Act;
3. **Qualifications:** The County and the Municipalities hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act and the Southwestern Illinois Development Authority Act, and further affirms the following:
 - is a contiguous area, that may exclude wholly surrounded territory within its boundaries;
 - comprises a minimum of one-half of the square mile and not more than fifteen square miles in total area, exclusive of lakes and waterways;
 - public notice was given in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the public hearing;
 - area addresses a reasonable need to encompass portions of more than one municipality and an unincorporated area of a county;
 - area is located within the townships of O'Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair;
4. **Enterprise Zone Designation:** The area described was designated as an Enterprise Zone, subject to the approval of IDCEO and SWIDA, in accordance with state law.
5. **Term and Effect:** The term of the zone shall commence with the date the Enterprise Zone was approved and certified by the IDCEO and shall be in effect for no more than 30 calendar years and shall terminate at midnight of December 31 of the final calendar year of the certified term.
6. **Sales Tax Credits:** Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be

incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the Illinois Department of Revenue (IDOR).

In order to receive this Certification, building materials must be used for remodeling, rehabilitation or permanent new construction. Construction must be of the nature that a building permit would be required. A completed exemption form with original signatures must be submitted to the Zone Administrator prior to the start of the project. If an applicant requests certification for a project that does not require a building permit according to the rules, regulations, ordinances and resolutions in force, the Zone Administrator may still approve an exemption certificate in certain circumstances. Documentation from the City of Lebanon, City of Mascoutah, City of O'Fallon, Village of Shiloh or St. Clair County that a permit is not required must be submitted to the Zone Administrator for review and consideration by the contractor or business seeking the exemption. In addition to the completed exemption form, the applicant must submit a copy of the approved building permit issued by St. Clair County or applicable local unit of government. The Administrator will verify the project is eligible and located within the Zone boundary.

An approved Enterprise Zone project requesting a sales tax exemption, will be subject to a fee of one half percent (0.5%) of the total construction material costs included on the sales tax exemption form. The fee will be due upon the issuance of the sales tax exemption certificate by the Zone Administrator and a summary of construction materials costs must be provided to the Zone Administrator at the same time and no fee shall exceed \$50,000.

To document the exemption allowed under this Section, the retailer must obtain from the purchaser a signed Certificate of Eligibility for Sales Tax Exemption issued by the IDOR for the St. Clair County MidAmerica Enterprise Zone that contains the certificate number, the zone, the project and the materials being purchased.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section.

Notwithstanding any other provision hereof, nothing in this Section shall be construed to exempt any such sale from the transit "sales tax" levied by the COUNTY OF ST. CLAIR.

7. **Urban Shopstead Program:** Pursuant to section 10 of the Illinois Enterprise Zone Act, the County and the Municipalities hereby establishes an urban shopstead program. Under the urban shopstead program, the County or the Municipalities may sell to a Designated Zone Organization a structure or portion thereof that the appropriate unit of government owns for a sum not to exceed \$100. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the County. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the appropriate unit of government. The Designated Zone Organization may retain

the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

The urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Zone Management Board, provided such rules and guidelines are not inconsistent with the Act.

- 8. Urban Homestead Program:** Pursuant to section 10 of the Illinois Enterprise Zone Act, the County and the Municipalities hereby establishes an urban homestead program. Under the urban homestead program, the County or the Municipalities may sell to an individual a residence or any portion thereof that the appropriate unit of government owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the appropriate unit of government, and the individual must live in the residence for seven years. At the end of the seven year period, the appropriate unit of government shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the appropriate unit of government.

The urban homestead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Zone Management Board, provided such rules and guidelines are not inconsistent with the Act.

- 9. Zone Management:** Upon designation as an Enterprise Zone by the IDCEO and the SWIDA, a Zone Management Board will be formed comprised of the Chairman of the County Board of St. Clair County, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O'Fallon, the Mayor/President of Shiloh and the Executive Director of SWIDA, who will be an "ex-officio" member with no voting rights or comprised of the above named Officers' delegates. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the zone. The Zone Management Board will elect its Chairperson.
- 10. Zone Administrator:** Pursuant to 20 ILCS 655/8, as amended, the position of "Zone Administrator" is hereby created. The person selected to assume this position shall be an employee of the St. Clair County Economic Development Department, who in his/her capacity is an employee of St. Clair County.

The Zone Administrator shall be accountable to the Zone Management Board. The Zone Administrator will be responsible for the day-to-day operations and implementations of the zone area and will be the liaison between the Zone Management and the IDCEO.

The Zone Administrator shall be empowered, subject to approval by the Zone Management Board, to:

- (a) Supervise the implementation of the provisions of the Illinois Enterprise Zone Act;
- (b) Act as a liaison between St. Clair County, SWIDA, Lebanon, Mascoutah, O'Fallon, Shiloh, IDCEO, designated zone organizations and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan;

- (c) Conduct an on-going evaluation of the Enterprise Zone program and to submit such reports annually to the Zone Management Board, the IDCEO and IDOR;
- (d) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small businesses, and financial assistance and employment training within the Enterprise Zone;
- (e) Recommend qualified designated zone organizations to the Zone Management Board;
- (f) Perform such other duties as specified by the Zone Management Board.

In addition to the above-described duties, the responsibilities of the Zone Administrator will be to:

- (a) Act as program manager responsible for the Enterprise Zone's day-to-day operations;
- (b) Serve as the primary technical and professional vehicle for triggering the implementation of the Enterprise Zone program objectives;
- (c) Collect and analyze data and submit reports required by the Zone Management Board, SWIDA, the IDCEO or IDOR on a timely basis;
- (d) Coordinate planning activities and program implementation with other county and/or municipal departments;
- (e) Market available sites and buildings available for business and industrial use, and to prepare documentation with specifics on all available sites and buildings;
- (f) Identify areas needing infrastructure improvements within the Enterprise Zone and work with various units of government to assure such facilities are constructed to meet the business needs of the area;
- (g) Work to enhance the Enterprise Zone's existing and future export potential through activities which will expand the foreign trade zone and intermodal product handling services within the zone;
- (h) Encourage modifications in county and municipal zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan;
- (i) Conduct educational forums and programs to market the incentives of the Enterprise Zone to businesses;
- (j) Coordinate with business and industry to identify State regulations or restrictions that adversely effect economic development within the Enterprise

Zone, and to relay this information to the Zone Management Board, and the IDCEO to facilitate the easing of said regulations and restrictions;

- (k) Coordinate available and future economic development incentives within the Enterprise Zone by "networking" with economic development professionals, developers and realtors and maintaining contact with previous plant locations as well as prospects; and
- (l) Assist Enterprise Zone businesses in obtaining available local, State or Federal economic development incentives and benefits;

To accomplish the above duties and tasks, the Zone Administrator may receive technical/professional support from a Development Advisory Committee consisting of professionals, whose organizations have active and on going economic development programs within the Enterprise Zone.

- 11. Designated Zone Organizations:** Pursuant to 20 ILCS 655/8, as amended, the Zone Administrator may recommend to the Zone Management Board one or more organizations that qualify as a Designated Zone Organization (DZO), under the provisions of the Act. Upon approval by the Zone Management Board, for a term of years set by same, the DZO may do the following:

- (a) Provide or contract for provisions of services including, but not limited to crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
- (b) Provide a forum for business, labor and government action on enterprise zone innovations;
- (c) Receive title to publicly-owned land;
- (d) Solicit and receive contributions to improve the quality of life in the zone area; and
- (e) Recommend qualified DZO projects to the Zone management Board;

- 12.** St. Clair County, Lebanon, Mascoutah, O'Fallon and Shiloh jointly and severally shall indemnify SWIDA, its members, officers, employees and agents for all losses, costs, expenses (including attorneys' fees and expenses and costs of settlement), damages, penalties, actions, judgements, suits or other liabilities, or disbursements of any kind, which SWIDA may incur or which may be imposed upon or asserted against SWIDA in any way relating to or arising out of the administration, management, or operation of the enterprise zone.

