

# Mascoutah City Council

March 14, 2016

## REGULAR MEETING AGENDA

### City Council Meeting - 7:00 pm

**1. PRAYER & PLEDGE OF ALLEGIANCE**

**2. CALL TO ORDER**

**3. ROLL CALL**

**4. AMEND AGENDA** – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

- 5. MINUTES**, February 16, 2016 City Council Meeting (Page 1 to Page 7)  
**MINUTES**, February 16, 2016 Executive Session Meeting (Confidential, see City Clerk)  
**MINUTES**, February 29, 2016 City Council Budget Workshop (Page 8 to Page 8)

**6. PUBLIC COMMENTS (3 minutes)** – opportunity for the public to comment.

**7. REPORTS AND COMMUNICATIONS**

- A. Mayor - Proclamation
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

**8. COUNCIL BUSINESS**

**A. Council Items for Action:**

- 1. Code Change – Fire Department (second reading)** (Page 9 to Page 12)  
Description: Council 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.

Recommendation: Council Approval and Adoption of Ordinance.

- 2. Main Street Closing – Spring Fest with IDOT Resolution** (Page 13 to Page 15)  
Description: Council approval of request by Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 20, 2016 for Spring Fest.

Recommendation: Council Approval and Adoption of Resolution.

**3. Policy Resolution – Utility Billing Payment Arrangement Policy**

*(Page 16 to Page 19)*

Description: Council approval of a Resolution adopting a utility billing payment arrangement policy for the City of Mascoutah.

Recommendation: Council Approval and Adoption of Resolution.

**4. Resolution Authorizing Sale of Surplus Equipment**

*(Page 20 to Page 22)*

Description: Council approval of a Resolution authorizing the sale of surplus equipment.

Recommendation: Council Approval and Adoption of Resolution.

**5. Residential Waste Contract Approval**

*(Page 23 to Page 23)*

Description: Council approval and authorization of Residential Waste Collection Contract.

Recommendation: Council Approval.

**6. PC 16-02 – Rezoning of 711 W. Church Street from Single-Family Residential (RS-5), to Downtown Commercial (DC) (first reading)**

*(Page 24 to Page 47)*

Description: Review and approval or denial of a rezoning application for 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial.

Recommendation: First Reading

**B. Council – Miscellaneous Items**

**C. City Manager**

- Community Pool Discussion
- Holy Childhood/Green Street
- Chapel Expansion/Parking Lot

**10. PUBLIC COMMENTS (3 MINUTES)**

**11. ADJOURNMENT TO EXECUTIVE SESSION**

- A. Personnel – City Manager Annual Evaluation - Section 2(c)(1)
- B. Litigation – Negotiations - Section 2(c)(11)

**10. MISCELLANEOUS OR FINAL ACTIONS**

**11. ADJOURNMENT**

***POSTED 3/11/16 at 5:00 PM***

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

**FEBRUARY 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, Assistant City Manager Lisa Koerkenmeier, Police Chief Bruce Fleshren, Fire Chief Joe Zinck, City Engineer Ron Yeager, and Finance Coordinator Lynn Weidenbenner.

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

**AMEND AGENDA**

McMahan moved, seconded by Schorr, 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 1, 2016 regular City Council meeting were presented and approved as presented. The minutes of the February 1, 2016 Executive Session meeting were presented and approved as presented.

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

**PUBLIC COMMENTS**

Tim Armstrong, co-owner of Eddie's Fuel Center and Huddle House – spoke regarding the development agreement between them and the City. Stated that we fulfilled all our commitments to the City and opened the business. Spoke regarding the selling of bio-diesel. Spoke regarding the need for the 1% of the sales tax rebate as agreed to in the original

development agreement. Stated that in the event they do not get the sales tax rebate, would like to get rid of the business district because they are at a competitive disadvantage in the business market.

## **DEPARTMENT REPORTS**

*Fire Chief Joe Zinck* – January 2016 report was provided.

*Police Chief Bruce Fleshren* – January 2016 report was provided. Councilman Grodeon asked about the fraudulent activity last tax season and if there has been the same fraudulent activity this year. Police Chief stated that they haven't had any as of yet but it is early in the tax season. Police Chief stated that they will be putting out a notice to the community about the possible fraudulent activity and advise individuals to contact the police department to acquire the needed reports to provide to the IRS.

*Finance Coordinator Lynn Weidenbenner* – Monthly financials provided. Councilman Grodeon asked about the negative ROE on the Water/Sewer Fund balance sheet. Finance Coordinator stated that amount includes projects.

*City Engineer/Director of Public Works Ron Yeager* – Status report on public projects and monthly building permits report provided. Councilman Schorr stated that he was contacted by a business owner expressing concerns over the Main Street and Jefferson Street intersection improvements and construction occurring over the holiday season which is when they are the busiest. City Engineer stated that they are hoping to start in July/August and will keep an eye on the timeline. Councilman Schorr asked when the bids are going to be out for the Poplar Street improvements if we are supposed to be starting in May. City Engineer stated that the consulting firm is finishing the plans and they will be starting the easement acquisitions for the sidewalks that are needed in the next month.

## **REPORTS AND COMMUNICATIONS**

*Mayor*

Mayor presented a proclamation to the Girl Scouts proclaiming March 6<sup>th</sup> thru 12<sup>th</sup>, 2016 as Girl Scouts Week.

Mayor presented a plaque to Police Chief Bruce Fleshren recognizing him for 20 years of service with the City of Mascouah Police Department.

Attended the following meetings and functions: Chamber meeting, volunteered at the Visitors Center, Sweetie Pie Day, change of command ceremony at Scott AFB for the 932<sup>nd</sup> reserve squadron, volunteered at the Middle School for the Scott Credit Union's financial education fair, Leadership Council reception for General McDew, volunteer breakfast at the Senior Center, meeting with St. Clair County.

*City Council*

Grodeon – Nothing to report.

Schorr – Attended the following meetings and functions: Chamber meeting, participated in the columbarium sub-committee meeting, volunteered at the Middle School for the Scott Credit Union financial education fair.

Weyant – Nothing to report.

McMahan – Attended the following meetings and functions: Volunteered at the Middle School for the Scott Credit Union financial education fair

*City Manager* – Nothing to report.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

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

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

Mayor asked about the road saver sealant bricks purchase. City Manager stated that those are for the crack sealer.

Mayor asked about the tools purchased at Lowes. City Manager stated that he would have to look into why those were purchased there instead of locally.

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

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

### **SECOND AMENDMENT TO THE FINAL DEVELOPMENT AGREEMENT – DSS PROPERTIES, LLC AND SDS STORES, INC. D/B/A EDDIES, INC. (SECOND READING)**

City Manager presented report for Council consideration of approval of the second amendment to the Final Development Agreement for Eddies Fuel Cell / Convenience Store and Huddle House Restaurant project with DSS Properties, LLC and SDS Stores, Inc. d/b/a Eddies, Inc. by adoption of Ordinance.

Mayor commented on the sales tax request and how originally the City was going to use the 1% to pay off the bonds but on the flip side wonders if the 1% sales tax rebate is going to help them stay afloat.

Councilman Grodeon asked if the original agreement is void because they sold bio-diesel. City Manager stated that no it is not, the first amendment to the agreement stated that they could not sell bio-diesel if the bonds were sold and issued. City Manager stated that a taxable bond was going to be issued to pay back the Perrin Road project with the 1%

business district sales tax revenue but since the revenues projections were lower, Stiefel stated that with the costs to issue a bond, the revenues were not high enough to support the bonds. City Manager stated that a tax exempt bond was going to be issued for the construction loan and the 1% of the regular sales tax generated was going to help offset the cost of that bond and the construction loan. City Manager stated that the revenues that the sales tax is generating will not support the original amount of the bonds which was going to be around \$1.8 million. City Manager stated that a third party review of the revenues was done during the process of issuing the bonds and their recommendation was that the revenues projections were not enough to support the bond issue. Councilman Grodeon stated that in his opinion he does not have confidence that this sales tax rebate will be enough to keep the business viable.

Council discussed the bonds not being able to be issued and voiced concerns over making an agreement modification for these reasons.

Councilman Weyant commented on the 1% originally being an offset for the bonds to relieve the expenses for construction and personally has no problem with the 1% going to the developer since it was supposed to go to the bonds originally.

City Manager stated that one thing to consider is that the bio-diesel sales tax exemption is set to expire in 2018 and if that happens the revenues and sales tax generated would increase substantially.

Councilman Grodeon asked if the bonds could be issued in 2018 if the bio-diesel exemption was lifted and the revenues and sales taxes increased. City Manager stated that he would have to research to see if a bond could be issued on something already built.

