

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

**MAY 16, 2016**

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 Ben Grodeon, Paul Schorr, John Weyant, and Pat McMahan.

*Absent:* None.

*Other Staff Present:* City Manager Cody Hawkins, City Clerk Kari Haas, City Attorney Al Paulson, City Engineer Ron Yeager, Police Chief Bruce Fleshren, and Finance Coordinator Lynn Weidenbenner.

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

**AMEND AGENDA**

None.

**MINUTES**

The minutes of the May 2, 2016 regular City Council meeting were presented and approved as presented. The minutes of the May 2, 2016 Executive Session meeting were presented and approved as presented.

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

**PUBLIC COMMENTS**

Joseph Gillespie – Thanked the Council for the attention to fixing the road conditions in Belair and Biscayne neighborhood. Spoke regarding the lunacy on the bathroom situation from the federal government and wanted to know the City's stance on the issue. Mayor directed him to speak with the school board regarding those issues.

Kelly Ridgway – Thanked the Council for the time to speak and asked if there were any questions regarding the regulations that had been proposed. Mayor stated that they will be discussing it tonight.

Luke Litteken – Stated that he is a 3<sup>rd</sup> grader and a member of the 4H Club and part of the Boy Scouts of America. Stated that he believes the Council should allow the people of Mascoutah to have chickens and provided reasons why he believes it should be allowed.

Joshua Litteken – Stated that he is a member of the 4H Club and part of the Boy Scouts of America. Provided reasons he believes the City should allow residents to have chickens in Mascoutah.

Alison Gauch – Voiced concerns over her neighbor renting their house through airbnb to temporary residents with regards to having strangers constantly coming and going in a residential area, the possible negative effect on property values and issues with these temporary residents not caring about the neighborhood. Spoke regarding the occupancy requirements currently in the City Code and how this type of arrangement is not in compliance with the City Code. Provided some areas of concern that should be considered if the City is going to allow these types of short term rentals: treating it as a business, possibly subject to hotel tax, should it be allowed any zoning district.

## **DEPARTMENT REPORTS**

*Fire Chief Joe Zinck* – absent – April 2016 report was provided.

*Police Chief Bruce Fleshren* – April 2016 report was provided.

*Finance Coordinator Lynn Weidenbenner* – Monthly financials provided.

*City Engineer/Director of Public Works Ron Yeager* – Status report on public projects and monthly building permits report provided. Councilman Grodeon asked about the completion date for the South 10<sup>th</sup> Street project. City Engineer stated that they are awaiting approval from IDOT and if bidding can be done in June, should not have a problem with having the project completed by end of year, especially since it is a smaller scale project. Mayor asked about the East West Berm Trail getting started. City Engineer stated that IDOT is reviewing the project so hoping to be able to start later this year.

## **REPORTS AND COMMUNICATIONS**

*Mayor*

Presented proclamation to VFW members proclaiming May 28<sup>th</sup>, 2016 as VFW Buddy Poppy Day.

Attended the following meetings and functions: Chamber meeting, volunteered at Visitor's Center, Lobby Day in Springfield, IML board meeting in Springfield, Fire Department open house.

*City Council*

Grodeon – Attended the following meetings and functions: E-recycling event at Leu Civic Center, Fire Department open house.

Schorr – Attended the following meetings and functions: Volunteered for the Scott Credit Union reality budget workshop at Mascoutah High School, e-recycling event at Leu Civic Center.

Weyant – Attended the following meetings and functions: Lions annual golf tournament, Fire Department open house.

McMahan – Attended the following meetings and functions: Chamber meeting, Lion annual golf tournament, Fire Department open house, SpringFest planning festivities.

*City Manager* – Nothing to report.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

### **CONSENT CALENDAR (OMNIBUS)**

The April 2016 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

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

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

### **PC 16-03 – REZONING OF 608 S. JEFFERSON STREET FROM LIGHT INDUSTRIAL (LI) TO GENERAL COMMERCIAL (GC) (SECOND READING)**

City Manager report for Council consideration of approval of a rezoning application for 608 South Jefferson Street from LI, Light Industrial, to GC, General Commercial.

McMahan moved, seconded by Weyant, to approve and adopt Ordinance No. 16-11, approving the rezoning request for 608 S. Jefferson Street from LI, Light Industrial, to GC, General Commercial, subject to the Findings attached.

**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 of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements.
2. The proposed zone change is in accordance with the City's Comprehensive Plan Land Use Map.

3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages land use compatibility with adjacent uses.
5. The proposed zone change is deemed desirable to promote the general welfare of the City.

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

**PC 16-04 – REZONING OF 8.32 ACRES +/-, NORTH OF MOORLAND CIRCLE DRIVE FROM GENERAL COMMERCIAL (GC) TO RS-8, SINGLE-FAMILY RESIDENTIAL (SECOND READING)**

City Manager presented report for Council consideration of approval of a rezoning application for 8.32 acres +/-, north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential.

Councilman Grodeon asked about IDOT's review of the traffic and if a turn lane is required in the future. City Manager stated that the traffic pattern will be revisited after the development is platted and developed. City Manager stated that if IDOT was to decide later that a turn lane is required, the developer will be responsible for putting it in, the City would not be mandated to do it.

