

Mascoutah City Council

September 2, 2014
REGULAR MEETING AGENDA

City Council Meeting - 7:00 pm

1. PRAYER & PLEDGE OF ALLEGIANCE
2. CALL TO ORDER
3. ROLL CALL
4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*
5. MINUTES, August 18, 2014 City Council Meeting (Page 1 to Page 5)
6. PUBLIC COMMENTS (3 minutes) – opportunity for the public to comment.
7. REPORTS AND COMMUNICATIONS
 - A. Mayor
 - B. City Council
 - C. City Manager
 - D. City Attorney
 - E. City Clerk
8. COUNCIL BUSINESS
 - A. Council Items for Action:
 1. Issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B (Second Reading) (Page 16 to Page 19)

Description: Approval of the Ordinance authorizing the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B in accordance with the terms of the Development Agreement with DDS Properties, LLC and SDS Stores, Inc. d/b/a Eddies

Staff Recommendation: Council Approval and Adoption of Ordinance.
 2. PC 14-06 Rezoning of 6.78 acres located at the Southwest corner of Fuesser Road and N 6th Street from GC, General Commercial, to RS-10, Single-Family Residential (First Reading) (Page 20 to Page 41)

Description: Approval of rezoning of property for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single Family Residential by adoption of ordinance.

Staff Recommendation: First Reading.

3. PC 14-05 Alley Vacation for a portion of the 100 Block of E Main Street, between N Market Street and N Lebanon Street (First Reading)

(Page 42 to Page 59)

Description: Approval of vacation of a portion of an alley (12" wide) in the 100 block of E. Main from N. Market Street to N. Lebanon Street easterly 150'.

Staff Recommendation: First Reading.

4. Approval of a Bond Compliance Policy and Procedure

(Page 60 to Page 74)

Description: Approval of a Resolution to approve a Bond Compliance Policy and Procedure.

Staff Recommendation: Council Approval and Adoption of Resolution.

5. 2014 MFT Oil & Chip Program – Bid Award *(to be provided at meeting)*

Description: Council approval and authorization of bid for furnishing and applying chip sealing on various streets identified for the 2014 Oil & Chip Program.

Staff Recommendation: Council Approval.

B. Council – Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION - NONE

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 8/29/14 at 5:00 PM

**1CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

AUGUST 18, 2014

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

AUDIT PRESENTATION

Mayor Gerald Daugherty called the discussion to order at 6:30 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, and Finance Coordinator Lynn Weidenbenner.

Discussion:

Kevin Tepen with C.J. Schlosser & Company, LLC presented the audit and financial statements for Fiscal Year ended April 30, 2014.

Mayor Gerald Daugherty closed the discussion at 7:02 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 7:03 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, 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 August 4, 2014 regular City Council meeting were presented and stood as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

None.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – absent – July 2014 report was provided.

Public Safety Director Bruce Fleshren – absent – July 2014 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 Grodeon asked about Fuesser Road Phase 2 and start date being in October and how long the project will take. City Engineer stated that the contractor will be required to have all drainage improvements done by the end of the calendar year and the remaining construction by June 1 of next year. City Engineer stated that the pavement will remain intact over the winter other than patches for the drainage improvements. Councilman Grodeon asked about the start date for the Safe Routes to School project and the timeline for that project. City Engineer stated that it will take at least a month for the paperwork to be done with IDOT and then they will be able to start the concrete work for the sidewalks during the winter. Councilman Schorr asked about the North 10th Street extension and if there were any plans to do any work on the portion of 10th Street from Park Drive north. City Engineer stated that they are looking at the condition of the roadway on 10th Street from Harnett Street north and looking into possibly adding it to the contract as well depending on the cost. Councilman Weyant asked if there is going to be a stop sign on 6th Street at Harnett Street or Poplar Street in conjunction with the Safe Routes to School project. City Engineer stated that they had asked IDOT about placing stop signs at the intersection of Harnett Street but IDOT stated that the traffic study does not warrant one at this time. City Engineer stated that they might add the “cross-traffic does not stop” signs on the stop signs on Harnett Street.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: Chamber meeting, selection committee meeting for IML Executive Director hiring, Habitat for Humanity meeting, meeting with representative from Trane Corporation.

City Council

Grodeon – Attended the following meetings and functions: Habitat for Humanity meeting.

Schorr – Nothing to report.

Weyant – Attended the following meetings and functions: Chamber meeting.

McMahan – Attended the following meetings and functions: Worked on the Frisbee golf at Scheve Park.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The July 2014 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Councilman Schorr asked if the contracting of the mowing of the cemetery has caused expenses to go down on seasonal mowers. City Manager stated that he believes some of the additional expenses have gone down with the cemetery mowing contract.

Councilman Grodeon asked about expenses to Dan's Auto Body and South Side Auto Body for repairs to resident property from accidents. City Manager stated that the one for Dan's Auto Body was from a police car backing into a scooter and the South Side Auto Body was a street department dump truck backing into a car causing front end damage. City Manager stated that there was no injury to individuals, just damage to personal property.

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

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

FIRST AMENDMENT TO THE FINAL DEVELOPMENT AGREEMENT – DSS PROPERTIES, LLC AND SDS STORES, INC. DBA EDDIES, INC. (SECOND READING)

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

Grodeon moved, seconded by Schorr, to approve Ordinance No. 14-10, approving an amendment to the Final Development Agreement among the City of Mascoutah, DDS Properties, LLC and SDS Stores, Inc. dba Eddies.

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

STREET CLOSING – HERO RUN

City Manager presented report for Council consideration of approval of resolution to close portions of Main Street and Sixth Street for the annual Hero Run as requested by Brent Bergeher Chrysler.

McMahan moved, seconded by Weyant, to approve and adopt Resolution No. 14-15-12 to authorize the closing of Main Street from Market Street to Sixth Street and Sixth Street from Main Street to Church Street from 8:00 a.m. to 10:00 a.m. on October 4th for the annual Hero Run.

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

ISSUANCE OF SALES TAX REVENUE BONDS (HUDDLE HOUSE PROJECT) SERIES 2014A AND TAXABLE BUSINESS DISTRICT REVENUE BONDS (HUDDLE HOUSE PROJECT) SERIES 2014B (FIRST READING)

City Manager presented report for Council consideration of approval of the Ordinance authorizing the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B in accordance with the terms of the Development Agreement with DSS Properties, LLC and SDS Stores, Inc. dba Eddies. Shawn Flynn with Gilmore & Bell was present to answer questions.

Councilman Schorr asked about the blanks in the ordinance regarding the terms of the bonds. Shawn Flynn stated that the blanks will be completed prior to the next meeting. Shawn Flynn explained that the parameters of the bond amounts will fluctuate and like to wait until closer to the sale date which is why the bond terms are blank for the first reading.

Councilman Grodeon asked about the maturity terms of the bond. Shawn Flynn stated that the bonds will be issued for a term of 20 years.

First reading. No action required.

BID AWARD – 2014 MFT OIL & CHIP PROGRAM

City Manager stated that the bid opening was today at 1:00 p.m. for furnishing and applying chip sealing on various streets identified for the 2014 MFT Oil & Chip Program. No bids were received today. City Manager stated that they spoke with Beelman Trucking who is the only company in this area who can provide the slag and

they stated that they did not read the specs of the bid packet thinking that the City bid the project the same as before with regards to the spreading. City Manager stated that IDOT requires a project to be bid twice under the same specs before you can sole source acquire the items. City Manager stated that the chip sealing could be bid again with bid opening prior to the next City Council meeting so that we could continue to use MFT funds or we could use our stock pile and use General funds to purchase the remaining amount that we don't have in stock. Council was in consensus to bid the project again with bid opening prior to the next City Council meeting.

McMahan moved, seconded by Grodeon, to table item.

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

COUNCIL – MISCELLANEOUS ITEMS

Mayor asked about the Crown Pointe residents and the SSA. Assistant City Manager stated that no further discussions has been had with the Crown Pointe residents.

Mayor stated that the former City Clerk Kathy Schuetz passed away a few days ago and asked for a moment of silence in her honor.

Councilman Schorr asked about the dirt pile on Harnett Street from a resident putting a pool in and how soon it was going to be removed and cleaned up. City Manager stated that he will check on it again and make sure it gets cleaned up.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager stated that he received a notice from Terry Beech that there will be a big announcement at the airport terminal tomorrow morning at 10:15 a.m.

PUBLIC COMMENTS

Thiry Cameron – commented on the trash and debris at the reservoir and commended the Council on the good job they are doing.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Weyant, to **adjourn at 7:44 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.


Kari D. Haas, City Clerk

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor and City Council

FROM: Cody Hawkins City Manager

SUBJECT: **Issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B (Second Reading)**

MEETING DATE: September 2, 2014

REQUESTED ACTION:

Approval of the Ordinance authorizing the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B in accordance with the terms of the Development Agreement with DDS Properties, LLC and SDS Stores, Inc. d/b/a Eddies.

BACKGROUND AND STAFF COMMENTS:

In accordance with the Final Development Agreement with DSS Properties, LLC and SDS Stores, Inc. d/b/a Eddies, Inc., the City committed to issuing Sales Tax Revenue Bonds and Taxable Business District Revenue Bonds to finance some of the development costs for the Huddle House project. The agreement included establishment of a Business District and the imposition of a 1% sales tax for a period of up to 23 years to fund the construction of improvements to Perrin Road.

The amendment to the Final Development Agreement, approved by Council at the August 18, 2014 meeting, clarified that taxable bonds in the amount of \$650,000 were to be issued for the Perrin Road project, to be paid by the 1% Business District Tax generated by the project. Tax-exempt bonds are to be issued to reimburse the Developer for eligible project costs, the least of (a) \$1,815,000, (b) 30% of the total cost of the project, or (c) the amount supported by the revenue study prepared by Development Strategies, Inc. as determined by Stifel Nicolaus & Company, Inc. The City pledged 1% of its portion of regular sales tax generated (1.25%) from the project towards repayment of the issuance of a tax exempt bond. If the sales tax and business district tax is not sufficient to pay the bonds, the developers are responsible for the payment. The City of Mascoutah is not responsible for the bond payment.

RECOMMENDATION:

Staff recommends that the Council approve an Ordinance authorizing the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B and approving documents and actions in connection with the issuance of the bonds in accordance with the terms of the Development Agreement with DDS Properties, LLC and SDS Stores, Inc. d/b/a Eddies.

SUGGESTED MOTION:

I move that the City Council approve Ordinance 14-___, authorizing the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B and approving documents and actions in connection with the issuance of the bonds in accordance with the terms of the Development Agreement with DDS Properties, LLC and SDS Stores, Inc. d/b/a Eddies.

