

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

JUNE 20, 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 June 6, 2016 regular City Council meeting were presented and approved as presented. The minutes of the June 6, 2016 Executive Session meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Larry Merriman – Stated his opposition to the allowance of chickens.

Kelly Ridgway – Spoke regarding the allowance of chickens. Asked the Council to ask themselves if chickens are pets or livestock. Commented regarding the definition of chickens and livestock and how chickens are not considered livestock but are considered pets. Provided examples explaining how chickens are pets. Discouraged the Council to amend the

law to prohibit chickens and asked the Council to allow a 3-year trial period with a maximum of 25 permits to be allotted at \$50 per permit.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – absent – May 2016 report was provided.

Police Chief Bruce Fleshren – May 2016 report was provided. Councilman Grodeon commented on the problems with the ambulances and the diesel issues and recommended checking into an RPM boost to help keep the air circulating. Police Chief stated that he will relay that to the mechanics but doesn't believe that is the issue.

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.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: SLM Water Commission meeting, Library reading program.

City Council

Grodeon – Attended the following meetings and functions: Race for the Cure.

Schorr – Attended the following meetings and functions: Chamber meeting, Planning Commission meeting.

Weyant – Nothing to report.

McMahan – Nothing to report.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

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

Councilman Schorr asked about the COBRA insurance for a new employee. City Manager explained that when this new employee started it was during the City's insurance renewal and with the timing, adding the employee to the City's policy could have possibly resulted in a rate change, so it was more cost effective to pay for the new employee to remain on COBRA for the ensuing year.

Councilman Schorr asked about the battery system analyzer for over \$6,700. City Manager stated that it will be used for the fleet maintenance; it is testing equipment for the different batteries and other electronic devices for the many different vehicles; will help save costs in the future by being better able to determine the exact problem a vehicle is having.

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

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

PREVAILING WAGE ORDINANCE (SECOND READING)

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

McMahan moved, seconded by Weyant, to approve and adopt Ordinance No. 16-13, thereby reaffirming and establishing the legal prevailing rate of wages for the City of Mascoutah.

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

CODE CHANGE – ANIMALS (SECOND READING)

City Manager report for Council consideration of approval of revisions to Chapter 3 – Animals, adding Article IV – Prohibited Animals of the City Code.

Mayor commented on the proposed ordinance and stated that he believes it should be adopted because it clarifies the whole code on what is allowed and disallowed.

Councilman Grodeon commented on the proposed ordinance and stated the majority of people in town appear to be agreeable to disallowing chickens in the City.

Mayor stated that he is not in favor of a trial period for allowing chickens. Mayor stated that he resents the fact that some people have resulted to threats and name calling of the Council over this issue; those actions turn him off to be more against the issue. Mayor stated that he doesn't believe this type of issue warrants a referendum; a referendum shouldn't be about the debate on chickens; a referendum should be more for tax increases, bond issues, infrastructure expenses, and other financial issues. Mayor stated that he doesn't believe there is a place for chickens in the City; would never allow chickens in a neighborhood within a specified proximity to someone who objected to chickens. Mayor stated that he would entertain allowing chickens with a limited amount of permits with very strict regulations similar to the City of Collinsville.

Councilman McMahan agreed with the Mayor's comments regarding the referendum and is not in favor of a referendum. Councilman McMahan stated that he would be in favor of a possible trial period.

Councilman Schorr commented on the proposed ordinance which needs to be passed regardless of the allowance or disallowance of chickens. Councilman Schorr stated that he does not have a problem with doing a referendum; it doesn't cost the City anything to do the referendum and would provide better insight on whether it warrants the possible passage of an ordinance allowing a trial period.

Schorr moved, seconded by Weyant, to approve and adopt Ordinance No. 16-14, thereby modifying Chapter 3 – Animals adding Article IV – Prohibited Animals.

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

ADOPTION OF ORDINANCE AUTHORIZING THE ESTABLISHMENT OF TAX INCREMENT FINANCING "INTERESTED PARTIES" REGISTRIES AND ADOPTING REGISTRATION RULES FOR THESE REGISTRIES (SECOND READING)

City Manager report for Council consideration of approval and adoption of an Ordinance authorizing the establishment of Tax Increment Financing "Interested Parties" registries and adopting registration rules for these registries.