McMahan moved, seconded by Schorr, to approve and adopt Ordinance No. 16-12, approving the rezoning request for 8.32 acres +/-, located north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential, subject to the Findings attached.

***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 of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements.
2. The proposed zone change is compatible with surrounding residential and commercial uses and the GC, General Commercial, and RS-8, Single-Family Residential zoning of nearby property.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages land use compatibility with adjacent uses.
5. The proposed zone change is deemed desirable to promote the general welfare of the City.

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

**PC 16-05 – CONDITIONAL USE PERMIT FOR A RESIDENTIAL CARE FACILITY  
IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT FOR PROPERTY  
LOCATED NORTH OF MOORLAND CIRCLE DRIVE**

City Manager presented report for Council consideration of approval of a Conditional Use Permit (CUP) for a residential care facility in a RS-8, Single-Family Residential District for a property located north of Moorland Circle Drive.

Councilman Schorr commented on concerns voiced at the Planning Commission meeting regarding access of the stub street to the residential care facility. City Manager stated that when the east-west collector is put in, it is to tie in with the stub street in Prairie View Estates but is still being discussed with the developer on how much will be their responsibility. City Engineer explained that the east-west collector street will be granting access for delivery and trash collection to the assisted living center but will not have access to the parking lot; the parking lot access will be off of Route 4.

McMahan moved, seconded by Weyant, to approve the Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates, subject to the Findings and Conditions of Approval attached.

*FINDINGS:* The Mascoutah City Council, pursuant to the applicant's proposed Conditional Use Permit for the property 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 conditional use permit is appropriate, in terms of land patterns in the entire City and its comprehensive plan.
2. The proposed conditional use permit is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the use proposed in the RS-8 Single-Family Residential Zoning District.
4. The proposed conditional use permit is consistent with good general planning.

*CONDITIONS:* The City Council recommends approval of a Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates with the following conditions:

1. The conditional use permit shall be granted to Mascoutah Development Group, LLC, to construct Legacy Place, an assisted living center and memory care center.
2. The conditional use permit may be transferred or conveyed to another entity to continue to operate an assisted living center and memory care center following construction of the facility.
3. The conditional use permit shall allow the future expansion of the assisted living center and memory care center provided that all present and future amendments to site plan, building code and zoning ordinance requirements are met.
4. The project shall receive Intersection Design Study (IDS) and access permit approval from the Illinois Department of Transportation (IDOT).

5. Any road access from Illinois State Route 4 to the east or north property lines of the lot to be created for the assisted living center and memory care center shall be located in a public right-of-way and constructed in a manner acceptable to the City Engineer that will allow further expansion of these access roads into full urban street sections when land adjacent to the lot created for the assisted living center and memory care center develops.
6. The 30 foot wide strip of land along the north property line and an additional 5 feet of right-of-way along Illinois State Route 4 of the 11 +/- acre tract, shall be dedicated as public right-of-way when the property is subdivided and a lot created to accommodate the Legacy Place development.
7. The 25 foot wide landscape buffer easement between the 11 +/- acre tract and the Prairie View Estates single-family residential development, which was required as the PDP approval for the Prairie View Estates residential development, shall be constructed and completed in accordance with Ordinance No. 05-26, Section 34-5-148 Landscape Requirements, prior to issuing an occupancy permit to Legacy Place.
8. The 25 foot wide landscape buffer out lots along Illinois State Route 4 shall be created when the property is subdivided and a lot created to accommodate the Legacy Place development.
9. All trash dumpsters shall be fully screened from view and located within a trash enclosure constructed of similar building materials used for the assisted living center facility.
10. The exterior building materials for the assisted living center and memory care center shall consist of brick, stone and hardi board and closely resemble the architectural elevations submitted with the conditional use permit application.
11. Notice of Planning Commission Meeting to review site plan and architectural elevations for Legacy Place shall be given to property owners within 250' of the subject property.

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

#### **RESOLUTION OF AUTHORIZATION – CROWN CASTLE PERPETUAL EASEMENT**

City Manager presented report for Council consideration of approval of a Resolution authorizing execution of a Grant of Easement and Assignment of Lease between the City of Mascoutah and Crown Castle.

Schorr moved, seconded by Grodeon, to approve and adopt Resolution No. 16-17-01, a Resolution Authorizing Execution of a Grant of Easement and Assignment of Lease between the City of Mascoutah and Crown Castle Towers 09 LLC.

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

## **ENGINEERING SERVICES – EXPRESS CIRCUIT – WEST**

City Manager presented report for Council consideration of approval of engineering services agreement with BHMG Engineers, Inc. for design, preparing construction documents, bidding and construction observation for the Express Circuit – West Project to be constructed as part of the Major Electric Phase 2 Project.

Councilman Schorr asked about the underground. City Manager stated that we are using existing right-of-way and easements which consists of some underground and some overhead wires.