Council discussed the parameters if they were going to agree to a sales tax rebate. Council discussed pledging 1% of its regular sales tax until such time as bio-diesel sales tax exemption is lifted and revisiting the sales tax rebate if and when the bio-diesel sales tax exemption is lifted and how that will affect future revenues and sales taxes generated for both regular sales tax and the business district sales tax.

Councilman Schorr stated that he can see both sides of this but sort of feel that the City had an agreement and now the developer is changing the parameters.

City Attorney stated that this is consistent with the original agreement that this sales tax rebate was going to be given to the developer for the construction, the only difference is the bonds were not issued so now it will be paid directly to the developer. City Attorney stated the City is not giving them more than we were already obligated to do.

Councilman Grodeon asked if the City is obligated to the 1% sales tax rebate based on the original agreement. City Attorney stated that it is not clear cut but there is a possibility the City could be found obligated to the sales tax rebate if it was litigated.

McMahan moved, seconded by Weyant, to approve and adopt Ordinance No. 16-03, approving a Second Amendment to the Final Development Agreement among the City of Mascoutah, DDS Properties, LLC and SDS Stores, Inc. d/b/a Eddies to pledge 1% of its regular sales tax toward allowable development costs for a term of 18 years.

*Motion passed.* AYE's – Weyant, McMahan, Daugherty. NAY's – Grodeon, Schorr.

#### **ST. CLAIR COUNTY CONTRACTS FOR DISPATCH SERVICE**

City Manager presented report for Council consideration of approval of three contracts with St. Clair County, Illinois for Coordinated Communications Services (dispatching services) provided for the year of 2016 for the Police, EMS and Fire Departments.

Weyant moved, seconded by Grodeon, to approve the three contracts with St. Clair County for dispatching services and authorize the appropriate City officials to execute the required documents.

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

#### **CODE CHANGE – FIRE DEPARTMENT (FIRST 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.

Councilman Schorr asked what the retirement age is for the police department. City Manager stated that the retirement age for the police department is set at 65 in their union contract.

First reading. No action required.

#### **CODE CHANGE – CEMETERY (FIRST READING)**

City Manager presented report for Council consideration of an Ordinance to amend Chapter 9 – Cemeteries, Article II – Regulations and add Article III – Cemetery Columbarium of the City Code of Ordinances.

Councilman Schorr asked about Sec. 9-3-3 and the discussion at the meeting regarding no floral memorials or other ornamentation being placed around the columbarium and the section only stating cannot be attached to the columbarium. City Clerk stated that language will be added to include no floral memorials or other ornamentation can be placed around the columbarium.

Councilman Schorr asked about the committee meeting discussing the Cemetery Sexton placing flags around the columbarium during holidays recognizing the armed forces. City Manager stated that they will discuss that internally but it doesn't need to be incorporated into the code.

First reading. No action required.

## **POLICY RESOLUTION – NET METERING POLICY AND INTERCONNECTION POLICY**

City Manager presented report for Council consideration of approval of a resolution approving standards for net metering and interconnection of certain customer-owned generation.

City Manager explained that the maximum amount of generation that can be put back into our system is 2% of our peak which is about 320 kW which is why we are limiting how much we will net meter so that more customers can take advantage.

City Manager stated that there is some equipment involved (new meter, meter reading, billing) that will regulate how the electricity is inter-connected and the meters will have to be read monthly for the credit which is why this also establishes a monthly fee to be paid for the additional service. City Manager stated that the policy also states the customer will bear the cost of the additional equipment.

Councilman Grodeon asked about the wind turbines and concerns that they produce a disrupting noise and could affect neighboring residents. City Attorney stated that is a nuisance issue that would have to be dealt with in the future if one was to be installed.

Schorr moved, seconded by Weyant, to approve and adopt Resolution No. 15-16-15, a Resolution Regarding the City of Mascoutah Approval of Standards for Net Metering and Interconnection of Certain Customer-Owned Generation.

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

*Mayor left the meeting at 8:02 p.m. Councilman Grodeon took over as Mayor pro-tem.*

## **COUNCIL – MISCELLANEOUS ITEMS**

Councilman Schorr asked about 215 E Main and understands that it has been sold and asked about the progress being made on improvements. City Manager stated that the new owners have brought in architectural plans and the plans are being modified per staff comments.

## **CITY MANAGER – MISCELLANEOUS ITEMS**

Keith Moran from Moran Economic Development presented the information on the pre-eligibility study for a potential new TIF district. City Manager explained that the next step if Council wishes to proceed would be to talk to the affected taxing districts. Council discussed the pre-eligibility study. Keith Moran explained that TIF development could take up to 6 months from start to finish. Keith Moran explained that this TIF is going to be designed to minimize the effect on the other taxing districts. Council was in agreement to move forward with the next step of talking with the affected taxing districts.

City Manager asked Council if they would be available for a budget work to be held on February 29<sup>th</sup>. Council will let the City Manager know if that date will work.

**PUBLIC COMMENTS**

None.

**ADJOURNMENT TO EXECUTIVE SESSION**

Schorr moved, seconded by Weyant, to adjourn to Executive Session to discuss Litigation – Section 2(c)(11) and Purchase /Lease of Property – Section 2(c)(5) at 8:47 p.m.

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

**RETURN TO REGULAR SESSION**

McMahan moved, seconded by Schorr, to return to Regular Session at 8:58 p.m.

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

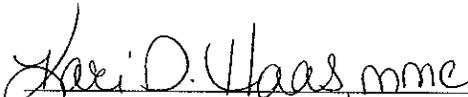
**MISCELLANEOUS OR FINAL ACTIONS**

None.

**ADJOURNMENT**

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

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

  
Kari D. Haas, City Clerk

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

**FEBRUARY 29, 2016**

The minutes of the budget workshop of the City Council of the City of Mascoutah.

**BUDGET WORKSHOP**

Mayor pro-tem Ben Grodeon called the budget workshop to order at 6:00 p.m.

*Present:* Council members Ben Grodeon, Paul Schorr, John Weyant, and Pat McMahan.

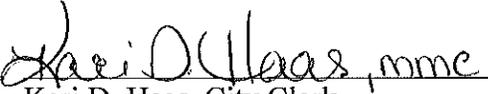
*Absent:* Mayor Gerald Daugherty.

*Other Staff Present:* City Manager Cody Hawkins, City Clerk Kari Haas, and Finance Coordinator Lynn Weidenbenner.

City Manager stated that this budget workshop is to discuss the proposed FY16/17 budget. Finance Coordinator provided an overview of the proposed FY16/17 budget. Council discussed the proposed FY16/17 budget.

*Public Comments:* None.

*Adjourn:* McMahan moved, seconded by Schorr to adjourn at 6:59 p.m.

  
Kari D. Haas, City Clerk

**CITY OF MASCOUTAH**

**Staff Report**

**TO:** Honorable Mayor & Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** Code Change – Fire Department (second reading)

**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**

Approval of revisions to Chapter 30 – Public Safety, Article II – Fire Department of the City Code to increase the retirement age for member of the fire department.

**BACKGROUND & STAFF COMMENTS:**

At its meeting in January 2016, the membership of the Mascoutah Fire Department voted in favor of increasing the retirement age of its members from 60 to 65. The fire department has asked the City to approve and adopt the increase in the retirement age, which is incorporated in the attached ordinance.

**RECOMMENDATION:**

Council approval of Ordinance, as attached.

**SUGGESTED MOTION:**

I move that the City Council approve and adopt Ordinance 16-\_\_\_, thereby modifying Chapter 30 – Public Safety, Article II – Fire Department.

Prepared By: Kari D. Haas  
Kari D. Haas  
City Clerk

Approved By: Cody Hawkins  
Cody Hawkins  
City Manager

Attachments: A – Ordinance

ORDINANCE NO. 16-\_\_\_

AN ORDINANCE AMENDING CHAPTER 30 – PUBLIC SAFETY OF THE CITY OF MASCOUTAH CODE OF ORDINANCES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That CHAPTER 30 – PUBLIC SAFETY, ARTICLE II – FIRE DEPARTMENT be amended as attached.

SECTION 2: That the Ordinance shall be in full force and effect from after its passage and approval as provided by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, adopted on the following roll call vote on the 14th day of March, 2016, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Benjamin Grodeon	___	___	___
Paul Schorr	___	___	___
John Weyant	___	___	___
Pat McMahan	___	___	___
Gerald Daugherty	___	___	___

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 14th day of March, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk  
(SEAL)

Attachment A

**CHAPTER 30 – PUBLIC SAFETY  
ARTICLE II. – FIRE DEPARTMENT**

**Sec. 30-2-1. - Created.**

There is hereby created and established a volunteer fire department, to be known as the Mascoutah Fire Department.

(Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-2. - Organization.**

The Mascoutah Fire Department shall consist of a fire chief, one assistant fire chief, one deputy fire chief, and 40 members. The members shall have the right to organize themselves as a volunteer organization and to adopt bylaws to govern said organization. None of the officers or members of the department shall be considered full-time employees of the city.

(Ord. No. 938, 1-16-95; Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-3. - Membership.**

All officers and members of the Mascoutah Fire Department shall be appointed by the city manager under the direction of the city council. The membership of the Mascoutah Fire Department may make recommendations to the city manager and city council for appointments to fill any vacancies.

(Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-4. - Chain of command.**

The fire chief shall be in full and absolute command of the apparatus and of the training and fire fighting activities of the department and shall preside over all meetings of the department. In the absence of the fire chief, the assistant chief shall assume the duties and full authority of the fire chief. In the absence of the fire chief, the assistant fire chief, and the deputy fire chief, the first captain on the scene shall be in command. The fire chief shall appoint from the membership five captains and five lieutenants; each captain to have immediate command of one fire company to be organized from the membership of the department. Each captain is to be assigned one lieutenant who will assist him and be second in command of said fire company. No fireman in attendance at a fire shall neglect or refuse to obey the orders of the officer in command.

(Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-5. - Insurance.**

The city shall provide insurance coverage for members of the department as may be required under the provisions of Illinois Compiled Statutes, Chapter 65, Section 5/10-5-2, as amended.

(Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-6. - Age requirements.**

No officer or member shall be under 21 years of age. All officers and members shall be required to retire from active status with the department upon reaching age 6065. The department in its bylaws may provide for an inactive or honorary status for members who are no longer eligible for active status by reason of age or disability.

(Ord. No. 04-02, § 1, 2-17-04)

**Sec. 30-2-7. - Finances.**

All expenditures of city funds shall be upon the recommendation of the fire chief and with the approval of the city manager. The fire chief shall at the beginning of each fiscal year submit a proposed budget for the department to the city manager.

(Ord. No. 04-02, § 1, 2-17-04)

**CITY OF MASCOUTAH  
Staff Report**

**TO:** Honorable Mayor & Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** **Main Street Closing – Spring Fest with IDOT Resolution**

**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**

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

**BACKGROUND & STAFF COMMENTS:**

Mascoutah Chamber of Commerce will be holding the Spring Fest on Friday, May 20, 2016. They are requesting closing of Main St. (IL 177) from First Street to Market Street from 3 p.m. to 2 a.m. The event will run from 11 a.m. to 11 p.m. The Chamber would like the street to remain closed until 2 a.m. to allow adequate time for clean up.

This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

**FUNDING:**

None required.

**RECOMMENDATION:**

Council approval of resolution to close Main Street for the Spring Fest.

**SUGGESTED MOTION:**

I move that the Council to approve and adopt Resolution No. 15-16-\_\_, 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.

Prepared By:

  
Kari D. Haas

City Clerk

Approved By:

  
Cody Hawkins

City Manager

Attachments: A – IDOT Resolution

**RESOLUTION NO. 15-16-\_\_**

**WHEREAS**, the Mascoutah Chamber of Commerce is sponsoring a Spring Festival in the City of Mascoutah which event constitutes a public purpose; and

**WHEREAS**, this Festival will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from First Street to Market Street; and

**WHEREAS**, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:**

That permission to close off Route 177 from First Street to Market Street as above designated, be requested of the Department of Transportation.

**BE IT FURTHER RESOLVED**, that this closure shall occur during the approximate time period between 3:00 PM and 2:00 AM on May 20, 2016.

**BE IT FURTHER RESOLVED**, that this closure is for the public purpose of Spring Festival - to promote business in Mascoutah.

**BE IT FURTHER RESOLVED**, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)\* The detour route shall be as follows: traffic traveling west on Rt. 177: north on Lebanon Street to Church Street, west on Church Street to 1st Street, south on 1st Street to Rt. 177. Traffic traveling east to use same detour. Truck traffic traveling north on Rt. 4 to Harnett Street, west on Harnett to 6th Street, south on 6th Street to Rt. 177. Truck traffic traveling east on Rt. 177 to use the same detour.

\*To be used when appropriate.

**BE IT FURTHER RESOLVED**, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

**BE IT FURTHER RESOLVED**, that police officers or authorized flaggers shall at the expense of the City be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

**BE IT FURTHER RESOLVED**, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

**BE IT FURTHER RESOLVED**, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

Attachment A

**BE IT FURTHER RESOLVED**, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

**BE IT FURTHER RESOLVED**, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

**BE IT FURTHER RESOLVED**, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

**BE IT FURTHER RESOLVED**, that the Mascoutah Chamber of Commerce hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

**BE IT FURTHER RESOLVED**, that the Mascoutah Chamber of Commerce shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$500,000 per person and \$1,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

**ADOPTED and APPROVED** by the Mayor and City Council of the City of Mascoutah this 14<sup>th</sup> day of March, 2016, A.D.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)

**CITY OF MASCOUTAH**

**Staff Report**

**TO:** Honorable Mayor & City Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** **Policy Resolution – Utility Billing Payment Arrangement Policy**

**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**

Council approval of a Resolution adopting a utility billing payment arrangement policy for the City of Mascoutah.

**BACKGROUND & STAFF COMMENTS:**

The City of Mascoutah utility billing department has been offering payment arrangements to customers for delinquent bills for many years. The attached resolution formalizes the payment arrangement terms that are generally used in trying to assist utility customers. Formalizing the payment arrangement terms will also aid with enforcement of the terms.

**RECOMMENDATION:**

Council approval and adoption of resolution.

**SUGGESTED MOTION:**

I move that the Council approve and adopt Resolution No. 15-16-\_\_\_, a Resolution adopting a utility billing payment arrangement policy for the City of Mascoutah.

Prepared By: Kari D. Haas  
Kari D. Haas, City Clerk

Approved By: Cody Hawkins  
Cody Hawkins, City Manager

Attachments: A – Resolution

**RESOLUTION NO. 15-16-\_\_**

**A RESOLUTION ADOPTING A UTILITY BILLING PAYMENT ARRANGEMENT  
POLICY FOR THE CITY OF MASCOUTAH**

**WHEREAS**, the City desires to adopt a policy to establish payment arrangement procedures for City of Mascoutah utility customers.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY  
COUNCIL OF THE CITY OF MASCOUTAH:**

**SECTION 1:** The City of Mascoutah does hereby adopt the Utility Billing Payment Arrangement Policy, copy of which is marked "Exhibit A" and incorporated herein by reference.

**SECTION 2:** The aforementioned policy will be posted on the City of Mascoutah's website.

**ADOPTED** and **APPROVED** by the Mayor and City Council of the City of Mascoutah this 14<sup>th</sup> day of March, 2016, A.D.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)

Attachment 'A'

## **UTILITY BILLING PAYMENT ARRANGEMENT POLICY**

### **Purpose**

A payment arrangement allows City of Mascoutah utility customers the opportunity to pay off past-due bill balances to keep their utility accounts in good standing.

With a payment arrangement, the past-due amount is spread out over a specified period of time. This amount is called a monthly installment.

Customers are required to pay the agreed-upon monthly installment, in addition to paying their monthly utility charges in full by the bill due date each month.

Paying both the monthly installment and current utility charges gives customers extra time to bring their utility accounts up to date.

Payment arrangements must be requested prior to disconnection of service.

### **Payment Arrangement Terms**

A payment arrangement option is available to any eligible customer. The length of a payment arrangement is based on the total past due amount owed. Only one (1) payment arrangement will be granted during a 12 month period, as long as any prior payment arrangement terms have been met within the previous 12 month period.

All payment arrangements will be signed and dated by customer. There will be no verbal payment promises or payment plans accepted.

In cases of hardship, such as sickness, temporary job loss, water leak, etc. the customer may set up a payment arrangement as follows. These payment arrangements will only be allowed if the customer has not had service disconnected within the past 6 months.

- Amount due is under \$500
  - 1/2 of the balance due to be paid immediately
  - 1/2 of the balance due to be paid the second month + current month bill, payment must be made by the customer's current due date
- Amount due is between \$501 and \$1,000
  - 1/4 of the balance due to be paid immediately
  - 1/4 of the balance due to be paid the second month + current month bill, payment must be made by the customer's current due date
  - 1/4 of the balance due to be paid the third month + current month bill, payment must be made by the customer's current due date
  - 1/4 of the balance due to be paid the fourth month + current month bill, payment must be made by the customer's current due date
- Amount due is greater than \$1,001
  - 1/6 of the balance due to be paid immediately
  - 1/6 of the balance due to be paid the second month + current month bill, payment

- must be made by the customer's current due date
- 1/6 of the balance due to be paid the third month + current month bill, payment must be made by the customer's current due date
- 1/6 of the balance due to be paid the fourth month + current month bill, payment must be made by the customer's current due date
- 1/6 of the balance due to be paid the fifth month + current month bill, payment must be made by the customer's current due date
- 1/6 of the balance due to be paid the sixth month + current month bill, payment must be made by the customer's current due date
- If amount due is greater than \$2,000, a payment arrangement may be granted for a longer period of time at the discretion and approval by the City Manager.
- The above hardship payment arrangement terms may also apply to those customers with delinquent balances on old accounts and other delinquent account circumstances at the discretion and approval by the City Manager.