McMahan moved, seconded by Schorr, to approve and adopt Ordinance No. 16-15, thereby authorizing the establishment of Tax Increment Financing "Interested Parties" Registries and adopting registration rules for these registries.

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

PC 16-07, SITE PLAN AND ARCHITECTURAL REVIEW 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 site plan and architectural elevations for a residential care facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive.

Councilman Schorr asked about the future expansion. City Manager explained the expansion drawings on the site plan which would be on the back of the building and if needed there could be one on the front of the building.

Councilman Weyant asked about the access road and if that is going to be tied in with Prairie View Estates and who is going to be responsible for putting that in. City Manager stated that conversations are ongoing with the developer on how that is going to work, when and who is going to pay for the road. City Manager stated that will be discussed as the project progresses and if any possible incentives are provided or if this development is included in the possible new TIF. Councilman Weyant asked about the original developer for Prairie View Estates being responsible for putting that in. City Manager

stated that he would have to look at the original plans to see if that could be an avenue to fund the street extension.

City Manager stated that TWM did do an updated traffic study and stated that when one of the commercial lots develops, a turn lane will be required off of Route 4.

Weyant moved, seconded by Schorr, to approve the Site Plan and Architectural Elevations for Legacy Place residential care and memory care facilities, subject to the Findings and Conditions of Approval attached.

FINDINGS: The Mascoutah City Council, pursuant to the applicant's initiated request for site plan approval for the 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 site plan addresses the provision of municipal sanitary sewer and water to limit its effect on the health, safety, morals and general welfare of the community
2. The proposed use of the site is appropriate, in terms of land patterns in the entire City.
3. The project is compatible with surrounding uses and the surrounding neighborhood.
4. The application is consistent with good general planning and site planning.
5. The project can be constructed and operated in a manner that is not detrimental to the permitted uses in the RS-8 Single-Family Residential Zoning District.

CONDITIONS: The City Council recommends approval of a Site Plan 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.

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

ENGINEERING SERVICES – SANITARY SEWER MAIN INFILTRATION TESTING, PHASE 7 LOCATED WITHIN SUBSYSTEM 7

City Manager presented report for Council consideration of approval of Engineering Services Agreement with RJN Group, Inc. for Sanitary Sewer Main Infiltration Testing Phase 7 located within Subsystem 7.

Mayor asked if this was the final phase of testing. City Manager stated that it is the final phase of smoke testing. Mayor commented on this area being fairly new. City Engineer stated that it does include newer subdivisions, but Lincolnshire, Northtown and the first phases of Hunters Creek are much older and those are the portions that are going to be smoke tested.

Councilman Schorr asked about the status of repairs found in the other subsystems. City Engineer stated that more repairs will be coming after this smoke testing is done and a further review of the repairs still needed will be provided at that time. City Engineer stated that areas have been repaired in Subsystems 1, 2 and 3 but not all areas within those subsystems have been repaired; the needed repairs are prioritized which will be re-evaluated after the results of this testing.

Councilman Weyant asked about the smoke testing for this phase and wanted to make sure no testing was going to be done in the newer subdivisions such as Timberbrook, Indian Prairie, Townsend, etc. City Engineer stated that is correct.

Grodeon moved, seconded by Schorr to accept the City Manager's engineering recommendation to approve RJN Group, Inc. for engineering services not to exceed

\$49,780.00 for the Sanitary Sewer Main Infiltration Testing Phase 7 Project located within Subsystem 7 and authorize appropriate City officials to execute the necessary documents.

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

ENGINEERING SERVICES – 138kV TRANSMISSION LINE

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 138kV Transmission Lines Project to be constructed as part of the Major Electric Phase 2 Project.

Mayor asked if there is a standard percentage of project cost for engineering cost. City Manager stated that there is a standard and normally it is around 15% of total project cost. City Manager stated that this one is a little higher than that but it is not to exceed amount and it also includes construction observation which usually comes later on.