Councilman Weyant asked if this was a temporary project. City Manager stated that this is a part of the Major Electric Phase 2 Project; the City needs an express feeder connection between the North and Union substations which is what this part of the project will be providing.

Councilman Grodeon asked what this is going to look like. City Manager stated that we will be using existing poles; there will be an additional wire on the existing pole line.

McMahan moved, seconded by Weyant, to accept the City Manager's engineering recommendation to approve BHMG for engineering services not to exceed \$75,000.00 for the Express Circuit – West Project and authorize appropriate City officials to execute the necessary documents.

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

## **PROFESSIONAL SERVICES CONTRACT – MORAN ECONOMIC DEVELOPMENT**

City Manager presented report for Council consideration of approval of a professional services contract with Moran Economic Development for establishment of Tax Increment Financing Area #3.

Councilman Schorr asked about the process and if this fine tunes what was already started. City Manager stated that yes it will take the results of the feasibility study and starts the process to establish the actual TIF area.

Weyant moved, seconded by McMahan, to approve Moran Economic Development for professional services not to exceed \$22,900.00 for establishment of Tax Increment Financing Area #3 and authorize appropriate officials to execute the necessary documents.

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

## **COUNCIL – MISCELLANEOUS ITEMS**

None.

## **CITY MANAGER – MISCELLANEOUS ITEMS**

City Manager provided information regarding the possible allowance of chickens. City Manager stated that he looked at what the current code says, polled other cities to see what they are doing, find out if subdivisions within the City would allow chickens through their HOA covenants and restrictions. City Manager stated that the following cities allow chickens: Collinsville (long process, approved in 2015), Carbondale and Carlyle. City Manager stated that the following cities do not allow chickens: O'Fallon (not allowed in residential areas, have some grandfathered in Agricultural areas), Trenton, Shiloh, Columbia, Edwardsville (stated that they also have a movement by residents trying to get it approved), and Highland (discussed 3 years ago and voted it down). City Manager stated that the with regards to the subdivisions covenants and restrictions: Brickyard, Greystone, Indian Prairie, Stonemill, Hunters Creek, Townsend Square and Timberbrook all state in some way that chickens are not allowed (states no animals other than inoffensive common domestic household pets such as dogs and cats or no livestock including chickens, poultry, birds, and fowl may be kept); have not received information to date on Crown Pointe, Prairie View, or Chief View but would assume they state the same type of language. City Manager stated that disallowance of chickens is covered under Sec. 34-2-3 and Sec. 34-5-5 of the City Code. Mayor asked about how many responses from residents have been received of those who are against it. City Manager stated that he has received quite a few as well as other Council members, but hasn't kept a log so don't know exactly how many. City Attorney stated that an option for the Council would be to do an advisory referendum on the November ballot to see how many residents would be in favor or not in favor. Councilman Schorr stated that the issue he sees with doing an advisory referendum is with the subdivisions who have HOA's that don't allow it, you might get residents who still vote in favor when they know it won't happen because of their HOA and the votes could be skewed. Councilman Schorr voiced concerns over the smaller lots in the older part of town. Councilman Schorr stated that he wouldn't be in favor of moving forward especially with the policing aspect and domestic neighborly issues, which there is already quite a few dealing with cats and dogs. Mayor stated that all of the comments he has received from residents is that they do not want chickens. Mayor commented on being elected and stated that he wants to do what the majority of residents want. Councilman McMahan concurred with the Mayor's comments in that all comments he has received from residents are those opposed to allowing chickens, has not received one comment from a resident being in favor. Councilman Grodeon commended the presentation and information provided. Councilman Grodeon stated that he too has not received any comments from residents in favor. Councilman Grodeon stated that he too agrees that the majority of residents are not in favor of allowing chickens. Councilman Weyant stated that he too has not received a comment from one resident stating that they are in favor.

City Manager stated that an issue has arisen with a property owner operating their house as an air bed and breakfast. City Manager stated that he is still doing research trying to find how to possibly regulate them because there aren't any cities in the area that have regulations for them but there are cities in the area that do have them, they just haven't addressed it or put regulations in. City Manager stated that right now the best option is to shut them down for now until the issue can be hammered out and some regulations can be created. Council



was in agreement to have it shut down until more research can be done on whether to allow them or not and what regulations need to be put in place.

### **PUBLIC COMMENTS**

Alison Gauch – Commented on the allowance of the airbnb and was in agreement that it should be shut down until further regulations can be put in place. Commented that airbnb.com will not help, they will state that it is the owner's responsibility.

Craig Ridgway – Commented on the petition presented and the different areas in town that were covered and the age demographics covered and stated how he believes that it was enough to represent that there was enough interest in allowing chickens.

Amy Komrska – Stated that she respectfully requests the Council to place an advisory referendum on the ballot for the allowance of chickens; should give the citizens of Mascoutah a chance to choose.

Lori Turner – Stated that she works for a property management company and does not believe in short term rentals.

### **MISCELLANEOUS OR FINAL ACTIONS**

None.

### **ADJOURNMENT**

McMahan moved, seconded by Schorr, to **adjourn at 8:19 p.m.**

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

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Kari D. Haas, City Clerk