If the customer or resident has an illness requiring service, service will not be disconnected when the City of Mascoutah has a written statement from a doctor. The statement must provide the name of the sick person, the sick person's residential address, and nature of the illness, the expected duration of the illness, and the appliance necessary to sustain the health of the patient. A medical disconnect extension shall only be good for a 30-day period during a 12 month period at which time the utility account must be paid in full before another medical disconnect extension will be granted.

Payment arrangement amounts will not be subject to late payment charges.

Failure to fulfill the payment agreement terms will result in immediate disconnection and all past due amounts will be due in full plus reconnection fees prior to reconnection of services.

### **Eligibility**

You may not qualify for a payment arrangement if:

- You have been disconnected for non-payment.
- You are enrolled in Budget Billing.
- You have tampered with any utility meter at your residence.
- You have stopped services.
- You have filed or are in the process of filing for bankruptcy.
- A court has determined that your debt to us is legally extinguishable.
- Your bill is not current, and you've already been through our payment arrangement process.
- Payments you made on your account have been returned as insufficient funds.

**CITY OF MASCOUTAH**

**Staff Report**

**TO:** Honorable Mayor & Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** **Resolution Authorizing Sale of Surplus Equipment**

**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**

Approval of a resolution authorizing the sale of surplus equipment.

**BACKGROUND & STAFF COMMENTS:**

Pursuant to 65 ILCS 5/11-76-4, whenever a municipality has personal property that is no longer useful to the City of Mascoutah, the City can dispose of those items by public auction, private sale, trade-in, donation or scrapping, after approval of the City Council. The list of items to be sold through public bidding is attached as Exhibit "A".

**RECOMMENDATION:**

Council approval of Resolution, as attached.

**SUGGESTED MOTION:**

I move that the City Council approve and adopt Resolution No. 15-16-\_\_\_, a resolution authorizing the sale of surplus equipment.

Prepared By: Kari D. Haas  
Kari D. Haas  
City Clerk

Approved By: Cody Hawkins  
Cody Hawkins  
City Manager

Attachments: A – Resolution

**RESOLUTION NO. 15-16-\_\_\_**

**A RESOLUTION AUTHORIZING SALE OF SURPLUS EQUIPMENT**

**WHEREAS**, pursuant to 65 ILCS 5/11-76-4, a majority of the corporate authorities of the City of Mascoutah have determined that it is no longer necessary or useful to or in the best interests of the City of Mascoutah to retain the surplus personal property hereinafter described in Exhibit "A" attached hereto, and

**WHEREAS**, the City desires to exercise its home rule powers to dispense with the necessity of obtaining competitive bids.

**NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MASCOUTAH, ILLINOIS:**

**SECTION 1.** The City Council finds that the surplus personal property described on Exhibit "A" attached hereto, and owned by the City of Mascoutah are no longer necessary or useful to the City of Mascoutah, and the best interests of the City of Mascoutah will be served by its disposal.

**SECTION 2.** The corporate authorities hereby authorize the City Manager to dispose of those items of surplus personal property enumerated herein in Exhibit "A", attached hereto and incorporated herein as reference, by public auction, by private sale, by trade-in, by donation or to otherwise dispose of those items.

**SECTION 3.** That this resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

**PASSED AND APPROVED** by the City Council of the City of Mascoutah, Illinois on the 14<sup>th</sup> day of March, 2016, by the following votes, to wit:

AYES - . . .  
NAYS - . . .  
ABSENT - . . .

**APPROVED** by the Mayor of the City of Mascoutah, Illinois, the 14<sup>th</sup> day of March, 2016.

\_\_\_\_\_  
Gerald Daugherty, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)

Attachment A

**SURPLUS PERSONAL PROPERTY**  
**EXHIBIT "A"**

1. 1995 Chevy Blazer, mileage 149,975 (VIN#9596)
2. 3 – Homelite 4 inch Trash Pumps, on dollies, 8HP Briggs (not working)
3. 3 – Homelite 3 inch Trash Pumps, 5HP Briggs (not working)
4. Police Car, 2007 Ford Crown Victoria, mileage 118,085 (VIN#2315)
5. Police Car, 2007 Ford Crown Victoria, mileage 117,045 (VIN#5298)
6. Police Car, 2007 Ford Crown Victoria, mileage 98,482 (VIN#2314)

**CITY OF MASCOUTAH  
Staff Report**

**TO:** Honorable Mayor & Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** Residential Waste Contract Approval  
**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**  
Approval and authorization of Residential Waste Collection contract.

**BACKGROUND & STAFF COMMENTS:**

In March 2016, the City completed a competitive bid process for waste collection services. Waste Management, Republic Services and Aspen Waste Services were bidders. As of March 31, 2016 our current contract with Waste Management will cease. The City suggested this bid process to encourage more recycling and discourage material being disposed of at landfills.

Below is a breakdown of options the City Manager would see most logical to adopt based on the City's needs and the Council's requests.

- Aspen Waste Service: Most affordable option was option #3, once per week trash/recycling every other week/bulky item pick up twice per year/yard waste optional = \$14.10 (5 yr. average), yard waste ranges from \$7.00 to \$11.00 depending on year and service level.
- Waste Management: Most affordable option was option #3, once per week trash/recycling every other week/ bulky item pick up twice per year/yard waste optional = \$14.51 (5 yr. average), yard waste ranges from \$7.45 to \$9.15 depending on year and service level.

**RECOMMENDATION:**

The City Manager recommends entering into a new contract with Waste Management based on yard waste prices are lower, extra container prices are lower and inconvenience for residents to transition would be avoided.

**SUGGESTED MOTION:**

I move to approve the new contract with Waste Management and authorize appropriate officials to execute required documents.

**OTHER MOTION OPTIONS:**

I move to approve the new contract with Aspen Waste Services and authorize appropriate officials to execute required documents.

Prepared By: Melissa Schanz  
Melissa Schanz  
Executive Assistant

Approved By: Cody Hawkins  
Cody Hawkins  
City Manager

CITY OF MASCOUTAH

**Staff Report**

**TO:** Honorable Mayor & Council  
**FROM:** Cody Hawkins – City Manager  
**SUBJECT:** PC 16-02 – Rezoning of 711 W. Church Street from Single-Family Residential (RS-5), to Downtown Commercial (DC) **(First Reading)**  
**MEETING DATE:** March 14, 2016

**REQUESTED ACTION:**

Review and approval or denial of a rezoning application for 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial.

**BACKGROUND & STAFF COMMENTS:**

On February 17, 2016, the Planning Commission held a public hearing for PC 16-02, a request to rezone 711 W. Church Street located on the north side of W. Church and the south side of W. Green Street between N. 7<sup>th</sup> and 8<sup>th</sup> Streets from RS-5, Single-Family Residential, to DC, Downtown Commercial.

The applicants, Lonnie and Diane Casey, are the current owner of the subject property. The property includes a single-family dwelling, detached garage and 36' x 40' detached storage building. The property is L-shaped and includes 50' of frontage on W. Church Street and 100.33' of frontage on W. Green Street. Originally the property was comprised of three (3) separate parcels or zoning lots. When the applicants desired to improve the property in 2002 and build the 36' x 40' storage building, staff informed the applicants that an accessory building could not be constructed on a separate parcel and the parcels would need to be combined. This provision remains in the present code. In accordance with Section 34-3-5, "*No accessory structure shall be built prior to the construction of the principal structure.*" The applicants combined the three parcels and the building permit for the storage building was issued.

The residence is situated on 711 W. Church Street, and the detached garage and storage building are situated on W. Green Street (710 W. Green Street.) The applicants are offering the property for sale. The applicants desire to split the parcel to allow them to keep the storage building on a half lot for their own use. The residence and detached garage would remain on one parcel to be sold. Additionally, the applicants expressed an intention to use the storage building in conjunction with their business, Lonnie's Tire & Auto Care, located at 1034 W. Main Street. Staff informed them that the property at 711 W. Church may not be used in conjunction with their auto business since the property is not zoned for commercial use.