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By: 
Cody Hawkins
City Manager

Attachment: A – Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS (HUDDLE HOUSE PROJECT), SERIES 2014A AND TAXABLE BUSINESS DISTRICT REVENUE BONDS (HUDDLE HOUSE PROJECT), SERIES 2014B OF THE CITY OF MASCOUTAH, ILLINOIS, AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

WHEREAS, the City of Mascoutah, Illinois (the "City") is authorized and empowered under the laws of the State of Illinois, in particular the Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3 *et seq.* (the "Business District Act"), the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.*, The Industrial Project Revenue Bond Act, 65 ILCS 5/11-74-1 *et seq.*, and its home rule powers, to issue bonds for the purpose of providing funds to finance the costs of certain projects and to pay certain costs related to the issuance of such bonds; and

WHEREAS, pursuant to the Business District Act, the City (a) created a business district known as the Mascoutah Business District, (b) prepared a plan for development within such business district titled "Business District Redevelopment Plan" and (c) imposes a retailers' occupation tax and service occupation tax and a hotel operators' occupation tax within such business district; and

WHEREAS, the City entered into a Final Development Agreement, as supplemented and amended by a First Amendment to Final Development Agreement (collectively, the "Redevelopment Agreement") with DSS Properties LLC, an Illinois limited liability company, and SDS Stores Inc., d/b/a Eddies, Inc., an Illinois corporation (collectively, the "Developer"), whereby the Developer agreed to carry out the project described in the Redevelopment Agreement, which project includes any improvements to Perrin Road constructed by the City (the "Redevelopment Project"); and

WHEREAS, pursuant to the Redevelopment Agreement, the City has agreed to issue bonds to pay certain costs of the Redevelopment Project; and

WHEREAS, the City finds it is necessary at this time to authorize the issuance and delivery of its (a) Sales Tax Revenue Bonds (Huddle House Project), Series 2014A (the "Series 2014A Bonds") for the purposes of (i) paying certain costs of the Redevelopment Project, (ii) funding a debt service reserve fund for the Series 2014A Bonds, and (iii) paying the costs of issuance of the Series 2014A Bonds, and (b) Taxable Business District Revenue Bonds (Huddle House Project), Series 2014B (the "Series 2014B Bonds" and, together with the Series 2014A Bonds, the "Bonds") for the purposes of (i) paying certain costs of the Redevelopment Project, (ii) funding a debt service reserve fund for the Series 2014B Bonds, and (iii) paying the costs of issuance of the Series 2014B Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, ILLINOIS, AS FOLLOWS:

Section 1. Authorization of the Bonds.

(a) The City hereby authorizes the issuance of the Bonds for the above-stated purposes. The Bonds shall be issued under and secured by the hereinafter-described Indentures. The Bonds shall bear such dates, shall mature at such times and in the amounts, shall be in such denominations, shall bear interest at such rates, shall be in such forms, shall be subject to redemption, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements as are set forth in the Indentures, subject to the following:

The Series 2014A Bonds shall be issued in a principal amount not to exceed \$2,100,000; shall bear interest at a rate not to exceed 6.50% per annum; shall have a final maturity not later than December 1, 2034; shall be subject to optional redemption prior to maturity not later than December 1, 2024; and shall be sold to the Purchaser (as hereinafter defined) with an underwriter's discount of not to exceed 2.75% of the aggregate principal amount of the Series 2014A Bonds and an original issue discount of not to exceed 2.50% of the aggregate principal amount of the Series 2014A Bonds.

The Series 2014B Bonds shall be issued in a principal amount not to exceed \$900,000; shall bear interest at a rate not to exceed 8.50% per annum; shall have a final maturity not later than 20 years from the issue date thereof; shall be subject to optional redemption prior to maturity not later than December 1, 2024; and shall be sold to the Purchaser with an underwriter's discount of not to exceed 2.75% of the aggregate principal amount of the Series 2014B Bonds and an original issue discount of not to exceed 2.50% of the aggregate principal amount of the Series 2014B Bonds.

(b) The final terms of the Bonds shall be approved by the Mayor as evidenced in the Final Terms Certificate executed at the time of issuance of the Bonds and attached to this Ordinance as **Exhibit A**. Upon execution of the Final Terms Certificate meeting all of the requirements set forth herein and therein, the Bonds shall be sold to Stifel, Nicolaus & Company, Incorporated (the "Purchaser") at the purchase prices set forth in the Final Terms Certificate approved by Mayor.

Section 2. Limited Obligations.

(a) The Series 2014A Bonds constitute special, limited obligations of the City payable as to principal, premium, if any, and interest solely from Sales Tax Revenues (as such term is defined in the Indentures), and other moneys pledged thereto and held by UMB Bank, N.A., as trustee (the "Trustee") pursuant to the Indentures.

(b) The Series 2014B Bonds constitute special, limited obligations of the City payable as to principal, premium, if any, and interest solely from Business District Sales Tax Revenues (as such term is defined in the Indentures), and other moneys pledged thereto and held by the Trustee pursuant to the Indentures.

(c) The Bonds shall not constitute debts or liabilities of the City, the State of Illinois or any political subdivision thereof within the meaning of any constitutional or statutory debt limitation or restriction. Neither the City, the officers, employees and agents of the City nor any person executing the Bonds shall be personally liable for such obligations by reason of the issuance thereof.

Section 3. Authorization of Documents. The City is hereby authorized to enter into the following documents (collectively, the "City Documents"), in substantially the forms presented to and approved by the City Council at this meeting and attached to this Ordinance (copies of which documents are on file in the office of the City Clerk and shall be permanently filed in the records of the City), with such changes therein as shall be approved by the officers of the City executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Two Trust Indentures (the "Indentures"), each relating to one series of Bonds and both between the City and the Trustee, attached hereto as **Exhibit B**;

- (b) Purchase Contract (the "Purchase Contract") by and between the City and the Purchaser, attached hereto as **Exhibit C**;
- (c) Two Official Statements to be dated the date of execution and delivery of the Purchase Contract and each relating to one series of Bonds (collectively, the "Official Statement") (in the forms of the two Preliminary Official Statements which are hereby approved and are attached hereto as **Exhibit D**);
- (d) Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") between the City and UMB Bank, N.A., as dissemination agent, attached hereto as **Exhibit E**; and
- (e) Tax Compliance Agreement (the "Tax Agreement") between the City and the Trustee, attached hereto as **Exhibit F**.

Section 4. Execution of Documents. The Mayor is hereby authorized and directed to execute and deliver, for and on behalf of and as the act and deed of the City, the City Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance. The City Clerk is hereby authorized and directed to attest to such documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 5. Execution of Bonds. The Mayor is hereby authorized and directed to execute, by manual or facsimile signature, the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the City in the manner provided in the Indentures. The City Clerk is hereby authorized and directed to attest, by manual or facsimile signature, to the Bonds and to such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Official Statement. The Official Statement, in the forms presented to the City Council and filed in the records of the City, is hereby ratified and approved. The Mayor is hereby authorized to execute the Official Statement, and the use and public distribution of the Official Statement by the Purchaser in connection with the reoffering of the Bonds is hereby authorized. The proper officials of the City are hereby authorized to execute and deliver a certificate pertaining to such Official Statement as prescribed therein, dated as of the date of payment for and delivery of the Bonds.

Section 7. Further Authority. The City shall, and the officers, agents and employees of the City are hereby authorized and directed to, take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds and the Indentures.

Section 8. Severability. The sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be severable. In the event that any such section, paragraph, sentence, clause or phrase of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of the Ordinance are so essential to and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council has enacted the valid portions without the void ones, or unless the court finds that the valid portions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 9. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 10. Adoption. This Ordinance shall be in full force and effect from and after its passage, approval and publication, if required, as provided by law.

Passed by the City Council of the City of Mascoutah, Illinois on this 2nd day of September, 2014 on the following vote:

	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 2nd day of September, 2014.

ATTEST:

Mayor

City Clerk
(SEAL)

EXHIBIT A

FINAL TERMS CERTIFICATE

The undersigned, Mayor of the City of Mascoutah, Illinois (the "City"), hereby executes this Final Terms Certificate pursuant to **Section 1** of Ordinance No. _____ adopted by the City Council of the City on September 2, 2014 (the "Ordinance") authorizing the issuance of the City's Sales Tax Revenue Bonds (Huddle House Project), Series 2014A (the "Series 2014A Bonds") and Taxable Business District Revenue Bonds (Huddle House Project), Series 2014B (the "Series 2014B Bonds" and, together with the Series 2014A Bonds, the "Bonds"). *Capitalized terms used herein shall have the meanings assigned to such terms in the Ordinance.*

1. Original Principal Amount. The Series 2014A Bonds are issued in the original principal amount of \$ _____ and the Series 2014B Bonds are issued in the original principal amount of \$ _____.
2. Final Maturity of the Bonds. The final maturity of the Series 2014A Bonds is September 1, 20____ and the final maturity of the Series 2014B Bonds is September 1, 20____.
3. Optional Redemption.

(i) The Series 2014A Bonds are subject to optional redemption by the City in whole or in part at any time on or after September 1, 20____, at a redemption price equal to 100% of the principal amount of Series 2014A Bonds to be redeemed, plus accrued interest thereon to the redemption date.

(ii) The Series 2014B Bonds are subject to optional redemption by the City in whole or in part at any time on or after September 1, 20____, at a redemption price equal to 100% of the principal amount of Series 2014B Bonds to be redeemed, plus accrued interest thereon to the redemption date.

4. Purchase Price.

(i) The purchase price of the Series 2014A Bonds is \$ _____ (representing the original principal amount of the Series 2014A Bonds, less original issue discount of \$ _____ and less an underwriting discount of \$ _____). The underwriting discount is \$ _____, which does not exceed 2.75% of the aggregate principal amount of the Series 2014A Bonds. The original issue discount is \$ _____, which does not exceed 2.50% of the aggregate principal amount of the Series 2014A Bonds.

(ii) The purchase price of the Series 2014B Bonds is \$ _____ (representing the original principal amount of the Series 2014B Bonds, less original issue discount of \$ _____ and less an underwriting discount of \$ _____). The underwriting discount is \$ _____, which does not exceed 2.75% of the aggregate principal amount of the Series 2014B Bonds. The original issue discount is \$ _____, which does not exceed 2.50% of the aggregate principal amount of the Series 2014B Bonds.

5. Maturity Schedule. The Bonds will mature on the dates and in the amounts and bear interest at the rates as follows:

SERIES 2014A TERM BONDS

<u>Maturity</u> <u>September 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
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SERIES 2014B TERM BONDS

<u>Maturity</u> <u>September 1</u>	<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>
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Dated this _____ day of September, 2014.

CITY OF MASCOUTAH, ILLINOIS

By: _____
Mayor

EXHIBIT B

TRUST INDENTURES

[On file in the Office of the City Clerk]

EXHIBIT C

PURCHASE CONTRACT

[On file in the Office of the City Clerk]

EXHIBIT D

PRELIMINARY OFFICIAL STATEMENTS

[On file in the Office of the City Clerk]

EXHIBIT E

CONTINUING DISCLOSURE AGREEMENT

[On file in the Office of the City Clerk]

EXHIBIT F

TAX COMPLIANCE AGREEMENT

[On file in the Office of the City Clerk]

STATE OF ILLINOIS)
) SS.
COUNTY OF ST. CLAIR)

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Mascoutah, Illinois, and as such officer I am the keeper of the records and files of the City Council of said City.

I do further certify that the foregoing constitutes a full, true and complete copy of an ordinance adopted by the City Council of the City on the 2nd day of September, 2014, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE BONDS (HUDDLE HOUSE PROJECT), SERIES 2014A AND TAXABLE BUSINESS DISTRICT REVENUE BONDS (HUDDLE HOUSE PROJECT), SERIES 2014B OF THE CITY OF MASCOUTAH, ILLINOIS, AND APPROVING CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

I do further certify that the deliberations of the City Council of said City on the adoption of said ordinance were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the City Council of said City at least 48 hours in advance of the holding of said meeting on a day other than a Saturday, a Sunday or a legal holiday for municipalities in the State of Illinois; that said agenda contained a specific reference to said ordinance; and that said meeting was called and held in strict accordance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Illinois Municipal Code, as amended, and that said City Council has complied with all of the applicable provisions of said Act, said Code and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of said City, this _____ day of September, 2014.

City Clerk, City of Mascoutah, Illinois

(SEAL)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 14-06 – Rezoning of 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential (First Reading)**

MEETING DATE: September 2, 2014

REQUESTED ACTION:

Approval of rezoning of property for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential by adoption of ordinance.

