

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

**NOVEMBER 7, 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, 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, Assistant City Manager Mike Bolt, and City Engineer Ron Yeager.

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

**AMEND AGENDA**

None.

**MINUTES**

The minutes of the October 17, 2016 regular City Council meeting were presented and the minutes were approved as presented. The minutes of the October 17, 2016 Executive Session meeting were presented and the minutes were approved as presented.

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

**PUBLIC COMMENTS**

Michelle Kinsch – Requested a stop sign to be placed at 6<sup>th</sup> and Harnett for the safety of the children.

**REPORTS AND COMMUNICATIONS**

*Mayor*

Stated that he received a letter from United Way thanking the City of Mascoutah for their participation in the annual United Way fundraiser and thanked City Clerk Kari Haas for the

work done on that fundraiser. Stated that the high school has some good things happening in sports and congratulated all of those students for a job well done.

Attended the following meetings and functions: Annual Mayor's Prayer Breakfast, opportunity to visit and tour a Muslim mosque in St. Louis, SLM Water Commission meeting, Lonnie's Tire & Auto open house, public meeting on East-West Berm Trail Phase 2, meeting with Heartlands Conversancy, teleconference with Special Census Bureau, SWIL Council of Mayors meeting, Fire Department annual mulligan, awards presentation at Leu Civic Center Halloween parade, Chamber meeting, dedication for the Senior Center Mary Irwin memorial garden, Boards and Commissions Appreciation Dinner, Senior Center annual wine and cheese event.

#### *City Council*

Grodeon – Attended the following meetings and functions: Participated in the Leu Civic Center electronic recycling event, Leu Civic Center Halloween parade, Boards and Commissions Appreciation Dinner, St. John's UCC beef and noodle dinner. Stated that he received a TIF petition packet and information and provided it to the City Clerk to make copies for the rest of the Council members.

Schorr – Attended the following meetings and functions: Annual Mayor's Prayer Breakfast, Planning Commission meeting, participated in the Leu Civic Center electronic recycling event, meeting with City Engineer regarding the East-West Berm Trail Phase 2, Fire Department annual mulligan, Chamber meeting, dedication for the Senior Center Mary Irwin memorial garden, Boards and Commissions Appreciation Dinner.

Weyant – Attended the following meetings and functions: Annual Mayor's Prayer Breakfast, MIA meeting, Leu Civic Center Halloween parade, Boards and Commissions Appreciation Dinner, Chamber meeting.

McMahan – Attended the following meetings and functions: SWIL Council of Mayors meeting, Leu Civic Center Halloween parade, Boards and Commissions Appreciation Dinner, Senior Center annual wine and cheese event.

*City Manager* – Nothing to report.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

### **ORDINANCE AMENDING THE MASCOUTAH TAX INCREMENT FINANCING I REDEVELOPMENT PROJECT AREA, REMOVING CERTAIN PARCELS FROM SAID PROJECT AREA**

City Manager presented report for Council consideration of approval and adoption of an ordinance amending the Mascoutah TIF 1 Redevelopment Project Area, removing certain parcels from said project area.

Mayor commented on the legal descriptions and making sure those are double checked for accuracy before approval.

Councilman Schorr commented on the ordinances being presented and stated that it was his understanding and is in the minutes from the public hearing that the intergovernmental agreements were going to be in place prior to adoption of the TIF 3 ordinances and is questioning if these ordinances will be voted on before the intergovernmental agreements are in place. City Manager explained the process and stated that he is hoping to have the intergovernmental agreements on the agenda to be approved at the next meeting in conjunction with the second readings of the TIF 3 ordinances. City Manager stated that the TIF has to be approved 90 days after the public hearing which would be December 5<sup>th</sup>. City Manager stated that realistically you can't have an agreement in place on a TIF before there is in fact a TIF in place. City Manager stated that all taxing districts have seen their agreements and the only one still being negotiating is the school district. City Attorney stated that he is hopeful that the intergovernmental agreements will be able to be voted on at the next meeting but those taxing entities will still need to have their boards approve the intergovernmental agreements as well which could take another month or so before signed agreements are received.

