

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

**MARCH 4, 2019**

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

**PRESENTATION BY WISPER INTERNET CEO NATHAN STOOKE REGARDING  
PROPOSED FIBER CONNECTION WITH CITY**

Mayor Gerald Daugherty called the presentation to order at 6:30 p.m.

*Present:*

Mayor Gerald Daugherty, Council members Paul Schorr, John Weyant, Pat McMahan, and Michael Baker.

*Absent:*

None.

*Other Staff Present:*

City Manager Brad Myers, City Clerk Kari Haas, Assistant City Manager Mike Bolt, and City Engineer Tom Quirk.

Nathan Stooke, Wisper Internet CEO, provided information to Council regarding a proposed fiber connection with the City.

Mayor Gerald Daugherty closed the presentation at 6:45 p.m.

**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, Council members Paul Schorr, John Weyant, Pat McMahan and Michael Baker.

*Absent:* None.

*Other Staff Present:* City Manager Brad Myers, Assistant City Manager Mike Bolt, City Clerk Kari Haas, City Attorney Al Paulson, Police Chief Scott Waldrup, and City Engineer Tom Quirk.

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

## **AMEND AGENDA**

Schorr moved, seconded by McMahan, to amend the agenda to add Purchase / Lease of Property – Section 2(c)(5) under Executive Session.

***Motion passed.*** Passed by unanimous yes voice vote.

## **MINUTES**

The minutes of the February 19, 2019 regular City Council meeting were presented and approved as presented.

***Motion passed.*** Passed by unanimous yes voice vote.

## **PUBLIC COMMENTS**

Bob Stauder – Spoke regarding the rezoning request; owns the property operating a business located across from the property that was mentioned in the report; obtained a special use permit from the County for his business; is a small mom & pop auto mechanic business; this request is for a larger commercial area that would adversely affect the residential properties in the area; asking Council members to consider the neighbors' concerns of commercial zoning and keep the zoning residential.

Linda Stauder – Agrees with everything her husband stated; voiced concerns over additional traffic on a road that isn't wide enough to handle the traffic now.

Dale Schlueter – Voiced opposition to the rezoning; does not conform to the City's comprehensive plan; recommended the City purchase the entire property for the City's sewer plant expansion so that it is not land locked; rezoning request is spot zoning; voiced concerns over increased traffic; voiced concerns over devaluing of neighboring properties.

John Proffitt – Voiced opposition to the commercial rezoning; will decrease home values; against the comprehensive plan; request is spot zoning; voiced concerns over additional crime and traffic.

Paula Proffitt – Voiced opposition to the commercial rezoning; request is spot zoning; should not be used as a buffer to the sewer treatment plant.

Kenny Kehrer – Voiced concerns over the area being within a flood zone; suggested closing the dump and put the sewer plant at that location; stated that the City needs to find another place for the dump; opposes the rezoning all around.

## **REPORTS AND COMMUNICATIONS**

*Mayor*

Attended the following meetings and functions: Finance Committee meetings, SLM Water Commission meeting, Boy Scout Blue & Gold Banquet, SWIL Council of Mayors meeting.

*City Council*

Schorr – Attended the following meetings and functions: Finance Committee meeting.

Weyant – Attended the following meetings and functions: MIA meeting.

McMahan – Attended the following meetings and functions: MIA meeting.

Baker – Nothing to report.

*City Manager* – Finance Committee meetings, negotiations for N 10<sup>th</sup> Street easements, APPA Rally in Washington, D.C.

*City Attorney* – Received the signed right-of-way deed from Legacy Place.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

### **CODE CHANGE – PSEBA CLAIMS ADMINISTRATIVE PROCEDURES (SECOND READING)**

City Manager presented report for Council consideration of approval and adoption of an Ordinance to amend the City Code of Ordinances amending the administrative procedures for assessing and determining claims under PSEBA.

McMahan moved, seconded by Weyant, to approve and adopt Ordinance No. 19-03, amending Chapter 30 – Public Safety, amending Article VI – Administrative Procedure for Assessing and Determining Claims Under PSEBA.

***Motion passed.*** AYE's – Schorr, Weyant, McMahan, Baker, Daugherty. NAY's – none.

### **BID AWARD – CEMETERY MOWING**

City Manager presented report for Council consideration of approval and authorization of bid for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery.

Councilman Schorr asked about maybe doing a multi-year contract next year; could possibly get a better price. City Manager stated they could look into that for next year.

Schorr moved, seconded by McMahan, to approve the low bid for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery to Kurtis Clay in the amount of \$1,375.00 per grass cutting for the approximate time period of April 1, 2019 to October 31, 2019 and authorize appropriate officials to execute the necessary documents.

***Motion passed.*** AYE's – Schorr, Weyant, McMahan, Baker, Daugherty. NAY's – none.

## **BID AWARD – BRICKYARD LIFT STATION GENERATOR**

City Manager presented report for Council consideration of approval and authorization for the purchase of a standby generator for the Brickyard Lift Station.

Councilman Schorr asked about the longevity of a diesel generator vs. a natural gas generator. City Manager stated that he doesn't believe there is any information regarding that but this generator is comparable to other generators the City has at the other lift stations and they are tested annually under a maintenance contract.