BACKGROUND & STAFF COMMENTS:

On August 20, 2014, the Planning Commission held a public hearing for PC 14-06, a request to rezone a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential. The property is contiguous to residential property zoned RS-10 to the south and west. The applicant intends to subdivide the property in one (1) acre single-family residential lots. Following the public hearing, the Planning Commission voted 5-ayes and 0-nays to approve the rezoning. The Planning Commission meeting minutes are attached. No one spoke in favor or opposition to the rezoning request.

The subject property is designated as Commercial on the Land Use map in the City's Comprehensive Plan. The subject property is part of a larger development that included 188 single-family lots in the RS-10 zone (Indian Prairie Subdivision) and the 6.78 parcel which was zoned General Commercial. The City Council approved the RS-10 and GC zoning for the development in June 2006 and the final plat for the residential portion of the development in September 2006. Due to the General Commercial zoning, the property is depicted as Commercial on the Land Use Map in the City's Comprehensive Plan. Although there were no immediate plans by the owner to develop the commercial property in 2006, the City was updating the 2000 Comprehensive Plan at the time and it was discussed that commercial development should be encouraged at intersections of major collector streets within the community.

The subject property is located in the Accident Potential Zone (APZ-2). In 2011, Chapter 34 was revised and Article 6, Division 2, Airport Overlay (AO) District was amended. The current AO District requirements specify that the maximum gross acreage for all nonresidential buildings on any single lot in the APZ-2 is 20% (Section 34-6-16.(c)(3)(i)). This definitive requirement has significantly reduced the ability to market and develop the subject property for commercial use. Staff received a letter from SAFB Community Planner, dated August 14, 2014, 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.

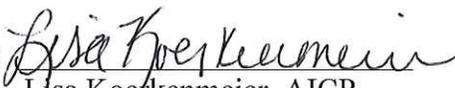
In accordance with Section 34-15-7 of the Unified Land Development Code, an affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request or to adopt any amendment to the Code.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of property located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance 14-____, approving the rezoning of property located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential, subject to the Findings for Approval attached.

Prepared By: 
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 Meeting and Public Hearing of August 20, 2014

ORDINANCE NO. 14-__

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

WHEREAS, The City now desires to officially change the City's Zoning Map from General Commercial (GC) to Single-Family Residential (RS-10) for subject property described as Outlot "A" of the Final Plat of Indian Prairie Estates, as recorded in the St. Clair County Recorder's Office as Document A02034224, being part of the West Half of Section 30, Township 1 North, Range 6 West, of the 3rd Principal Meridian of Mascoutah, St. Clair County, Illinois, and known as Parcel No. 10-30.0-119-009; and

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

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

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

SECTION 1: That Chapter 34 "Unified Land Development Code," Article IV – Official Map, is hereby amended to officially change the property described as part of the Southwest Quarter, of the Southwest Quarter of Section 29, Township 1 North, Range 6 West of the Third Principal Meridian as recorded in Book 1769, page 18, of St. Clair County Records, and known as Parcel No. 10-30.0-119-009; from General Commercial (GC) to Single-Family Residential (RS-10).

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

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 15th day of September, 2014, and deposited and filed in the Office of the City Clerk in said City on that date.

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

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 15th day of September, 2014.

Mayor

ATTEST:

City Clerk

(SEAL)

FINDINGS FOR APPROVAL – City Council Version

ZONE CHANGE: 6.78 acres south west corner of Fuesser Road and N. 6th Street

DATE: September 15, 2014

FINDINGS: The Mascoutah City Council, pursuant to the applicant's initiated Zone Change for the tract of land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed zone change of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements, specifically the Airport Overlay District requirements for property located within an Accident Potential Zone (APZ-2).
2. The proposed zone change is compatible with surrounding single-family uses and the RS-10, Single-Family Residential zoning of nearby property.
3. Given the subject property's location in the APZ-2, the land is not suitable for the uses and density permitted in the General Commercial Zoning District.
4. The rezoning application is consistent with good general planning.
5. The proposed zone change encourages land use compatibility with adjacent uses.
6. The proposed zone change is deemed desirable to promote the general welfare of the City.

CITY OF MASCOUTAH
Mascoutah, Illinois

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: **PC 14-06 – Rezoning of 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from General Commercial (GC) to Single-Family Residential (RS-10)**

MEETING DATE: August 20, 2014

REQUESTED ACTION:

Public hearing by the Planning Commission and review of a rezoning application for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential.

BACKGROUND & STAFF COMMENTS:

The applicant AKS Developments, 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. AKS Development is requesting the parcel be rezoned from GC, General Commercial to RS-10, Single-Family Residential and intends to subdivide the property in one (1) acre single-family residential lots. The parcel has approximately 688 feet of frontage along Fuesser Road and 1259 feet of frontage along N. 6th Street. The property is contiguous to residential property zoned RS-10 to the south and west.

The subject property is part of a larger development that included 188 single-family lots in the RS-10 zone (Indian Prairie Subdivision) and the 6.78 parcel which was zoned General Commercial. The City Council approved the RS-10 and GC zoning for the development in June 2006 and the final plat for the residential portion of the development in September 2006. Due to the General Commercial zoning, the property is depicted as Commercial on the Land Use Map in the City's Comprehensive Plan. Although there were no immediate plans by the owner to develop the commercial property in 2006, the City was updating the 2000 Comprehensive Plan at the time and it was discussed that commercial development should be encouraged at intersections of major collector streets within the community.

Prior in 2000, the City Council amended the 1996 Revised Code of Ordinances by repealing existing Chapter 34, Subdivision Code and Chapter 40, Zoning Code and adopting a new Chapter 34, Unified Land Development Code. The new code included Article 5, District Regulations, Section 5.14 AP, Airport District, and Article 6, Overlay Districts and Special Provisions, Section 6.2, Airport Overlay District. The subject property remained in the Airport Overlay (AO) District, and additionally was placed in a newly created safety zone; Accident Potential Zone (APZ-2). The revised code placed a maximum 20% lot coverage requirement on all single-family residential lots, and all other types of residential development was discouraged

on property located in the APZ-2. Commercial development was permissible but “guidelines” were established to ascertain what type and intensity of commercial activity would be compatible. The “guidelines” were vague and of very little use to planning officials trying to interpret what commercial development would be compatible or incompatible in the APZ-2.

In 2011, Chapter 34 was again revised and included an amendment to Article 6, Division 2, Airport Overlay (AO) District. The special provisions of the AO District did not change in scope from the revisions adopted in 2000. However, the current AO District requirements specify that the maximum gross acreage for all nonresidential buildings on any single lot in the APZ-2 is 20% (Section 34-6-16.(c)(3)(i)). The subject property is located in the APZ-2 and is regulated by this requirement. This definitive requirement has significantly reduced the ability to market and develop the subject property for commercial use.

Additionally, the current code requirements no longer includes the maximum 20% lot coverage requirement on all single-family residential lots, but rather imposes a requirement that single-family residential density in the APZ-2 shall be limited to one dwelling unit per acre (Section 34-6-16.(c)(1)(ii)).

In accordance with the Section 34-6-10.(a)(1), all development applications for properties within the AO-2 Safety Zone Area, which includes APZ-2, shall be sent to Scott AFB for review. The City may choose an optional consultation with MidAmerica St. Louis Airport. The purpose of the review is to determine if the development application is compliant with the AO District requirements and therefore a compatible or incompatible activity within a particular safety zone. Staff sent notice to the designated personnel for SAFB and MidAmerica Airport. Staff received a letter from SAFB Community Planner, dated August 14, 2014, 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.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: 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 subject property is designated as Commercial on the Land Use Map in the City’s 2008 Comprehensive Plan, however the present AO District requirements adopted in 2011 for land in the APZ-2 safety zone significantly reduces the ability to market and develop the subject property for commercial use for reasons as outlined above.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Commercial	General Commercial	Vacant
North:	Commercial	Light Industrial	Agricultural
South:	Residential	RS-10, Single Family Res.	Single-Family Residential
East:	Commercial	Neighborhood Commercial	Day care/church/med. office
West:	Residential	RS-10, Single Family Res.	Single-Family Residential

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

26

southerly on N. 6th Street. These City utilities would be adequate if the property was developed for single-family residential purposes.

Drainage: The subject property will drain into the storm sewer collection system designed for Indian Prairie Subdivision.

Traffic Study: The volume of traffic generated from a six-lot residential subdivision would not be a significant impact to the existing streets and a traffic study would not be warranted. If the property is rezoned and subsequently subdivided, an access point for the development from N. 6th Street would have to be approved by Illinois Department of Transportation (IDOT) and staff recommends that the access point must align with Lorene Place located on the east side of N. 6th Street. Otherwise, there may be a platting alternative which would construct an access point for the development from Fuesser Road.

Sidewalks will be required along Fuesser Road and N. 6th Street and internally within the development.

Airport Overlay: 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.

Public Notice: A request to rezone property requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to 7 property owners within 250' of the subject property. As of the date of this report, staff received a letter dated August 4, 2014 from St. Martin of Tours Lutheran Church stating that they are not opposed to the rezoning request.

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

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

- The existing use and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restriction.
- The extent to which the diminution of property values of the subject property promotes the health, safety, morals and general welfare of the public.

- The relative gain to the public vis-à-vis the hardship imposed upon the individual property owner.
- The suitability of the subject property for zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with the City has undertaken to plan its land use development.
- The evidence or lack thereof of the City's need for the proposed use.

RECOMMENDATION:

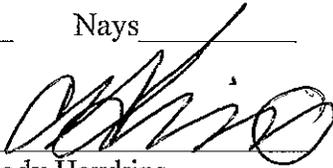
Staff recommends approval of the rezoning request for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential, subject to the Findings attached.

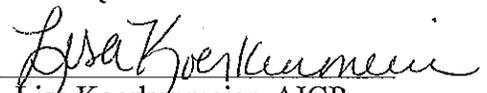
MOTION:

I move that the Planning Commission approve the rezoning request for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential, subject to the Findings attached.

MOTION _____ **SECOND** _____

Ayes _____ Nays _____ Abstentions _____

Approved By: 
Cody Hawkins
City Manager

Prepared By: 
Lisa Koerkoenmeier, AICP
Assistant City Manager

- Attachments:
- A – Findings
 - B – Location/Zoning Map
 - C – Aerial/Parcel Map of Site
 - D - Photos of Subject Property
 - E – Narrative/Concept Plan Provided by the Applicant
 - F – Public Hearing Notice
 - G – SAFB Response
 - H – Letter from St. Martin of Tours Lutheran Church