Councilman Grodeon voiced concerns over the price tag and asked if a market study was done or talked to IMEA to see if there are other people out there qualified to do the work. City Manager stated that this is a not to exceed amount so does not mean we are going to spend the entire amount and it also includes construction observation which drove the price up as well. City Manager stated that locally in this area, BHMG is the only one; there could be a firm up north but it might cost more since BHMG knows our system. City Engineer explained that this work will be spread over three years so there is some inflation calculated in for any increase in hourly rates over the next three years. City Manager stated that he can talk to IMEA to ask their opinion of the contract and the amount. Councilman Grodeon asked if we have a mechanism in place to ensure the billing is correct and reasonable. City Engineer stated that the billings will be reviewed for accuracy.

Councilman Grodeon asked legal counsel if something was found to be flawed in the design aspect, does the City have recourse against the engineer if something happens. City Attorney stated that he would have to review the contract to know for sure.

City Attorney recommended tabling this item and the next until the next meeting so he can review the contracts and allow the City Manager time to contact IMEA to get their opinion on the pricing.

Grodeon moved, seconded by McMahan, to table items 9-B-6 (Engineering Services – 138kV Transmission Line) and 9-B-7 (Engineering Services – 138kV North Substation Upgrades) until next meeting.

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

ITEP RESOLUTION – MAIN ST. STREETSCAPE PHASE II

City Manager presented report for Council consideration of approval a resolution in support of allocating TIF 2B funds to pay for the City's match for the ITEP Main St. Streetscape Phase II Project.

Councilman Schorr stated that he has no problems with using TIF 2B funds but asked if the state does not commit to redoing the roadway what happens to the funds or this project. City Engineer stated that if we are awarded this grant, we can sit on it for a couple years; and then the City can use the grant award to help put pressure on IDOT to repave Main Street.

Councilman Weyant asked about this phase ending at the post office and asked about going down to 2nd Street because we might get a better cost to do the extra blocks. City Manager stated that the Uptown Plan is divided into three phases and the third phase would be going down to 2nd Street but would have to be funded by General Fund. City Manager stated that updated cost estimates could be obtained to look at in the future.

Weyant moved, seconded by Schorr, to approve and adopt Resolution No. 16-17-02, a resolution in support of allocating TIF 2B funds to pay for the City's match for the ITEP Main St. Phase II Project.

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

ENGINEERING SERVICES – BERM TRAIL PHASE II

City Manager presented report for Council consideration of approval of Engineering Services Agreement with Thouvenot, Wade & Moerchen, Inc. (TWM) for design and preparing construction documents for the Berm Trails Phase II Project.

Councilman Schorr asked if there will be any problem coordinating between the two firms with the two phases. City Engineer stated that Horner & Shifrin prepared the grant documents but there should be no issues with TWM doing the construction engineering and design documents. Councilman Schorr commented on the construction timeline going into next year now and if that is going to affect the other phase and lumping the construction together. City Engineer stated that both phases have the same red tape to go through. City Engineer stated that right now the hope is to construct both phases at the same time but will have to wait and see.

McMahan moved, seconded by Weyant, to accept the City Manager's engineering recommendation to approve Thouvenot, Wade & Moerchen, Inc. (TWM) for preliminary engineering services for a lump sum amount of \$27,000.00 for the Berm Trails Phase II Project and authorize appropriate City officials to execute the necessary documents.

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

COUNCIL – MISCELLANEOUS ITEMS

Councilman Schorr asked if any resolution has occurred with the Hunters Creek ditch. City Manager stated that he is trying to set up an evening meeting with the residents and the developer to get consistent answers from all parties and to work out a plan that all parties will agree to.

Councilman Weyant asked if any schedule has been done on checking hydrants and flushing hydrants. City Manager stated that he knows the water department has a schedule but will have to check on the progress.