The applicants are requesting to rezone the property to Downtown Commercial which allows the storage building to be used as a principal commercial building/use if the property was split. The DC zoning district would allow the property to be split; the accessory storage building would

become a principal building and would meet the DC setback requirements. Lastly, the DC District would allow automotive parts, accessories and tires to be stored and sold; motor vehicle sales; and motor vehicle repair services.

Following the public hearing, no motion to approve or deny was made by the Planning Commission. Therefore, this rezoning request is presented to the City Council without a recommendation from the Planning Commission. The Planning Commission meeting minutes are attached. In accordance with Section 34-15-7 of the Unified Land Development Code, an affirmative vote of two-thirds of the members of the City Council (4 votes) shall be required to approve any rezoning request or to adopt any amendment to the Code.

**STAFF RECOMMENDATION:**

Staff recommends denial of the rezoning of 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached.

**SUGGESTED MOTION:**

I move that the City Council approve and adopt Ordinance 16- \_\_\_, approving the rezoning of 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached.

I move that the City Council approve and adopt Resolution 15-16- \_\_\_, denying the rezoning of 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached

Prepared By:       Approved By:   
Lisa Koerkenmeier, AICP      Cody Hawkins  
Assistant City Manager      City Manager

- Attachments: A – Ordinance, Findings for Approval  
B – Resolution, Findings for Denial  
C – Planning Commission Staff Report  
D – Minutes from the Planning Commission Meeting and Public Hearing of February 17, 2016

**ORDINANCE NO. 16-\_\_**

**AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, OFFICIAL CHANGE TO THE ZONING MAP PER ARTICLE XV OF THE CITY OF MASCOUTAH CODES, COMMONLY REFERRED TO AS THE UNIFIED LAND DEVELOPMENT CODE.**

**WHEREAS**, The City now desires to officially change the City's Zoning Map from Single-Family Residential (RS-5) to Downtown Commercial (DC) for subject property described as Lots 196, 197, and the vacated alley laying in between, and the north 68 feet of Lot 198 of Liebrock's 4<sup>th</sup> Addition, being part of the East One-Half of the Northwest Quarter of Section 31, Township 1 North, Range 6 West of the 3<sup>rd</sup> P.M., St. Clair County, Illinois, and known as Parcel No. 10-31.0-125-018; commonly referred to as 711 West Church Street; and

**WHEREAS**, City staff and the Planning Commission have processed and recommended approval for this Zone Map change per City regulations; and

**WHEREAS**, the Planning Commission's official "Report to Council" is represented by a complete report attached hereto and has been forwarded to the City Council for deliberation, approval and adoption of this Zone Map change.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** That Chapter 34 "Unified Land Development Code," Article IV – Official Map, is hereby amended to officially change the property described as Lots 196, 197, and the vacated alley laying in between, and the north 68 feet of Lot 198 of Liebrock's 4<sup>th</sup> Addition, being part of the East One-Half of the Northwest Quarter of Section 31, Township 1 North, Range 6 West of the 3<sup>rd</sup> P.M., St. Clair County, Illinois, and known as Parcel No. 10-31.0-125-018; commonly referred to as 711 West Church Street; as depicted in Exhibit A, from Single-Family Residential (RS-5), to Downtown Commercial (DC).

**SECTION 2:** That the Ordinance shall be in full force and effect from after its passage and approval as provided by law.

**PASSED** by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman \_\_\_\_\_ seconded by Councilman \_\_\_\_\_, adopted on the following roll call vote on the 21<sup>st</sup> day of March, 2016, and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Benjamin Grodeon	—	—	—	—
Paul Schorr	—	—	—	—
John Weyant	—	—	—	—
Pat McMahan	—	—	—	—
Gerald Daugherty	—	—	—	—

**APPROVED** by the Mayor of the City of Mascoutah, Illinois, this 21<sup>st</sup> day of March, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

## FINDINGS FOR APPROVAL – City Council Version

**ZONE CHANGE:** 711 W. Church Street

**DATE:** March 21, 2016

**FINDINGS:** The Mascoutah City Council, pursuant to the applicants 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 its Comprehensive Plan.
2. The proposed zone change is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the uses permitted in the Downtown Commercial Zoning District.
4. The Downtown Commercial Zoning District will promote the health, safety, morals and general welfare of the public.
5. The rezoning application is consistent with good general planning.



PC #16-02, Rezoning from RS-5 to DC  
711 W. Green Street

Exhibit A

**RESOLUTION NO. 15-16-\_\_**

**RESOLUTION TO DENY AN APPLICATION TO REZONE CERTAIN TERRITORY  
WITHIN THE ZONING JURISDICTION OF THE CITY OF MASCOUTAH, ILLINOIS**

**WHEREAS**, a Petition has been filed by Lonnie and Diane Casey, requesting that certain property within the zoning jurisdiction of the City of Mascoutah be rezoned from RS-5, Single-Family Residential, to DC, Downtown Commercial; and,

**WHEREAS**, a notice of the hearing stating its purpose was published in the *Mascoutah Herald* on the 28<sup>th</sup> day of January, 2016, being at least fifteen (15) days prior to said hearing; and,

**WHEREAS**, the administrative official served notice on all the property owners within 250 feet of said property according to Section 34-15-6 of the Unified Land Development Code of the City of Mascoutah; and,

**WHEREAS**, a hearing of the Planning Commission of the City of Mascoutah was called at 7:00 p.m. on the 17<sup>th</sup> day of February, 2016, at the City Council Chambers in said City to consider the zoning classification of said property; and,

**WHEREAS**, said Planning Commission conducted said hearing pursuant to the notice given and to the laws of the State of Illinois; and,

**WHEREAS**, said Planning Commission thereafter filed with the City Council a report of its hearing; said report does not disclose its findings of fact, nor a recommendation to approve or deny the rezoning request from RS-5, Single-Family Residential, to DC, Downtown Commercial; and,

**WHEREAS**, the City Council of the City of Mascoutah has considered the report filed by the Planning Commission, the record of the Commission's public hearing, and the provisions of the zoning ordinance, and based thereon, finds that said property should not be rezoned.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Mascoutah, Illinois as follows:

**SECTION 1:** That the real property subject to this resolution is described as Lots 196, 197, and the vacated alley laying in between, and the north 68 feet of Lot 198 of Liebrock's 4<sup>th</sup> Addition, being part of the East One-Half of the Northwest Quarter of Section 31, Township 1 North, Range 6 West of the 3<sup>rd</sup> P.M., St. Clair County, Illinois, and known as Parcel No. 10-31.0-125-018; commonly referred to as 711 West Church Street.

**SECTION 2:** That said petition as represented by PC 16-02 and on file in the City Manager's Office is hereby denied and that the property described herein above as shown in "Exhibit A" shall remain zoned RS-5, Single-Family Residential.

**SECTION 3:** That the City Council of the City of Mascoutah makes the following findings as their basis for denial of said petition:

1. The proposed zone change of the site is not appropriate, in terms of land patterns in the entire City and its Comprehensive Plan.
2. The proposed zone change is not compatible with surrounding residential uses and the RS-5, Single-Family Residential zoning of nearby property.
3. The rezoning application is not consistent with good general planning.
4. The proposed zone change does not encourage land use compatibility with adjacent uses.
5. The proposed zone change is not deemed desirable to promote the general welfare of the City.

**SECTION 4:** That this Resolution be spread at length upon the minute records of the City Council of the City of Mascoutah, Illinois.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Benjamin Grodeon	___	___	___	___
Paul Schorr	___	___	___	___
John Weyant	___	___	___	___
Pat McMahan	___	___	___	___
Gerald Daugherty	___	___	___	___

This Resolution adopted at a regular meeting of the City Council of the City of Mascoutah, Illinois on the 21<sup>st</sup> day of March, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk  
(SEAL)



PC #16-02, Rezoning from RS-5 to DC  
711 W. Green Street

Exhibit A

**CITY OF MASCOUTAH**  
Mascoutah, Illinois

**TO:** Planning Commission

**FROM:** Cody Hawkins, City Manager

**SUBJECT:** **PC 16-02 - Rezoning of 711 W. Church Street from RS-5, Single-Family Residential (RS-5), to Downtown Commercial (DC)**

**MEETING DATE:** February 17, 2016

**REQUESTED ACTION:**

Public hearing by the Planning Commission and review of a rezoning application for 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial.

**BACKGROUND & STAFF COMMENTS:**

The applicants, Lonnie and Diane Casey, own the property at 711 W. Church Street. The property includes a single-family dwelling, detached garage and 36' x 40' detached storage building. The property is L-shaped and includes 50' of frontage on W. Church Street and 100.33' of frontage on W. Green Street. Originally the property was comprised of three (3) separate parcels or zoning lots. When the applicants desired to improve the property in 2002 and build the 36' x 40' storage building, staff informed the applicants that an accessory building could not be constructed on a separate parcel and the parcels would need to be combined. This provision remains in the present code. In accordance with Section 34-3-5, "*No accessory structure shall be built prior to the construction of the principal structure.*" The applicants combined the three parcels and the building permit for the storage building was issued.