FINDINGS FOR APPROVAL – Planning Commission Version

ZONE CHANGE: 6.78 acres southwest corner of Fuesser Road and N. 6th Street

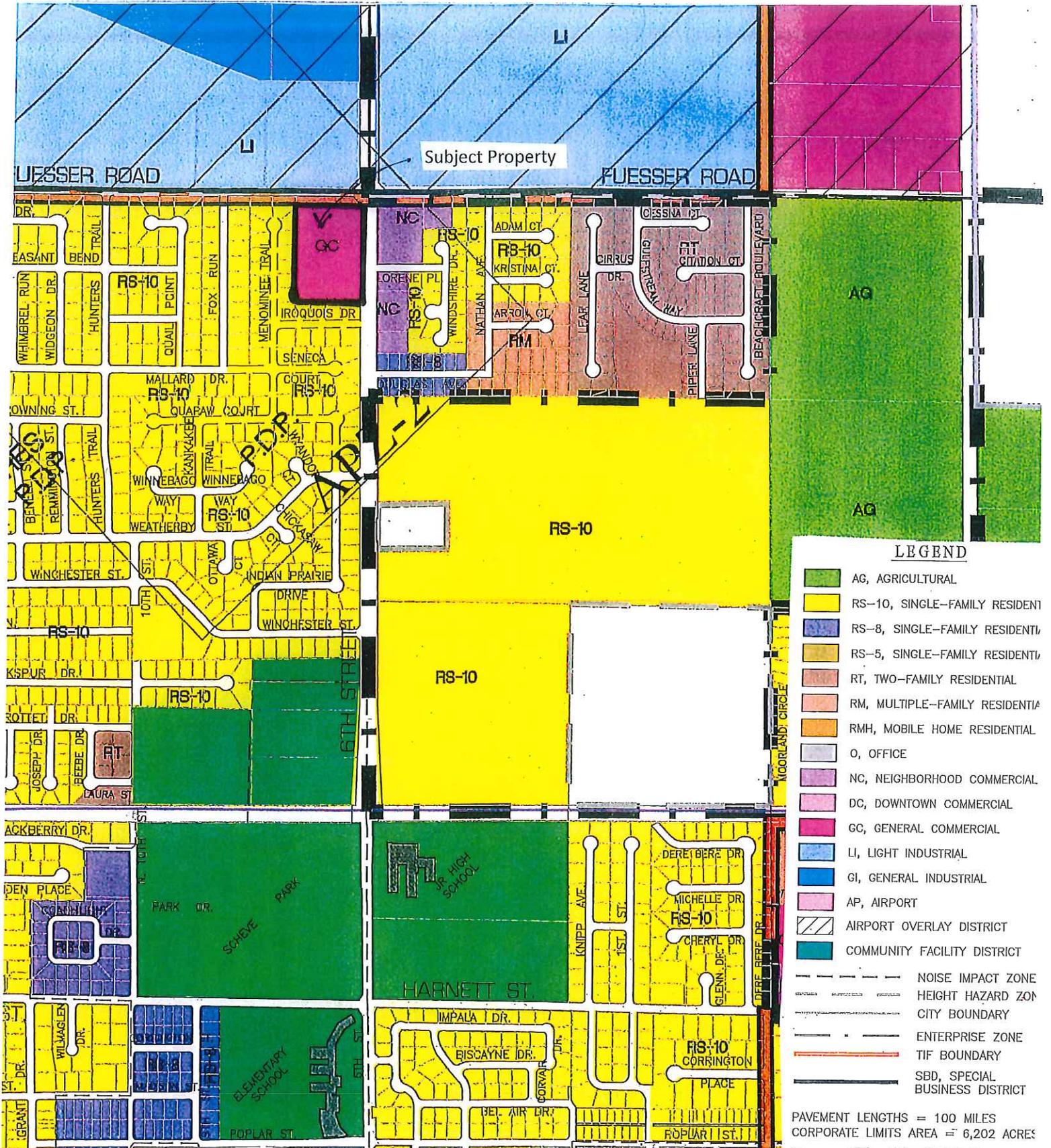
DATE: August 20, 2014

FINDINGS: The Mascoutah Planning Commission, pursuant to the applicant's initiated Zone Change for the tract of land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed zone change of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements, specifically the Airport Overlay District requirements for property located within an Accident Potential Zone (APZ-2).
2. The proposed zone change is compatible with surrounding single-family uses and the RS-10, Single-Family Residential zoning of nearby property.
3. Given the subject property's location in the APZ-2, the land is not suitable for the uses and density permitted in the General Commercial Zoning District.
4. The rezoning application is consistent with good general planning.
5. The proposed zone change encourages land use compatibility with adjacent uses.
6. The proposed zone change is deemed desirable to promote the general welfare of the City.

Attachment A

LOCATION/ ZONING MAP



LEGEND

- AG, AGRICULTURAL
- RS-10, SINGLE-FAMILY RESIDENTIAL
- RS-8, SINGLE-FAMILY RESIDENTIAL
- RS-5, SINGLE-FAMILY RESIDENTIAL
- RT, TWO-FAMILY RESIDENTIAL
- RM, MULTIPLE-FAMILY RESIDENTIAL
- RMH, MOBILE HOME RESIDENTIAL
- O, OFFICE
- NC, NEIGHBORHOOD COMMERCIAL
- DC, DOWNTOWN COMMERCIAL
- GC, GENERAL COMMERCIAL
- LI, LIGHT INDUSTRIAL
- GI, GENERAL INDUSTRIAL
- AP, AIRPORT
- AIRPORT OVERLAY DISTRICT
- COMMUNITY FACILITY DISTRICT
- NOISE IMPACT ZONE
- HEIGHT HAZARD ZONE
- CITY BOUNDARY
- ENTERPRISE ZONE
- TIF BOUNDARY
- SBD, SPECIAL BUSINESS DISTRICT

PAVEMENT LENGTHS = 100 MILES
 CORPORATE LIMITS AREA = 6,202 ACRES

10190300015

10190300014

10190300013

More...

2012 St Clair Orthos

2011 St Clair Orthos

10190400006

030019009

SUBJECT PROPERTY
PC 14-06

10300119
-001

-002

-003

-004

-005

-006

-007

-008

-009

-010

-011

-012

-013

-014

-015

-016

-017

-018

-019

-020

-021

10300201021

10300201022

10300201023

10300201024

10300201025

10300201026

10300201027

10300201028

10300201029

10300201030

PLESSIER

FOX

WYBEND

QUAIL

SAWASBACK

MAEWARD

LEORINE

WINDSHIRE

NATHAN

KRISTINA

BARON

DOUGLAS

200' 00"

Subject Photos

PC 14-06, 6.78 acres southwest corner of Fuesser Road and N. 6th Street
Rezoning from GC to RS-10



Subject Property



Looking west

Attachment D

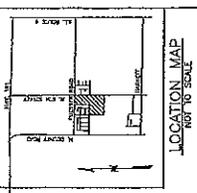
Manors at Indian Prairie Estates

Re-zoning Application Narrative

July 21, 2014

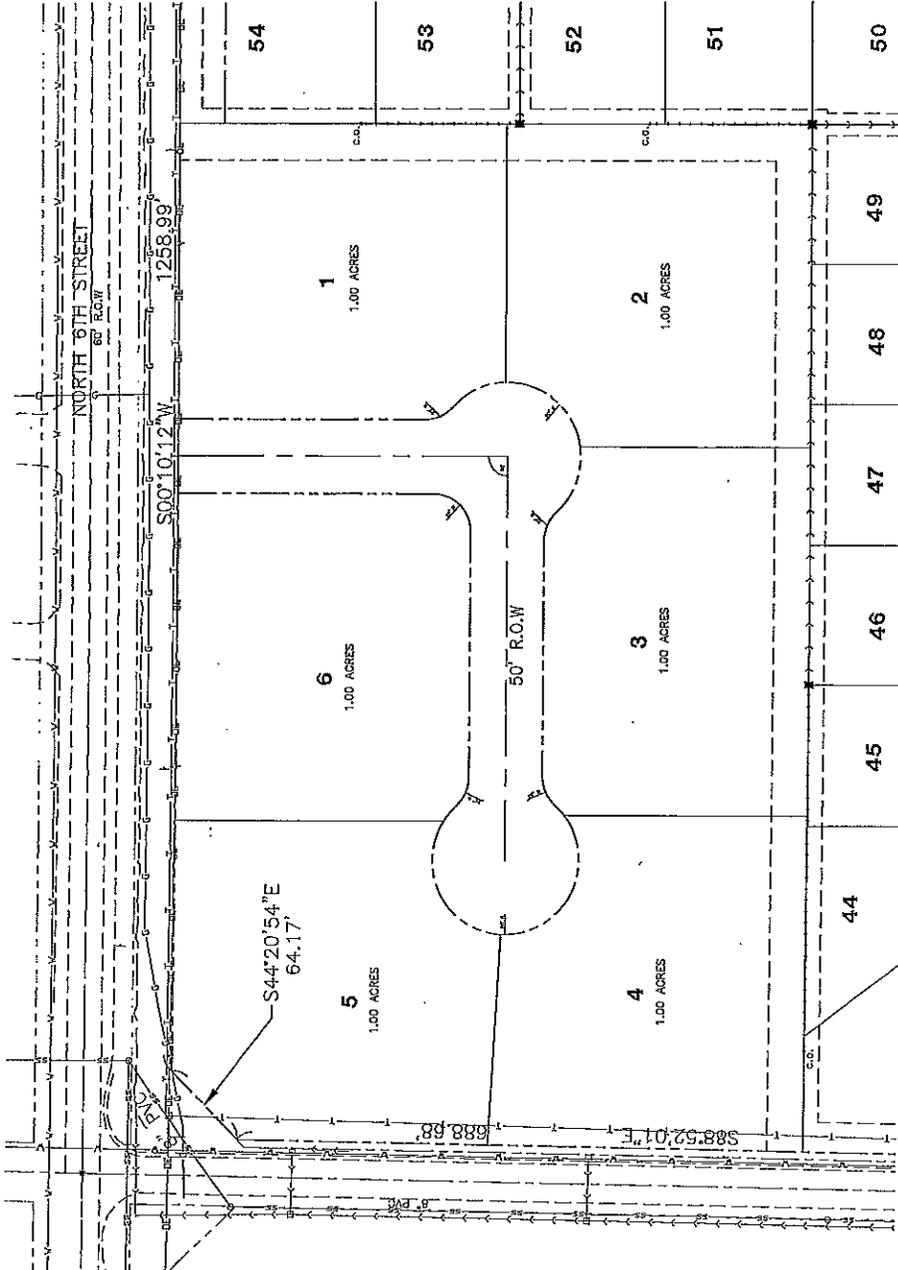
AKS Developments LLC respectfully requests that the property known as "Outlot A of the Final Plat of Indian Prairie Estates as recorded in the St. Clair County Recorder's Office as Document A02034224" be rezoned from GC, General Commercial, to RS-10, Single-Family Residential.

AKS Developments is aware that the property is located in an Accident Potential Zone (APZ-2) in the Airport Overlay District and that in accordance with Section 34-6-16 (c) (1) of the Development Code, single-family residential density is limited to one dwelling per acre in the APZ-2 as depicted in the conceptual plan included with the application.



LEGAL DESCRIPTION

OUTLOT "A" OF THE FINAL PLAT OF INDIAN PRAIRIE ESTATES, AS RECORDED IN THE ST. CLAIR COUNTY RECORDS OFFICE, AND MORE SPECIFICALLY BEING PART OF THE WEST HALF OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 15 WEST OF THE 3RD P.M. OF MASCOUTA, ST. CLAIR COUNTY, ILLINOIS AREA = 6779 ACRES



RECEIVED
 JUL 18 2014
 CITY OF MASCOUTA

Attachment E

ILLINOIS STATE SURVEYORS ASSOCIATION, INC. LICENSE # 0000000000

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

NOTICE OF PUBLIC HEARING

The City of Mascoutah Planning Commission will conduct a Public Hearing on **Wednesday, August 20, 2014**, at **7:00 PM** in the City Council Chambers at City Hall, #3 West Main Street, Mascoutah, IL 62258.

The purpose of this hearing is to consider rezoning of property from GC, General Commercial, to RS-10, Single-Family Residential, located at southwest corner of Fuesser Road and North 6th Street, more specifically as follows:

Outlot "A" of the Final Plat of Indian Prairie Estates, as recorded in the St. Clair County Recorder's Office as Document A02034224, being part of the West Half of Section 30, Township 1 North, Range 6 West, of the 3rd Principal Meridian of Mascoutah, St. Clair County, Illinois.

