

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

**MARCH 14, 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, City Engineer Ron Yeager and Police Chief Bruce Fleshren.

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

**AMEND AGENDA**

None.

**MINUTES**

The minutes of the February 16, 2016 regular City Council meeting were presented and approved as presented. The minutes of the February 16, 2016 Executive Session meeting were presented and approved as presented. The minutes of the February 29, 2016 Budget Workshop were presented and approved as presented.

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

**PUBLIC COMMENTS**

None.

**REPORTS AND COMMUNICATIONS**

*Mayor*

Mayor presented proclamation to the Leu Civic Center for their annual Blue Bow Campaign proclaiming April 2016 as Child Abuse Prevention Month.

Attended the following meetings and functions: SLM Water Commission meeting, Terrace on the Park open house, proclamation for the Mascoutah Moose, proclamation for Meals on Wheels program, Finance Committee meeting, SWIL Council of Mayors meeting, APPA Legislative Rally in Washington, D.C., Leu Civic Center Shoot the Rock program medal presentation, open house for Chaplain Forbes-Mariani and her husband who thanked the volunteers for all their help and support, JROTC annual ball.

*City Council*

Grodeon – Attended the following meetings and functions: Meals on Wheels fundraiser at St. John’s Church.

Schorr – Attended the following meetings and functions: Planning Commission meeting, SWIL Council of Mayors meeting, Budget Workshop, Chamber meeting, Meals on Wheels fundraiser at St. John’s Church, columbarium sub-committee meeting, trimmed the plantings at the four-way and Haas Park.

Weyant – Attended the following meetings and functions: SWIL Council of Mayors meeting, Budget Workshop, Leu Civic Center bathroom maintenance, Mascoutah Police Benevolent Association trivia night.

McMahan – Attended the following meetings and functions: Budget Workshop.

*City Manager* – Nothing to report.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

### **CODE CHANGE – FIRE DEPARTMENT (SECOND READING)**

City Manager presented report for Council consideration of approval of revisions to Chapter 30 – Public Safety, Article II – Fire Department of the City Code to increase the retirement age for members of the fire department.

McMahan moved, seconded by Weyant, to approve and adopt Ordinance No. 16-04, thereby modifying Chapter 30 – Public Safety, Article II – Fire Department.

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

### **MAIN STREET CLOSING – SPRING FEST WITH IDOT RESOLUTION**

City Manager presented report for Council consideration of approval of request by the Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 20, 2016 for the Spring Fest.

Schorr moved, seconded by Weyant, to approve and adopt Resolution No. 15-16-16, authorizing the closing of Main Street (IL 177) from First Street to Market Street on May 20, 2016 from 3 p.m. to 2 a.m. for the annual Spring Fest.

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

## **POLICY RESOLUTION – UTILITY BILLING PAYMENT ARRANGEMENT POLICY**

City Manager presented report for Council consideration of approval of a resolution adopting a utility billing payment arrangement policy for the City of Mascoutah.

Mayor asked about eligible customers and how eligibility is determined. City Manager stated that eligibility terms are spelled out on the 2<sup>nd</sup> page of the policy.

Mayor asked if this policy would be distributed to eligible customers. City Manager stated that it could be placed in a utility bill to inform current customers and could be provided to new customers when they come in for occupancy.

Mayor suggested changing the terminology under eligibility to state customer instead of you. City Clerk will change the terminology.

Councilman Grodeon asked how this policy stacks up to people's ability to pay and if this is executable. City Manager stated that for the most part it is executable and there is wording to allow for special exceptions to be made by the City Manager which would be based on their economic ability to pay.

Councilman Weyant asked about the terms of the arrangements and the current month bills being due with the payment arrangement amounts. City Manager stated that there is the opportunity for an exception to be made if needed but we also do not want them to get behind on current bills which is why those bills are due during the payment arrangement timeframe. City Manager stated that these terms are currently being followed and 95% of customers on the payment arrangement do not have problems paying.

Weyant moved, seconded by Schorr, to approve and adopt Resolution No. 15-16-17, a Resolution adopting a utility billing payment arrangement policy for the City of Mascoutah, as amended.

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

## **RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT**

City Manager presented report for Council consideration of approval of a resolution authorizing the sale of surplus equipment.

Councilman Grodeon asked if all the markings are removed from the vehicles before sold. City Manager stated that yes all markings and any additional equipment are removed from the cars before selling.

Grodeon moved, seconded by Schorr, to approve and adopt Resolution No. 15-16-18, a Resolution authorizing the sale of surplus equipment.

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

## **RESIDENTIAL WASTE CONTRACT APPROVAL**

City Manager presented report for Council consideration of approval and authorization of Residential Waste Collection contract.

Councilman Schorr commented on the service from Waste Management and that residents have contacted him about how happy they are with the service.

Councilman Schorr asked about the smaller trash containers. City Manager stated that both companies do offer a 35 gallon trash container for any resident who requests it for a \$1.00 fee. City Manager stated that Waste Management's extra container prices are free for recycling.

Councilman Grodeon asked about truck size and if there was a discussion with the waste haulers about providing a smaller truck to aid in alleviating some damage occurring to the roads and alleys. City Manager stated that question was asked in the bid packet if a smaller truck could be provided. City Manager stated that Waste Management stated that they could not provide a smaller truck but did state that a smaller truck is already being provided for the narrower streets. City Manager stated that the other two companies who provided a bid answered no to that question.