13. LOCAL APPROVAL AND AUTHORITY TO EXECUTE: The governing bodies of each of the six (6) participating units of local government have approved this Amended Intergovernmental Agreement and authorized its execution by it undersigned officers as follows:

(a) COUNTY OF ST. CLAIR
Ordinance No. _____
Adopted and approved on _____

(b) CITY OF LEBANON
Ordinance No. _____
Adopted and approved on _____

(c) CITY OF MASCOUTAH
Ordinance No. _____
Adopted and approved on _____

(d) CITY OF O'FALLON
Ordinance No. _____
Adopted and approved on _____

(e) VILLAGE OF SHILOH
Ordinance No. _____
Adopted and approved on _____

(f) SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY
Amended Ordinance dated _____
Adopted and approved on _____

PASSED, APPROVED AND ADOPTED THE AMENDED ST. CLAIR COUNTY
MIDAMERICA ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT:

COUNTY OF ST. CLAIR

CITY OF LEBANON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

CITY OF MASCOUTAH

CITY OF O'FALLON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

VILLAGE OF SHILOH

SOUTHWESTERN ILLINOIS
DEVELOPMENT AUTHORITY

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

EXHIBIT "A"

2014 ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE

Legal Description

Part of Sections 24, 25, 26, 27, 33, 34 and 35 of Township 2 North, Range 7 West, and Sections 19, 29 and 30 in Township 2 North, Range 6 West, and Sections 1, 2, 3, 4, 9, 10, 12 and 16 in Township 1 North, Range 7 West, and Sections 6, 7, 8, 17, 18, 19, 20, 29 and 30 in Township 1 North, Range 6 West of the Third Principal Meridian described as follows:

Beginning at the Southeast corner of Section 20 in Township 1 North, Range 6 West of the Third Principal Meridian; thence North along the East lines of Section 8, 17 and 20 of Township 1 North, Range 6 West to the South Right of Way (R.O.W) line of I-64; thence West along the South line of I-64 in Sections 7 and 8 of Township 1 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of the North half of Section 6 of Township 1 North, Range 6 West; thence West along the South line of the North ½ of Section 6, Township 1 North, Range 6 West and the South line of the North ½ of Section 1, Township 1 North, Range 7 West to the centerline of Section 1, Township 1 North, Range 7 West; thence South along the East-West centerline of said Section 1 to the North R.O.W line of I-64; thence Westerly along the North R.O.W line of I-64 to the point of intersection with the East line of Section 2 in Township 1 North, Range 7 West; thence North along the East line of Section 2, Township 1 North, Range 7 West and the East line of Sections 26 and 35 in Township 2 North, Range 7 West to the South R.O.W line of Highway 50 in said Section 26; thence Easterly along the South R.O.W of Highway 50 to a point that is 320 feet West of the East-West centerline of Section 25 in Township 2 North, Range 7 West; thence South parallel to the North-South centerline of said Section 25 to the North R.O.W line of the CSX Railroad in said Section 25; thence Northeasterly along the North R.O.W line of said CSX Railroad lying in Section 25 in Township 2 North, Range 7 West and Section 30 in Township 2 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence South along the East R.O.W line of Illinois Route 4 to the Southwest corner of Lot 4 of "Leberts Subdivision", recorded in plat book 50 page 36; thence East along the South line of Lot 4 of "Leberts Subdivision", to the Southeast corner of said lot 4; thence North along the East line of Lot 4 to a point 780 feet South of the Northeast corner of "Leberts Subdivision"; thence Northeast along the South line of property described in book 2465 page 965 and book 2465 page 432 to the West line of Little Silver Creek in the Southeast ¼ of Section 30, Township 2 North, Range 6 West; thence Northerly along the centerline of the Little Silver Creek to a point of intersection with the South line of East McAllister Street in the city of Lebanon if extended Eastwardly; thence West along the South prolongation line of East McAllister to the West line of Strack Lane; thence North along the West line of Strack Lane to the North line of East McAllister Street; thence West along the North line of East McAllister Street to the East R.O.W line of South Madison Street; thence North along the East R.O.W line of South Madison Street to the South line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7" in book "C" page 183; thence East along the South line of said Lot 2 a distance of 165 feet to a point; thence North parallel to the East line of Lot 2 to the North line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence East along the North line of Lot 7 to the West R.O.W line of South Fritz Street; thence North along the West R.O.W line of South Fritz Street to the North line of Lot 1 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence West along the said North line of Lot 1 and it's Westerly prolongation to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to point 250 feet North of the North line of Lot 1 "Lebanon Plaza", recorded in Plat Book "86" page 23; thence West parallel to the North line of Lot 44 in "Plat of Lots 1 thru 50 in Section 19, Township 2 North, Range 6 West", to the West line of said Lot 44; thence

South along said West line of Lot 44 a distance of 50 feet to a point; thence East parallel to the North line of said Lot 44 a distance of 696.9 feet to a point; thence South parallel to the West line of said Lot 44 a distance of 250 feet to a point; thence East parallel to the North line of said Lot 44 to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to the North line of Lot 2 "Emerald Plaza"; thence East along the North line of Lot 2 to a point 243.4 feet East of the Southwest corner of Lot 1 of "Emerald Plaza"; thence North parallel to the West line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the Northwest corner of said Lot 1; then South along the West line of Lot 1 to the North line of Lot 2; thence West along the West prolongation of the North line of Lot 2, 150 feet to a point; thence South parallel to the West line of Lot 2 "Emerald Plaza" to the North line of McAllister Street; thence West along the North R.O.W line of West McAllister Street to the East R.O.W line of Belleville Street; thence North along the East R.O.W line of Belleville Street to the Southwest corner of Outlot F of "Wakanda Villages"; thence East along the South line of Outlot F and Lot 38A of "Wakanda Village", to the Southeast corner of said Lot 38; thence Northeast along the Easterly line of said Lot 38 to the most Easterly corner of Lot 38; being the South R.O.W line of Perryman Road; thence Northeasterly along the Northerly R.O.W of Perryman Street to the West R.O.W line of Bow Drive; thence North along the West R.O.W line of Bow Drive to a North line of said "Wakanda Village Subdivision"; thence Southwest along a North line of "Wakanda Village Subdivision", to an East line of "Wakanda Village Subdivision"; thence North along said Subdivision and it's prolongation to the Northwest R.O.W line of Belleville Street; thence Southwest along the Northwest line of Belleville Street to the Southeast corner of parcel 04-25.0-100-023; thence North 62 degrees 52 minutes 54 seconds West, a distance of 416.78 feet to a point; thence South 46 degrees 52 minutes 53 seconds West, a distance of 173.65 feet; thence South 48 degrees 00 minutes 04 seconds East, a distance of 534.59 feet to a point; thence in a Southeast direction on a curve to the right, having a radius of 305.87, a cord of South 36 degrees 52 minutes 16 seconds East, a distance of 95.93 feet to the West R.O.W of Belleville Street; thence Southwest along the Northwest line of Belleville Street and it's Western spur to the North line of U.S Highway 50; thence Westerly along the North R.O.W line of U.S Highway 50, traveling through Sections 25, 26 and 27 of Township 2 North, Range 7 West, to the South R.O.W line of the CSX Railroad lying in said Section 27; thence West along the South R.O.W line of the CSX Railroad to the East line of "Woodstream Subdivision 1st Addition" in Book 96 page 26; thence South along the East line of "Woodstream Subdivision 1st Addition" and it's Southerly prolongation to the North R.O.W line of U.S Highway 50; thence Southwest along the North R.O.W line of U.S Highway 50 to the East R.O.W line of Air Mobility Drive (Hwy 158); thence East along the South line of Section 29 to the Northerly prolongation of the West line of Market Street; thence South along the West line of Market Street and it's prolongation to the South line of Main Street; thence East along the South line of Main Street to a point 45 feet East of the Northwest corner of Lot 37, being a part of the Northwest ¼ of Section 32, Township 1 North, Range 6 West of the 3rd Principal Meridian; reference being had to the plat thereof in Book of Plats "A" on page 127 ; thence South parallel to the West line of Lot 37 to the South line of Lot 37; thence East along the South line of Lot 37 to the Southeast corner of Lot 37; thence North along the East line of Lot 37 and it's Northerly prolongation to the North line of Main Street; thence West along the North line of Main Street to the Southeast corner of Lot 4 in Block 1 of the "Original Town of Mascoutah" in Book of Deeds "I" on page 529; thence North along the East line of Lot 4 Block 1 of the "Original Town of Mascoutah" and it's Northerly prolongation to the South line of East Church Street; thence West along the South line of South Church Street to the East line of Market Street; thence North along the East line of Market Street to the South line of Section 29; thence Southerly along the East R.O.W of Air Mobility Drive (Hwy 158) traveling through Sections 33 and 34, Township 2 North, Range 7 West and Sections 4, 9 and 16 in Township 1 North, Range 7 West to the Northerly R.O.W line of the Metrolink Light Rail