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

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

Posting Date: **July 28, 2014**

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

Attachment F



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 375TH AIR MOBILITY WING (AMC)

14 August 2014

Dan Schloesser
Community Planner
375 CES/CENPL
701 Hangar Road, Bldg 531
Scott AFB IL 62225-5035

Lisa Koerkenmeier
Assistant City Manager
3 West Main Street
Mascoutah IL 62258-2030

Dear Ms. Koerkenmeier,

We reviewed the proposal from AKS Developments, LLC, to the city, requesting to rezone 6.78 acres at the intersection of Fuesser Road and North 6th Street from General Commercial to Single Family Residential. Since the property is located in the Accident Potential Zone 2 (APZ-2), and within the Airport Overlay zone; the Air installation Compatible Use Zone Study and the Joint Land Use Study compatibility guidelines for activities in the APZ-2 were reviewed. According to the Department of Defense guidelines, the suggested maximum density for detached single family housing is one dwelling per acre in APZ-2. On the basis of our review, this activity is considered a compatible use within APZ-2.

If you have any questions, please don't hesitate to contact me at 256-4270 or daniel.schloesser@us.af.mil.

Very Respectively,


DANIEL C. SCHLOESSER
Community Planner

cc: 375 CBS/CENP

Attachment G

ENABLING RAPID GLOBAL MOBILITY

St. Martin of Tours Lutheran Church
1190 North Sixth Street
Mascoutah, IL 62258

August 4, 2014

City Manager's Office
City of Mascoutah
3 West Main Street
Mascoutah, IL 62258

RE: Public Hearing/Rezoning Request

The congregation of St. Martin of Tours Lutheran Church, located at the southeast corner of North Sixth Street and Fuesser Road, having received notice of the public hearing concerning the rezoning request as listed below, is not opposed to said request.

"The purpose of this hearing is to consider rezoning of property from GC, General Commercial, to RS-10, Single-Family Residential, located at southwest corner of Fuesser Road and North 6th Street, more specifically as follows: Outlot "A" of the Final Plat of Indian Prairie Estates, as recorded in the St. Clair County Recorder's Office as Document A02034224, being part of the West Half of Section 30, Township 1 North, Range 6 West, of the 3rd Principal Meridian of Mascoutah, St. Clair County, Illinois."

For St. Martin of Tours Lutheran Church,



Paul Schorr
President

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

AUGUST 20, 2014

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

PUBLIC HEARING – 7:00PM

VACATE A PORTION OF AN ALLEYWAY NORTH OF THE 100 BLOCK OF E. MAIN STREET, BETWEEN N. MARKET STREET AND N. LEBANON STREET, 12' WIDE AND A LENGTH OF 150 FEET. (PC 14-05)

Chairman opened the hearing and gave the floor to staff for their report.

Assistant City Manager Lisa Koerkenmeier stated that the applicant, Bill Millikin/Millikins LLC, is the property owner of parcels adjacent to this portion of the alley right-of-way and is requesting its vacation in order to construct 10,000 square foot office/storage building and a connecting breezeway between the new storage building and the existing building at 101 East Main Street. She also stated that the building at 101 East Main Street will be an Ace Hardware with apartments upstairs. As noted, the applicant desires to construct permanent structures on this alleyway requiring the vacation and relocation of utilities.

Staff contacted the adjoining property owner to the east, Regions Bank. A portion of their parking and drive-thru facility was built on the alley right-of-way many years ago. Regions' was asked if they had interest in vacating the portion of the alleyway through their parcel. It is anticipated that this request will be made by Regions in the near future.

Koerkenmeier also informed the Commission that Charter issued a letter stating that there are no obvious conflicts with the proposed vacate project route and their existing facilities. A joint meeting was held with City staff, Frontier, Ameren and the applicant to discuss relocating utilities. It was determined that the gas line, telecommunication trunk line and the City overhead power line would need to be relocated. The sanitary sewer manhole is located in an area that is not part of the alleyway to be vacated. If Regions Bank requests the remaining portion of the alleyway to be vacated, a utility easement would be retained and utilities in this portion of alleyway would not require relocation. To relocate the gas line, telecommunication trunk line and the City overhead power line, it was determined that a new easement, minimum of 10' in width will be required.

Chairman Zacharski asked about the value of the property being vacated and questioned if the property should be bought, not just given to the applicant. Staff stated that there is really no other use for this piece of property.

The applicant provided more detailed information of the development project and his plans for the property.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:23 PM

PUBLIC HEARING – 7:24PM

REZONING APPLICATION FOR 6.78 ACRES LOCATED AT THE SOUTHWEST CORNER OF FUESSER ROAD AND N. 6TH STREET FROM GC, GENERAL COMMERCIAL, TO RS-10, SINGLE FAMILY RESIDENTIAL. (PC 14-06)

Chairman opened the hearing and gave the floor to staff for their report.

Assistant City Manager Lisa Koerkenmeier stated that the applicant AKS Developments, 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. AKS Development is requesting the parcel be rezoned from GC, General Commercial to RS-10, Single-Family Residential and intends to subdivide the property in one (1) acre single-family residential lots. The parcel has approximately 688 feet of frontage along Fuesser Road and 1259 feet of frontage along N. 6th Street. The property is contiguous to residential property zoned RS-10 to the south and west.

Koerkenmeier also gave an in depth explanation of the past and present codes regarding the Airport Overlay District and how it has evolved. The amendments to the Airport Overlay District in 2011 further restricted the use of the parcel for commercial purposes. The current code restricts commercial development of the parcel to a maximum gross acreage of 20%. Lee asked about access points and street width. She explained that the concept plan provided by the applicant depicts an access from 6th Street aligning with Lorene Place on the east side of 6th Street. The road width will meet city standards

The applicant gave a more detailed description of what the subdivision would be like. It would be a six lot residential luxury upscale subdivision.

Before closing the hearing Assistant City Manager stated that the Scott Air Force Base and IDOT have been notified and have no concerns about this rezoning.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:40 PM

CALL TO ORDER at 7:41 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT

Commission members Darren Goodlin and Rich Thompson were absent.

ALSO PRESENT

Assistant City Manager Lisa Koerkenmeier and Code Enforcement Official Danny Schrempp, Councilman Schorr, Bill Millikin, Dan Schloesser, Eric Olson, and Steve Wilke.

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 Klopmeier, to approve the minutes of the July 16, 2014 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

PC 14-05 –ALLEYWAY VACATION, 100 BLOCK OF E. MAIN STREET, BETWEEN N. MARKET STREET AND N. LEBANON STREET.

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

MOTION

Klopmeier moved, seconded by Lee, that the Planning Commission recommend approval of the vacation of the alley right-of-way, subject to the condition below, and forward the recommendation to the City Council.

1. A new utility easement, minimum of 10’ in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

PC 14-06 – REZONING OF 6.78 ACRES LOCATED AT THE SOUTHWEST CORNER OF FUESSER ROAD AND N. 6TH STREET FROM GENERAL COMMERCIAL (GC) TO SINGLE-FAMILY RESIDENTIAL (RS-10).

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

MOTION

Lee moved, seconded by Jung, that the Planning Commission approve the rezoning request for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential, subject to the following Findings:

1. The proposed zone change of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements, specifically the Airport Overlay District requirements for property located within an Accident Potential Zone (APZ-2).
2. The proposed zone change is compatible with surrounding single-family uses and the RS-10, Single-Family Residential zoning of nearby property.
3. Given the subject property's location in the APZ-2, the land is not suitable for the uses and density permitted in the General Commercial Zoning District.
4. The rezoning application is consistent with good general planning.
5. The proposed zone change encourages land use compatibility with adjacent uses.
6. The proposed zone change is deemed desirable to promote the general welfare of the City.

THE MOTION BY ROLL CALL

Charles Lee nay, Jack Klopmeier aye, Glenn Shelley nay, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

MISCELLANEOUS

None

ADJOURNMENT

Lee moved, seconded by Klopmeier, to adjourn at 8:04 p.m.

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins - City Manager
SUBJECT: PC 14-05 - Alley Vacation for a portion of the 100 block of E. Main Street, between N. Market Street and N. Lebanon Street **(First Reading)**

MEETING DATE: September 2, 2014

REQUESTED ACTION:

Approval of vacation of a portion of an alley (12' wide) in the 100 block of E. Main from N. Market Street to N. Lebanon Street easterly 150'.

BACKGROUND & STAFF COMMENTS:

The applicant, Bill Millikin/Millikins LLC, is the property owner of parcels adjacent to this portion of the alley right-of-way and is requesting its vacation in order to construct 10,000 square foot office/storage building and a connecting breezeway between the new storage building and the existing building at 101 East Main Street. Mr. Millikin's redevelopment site includes four (4) parcels, and there is a 12.0' right-of-way, platted for an alleyway, which separates the parcels. Presently there is a 2" gas line, telecommunication trunk line, sanitary sewer manhole and an overhead power line in this right-of-way. As noted, the applicant desires to construct permanent structures on this alleyway requiring the vacation and relocation of utilities.

To relocate the gas line, telecommunication trunk line and the City overhead power line, it was determined that a new easement, minimum of 10' in width, would be required from the applicant and Regions Bank (5' from each entity) beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

Staff has contacted Regions regarding the proposed vacation of the alleyway and the request for the new utility easement. On August 27th, Regions responded that they would grant a new utility easement to accommodate the development. If plans would change and Regions does not grant the new easement, Mr. Millikin would be required to grant the entire 10 foot easement to relocate the utilities.

STAFF RECOMMENDATION:

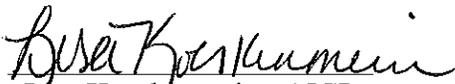
Staff recommends approval of the alley right-of-way vacation with the following condition:

1. A new utility easement, minimum of 10' in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance 14-___, vacating a portion of the alleyway (12') wide in the 100 block of E. Main from N. Market Street to N. Lebanon Street easterly approximately 150' with the following condition:

1. A new utility easement, minimum of 10' in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

Prepared By: 
Lisa Koerlenmeier, AICP
Assistant City Manager

Approved By: _____
Cody Hawkins
City Manager

Attachments: A – Ordinance, Alley Vacation
B – Planning Commission Staff Report
C – Minutes from the Planning Commission Meeting and Public Hearing of August 20, 2014

ORDINANCE NO. 14-__

**AN ORDINANCE VACATING A PORTION OF ALLEY RIGHT-OF-WAY IN THE 100
BLOCK OF E. MAIN STREET, BETWEEN N. MARKET STREET
AND N. LEBANON STREET**

WHEREAS, a plat has been recorded in the Office of the Recorder of Deeds of St. Clair County, Illinois, a copy of which is attached to this Ordinance, marked "Exhibit A" and incorporated herein; and

WHEREAS, in order to allow for improvements on a portion of the alley right-of-way in the 100 block of E. Main Street, the portion of alley right-of-way shall be vacated; and

WHEREAS, a portion of the alley right-of-way (12' wide) in the 100 block of E. Main Street is to be vacated from N. Market Street, easterly a length of 150', subject to Conditions of Approval; and

WHEREAS, the City of Mascoutah now desires to vacate a portion of the alley right-of-way in manner and form as provided by the Statutes of the State of Illinois.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOU-
TAH, IN ST. CLAIR COUNTY, ILLINOIS,
THAT MASCOU-
TAH DOES HEREBY VACATE THAT PORTION OF THE ALLEY
RIGHT-OF-WAY AS SHOWN IN "EXHIBIT B" AND MORE PARTICULARLY
DESCRIBED AS FOLLOWS:**

SECTION 1: TO Millikin's LLC – Property Description for Alley to be Vacated

An East-West alley, 12 feet wide located between Lots 4, 5, and 6 in Block 1 of TOWN OF MECHANICSBURGH, now CITY OF MASCOU-
TAH (reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds "I" on Page 382, in St. Clair County, Illinois) and Lots 81, 82, and 83 in Block 1 of HILGARD, KRAFFT AND WEST'S ADDITION TO THE TOWN OF MASCOU-
TAH (reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds "K" on Page 529, in St. Clair County, Illinois) and being more particularly described as follows: Beginning at the Southwest corner of said Lot 81, being also the intersection of the East line of North Market Street, 60 feet wide, with the North line of said East-West alley; thence East along the North line of said East-West alley a distance of 150.00 feet to the Southeast corner of said Lot 83; thence South along the Southern prolongation of the East line of said Lot 83 a distance of 12.00 feet to the South line of said East-West alley and to the Northeast corner of said Lot 4; thence West along the South line of said East-West alley a distance of 150.00 feet to the Northwest corner of said Lot 6 and to the East line of North Market Street; thence North along the East line of North Market Street a distance of 12.00 feet to the point of beginning, containing 1,800 square feet more or less.

