Mascoutah City Council

April 6, 2015
REGULAR MEETING AGENDA

Public Hearing – 15/16 Budget - 6:30 pm

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,** March 16, 2015 City Council Meeting *(Page 1 to Page 7)*
   MINUTES, March 16, 2015 Executive Session Meeting *(Confidential, see City Clerk)*

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

7. **REPORTS AND COMMUNICATIONS**
   - **A.** Mayor – Proclamations and Appointment to Parks and Rec Commission
   - **B.** City Council
   - **C.** City Manager
   - **D.** City Attorney
   - **E.** City Clerk

8. **COUNCIL BUSINESS**

   A. Council Items for Action:

   1. **PC 15-04 – Final Plat for Chief View Estates (first reading)**
      (Page 8 to Page 24)
      Description: Adoption of an Ordinance approving the Final Plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

      Recommendation: First Reading.

   2. **Budget 15/16 – Public Hearing and Adoption of Ordinance (first reading)**
      (Page 25 to Page 27)
      Description: Council approval and adoption of the City's 15/16 Budget.

      Recommendation: First Reading.

3. **Code Change – Electric, Water & Sewer Rates (first reading)**
(Page 28 to Page 36)

Description: Approval of revisions to Chapter 11 – Electric System and Chapter 38 – Water and Sewer Rates of the City Code by adoption of ordinance to reflect no change in utility rates for FY15/16.

Staff Recommendation: First Reading.

4. **Code Change – Building Code, Adoption of Energy Conservation Code (second reading)** *(Page 37 to Page 41)*

Description: Council approval of revisions to Chapter 6, Article I – Building Code Adopted, Sec. 6-1-5 – Adoption of Energy Conservation Code of the City Code by adoption of ordinance.

Recommendation: Council Approval and Adoption of Ordinance.

5. **IDOT Resolution/Expenditure of MFT Funds for Maintenance of Streets and Highways.** *(Page 42 to Page 44)*

Description: Adoption of Resolution approving the 2015 Motor Fuel Tax Maintenance Program beginning May 1, 2015 and ending April 30, 2016.

Staff Recommendation: Council Approval and Adoption of Resolution.

6. **Amended Development Agreement – Douglas Apartments**
(Page 45 to Page 59)

Description: Review and discussion to amend Development Agreement for the Douglas Avenue Apartment Project.

Staff Recommendation: Council Approval.

7. **Engineering Services – East-West Berm Trail, Phase I CMAQ Project No. 4469025** *(Page 60 to Page 69)*

Description: Approval of Engineering Services Agreement with Horner & Shifrin, Inc. for the East West Berm Trail, Phase I located on the south side of the Big Ditch between 10th St. and IL Rte. 4.

Staff Recommendation: Council Approval.

8. **Economic Development Incentive Review and Pre-Application Concept Approval to Bill Millikin/Millikins LLC for Redevelopment of Property at 101 E. Main/104 N. Market Streets** *(Page 70 to Page 79)*

Description: Review economic development incentives request and approve a Pre-Application concept to establish parameters for a Development Agreement with Bill Millikin, Millikins LLC for redevelopment of the property at 101 E. Main/104 N. MarketStreets.

Recommendation: Council Approval.

9. **Economic Development Incentive Review and Pre-Application Concept Approval to Mark Ratterman/MBRIL IL LLC for Development of Property on Hayden Drive.** *(Page 80 to Page 84)*

Description: Review economic development incentives request and approve a Pre-Application concept to establish parameters for a Development Agreement with Mark Ratterman/MBRIL IL LLC for development of property on Hayden Drive.

Recommendation: Council Approval.

10. **Pump House Generator – Bid Award** *(Page 85 to Page 86)*

Description: Approval and authorization of bids for furnishing an emergency backup generator for the Pump House located on North Railway Street.

Staff Recommendation: Rejection of Bids.

B. Council – Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION

A. Personnel – Section 2(c)(1)

B. Collective Bargaining – Section 2(c)(2)

11. MISCELLANEOUS OR FINAL ACTIONS

A. Union Contracts – Policemen's Benevolent Labor Committee, and Mascoutah EMS Local 4412

Staff Recommendation: Council Approval of the union contracts with Policemen's Benevolent Labor Committee, and Mascoutah EMS Local 4412 for the period of May 1, 2015 through April 30, 2018.

Staff Recommendation: Council Approval.

12. ADJOURNMENT ***POSTED 4/2/15 at 5:00 PM***

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

MARCH 16, 2015

The minutes of the regular meeting of the City Council of the City of Mascoutah.

BUDGET WORKSHOP

Mayor Gerald Daugherty called the budget workshop to order at 6:00 p.m.

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 Engineer Ron Yeager, Police Chief Bruce Fleshren, Finance Coordinator Lynn Weidenbenner, and Assistant City Manager Lisa Koerkenmeier.

City Manager stated that this budget workshop is to discuss the proposed FY15/16 budget. Finance Coordinator provided an overview of the proposed FY15/16 budget. Council discussed the proposed FY15/16 budget.

Mayor Gerald Daugherty closed the budget workshop at 6:48 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Kari Haas. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Gerald Daugherty called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Mayor Gerald Daugherty and Council members Ben Grodeon, Paul Schorr, John Weyant, and Pat McMahan.

Absent: None.

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

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

AMEND AGENDA

None.

MINUTES

The minutes of the March 2, 2015 regular City Council meeting were presented and stood as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Amy Komrska – commented on the text amendment for duplexes to be allowed in the RS-8 district. Stated that she is presenting a potential solution to an issue that may or may not come up again. Commented on how approving this text amendment only opens the door to apply for a permit. Commented on how they are a family that will be living in the house next door to the duplex.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – February 2015 report was provided.

Public Safety Director Bruce Fleshren – February 2015 report was provided.

Finance Coordinator Lynn Weidenbenner – Monthly financials provided.

City Engineer/Director of Public Works Ron Yeager – Status report on public projects and monthly building permits report provided. Councilman Schorr asked about the amount of single-family residence building permits issued for the fiscal year and in the budget workshop it was stated that there were 30 permits issued for new homes but the report says 19. Assistant City Manager stated that was her error, there were 30 permits issued for new homes for the calendar year 2014. Mayor asked about the North 10th Street waterline project. City Engineer stated that they started on fusing pipes today. Mayor asked what this project is going to do for us. City Engineer stated that it will tie in to dead end lines to improve fire protection and water volume. Councilman Weyant asked how they were going across the ditch. City Engineer stated that they will directional bore under the ditch.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: Visit with top Legislators in Springfield regarding proposed LGDF cut, spoke with scout group regarding city leadership, IML Executive Board meeting, meetings in Washington D.C. for the National League of Cities and APPA, visit with new Prairie State CEO, "Fiddler on the Roof" play at the high school.

City Council

Grodeon – Commented on a broadcast on channel 5 regarding the Mayor of Aviston talking about brown water and asked if the City could send their waterline replacement program to them to try to help them out.

Schorr – Attended the following meetings and functions: Chamber meeting, gardening talk at Leu Civic Center, meet the candidates forum, Finance Committee meeting, meeting with Chapel Committee chairperson, Leu Civic Center fundraiser.

Weyant – Attended the following meetings and functions: Chamber meeting, meeting with representatives from IDOT and school district regarding bus routes, meeting the candidates forum, "Fiddler on the Roof" play at the high school.

McMahan – Attended the following meetings and functions: Chamber meeting, observed the meet the candidates forum.

City Manager – Nothing to report.
City Attorney – Nothing to report.
City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The February 2015 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Councilman Schorr asked about the totes for the IML summer board meeting and if IML was going to be reimbursing the cost of those. Mayor stated that the cost will be reimbursed.

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

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

PC15-01 – TEXT AMENDMENT TO CHAPTER 34, UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRIT REGULATIONS, DIVISION 3. RS-8, SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES

City Manager presented report for Council consideration of approval or denial to amend Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. "RS-8", Single-Family Residential District, Section 34-5-23. Conditional Uses, specifically to add "duplex" as a Conditional Use in the RS-8 District.

Councilman Schorr commented on the Planning Commission and staff recommendations to deny the request.

Councilman Grodeon commented on the applicant's comments and stated that doing this in RS-8 is not a strategic direction of the City and not something that we want to encourage. Councilman Grodeon stated that even though we would have to go through

each request one by one, it is something that would burden staff time and there are costs involved for something that we really don't want to do.

Mayor commented on the issue and agreed with Councilman Grodeon's comments. Mayor stated that he respects the decision of the Planning Commission.

Weyant moved, seconded by Grodeon, to deny the request of a text amendment to add "duplex" as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings for Denial.

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

CODE CHANGE – BUILDING CODE, ADOPTION OF ENERGY CONSERVATION CODE (FIRST READING)

City Manager presented report for Council consideration of approval revisions to Chapter 6, Article I – Building Code Adopted, Sec. 6-1-5 – Adoption of Energy Conservation Code of the City Code by adoption of ordinance.

Mayor asked what the major differences are between the 2009 and 2012 version. City Manager stated that he can provide that information prior to the next meeting.

Assistant City Manager stated that it is mandated by state law and was going to be updated in our Code when we did other building code updates, but those changes are taking a little more time so it was decided to go ahead and bring this update to comply with state law.

Councilman Schorr asked if we knew how many builders are following this now. City Manager stated that it is hard to say but the new houses are probably following along with this version.

Councilman Grodeon commented on the R-factors and how the higher R-factors do increase the building costs but do help with utility costs.

First reading. No action required.

ENGINEERING SERVICES – MAIN STREET IMPROVEMENTS AT IL ROUTE 4

City Manager presented report for Council consideration of approval of Engineering Services Agreement with EFK Moen, LLC, Civil Engineering Design for preparing construction documents for the Main Street Improvements at IL Route 4 Project.

Councilman Schorr commented on the attached letter from IDOT stated that we are guaranteed the funding from the state. City Manager stated that as of now the funding is guaranteed.

Councilman Schorr asked if the state will reimburse the City for any of the engineering costs. City Engineer stated that the state has committed to a certain amount for the whole project which could be used for engineering and/or construction costs.

Councilman Schorr asked about item #3 of the contract regarding reuse of document. City Attorney stated that this item basically means that they don't want the City to reuse the document for a project that wasn't originally intended to reduce their liability.

Councilman Grodeon commented on requesting quotes for these types of agreements and how other firms would like the chance to provide a quote for services and if this had been sent out for RFQ's. City Manager stated that we went with this engineering firm because we have a current contract with them on the first part of the at this intersection and this firm was instrumental in helping us get the funding from IDOT. Councilman Grodeon stated that he understood the justification for this project but the City may want to look into a policy regarding obtaining quotes for these different projects to make sure we are obtaining the lowest price.

Councilman Weyant asked why we were only doing 50'north and south on IL Route 4. City Engineer stated that 50' was what IDOT would approve and provide funding for.

McMahan moved, seconded by Schorr, to accept the City Manager's engineering recommendation to approve EFK Moen, LLC for engineering services for the Main Street Improvements at IL Route 4 Project and authorize appropriate City officials to execute the necessary documents.

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

ENGINEERING SERVICES – MANHOLE REHABILITATION PHASE 3 LOCATED WITHIN SUBSYSTEM 3

City Manager presented report for Council consideration of approval of Engineering Services Agreement with RJN Group, Inc. for Manhole Rehabilitation Phase 3 located within Subsystem 3.

Weyant moved, seconded by Grodeon, to accept the City Manager's engineering recommendation to approve RJN Group, Inc. for Manhole Rehabilitation Phase 3 located within Subsystem 3 and authorize appropriate City officials to execute the necessary documents.

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

ENGINEERING SERVICES – SANITARY SEWER MAIN INFILTRATION TESTING, PHASE 6 LOCATED WITHIN SUBSYSTEM 4

City Manager presented report for Council consideration of approval of Engineering Services Agreement with RJN Group, Inc. for Sanitary Sewer Main Infiltration Testing, Phase 6 located within Subsystem 4.

Mayor asked if this was the final phase. City Engineer stated that there will be one more phase north of the big ditch and east of County Road.

McMahan moved, seconded by Weyant, to accept the City Manager's engineering recommendation to approve RJN Group, Inc. for the Sanitary Sewer Main Infiltration Testing, Phase 6 Project located within Subsystem 4 and authorize appropriate City officials to execute the necessary documents.

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

COUNCIL – MISCELLANEOUS ITEMS

Assistant City Manager provided information regarding the City board and commission appointments and proposed revisions. Council discussed the various boards and commissions and the proposed revisions.

City Manager provided information regarding proposed public comment rules and meeting procedures. Council discussed the proposed rules and procedures.

CITY MANAGER – MISCELLANEOUS ITEMS

None.

PUBLIC COMMENTS

Fire Chief Joe Zinck – announced that two captains on the fire department have submitted their requests to retire, Roger Klingel and Tom Yohe.

ADJOURNMENT TO EXECUTIVE SESSION

Schorr moved, seconded by Grodeon, to adjourn to Executive Session to discuss Personnel – Section 2(c)(1) at 8:22 p.m.

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

RETURN TO REGULAR SESSION

Schorr moved, seconded by Grodeon, to return to Regular Session at 9:08 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 9:10 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.

Kari D. Haas, mmc

Kari D. Haas, City Clerk

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 15-04 – Final Plat for Chief View Estates (First Reading)**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Adoption of an Ordinance approving the Final Plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

BACKGROUND & STAFF COMMENTS:
On March 18, 2015, the Planning Commission reviewed the final plat for Chief View Estates and voted 6-0 to recommend approval of the plat. The Commission meeting minutes are attached. No one spoke in favor or opposition to the final plat.

The applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential, and on March 2, 2015, the City Council approved the preliminary plat for Chief View Estates. The property is located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The final plat depicts the land to be subdivided into one (1) acre single-family residential lots. Staff received written notice from the SAFB Community Planner stating that the proposed use of the property for detached single-family housing at a maximum density of one dwelling per acre is a compatible use within the APZ-2.

On March 5, 2015, a Development Advisory Panel meeting was held to review the final plat and improvement plans for the development. On March 17, revised improvement plans were submitted which addressed staff's comments.

STAFF RECOMMENDATION:
Staff recommends approval of the Final Plat for Chief View Estates, subject to the attached Findings of Approval.

SUGGESTED MOTION:
I move that the City Council adopt Ordinance 15-____, approving the Final Plat for Chief View Estates, subject to the attached Findings for Approval.