System; thence Easterly and Northerly along the R.O.W line of the Metrolink Light Rail line and it's prolongation to the North line of Section 16 in Township 1 North, Range 7 West; thence East along the South line of Section 9 to a point on the East line of property owned by Bi-State Development Agency for the Metrolink Light Rail System lying in the Southeast $\frac{1}{4}$ of Section 9, Township 1 North, Range 7 West; thence North parallel to the East line of Air Mobility Drive to the South line of Seibert Road; thence Easterly along the Southerly R.O.W line of Seibert Road to the Southerly prolongation of the West line of Lot 1 in the Northeast $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along said prolongation and the West line of Lot 1 to the Northwest corner of Lot 1; thence East along the North line of said Lot 1 to the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10 to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10; thence Northwest parallel to the centerline of Golf Course Road, lying in Section 10, Township 1 North, Range 7 West, a distance of 1623.19 feet to a point; thence Northeast at a right angle to the last described point a distance of 3,000 feet to a point; thence Southeast at a right angle a distance of 365.28 feet to a point on the North-South centerline of Section 3, Township 1 North, Range 7 West; thence continuing along the last described course to a point of intersection with the South line of Section 3; thence East along the South line to a point 898.9 feet West of the Southeast corner of said Section 3; thence North 6 degrees 54 minutes West 898.9 feet to a point; thence South 87 degrees 46.5 minutes East 985.4 feet to a point; thence South 00 degrees 21.5 minutes East 354 feet to a point; thence East parallel to the South line of Section 2, Township 1 North, Range 7 West, a distance of 1206.5 to a point; thence South parallel to the West line of said Section 2 to the South line of Section 2, township 1 North, Range 7 West; thence East along the South line of Section 2 to the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2; thence North along the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2 to the South R.O.W line of Interstate 64 (I-64); thence Southeast along the South R.O.W line of I-64 to the Northerly prolongation of the East line of Lot 10 in the Southwest $\frac{1}{4}$ of Section 1, township 1 North, Range 7 West; thence South along said prolongation of Lot 10 and the East line of Lot 10 to the South line of Lot 1; thence in a Southeast direction through Section 12 in Township 1 North, Range 7 West and Sections 7 and 18 in Township 1 North, Range 6 West to the intersection of the North-South centerline of Section 18 with the North R.O.W line of the Northfolk and Southern Railroad; thence South along the North-South centerlines of Section 18 and 19 in Township 1 North Range 6 West to the South line of Section 19; thence East along the South line of said Section 19 to the Southeast corner of Section 19; thence South along the East line of Section 30, Township 1 north, Range 6 West to the South line of "Townsend Square" recorded in A01981794; thence Westerly along said South line of "Townsend Square" and it's Westerly prolongation to the East R.O.W line of North 6th Street lying in Section 30, Township 1 North, Range 10 West; thence South along the East R.O.W line of North 6th Street to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30; thence East along the North line of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30 to the East line of Section 30; thence North along the East line of Section 30 to the Northwest corner of "Prairie View Estates Phase 2", recorded in A02023219; thence Easterly and Southerly along the North and Easterly line of "Prairie View Estates Phase 2" and "Prairie View Estates Phase 1" to the West R.O.W line of Illinois Route 4; thence South along the West R.O.W line of Illinois Route 4 to the Northeast corner of the Southwest $\frac{1}{4}$ of the Southwest corner of the Section 29; thence West along the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29 to the Northerly prolongation at the East line of Fountain View Drive; thence South along the East R.O.W line of Fountain View Drive and it's prolongation to the Easterly prolongation of the South line of "St. Christopher Lake" recorded in A01754006; thence Westerly along the Southerly line of "St. Christopher Lake" and it's prolongation to the West line of Section 29 in Township 1 North, Range 6 West; thence South along the West line of Section 29 to the Southwest corner of Section 29; thence East to the East line of Section 33, Township 2 North,

Range 7 West; thence North along the East line of Sections 28 & 33 in Section 28; thence North 89 degrees 22 minutes 00 seconds West along the North line of tax lot 21A, a distance of 599.49 feet to a stone; thence South 22 degrees 04 minutes 05 seconds West, a distance of 441.89 feet; thence South 00 degrees 01 minutes 22 seconds East 476.42 feet; thence North 85 degrees 15 minutes 00 West, a distance of 230 feet; thence South 00 degrees 57 minutes 00 seconds West 666 feet to a point; thence North 77 degrees 50 minutes 03 seconds East, 289.01 feet to a point; thence South 12 degrees 11 minutes 47 seconds West, 78.52 feet to a point on the Northerly R.O.W line of Highway 50; thence Northeast along the North line of Highway 50 to the East R.O.W line of Air Mobility Drive (Highway 158); thence East along the South line of Section 29 to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the Westerly prolongation of the South line of "Crown Pointe-Phase 1A" lying in the Northeast ¼ of the Southwest ¼ of Section 29, Township 1 North, Range 6 West' thence East along the South line of "Crown Pointe-Phase 1A" and it's prolongation to the Southeast corner of "Crown Pointe Phase 1A"; thence North along the East line of "Crown Pointe-Phase 1A" to the Northeast corner of said subdivision' thence West along the North line of "Crown Pointe -Phase 1A" to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of Section 20 in Township 1 North, Range 6 West; thence East along the South line of Section 20 to the point of beginning.

2014 St. Clair County MidAmerica Enterprise Zone Map identifying additions

O'Fallon Parcel Numbers:

04-28.0-400-028

04-28.0-400-032

04-33.0-200-019

04-33.0-200-025

04-33.0-200-026

04-33.0-200-033

Mascoutah Parcel Numbers:

19-32.0-137-001

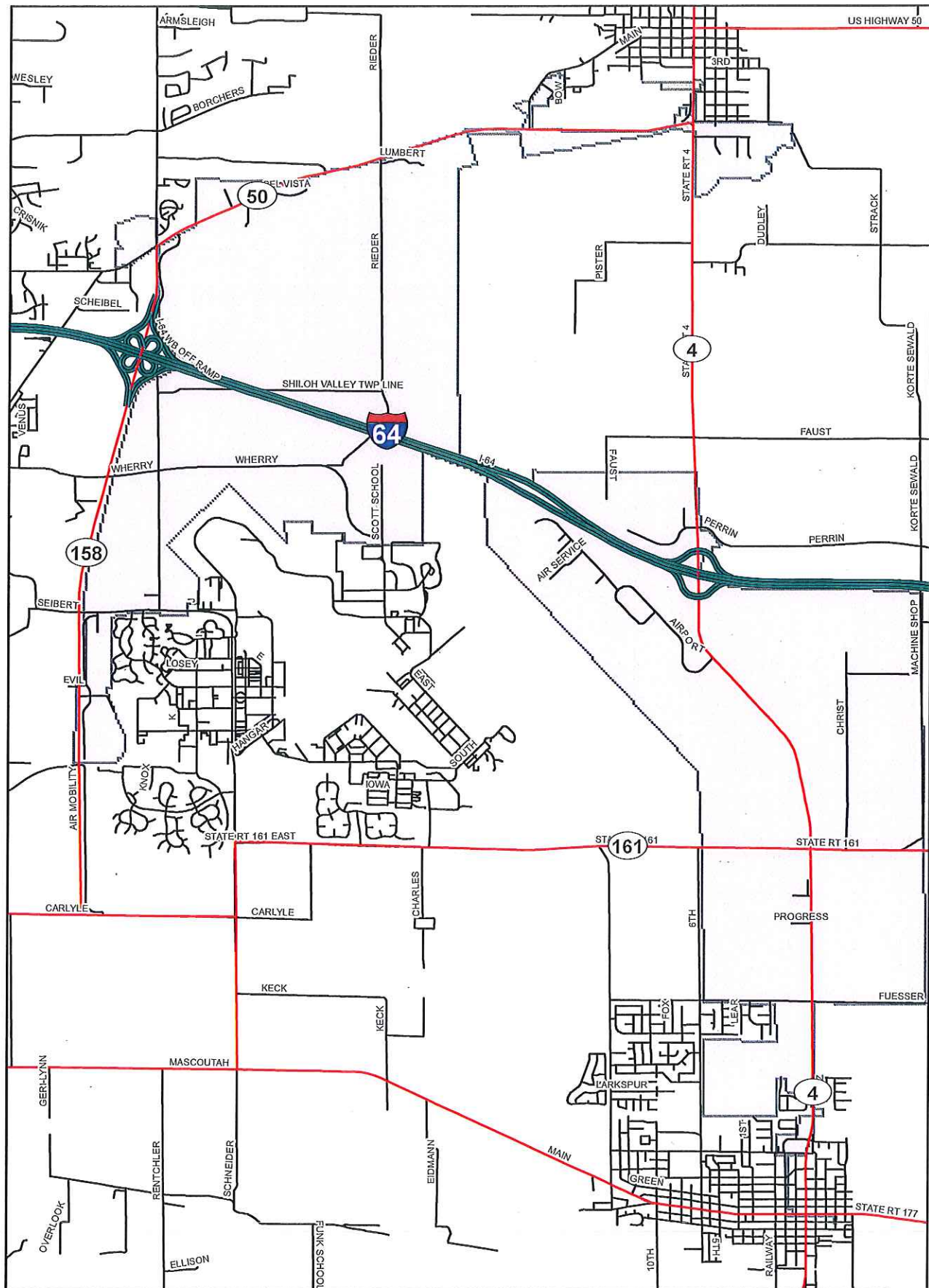
10-32.0-137-002

10-32.0-137-003

10-32.0-137-016

10-32.0-149-011

St. Clair County MidAmerica Enterprise Zone



0.17535 0.7 1.05 1.4 Miles

Janice Kerin, Administrator
St. Clair County



46

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 99-125, TO ADD TERRITORY TO ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE.