SECTION 2: That the alley right-of-way be vacated, subject to the following Condition of Approval:

1. A new utility easement, minimum of 10' in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval according to 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 15th day of September, 2014, and deposited and filed in the office of the City Clerk in said City on that date.

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

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 15th day of September, 2014.

Mayor

A TEST:

City Clerk

(SEAL)



MAP PAGE LOCATOR

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40

TOWNSHIP SECTION PAGE

Scale: 1" = 200'

0 200 FT

North

MASCOOTAH TWP.

Exhibit A

W1/2 NW1/4 SEC. 32 T.1N. R.6W.

ST. CLAIR COUNTY, ILLINOIS

SIDWELL

PLAT DATE: 8/28/2008

The Sidwell Company
675 Sidwell Ct.
St. Charles, IL 60174-2492
[Tel] 630.549.1000 [Fax] 630.549.1111
WWW.SIDWELLCO.COM



PROPOSED REVISION:
1. DATE FOR REVIEW: 07-16-14
2. DATE FOR REVIEW: 07-16-14
3. DATE FOR REVIEW: 07-16-14

MILLIKINS LLC
Proposed Warehouse For.
North Market & East Church Street
Mascoutah, Illinois

DATE: 07/16/14
DRAFTED BY: MAF
APPROVED BY: LAF

SHEET TITLE:
REARIAL PLAN

SHEET NUMBER:
C1-01

PROJECT NO.: 14-117C

NOTES:

1. UNDERGROUND FACILITIES, STRUCTURES AND UTILITIES HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORDS AND THEREFORE THEIR LOCATIONS MUST BE CONSIDERED APPROXIMATE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION AND EXACT LOCATION BEFORE EXCAVATION OF TRENCHING TO AVOID DAMAGE THEREOF.
2. NECESSARY PERMITS SHALL BE OBTAINED FROM ALL AGENCIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING AND OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF ANY DEMOLITION WORK. THE CONTRACTOR SHALL CONTACT UTILITY COMPANIES TO OBTAIN FIELD LOCATE EXISTING UTILITIES.
3. ALL DEMOLITION DEBRIS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY ACCORDING TO ALL APPLICABLE LAWS AND AGENCIES HAVING JURISDICTION.
4. ALL OFFSITE PROPERTY OWNERS SHALL BE GIVEN NOTICE 48 HOURS IN ADVANCE OF ANY WORK. ANY DISTURBED OFF SITE PROPERTY SHALL BE REPLACED, IN KIND, AT THE CONTRACTOR'S EXPENSE.
5. RELOCATION AND/OR REMOVAL OF EXISTING ELECTRICAL LINES AND POWER POLES WITHIN PROPERTY LIMITS SHALL BE DESIGNED BY OTHERS.
6. CONTRACTOR SHALL DISCONNECT ALL EXISTING SEWER LATERAL CONNECTIONS WITHIN THE PROPERTY LIMITS PER THE SEWER COMPANY SPECIFICATIONS.
7. CONTRACTOR SHALL DESTROY ALL EXISTING GAS CONNECTIONS WITHIN THE PROPERTY LIMITS PER THE GAS COMPANY SPECIFICATIONS.
8. CONTRACTOR SHALL DISCONNECT ALL EXISTING SEWER LATERAL CONNECTIONS WITHIN THE PROPERTY LIMITS PER THE SEWER COMPANY SPECIFICATIONS.
9. ALL EXISTING FENCING WITHIN PROPERTY LIMITS SHALL BE REMOVED.
10. ALL EXISTING PAVEMENT WITHIN PROPERTY LIMITS SHALL BE REMOVED.
11. NO BUILDING DEBRIS MAY BE USED AS BACKFILL ON SITE.
12. SEE STRUCTURAL DRAWINGS AND/OR GEOTECHNICAL REPORT FOR BACKFILL REQUIREMENTS.

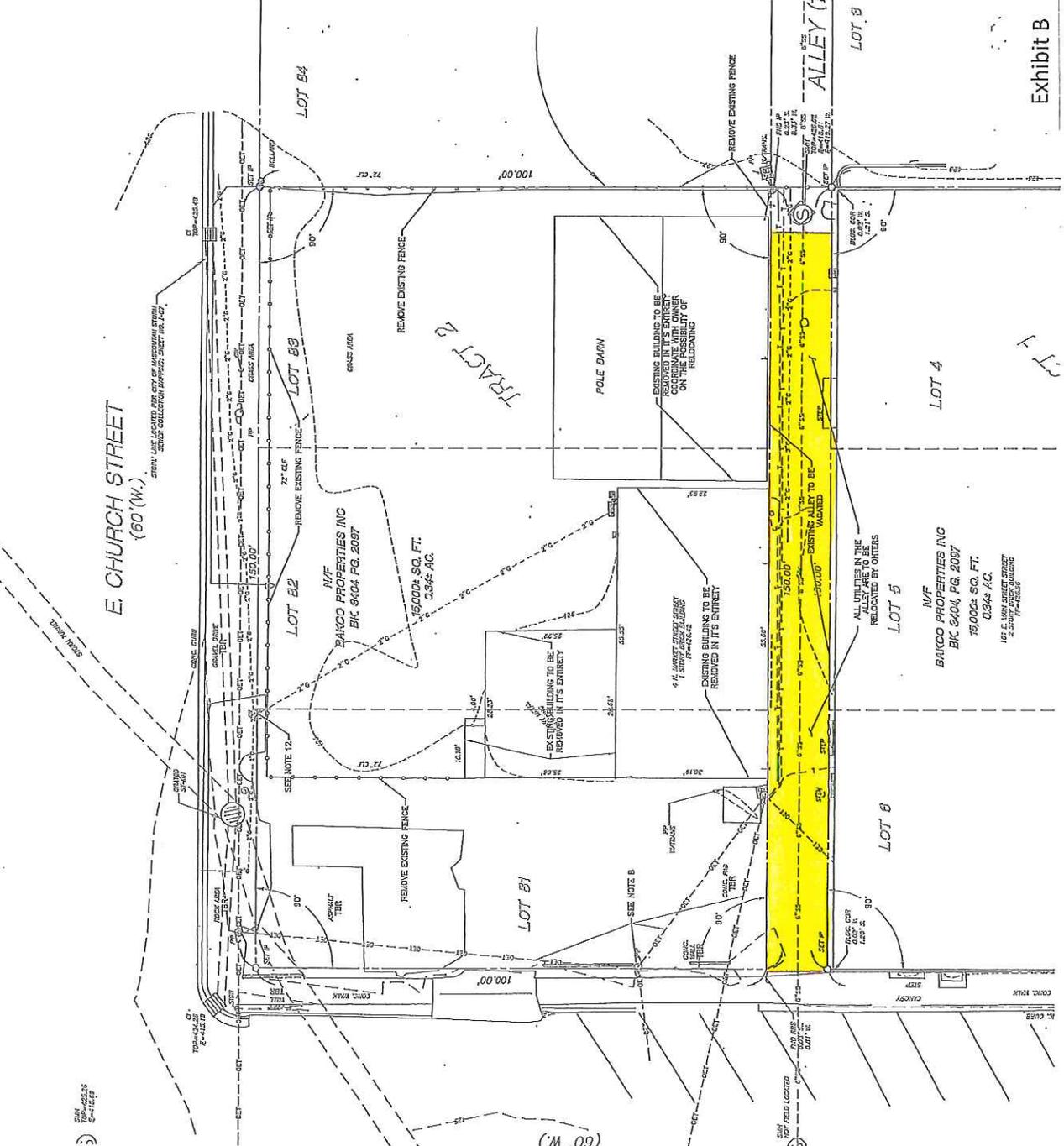
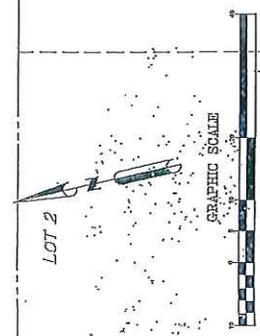


Exhibit B



CITY OF MASCOUTAH

Staff Report

TO: Planning Commission
FROM: Cody Hawkins, City Manager
SUBJECT: PC 14-05 - Alleyway Vacation, 100 Block of E. Main Street, between N. Market Street and N. Lebanon Street

MEETING DATE: August 20, 2014

REQUESTED ACTION:

Public hearing by the Planning Commission to review and make recommendation to the City Council to vacate a portion of the alleyway located in the 100 block of E. Main Street, between N. Market Street and N. Lebanon Street, for a length of 150 feet.

BACKGROUND & STAFF COMMENTS:

The applicant, Bill Millikin/Millikins LLC, is the property owner of parcels adjacent to this portion of the alley right-of-way and is requesting its vacation in order to construct 10,000 square foot office/storage building and a connecting breezeway between the new storage building and the existing building at 101 East Main Street. Mr. Millikin will be required to submit a major site plan for the new construction and improvements to the Planning Commission and City Council for review and approval.

12' right-of-way (unimproved alleyway): Mr. Millikin's redevelopment site includes four (4) parcels, and there is a 12.0' right-of-way, platted for an alleyway, which separates the parcels. Presently there is a 2" gas line, telecommunication trunk line, sanitary sewer manhole and an overhead power line in this right-of-way. As noted, the applicant desires to construct permanent structures on this alleyway requiring the vacation and relocation of utilities.

Staff contacted the adjoining property owner to the east, Regions Bank. A portion of their parking and drive-thru facility was built on the alley right-of-way many years ago. Regions' was asked if they had interest in vacating the portion of the alleyway through their parcel. It is anticipated that this request will be made by Regions in the near future.

Public Notice: The street vacation requires a public hearing at the Planning Commission review stage. Notice was published on July 31, 2014. Charter, Frontier, Ameren and Regions Bank were also notified of the vacation request. No objections have been submitted to Staff as of this date.

DISCUSSION POINTS / ISSUES:

Utility Relocations: Charter issued a letter stating that there are no obvious conflicts with the proposed vacate project route and their existing facilities. A joint meeting was held with City staff, Frontier, Ameren and the applicant to discuss relocating utilities. It was determined that the gas line, telecommunication trunk line and the City overhead power line would need to be

relocated. The sanitary sewer manhole is located in an area that is not part of the alleyway to be vacated. If Regions Bank requests the remaining portion of the alleyway to be vacated, a utility easement would be retained and utilities in this portion of alleyway would not require relocation.

To relocate the gas line, telecommunication trunk line and the City overhead power line, it was determined that a new easement, minimum of 10' in width, would be required from the applicant and Regions Bank (5' from each entity) beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

Regions Bank: Staff has contacted Regions regarding the proposed vacation of the alleyway and the request for the new utility easement. If Regions does not grant the new easement, Mr. Millikin would be required to grant the entire 10 foot easement to relocate the utilities.