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By:
Cody Hawkins
City Manager

Attachments: A – Ordinance, Findings for Approval
B – Planning Commission Staff Report
C – Minutes from the Planning Commission of March 18, 2015

ORDINANCE NO. 15-___

FINAL PLAT, CHIEF VIEW ESTATES

An Ordinance approving the Final Plat of Chief View Estates, generally located on the southwest corner of Fuesser Road and North 6th Street.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, pursuant to the recommendation of the Planning Commission and in accordance with the powers of the City of Mascoutah as a "Home Rule Unit" as granted by the Illinois Constitution, 1970, Article 7, Section 6 and in accordance with the Subdivision Ordinance of the City of Mascoutah, the final subdivision Ordinance of the City of Mascoutah, the final subdivision plat of Chief View Estates, generally located on the southwest corner of Fuesser Road and North 6th Street. Being a subdivision of part of the City of Mascoutah, St. Clair County, Illinois as prepared by Millennia Professional Services is hereby approved.

This Ordinance shall be subject to the attached Conditions and Findings, and shall go into full force and effect from and after its passage and approval all 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 20th day of April, 2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	Aye	Nay	Abstain	Absent
Benjamin Grodeon	___	___	___	___
Paul Schorr	___	___	___	___
John Weyant	___	___	___	___
Pat McMahan	___	___	___	___
Gerald Daugherty	___	___	___	___

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 20th day of April, 2015.

ATTEST:

_____
Mayor

_____
City Clerk
(Seal)

FINDINGS FOR APPROVAL
(Section 34-12-3(d) Standards for approval of preliminary plats)

PC 15-04, Chief View Estates Final Plat Date: April 20, 2015

FINDINGS: The Mascoutah City Council, pursuant to the final plat review process, and after considering the effect of the request to approve the final plat on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed final plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.

2. Adequate provisions have been made for a sufficient water supply system and public sewage system.

3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.

4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

5. The proposed subdivision is located in the AO, Airport Overlay District, specifically the Accident Potential Zone (APZ-2). The City received correspondence dated February 27, 2015, from the Community Base Planner at Scott Air Force Based that the attached final plat depiction is compatible with the Air Force and the Joint Land Use guidelines regarding residential development in the APZ-2.

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

MARCH 18, 2015

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

CALL TO ORDER at 7:00 PM
Chairman Ken Zacharski called the meeting to order.

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

ABSENT
Jack Klopmeyer was absent.

ALSO PRESENT
Assistant City Manager Lisa Koerkenmeier was present.

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 February 18, 2015 Planning Commission Meeting.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

PC 15-04 – FINAL PLAT FOR CHIEF VIEW ESTATES
Koerkenemeier reviewed the Final Plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road. The applicant AKS Development LLC, represented by Tim Kappert, is the property owner. Commission discussed zoning, Airport Overlay requirements, IDOT permit requirement for access to N. 6th Street, internal street and pavement radius requirements, internal and external sidewalk requirements, utilities, drainage, park fees, and the improvement plans. The plat and improvement plans meet all the Unified Land Development Code requirements.

MOTION
Thompson moved, seconded by Jung, that the Planning Commission approve the Final Plat for Chief View Estates, subject to attached Findings, and forward to the City Council with a recommendation of approval.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

WORK SESSION TO UPDATE CHAPTER 34
The Planning Commission continued the review of the zoning districts and the uses to be permitted by right, planned use or conditional use approval. Koerkenmeier noted that following the Commission's completion of reviewing all of the uses, a major portion of the Code can be re-written and edited.

The location of churches and other places of worship were reviewed in relation to the Federal Religious Land Use Protection Act.

MOTION
Jung moved, seconded by Thompson, that the Planning Commission include churches and other places of worship as a planned use in all zoning districts.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

Allowing animal production in the Agricultural District was discussed.

MOTION
Thompson moved, seconded by Shelley, that the Planning Commission permit animal production by conditional use in the AG District.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung nay, Jim Connor aye and Chairman Ken Zacharski nay
4-ayes, 2-nays

The Commission discussed if several uses, specifically; auto and other equipment dealers, auto repair shops, equipment rental and leasing, and outside storage of merchandise or inventory should be permitted by right, planned use or conditional use approval in the Downtown Commercial District. Koerkenmeier will survey the existing DC zoned areas for any existing businesses of these types of uses and report back to the Commission.

The definition of check cashing business was reviewed.

MOTION
Jung moved, seconded by Thompson, that the Planning Commission permit a check cashing business by conditional use in the DC District.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

Commission discussed if a stand-alone car wash should be permitted by right or by conditional use in the Downtown Commercial District. It was pointed out that if an automobile service station/convenience store with a car wash accessory to the store would require conditional use approval in the DC District, then a stand-alone car wash should be permitted by conditional use in the DC District.

MOTION
Jung moved, seconded by Connor, that the Planning Commission permit a car wash by conditional use in the DC District.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

The location of display, designers and builder shops in the General Commercial District was discussed.

MOTION
Jung moved, seconded by Thompson, that the Planning Commission permit by right display, designers and builder shops in the GC District.

THE MOTION BY ROLL CALL
Charles Lee aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
6-ayes, 0-nays

The Commission discussed the appropriateness of permitting manufacturing activities in the Light Industrial District. Allowing manufacturing by conditional use approval in the LI District was proposed. Koerkenmeier will research North American Industry Classification System (NAICS) and Standard Industrial Classification (SIC) Codes for variation in light manufacturing activities and report back to the Commission. It was suggested that manufacturing activities may need to be broken out into specific manufacturing types, such as what was done with textile manufacturing.

Retail sales, general merchandise, except adult use related businesses were discussed. It was suggested that regulation and location of adult use related businesses in Chapter 7 be reviewed and included on the matrix.

MISCELLANEOUS
None

ADJOURNMENT
Thompson moved, seconded by Lee, to adjourn at 8:38 p.m.

CITY OF MASCOUTAH
Staff Report

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: **PC 15-04 – Final Plat for Chief View Estates**

MEETING DATE: March 18, 2015

REQUESTED ACTION:

Planning Commission review of a final plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

BACKGROUND & STAFF COMMENTS:

The applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential, and on March 2, 2015, the City Council approved the preliminary plat for Chief View Estates. The property is located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The final plat depicts the land to be subdivided into one (1) acre single-family residential lots.

DISCUSSION POINTS / ISSUES:

Land Use: The subject property is designated Single-Family Residential (RS-10). The land to the west and south is zoned RS-10, Single-Family Residential and is comprised of the Hunters Creek and Indian Prairie residential developments. The land to the east is zoned NC, Neighborhood Commercial and includes a church and day care. Land to the north is zoned LI, Light Industrial and is presently farmed.

Development Standards: The project as proposed will meet the RS-10 zoning requirements of the City's Subdivision Code.

		Required	Provided
a.	Min. Lot Size	10,000 sq. ft.	1 acre
b.	Min. Lot Width	80 ft.	200 ft. (avg.)
c.	Min. Lot Depth	100 ft.	220 ft. (avg.)
d.	Min. Front Yard Setback	25 ft.	same
e.	Min. Side Yard Setback	10 ft. (25 ft. combined)	same
f.	Min. Rear Yard Setback	25 ft.	same
g.	Max. Building Height	35 ft.	same
h.	Max. Density	4.3 units/acre	1 unit/acre
i.	Min. District Size	5 acres	N/A

Circulation: Access to the development is via N. 6th Street and an access permit will required from Illinois Department of Transportation (IDOT). The new access will align with Lorene Place located on the east side of N. 6th Street which serves the Windshire Subdivision. The internal street meets the 50 ft. ROW requirement and 32' pavement width. The new street will have sidewalks on both sides. Sidewalks will also be constructed along Fuesser Road N. 6th Street.

Utilities: The subject property is served by a municipal 8" water main located along Fuesser Road and municipal 8" gravity sanitary sewer mains that run easterly along Fuesser Road and southerly on N. 6th Street. These City utilities are adequate for single-family residential purposes.

Drainage: The subject property will drain into the storm sewer collection system along Fuesser Road.

Airport Overlay: As noted, Airport Overlay limitations exist on this property and a mandatory review by Scott Air Force Base was required. The SAFB Community Planner provided written correspondence that the proposed use of the property for detached single-family housing at a maximum density of one dwelling per acre is a compatible use within the APZ-2.

Landscape Plan and Park Development: A buffer strip is required along property lines of lots bordering "principal" arterials. Fuesser Road and N. 6th Street are classified as "minor" arterials, and therefore a buffer requirement for this development is not required. The six (6) lot project is not suited for inclusion of a green space area. Given the size of this development, the standard "in lieu" park fee of $650 per lot will be required.

Improvement Plans: Improvement plans were reviewed by staff. A Development Advisory Panel meeting was held on March 5, 2015 and comments provided to the applicant. Revised plans are to be submitted next week.

RECOMMENDATION:

Staff recommends approval of the Final Plat for Chief View Estates.

SUGGESTED MOTION:

"I move that the Planning Commission approve the Final Plat for Chief View Estates, subject to attached Findings, and forward to the City Council with a recommendation of approval."

MOTION Thompson **SECOND** Jung

Ayes 6 Nays 0 Abstentions 0

Approved By: _____
Cody Hawkins
City Manager

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Final Plat
B – Findings

FINDINGS FOR APPROVAL

PC 15-04, Chief View Estates Final Plat Date: March 18, 2015

FINDINGS: The Mascoutah Planning Commission, pursuant to the final plat review process, and after considering the effect of the request to approve the final plat on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed final plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.

2. Adequate provisions have been made for a sufficient water supply system and public sewage system.

3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.

4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

5. The proposed subdivision is located in the AO, Airport Overlay District, specifically the Accident Potential Zone (APZ-2). The City received correspondence dated February 27, 2015, from the Community Base Planner at Scott Air Force Based that the attached final plat depiction is compatible with the Air Force and the Joint Land Use guidelines regarding residential development in the APZ-2.

Attachment B

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Budget 15/16 – Public Hearing and Adoption of Ordinance** (first reading)

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Council approval and adoption of the City's FY15/16 Budget.

BACKGROUND & STAFF COMMENTS:
The City has completed several months of work establishing its FY15/16 Budget. After many work sessions by staff and Finance Committee, we believe that the current draft budget meets the requirements for this years annual Budget. This Budget assures adequate revenues/ fund sources, provides for appropriate expenditures, and provides a fiscal strategy to accommodate the needs of the community this year.

As per legal requirements, this hearing was duly noticed and the Budget Draft was provided for public review (in the downstairs lobby).

FUNDING:
There is no cost involved in the Budget approval process.

RECOMMENDATION:
The City Manager recommends that the Council approve and adopt an Ordinance thereby establishing the City's FY 15/16 Budget.

SUGGESTED MOTION:
I move that the Council approve and adopt Ordinance 15-____, thereby establishing the City's FY 15/16 Budget.

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

Approved By: Cody Hawkins
Cody Hawkins
City Manager

Attachments: A – Snap Shot Revenues/Expenses
B – Ordinance

CITY OF MASCOUTAH
SNAP SHOT REVENUES/EXPENSES TOTAL NET

REVENUES

OPERATING REVENUES	Budget 15	Dec-14 YTD Actual 14	Summary of all depts 12/12's	Proposed Budget16	% change FY15 to 16
FUND 100 - GEN FUND	3,299,752	2,451,982	4,726,067	3,290,574	
FUND 110 - R CEM TRUST	4,500	1,708	2,561	2,500	
FUND 200 - LIGHT FUND	8,058,990	5,252,287	7,878,345	8,114,766	
FUND 250 - W&S FUND	3,400,930	2,156,069	3,346,194	3,446,285	
FUND 300 - AMB FUND	711,390	578,776	718,627	758,171	
FUND 330 - P&R (park/cityleu/pool)	361,515	335,425	354,171	372,730	
FUND 360 - FIRE DEPT FUND	143,400	141,541	144,573	150,400	
FUND 400 - IMRF FUND	421,012	326,005	431,442	445,440	
FUND 450 - POLICE PENSION FUND	414,374	383,515	444,312	412,953	
TOTAL OPERATING REV NO LIBR	16,815,863	11,627,308	18,046,292	16,993,817	1.06%
TOTAL LIBRARY REVENUES	373,518	373,518	373,518	389,202	
TOTAL OPERATING REV WITH LIBRARY	17,189,381	12,000,826	18,419,810	17,383,019	1.13%

NON-OPERATING REVENUES

FUND 100 - GF GRANTS/LOAN PROCEEDS	2,750,000	0	1,367,082	1,952,000	
FUND 250 - WATER/SEWER IEPA	0	0	0	0	
FUND 500 - MFT FUND	203,921	192,657	238,986	179,595	
FUND 540 - TIF1 FUND	157,300	157,446	157,447	160,605	
FUND 560 - TIF2B FUND	720,250	721,164	721,695	731,245	
FUND 560 - TIF2B CDBG PORTION	0	0	0	0	
FUND 595 - BUSINESS DISTRICT	129,000	11,897	17,846	50,000	
FUND 590 - SPECIAL SVC AREA (SSA)	25,000	20,343	20,343	20,000	
FUND 600 - R DEBT SVC FUND	201,758	200,581	208,375	202,057	
TOTAL NON OPERATING REVENUES	4,187,229	1,304,088	2,731,774	3,295,503	
TOTAL ALL REVENUES NO LIBRARY	21,003,092	12,931,397	20,778,066	20,289,320	
TOTAL ALL REVENUES WITH LIBRARY	21,376,610	13,304,915	21,151,584	20,678,522	-3.27%

EXPENSES

OPERATING EXPENSES

TOTAL PERSONNEL EXPENSES	5,274,875	3,732,473	5,440,538	5,591,655	
TOTAL NON-PERSONNEL EXPENSES	2,795,387	1,680,080	2,645,425	2,769,710	
TOTAL WHOLESALE/RETAIL/OTHER EXP	5,145,690	3,160,870	4,765,638	5,192,926	
TOTAL OPERATING EXPENSES NO LIBRARY	13,215,952	8,573,423	12,851,602	13,554,291	
TOTAL LIBRARY EXPENSES	373,518	373,518	373,518	389,202	
TOTAL OPERATING EXPENSES WITH LIBRARY	13,589,470	8,946,941	13,225,120	13,943,493	2.61%

NON-OPERATING EXPENSES

TOTAL CIP EXPENSES	726,100	313,479	719,043	401,100	
TOTAL FAR EXPENSES	185,377	60,427	185,221	203,700	
TOTAL PROJECT EXPENSES	3,971,482	1,193,025	2,658,359	3,375,250	
TOTAL DEBT EXPENSES	1,751,329	1,166,207	1,565,149	1,729,414	
TOTAL NON-OPERATING EXPENSES	6,634,288	2,733,139	5,127,772	5,709,464	
GRAND TOTAL ALL EXPENSES NO LIBRARY	19,850,240	11,306,561	17,979,374	19,263,755	-2.95%
GRAND TOTAL ALL EXPENSES WITH LIBRARY	20,223,758	11,680,079	18,352,892	19,652,957	-2.82%
NET OPERATING REV MINUS EXP	3,599,911	3,053,886	5,194,690	3,439,527	-4.46%
NET NON-OPERATING REV MINUS EXP	(2,447,059)	(1,429,050)	(2,395,998)	(2,413,961)	-1.35%
NET REV MINUS EXP EXCLUDING PROJECTS	2,374,334	2,817,860	4,089,969	2,448,815	3.14%
NET ALL REVENUES MINUS ALL EXPENSES	1,152,852	1,624,835	2,798,692	1,025,565	

Attachment A

ORDINANCE NO. 15-___

ANNUAL BUDGET ORDINANCE FOR THE FISCAL YEAR
2015 ---------- 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, AT ST. CLAIR COUNTY, ILLINOIS:

SECTION 1: That there be and is hereby budgeted for Municipal purposes for the City of Mascoutah, in the County of St. Clair, State of Illinois, for the fiscal year commencing on the first day of May 2015, and ending on the thirtieth day of April 2016, **the sum of nineteen million, six hundred fifty-two thousand, nine hundred fifty-seven dollars ($19,652,957)** distributed for purposes as described in *Attachment "A"* to this ordinance. This budget is adopted under the State of Illinois' Budgeting System.