WHEREAS, the following Ordinance is adopted based upon the following premises, to wit;

WHEREAS, the State of Illinois has enacted the "Illinois Enterprise Zone Act of 1982," 20 ILCS 655/1 et seq., as amended (hereinafter referred to as "Act"), to alleviate distressed economic conditions in certain depressed areas;

WHEREAS, the Southwestern Illinois Development Authority Act, 70 ILLCS 520/1 et seq., as amended, authorizes Southwestern Illinois Development Authority (hereinafter referred to as "SWIDA") by ordinance to designate prior to January 1, 2000 a portion of the territorial jurisdiction of SWIDA located in the townships of O'Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other Enterprise Zones which may be created under that Act. The area shall have all the privileges and rights of an Enterprise Zone, under the Illinois Enterprise Zone Act, but shall not be counted in determining the number of Enterprise Zones to be created in any year under that Act;

WHEREAS, the health, safety and welfare of the residents of St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh are dependent, in part, upon a healthy private sector in St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh;

WHEREAS, the development, growth and expansion of the private sector requires a cooperative and continuous partnership between government and the private sector;

WHEREAS, there are certain areas in the County that need the particular attention of government, business and labor to attract private sector investment and directly aid the entire county and the residents thereof;

WHEREAS, a number of residents within the incorporated municipalities of Lebanon, Mascoutah, O'Fallon, Shiloh, and adjacent areas of unincorporated St. Clair County, for several years have suffered pervasive unemployment and economic distress, related to a variety of economic factors negatively affecting the incorporated and unincorporated areas mentioned above;

WHEREAS, the duly constituted legislative bodies of St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh are cognizant of the distressed conditions existing within this area and are desirous of alleviating these distressed conditions;

WHEREAS, St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh have indicated their willingness and desire to cooperate in designating portions of their municipalities and unincorporated area in St. Clair County as an Enterprise Zone;

WHEREAS, on December 6, 1999 the Mascoutah City Council passed an Ordinance entitled "An Ordinance establishing an Enterprise Zone consisting of adjacent area within the County of St. Clair, City of Lebanon, City of Mascoutah, City of O'Fallon and Village of Shiloh, subject to approval by the Southwestern Illinois Development Authority and by Illinois Department of Commerce and Economic Opportunity, and approving and authorizing the execution of an Intergovernmental Agreement" being Ordinance No. 99-125;

WHEREAS, on September 19, 2011 the Mascoutah City Council passed an Amending Ordinance to the foregoing Ordinance No. 99-125, altering the zone termination date, revising sales tax exemption on building material and adding and deleting territory to St. Clair County MidAmerica Enterprise Zone and approving and authorizing the execution of an Amended Intergovernmental Agreement being Ordinance No. 11-16;

WHEREAS, on May 6, 2013 the Mascoutah City Council passed an Amending Ordinance to the foregoing Ordinance No. 99-125, expanding the boundaries of the St. Clair County MidAmerica Enterprise Zone to include the development of projects in Mascoutah and Lebanon and approving and authorizing the execution of an Amended Intergovernmental Agreement being Ordinance No. 13-07;

WHEREAS, the City Council of Mascoutah has found it appropriate to amend Ordinance No. 99-125 to further expand the boundaries of the St. Clair County MidAmerica Enterprise Zone by adding 45.3 acres to the zone for a sports complex encompassing approximately 125,000 sq. ft. located in O'Fallon and adding another 1.01 acres located in downtown Mascoutah for the construction of a 10,000-12,000 sq. ft. distribution building and the renovation of a two story commercial building and to make revisions to the sales tax exemption section pursuant to Public Act 97-905 that transferred the authority to issue sales tax exemption certificates from Zone Administrators to the Illinois Department of Revenue; and

WHEREAS, with the further expansion of the enterprise zone, the new additions will receive all the state and local amenities provided by the present enterprise zone.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MASCOUTAH AS FOLLOWS:

Section 1. Description:

The area precisely described in *Exhibit "A"*, attached hereto and hereby made a part hereof as if fully set out herein, is hereby designated an Enterprise Zone pursuant to and in accordance with the "Illinois Enterprise Zone Act of 1982," (hereinafter referred to as "Act") and the Southwestern Illinois Development Authority Act;

Section 2. Qualifications:

The City of Mascoutah hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act and the Southwestern Illinois Development Authority Act, and further affirms the following:

- a. That the zone area is a contiguous area;
- b. That the zone area comprises a minimum of one-half of the square mile and not more than fifteen square miles in total area;
- c. That public notice was given in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the public hearing;
- d. That the zone area addresses a reasonable need to encompass portions of more than one municipality and an unincorporated area of a county; and
- e. That the zone area is located within the townships of O'Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair.

Section 3. Enterprise Zone Designation:

The zone was designated as an Enterprise Zone, subject to the approval of IDCEO and the Southwestern Illinois Development Authority, in accordance with state law on January 1, 2000.

Section 4. Term and Effect:

The term of the zone shall terminate at midnight of December 31, 2030.

Section 5. Name of Zone:

The name of said enterprise zone shall be "St. Clair County MidAmerica Enterprise Zone".

Section 6. Sales Tax Exemptions:

Contractors and other entities participating in a real estate construction, rehabilitation or renovation project in the St. Clair County MidAmerica Enterprise Zone may purchase building materials for the project exemption from sales tax.

As of July 1, 2013, the building materials exemption is only available to those contractors or other entities with a certificate issued by the Illinois Department of Revenue (IDOR). To secure a certificate, the Zone Administrator, must submit an applications for each contractor through the "Business Incentives Reporting and Building Materials Exemption Certification" link at the IDOR's website.

Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by IDOR.

When purchasing tax exempt building materials, the purchaser must submit a signed statement to the retailer that contains the certificate number, the zone, the project, and the materials being purchased. It is the seller's responsibility to verify that the certificate holder's building materials exemption certificate number is valid and active.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section.

Notwithstanding any other provision hereof, nothing in this Section shall be construed to exempt any such sale from the transit "sales tax" levied by the County of St. Clair.

Section 7. Urban Shopstead Program:

Pursuant to section 10 of the Illinois Enterprise Zone Act, the City of Mascoutah hereby establishes an urban shopstead program. Under the urban shopstead program, the City may sell to a Designated Zone Organization a structure or portion thereof that the City owns for a sum not to exceed \$100. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the City. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the City. The Designated Zone Organization may retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

The urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Mascoutah City Council and the other units of local government involved, provided such rules and guidelines are not inconsistent with the Act.

Section 8. Urban Homestead Program:

Pursuant to section 10 of the Illinois Enterprise Zone Act, City of Mascoutah hereby establishes an urban homestead program. Under the urban homestead program, the City may sell to an individual a residence or any portion thereof that the City owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales

agreement between the individual and the City, and the individual must live in the residence for seven years. At the end of the seven year period, the City shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the City.

The urban homestead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Mascoutah City Council and the other units of local government involved, provided such rules and guidelines are not inconsistent with the Act.

Section 9. Zone Management:

Upon designation as an Enterprise Zone by the IDCEO and SWIDA, a Zone Management Board will be formed comprised of the Chairman of the County Board of St. Clair County, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O'Fallon, Mayor/President of Shiloh and the Executive Director of SWIDA who will be an "ex-officio" member with no voting rights or comprised of the above named Officers' delegates. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the zone. The Zone Management Board will elect its Chairperson.

Section 10. Zone Administrator:

Pursuant to 20 ILCS 655/8, as amended, the position of "Zone Administrator" is hereby created. The person selected to assume this position shall be an employee of the St. Clair County Economic Development Department, who in his/her capacity is an employee of St. Clair County.

The following duties of the Zone Administrator shall be performed in addition to this person's current job responsibilities:

- (a) Supervise the implementation of the provisions of the Illinois Enterprise Zone Act;
- (b) Act as a liaison between St. Clair County, SWIDA, Lebanon, Mascoutah, O'Fallon, Shiloh, IDCEO designated zone organizations and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan;
- (c) Conduct an on-going evaluation of the Enterprise Zone program and to submit such reports annually to the Zone Management Board, the IDCEO and IDOR;
- (d) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small businesses, and financial assistance and employment training within the Enterprise Zone;
- (e) Recommend qualified designated zone organizations to the Zone Management Board;
- (f) Perform such other duties as specified by the Zone Management Board.