RECOMMENDATION:

Staff recommends approval of the alley right-of-way vacation with the following condition:

1. A new utility easement, minimum of 10' in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

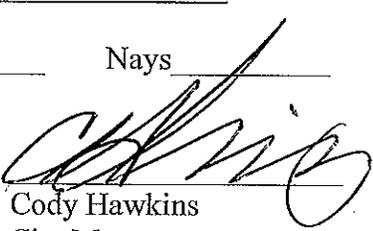
SUGGESTED MOTION:

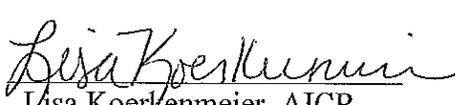
I move that the Planning Commission recommend approval of the vacation of the alley right-of-way, subject to the following condition, and forward the recommendation to the City Council.

1. A new utility easement, minimum of 10' in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

MOTION _____ **SECOND** _____

Ayes _____ Nays _____ Abstentions _____

Approved By: 
Cody Hawkins
City Manager

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

- Attachments: A – Location Map
B – Legal Description/Street Vacation Exhibit
C – Photos of Subject Property
D – Public Hearing Notice
E – Charter Letter

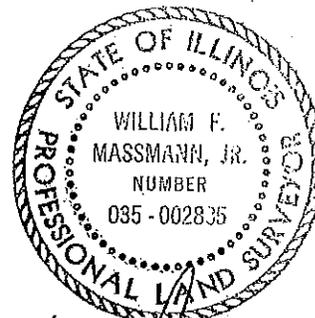
Massmann

S U R V E Y I N G

PROPERTY DESCRIPTION FOR ALLEY TO BE VACATED

An East-West alley, 12 feet wide located between Lots 4, 5, and 6 in Block 1 of **TOWN OF MECHANICSBURGH**, now **CITY OF MASCOUTA**H (reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds "I" on Page 382, in St. Clair County, Illinois) and Lots 81, 82, and 83 in Block 1 of **HILGARD, KRAFFT AND WEST'S ADDITION TO THE TOWN OF MASCOUTA**H (reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds "K" on Page 529, in St. Clair County, Illinois) and being more particularly described as follows: Beginning at the Southwest corner of said Lot 81, being also the intersection of the East line of North Market Street, 60 feet wide, with the North line of said East-West alley; thence East along the North line of said East-West alley a distance of 150.00 feet to the Southeast corner of said Lot 83; thence South along the Southern prolongation of the East line of said Lot 83 a distance of 12.00 feet to the South line of said East-West alley and to the Northeast corner of said Lot 4; thence West along the South line of said East-West alley a distance of 150.00 feet to the Northwest corner of said Lot 6 and to the East line of North Market Street; thence North along the East line of North Market Street a distance of 12.00 feet to the point of beginning, containing 1,800 square feet more or less.

14036.00.002
July 30, 2014



William F. Massmann, Jr.
7-30-14

Attachment B

Subject Photos

PC 14-05, Alleyway Vacation, 100 Block of E. Main Street, between
N. Market Street and N. Lebanon Street



Alley way right-of-way



Location of new easement

Attachment C

LEGAL NOTICE

NOTICE OF PUBLIC HEARING TO WHOM IT MAY CONCERN

The City of Mascoutah Planning Commission will conduct a Public Hearing on Wednesday, August 20, 2014 at 7:00 PM in the City Council Chambers at City Hall, #3 West Main Street, Mascoutah, IL 62258.

The purpose of this meeting is to consider and make a recommendation on:

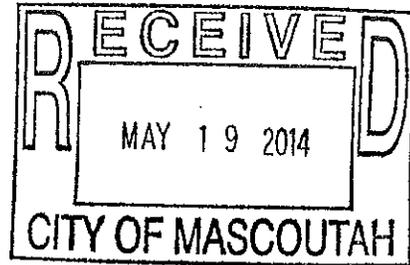
- the vacation of a portion of an alleyway north of the 100 block of East Main Street, between North Market Street and North Lebanon Street:

All interested persons are invited to attend and be heard.

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

POSTED 7/28/2014

Attachment D



Date: May 6, 2014

To: Lisa Koerkenmeier
City of Mascoutah
#3 West Main
Mascoutah, IL 62258

Re: Request to Vacate and alleyway north of the 100 block of E. Main Street, between N. Market and N Lebanon Street

Dear Ms. Koerkenmeier,

I have reviewed the plans concerning the project referenced above. There are no obvious conflicts with your proposed vacate project route and our existing facilities at this time. If the project plans change please send a set of updates to the address listed below. We process all projects by date received, please allow Charter Communications thirty days to process all requests for current and upcoming projects. If you have any questions or concerns regarding your project and our facilities please contact Garry Warren at 618-779-4179.

Charter Communications
Lisa Ward
815 Charter Commons
Town and Country, MO 63017

Sincerely,

Richard Sturk
Director of Field Engineering
Charter Communications

RS

Attachment E

941 Charter Commons
Town & Country, MO 63017
www.charter.com

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

AUGUST 20, 2014

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

PUBLIC HEARING – 7:00PM

VACATE A PORTION OF AN ALLEYWAY NORTH OF THE 100 BLOCK OF E. MAIN STREET, BETWEEN N. MARKET STREET AND N. LEBANON STREET, 12' WIDE AND A LENGTH OF 150 FEET. (PC 14-05)

Chairman opened the hearing and gave the floor to staff for their report.

Assistant City Manager Lisa Koerkenmeier stated that the applicant, Bill Millikin/Millikins LLC, is the property owner of parcels adjacent to this portion of the alley right-of-way and is requesting its vacation in order to construct 10,000 square foot office/storage building and a connecting breezeway between the new storage building and the existing building at 101 East Main Street. She also stated that the building at 101 East Main Street will be an Ace Hardware with apartments upstairs. As noted, the applicant desires to construct permanent structures on this alleyway requiring the vacation and relocation of utilities.

Staff contacted the adjoining property owner to the east, Regions Bank. A portion of their parking and drive-thru facility was built on the alley right-of-way many years ago. Regions' was asked if they had interest in vacating the portion of the alleyway through their parcel. It is anticipated that this request will be made by Regions in the near future.

Koerkenmeier also informed the Commission that Charter issued a letter stating that there are no obvious conflicts with the proposed vacate project route and their existing facilities. A joint meeting was held with City staff, Frontier, Ameren and the applicant to discuss relocating utilities. It was determined that the gas line, telecommunication trunk line and the City overhead power line would need to be relocated. The sanitary sewer manhole is located in an area that is not part of the alleyway to be vacated. If Regions Bank requests the remaining portion of the alleyway to be vacated, a utility easement would be retained and utilities in this portion of alleyway would not require relocation. To relocate the gas line, telecommunication trunk line and the City overhead power line, it was determined that a new easement, minimum of 10' in width will be required.

Chairman Zacharski asked about the value of the property being vacated and questioned if the property should be bought, not just given to the applicant. Staff stated that there is really no other use for this piece of property.

The applicant provided more detailed information of the development project and his plans for the property.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:23 PM

PUBLIC HEARING – 7:24PM

REZONING APPLICATION FOR 6.78 ACRES LOCATED AT THE SOUTHWEST CORNER OF FUESSER ROAD AND N. 6TH STREET FROM GC, GENERAL COMMERCIAL, TO RS-10, SINGLE FAMILY RESIDENTIAL. (PC 14-06)

Chairman opened the hearing and gave the floor to staff for their report.

Assistant City Manager Lisa Koerkenmeier stated that the applicant AKS Developments, 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. AKS Development is requesting the parcel be rezoned from GC, General Commercial to RS-10, Single-Family Residential and intends to subdivide the property in one (1) acre single-family residential lots. The parcel has approximately 688 feet of frontage along Fuesser Road and 1259 feet of frontage along N. 6th Street. The property is contiguous to residential property zoned RS-10 to the south and west.

Koerkenmeier also gave an in depth explanation of the past and present codes regarding the Airport Overlay District and how it has evolved. The amendments to the Airport Overlay District in 2011 further restricted the use of the parcel for commercial purposes. The current code restricts commercial development of the parcel to a maximum gross acreage of 20%. Lee asked about access points and street width. She explained that the concept plan provided by the applicant depicts an access from 6th Street aligning with Lorene Place on the east side of 6th Street. The road width will meet city standards

The applicant gave a more detailed description of what the subdivision would be like. It would be a six lot residential luxury upscale subdivision.

Before closing the hearing Assistant City Manager stated that the Scott Air Force Base and IDOT have been notified and have no concerns about this rezoning.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:40 PM

CALL TO ORDER at 7:41 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT

Commission members Darren Goodlin and Rich Thompson were absent.

ALSO PRESENT

Assistant City Manager Lisa Koerkenmeier and Code Enforcement Official Danny Schrempp, Councilman Schorr, Bill Millikin, Dan Schloesser, Eric Olson, and Steve Wilke.

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 Klopmeier, to approve the minutes of the July 16, 2014 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

PC 14-05 –ALLEYWAY VACATION, 100 BLOCK OF E. MAIN STREET, BETWEEN N. MARKET STREET AND N. LEBANON STREET.

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

MOTION

Klopmeier moved, seconded by Lee, that the Planning Commission recommend approval of the vacation of the alley right-of-way, subject to the condition below, and forward the recommendation to the City Council.

1. A new utility easement, minimum of 10’ in width, will be required from the applicant, or the applicant and the adjoining property owner (currently Regions Bank), beginning from Church Street and running south in between their properties for a length of approximately 100 feet.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

PC 14-06 – REZONING OF 6.78 ACRES LOCATED AT THE SOUTHWEST CORNER OF FUESSER ROAD AND N. 6TH STREET FROM GENERAL COMMERCIAL (GC) TO SINGLE-FAMILY RESIDENTIAL (RS-10).

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

MOTION

Lee moved, seconded by Jung, that the Planning Commission approve the rezoning request for 6.78 acres located at the southwest corner of Fuesser Road and N. 6th Street from GC, General Commercial, to RS-10, Single-Family Residential, subject to the following Findings:

1. The proposed zone change of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements, specifically the Airport Overlay District requirements for property located within an Accident Potential Zone (APZ-2).
2. The proposed zone change is compatible with surrounding single-family uses and the RS-10, Single-Family Residential zoning of nearby property.
3. Given the subject property's location in the APZ-2, the land is not suitable for the uses and density permitted in the General Commercial Zoning District.
4. The rezoning application is consistent with good general planning.
5. The proposed zone change encourages land use compatibility with adjacent uses.
6. The proposed zone change is deemed desirable to promote the general welfare of the City.

THE MOTION BY ROLL CALL

Charles Lee nay, Jack Klopmeier aye, Glenn Shelley nay, Bruce Jung aye, and Chairman Ken Zacharski aye
5-ayes, 0-nays

MISCELLANEOUS

None

ADJOURNMENT

Lee moved, seconded by Klopmeier, to adjourn at 8:04 p.m.

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor and City Council
FROM: Cody Hawkins City Manager
SUBJECT: **Approval of a Bond Compliance Policy and Procedure**
MEETING DATE: September 2, 2014

REQUESTED ACTION:

Approval of a Resolution to approve a Bond Compliance Policy and Procedure. This policy and procedure would be executed for any existing bond and future bonds including the issuance of Sales Tax Revenue Bonds (Huddle House Project) Series 2014A and Taxable Business District Revenue Bonds (Huddle House Project) Series 2014B.

BACKGROUND AND STAFF COMMENTS:

The City's bond counsel, GilmoreBell, is recommending that the City adopt the Bond Compliance Policy and Procedure as presented in the attached Resolution. The Internal Revenue Service recommends issuers of tax-exempt bonds to adopt separate written procedures for monitoring post-issuance federal tax requirements for tax-exempt bonds. Although it is not mandated, the forms that accompany the bond documents filed with the IRS asks if the bond issuer (the City) has adopted a bond compliance policy and procedure. Additionally, if the annual bond reporting is ever subject to an audit, the audit would also ask if the issuer has adopted a bond compliance policy and procedure. The policy and procedure presented in the Resolution is representative of the process the City (Finance Coordinator) currently follows.