The residence is situated on 711 W. Church Street, and the detached garage and storage building are situated on W. Green Street (710 W. Green Street.) The applicants are offering the property for sale. The applicants desire to split the parcel to allow them to keep the storage building on a half lot for their own use. The residence and detached garage would remain on one parcel to be sold. Additionally, the applicants expressed an intention to use the storage building in conjunction with their business, Lonnie's Tire & Auto Care, located at 1034 W. Main Street. Staff informed them that the property at 711 W. Church may not be used in conjunction with their auto business since the property is not zoned for commercial use.

The City's Zoning Code does not allow requests for use variances or exceptions. The only option the applicants may pursue is to request rezoning the property to a zoning district which allows the storage building to be used as a principal commercial building/use if the property was split. Therefore, the applicants are requesting to rezone the property from RS-5, Single-Family Residential, to DC, Downtown Commercial. The DC zoning district would allow the property to be split; the accessory storage building would become a principal building and would meet the DC setback requirements. Lastly, the DC District would allow automotive parts, accessories and tires to be stored and sold; motor vehicle sales; and motor vehicle repair services.

**DISCUSSION POINTS / ISSUES:**

**Land Use and Zoning Requirements:** The subject property is depicted as Low Density Residential on the Land Use Map in the City’s Comprehensive Plan. Land to the north, east and west of the subject property is zoned RS-5, Single-Family Residential and is currently used for single-family housing. Land to the south is zoned General Commercial and is used by Aviston Lumber.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Low Density Res.	Single-Family Residential	Residential
North:	Low Density Res.	Single-Family Residential	Residential
South:	Low Density Res.	General Commercial	Commercial
East:	Low Density Res.	Single-Family Residential	Residential
West:	Low Density Res.	Single-Family Residential	Residential

**Spot Zoning:** In similar cases reviewed by the Planning Commission, the term “spot zoning” has been raised and what constitutes “spot zoning.” The courts have stated in defining spot zoning the following:

*“For an ordinance to constitute spot zoning, two requisites must coexist: First, a change of zone applicable only to a small area and, second, a change which is out of harmony with comprehensive planning for the good of the community.”*

Review of case law is clear that the important factors to be considered are the surrounding uses and the relationship of the change of zoning to the comprehensive plan for the community. Rezoning the subject property to a commercial zoning district would conflict with surrounding land use and single-family residential zoning. It is also true that in almost all cases the issue of spot zoning has involved a small parcel of land. “Small” is a relative term and it is not always easy to determine how small is small for the purposes of spot zoning. The City’s present code does not include a minimum district size in the DC zoning district.

**Utilities:** The subject property is served by municipal water, sanitary sewer and electric services and Ameren natural gas services. The present utilities would be adequate if the property was used for single-family or commercial use.

**Traffic Impact:** The use of the subject property for commercial purposes will likely increase traffic on W. Green Street. Although there are four (4) off-street paved parking spaces in front of the storage building, the dimensions of the parking area require that either vehicles must back out into the street or stop on the street to back-in to the parking spaces. Additionally, if parking associated with commercial use is permitted, larger trucks and tow trucks would be permitted to park on the premises which may create site distance issues for motorists using W. Green Street or crossing W. Green Street from 7<sup>th</sup> and 8<sup>th</sup> Streets.

**Public Notice:** A request to rezone property requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to 27 property owners within 250’ of the subject property. As of the date of this report, staff received

a call from Winnie Kyro, owner of 618 W. Green Street who spoke in opposition of the rezoning petition.

**Zoning Amendment Review:** In accordance with Sections 34-15-4 and 34-15-7, any proposed rezoning/map amendment shall be reviewed by the Planning Commission and a public hearing held to review the application. An affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request.

**REVIEW AND APPROVAL CRITERIA:** The current Unified Land Development Code does not list specific review criteria to consider for rezoning requests. However the following criteria are typically the key factors used by the courts when considering whether a property should be rezoned.

- The existing use and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restriction.
- The extent to which the diminution of property values of the subject property promotes the health, safety, morals and general welfare of the public.
- The relative gain to the public vis-à-vis the hardship imposed upon the individual property owner.
- The suitability of the subject property for zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with the City has undertaken to plan its land use development.
- The evidence or lack thereof of the City’s need for the proposed use.

**RECOMMENDATION:**

Staff recommends denial of the rezoning request for 711 W. Green Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached.

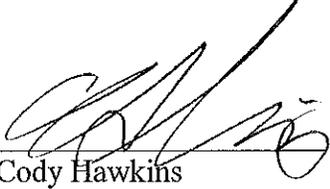
**MOTION:**

I move that the Planning Commission approve / deny the rezoning request for 711 W. Green Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached.

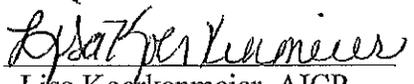
MOTION lee SECOND no second, no recommendation

Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Abstentions \_\_\_\_\_

Approved By:

  
Cody Hawkins  
City Manager

Prepared By:

  
Lisa Koerkenmeier, AICP  
Assistant City Manager

- Attachments:
- A – Findings
  - B – Location/Zoning Map
  - C – Aerial/Parcel Map of Site
  - D - Photos of Subject Property
  - E – Narrative Provided by the Applicant
  - F – Public Hearing Notice

## FINDINGS FOR DENIAL – Planning Commission Version

**ZONE CHANGE:** 711 W. Church Street  
from RS-5 TO DC

**DATE:** February 17, 2016

**FINDINGS:** The Mascoutah Planning Commission, 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 not appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements.
2. The proposed zone change is not compatible with surrounding residential uses and the RS-5, Single-Family Residential zoning of nearby property.
3. The rezoning application is not consistent with good general planning.
4. The proposed zone change does not encourage land use compatibility with adjacent uses.
5. The proposed zone change is not deemed desirable to promote the general welfare of the City.