In addition to the above-described duties, the responsibilities of the Zone Administrator will be to:

- (a) Act as program manager responsible for the Enterprise Zone's day-to-day operations;
- (b) Serve as the primary technical and professional vehicle for triggering the implementation of the Enterprise Zone program objectives;
- (c) Collect and analyze data and submit reports required by the Zone Management Board, SWIDA, the IDCEO or IDOR on a timely basis;
- (d) Coordinate planning activities and program implementation with other county and/or municipal departments;

- (e) Market available sites and buildings available for business and industrial use, and to prepare documentation with specifics on all available sites and buildings;
- (f) Identify areas needing infrastructure improvements within the Enterprise Zone and work with various units of government to assure such facilities are constructed to meet the business needs of the area;
- (g) Work to enhance the Enterprise Zone's existing and future export potential through activities which will expand the foreign trade zone and intermodal product handling services within the zone;
- (h) Encourage modifications in county and municipal zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan;
- (i) Conduct educational forums and programs to market the incentives of the Enterprise Zone to businesses;
- (j) Coordinate with business and industry to identify State regulations or restrictions that adversely effect economic development within the Enterprise Zone, and to relay this information to the Zone Management Board, and the IDCEO to facilitate the easing of said regulations and restrictions;
- (k) Coordinate available and future economic development incentives within the Enterprise Zone by "networking" with economic development professionals, developers and realtors and maintaining contact with previous plant locations as well as prospects; and
- (l) Assist Enterprise Zone businesses in obtaining available local, State or Federal economic development incentives and benefits.

To accomplish the above duties and tasks, the Zone Administrator may receive technical/professional support from a Development Advisory Committee consisting of professionals, whose organizations have active and on going economic development programs within the Enterprise Zone.

Section 11. Designated Zone Organizations:

Pursuant to 20 ILCS 655/8, as amended, the Zone Administrator may recommend to the Zone Management Board one or more organizations that qualify as a Designated Zone Organization (DZO), under the provisions of the Act. Upon approval by the Zone Management Board, for a term of years set by same, the DZO may do the following:

- (a) Provide or contract for provisions of services including, but not limited to crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
- (b) Provide a forum for business, labor and government action on enterprise zone innovations;
- (c) Receive title to publicly-owned land;
- (d) Solicit and receive contributions to improve the quality of life in the zone area;
- (e) Recommend qualified DZO projects to the Zone Management Board; and

Section 12.

The Mayor of the City of Mascoutah shall have and is hereby authorized to execute and amend an Intergovernmental Agreement between St. Clair County, Southwestern Illinois Development Authority and the municipalities of Lebanon, Mascoutah, Shiloh and O'Fallon indicating the willingness and desire of the City of Mascoutah to participate in the Enterprise Zone Program and setting forth the criteria for cooperation, participation and management of said Enterprise Zone.

Section 13.

This Ordinance, and every provision thereof, shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 14.

All Ordinances, or parts thereof, in conflict herewith are hereby repealed.

Section 15.

This Ordinance shall take effect following its passage, approval, recording, inspection and publication, as may be required, according to law.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF _____, 2014 A.D.

MASCOUTAH CITY COUNCIL

Gerald Daugherty
Mayor

ATTESTED:

CITY CLERK

EXHIBIT "A"

2014 ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE

Legal Description

Part of Sections 24, 25, 26, 27, 33, 34 and 35 of Township 2 North, Range 7 West, and Sections 19, 29 and 30 in Township 2 North, Range 6 West, and Sections 1, 2, 3, 4, 9, 10, 12 and 16 in Township 1 North, Range 7 West, and Sections 6, 7, 8, 17, 18, 19, 20, 29 and 30 in Township 1 North, Range 6 West of the Third Principal Meridian described as follows:

Beginning at the Southeast corner of Section 20 in Township 1 North, Range 6 West of the Third Principal Meridian; thence North along the East lines of Section 8, 17 and 20 of Township 1 North, Range 6 West to the South Right of Way (R.O.W) line of I-64; thence West along the South line of I-64 in Sections 7 and 8 of Township 1 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of the North half of Section 6 of Township 1 North, Range 6 West; thence West along the South line of the North ½ of Section 6, Township 1 North, Range 6 West and the South line of the North ½ of Section 1, Township 1 North, Range 7 West to the centerline of Section 1, Township 1 North, Range 7 West; thence South along the East-West centerline of said Section 1 to the North R.O.W line of I-64; thence Westerly along the North R.O.W line of I-64 to the point of intersection with the East line of Section 2 in Township 1 North, Range 7 West; thence North along the East line of Section 2, Township 1 North, Range 7 West and the East line of Sections 26 and 35 in Township 2 North, Range 7 West to the South R.O.W line of Highway 50 in said Section 26; thence Easterly along the South R.O.W of Highway 50 to a point that is 320 feet West of the East-West centerline of Section 25 in Township 2 North, Range 7 West; thence South parallel to the North-South centerline of said Section 25 to the North R.O.W line of the CSX Railroad in said Section 25; thence Northeasterly along the North R.O.W line of said CSX Railroad lying in Section 25 in Township 2 North, Range 7 West and Section 30 in Township 2 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence South along the East R.O.W line of Illinois Route 4 to the Southwest corner of Lot 4 of "Leberts Subdivision", recorded in plat book 50 page 36; thence East along the South line of Lot 4 of "Leberts Subdivision", to the Southeast corner of said lot 4; thence North along the East line of Lot 4 to a point 780 feet South of the Northeast corner of "Leberts Subdivision"; thence Northeast along the South line of property described in book 2465 page 965 and book 2465 page 432 to the West line of Little Silver Creek in the Southeast ¼ of Section 30, Township 2 North, Range 6 West; thence Northerly along the centerline of the Little Silver Creek to a point of intersection with the South line of East McAllister Street in the city of Lebanon if extended Eastwardly; thence West along the South prolongation line of East McAllister to the West line of Strack Lane; thence North along the West line of Strack Lane to the North line of East McAllister Street; thence West along the North line of East McAllister Street to the East R.O.W line of South Madison Street; thence North along the East R.O.W line of South Madison Street to the South line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7" in book "C" page 183; thence East along the South line of said Lot 2 a distance of 165 feet to a point; thence North parallel to the East line of Lot 2 to the North line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence East along the North line of Lot 7 to the West R.O.W line of South Fritz Street; thence North along the West R.O.W line of South Fritz Street to the North line of Lot 1 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence West along the said North line of Lot 1 and it's Westerly prolongation to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to point 250 feet North of the North line of Lot 1 "Lebanon Plaza", recorded in Plat Book "86" page 23; thence West parallel to the North line of Lot 44 in "Plat of Lots 1 thru 50 in Section 19, Township 2 North, Range 6 West", to the West line of said Lot 44; thence

South along said West line of Lot 44 a distance of 50 feet to a point; thence East parallel to the North line of said Lot 44 a distance of 696.9 feet to a point; thence South parallel to the West line of said Lot 44 a distance of 250 feet to a point; thence East parallel to the North line of said Lot 44 to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to the North line of Lot 2 "Emerald Plaza"; thence East along the North line of Lot 2 to a point 243.4 feet East of the Southwest corner of Lot 1 of "Emerald Plaza"; thence North parallel to the West line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the Northwest corner of said Lot 1; then South along the West line of Lot 1 to the North line of Lot 2; thence West along the West prolongation of the North line of Lot 2, 150 feet to a point; thence South parallel to the West line of Lot 2 "Emerald Plaza" to the North line of McAllister Street; thence West along the North R.O.W line of West McAllister Street to the East R.O.W line of Belleville Street; thence North along the East R.O.W line of Belleville Street to the Southwest corner of Outlot F of "Wakanda Villages"; thence East along the South line of Outlot F and Lot 38A of "Wakanda Village", to the Southeast corner of said Lot 38; thence Northeast along the Easterly line of said Lot 38 to the most Easterly corner of Lot 38; being the South R.O.W line of Perryman Road; thence Northeasterly along the Northerly R.O.W of Perryman Street to the West R.O.W line of Bow Drive; thence North along the West R.O.W line of Bow Drive to a North line of said "Wakanda Village Subdivision"; thence Southwest along a North line of "Wakanda Village Subdivision", to an East line of "Wakanda Village Subdivision"; thence North along said Subdivision and it's prolongation to the Northwest R.O.W line of Belleville Street; thence Southwest along the Northwest line of Belleville Street to the Southeast corner of parcel 04-25.0-100-023; thence North 62 degrees 52 minutes 54 seconds West, a distance of 416.78 feet to a point; thence South 46 degrees 52 minutes 53 seconds West, a distance of 173.65 feet; thence South 48 degrees 00 minutes 04 seconds East, a distance of 534.59 feet to a point; thence in a Southeast direction on a curve to the right, having a radius of 305.87, a cord of South 36 degrees 52 minutes 16 seconds East, a distance of 95.93 feet to the West R.O.W of Belleville Street; thence Southwest along the Northwest line of Belleville Street and it's Western spur to the North line of U.S Highway 50; thence Westerly along the North R.O.W line of U.S Highway 50, traveling through Sections 25, 26 and 27 of Township 2 North, Range 7 West, to the South R.O.W line of the CSX Railroad lying in said Section 27; thence West along the South R.O.W line of the CSX Railroad to the East line of "Woodstream Subdivision 1st Addition" in Book 96 page 26; thence South along the East line of "Woodstream Subdivision 1st Addition" and it's Southerly prolongation to the North R.O.W line of U.S Highway 50; thence Southwest along the North R.O.W line of U.S Highway 50 to the East R.O.W line of Air Mobility Drive (Hwy 158); thence East along the South line of Section 29 to the Northerly prolongation of the West line of Market Street; thence South along the West line of Market Street and it's prolongation to the South line of Main Street; thence East along the South line of Main Street to a point 45 feet East of the Northwest corner of Lot 37, being a part of the Northwest ¼ of Section 32, Township 1 North, Range 6 West of the 3rd Principal Meridian; reference being had to the plat thereof in Book of Plats "A" on page 127 ; thence South parallel to the West line of Lot 37 to the South line of Lot 37; thence East along the South line of Lot 37 to the Southeast corner of Lot 37; thence North along the East line of Lot 37 and it's Northerly prolongation to the North line of Main Street; thence West along the North line of Main Street to the Southeast corner of Lot 4 in Block 1 of the "Original Town of Mascoutah" in Book of Deeds "I" on page 529; thence North along the East line of Lot 4 Block 1 of the "Original Town of Mascoutah" and it's Northerly prolongation to the South line of East Church Street; thence West along the South line of South Church Street to the East line of Market Street; thence North along the East line of Market Street to the South line of Section 29; thence Southerly along the East R.O.W of Air Mobility Drive (Hwy 158) traveling through Sections 33 and 34, Township 2 North, Range 7 West and Sections 4, 9 and 16 in Township 1 North, Range 7 West to the Northerly R.O.W line of the Metrolink Light Rail