SECTION 2: That the balance on hand in the various funds budgeted for the fiscal year ending on the thirtieth day of April 2014 are hereby returned to the respective funds for redistribution.

SECTION 3: This Ordinance is effective immediately and shall go into full force May 1st, 2015, or at the earliest time as may be legal under state law.

Passed this 20th day of April, 2015, on the following roll call vote:

	Aye	Nay	Abstain	Absent
Gerald Daugherty	_____	_____	_____	_____
Benjamin Grodeon	_____	_____	_____	_____
Paul Schorr	_____	_____	_____	_____
John Weyant	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____

_____
Mayor

ATTEST:

_____
City Clerk
(Seal)

Attachment B

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Code Change – Electric, Water & Sewer Rates (first reading)**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Approval of revisions to Chapter 11 – Electric System and Chapter 38 – Water and Sewer Rates of the City Code by adoption of ordinance to reflect no change in utility rates for FY15/16.

BACKGROUND & STAFF COMMENTS:
For the upcoming Fiscal Year 2015-2016, the Finance Committee and City Council decided to not increase electric, water, and sewer rates. Even though there are no increases to the rates, the ordinances and City Code reference the fiscal year that the rates belong to. The attached ordinances keep the electric, water, and sewer rates the same as the previous fiscal year, but changes the reference to the fiscal year to the upcoming FY15-16. Passing of a rate ordinance regardless if there is a change in the rates is recommended by our auditor. It is also good practice and much easier to follow for historical reference.

RECOMMENDATION:
Council approval of Ordinance, as attached.

SUGGESTED MOTION:
I move that the City Council approve and adopt Ordinance 15-___, thereby modifying Chapter 11, Electric System, Article 1, General Regulations, Section 1; and approve and adopt Ordinance No. 15-___, thereby modifying Chapter 38, Article 4 Division 2 Water Rates, Section 12 and Division 3 Sewer Rates, Section 31.

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

Approved By:
Cody Hawkins
City Manager

Attachments: A – Ordinance – Electric Rates
B – Ordinance – Water/Sewer Rates

ORDINANCE NO. 15-___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 11, ELECTRIC SYSTEM, ARTICLE 1, GENERAL REGULATIONS SECTION 1 OF THE CITY OF MASCOUTAH, ILLINOIS.

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

SECTION 1: Amending CHAPTER 11, ELECTRIC SYSTEM, ARTICLE 1, GENERAL REGULATIONS, SECTION 1, to amend the ELECTRIC RATES as attached.

SECTION 2: This ordinance shall be in full force and effect May 1, 2015, after passage, approval and publication as required 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 ___ day of April, 2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	Aye	Nay	Absent
Benjamin Grodeon	___	___	___
Paul Schorr	___	___	___
John Weyant	___	___	___
Pat McMahan	___	___	___
Gerald Daugherty	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this ___ day of April, 2015.

ATTEST: _____
Mayor

_____
City Clerk
(SEAL)

Attachment 'A'

ELECTRIC SYSTEM
ARTICLE I. GENERAL REGULATIONS

Sec. 11-1-1. Classification of uses.

The following classification of electric service, at the rates and on the qualifications, conditions and terms as respectfully set forth be and hereby are established for the sale of electric energy, by the municipal electric utility, to customers located within the corporate limits or adjacent to the distribution lines of the municipal electric utility.

(a) *Residential rate—Rate 1.* The gross charges shall equal the sum of the charges below.

(1) Facilities Charge $8.32 per month in FY ~~14-15~~***15-16***.
(2) Energy Charge For all KW-HR – 6.78 cents per KW-HR in FY ~~14-15~~***15-16***.

The minimum monthly bill shall be the facilities charge. This rate is applicable to residences and for those purposes that are predominantly domestic.

(b) *Commercial and small power rate—Rate 2.*

First 1,800 KW hrs. used per month – 7.87 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 2,700 KW hrs. used per month – 7.82 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 13,500 KW hrs. used per month – 7.05 cents per KW hr. in FY ~~14-15~~***15-16***.
Over 18,000 KW hrs. used per month – 6.66 cents per KW hr. in FY ~~14-15~~***15-16***.

The minimum charge shall be $1.00 per kilowatt for each kilowatt of distribution capacity or $10.95 per month, whichever is less. This rate is applicable to stores, shops, garages, depots, public halls, hospitals, mills, factories, pool rooms, taverns, soft drink parlors and other places of business, public resort or amusement.

Transformer charge. If the city owns and operates transformers to convert the voltage from the main supply line to the voltage required by the customer, the customer shall be billed a charge of $1.00 per KW for each KW of distribution capacity for each billing period.

(c) *Large power rate—Rate 3.*

First 1,800 KW hrs. used per month – 7.96 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 2,700 KW hrs. used per month – 7.79 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 13,500 KW hrs. used per month – 7.01 cents per KW hr. in FY ~~14-15~~***15-16***.
Over 18,000 KW hrs. used per month – 6.90 cents per KW hr. in FY ~~14-15~~***15-16***.

The minimum monthly charge shall be $10.95 per month or $1.25 per connected horsepower of motor load, per month, whichever is the greater amount.

Rate 3 shall apply to all customers having a monthly demand of 75 kilowatts or greater with a non-lighting or heat load of more than 25 percent of the total demand, and to customers presently being served under a contract which provides for billing under this rate.

Transformer charge. If the city owns and operates transformers to convert the voltage from the main supply line to the voltage required by the customer, the customer shall be

billed a charge of $1.00 per KW for each KW of distribution capacity for each billing period.

Larger power rate: Rate 3a. For commercial customers with at least 30,000 KWH/ month.

— First 200 KWH per KW of billing demand— $.0468 per KWH in FY ~~14-15~~***15-16***.
— Over 200 KWH per KW of billing demand— $.0146 per KWH in FY ~~14-15~~***15-16***.
— Customer charge—$29.12 in FY ~~14-15~~***15-16***.
— Demand charge per KW—$8.15 in FY ~~14-15~~***15-16***

Minimum charge shall be $1.00 per KW for each KW of distribution capacity or $29.12 per month in FY 10-11, whichever is less.

(d) *Residential and Commercial Space heating—Rate 4.*

First 100 KW hrs. used per month – 8.96 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 200 KW hrs. used per month – 7.17 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 500 KW hrs. used per month – 6.65 cents per KW hr. in FY ~~14-15~~***15-16***.
Over 800 KW hrs. used per month – 5.77 cents per KW hr. in FY ~~14-15~~***15-16***.

The electric space heating rate is to apply to energy used during the seven month period October to April, inclusive, and where no other source of fuel for space heating is being used.

Minimum bill - $10.95 per month.

(e) *Miscellaneous municipal electric service—Rate 5.*

First 5,000 KW hrs. used per month – 7.64 cents per KW hr. in FY ~~14-15~~***15-16***.
Next 20,000 KW hrs. used per month – 6.57 cents per KW hr. in FY ~~14-15~~***15-16***.
All over 25,000 KW hrs. used per month – 5.78 cents per KW hr. in FY ~~14-15~~***15-16***.

(f) *Municipal street lighting service—Rate 6.*

(1) *Class of service.* Utility will furnish the classes of service described below each at the corresponding base rates per lamp per month, as indicated in the table of base rates per lamp per month set forth below, including maintenance, depreciation, electric energy requirements, and replacements of lamps and other glassware as required on systems owned and operated by utility, but only including electric energy requirements and lamp replacements on system owned and operated by municipality.

(a) *Class A.* Sodium vapor or mercury vapor lamps, owned and operated by Municipality.

(b) *Class B.* Mercury vapor lamps or sodium vapor lamps on standard overhead wood pole construction, owned and operated by utility.

(c) *Class C.* Mercury vapor lamps or sodium vapor lamps on standard overhead concrete pole construction or on existing metal pole construction, owned and operated by utility.

(2) *Rates.*

(a) Base rates per lamp per month. The following rates based on 4,000 hours per year burning, including all hours of darkness:

FY ~~14-15~~15-16

Size	*Class A*	*Class B*	*Class C*
Mercury Vapor			
7200 Lumen, 175 watts	$3.80	$10.96	$17.30
11000 Lumen, 250 watts	5.11	12.47	19.36
17000 Lumen, 400 watts	7.25	16.20	19.77
30000 Lumen, 700 watts	12.68	24.04	35.82
46000 Lumen, 1,000 watts	15.37	27.41	41.42
Sodium Vapor			
8700 Lumen, 100 watts	$4.54	$14.47	$23.53
15000 Lumen, 150 watts	7.30	15.23	24.19
23000 Lumen, 250 watts	10.47	18.67	28.52
46500 Lumen, 400 watts	15.37	24.80	33.76

(g) *Customer area lighting service—Rate 7.*

(1) *Availability.* Any customer located in territory served by utility may take service under this service classification for lighting outdoor areas, where the period of lighting is limited from dusk to dawn, subject to the following conditions:

(a) That customer is located adjacent to utility lines from which such service can be rendered, and

(b) That customer enters into a written contract with utility for service, for a period of one year.

(2) *Rates.* The gross charge shall equal the sum of the charges below and other applicable charges.

(a) *Lamp charges.* If the lighting fixtures can be installed on an existing distribution type wood pole and service can be supplied from an existing overhead secondary circuit on the pole, the monthly charges applicable to such installation shall be as follows:

FY ~~14-15~~15-16

Type of Lamp	*Lumen Rating*	*Wattage Rating*	*$Charges Per Month*
Area Lighting			
Mercury Vapor	6,400	175	$6.90
Mercury Vapor	9,400	250	6.80
Mercury Vapor	16,000	400	13.81
Mercury Vapor	45,200	1,000	19.00
Sodium Vapor	8,500	100	7.71

Sodium Vapor	15,000	150	8.28
Sodium Vapor	22,000	250	13.81
Sodium Vapor	45,000	400	25.32
Pole Rental		$1.00 per month	
Directional Lighting			
Sodium Vapor	22,000	250	$15.83
Sodium Vapor	45,000	400	19.00
Metal Halide	20,000	250	25.32
Metal Halide	40,000	400	25.32
Metal Halide	117,000	1,000	40.29
Metal Halide		1,500	
Quartz		500	5.76

(b) *Additional charges.* If additional facilities or fixtures other than utility's standard type of rearrangement of existing facilities shall be required to serve customer, utility shall install, operate and maintain such facilities for an additional monthly charge. These charges shall be in addition to the lamp charges.

Sec. 11-1-6. Consumer Price Index (CPI)
Effective for customer bills rendered after April 30, 2008, each year, at the beginning of the City's fiscal year, the unit charges for electric rates will be adjusted to reflect no more than the percentage increase of change, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W): Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, on the first published date after the beginning of the most recent calendar year, to the average comparable index for the previous year (12 months).

Note: This index can be found at www.bls.gov/cpi/

ORDINANCE NO. 15-___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 38, ARTICLE 4, DIVISION 2 WATER RATES, SECTION 12; DIVISION 3 SEWER RATES, SECTION 31; AND DIVISION 4 OF THE CITY OF MASCOUTAH, ILLINOIS.

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

SECTION 1: Amending CHAPTER 38, ARTICLE 4, DIVISION 2 WATER RATES, SECTION 12; DIVISION 3 SEWER RATES, SECTION 31; AND DIVISION 4, to amend the WATER AND SEWER RATES as attached.

SECTION 2: This ordinance shall be in full force and effect May 1, 2015, after passage, approval and publication as required 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 ___ day of April, 2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	Aye	Nay	Absent
Benjamin Grodeon	___	___	___
Paul Schorr	___	___	___
John Weyant	___	___	___
Pat McMahan	___	___	___
Gerald Daugherty	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this ___ day of April, 2015.

ATTEST: _____
Mayor

_____
City Clerk
(SEAL)

Attachment 'B'

DIVISION 2. WATER RATES

Sec. 38-4-12. Water rates.
There shall be established the following rates and charges for the use of the water system of the city, based upon the amount of water consumed as follows:

(a) Water rates inside city.
  i. FY ~~14-15~~*15-16*
  $8.08 per month facilities charge (base charge)
  $5.75 per 1,000 gallons per month usage fee

(b) Water rates outside city. (Calculated as twice the in-town rate)
  i. FY ~~14-15~~*15-16*
  $16.15 per month facilities charge (base charge)
  $11.50 per 1,000 gallons per month usage fee

DIVISION 3. SEWER RATES

Sec. 38-4-31. User charge system.
Every person whose premises are served by the authority will be charged for the sewer services provided through a facility charge and service charges.
Facility charges are directed at wastewater plant and collection facility hardware. Service charges are directed at a basic charge based on the water meter readings, or if available, a discharge metering device approved by the authority, and said basic charges shall be as follows and are levied to defray the cost of operation and maintenance and replacement of the treatment works:

Sewer Rates inside City

(a) Facility charge.
  i. FY ~~14-15~~*15-16*. The total facility charge rate shall be $16.56 per month.

(b) Service charge.
  i. FY ~~14-15~~*15-16*. The service charge shall be $6.00 per 1,000 gallons metered.
  ii. Service charges shall be for operation, maintenance, replacement costs, and may be used for debt service recovery.

(c) Sewer service outside the city. All charges for use of sewer connections where water is supplied thereto by the authority subject to the special provisions herein shall be as follows:
  a. A facility charge for users outside of the city shall be:
    i. $33.11 per month in FY ~~14-15~~*15-16*.
    ii. This rate shall apply as a facility charge so long as the sewer connection is in service and regardless whether or not water is used during said period, and which facility charge shall entitle the user to continue use.

b. Service charges shall be at the rate of:
   i. $11.99 in FY ~~14-15~~***15-16*** plus a surcharge of the same amount per 1,000 gallons of water metered.
c. The rate in subsection (b) above shall apply to the amount of water passing through the water meter except when an approved discharge metering system is utilized. In this case the rate shall apply to that water discharged to the system.
d. When the user (outside the city) does not receive water provided by the city, provisions for accurate sewer metering will be required.