Councilman McMahan commended the audience for sticking around during all the items on the agenda.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager provided information to Council regarding a request for incentives from Legacy Place and is wanting guidance from Council on what to bring back and in what form. City Manager stated that the total project cost is estimated at \$7.1 million, eligible costs would be around \$1.7 million, project is in the enterprise zone which provides a \$188,000 savings to developer. City Manager stated that our incentive policy is to not exceed 15% which would be a around \$1,065,000. City Manager stated that the incentive could be contingent on if the proposed TIF is approved; TIF eligible costs would be parking lot rock, parking lot signage, soil testing, lime stabilization, utilities, fencing, no brick and mortar type items. City Manager stated that the City could possibly use TIF funds for the road to the north. City Manager stated that utilities will need to be brought to the site which could be TIF eligible. City Manager stated that the Waterloo and Highland Legacy Place project did not receive incentives but the Breese Legacy Place project did receive incentives. Council discussed possibly providing incentives to this project. City Manager will work with the developer and City Attorney and put together an incentives package for Council to review.

City Manager provided information to Council regarding the proposed TIF 3 and information received from the County who now desire to add more County property that is part of the City but the County does not wish to annex to the City. City Manager stated that he wanted to have guidance from Council on adding the property because the City needs to have the map finalized so we can move forward on creating the TIF. Council was in agreement to include the additional property as requested by the County that can be added. Councilman Grodeon stated that he would want to make sure the other taxing entities are agreeable to the additional properties being included. City Manager will contact the other taxing entities regarding the addition of this property and move along with the process.

City Manager asked for guidance from Council on whether or not they wanted to put a referendum on the ballot for the chickens issue. Councilman Weyant stated that he does not believe we should do the referendum; stated that he still has not received a comment from one person outside of this meeting that were in favor of chickens. Councilman Schorr stated that he was initially not in favor of the referendum; however now believes it would be a good gesture to do the referendum and let people voice their opinion. Mayor stated that he would consider allowing chickens on a limited permit basis and strict regulations. Mayor stated that

he is not for chickens and not for a referendum. Councilman Grodeon stated that if a trial basis or permitting process is going to be considered, then the referendum should be done to know how many want chickens and if it is worth the time. Council continued discussion about whether to put a referendum on the ballot or not for the chickens issue; three Council members did not want to do a referendum and two Council members wanted to do a referendum. Council continued discussion about whether or not to permit chickens on a permanent basis; four Council members did not want to permit chickens.

City Manager provided information to Council regarding the operation of an air bnb in the City; stated that there was an article in the Belleville News-Democrat today regarding how cities across the state are trying to figure out how to regulate them. City Manager stated that bed and breakfast inns are only allowed in the office and neighborhood commercial zoning districts. Council discussed the operation of air bnb's and whether to allow them or not. Council was in consensus to have the City Manager and City Attorney come up with potential regulations to allow them and to see what would be needed to strengthen the code to disallow them.

City Manager stated that Barry Hayden has asked again about building more apartments on the east side of the existing apartments. Council was in consensus that they wish to see the property in that area developed commercial just like it is zoned.

PUBLIC COMMENTS

Melinda Stevens – Asked if the Council have considered that if any of the children that take Ag through the High School who have to raise chickens for a grade. Stated that the Council is making it to where children cannot learn how to live off the land.

Carrie Kunkel – Provided information to Council regarding what the City of Seattle is proposing to regulate air bnb's.

Craig Ridgway – Asked about people who currently have chickens or rabbits in town and if those are going to be grandfathered in. City Manager stated that the code before this amendment did not allow them, so if the City is made aware that a resident has any of those animals, the resident will be asked to remove them. Craig Ridgway commented on the ruling from the lawsuit in Sparta and how the City's previous code was written the same way. City Attorney commented on the ruling and stated that it did not prevent the City of Sparta from changing their code to prohibit chickens; the ruling also has no binding precedent. City Attorney stated that this portion of the code is not like the zoning code so there is nothing that would be grandfathered and if a complaint is made, the City will investigate it and have the animal removed.

Kelly Ridgway – Stated that when she started this process, she did not mean to bring other people down or drag them through the mud. Commented on the disallowance of rabbits and asked the Council to consider taking rabbits off of the prohibited animals list.

Allison Gauch – Stated that she is anti-bnb; stated that we are a long way from Seattle. Brought up the issue with background checks; voiced concerns over sex offenders. Stated that there is no trash service at this residence.

Eric Mercer – Commented on the disallowance of chickens.

Renee Schnurr – Voiced her support for the allowance of chickens.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Schorr, to **adjourn at 8:59 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.

Kari D. Haas, City Clerk