System; thence Easterly and Northerly along the R.O.W line of the Metrolink Light Rail line and it's prolongation to the North line of Section 16 in Township 1 North, Range 7 West; thence East along the South line of Section 9 to a point on the East line of property owned by Bi-State Development Agency for the Metrolink Light Rail System lying in the Southeast $\frac{1}{4}$ of Section 9, Township 1 North, Range 7 West; thence North parallel to the East line of Air Mobility Drive to the South line of Seibert Road; thence Easterly along the Southerly R.O.W line of Seibert Road to the Southerly prolongation of the West line of Lot 1 in the Northeast $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along said prolongation and the West line of Lot 1 to the Northwest corner of Lot 1; thence East along the North line of said Lot 1 to the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10 to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10; thence Northwest parallel to the centerline of Golf Course Road, lying in Section 10, Township 1 North, Range 7 West, a distance of 1623.19 feet to a point; thence Northeast at a right angle to the last described point a distance of 3,000 feet to a point; thence Southeast at a right angle a distance of 365.28 feet to a point on the North-South centerline of Section 3, Township 1 North, Range 7 West; thence continuing along the last described coarse to a point of intersection with the South line of Section 3; thence East along the South line to a point 898.9 feet West of the Southeast corner of said Section 3; thence North 6 degrees 54 minutes West 898.9 feet to a point; thence South 87 degrees 46.5 minutes East 985.4 feet to a point; thence South 00 degrees 21.5 minutes East 354 feet to a point; thence East parallel to the South line of Section 2, Township 1 North, Range 7 West, a distance of 1206.5 to a point; thence South parallel to the West line of said Section 2 to the South line of Section 2, township 1 North, Range 7 West; thence East along the South line of Section 2 to the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2; thence North along the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2 to the South R.O.W line of Interstate 64 (I-64); thence Southeast along the South R.O.W line of I-64 to the Northerly prolongation of the East line of Lot 10 in the Southwest $\frac{1}{4}$ of Section 1, township 1 North, Range 7 West; thence South along said prolongation of Lot 10 and the East line of Lot 10 to the South line of Lot 1; thence in a Southeast direction through Section 12 in Township 1 North, Range 7 West and Sections 7 and 18 in Township 1 North, Range 6 West to the intersection of the North-South centerline of Section 18 with the North R.O.W line of the Norfolk and Southern Railroad; thence South along the North-South centerlines of Section 18 and 19 in Township 1 North Range 6 West to the South line of Section 19; thence East along the South line of said Section 19 to the Southeast corner of Section 19; thence South along the East line of Section 30, Township 1 north, Range 6 West to the South line of "Townsend Square" recorded in A01981794; thence Westerly along said South line of "Townsend Square" and it's Westerly prolongation to the East R.O.W line of North 6th Street lying in Section 30, Township 1 North, Range 10 West; thence South along the East R.O.W line of North 6th Street to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30; thence East along the North line of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30 to the East line of Section 30; thence North along the East line of Section 30 to the Northwest corner of "Prairie View Estates Phase 2", recorded in A02023219; thence Easterly and Southerly along the North and Easterly line of "Prairie View Estates Phase 2" and "Prairie View Estates Phase 1" to the West R.O.W line of Illinois Route 4; thence South along the West R.O.W line of Illinois Route 4 to the Northeast corner of the Southwest $\frac{1}{4}$ of the Southwest corner of the Section 29; thence West along the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29 to the Northerly prolongation at the East line of Fountain View Drive; thence South along the East R.O.W line of Fountain View Drive and it's prolongation to the Easterly prolongation of the South line of "St. Christopher Lake" recorded in A01754006; thence Westerly along the Southerly line of "St. Christopher Lake" and it's prolongation to the West line of Section 29 in Township 1 North, Range 6 West; thence South along the West line of Section 29 to the Southwest corner of Section 29; thence East to the East line of Section 33, Township 2 North,

Range 7 West; thence North along the East line of Sections 28 & 33 in Section 28; thence North 89 degrees 22 minutes 00 seconds West along the North line of tax lot 21A, a distance of 599.49 feet to a stone; thence South 22 degrees 04 minutes 05 seconds West, a distance of 441.89 feet; thence South 00 degrees 01 minutes 22 seconds East 476.42 feet; thence North 85 degrees 15 minutes 00 West, a distance of 230 feet; thence South 00 degrees 57 minutes 00 seconds West 666 feet to a point; thence North 77 degrees 50 minutes 03 seconds East, 289.01 feet to a point; thence South 12 degrees 11 minutes 47 seconds West, 78.52 feet to a point on the Northerly R.O.W line of Highway 50; thence Northeast along the North line of Highway 50 to the East R.O.W line of Air Mobility Drive (Highway 158); thence East along the South line of Section 29 to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the Westerly prolongation of the South line of "Crown Pointe-Phase 1A" lying in the Northeast ¼ of the Southwest ¼ of Section 29, Township 1 North, Range 6 West' thence East along the South line of "Crown Pointe-Phase 1A" and it's prolongation to the Southeast corner of "Crown Pointe Phase 1A"; thence North along the East line of "Crown Pointe-Phase 1A" to the Northeast corner of said subdivision' thence West along the North line of "Crown Pointe -Phase 1A" to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of Section 20 in Township 1 North, Range 6 West; thence East along the South line of Section 20 to the point of beginning.

2014 St. Clair County MidAmerica Enterprise Zone Map identifying additions

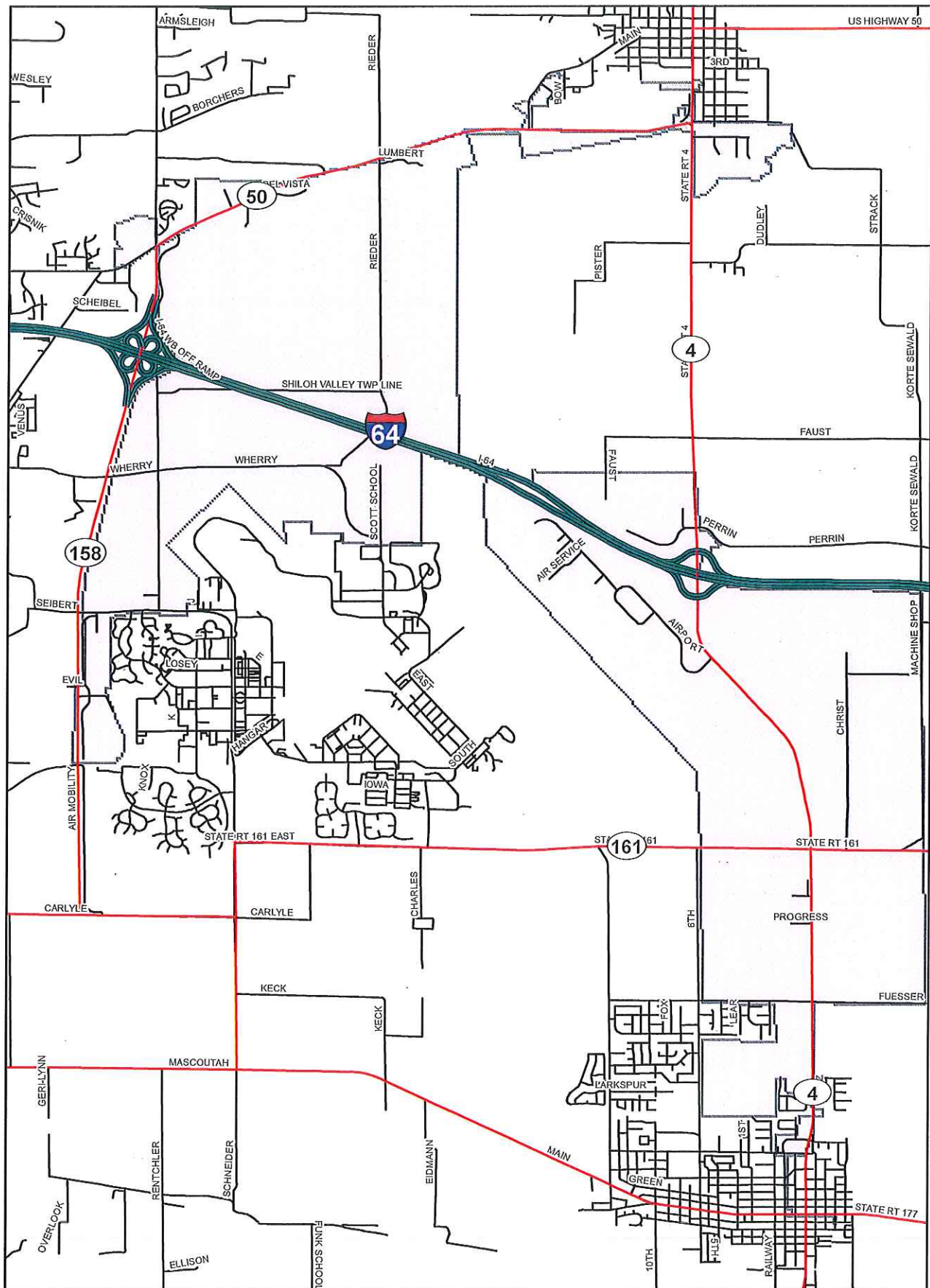
O'Fallon Parcel Numbers:

04-28.0-400-028
04-28.0-400-032
04-33.0-200-019
04-33.0-200-025
04-33.0-200-026
04-33.0-200-033

Mascoutah Parcel Numbers:

19-32.0-137-001
10-32.0-137-002
10-32.0-137-003
10-32.0-137-016
10-32.0-149-011

St. Clair County MidAmerica Enterprise Zone



0.1 0.7 1.05 1.4 Miles

Janice Kerin, Administrator
St. Clair County



57

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: Main Street Closing – Fall Fest

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Mascoutah Chamber of Commerce is requesting that the City close Main Street (IL 177) on October 18, 2014 for the Fall Fest.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Fall Fest on Saturday, October 18. They are requesting closing of Main St. (IL 177) from Second St. to Route 4 from 7 a.m. to 5 p.m. This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

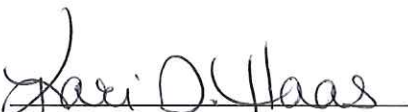
RECOMMENDATION:

Council approval of resolutions to close Main Street for the Fall Fest.


SUGGESTED MOTION:

I move that the Council authorize the closing of Main Street (IL 177) from Second St. to Route 4 on October 18, 2014 from 7 a.m. to 5 p.m. for the annual Fall Fest by adopting Resolution No. 14-15-__.

Prepared By:


Kari D. Haas
City Clerk

Approved By:


Cody Hawkins
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 14-15-__

WHEREAS, Mascoutah Chamber of Commerce is sponsoring the 2014 Fall Fest in the City of Mascoutah which event constitutes a public purpose; and

WHEREAS, this Fall Fest will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from IL Route 4 to Second Street; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from IL Route 4 to Second Street as designated above be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 7:00 AM and 5:00 PM on October 18, 2014.

BE IT FURTHER RESOLVED, that this closure is for the public purpose of 2014 Fall Fest.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling West on Route 177: North on Jefferson (Route 4) to Harnett Street, West on Harnett Street to Sixth Street, South on Sixth Street to Route 177. Traffic Traveling East on Route 177: North on Sixth Street to Harnett Street, West on Harnett Street to Jefferson (Route 4), South on Jefferson (Route 4) to Route 177.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

Attachment A

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that Mascoutah Chamber of Commerce hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that Mascoutah Chamber of Commerce shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$500,000 per person and \$1,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and APPROVED by the Mayor and City Council of the City of Mascoutah this 7th day of July, 2014, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: Main Street Closing – Christmas Parade

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Mascoutah Chamber of Commerce is requesting that the City close Main Street (IL 177) on December 5, 2014 for the annual Miracle on Main Christmas Parade.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Miracle on Main Christmas Parade on Friday, December 5. They are requesting closing of Main St. (IL 177) from Jefferson Street to Second Street from 5 p.m. to 8 p.m. This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

RECOMMENDATION:

Council approval of resolution to close Main Street for the Miracle on Main Christmas Parade.

SUGGESTED MOTION:

I move that the Council authorize the closing of Main Street (IL 177) from Jefferson Street to Second Street on December 5, 2014 from 5 p.m. to 8 p.m. for the annual Miracle on Main Christmas Parade by adopting Resolution No. 14-15-____.

Prepared By: _____

Kari D. Haas
City Clerk

Approved By: _____

Cody Hawkins
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 14-15-__

WHEREAS, Mascoutah Chamber of Commerce is sponsoring the 2014 Miracle on Main Christmas Parade in the City of Mascoutah which event constitutes a public purpose; and

WHEREAS, this Christmas Parade will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from Jefferson Street to Second Street ; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from Jefferson Street to Second Street as designated above be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 5:00 PM and 8:00 PM on December 5, 2014.

BE IT FURTHER RESOLVED, that this closure is for the public purpose of 2014 Miracle on Main Christmas Parade.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling West on Route 177: North on Jefferson (Route 4) to Harnett Street, West on Harnett Street to Sixth Street, South on Sixth Street to Route 177. Traffic Traveling East on Route 177: North on Sixth Street to Harnett Street, East on Harnett Street to Jefferson (Route 4), South on Jefferson (Route 4) to Route 177.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

Attachment 'A'

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that Mascoutah Chamber of Commerce hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that Mascoutah Chamber of Commerce shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$500,000 per person and \$1,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insured's and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and APPROVED by the Mayor and City Council of the City of Mascoutah this 7th day of July, 2014, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: Resolution Opposing SB3507 Regarding Restriction on Collection of Connection Fees

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Approval of a resolution urging the Governor to veto Senate Bill 3507 which restricts the collection of connection fees charged by municipalities.

BACKGROUND & STAFF COMMENTS:

Senate Bill 3507, which amends 65 ILCS 5/11-150-1 to restrict the collection of connection fees for water and sewer service by municipalities to new customers by limiting the revenue of connection fees to no more than "1/6 of the user's estimated annual charge for that class of service," was passed by the Illinois State Senate on April 1, 2014 and the Illinois House of Representatives on May 27, 2014. SB 3507 now awaits final action by the Governor.

The IML is urging municipalities to send requests to the Governor's office requesting an amendatory veto of SB 3507. Once adopted, this resolution will be sent to the Governor.

RECOMMENDATION:

Council approval of Resolution, as attached.

SUGGESTED MOTION:

I move that the City Council approve and adopt Resolution No. 14-15-____, a resolution advocating a gubernatorial veto or amendatory veto of Senate Bill 3507, which amends 65 ILCS 5/11-150-1 to restrict the collection of connection fees charged by municipalities.

Prepared By: Kari D. Haas
Kari D. Haas
City Clerk

Approved By: Cody Hawkins
Cody Hawkins
City Manager

Attachments: A – Resolution

RESOLUTION NO. 14-15-__

A RESOLUTION ADVOCATING A GUBERNATORIAL VETO OR AMENDATORY VETO OF SENATE BILL 3507, WHICH AMENDS 65 ILCS 5/11-150-1 TO RESTRICT THE COLLECTION OF CONNECTION FEES CHARGED BY MUNICIPALITIES

WHEREAS, Senate Bill 3507, which amends 65 ILCS 5/11-150-1 to restrict the collection of connection fees for water and sewer service by municipalities to new customers by limiting the revenue of connection fees to no more than "1/6 of the user's estimated annual charge for that class of service," was passed by the Illinois State Senate on April 1, 2014 and the Illinois House of Representatives on May 27, 2014; and

WHEREAS, Senate Bill 3507 now awaits final action by the Governor of the State of Illinois; and

WHEREAS, the City of Mascoutah believes Senate Bill 3507 will negatively affect its residents by transferring the financing cost of municipal water and sewer systems from new municipal water and sewer customers to existing customers, by restricting the collection of connection fees; and

WHEREAS, from May 1, 2013 to April 30, 2014 the City of Mascoutah collected \$46,800.00 from 33 water connections and \$46,400.00 from 32 sewer connections; and

WHEREAS, under the reforms presented in Senate Bill 3507, the City of Mascoutah estimates that its water and sewer connection revenue will drop from \$93,200.00 to \$4,550.00, based upon an average residential two-month usage charge of \$70.00; and

WHEREAS, the City Council of the City of Mascoutah, Illinois believes it is in the best interest of the City and its residents to urge a gubernatorial veto or amendatory veto of Senate Bill 3507.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The City of Mascoutah hereby urges the Governor to veto Senate Bill 3507, or file an amendatory veto to delete Section 10 of the bill.