DIVISION 4. WATER AND SEWER RATES INCREASES BEYOND FY 07-08

Sec. 38-4-40. Consumer Price Index (CPI)
Effective for customer bills rendered after April 30, 2008, each year, at the beginning of the City's fiscal year, the unit charges for all water and sewer rates will be adjusted to reflect no more than the percentage increase of change, if any, in the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W): Midwest Urban Region, All Items Index, as published by the Bureau of Labor Statistics of the U.S. Department of Labor, on the first published date after the beginning of the most recent calendar year, to the average comparable index for the previous year (12 months).

Note: This index can be found at www.bls.gov/cpi/

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Code Change – Building Code, Adoption of Energy Conservation Code (second reading)**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Approval of revisions to Chapter 6, Article I – Building Code Adopted, Sec. 6-1-5 – Adoption of Energy Conservation Code of the City Code by adoption of ordinance.

BACKGROUND & STAFF COMMENTS:
Public Act 097-1033 took effect on January 1, 2013 amending the Energy Efficient Commercial Building Act adopting the 2012 version of the International Energy Conservation Code. This law requires all new commercial and residential construction for which a building permit application is received by a municipality or county to follow a comprehensive statewide energy conservation code. Renovations, alterations, additions, and repairs to most existing commercial and residential buildings must follow the Illinois Energy Conservation Code. The law requires design and construction professionals to follow the latest published edition of the International Energy Conservation Code which is currently the 2012 International Energy Conservation Code. The attached code changes for Section 6-1-5 adopts the 2012 International Energy Conservation Code as the code that the City of Mascoutah will follow.

Also attached as requested are key changes between the 2009 and 2012 Energy Conservation Codes as published by the U.S. Department of Energy.

RECOMMENDATION:
Council approval of ordinance, as attached.

SUGGESTED MOTION:
I move that the City Council approve and adopt Ordinance 15-___, thereby modifying Chapter 6, Building Code, Article I, Building Code Adopted, Sec. 6-1-5, Adoption of Energy Conservation Code.

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

Approved By:
Cody Hawkins
City Manager

Attachments: A – Ordinance
B – Key Changes between the 2009 and 2012 IECC

ORDINANCE NO. 15-___

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 6 – BUILDING CODE ARTICLE I – BUILDING CODE ADOPTED OF THE CITY OF MASCOUTAH, ILLINOIS.

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

SECTION 1: Amending CHAPTER 6 to amend ARTICLE I, BUILDING CODE ADOPTED, Section 6-1-5, as attached.

SECTION 2: This ordinance shall be in full force and effect, after passage, approval and publication as required 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 6th day of April, 2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	Aye	Nay	Absent
Benjamin Grodeon	___	___	___
Paul Schorr	___	___	___
John Weyant	___	___	___
Pat McMahan	___	___	___
Gerald Daugherty	___	___	___

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 6th day of April, 2015.

ATTEST:

_____
Mayor

_____
City Clerk
(SEAL)

Attachment A

Chapter 6 – Building Code

Article I – Building Code Adopted

Sec. 6-1-5. Adoption of Energy Conservation Code (IECC ~~2009~~*2012*).

A certain document, one copy of which is on file in the office of the city manager of the city, being marked and designated at the "The International Energy Conservation Building Code, ~~2009~~*2012*" as published by the International Code Council be and is hereby adopted as the Energy Conservation Code of the City of Mascoutah, in the State of Illinois; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Energy Conservation Code, ~~2009~~*2012*, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in division of this Code.

Note – Public Act ~~096-0778~~ *097-1033*

1.0 Key Changes

Key changes between the 2009 and 2012 IECC are provided below. A change may be considered key if it raises the level of stringency of the code, or if it has a positive impact on the implementation of, or compliance with, the code. The distinction between "key" and "not key" was made by the authors and is not intended to diminish the significance of any changes not noted.

1.1 All Building Types

- The IECC has been reformatted so that the provisions for residential and commercial buildings completely stand alone with their own separate administrative provisions, definitions, general provisions, climate zones, and reference standards.
- The provisions for both residential and commercial opaque thermal envelope components have been increased in stringency in most cases.

1.2 Commercial Buildings

- The table covering fenestration in commercial buildings has been simplified to define all fenestration as being fixed, operable, or an entrance door. The distinction between framing materials, thermal breaks, and curtain walls/storefronts with respect to thermal requirements has been removed. In some cases only residential criteria were modified. For example, solar heat gain coefficients (SHGC) were raised moderately for residential buildings but were not raised for commercial buildings. In addition, many of the U-factors applicable to skylights have been reduced.
- The allowable percentage of skylight area as a function of roof area has been increased from 3% to 5% of total roof area. Additionally, in certain building types (e.g., offices, convention centers over 10,000 ft^2 with ceilings more than 15 ft high), at least half of the floor area must be in a daylighting zone under skylights (with several exceptions allowed).
- Vertical fenestration area is now limited to 30% of above-grade wall area. The previous maximum of 40% is still allowed in Climate Zones 1-6, provided half of the conditioned floor is in a daylight zone, controls are installed, and the VT/SHGC ratio is at least 1.1.
- Visible transmittance is now used in several provisions for both vertical fenestration and skylights. In particular, a VT/SHGC ratio is one of three conditions used to increase the fenestration area maximum from 30% to 40%.
- Air barrier requirements have been added such that a continuous barrier is now needed throughout the building envelope in other than Climate Zones 1-3. The barrier must be sealed at all seams and joints, and lighting fixtures and other recesses must be treated to maintain that barrier.
- HVAC system piping insulation requirements have become more stringent. These requirements now also rely on pipe diameter and fluid temperature.
- Air system economizers are required in more climate zones and at a lower threshold (33K Btu/h instead of 54K Btu/h).
- A space-by-space method for determining allowable lighting power limits based on ASHRAE 90.1-10 was added.

Attachment B

- A new section on building commissioning has been added. It is now necessary for a *registered design professional* (or agency) to develop a mechanical system commissioning plan, and provide evidence of commissioning prior to the final mechanical inspection. HVAC air and water flow rates now must be balanced, and equipment, controls, and lighting must be performance tested.

1.3 Residential Buildings

- Added clarification that sunrooms enclosing conditioned spaces must meet the thermal envelope provisions of the 2012 IECC unless they are thermally isolated from the rest of the building.
- All residential buildings must be subjected to a blower door test to determine the air leakage rate and must not exceed the number of air changes per hour (ACH), either 5 or 3, prescribed as a function of climate zone.
- Hot water piping must now be insulated to at least R-3 with some exceptions.
- The minimum number of high-efficacy electrical lighting sources was changed from 50% of lamps in permanent fixtures to 75% of lamps in permanent fixtures or 75% of the permanent fixtures.

41

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins, City Manager

SUBJECT: **IDOT Resolution/Expenditure of MFT Funds for Maintenance of Streets and Highways**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Adoption of Resolution approving the 2015 Motor Fuel Tax Maintenance Program beginning May 1, 2015 and ending April 30, 2016.

BACKGROUND & STAFF COMMENTS:
This is an action required by the City Council for the oil and chip program, purchasing various maintenance materials and reconstruction of South 10th Street from Main Street to the Brickyard Development. The MFT Maintenance Program reimburses the City for funds expended on roadway related maintenance. As we have described before, the maintenance allocation is on the basis of "per capita" in the City. Funds not used will be stored in our MFT Fund.

The appropriate resolution is attached for Council action. Also attached is the Municipal Estimate of Maintenance Costs.

FUNDING:
None required.

RECOMMENDATION:
City Manager recommends that the Council approve and adopt this resolution.

SUGGESTED MOTION:
I move that the Council approve and adopt IDOT Resolution No. 14-15-____, a Resolution for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code.

Prepared By: Ron Yeager
Ron Yeager
City Engineer

Approved By: _____
Cody Hawkins
City Manager

Attachments: A – Resolution
B – Estimate of Maintenance Costs

Illinois Department of Transportation

Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code

BE IT RESOLVED, by the Mayor and City Council (Council or President and Board of Trustees) of the City (City, Town or Village) of Mascoutah (Name), Illinois, that there is hereby appropriated the sum of $475,000.00 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from May 1, 2015 (Date) to April 30, 2016 (Date).

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Collinsville, Illinois.

I, Kari D. Haas Clerk in and for the City (City, Town or Village) of Mascoutah, County of St. Clair

hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by

the Mayor and City Council (Council or President and Board of Trustees) at a meeting on April 6, 2015 (Date)

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____.

(SEAL) _____ _____ Clerk
(City, Town or Village)

Approved

_____
Regional Engineer
Department of Transportation

_____
Date

43

Illinois Department of Transportation

Municipal Estimate of Maintenance Costs

Local Public Agency: City of Mascoutah
County: St. Clair

Maintenance Period 5/1/2015 to 4/30/2016

Section Number: 15-00000-00-GM

Estimated Cost of Maintenance Operations

Maintenance Operation (No. Description)	Maint. Group	Insp. Req.	Item	Unit	Quantity	Unit Price	Item Cost	Est Total Operation Cost
1. Oil & Chip Seal (A-1 Treatment)	III	No	Liquid Asphalt Furnish				-	
			and Applied	GAL	22000.00	2.50	55,000.00	
			CM 13 Slag Fur. & Applied	TON	750.00	25.00	18,750.00	73,750.00
							-	
2. Oil & Chip - Durapatch	II	No	Liquid Asphalt Furnished				-	
			to Storage Tank	GAL	5000.00	2.50	12,500.00	
			CM 13 Slag Furnished	TON	100.00	17.00	1,700.00	14,200.00
							-	
3. Patching and Repair	II	No	Course Aggregate, CA 6	TON	500.00	12.00	6,000.00	
			Cold Mix Asphalt Filler	TON	200.00	115.00	23,000.00	
			Crack Sealer - Rd Saver 211	LB	11000.00	1.00	11,000.00	40,000.00
							-	
4. Culvert Replacement	II	No	Pipe Culverts Various Sizes	FT	300.00	16.00	4,800.00	4,800.00
							-	
5. Snow Removal	II	No	Slag Sand	Ton	300.00	13.00	3,900.00	3,900.00
							-	
6. South 10th Street Reconstruction							-	
Main Street to Brickyard Development	III	Yes	Conc. Curbs, Sidewalk,				-	
			Storm Sewers, Agg. Base,				-	
			HMA Pavement, Seeding, etc.	SY	2500.00	116.00	290,000.00	290,000.00
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							-	
							Total Estimated Maintenance Operation Cost	426,650.00

	Estimated Cost	MFT Portion	Other Funds		
Maintenance	426,650.00	426,650.00	-	Preliminary Engineering	35,000.00
Maint Eng			-	Engineering Inspection	8,000.00
Totals:	426,650.00	426,650.00	-	Material Testing	5,000.00
				Advertising	350.00
				Bridge Inspections	
				Total Estimated Maintenance Engineering Cost	48,350.00
				Total Estimated Maintenance Cost	475,000.00

Submitted:

Municipal Official — Title

Date

Approved:

Regional Engineer

Date

44

Printed on 4/2/2015 11:24 AM

BLR 14231(Rev 02/18/14)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor and City Council

FROM: Cody Hawkins City Manager

SUBJECT: **AMENDED Development Agreement – Douglas Avenue Apartments**

MEETING DATE: April 6, 2015

REQUESTED ACTION:

Review and discussion to amend Development Agreement for the Douglas Avenue Apartment Project.

BACKGROUND AND STAFF COMMENTS:

On March 3, 2014, the City Council approved amending the Development Agreement between the City of Mascoutah and M.T.S. (Matt Stukenberg), for the Douglas Avenue Apartment project. Mr. Stukenberg signed and executed the agreement on May 2, 2014. The amended Agreement included the following provisions:

- The Developer was allowed to construct the project in phases and to build one apartment building at a time. Allowing the project to be built in phases, required inserting time frames for when improvements were to be completed. For example, the milling and repaving of Douglas Avenue was completed in Phase 1.
- The City Manager was authorized to initially issue up to four (4) building permits for each apartment building, if the Developer paid the Building Permit fee up front. The Developer agreed to pay the remaining Building Permit fee balance (tap fees, surcharges, etc.) for buildings 2, 3 and 4 when commencement of work authorized by the permit was initiated by the Developer. If the Developer failed to complete buildings 2, 3, and 4 and the Building Permit expired, the Developer forfeited the Building Permit fee. To date, the Developer has not paid the remaining Building Permit fee balance for buildings 2, 3, and 4.
- Additionally, if the Developer failed to commence work on buildings 2, 3, and 4 within the 180 day time period (which is the time period granted under the standard Building Code requirements), the City Manager was authorized to grant the Developer one extension of a time period of not more than 90 days if justifiable cause was demonstrated.

Mr. Stukenberg requested the one, 90 day time period extension for building permits 2, 3, and 4, and on November 19, 2014, he received notice that the extension was granted. The 90 day period extension began on December 17, 2014 and expired on March 16, 2015. In discussions and written correspondence with Mr. Stukenberg, staff has repeated that *"commencement of work authorized by the building permit,"* shall be defined as actual construction of the apartment

building for which the permit was issued. This definition did not include site work, but work on the structure. Therefore it is staff's interpretation that the developer would need to be working on the building foundations by the time the permit extension expired.

Since the 90 day extension expired on March 16th, foundation grading has begun on building 2, and no foundation work has begun on buildings 3 and 4. The City Council is requested to review the Agreement and the progress of the construction of the buildings 2, 3, and 4. Upon the determination of the City Council if work has commenced on buildings 2, 3 and 4 and/or desires to amend the Agreement, staff will revise the Agreement accordingly.

RECOMMENDATION:

Staff recommends that if the Council desires to allow additional time extensions on the current building permits for buildings 2, 3, and 4 that the Development Agreement be amended accordingly.

SUGGESTED MOTION:

I move that the Council amend the Development Agreement between the City of Mascoutah and M.T.S. Development (Matt Stukenberg), for the Douglas Apartment Complex to grant a time extension of _____ days to commence construction on the building foundations for apartment buildings 2, 3, and 4.