Councilman Weyant asked if there would be any issues adding this generator to the current generator maintenance contract. City Manager stated that this generator will be added to that maintenance contract with no issues.

Weyant moved, seconded by Schorr, to approve the purchase of a Kohler Model 30REOZK, diesel powered standby generator for the Brickyard Lift Station from CK Power of St. Louis, MO in the amount of \$25,815.00 and authorize appropriate officials to execute the necessary documents.

***Motion passed.*** AYE's – Schorr, Weyant, McMahan, Baker, Daugherty. NAY's – none.

## **PC 19-02 – 10<sup>TH</sup> ST & SOUTH ST TOWNHOMES – SITE PLAN & ARCHITECTURAL REVIEW**

City Manager presented report for Council consideration of approval of a Site Plan and Architectural Review for Townhomes located at the SE corner of 10<sup>th</sup> Street and South Street.

Councilman Weyant asked about the requirement for only one handicapped parking space. Assistant City Manager stated that the developer has stated he may put one handicapped parking space at both buildings.

City Attorney voiced concerns over this project with regards to a current lawsuit the City is involved in along with MTS Development over construction of the Douglas Street Apartments and the proximity of the apartments to power lines; voiced concerns over City being blamed for approving a site plan for buildings that were allegedly too close to transmission lines. City Attorney suggested adding a condition that would require MTS Development and all subcontractors to add the City as additional insured for this development. City Attorney stated that he wants to ensure the power lines, water lines, gas lines, etc. are in the proper location. City Attorney requested the Council table approval of this item until further review can be done on the location of utilities. Staff will review the concerns voiced by the City Attorney and have answers at the next meeting.

Councilman Schorr asked how occupancy is determined; if it is determined by bedrooms or square footage. Assistant City Manager stated that it is determined by both bedrooms and square footage which is how the occupancy limit of 5 was determined.

Weyant moved, seconded by McMahan, to table item.

***Motion passed.*** AYE's – Schorr, Weyant, McMahan, Baker, Daugherty. NAY's – none.

**PC 19-01 – REZONING OF PARCEL #'S 10-31-0-300-007 & 14-01-0-200-002 FROM AGRICULTURAL TO GENERAL COMMERCIAL AND RS-10 SINGLE FAMILY RESIDENTIAL (FIRST READING)**

City Manager presented report for Council consideration of approval of a rezoning application for Parcel #10-31-0-300-007 and #14-01-0-200-002 from Agricultural to General Commercial and RS-10 Single Family Residential.

Mayor commented on the rezoning request; his preference would be to have more residential than commercial but needs to consider the plan as submitted; from an economic development standpoint, the City does not have many opportunities to develop either commercially or residentially; addressed some of the concerns that have been voiced opposing the rezoning.

Councilman Schorr commented on the amount of commercial requested, would prefer more residential.

Councilman Weyant stated that he does not believe that commercial should be stuck in between residential and is not for that. Councilman Weyant stated that the plan for the City purchasing 5 acres for the sewer plant is a separate issue and should not be a considering factor on this rezoning.

First reading. No action required.

**COUNCIL – MISCELLANEOUS ITEMS**

Councilman Schorr asked about the issue with the dog raised at the previous meeting and if that has been resolved. City Manager stated that the City Attorney has reviewed the City's vicious dog ordinance; Police Chief will be meeting with the dog owner for compliance before any citations are issued.

Councilman Schorr asked about the house on Winchester that a complaint was received on. City Manager stated that the Assistant City Manager has contacted the company doing the renovations who are located out of state; should see some movement in the next week or two on cleaning up the property.

**CITY MANAGER – MISCELLANEOUS ITEMS**

City Manager stated that we may have a special meeting for a budget workshop in the next week or two.

**PUBLIC COMMENTS**

Matt Stukenberg – Agreed with the City Attorney on the electric line issue but thinks that should have been reviewed for compliance by staff beforehand. Commented on the overhead

power line that has to be moved or changed to underground. Spoke regarding the rezoning and the reasoning behind the commercial.

Paula Proffitt – Voiced concerns over the location of the commercial; her property and the Stauder’s property would directly face commercial; asked the Council to relook at the map.

Bob Stauder – Voiced concerns over more accidents that could occur at the turn that is right in front of his property; asked the Council to keep the commercial on the north end of the City.

#### **ADJOURNMENT TO EXECUTIVE SESSION**

Baker moved, seconded by Weyant, to adjourn to Executive Session to discuss Purchase / Lease of Property – Section 2(c)(5) at 8:09 p.m.

*Motion passed.* AYE’s – Schorr, Weyant, McMahan, Baker, Daugherty. NAY’s – none.

#### **RETURN TO REGULAR SESSION**

Schorr moved, seconded by McMahan, to return to Regular Session at 8:30 p.m.

*Motion passed.* Motion passed by unanimous yes voice vote.

#### **MISCELLANEOUS OR FINAL ACTIONS**

None.

#### **ADJOURNMENT**

McMahan moved, seconded by Schorr, to **adjourn at 8:32p.m.**

*Motion passed.* Motion passed by unanimous yes voice vote.

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Kari D. Haas, City Clerk