Councilman Grodeon commented on feeling misled, was under the understanding that intergovernmental agreements were to be in place before the TIF approval. Councilman Grodeon commented on the statement made regarding not being able to have an agreement ahead of time. City Attorney stated that you can agree in principle to the terms of an agreement but they won't be in effect until the TIF is approved by the Council and the Council approves the agreements and the taxing bodies approve the agreements and all are signed. City Manager explained that there has been communication between all parties involved to have all the terms negotiated and agreed upon.

Councilman Grodeon commented on the statement made regarding TIF 2B and that the agreements were made well after TIF 2B was approved; stated he remembered lawsuits back then. Mayor explained that there was a lawsuit filed against TIF 1 but not TIF 2B. Mayor stated that agreements were made with the school district for both TIFs after the passage of TIF 2B. Councilman Grodeon voiced concerns over the risk of litigation with agreements not being in place prior to the passage of the TIF 3 and stated that the public loses with spending tax money on legal fees. City Attorney stated that nothing says that if an agreement can't be reached between taxing bodies that the TIF can't be abandoned after it has been approved. City Attorney stated that if the TIF is not passed within the timeframe, the process will have to start over again. City Attorney stated that it's not between lack of effort between the City and the taxing districts to have the agreements agreed upon prior to approval.

Discussion ensued regarding the Council not wanting to approve a contingency with a developer regarding the TIF and wouldn't approve an agreement contingent upon the passage of a TIF, but now it is okay to place a contingency on these agreements.

Councilman Grodeon commented on the reasons why we want to do a TIF. Councilman Grodeon stated that we need to show the citizens why this is a good thing; should be willing to say that if sales tax revenue increases as a result of this TIF, then we will be able to lower the property taxes for the City. City Manager stated that he would not want to make promises that we can't keep. City Manager stated that down the road if development occurs, then we can voluntarily reduce property taxes and advertise it at that time that this is why this was able to happen; but there are many other reasons why this TIF is a good thing.

Councilman Schorr suggested that Mr. Moran come and explain why he said what he said. City Manager stated that he can provide email correspondence between him regarding that.

Councilman Weyant commented on the intergovernmental agreements and should not have any bearing on the TIF being approved at this point. Councilman Weyant commented about the reason for the TIF and if it does not go in, retail will not increase and property taxes will have to keep going up.

Councilman McMahan stated that he agreed with Councilman Weyant's comments. Councilman McMahan stated that he does have an issue with the contingency being okay for this but not okay before and is hypocritical. Councilman McMahan stated that he is ready to move forward and agrees that the TIF needs to be in place before the agreements can be put in place.

No action required. First reading.

### **ORDINANCE APPROVING THE MASCOUTAH TAX INCREMENT FINANCING III REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT**

City Manager presented report for Council consideration of approval and adoption of an ordinance approving the Mascoutah Tax Increment Financing III Redevelopment Plan and Redevelopment Project.

No action required. First reading.

### **ORDINANCE DESIGNATING THE MASCOUTAH TAX INCREMENT FINANCING III REDEVELOPMENT PROJECT AREA**

City Manager presented report for Council consideration of approval and adoption of an ordinance designating the Mascoutah Tax Increment Financing III Redevelopment Project Area.

No action required. First reading.

### **ORDINANCE ADOPTING TIF INCREMENT FINANCING**

City Manager presented report for Council consideration of approval and adoption of an ordinance adopting Tax Increment Financing.

No action required. First reading.

### **CODE CHANGE – STOP INTERSECTIONS**

City Manager presented report for Council consideration of approval and adoption of an ordinance to amend Schedule A – Stop Intersections.

Councilman Schorr commented on placing a four-way at Sixth and Harnett Streets; does think there could be issues with Sixth Street being a four-lane road but would definitely slow traffic down. City Manager stated that he has spoken with the Police Chief and there are both positives and negatives: positives would be slowing traffic down on Sixth Street especially during school hours; negative is that it could back school traffic up more during school drop off and pick up and the issues with it being a four-lane road. City Manager stated that he has spoken with the school superintendent and he is in favor of it because of the safety issue. Councilman Schorr asked about putting up a flashing light hanging over the intersection. City Manager stated that he has discussed that with the City Engineer. Councilman McMahan commented on the four-way stop possibly being problematic trying to figure out when to go through with six lanes of traffic. Councilman Weyant asking about the flashing lights that he thought were supposed to go in with the safe routes to school project. Councilman Grodeon stated that he spoke to the Police Chief about it and thought it could create a more dangerous intersection with so many lanes of traffic. Councilman Grodeon commented on the front drive at the elementary school getting full before and after school that backs traffic up on Sixth Street and speaking to the school district about different options to reduce the amount of traffic sitting on Sixth Street. City Manager stated that he has spoken with the school superintendent about the issue with the front drive but they didn't want to change anything mid-year; school district did voice concerns with the playgrounds in the back but they are still looking at a possible different option for the next school year. Council was in consensus that there may need to be something done to try to slow traffic down but believe more research and discussion is needed before action is taken so recommended taking it off the ordinance for now.