MOTION_____ **SECOND**_____

Ayes_____ Nays_____ Abstentions_____

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier
Assistant City Manager

Approved By:
Cody Hawkins
City Manager

Attachments: A – Executed Development Agreement between the City of Mascoutah and M.T.S. Development (Matt Stukenberg), for the Douglas Apartment Complex
B – Photos of Subject Property taken on March 25, 2015

COPY

City of Mascoutah

#3 West Main
Mascoutah, Illinois
62258
(618) 566-2964

DEVELOPMENT AGREEMENT

This Agreement made and entered into this **3rd** day of **March,** 2014 by and between the City of Mascoutah, Illinois, a Home Rule municipality organized as a municipal corporation of the State of Illinois (hereinafter the "City"), and M.T.S. Development (hereinafter "Owner/Developer" or "Developer")

WITNESSETH:

Whereas, Owner is the owner of record of certain real property located in the City of Mascoutah IL., in St. Clair County, Illinois more fully described as

"Lots 16-25 and part of Douglas Avenue of North Towne, a Subdivision of Part of the NW ¼ of the NE ¼ of Section 30, Township 1 North, Range 6 West of the Third Principal Meridian, St. Clair County, Illinois, and recorded in Plat Book 78, page 79 of the St. Clair County, Illinois Records",

and incorporated herein by reference (hereinafter the "Property"); and

Whereas, the Developer is desirous of constructing certain improvements including, but not limited to, four, 15-unit or 16-unit apartment buildings, the total not to exceed 61 units; (hereinafter the "Project"); and

Whereas, Developer has represented and demonstrated to City that significant potential public benefits will result from the development of the Property; and

Whereas, the City, after due and careful consideration has concluded that the development of the Project will be of significant benefit to the City in terms of new tax revenue; and

Attachment A

Whereas, the Mascoutah City Council on August 1, 2011 approved a Development Agreement with the Developer to construct the fore mentioned apartment buildings; and

Whereas, the City and the Developer have determined that amendments to the Development Agreement are required.

Now, therefore, in accordance with the City's general authority and Home Rule authority, under Illinois law and for and in consideration of the mutual covenants, promises and conditions herein contained, and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the City and the Developer hereby agree as follows:

1. The Developer shall construct the Project in accordance with the terms and conditions contained therein.
2. The Developer shall be allowed to construct the Project in phases and may build one apartment building at a time in accordance with the conditions set here within.
3. The Developer shall commence permitting and construction of the Project within three (3) months of City Council approval of this Agreement.
4. Upon staff approval by the City of site plan and building plans for the Project, the City Manager may issue up to four (4) building permits to allow the construction of each apartment building. Every permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time work is commenced. For the purpose of this Agreement, "commencement of work authorized by the

permit," shall be defined as actual construction of the apartment building for which the permit was issued. The City Manager shall be authorized to grant an extension of time for a period of not more than 90 days. The extension shall be requested by the Developer in writing and justifiable cause shall be demonstrated.

5. To secure permits for apartment buildings #2, #3 and #4, the Developer shall pay the building permit fee. The Developer agrees to pay the remaining building permit fee balance, i.e. (sewer tap; water tap; secondary electric deposit; electric, sewer, storm drain and fire surcharges if applicable) when commencement of work authorized by the permit is initiated by the Developer. If any permit becomes invalid, the City shall retain the building permit fee portion of the permit.
6. The Developer agrees to submit a check in the amount of $12,400 to the City, for compensation to vacate a section of Douglas Avenue right-of-way, measuring 20,714 square feet, more or less.
7. Upon receipt of said payment, the City shall immediately proceed with recording the vacation of the proposed section of Douglas Avenue.
8. All existing easements shall be retained within the Project Area and an easement obtained for the vacated section of Douglas Avenue.
9. The City agrees, in recognition of the Projects' potential for new long-term tax revenue and fees, to rebate a portion of the water and sewer tap fees generated by the Project in exchange for the Developer repaving the remaining portion of Douglas Avenue, in an amount and manner as hereafter delineated.

10. The Developer shall mill and repave Douglas Avenue, from approximately 63' west of the western property line of the Project to the intersection of Douglas Avenue and Sixth Street, at Developer's expense and to the standards required by City Staff, based on comparable projects. The City and Developer agree to an estimated price of $18.38 per square yard to mill and repave Douglas Avenue and $9,200 for incidentals, i.e. curb repairs, base repairs and inlet adjustments, of which a "fixed" square yard and unit prices shall be established when Developer initiates paving of Douglas Avenue.
11. The Developer shall initiate the milling and repaving of Douglas Avenue upon issuance of a building permit for apartment building #1 and shall have repaving of Douglas Avenue completed and accepted by the Public Works Director prior to obtaining occupancy permits for apartment building #1.
12. The City and Developer agree upon completion of repaving of Douglas Avenue the City shall rebate water and sewer tap fees for the Project on a dollar for dollar basis.
13. The Developer agrees that all site improvements including landscaping and pavilions shall be installed and constructed prior to the occupancy of apartment building #3.
14. The Developer agrees to disclose the terms of this Development Agreement to any future party included on the deed for the Property.

(1) **Ordinance.** This Agreement and the effectiveness of the zoning as described herein shall be expressly contingent upon proper ordinances being duly

enacted as herein described upon the terms and conditions as herein agreed to.

(2) **Severability.** In the event any part or portion of this Agreement is held partially invalid or unenforceable by a court of competent jurisdiction, the remaining portions hereof shall continue in full force and effect.

(3) **Continuity of Obligations**. Except as otherwise herein provided, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns, including successor corporate authorities to the City.

(4) **Covenants Running with the Land**. The covenants and agreements herein contained, including the covenants and agreements in respect to payments to be made by any party to another as well as the covenants and agreements in respect to the benefits to be derived by such payments shall run with the land, and the liability to perform and the right to enforce performance of the same shall pass to the heirs and assigns of the respective parties hereto. This Agreement may be recorded by any party.

(5) **Representations.** The parties hereto represent and warrant to each other as of the date hereof that the execution, delivery and performance of this Agreement by each of them has been duly authorized and the Agreement constitutes the valid and binding obligation of each of them.

(6) **Additional City Covenants**.

(7) **Notices.** All notices, requests and demand required or permitted hereunder shall be in writing and shall be deemed given when personally delivered or three (3) business days after deposit with the U.S. Postal Service, postage prepaid, registered or certified mail, return receipt requested, as follows:

a. If to the City:

City of Mascoutah, Illinois
Attn: City Manager
#3 West Main Street
Mascoutah, IL 62258

b. If to Developer:

M.T.S. Development
Attn: Matt Stukenberg
614 Industrial, P.O. Box 122
Mascoutah, IL 62258

(8) **Continuing Cooperation.**

a. The parties hereto shall deliver or cause to be delivered at such times and places as shall be reasonably agreed, such additional instruments as any party may reasonably request for the purpose of carrying out this Agreement.

b. City and Developer agree that they shall not unreasonably withhold or delay any action required to carry out the terms provisions and intent of this Agreement, provided that nothing herein shall be construed to obligate the City to grant municipal permits or other approvals it would not be obligated to grant, acting as a municipal corporation, absent this Agreement.

(9) **Choice of Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of Illinois. Any action under this Agreement and any action arising out of, or concerning, this Agreement shall only be brought in the Circuit Court of St. Clair County, Illinois.

(10) **Entire Agreement.**

a. This Agreement constitutes the entire agreement among the parties hereto relating to the subject matter hereof, and no other agreements or representations other than those contained herein have been made by the parties.

b. This Agreement may be amended only by written amendment duly signed by the parties hereto, and shall be effective only when signed by the authorized agents of such parties.

c. This Agreement shall inure to the benefit of the successors and assigns of any of the other parties.

(11) **Headings.** The headings contained in this Agreement are for convenience of reference only, and shall not be deemed to limit or expand the contents of the paragraphs contained in this Agreement.

(12) **Counterparts.** This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Signature to any one counterpart shall be deemed signature to all.

In Witness Whereof, the parties have hereunto set their hands the day and year first above written.

CITY OF MASCOUTAH, ILLINOIS

By: Gerald Daugherty

Gerald Daugherty

SEAL:

Attest: Kari D. Haas

Kari Haas

Title City Clerk

M.T.S. Development

By: Matthew E. Stakenberg By: _____

Name Matthew E. Stakenberg Name_____

State of Illinois)
)ss
County of St. Clair)

On this 2nd day of May, 2014, before me, a Notary Public in and for said state, personally appeared Gerald Daugherty, Mayor, known to me to be the person who executed the foregoing instrument on behalf of the City of Mascoutah, Illinois, and that the seal affixed to the foregoing instrument is the corporate seal of said City and that said instrument was signed and sealed on behalf of said City by authority of its City Council and said Gerald Daugherty acknowledged said instrument to be the free act and deed of said City.

In Testimony Whereof, I have set my hand and affixed my official seal.

Melissa A. Schanz
Notary Public

My Commission Expires: 11-18-17

OFFICIAL SEAL
MELISSA A SCHANZ
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/18/17

State of Illinois)
)ss
County of St. Clair)

On this 2nd day of May, 2014, before me, a Notary Public in and for said state, personally appeared Kari Haas, known to me to be the persons who executed the foregoing instrument on behalf of the City, and acknowledged that they executed the same as their free act and deed as such Trustees.

In Testimony Whereof, I have set my hand and affixed my official seal.

Melissa A. Schanz
Notary Public

My Commission Expires: 11-18-17

OFFICIAL SEAL
MELISSA A SCHANZ
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/18/17

State of Illinois)
)ss
County of St. Clair)

On this 2nd day of May, 2014, before me, a Notary Public in and for said state, personally appeared Matthew E. Stukenberg, who being, by me duly sworn, did say that he is the Member of M.T.S. Development, an Illinois LLC company, and the foregoing instrument was signed on behalf of said company by the authority of its governing board, and that said officer acknowledged said instrument to be the free act and deed of said company.

In Testimony Whereof, I have set my hand an affixed my official seal.

Melissa A. Schanz
Notary Public

My Commission Expires: 11-18-17

OFFICIAL SEAL
MELISSA A SCHANZ
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:11/18/17

Attachment B

CITY OF MASCOUTAH
City Manager's Office

Staff Report

TO: Honorable Mayor and City Council

FROM: Cody Hawkins, City Manager

SUBJECT: **Engineering Services – East-West Berm Trail, Phase 1**
CMAQ Project No. 4469025

DATE: April 6, 2015

REQUESTED ACTION:
Approval of Engineering Services Agreement with Horner & Shifrin, Inc. for the *East West Berm Trail, Phase 1* located on the south side of the Big Ditch between 10th St. and IL Rte. 4.

BACKGROUND INFORMATION:
This project consists of constructing Phase 1 of a 10' wide multi-use asphalt trail on the south berm of the Big Ditch between North County Road and IL Rte. 4. This segment will begin at the proposed North 10th Street Extension Project and terminate at IL Rte. 4. The trail will connect to the 10' wide asphalt trail to be constructed on the east side of the proposed 10th Street and it will end at Larkspur Drive. Phase 2 of this project will begin at 10th Street and end at County Road.

Engineering Services: This request is for engineering services approval. Staff recommends approving a contract with Horner & Shifrin, Inc. for engineering services in the amounts of $54,681.53 to prepare the Project Development Report and Construction Documents for this one-mile long project which is estimated to cost approximately $304,000. See Attachment A, Horner & Shifrin, Inc. Proposal Letter and Preliminary Engineering Services Agreement.

FUNDING:
This project will be paid for with an 80% reimbursable Federal CMAQ Grant.

RECOMMENDATION:
The City Manager recommends approving a contract with Horner & Shifrin, Inc. for engineering services in the amount of $54,681.53 for Phase 1 of the East-West Berm Trail.

SUGGESTED MOTION:
I move that the Council accept the City Manager's engineering recommendation to approve Horner & Shifrin, Inc. for engineering services for the *East-West Berm Trail, Phase 1* and authorize appropriate City officials to execute the necessary documents.

Prepared By: _____
Ron Yeager
City Engineer

Approved By: _____
Cody Hawkins
City Manager

Attachment A – Horner & Shifrin, Inc. Proposal Letter dated March 20, 2015 and Preliminary Engineering Services Agreement.

HORNER & SHIFRIN

640 PIERCE BLVD., STE. 200 • O'FALLON, ILLINOIS 62269-2579
618-622-3040 • FAX 618-622-3070 • www.HornerShifrin.com

March 20, 2015

Mr. Ron Yeager, P.E.
3 West Main Street
Mascoutah, IL 62258

Subject: Project scope, limits and schedule for East-West Berm Trail – CMAQ #4469025

Dear Mr. Yeager:

Horner & Shifrin, Inc. appreciates the consideration to perform the engineering services for the above listed project.

We understand that the limits of the project are along the south side of the Mascoutah Surface Water Protection District's East-West ditch from Illinois Route 4 to the proposed 10th St. extension.

Horner & Shifrin, Inc. proposes the following scope of work:

- Make such detailed boundary and topographic surveys as necessary for the project.
- Prepare necessary environmental and planning (Phase I) documents required due to the use of CMAQ Funds.
    - Project Development Report
    - Special Waste Screen
    - FHWA Coordination
- Prepare preliminary plans and discuss with the City of Mascoutah and IDOT to obtain concurrence prior to the preparation of final plans.
- Complete detailed plans, specifications and estimates in accordance with IDOT policies as necessary to let and construct the project.
- Furnish the City of Mascoutah with survey and drafts of all necessary right-of-way dedications in quadruplicate as needed for the project.

Horner & Shifrin, Inc. proposes the following schedule for project completion:

- Notice to Proceed NTP (Estimated as August 2015)
- Survey complete – Four weeks after NTP
- Preliminary Plan – Four weeks after survey completion
- Draft Project Development Report – Six weeks after survey completion
- Final Project Development Report – Two weeks after receipt of IDOT comments
- ROW / Easement Documents – Four weeks after Approval of Project Development Report
- Pre-Final Plans – Eight weeks after Approval of Project Development Report
- Final PSE – Two weeks after receipt of IDOT comments

Thank you very much for considering us for this assignment. If you have any questions regarding the attached information, please feel free to call me at (618) 622-6826 or e-mail me at BSchmidt@HornerShifrin.com.

Very truly yours,

Brian D. Schmidt

Brian D. Schmidt, P.E., P.T.O.E
Project Manager, Transportation/Civil Engineering

Attachment

BDS/bds

Local Agency	LOCAL AGENCY	Illinois Department of Transportation	CONSULTANT	Consultant
City of Mascoutah				Horner & Shifrin, Inc.
County: St. Clair				Address: 640Pierce Blvd, Suite 200
Section:				City: O'Fallon
Project No.:		**Preliminary Engineering Services Agreement For Federal Participation**		State: IL
Job No.:				Zip Code: 62269
Contact Name/Phone/E-mail Address: Ron Yeager, P.E. (618) 566-2964 ryeager@mascoutah.com				Contact Name/Phone/E-mail Address: Brian Schmidt, P.E.,P.T.O.E. (618) 622-6826 bschmidt@hornershifrin.com

THIS AGREEMENT is made and entered into this _____ day of _____, _____ between the above Local Agency (LA) and Consultant (ENGINEER) and covers certain professional engineering services in connection with the PROJECT. Federal-aid funds allotted to the LA by the state of Illinois under the general supervision of the Illinois Department of Transportation (STATE) will be used entirely or in part to finance engineering services as described under AGREEMENT PROVISIONS.