Councilman Grodeon asked the City Attorney if the staff's recommendation based on best value is okay to use for contract award. City Attorney stated yes, the City does not necessarily have to award a contract based on lowest price.

McMahan moved, seconded by Schorr, to approve the new contract with Waste Management and authorize appropriate officials to execute the required documents.

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

## **PC 16-02 – REZONING OF 711 W CHURCH STREET FROM SINGLE-FAMILY RESIDENTIAL (RS-5) TO DOWNTOWN COMMERCIAL (DC) (FIRST READING)**

City Manager presented report for Council consideration of approval or denial of a rezoning application for 711 W Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial.

Mayor commented on staff's recommendation and stated that he is in agreement that this rezoning request should be denied.

Councilman Schorr commented on the property wanting to be rezoned and how it would be considered spot zoning. Councilman Schorr commented on the traffic on Green Street being all residential, and how a commercial zoning would create unwanted traffic. Councilman Schorr stated that he would be against making a piece of property surrounded by residential a commercial property.

Councilman Weyant commented on the history of the property and commented that across the street from this parcel is a commercial property. Councilman Weyant stated that he does not see a problem with allowing the zoning change. City Manager stated that when the owner was told to combine the parcels that was because they wanted to build the accessory structure (storage building) and based on the City Code, a primary structure is needed for an accessory structure. City Manager stated that staff reviewed all options to allow the owner to maintain ownership of the storage building and the only potential possibility was to ask for a rezoning; it meets the setbacks but based on the Comprehensive Plan and the City Code, it doesn't follow best practices, so staff was going to recommend denial and told the owner to argue their hardship. City Manager stated that in order for a rezoning to be done because of a hardship, the hardship cannot be self-imposed and since the owners are wanting to sell the property, it is a self-imposed hardship.

City Attorney stated that the City needs to follow what the rules are in the Code and the City's standards and if the rezoning was to be approved, it would allow for anything to happen to that property in the future with no recourse. City Attorney stated that from a legal standpoint, he does not see how the City can approve this.

Councilman Grodeon commented on an option to either rent the property to keep ownership of the shed or sell the house and do a lease on the shed. City Attorney stated that he believes they can achieve what they want to do privately as long as it is in accordance with the RS-5 zoning regulations, but does not believe the City can legally approve this rezoning based on the current code to help them.

First reading. No action required.

#### **COUNCIL – MISCELLANEOUS ITEMS**

None.

#### **CITY MANAGER – MISCELLANEOUS ITEMS**

City Manager provided information regarding the renovations and repairs needed at the swimming pool to keep it operational. City Manager stated that it needs a new gutter system, needs new liner or new concrete bowl and the bathhouse needs renovations and repairs; the amount of repairs needed would put the Parks & Recreation Fund upside down again for at least the next 5 years. City Manager stated that the leak is stopped now, but is only a temporary fix, could keep doing temporary fixes and get by for another year or two or more.

City Manager explained that part of the problem is with the older original pool; the return lines put in with the zero entry pool are plastic PVC and the connections are brass fittings; with the chemicals used in the pool now, the connections do not stay together which resulted in a leak last year of one million gallons of water per month; this connection issue can be fixed by our water department employees but there are 12-15 of these connections beneath the pool and any one of them can break at anytime. City Manager stated that the other problem is the crack in the bottom of the pool that has been currently fixed with epoxy but that is only a temporary fix. Council was in agreement to hold off on any major repairs and try to get by over the next few years until a reserve fund can be built to help pay for the major repairs needed.

City Manager stated that Holy Childhood approached the City Manager and asked about abandoning Green Street which would allow for safer foot traffic from the church to the school and would also allow them to build an addition so they can expand their Pre-K program. Council commented on the safety, asked about utilities and if anything would need to be moved, and discussing the proposed changes with surrounded residences. Council was in general consensus that they would support the move and told the City Manager to continue discussions with Holy Childhood on their proposal.

City Manager provided information regarding the Chapel Committee wanting to expand the Espenschied Chapel which would provide ADA accessibility and provide for additional services such as casket memorials. City Manager stated that the Chapel Committee can provide funding for the majority of the project, but is requesting some funds and/or loan from the City to help with the expenses so that they don't deplete their funds completely. City Manager stated that they are planning to do fundraisers to provide funds for the project. City Manager stated that they are also wanting to put in a 50 space parking lot which would benefit both them and the cemetery as a whole and asked if the City would help pay for the parking lot or pay for the whole parking lot. Council discussed the project and some aid through in-kind labor that could help the building addition. Council was in agreement that the City should pay for the expense of putting in a parking lot.

## **PUBLIC COMMENTS**

Lonnie Casey – commented on his current residence and the rezoning request. Commented on how many businesses are being run in town without a business license. Commented on how much business is being conducted in town where no tax is being collected which is a loss to the City and the state.

Joyce Johnston, realtor for Lonnie Casey – Asked why the City doesn't have variances. City Attorney stated that we do not answer questions generally during comments, but also stated that this isn't a case where a variance can be granted. City Manager stated that the City does not have use variances, which is what this would be.

## **ADJOURNMENT TO EXECUTIVE SESSION**

Schorr moved, seconded by Grodeon, to adjourn to Executive Session to discuss Personnel – City Manager Annual Evaluation – Section 2(c)(1) and Litigation – Negotiations – Section 2(c)(11) at 8:20 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 9:37 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 9:38 p.m.**

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

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Kari D. Haas, City Clerk