No action required. First reading.

### **PC 16-09 – ALLEY VACATION, EAST CORRINGTON STREET (BETWEEN LOTS 416 & 417)**

City Manager presented report for Council consideration of approval of an ordinance to vacate an approximate 8 foot portion of an alley (approximately 16' wide total) in the 600 block of North Independence Street to North John Street, off of East Corrington Street (between lots 416 & 417).

Councilman McMahan asked if there was a specific reason this alley vacation was requested such as a fence. City Manager stated that it would make the lot bigger and more marketable and would allow for a fence if the future owner would want it since we do allow fences on easements.

Councilman Weyant asked about the other portion of the alley and if it is going to be vacated. City Manager stated that the other property owner did not want to do it so it will remain.

No action required. First reading.

**PC 16-11 – CONDITIONAL USE PERMIT – 100 S JEFFERSON ST – FIREARMS SALES – JAMES REED**

City Manager presented report for Council consideration of approval of a conditional use permit for 100 S. Jefferson St. for James Reed, to allow firearm sales for a Single-Family Residential RS-8 location.

Councilman Schorr asked if a business license will be required. City Manager stated that yes it will be required.

Councilman Weyant asked if there will be any inventory on site. City Manager stated that there is no inventory on site, it is strictly order and pick-up.

Councilman Schorr asked about future expansion of hours and if it should be put in as a condition of approval. Council was in consensus to add a condition of approval regarding future changes in hours of operation.

Schorr moved, seconded by McMahan, to approve the Conditional Use Permit for 100 South Jefferson Street for James Reed, to allow firearm sales for a Single-Family Residential RS-8 location, subject to the following condition of approval: James Reed is required to notify the City of Mascoutah and receive prior approval from the City Manager for expansion of the hours of operation or for expansion of use.

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

**IDOT RESOLUTION – SOUTH 10<sup>TH</sup> STREET RECONSTRUCTION**

City Manager presented report for Council consideration of approval and adoption of a supplemental resolution for Improvement by Municipality Under the Illinois Highway Code for the reconstruction of South 10<sup>th</sup> Street from Main Street to the Brickyard Development.

McMahan moved, seconded by Weyant, to approve and adopt Resolution No. 16-17-16, Resolution for Improvement by Municipality Under the Illinois Highway Code for the South 10<sup>th</sup> Street Reconstruction Project.

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

**COUNCIL – MISCELLANEOUS ITEMS**

City Clerk provided Council with the 2017 meeting schedule.

## **CITY MANAGER – MISCELLANEOUS ITEMS**

None.

## **PUBLIC COMMENTS**

Matt Stukenberg – Stated that the school board is looking at doing another drop off area in the back at the elementary school. Stated that with regards to the TIF, recommended providing an MOU with each taxing district prior to the 90-day clock; stated that trying to get an agreement in place within 90 days is difficult.

Michelle Kinsch – Stated that she understood the issue with the four-way stop but stated that with regards to the Sixth and Harnett intersection, there is already a problem there with hoping the car stops in the other lane even with the crossing guard. Stated that there is a safety issue at that intersection during off school hours especially with trying to get to the park and the pool.

## **ADJOURNMENT TO EXECUTIVE SESSION**

Weyant moved, seconded by Grodeon, to adjourn to Executive Session to discuss Personnel – Section 2(c)(1) and Litigation – Section 2(c)(11) at 8:11 p.m.

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

## **RETURN TO REGULAR SESSION**

Schorr moved, seconded by McMahan, to return to Regular Session at 8:28 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 8:30 p.m.**

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

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Kari D. Haas, City Clerk