Project Description

Name East/West Berm Trail Route _____ Length 5280 ft Structure No. _____

Termini Illinois Route 4 to 10th Street extension

Description Multi-use path constructed along the south side of the East-West Ditch (Mascoutah Surface Water Protection District) From Illinois Route 4 to the 10th Street extention.

Agreement Provisions

I. THE ENGINEER AGREES,

1. To perform or be responsible for the performance, in accordance with STATE approved design standards and policies, of engineering services for the LA for the proposed improvement herein described.

2. To attend any and all meetings and visit the site of the proposed improvement at any reasonable time when requested by representatives of the LA or STATE.

3. To complete the services herein described within 365 calendar days from the date of the Notice to Proceed from the LA, excluding from consideration periods of delay caused by circumstances beyond the control of the ENGINEER.

4. The classifications of the employees used in the work should be consistent with the employee classifications and estimated man-hours shown in EXHIBIT A. If higher-salaried personnel of the firm, including the Principal Engineer, perform services that are indicated in Exhibit A to be performed by lesser-salaried personnel, the wage rate billed for such services shall be commensurate with the payroll rate for the work performed.

5. That the ENGINEER is qualified technically and is entirely conversant with the design standards and policies applicable for the PROJECT; and that the ENGINEER has sufficient properly trained, organized and experienced personnel to perform the services enumerated herein.

6. That the ENGINEER shall be responsible for the accuracy of the work and shall promptly make necessary revisions or corrections resulting from the ENGINEER's errors, omissions or negligent acts without additional compensation. Acceptance of work by the STATE will not relieve the ENGINEER of the responsibility to make subsequent correction of any such errors or omissions or for clarification of any ambiguities.

7. That all plans and other documents furnished by the ENGINEER pursuant to this AGREEMENT will be endorsed by the ENGINEER and will affix the ENGINEER's professional seal when such seal is required by law. Plans for structures to be built as a part of the improvement will be prepared under the supervision of a registered structural engineer and will affix structural engineer seal when such seal is required by law. It will be the ENGINEER's responsibility to affix the proper seal as required by the Bureau of Local Roads and Streets manual published by the STATE.

8. That the ENGINEER will comply with applicable federal statutes, state of Illinois statutes, and local laws or ordinances of the LA.

9. The undersigned certifies neither the ENGINEER nor I have:

   a. employed or retained for commission, percentage, brokerage, contingent fee or other considerations, any firm or person (other than a bona fide employee working solely for me or the above ENGINEER) to solicit or secure this AGREEMENT,
   b. agreed, as an express or implied condition for obtaining this AGREEMENT, to employ or retain the services of any firm or person in connection with carrying out the AGREEMENT or
   c. paid, or agreed to pay any firm, organization or person (other than a bona fide employee working solely for me or the above ENGINEER) any fee, contribution, donation or consideration of any kind for, or in connection with, procuring or carrying out the AGREEMENT.
   d. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency,
   e. have not within a three-year period preceding the AGREEMENT been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property,
   f. are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (e) and
   g. have not within a three-year period preceding this AGREEMENT had one or more public transactions (Federal, State or local) terminated for cause or default.

10. To pay its subconsultants for satisfactory performance no later than 30 days from receipt of each payment from the LA.

11. To submit all invoices to the LA within one year of the completion of the work called for in this AGREEMENT or any subsequent Amendment or Supplement.

12. To submit BLR 05613, Engineering Payment Report, to the STATE upon completion of the project (Exhibit B).

13. Scope of Services to be provided by the ENGINEER:

    ☒ Make such detailed surveys as are necessary for the planning and design of the PROJECT.

    ☐ Make stream and flood plain hydraulic surveys and gather both existing bridge upstream and downstream high water data and flood flow histories.

    ☐ Prepare applications for U.S. Army Corps of Engineers Permit, Illinois Department of Natural Resources Office of Water Resources Permit and Illinois Environmental Protection Agency Section 404 Water Quality Certification.

    ☐ Design and/or approve cofferdams and superstructure shop drawings.

    ☐ Prepare Bridge Condition Report and Preliminary Bridge Design and Hydraulic Report, (including economic analysis of bridge or culvert types and high water effects on roadway overflows and bridge approaches).

    ☒ Prepare the necessary environmental and planning documents including the Project Development Report, Environmental Class of Action Determination or Environmental Assessment, State Clearinghouse, Substate Clearinghouse and all necessary environmental clearances.

    ☐ Make such soil surveys or subsurface investigations including borings and soil profiles as may be required to furnish sufficient data for the design of the proposed improvement. Such investigations to be made in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE.

    ☐ Analyze and evaluate the soil surveys and structure borings to determine the roadway structural design and bridge foundation.

    ☒ Prepare preliminary roadway and drainage structure plans and meet with representatives of the LA and STATE at the site of the improvement for review of plans prior to the establishment of final vertical and horizontal alignment, location and size of drainage structures, and compliance with applicable design requirements and policies.

    ☐ Make or cause to be made such traffic studies and counts and special intersection studies as may be required to furnish sufficient data for the design of the proposed improvement.

    ☒ Complete the general and detailed plans, special provisions and estimate of cost. Contract plans shall be prepared in accordance with the guidelines contained in the Bureau of Local Roads and Streets manual. The special provisions and detailed estimate of cost shall be furnished in quadruplicate.

    ☒ Furnish the LA with survey and drafts in quadruplicate all necessary right-of-way dedications, construction easements and borrow pit and channel change agreements including prints of the corresponding plats and staking as required.

II. THE LA AGREES,

1. To furnish the ENGINEER all presently available survey data and information
2. To pay the ENGINEER as compensation for all services rendered in accordance with this AGREEMENT, on the basis of the following compensation formulas:

Cost Plus Fixed Fee

☒ CPFF = 14.5%[DL + R(DL) + OH(DL) + IHDC], or
☐ CPFF = 14.5%[DL + R(DL) + 1.4(DL) + IHDC], or
☐ CPFF = 14.5%[(2.3 + R)DL + IHDC]

Where: DL = Direct Labor
IHDC = In House Direct Costs
OH = Consultant Firm's Actual Overhead Factor
R = Complexity Factor

Specific Rate ☐ (Pay per element)

Lump Sum ☐ _____

3. To pay the ENGINEER using one of the following methods as required by 49 CFR part 26 and 605 ILCS 5/5-409:

☐ With Retainage

a) **For the first 50% of completed work**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to 90% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
b) **After 50% of the work is completed**, and upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments covering work performed shall be due and payable to the ENGINEER, such payments to be equal to 95% of the value of the partially completed work minus all previous partial payments made to the ENGINEER.
c) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and the STATE, a sum of money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

☒ Without Retainage

a) **For progressive payments** – Upon receipt of monthly invoices from the ENGINEER and the approval thereof by the LA, monthly payments for the work performed shall be due and payable to the ENGINEER, such payments to be equal to the value of the partially completed work minus all previous partial payments made to the ENGINEER.
b) **Final Payment** – Upon approval of the work by the LA but not later than 60 days after the work is completed and reports have been made and accepted by the LA and STATE, a sum o money equal to the basic fee as determined in this AGREEMENT less the total of the amounts of partial payments previously paid to the ENGINEER shall be due and payable to the ENGINEER.

4. The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31U.S.C. 3801 et seq.).

III. IT IS MUTALLY AGREED,

1. That no work shall be commenced by the ENGINEER prior to issuance by the LA of a written Notice to Proceed.

2. That tracings, plans, specifications, estimates, maps and other documents prepared by the ENGINEER in accordance with this AGREEMENT shall be delivered to and become the property of the LA and that basic survey notes, sketches, charts and other data prepared or obtained in accordance with this AGREEMENT shall be made available, upon request, to the LA or to the STATE, without restriction or limitation as to their use.

3. That all reports, plans, estimates and special provisions furnished by the ENGINEER shall be in accordance with the current Standard Specifications for Road and Bridge Construction, Bureau of Local Roads and Streets Administrative Policies, Federal-Aid Procedures for Local Highway Improvements or any other applicable requirements of the STATE, it being understood that all such furnished documents shall be approved by the LA and the STATE before final acceptance. During the performance of the engineering services herein provided for, the ENGINEER shall be responsible for any loss or damage to the documents herein enumerated while they are in the ENGINEER's possession and any such loss or damage shall be restored at the ENGINEER's expense.

4. That none of the services to be furnished by the ENGINEER shall be sublet, assigned or transferred to any other party or parties without written consent of the LA. The consent to sublet, assign or otherwise transfer any portion of the services to be furnished by the ENGINEER shall not be construed to relieve the ENGINEER of any responsibility for the fulfillment of this agreement.

5. To maintain, for a minimum of 3 years after the completion of the contract, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records and supporting documents related to the contract shall be available for review and audit by the Auditor General and the STATE; and to provide full access to all relevant materials. Failure to maintain the books, records and supporting documents required by this section shall establish a presumption in favor of the STATE for the recovery of any funds paid by the STATE under the contract for which adequate books, records and supporting documentation are not available to support their purported disbursement.

6. The payment by the LA in accordance with numbered paragraph 3 of Section II will be considered payment in full for all services rendered in accordance with this AGREEMENT whether or not they be actually enumerated in this AGREEMENT.

7. That the ENGINEER shall be responsible for any and all damages to property or persons arising out of an error, omission and/or negligent act in the prosecution of the ENGINEER's work and shall indemnify and save harmless the LA, the STATE, and their officers, agents and employees from all suits, claims, actions or damages of any nature whatsoever resulting there from. These indemnities shall not be limited by the listing of any insurance policy.

8. This AGREEMENT may be terminated by the LA upon giving notice in writing to the ENGINEER at the ENGINEER's last known post office address. Upon such termination, the ENGINEER shall cause to be delivered to the LA all drawings, plats, surveys, reports, permits, agreements, soils and foundation analysis, provisions, specifications, partial and completed estimates and data, if any from soil survey and subsurface investigation with the understanding that all such material becomes the property of the LA. The LA will be responsible for reimbursement of all eligible expenses to date of the written notice of termination.

9. This certification is required by the Drug Free Workplace Act (30ILCS 580). The Drug Free Workplace Act requires that no grantee or contractor shall receive a grant or be considered for the purpose of being awarded a contract for the procurement of any property or service from the State unless that grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of a contract or grant and debarment of the contracting or grant opportunities with the State for at least one (1) year but no more than five (5) years.

   For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division or other unit thereof, directly responsible for the specific performance under a contract or grant of $5,000 or more from the State, as defined in the Act.

   The contractor/grantee certifies and agrees that it will provide a drug free workplace by:
   a. Publishing a statement:
      (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the grantee's or contractor's workplace.
      (2) Specifying the actions that will be taken against employees for violations of such prohibition.
      (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:
         (a) abide by the terms of the statement; and
         (b) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
   b. Establishing a drug free awareness program to inform employees about:
      (1) The dangers of drug abuse in the workplace;
      (2) The grantee's or contractor's policy of maintaining a drug free workplace;
      (3) Any available drug counseling, rehabilitation and employee assistance program; and
      (4) The penalties that may be imposed upon an employee for drug violations.
   c. Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the contract or grant and to post the statement in a prominent place in the workplace.
   d. Notifying the contracting or granting agency within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.
   e. Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by,
   f. Assisting employees in selecting a course of action in the event drug counseling, treatment and rehabilitation is required and indicating that a trained referral team is in place.
   g. Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

10. The ENGINEER or subconsultant shall not discriminate on the basis of race, color, national origin or sex in the performance of this AGREEMENT. The ENGINEER shall carry out applicable requirements of 49 CFR part 26 in the administration of DOT assisted contracts. Failure by the ENGINEER to carry out these requirements is a material breach of this AGREEMENT, which may result in the termination of this AGREEMENT or such other remedy as the LA deems appropriate.

Agreement Summary

Prime Consultant:	TIN Number	Agreement Amount
Horner & Shifrin, Inc.	43-0861661	$54,681.53

Sub-Consultants:	TIN Number	Agreement Amount
	Sub-Consultant Total:	
	Prime Consultant Total:	
	Total for all Work:	

Executed by the LA:

City of Mascoutah
(Municipality/Township/County)

ATTEST:

By: _____

_____ Clerk

(SEAL)

By: _____

Title: _____

Executed by the ENGINEER:

ATTEST:

By: [signature]

Title: Project Manager

Horner & Shifrin, Inc.

By: [signature]

Title: Executive Vice President

CITY OF MASCOUTAH - CMAQ APPLICATION #4469025 - EAST/WEST BERM TRAIL - DETAILED COST ESTIMATE

			Quantities		Price
Item	Description	Unit	Phase 1	Unit Price	Phase 1
1	Earth Excavation	CU YD	2054	$ 12.00	$ 24,648.00
2	Subbase Granular Material, Type B 6"	SQ YD	8214	$ 6.00	$ 49,284.00
3	Hot Mix Asphalt Surface Course	TON	986	$ 80.00	$ 78,880.00
4	PCC Sidewalk, 4"	SQ FT	150	$ 15.00	$ 2,250.00
5	Detectable Warnings	SQ FT	120	$ 30.00	$ 3,600.00
6	Pavement Striping	FOOT	1400	$ 5.00	$ 7,000.00
7	Seed, Fertilize, & Mulch	ACRE	2.43	$ 4,000.00	$ 9,720.00
8	Concrete Curb & Gutter (@ road crossings)	FOOT	120	$ 40.00	$ 4,800.00
9	Signing	SQ FT	50	$ 35.00	$ 1,750.00
10	Pipe Culverts Class D (Sizes to be determined)	FOOT	150	$ 40.00	$ 6,000.00
11	End Sections (Sizes to be determined)	EACH	10	$ 300.00	$ 3,000.00
12	Temporary Erosion Control Seeding	POUNDS	125	$ 5.00	$ 625.00
13	Install, Maintain & Remove Silt Fence	FOOT	5280	$ 3.00	$ 15,840.00
14	6th Street Pedestrian Signal	LUMP SUM	1	$ 50,000.00	$ 50,000.00
15	Construction Staking	LUMP SUM	1	$ 10,000.00	$ 10,000.00
16	Mobilization (Approx 4%)	LUMP SUM	1	$ 15,000.00	$ 15,000.00
17	Contingencies / Inflation	LUMP SUM	1	$ 22,000.00	$ 22,000.00
				CONSTRUCTION TOTAL	**$ 304,400.00**

ASSUMPTIONS		
PROJECT LENGTHS		
Phase 1 project length	5280.00	feet
PATH PARAMETERS		
10' HMA	3	" thick
2' Agg Shoulders		
14' Aggregate Base Course	6	" thick
EARTHWORK PARAMETERS		
Phase 1 - Cut of 9" over 14' width		

ENGINEERING ESTIMATES	
Phase I Design Engineering (approx)	8.0%
Phase II Design Engineering (approx)	10.0%
Construction Engineering (approx)	9.0%

$	304,400.00	**TOTAL CONSTRUCTION TOTAL**
$	24,300.00	PHASE I ENGINEERING
$	30,400.00	PHASE II ENGINEERING
$	27,300.00	CONSTRUCTION ENGINEERING
$	82,000.00	**TOTAL ENGINEERING**
$	6,000.00	Permanent Easements
$	-	ROW
$	6,000.00	**TOTAL ROW & EASEMENTS**
$	392,400.00	**PROJECT TOTAL**

CITY OF MASCOUTAH

Staff Report

TO: Mayor Daugherty and City Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Economic Development Incentive Review and Pre-Application Concept Approval to Bill Millikin/Millikins LLC for Redevelopment of Property at 101 E. Main/104 N. Market Streets**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Review economic development incentives request and approve a Pre-Application concept to establish parameters for a Development Agreement with Bill Millikin, Millikins LLC for redevelopment of the property at 101 E. Main/104 N. Market Streets

BACKGROUND & STAFF COMMENTS:
On June 2, 2014, the City Council approved Resolution No. 14-15-02 to induce economic development incentives to Bill Millikin, Millikins LLC, for the redevelopment of property at 101 E. Main Street and 104 N. Market Street (formerly the Mascoutah Hardware property). The resolution supported the use of economic development incentives under the TIF 2B program and the St. Clair County MidAmerica Enterprise Zone program for certain allowable expenditures and development costs of the potential development. Last fall, the St. Clair County MidAmerica Enterprise Zone was expanded to include the Mr. Millikin's property.