Attachment A

# ZONING MAP

PC #16-02, Rezoning from RS-5 to DC  
711 W. Green Street

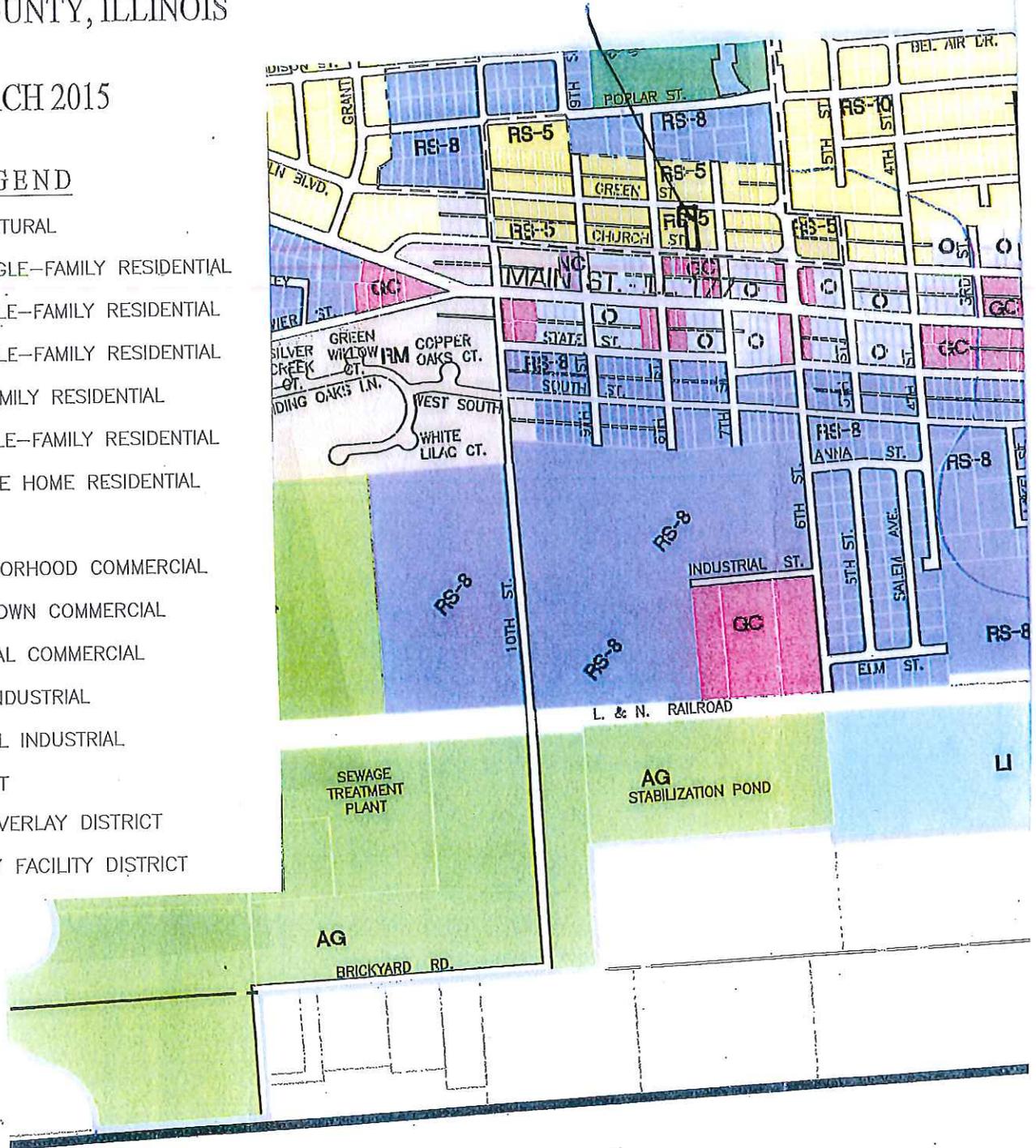
CITY OF MASCOUTAH

ST. CLAIR COUNTY, ILLINOIS

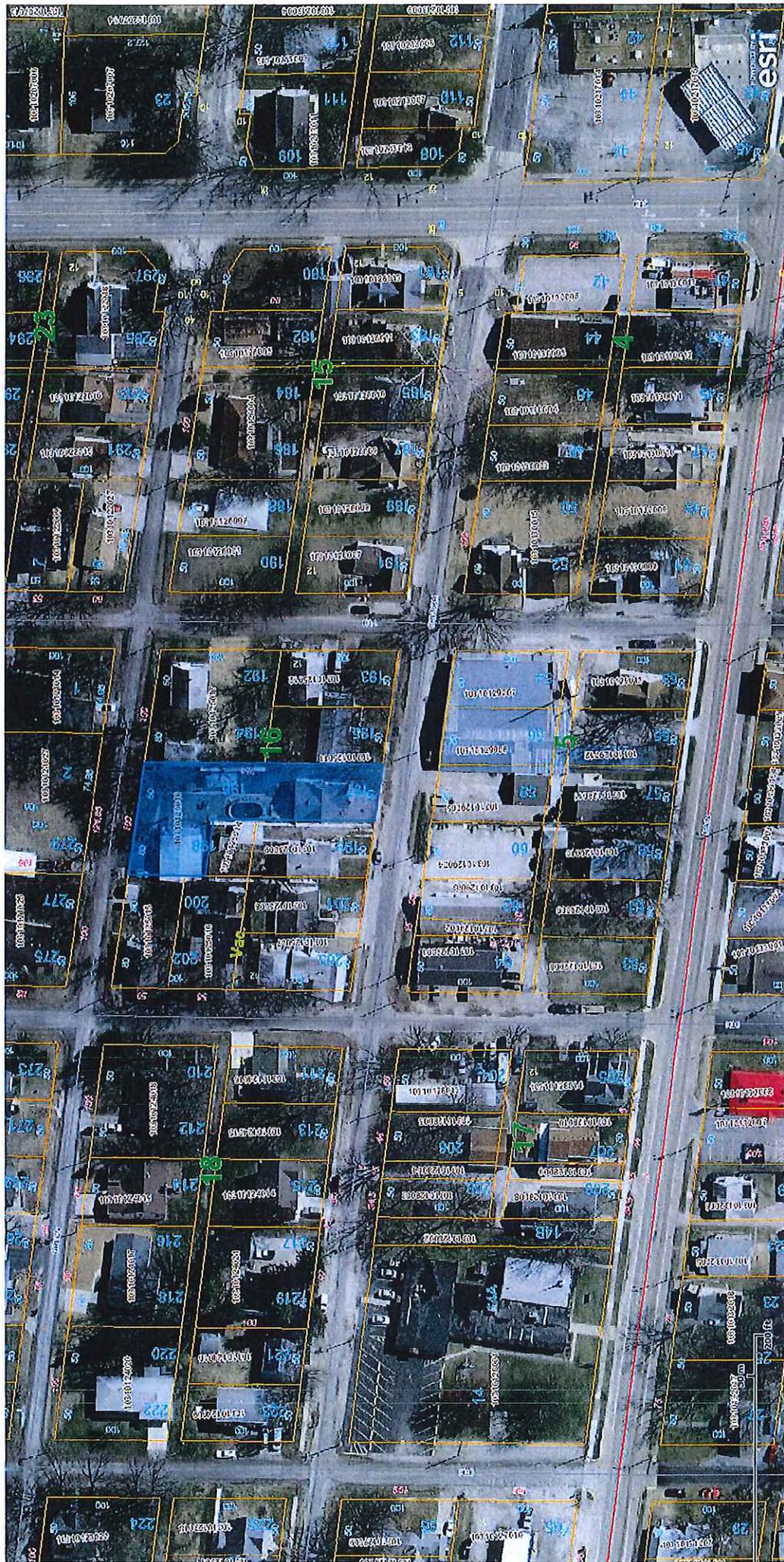
MARCH 2015

## LEGEND

-  AG, AGRICULTURAL
-  RS-10, SINGLE-FAMILY RESIDENTIAL
-  RS-8, SINGLE-FAMILY RESIDENTIAL
-  RS-5, SINGLE-FAMILY RESIDENTIAL
-  RT, TWO-FAMILY RESIDENTIAL
-  RM, MULTIPLE-FAMILY RESIDENTIAL
-  RMH, MOBILE HOME RESIDENTIAL
-  O, OFFICE
-  NC, NEIGHBORHOOD COMMERCIAL
-  DC, DOWNTOWN COMMERCIAL
-  GC, GENERAL COMMERCIAL
-  LI, LIGHT INDUSTRIAL
-  GI, GENERAL INDUSTRIAL
-  AP, AIRPORT
-  AIRPORT OVERLAY DISTRICT
-  COMMUNITY FACILITY DISTRICT



Attachment B



copyright 2011 Esri. All rights reserved. Wed Feb 3 2016 02:50:38 PM.

PC #16-02, Rezoning from RS-5 to DC  
711 W. Green Street

**Subject Photos**

PC #16-02 – 711 West Green Street, Rezoning from RS-5 to DC



Subject Property



Subject Property

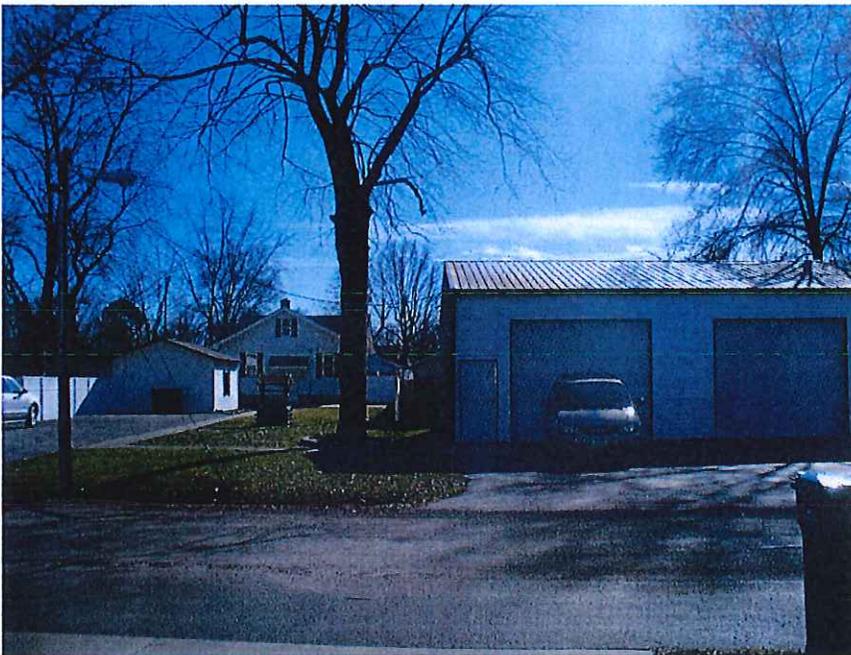
Attachment D

**Subject Photos**

PC #16-02 – 711 West Green Street, Rezoning from RS-5 to DC



Looking south, W. Green Street



Looking south, W. Green Street

Jan. 20, 2016

This letter is to inform you the reasoning behind our request to separate our three lots. We have a nice shed for our personal cars that sits on a half lot. The other lot is to conform with the measurements required by the city. The third lot which holds a house and a one car garage, we wish to have its own parcel # so we can sell it. We already have a buyer for the third lot and home.