SECTION 2: The Mayor is hereby directed to send a copy of this resolution to the Governor of the State of Illinois.

SECTION 3: This resolution shall be in full force and effect after its passage and approval as provided by law.

Attachment A

PASSED and **APPROVED** by the Mascoutah Mayor and City Council this 7th day of July, 2014.

AYE's —

NAY's —

ABSENT —

Mayor

ATTEST:

City Clerk

(SEAL)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: **Harnett Street Improvements, Phase II – Bid Award**

MEETING DATE: July 7, 2014

REQUESTED ACTION:

Approval and authorization of bids for furnishing all labor, materials and equipment to reconstruct Harnett Street from Rte. 4 to North 6th Street and from North 10th Street to County Road. This project will also include re-striping Harnett St. from 6th St. to 10th St.

BACKGROUND & STAFF COMMENTS:

Bids for the *Harnett Street Improvements, Phase II Project* were opened on Wednesday, July 2, 2014 there were four bidders total. Lowest qualified bid was submitted by DMS Contracting of Mascoutah, IL for a total amount of \$1,339,663.45. This project consists of pavement removal, constructing asphalt pavement on new aggregate base, storm sewers, concrete gutters and sidewalks as necessary to complete the project. East Harnett Street is located within TIF 2B and all of West Harnett Street is outside of the TIF District. See Attachment A – Bid Tab for a breakdown of the bids received.

FUNDING:

This project will be paid for with TIF 2B Funds and a low-interest Bank Loan.

RECOMMENDATION:

Approval of low bid for furnishing all labor, materials and equipment for the *Harnett Street Improvements, Phase II Project* to DMS Contracting for the total bid of \$1,339,663.45.

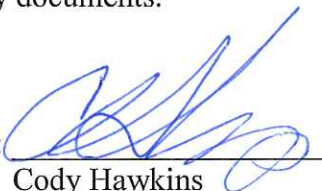
SUGGESTED MOTION:

I move that the Council approve the low bid of \$1,339,663.45 to DMS Contracting for furnishing all labor, materials and equipment for the *Harnett Street Improvements, Phase II Project* and authorize appropriate officials to execute the necessary documents.

Prepared By:


Ron Yeager
City Engineer

Approved By:


Cody Hawkins
City Manager

Attachment: A – Bid Tab

Attachment: B – Letter of Recommendation of Award from Oates Associates



OATES ASSOCIATES
Engineering + Architecture

BELLEVILLE
20 E. Main Street
Belleville, IL 62220
tel/ 618.416.4688

COLLINSVILLE
100 Lanter Court, Suite 1
Collinsville, IL 62234
tel/ 618.345.2200

ST. LOUIS
720 Olive, Suite 1660
St. Louis, MO 63101
tel/ 314.588.8381

www.oatesassociates.com

July 2, 2014

Mr. Ron Yeager, PE
City Engineer
City of Mascoutah
3 West Main Street
Mascoutah, Illinois 62258

Re: Harnett Street Improvements, Phase II

Dear Mr. Yeager:

Four bids for the referenced project were received on Wednesday, July 2, 2014 at 9:00 AM. The Engineer's Estimate of Probable Cost is \$1,455,035.50. Bids ranged from \$1,339,663.45 (7.9% under the estimate) to \$1,664,253.41 (14.4% over the estimate). DMS Contracting, Inc. of Mascoutah, Illinois, submitted the low bid.

Based on our evaluation of the enclosed Bid Tabulation, we recommend awarding the construction contract to DMS Contracting, Inc., for a contract price of \$1,339,663.45.

Please notify us if you concur with our recommendation and authorize the contract award to DMS Contracting, Inc. We will prepare the necessary contract documents and submit them to you for processing.

Sincerely,

OATES ASSOCIATES, INC.

Alan Goepfert, PE, PLS
Principal

Enclosure

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: IDOT Resolutions / Access Permits – Harnett Street
MEETING DATE: July 7, 2014

REQUESTED ACTION:

Adoption of Resolutions requesting permission and authorization to do certain work within the Illinois Department of Transportation (IDOT) right-of-way on State Highways 6th Street and IL Route 4 for the reconstruction of Harnett Street. *The Resolutions are attached; the full packet is available upon request.*

BACKGROUND & STAFF COMMENTS:

The City of Mascoutah is securing required permits to get approval to access IDOT right-of-way for the reconstruction of Harnett Street. In order to make improvements to Harnett Street we must get access to State right-of-way for 6th Street and IL Route 4. IDOT must grant the City permission for this work. Resolutions are the required method to obtain the permit.

FUNDING:

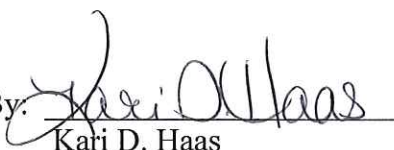
No costs involved.


RECOMMENDATION:

City Manager recommends that the Council approve and adopt resolutions.

SUGGESTED MOTION:

I move that the Council approve and adopt IDOT Permit Resolutions No. 14-15-___ and No. 14-15-___, and authorize appropriate City officials to execute appropriate documents.

Prepared By: 
Kari D. Haas
City Clerk

Approved By: 
Cody Hawkins
City Manager

Attachments: A – Permit Resolutions

RESOLUTION NO. 14-15-____
PERMIT RESOLUTION

WHEREAS, the City of Mascoutah, located in the County of St. Clair, State of Illinois, wishes to reconstruct Harnett Street with conditions and restrictions of Permit No. 8-31348, within the right of way of SBI Route 150 (IL Route 4), which by law comes under the jurisdiction and control of the Department of Transportation of the State of Illinois; and,

WHEREAS, a permit from said Department is required before said work can be legally undertaken by said City of Mascoutah; now,

THEREFORE, be it resolved by the City of Mascoutah, County of St. Clair, State of Illinois:

FIRST: That we do hereby request from the Department, State of Illinois, a permit authorizing the City of Mascoutah to proceed with the work herein described.

SECOND: That we hereby pledge the good faith of the City Council of the City of Mascoutah AND guarantee that all work shall be performed in accordance with the conditions of the permit to be granted by the Department of Transportation of the State of Illinois; and, to hold the State of Illinois, Department of Transportation, harmless on account of any damages that may occur to persons or property during the prosecution of such work; and, assume all liability for damages to persons or property due to accidents or otherwise by reason of the work which is to be performed under the provisions of said permit.

THIRD: That we hereby state that the proposed work is not to be performed by the employees of the City of Mascoutah.

FOURTH: That the proper officers of the City Council are hereby instructed and authorized to sign said permit in behalf of the City of Mascoutah.

Mayor
CITY OF MASCOUTAH

I, Kari D. Haas, City Clerk, hereby certify the above to be a true copy of the Resolution passed by the Mascoutah City Council, County of St. Clair, State of Illinois.

Dated this 7th day of July, A.D., 2014.

City Clerk
CITY OF MASCOUTAH

(SEAL)

Attachment A

RESOLUTION NO. 14-15-____
PERMIT RESOLUTION

WHEREAS, the City of Mascoutah, located in the County of St. Clair, State of Illinois, wishes to reconstruct Harnett Street with conditions and restrictions of Permit No. 8-31349, within the right of way of CH Route 93 (6th Street), which by law comes under the jurisdiction and control of the Department of Transportation of the State of Illinois; and,

WHEREAS, a permit from said Department is required before said work can be legally undertaken by said City of Mascoutah; now,

THEREFORE, be it resolved by the City of Mascoutah, County of St. Clair, State of Illinois:

FIRST: That we do hereby request from the Department, State of Illinois, a permit authorizing the City of Mascoutah to proceed with the work herein described.

SECOND: That we hereby pledge the good faith of the City Council of the City of Mascoutah AND guarantee that all work shall be performed in accordance with the conditions of the permit to be granted by the Department of Transportation of the State of Illinois; and, to hold the State of Illinois, Department of Transportation, harmless on account of any damages that may occur to persons or property during the prosecution of such work; and, assume all liability for damages to persons or property due to accidents or otherwise by reason of the work which is to be performed under the provisions of said permit.

THIRD: That we hereby state that the proposed work is not to be performed by the employees of the City of Mascoutah.

FOURTH: That the proper officers of the City Council are hereby instructed and authorized to sign said permit in behalf of the City of Mascoutah.

Mayor
CITY OF MASCOUTAH

I, Kari D. Haas, City Clerk, hereby certify the above to be a true copy of the Resolution passed by the Mascoutah City Council, County of St. Clair, State of Illinois.

Dated this 7th day of July, A.D., 2014.

City Clerk
CITY OF MASCOUTAH

(SEAL)