Following the adoption of the resolution, Mr. Millikin purchased the property and continues to operate a hardware business at this location. Mr. Millikin completed various exterior repairs to the historic building at 101 E. Main; roof repair, tuck pointing, and removal of the front metal awning. A building permit was issued to construct new restrooms in the existing building. Additionally, the accessory structures at 104 N. Market Street were demolished. The land was cleared and filled to create a pad to accommodate a new 11,500 square foot warehouse and distribution center. The site plan and architectural elevations of the new warehouse were recently approved by Council. Mr. Millikin will continue to operate a hardware store (Ace Hardware) and relocate his direct consumer-catalog internet business from Missouri to this location. A retail showroom for the internet products will be located on the first floor adjacent to the hardware store. The incentives requested by the developer include the use of TIF 2B funds and Enterprise Zone incentives to assist with total project costs for land acquisition and improvements estimated at $1.96M.

Projected Economic Impact of Development: Following completion of the project, it is anticipated that the current equalized assessed value (EAV) of the existing building and improvements at 101 E. Main Street will increase from $59,017 to approximately $150,000, thereby increasing property taxes to approximately $8,700 annually, of which roughly $4,100 of

that amount will be generated for the TIF fund annually. The current EAV of the land and improvements located at 104 N. Market Street will increase from $2,214 to approximately $270,000, thereby increasing property taxes to approximately $7,300 annually, of which roughly $7,100 of that amount will be generated for the TIF fund annually. The hardware store is estimated to produce taxable revenues of approximately $700,000 after the project's completion, of which the City will receive 1% or roughly $7,000 annually in sales tax.

Procedures for Economic Development Incentives Program: The developer submitted a Pre-Application to request development incentives for the renovation of the historic building at 101 E. Main, and site preparation work and construction of a new building at 104 N. Market. Staff, together with a Review Board consisting of members of the City's Economic Development Commission and Finance Committee, reviewed the Pre-Application and provided comments which are incorporated in this report to City Council. By Council approving the Pre-Application concept, it establishes the parameters of a Development Agreement to provide incentives to the developer. The developer will be required to execute an initial Funding Agreement and to advance funds to cover the City's detailed review and documentation costs, including preparation of a definitive Development Agreement by legal counsel.

Concept of the Pre-Application for Economic Development Incentives: Staff met with the Review Board to discuss the rationale and the types of development incentives which may be offered to the developer for the redevelopment of the property at 101 E. Main/104 N. Market Streets, please see Attachment A. The following guidance was provided to staff:

- Attempt to fund maximum of 15% of total capital investment minus land acquisition, based upon major reinvestment in downtown and challenges of redeveloping an older property.
- Enterprise Zone benefits should not be included in the incentive calculation.
- The maximum 15% of the total capital investment should be 1) comprised of rebating a portion of the TIF increment for the life of the TIF 2B District (mindful of school district pass-through and budget for other TIF 2B projects); 2) a pure TIF grant (% of construction costs with a cap dollar amount not to exceed); and3) assistance with utility relocations.
- The Commission also recommended to tier the incentives over a period of time; particularly the distribution of the pure TIF grant.

FUNDING:

Based upon input from staff and the Review Board, incentives offered should be in the form of: 1) a rebate to the developer of a *portion* of the TIF increment created by the project; 2) a pure TIF grant to assist with a percentage of construction costs with a cap dollar amount not to exceed; 3) a state sales tax deduction on building materials in accordance with the St. Clair County MidAmerica Enterprise Zone; and 4) assistance with right-of-way vacation and utility relocation and reconnection expenses to and on the site. A Development Agreement between the City and Mr. Millikin specifying the incentives to be offered will be presented to the City Council for approval.

RECOMMENDATION:

Approval of the Pre-Application concept to establish parameters for a Development Agreement to provide economic development incentives to Bill Millikin/Millikins LLC for redevelopment of the property at 101 E. Main/104 N. Market Streets as outlined in Attachment A.

SUGGESTED MOTION:
I move that the Council approve the Pre-Application concept outlined in Attachment A to establish parameters for a Development Agreement to provide economic development incentives to Bill Millikin/Millikins LLC, for the redevelopment of property at 101 E. Main/104 N. Market Streets.

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By:
Cody Hawkins
City Manager

Attachment: **A** - Economic Development Incentive Review and Pre-Application Concept for Development Agreement
B – Resolution No. 14-13-02, Inducement of Economic Development Incentives for Bill Millikin/Millikins LLC, for Property at 101 E. Main/104 N. Market Streets

Economic Development Incentive Review and
Pre-Application Concept for Development Agreement

Applicant: Mr. Bill Millikin/Millikin's LLC
Project Name/Site: Ace Hardware Redevelopment at 101 E. Main Street and 104 N. Market Street

- What local incentives can be applied to this particular project?

  A. **Tax Increment Financing (TIF 2B Funds)** in the form of **1)** a rebate of a portion of the TIF increment created by the project back to the developer *(over time, performance based),* and **2)** a pure TIF grant to assist with development costs *(over time, performance based)*

     Note: TIF 2B District has 10 years remaining.

  B. **Enterprise Zone** in the form of **1)** state sales tax deduction on building materials *(up front)* and **2)** the .5 percent investment tax credits applied to state income tax *(may be carried over 5 years)*

  C. **Economic Incentive Agreement** in the form of a rebate of the City's portion of new sales tax created by the project *(over time, performance based)*

  D. **Other Economic Incentives as specified in Development Agreement** in the form of ROW vacation, utility relocation/reconnections, sidewalk repair/replacement, accessible routes on public ROW or other site preparation and public improvements.

- What type and amount of incentives has the developer requested?

  Project Scope: Exterior renovation of historic building at 101 E. Main Street and interior remodel of first floor commercial space; demolition and site preparation; and construction of a new 11,500 square foot warehouse/distribution facility at 104 N. Market Street. Estimated total capital investment of $1,965,860. This includes:

  - Real estate acquisition - $420,000
  - Exterior renovation of historic building - $558,000
  - Interior and store renovation of historic building - $170,000
  - Demolition, excavation, fill and utility relocations/reconnections - $95,370
  - New construction of warehouse and warehouse equipment - $681,000
  - A & E - $41,490

  TOTAL - $1,965,860

Attachment A

Developer is requesting **TIF and Enterprise Zone funds** to assist in the exterior restoration and repair expenses of the building, as well as the expenses incurred to ensure the sidewalks around the building are handicap accessible, and relocation and reconnection of existing utilities. When the developer first applied for incentives in April 2014, prior to purchasing the property, the amount requested for incentives was $170,000. Since the project began, there have been cost-overruns and unanticipated expenses. A revised application received on March 1, 2015, requests incentives in the amount of **$260,000.**

- Review and evaluation of Economic Development Incentive request

Request Considerations: 1) The City's economic development incentive policy discourages use of TIF funds for land acquisition, but the TIF 2B Redevelopment Plan allows the use of TIF funds for property assembly costs including acquisition of land. **2)** TIF 2B was recently amended to allow funds to be used for rehabilitating *existing private* buildings. **3)** The City was successful in expanding the Enterprise Zone to include the project site. **4)** The City vacated an alley right-of-way which had split the developer's parcels and deeded this strip to the developer. The strip included 1,800 square feet, more or less, and valued at $0.60 a square foot, the land dedication is estimated at $1,080. **5)** The vacation required relocation of City electric and private telecommunication utilities. The estimate provided by the City Electric Department is $41,244 and the estimate provided by Frontier is $9,125. **6)** The TIF 2B Redevelopment Plan states the cost of construction of *new privately owned buildings* are **not** an eligible redevelopment project cost. **7)** The City's policy includes a provision that the Review Board may consider incentive amounts up to a maximum of 15% of total capital investment. **8)** The amended TIF 2B Redevelopment Plan stipulates that improvements and activities that may be eligible to receive TIF funds include remodeling of existing building, site improvements, on-site infrastructure upgrades, demolition of unsafe structures, cost of engineering and architectural services, and public utility work. **9)** The total cap of incentives that may be offered, based on current developer's estimates and the City's economic development incentive policies (subtracting land acquisition and new construction of private buildings), is **$129,729** ($864,860 x 15%).

Evaluation of Request: Millikins LLC will perform an exterior renovation of the former Mascoutah Hardware Building located at 101 E. Main Street. This project will include a new roof, tuck pointing of the building, removal of the front awning, replacement and upgrading of the windows, adding handicap access to the retail areas of the building and a complete renovation of the first floor retail space. After the space is renovated, Ace Hardware plans to make a significant investment in the interior store space to make it a modern, consumer friendly hardware, paint, lawn & garden, and decoration center.

Millikins LLC will construct a 11,500 SF warehouse and distribution center to be used by hardware business on Main Street. The project requires extensive site

preparation including the removal of all the existing buildings, foundations, barriers, and the relocation of utilities. The completion of this project will also allow for Millikins LLC to move their existing operations from St. Louis to Mascoutah. The property will provide storage, receiving, and the outdoor lawn and garden portion for Ace Hardware.

Property Taxes: *101 E. Main Street* - Currently the property generates $4,766 in total property taxes. The estimated base EAV of the parcel is $59,017, meaning that only $120 is generated into the TIF fund at its current value. Projections as to the effect of the improvements on property taxes show that if the improvements increased the assessed value to approximately $150,000, property taxes would increase to approximately $8,702, with roughly $4,100 being generated into the TIF fund annually thereafter. Ten (10) years of TIF life would therefore generate approximately $41,000 in TIF funds. This information provided by Moran Economic Development.

104 N. Market Street - Currently the property generates $229 in total property taxes. The estimated base EAV of the parcel is $2,214, meaning that $55 is generated into the TIF fund at its current value. Projections as to the effect of the improvements on property taxes show that if the improvements increased the assessed value to approximately $270,000, property taxes would increase to approximately $7,314, with roughly $7,100 being generated into the TIF fund annually thereafter. Ten (10) years of TIF life would therefore generate approximately $71,000 in TIF funds. This information provided by Moran Economic Development.

Sales Tax: The property is estimated to produce taxable revenues of approximately $700,000 annually after the project's completion, 1% of which the City would see directly ($7,000). Note that the City already receives approximately $4,500 annually from the existing business, thus the sales tax should increase by up to $2,500 annually.

Employment: Employment is expected to increase by approximately 2 or 3 full-time persons and 4 or 5 part-time persons.

This redevelopment project meets several of the City's Economic Development Goals and Objectives from the City's Comprehensive Plan and the TIF 2B Redevelopment Plan.

Goal: Attract retail and commercial development to increase the City's sales tax base, provide employment opportunities for residents and offer a variety of shopping opportunities.

Sub-Goal: Encourage the retention and expansion of local businesses.

Goal: A strong downtown core identity shall be developed that creates an attractive environment for people to shop and work.

Sub-Goal: Promote a public/private partnership for planning and implementing the revitalization of downtown.

Objectives of the TIF 2B Redevelopment Plan:

- Enhance the real estate tax base for the City and all other taxing districts which extend into the TIF 2B District.
- Encourage and assist private development within the TIF 2B through the provision of financial assistance for new development as permitted by the Act. This will provide for expanded employment opportunities that will strengthen the economic base for the City and surrounding areas.

Also noted by the Review Committee is the positive perception a project of this scope will generate. This project is a major reinvestment in the downtown. The developer intends to maintain the historical integrity of the existing building. The property will continue to be used for residential units on the upper floor. The investment will significantly enhance the overall appearance of the property and will potentially spur reinvestment by other property owners.

Incentive Summary (estimated):

$67,200	Rebating ***portion*** of TIF increment for development costs, *60% annually for 10 years, first payment following County reassessment, estimated on TIF increment of $11,200 annually ($11,200 x 60% x 10 years)*
$10,000*	Pure TIF grant for portion of development (*grant amount reimbursed following County reassessment and documented project costs, recommend a cap dollar amount, not to exceed)*
$7,500*	City labor for utility relocations from TIF 2B or Electric Fund
$35,300	State sales tax exemption on building materials (EZ) *(estimated $565,000 x .0625) actual will be based on IDOR records)*
$10,000	Public sidewalks and ADA modifications with 50/50 matching sidewalk program (recommend 50/50 split with a cap dollar amount, not to exceed)
$130,000	Total of maximum development incentives (15%), not to exceed $150,000 (*To receive the cap of $150,000, developer's total capital investment must include $1M of TIF and EZ eligible expenses)*

* The amount of pure TIF grant and the City's share of covering utility relocation expenses may increase or decrease in order to derive at a total incentive package of $130,000 (not to exceed a cap of $150,000).