**CITY OF MASCOUTAH  
# 3 WEST MAIN ST.  
MASCOUTAH, IL 62258  
618-566-2964 EXT. 122**

## **NOTICE OF PUBLIC HEARING**

The City of Mascoutah Planning Commission will conduct a Public Hearing on **Wednesday, February 17, 2016, at 7:00 PM** in the City Council Chambers at City Hall, #3 West Main Street, Mascoutah, IL 62258.

The purpose of this hearing is to consider rezoning of property located at 711 W. Church from RS-5, Single-Family Residential, to DC, Downtown Commercial.

Anyone interested in this hearing may appear and be heard for or against. The regular meeting of the Planning Commission shall follow this hearing wherein the Commission shall make a recommendation on this request.

Questions or requests for further details can be directed to the City Manager's Office, City Hall, 618-566-2964, ext. 122. Comments in writing may be forwarded to the City Manager's Office, 3 West Main St., Mascoutah, IL 62258.

Posting Date: **January 29, 2016**

MASCOUTAH PLANNING COMMISSION  
Ken Zacharski, Chairman

Attachment F

**CITY OF MASCOUTAH  
PLANNING COMMISSION  
#3 WEST MAIN STREET  
MASCOUTAH, IL 62258-2030**

**FEBRUARY 17, 2016**

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

**PUBLIC HEARING – 7:00PM**

**PC 16-02 – Rezoning of 711 W. Church Street from RS-5, Single-Family Residential, to DC, Downtown Commercial.**

Assistant City Manager Lisa Koerkenmeier explained that the applicant, Lonnie and Diane Casey, own the property at 711 W. Church Street. The property includes a single-family dwelling, detached garage and 36' x 40' detached storage building. The property is L-shaped and includes 50' of frontage on W. Church Street and 100.33' of frontage on W. Green Street. Originally the property was comprised of three (3) separate parcels or zoning lots. She explained how the applicants desired to improve the property in 2002 and build a 36' x 40' storage building, and at that time City staff informed the applicants that an accessory building could not be constructed on a separate parcel and the parcels would need to be combined. This provision remains in the present code. The applicants combined the three parcels and the building permit for the storage building was issued.

Staff stated that the applicants desire today is to split the parcel to allow them to keep the storage building on a half lot for their own use. The residence and detached garage would remain on one parcel to be sold. The applicants also expressed an intention to use the storage building in conjunction with their business, Lonnie's Tire & Auto Care, located at 1034 W. Main Street. Staff informed them that the property at 711 W. Church may not be used in conjunction with their auto business since the property is not zoned for commercial use.

Koerkenmeier talked about the City's Zoning Code and how it does not allow requests for use variances or exceptions if a resident wants to deviate from a particular requirement. The only option staff could offer the applicants is to request rezoning the property to a zoning district which allows the storage building to be used as a principal commercial building/use if the property was split. The applicants are pursuing to rezone the property from RS-5, Single-Family Residential, to DC, Downtown Commercial. The DC zoning district would allow the property to be split; the accessory storage building would become a principal building and would meet the DC setback requirements. She also stated that the DC District would allow automotive parts, accessories and tires to be stored and sold; motor vehicle sales; and motor vehicle repair services.

Koerkenmeier explained the legal notice for the public hearing was published and notices were sent to 27 property owners within 250' of the subject property. As of the date of the hearing, staff received a call from Winnie Kyro, owner of 618 W. Green Street who spoke in opposition of the rezoning petition.

Mr. Casey told the Commission how the lot and shed became his and how it has never been used for business. He stores his old cars in there and uses it for personal storage. Nothing on Green Street has anything to do with business except the tow truck due to 24hr service. He stated that he can move that to the business at any time and he wants to make it clear that he is not planning on using the property on Green Street for any type of business. He did explain how a few times over the past years he would put a vehicle in the shed off of Green Street due to a police tow.

Jung stated that he thinks the rezoning is awfully complex for what he is asking to do. Koerkenmeier explained that there was no other option when following the code.

Koerkenmeier said the code requirement of not allowing an accessory structure on a lot without a principal structure on the lot has been in the City's zoning code for a long time and it keeps people from just putting up storage sheds anywhere without having a house. This requirement helps to keep property conditions and property values up and is a typical zoning requirement in any community.

Chairman Zacharski explained to the applicant that the Commission is not concerned with him or what he has done with his property, but once you change the zoning and then if you ever sell, the next owner would be allowed to use the property in this residential neighborhood for any type of business permitted in the DC District.

Thompson concurred with Chairman Zacharski's concerns that once the property is rezoned then future owners may use the property for anything permitted in the DC District.

Casey asked if there could be something in writing so that if he sells the shed it would go back to RS-5. It was stated by Koerkenmeier that it cannot be rezoned with clauses or provisions. Applying provisions to a rezoning is considered "contract" zoning and does not hold up in the courts.

Casey asked about combining lots next to the storage shed and also building a small house on the lot with the storage shed. Staff explained how if you can combine the property where the storage structure sits with a principle structure (a residence) on an adjoining lot, and the new lot meets RS-5 requirements, than no zoning change would need to be made. Additionally, if a new lot is created for the storage shed, a new home is constructed on the lot, and it meets RS-5 requirements, no zoning change would be needed. The City would still have look at how permits would be issued since the Code states that an accessory structure is not be built prior to the principal structure.

Klopmeyer asked about granting a variance. Koerkenmeier stated that the zoning code does not include a provision to give relief for a requirement you don't like in the code. She explained how the City also does not hear "use variances" because it is a process that would undermine the intent of the zoning code.

Joyce Johnston inquired if the City has laws or rules to address a situation when the owner is using the property inappropriately or not taking care of the property. Staff noted that the City does follow the zoning requirements to deal with those situations and also may treat some situations as a nuisance to have the problem remedied.

Shelley questioned "spot" zoning and if this request is conflicting with the comprehensive plan. Koerkenmeier provided her opinion that this request would be "spot" zoning. The Comprehensive Plan depicts the property for low-density residential use. She also told the applicant she understands his situation, but staff weighs the gain to the individual with the gain to the community if the rezoning is granted. The City's present code does not include a minimum district size in the DC zoning district, so it was an option for the applicant to request DC zoning for the property regardless of the size of the parcel.

City Manager Cody Hawkins suggested to the applicant a lot lease type of agreement that he could make with the potential buyer to allow him to still use the storage building.

Casey also stated he helps the City in any way possible and has widened Green Street at his expense. He also mentioned that there are standalone buildings all over town. Staff noted they are aware of other accessory structures on separate lots; likely most of them at one time had a primary structure that was demolished or removed.

Before closing the hearing Casey asked if he could combine his shed property with his house across Green Street. Staff stated no that the parcels were not contiguous and divided by public right-of-way.

There was no further discussion.

#### **PUBLIC HEARING ADJOURNED at 8:01 PM**

#### **CALL TO ORDER at 8:02PM**

Chairman Ken Zacharski called the meeting to order.

#### **PRESENT**

Commission members Charles Lee, Jack Klopmeier, Glenn Shelley, Rich Thompson, Bruce Jung, Jim Connor and Chairman Ken Zacharski were present.

**ABSENT** - None

#### **ALSO PRESENT**

Administrative Assistant Melissa Schanz, Assistant City Manager Lisa Koerkenmeier, City Manager Cody Hawkins, Danny Schrempp, Lonnie and Diane Casey & Joyce Johnston.

#### **ESTABLISHMENT OF A QUORUM**

A quorum of Planning Commission members was present.

#### **GENERAL PUBLIC COMMENT**

None

#### **AMEND AGENDA**

There was no need to amend Agenda.

#### **MINUTES**

Lee moved, seconded by Thompson, to approve the minutes of the January 20, 2016 Planning Commission Meeting.

**THE MOTION BY ROLL CALL**

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye  
7-ayes, 0-nays

**PC 16-02 –Rezoning of 711 W. Church Street from RS-5, Single-Family Residential (RS-5), to Downtown Commercial (DC).**

Discussion was held during the Public Hearing Process. Please see Public Hearing section of these minutes for details.

**MOTION**

Lee moved to deny the rezoning request for 711 W. Green Street from RS-5, Single-Family Residential, to DC, Downtown Commercial, subject to the Findings attached but the motion was not seconded. Chairman Zacharski called for a new motion. No motion was made and therefore no recommendation was made by the Planning Commission on the applicants rezoning request.

**MISCELLANEOUS** – Koerkenmeier started the review with the Planning Commission of the Unified Land Development Code, (Chapter 34).

**ADJOURNMENT**

Thompson moved, seconded by Lee, to adjourn at 8:24 p.m. All were in favor.

DRAFT