RESOLUTION NO. 14-15- 02

A RESOLUTION OF THE CITY OF MASCOUTAH, ILLINOIS, TO INDUCE ECONOMIC DEVELOPMENT INCENTIVES FOR BILL MILLIKIN/MILLIKINS LLC, FOR PROPERTY AT 101 E. MAIN STREET/104 N. MARKET STREET

WHEREAS, the City of Mascoutah, Illinois, (the "City") desires to develop and redevelop the former Mascoutah Hardware Building at 101 East Main Street and 104 N. Market Street and related property **(Exhibit A)** for purposes of expansion and renovation of a new hardware store ("Project") and related commercial uses; and,

WHEREAS, the City wishes to encourage Bill Millikin/Millikins LLC ("Developer") to pursue a plan for redevelopment of commercial property located at 101 East Main Street and 104 N. Market Street and make such expenditures as are reasonably necessary in that regard with confidence that said expenditures may be allowable redevelopment project costs under the Mascoutah TIF 2B Redevelopment Plan and Program; and,

WHEREAS, on May 1, 2014, the Developer submitted to the City a Pre-Application for City Economic Development Incentives requesting the use of TIF 2B matching funds to restore the builidng's exterior (new roof, tuck pointing, window replacement), modifications to public sidewalks to address site accessibility issues, and assistance with on site utility relocations and reconnections; and,

WHEREAS, it appears that the Project area can not be redeveloped without the use of tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.1 et. seq. Revised Illinois Statutes ("TIF"); and,

WHEREAS, the Developer will be expending certain funds for and it is the intent of the City to assist the Developer with these expenditures from the TIF 2B program; and,

WHEREAS, the City desires to expand the St. Clair County MidAmercia Enterprise Zone boundary to include the Project area so as to allow the Developer to receive a state sales tax deduction on building materials and other Enterprise Zone incentives as applicable;

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

SECTION 1: That the City Council has examined the proposed Project area and circumstances, and at this time believe it is reasonable that certain expenditures and development costs in furtherance of the plan and potential development should be allowable redevelopment project costs under the TIF 2B program and the St. Clair County MidAmerica Enterprise Zone program, provided that this resolution is not a guarantee that any expenditures will be reimbursed, but rather an expression of the sense of the City at this time.

Passed and approved by the Mascoutah Mayor and City Council this 2nd day of June, 2014.

Gerald E. Dougherty
Mayor

ATTEST:

Kari D. Haas, MMC
City Clerk

(SEAL)

F:\CITYPUBLIC\City Council\Resolutions\14-15\Resolution No. 14-15-02, Resolution to Induce EDI for Bill Millikin, 6-2-14.doc

Exhibit A

Project Location

Address: 101 E. Main Street, Mascoutah, IL
104 N Market Street, Mascoutah, IL

Project Parcels: 10-32.0-137-001, 10-32.0-137-002, 10-32.0-137-003 & 10-32.0-137-016

Site lies entirely within the Mascoutah TIF 2B Redevelopment Project Area

Millikin Project

CITY OF MASCOUTAH

Staff Report

TO: Mayor Daugherty and City Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Economic Development Incentive Review and Pre-Application Concept Approval to Mark Ratterman/MBR IL LLC for Development of Property on Hayden Drive**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Review economic development incentives request and approve a Pre-Application concept to establish parameters for a Development Agreement with Mark Ratterman, MBR IL LLC for development of property on Hayden Drive.

BACKGROUND & STAFF COMMENTS:
Mr. Ratterman has a contract to purchase .75 acres of land in MidAmerica Plaza along Hayden Drive, east of the Mobile station. MBR IL LLC will construct a two-bay tenant retail center comprised of 2,947 Square Feet. A Dominos restaurant with a pick-up window will occupy one bay. The tenant of the other space is unknown at this time. This store will be similar to the store the developer recently built in O'Fallon on East Highway 50.

The incentives requested by the developer include the use of the Business District Sales Tax, a rebate of the City's portion of sales tax, and Enterprise Zone incentives to assist with the total estimated capital investment of approximately $910,000. The developer is requesting $37,692 in Enterprise Zone funds, $173,800 in Business District Sales Tax, and $11,440 in Sales Tax Rebate of the City's portion of sales tax for a total of $222,932 in funds, or 25% of the total (estimated $909,445) capital investment.

Projected Economic Impact of Development: Following completion of the project, it is anticipated that the land and improvements may have an equalized assessed value (EAV) of $250,000 (based on a market value of approximately $750,000). The property taxes generated would be approximately $20,000 annually. Mr. Ratterman estimates sales to be $17,600/week, which would generate sales of $915,200 annually. Based on these projections, the Business District Tax of .01% would generate $9,152 of sales tax annually. This would create $173,888 sales tax over 19 years (the number of years remaining of the Business District.) The City Sales Tax of .0125% would generate $11,440 annually.

Procedures for Economic Development Incentives Program: The developer submitted a Pre-Application to request development incentives for the construction of a two-bay tenant retail center comprised of 2,947 square feet. A Dominos restaurant with a pick-up window will occupy one bay. Staff, together with a Review Board consisting of members of the City's

Economic Development Commission and Finance Committee, reviewed the Pre-Application and provided comments which are incorporated in this report to City Council. By Council approving the Pre-Application concept, it establishes the parameters of a Development Agreement to provide incentives to the developer. The developer will be required to execute an initial Funding Agreement and to advance funds to cover the City's detailed review and documentation costs, including preparation of a definitive Development Agreement by legal counsel.

Concept of the Pre-Application for Economic Development Incentives: Staff met with the Review Board to discuss the rationale and the types of incentives which may be offered to the developer for the construction of a retail center with a Dominos restaurant on .75 acres of land in MidAmerica Plaza. The following guidance was provided to staff:

- Attempt to fund maximum of 15% of total capital investment minus land acquisition and A & E expenses, based upon the City's interest is assisting with attracting commercial development to MidAmerica Plaza.
- Enterprise Zone benefits should not be included in the incentive calculation.
- The maximum 15% of the total capital investment should be comprised of rebating one-half, or 50%, of the 1% Business District Sales Tax generated by the Dominos restaurant.

FUNDING:
Based upon input from staff and the Review Board, incentives offered should be in the form of: 1) a rebate to the developer of one-half, or 50%, of the 1% Business District Sales Tax generated by the Dominos Restaurant and 2) a state sales tax deduction on building materials in accordance with the St. Clair County MidAmerica Enterprise Zone. A Development Agreement between the City and Mr. Ratterman specifying the incentives to be offered will be presented to the City Council for approval.

RECOMMENDATION:
Approval of the Pre-Application concept to establish parameters for a Development Agreement to provide economic development incentives to Mark Ratterman/MBR IL LLC for development of property on Hayden Drive as outlined in Attachment A.

SUGGESTED MOTION:
I move that the Council approve the Pre-Application concept outlined in Attachment A to establish parameters for a Development Agreement to provide economic development incentives to Mark Ratterman/MBR IL LLC, for the development of property on Hayden Drive.

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By: Cody Hawkins
Cody Hawkins
City Manager

Attachment A: Economic Development Incentive Review and Pre-Application Concept for Development Agreement

Economic Development Incentive Review and
Pre-Application Concept for Development Agreement

Applicant: Mark Ratterman/MBR IL LLC
Project Name/Site: Dominos on Hayden Drive, I/64 and RT 4

- What local incentives can be applied to this particular project?

  A. Business District Redevelopment Sales Tax – permits the establishment of an additional 1% sales tax and/or a 1% hotel tax which may be imposed for up to 23 years and may be pledged to secure notes or bonds to finance improvements.

  Note: The Mascoutah Business District was established on March 5, 2012 for land north of Interstate 64/IL Route 4, primarily Huddle House property on the east and Barry Hayden's land to the west. This district will expire on March 5, 2035.

  B. Enterprise Zone in the form of **1)** state sales tax deduction on building materials *(up front)* and **2)** the .5 percent investment tax credits applied to state income tax *(may be carried over 5 years)*

  C. Economic Incentive Agreement in the form of a rebate of the City's portion of new sales tax created by the project *(over time, performance based)*

- What type and amount of incentives has the developer requested?

  Project Scope: Purchase of approximately .75 acre of land in MidAmerica Plaza located along Hayden Drive and the construction of a two-bay tenant retail center comprised of 2,947 square feet. A Dominos restaurant with a pick-up window will occupy one bay. The tenant of the other bay is unknown at this time. Estimated total capital investment of approximately $910,000. This includes:

  - Real estate acquisition - $95,000
  - Site work - $173,573
  - Building construction costs - $515,872
  - A & E - $125,000

  TOTAL - $909,445

  Developer is requesting $37,692 in Enterprise Zone funds, $173,800 in Business District Sales Tax, and $11,440 in Sales Tax Rebate of the City's portion of sales tax for a total of **$222,932** in funds, or 25% of the total (estimated $909,445) capital investment.

Attachment A

- Review and evaluation of Economic Development Incentive request

Request Considerations: 1) The City's economic development incentive policy discourages use of incentives for land acquisition. **2)** The City's incentive policy directs that a sales tax rebate be considered only as a last resort and in conjunction with other available incentives as a means to meet necessary capital funding requirements. **3)** Site work and building construction costs are estimated at $690,000 (based on new Dominos store in O'Fallon). **4)** A & E expenses are not an eligible cost category for the use of the Business District Sales Tax. **5)** The total cap of incentives that may be offered is **$103,500** ($690,000 x .15).

Evaluation of Request: MBR IL LLC will construct a two-bay tenant retail center comprised of 2,947 Square Feet. A Dominos with a pick-up window will occupy one bay. The tenant of the other space is unknown at this time. This store will be similar to the store the developer recently built in O'Fallon on East Highway 50.

Property Taxes: Currently the property for the proposed project is part of a 2.25 acre parcel that includes the Mobile station. The property will need to be subdivided. The new parcel created to accommodate the Dominos project will be approximately 32,500 SF in size. It is difficult to determine what the amount of land to be used for the new store currently generates in total property taxes since it is a part of a much larger parcel and it includes the Mobile station. Projections as to the effect of the improvements on property taxes show that if the improvements increased the assessed value of the property to approximately $250,000 (based on a market value of approximately $750,000), the property taxes generated would be approximately $20,000 annually.

Sales Tax: Mr. Ratterman is estimating sales to be $17,600/week, which would generate sales of $915,200 annually. Based on these projections, the **Business District Tax of .01%** would generate **$9,152 of sales tax annually.** This would create $173,888 sales tax over 19 years (the number of years remaining of the Business District.) The **City Sales Tax of .0125%** would **generate $11,440 annually.**

Employment: The Dominos is expected to create approximately 4 to 5 full-time and 16 to 18 part-time jobs.

This development project meets several of the City's Economic Development Goals and Objectives from the City's Comprehensive Plan.

Goal: Attract retail and commercial development to increase the City's sales tax base, provide employment opportunities for residents and offer a variety of shopping opportunities.

Goal: Identify the type of development desired and anticipated to adequately plan for future growth and properly market the community to future investors.

Goal: Increase and diversify the City's long-term tax base to provide adequate services for its residents while lessening reliance on the residential property tax.

Sub-Goal: City's annual budget will reflect an increase in sales tax from additional commercial development to fund municipal operations.

Also noted by the Review Committee is that the construction of a Dominos and small retail center may spur additional interest and investment in MidAmerica Plaza and other properties located at the Interstate 64 and IL Route 4 interchange designated and zoned for commercial development.

Incentive Summary (estimated):

$37,692	State sales tax exemption on building materials (EZ) *(estimated $603,250 x .0625) actual will be based on IDOR records)*
$86,944	Rebating ***portion*** of Business District Sales Tax for development costs, one-half or 50% of Business District Sales Tax generated from Dominos *(estimated at $9,152 annually or $173,800 sales tax over 19 years, actual will be based on IDOR records)*
$103,500	Total of maximum development incentives (15%), not to exceed $103,500. *(To receive the cap of $103,500, developer's total capital investment must include $690,000 of BD Sales Tax and EZ eligible expenses. The incentives are performance based, so if the Dominos generates less than the estimated sales tax projections, then the incentive amount the developer receives is reduced accordingly.)*

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Pump House Generator – Bid Award**

MEETING DATE: April 6, 2015

REQUESTED ACTION:
Approval and authorization of bids for furnishing an emergency backup generator for the Pump House located on North Railway Street.

BACKGROUND & STAFF COMMENTS:
An emergency back-up generator is recommended to ensure uninterrupted electric power is available at the Pump House during a major power outage. We rely on the electric pumps to keep the water tower full which regulates the pressure in the water system. The IEPA has recommended all municipal water systems install a generator to maintain minimum water pressure during extended power outages such as a major ice storm that impacts Ameren's grid and /or the City's distribution system for more than a day or two.

Bids for furnishing a diesel engine driven backup generator for the Pump House were opened at City Hall on Thursday, April 2, 2015. A total of 2 bids were received: $85,412.00 submitted by Central Power Systems and $101,890.00 submitted by CK Power Systems. Both bids are substantially over the engineers estimate due to unintentionally specifying stringent noise level requirements.

FUNDING:
This project will be paid for with Electric Funds.

RECOMMENDATION:
Rejection of all bids based on incorrect bid requirements and in the best interest of the City. Correct the bid specifications and re-bid the project.

SUGGESTED MOTION:
I move that the Council reject all bids for the emergency backup generator for the Pump House, correct the bid specifications and re-bid the project.

Prepared By: Ron Yeager
Ron Yeager
City Engineer

Approved By: _____
Cody Hawkins
City Manager

Attachments: A – Bid Tab
B – Letter of Bid Recommendation from BHMG

B1546 K002 - City of Mascoutah, IL - Standby Generator Purchase

BIDDERS/PROPOSALS	Fabick Power Systems 101 Fabick Dr. Fenton, MO 63026 Stacey Grimm 636-680-1431	Cummins Mid-South 2247 Cassens Dr. Fenton, MO 63026 Jeff Wahl 314-685-3758	CK Power 1100 Research Blvd. St. Louis, MO 63132 Peg Johnston 314-569-8290	Central Power Systems 9407 Koenig Circle St. Louis, MO 63134 Mark Obenhaus 314-427-4911
BID SECURITY	No Bid	No Bid	5% Check	5% Cashiers check
PROPOSAL 1	$	$	$ 104,840.00	$ 85,412.00
DELIVERY				
	YES Purchase bid documents __Non-Collusion Affidavit __Bid Bond __Bid Form __Any other documents as required by the specifications	**YES** Purchase bid documents __Non-Collusion Affidavit __Bid Bond __Bid Form __Any other documents as required by the specifications	**YES** Purchase bid documents __Non-Collusion Affidavit __Bid Bond ✓Bid Form __Any other documents as required by the specifications	**YES** Purchase bid documents __Non-Collusion Affidavit __Bid Bond ✓Bid Form __Any other documents as required by the specifications

BHMG Engineers, Inc. **Consulting Engineers** **630 Jeffco Blvd.** **Arnold, MO 63010**	**CITY OF MASCOUTAH, IL** **MUNICIPAL ELECTRIC SYSTEM** **STANDBY GENERATOR PURCHASE** **Bids Received 2:00 p.m. 04/02/15**	**BID OPENING WITNESSES:** **City:** _____ **BHMG:** _____

ATTACHMENT A