The City's Finance Coordinator and auditor have reviewed the Resolution and are supportive of the Council adopting the bond compliance policy and procedure.

RECOMMENDATION:

Staff recommends that the Council adopt a Resolution approving a Bond Compliance Policy and Procedure.

SUGGESTED MOTION:

I move that the City Council approve Resolution 14-15 ____, approving a Bond Compliance Policy and Procedure.

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By: _____
Cody Hawkins
City Manager

Attachment: A – Resolution

RESOLUTION NO. 14-15-____

**A RESOLUTION OF THE CITY OF MASCOUTAH, ILLINOIS, TO
APPROVE A BOND COMPLIANCE POLICY AND PROCEDURE**

WHEREAS, the Internal Revenue Service (the "IRS") now recommends issuers of tax-exempt bonds to adopt separate written procedures for monitoring post-issuance federal tax requirements for tax-exempt bonds; and

WHEREAS, in accordance with Rule 15c2-12 of the Securities and Exchange Commission (the "SEC"), issuers may also be required to provide disclosures of certain financial information and operating data and to file notices of certain material events to the marketplace to facilitate informed secondary market trading of bonds; and

WHEREAS, the City Council of the City of Mascoutah, Illinois (the "City") finds it is in the best interest of the City to adopt certain policies and procedures to comply with the IRS and SEC directives and to improve tax and securities law compliance and documentation with respect to the City's outstanding bonds;

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

SECTION 1: Approval of Bond Compliance Policy and Procedure. The Bond Compliance Policy and Procedure in substantially the form attached hereto as **Exhibit A** is hereby approved.

SECTION 2: Further Authority. The City hereby authorizes and empowers the officers and representatives of the City to do all such acts and things and to execute, acknowledge and deliver all such documents as may in their discretion be deemed necessary or desirable in order to carry out or comply with the terms and provisions of this Resolution in connection with the approval of the Bond Compliance Policy and Procedure. All of the acts and undertakings of such officers and representatives that are in conformity with the intent and purposes of this Resolution, whether heretofore or hereafter taken or done, shall be and the same are hereby in all respects, ratified, confirmed and approved.

SECTION 3: Effective Date. This Resolution shall be in full force and effect from and after its adoption by the City Council.

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

Mayor

ATTEST:

City Clerk

(SEAL)

EXHIBIT A
BOND COMPLIANCE POLICY AND PROCEDURE

CITY OF MASCOUTAH, ILLINOIS
BOND COMPLIANCE POLICY AND PROCEDURE

Dated as of September 2, 2014

BOND COMPLIANCE POLICY AND PROCEDURE

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Exhibit A – List of Tax-Exempt Bonds Covered by this Compliance Procedure

BOND COMPLIANCE POLICY AND PROCEDURE

ARTICLE I

DEFINITIONS

Section 1.1. Definitions. Capitalized words and terms used in this Compliance Procedure have the following meanings:

“Annual Compliance Checklist” means a questionnaire and/or checklist described in **Section 6.1** hereof that is completed each year for a Tax-Exempt Bond issue.

“Bond Compliance Officer” means the Issuer’s Finance Coordinator or, if the position of Finance Coordinator is vacant, the person filling the responsibilities of the Finance Coordinator for the Issuer.

“Bond Counsel” means a law firm selected by the Issuer to provide a legal opinion regarding the tax status of interest on Tax-Exempt Bonds as of the issue date or the law firm selected to advise the Issuer on matters referenced in this Compliance Procedure.

“Bond Restricted Funds” means the funds, accounts, and investments that are subject to arbitrage rebate and/or yield restriction rules that have been identified in the Tax Compliance Agreement for a Tax-Exempt Bond issue.

“Bond Transcript” means the “transcript of proceedings” or other similar titled set of transaction documents assembled by Bond Counsel following the issuance of Tax-Exempt Bonds.

“City Council” means the City Council of the Issuer.

“Code” means the Internal Revenue Code of 1986, as amended.

“Compliance Procedure” means this Bond Compliance Policy and Procedure.

“Continuing Disclosure Undertaking” means the applicable Continuing Disclosure Agreement, Continuing Disclosure Undertaking, Continuing Disclosure Instructions or other written certification of the Issuer setting out covenants for satisfying the Issuer’s requirements for providing information to the MSRB pursuant to SEC Rule 15c2-12 on an ongoing basis for each series of Tax-Exempt Bonds.

“Cost” or **“Costs”** means all costs and expenses paid for the acquisition, design, construction, equipping or improvement of a Project Facility or costs of issuing Tax-Exempt Bonds.

“EMMA” means the Electronic Municipal Market Access system for municipal securities disclosures established and maintained by the MSRB, which can be accessed at www.emma.msrb.org.

“Final Written Allocation” means the Final Written Allocation of proceeds of Tax-Exempt Bonds prepared pursuant to **Section 5.4** hereof.

“Financed Assets” means that part of a Project Facility treated as financed with Tax-Exempt Bond proceeds as reflected in a Final Written Allocation or, if no Final Written Allocation was prepared, the accounting records of the Issuer and the Tax Compliance Agreement for the Tax-Exempt Bond issue.

“Intent Resolution” means a resolution of the City Council stating (a) the intent of the Issuer to finance all or a portion of the Project Facility with Tax-Exempt Bonds, (b) the expected maximum issue size of the Tax-Exempt Bonds and (c) the intent of the Issuer to reimburse the Costs paid by the Issuer from proceeds of the Tax-Exempt Bonds.

“IRS” means the Internal Revenue Service.

“Issuer” means the City of Mascoutah, Illinois.

“MSRB” means the Municipal Securities Rulemaking Board, or any successor repository designated as such by the Securities and Exchange Commission in accordance with Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“Placed In Service” means that date (as determined by the Bond Compliance Officer) when the Project Facility is substantially complete and in operation at substantially its design level.

“Project Facility” means all tangible or intangible property financed in whole or in part with Tax-Exempt Bonds that is (a) functionally related or integrated in use, (b) located on the same physical site or proximate sites, and (c) expected to be Placed In Service within a one-year period of each other.

“Rebate Analyst” means the rebate analyst for the Tax-Exempt Bonds selected pursuant to the Tax Compliance Agreement.

“Regulations” means all regulations issued by the U.S. Treasury Department to implement the provisions of Code §§ 103 and 141 through 150 and applicable to tax-exempt obligations.

“Tax Compliance Agreement” means the Federal Tax Certificate, Tax Compliance Agreement, Arbitrage Agreement, or other written certification or agreement of the Issuer setting out representations and covenants for satisfying the post-issuance tax compliance requirements for a Tax-Exempt Bond issue.

“Tax-Exempt Bond(s)” means any bond, note, installment sale agreement, lease or certificate intended to be a debt obligation of the Issuer or another political subdivision or government instrumentality, the proceeds of the which are to be loaned or otherwise made available to the Issuer, and the interest on which is excludable from gross income for federal income tax purposes. A list of all Tax-Exempt Bonds outstanding and subject to this Compliance Procedure as of the date hereof is attached as **Exhibit A** hereto.

“Tax-Exempt Bond File” means documents and records which may consist of paper and electronic medium, maintained for the Tax-Exempt Bonds. Each Tax-Exempt Bond File will include the following information if applicable:

- (a) Intent Resolution.
- (b) Bond Transcript.
- (c) Final Written Allocation and/or all available accounting records related to the Project Facility showing expenditures allocated to the proceeds of the Tax-Exempt Bonds and expenditures (if any) allocated to other sources of funds.

- (d) All rebate and yield reduction payment calculations performed by the Rebate Analyst and all investment records provided to the Rebate Analyst for purposes of preparing the calculations.
- (e) Forms 8038-T together with proof of filing and payment of rebate.
- (f) Investment agreement bid documents (unless included in the Bond Transcript) including:
 - (1) bid solicitation, bid responses, certificate of broker;
 - (2) written summary of reasons for deviations from the terms of the solicitation that are incorporated into the investment agreement; and
 - (3) copies of the investment agreement and any amendments.
- (g) Any item required to be maintained by the terms of the Tax Compliance Agreement involving the use of the Project Facility or expenditures related to tax compliance for the Tax-Exempt Bonds.
- (h) Any opinion of Bond Counsel regarding the Tax-Exempt Bonds not included in the Bond Transcript.
- (i) Amendments, modifications or substitute agreements to any agreement contained in the Bond Transcript.
- (j) Any correspondence with the IRS relating to the Tax-Exempt Bonds including all correspondence relating to an audit by the IRS of the Tax-Exempt Bonds or any proceedings under the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP).
- (k) Any available questionnaires or correspondence substantiating the use of the Project Facility in accordance with the terms of the Tax Compliance Agreement for the Tax-Exempt Bonds.
- (l) For refunding bond issues, the Tax-Exempt Bond File for the refunded Tax-Exempt Bonds.

ARTICLE II

PURPOSE AND SCOPE

Section 2.1. Purpose of Compliance Procedure.

(a) The Issuer uses Tax-Exempt Bonds to fund Costs of a Project Facility. The Issuer understands that in exchange for the right to issue Tax-Exempt Bonds at favorable interest rates and terms, the Code and Regulations impose ongoing requirements related to the proceeds of the Tax-Exempt Bonds and the Project Facility financed by the Tax-Exempt Bonds. These requirements focus on the investment, use and expenditure of proceeds of the Tax-Exempt Bonds and related funds as well as restrictions on the use of the Project Facility.

(b) The Issuer recognizes that the IRS has stated that all issuers of Tax-Exempt Bonds should have *separate* written procedures regarding ongoing compliance with the federal tax requirements for Tax-Exempt Bonds.

(c) The Issuer is required under the Continuing Disclosure Undertaking to provide disclosures of certain financial information and operating data and to file notices of certain material events to the marketplace to facilitate informed secondary trading in Tax-Exempt Bonds issued by the Issuer. The Issuer is committed to full compliance with the tax and securities law requirements for all of its outstanding and future tax-exempt financings. This Compliance Procedure is adopted by the City Council to comply with the IRS and SEC directives and to improve tax and securities law compliance and documentation.

Section 2.2. Scope of Compliance Procedure; Conflicts. This Compliance Procedure applies to all Tax-Exempt Bonds currently outstanding and all Tax-Exempt Bonds issued in the future. If the provisions of this Compliance Procedure conflict with a Tax Compliance Agreement, the Continuing Disclosure Undertaking or any other specific written instructions of Bond Counsel, the terms of the Tax Compliance Agreement, the Continuing Disclosure Undertaking or specific written instructions of Bond Counsel will supersede and govern in lieu of this Compliance Procedure. Any exception to this Compliance Procedure required by Bond Counsel as part of a future issue of Tax-Exempt Bonds will be incorporated in the Tax Compliance Agreement for the future issue. Any requirements imposed on the Issuer in the Tax Compliance Agreement, will be noted by the Bond Compliance Officer and incorporated into the Annual Compliance Checklist. The Issuer acknowledges that the Continuing Disclosure Undertaking may also apply to one or more issues of taxable securities issued by the Issuer.

Section 2.3. Amendments and Publication of Compliance Procedure. This Compliance Procedure may be amended from time-to-time by the City Council. Copies of this Compliance Procedure and any amendments will be included in the permanent records of the Issuer.

ARTICLE III

BOND COMPLIANCE OFFICER; TRAINING

Section 3.1. Bond Compliance Officer Duties. The Bond Compliance Officer is responsible for implementing this Compliance Procedure. The Bond Compliance Officer will work with other employees that use the Project Facility to assist in implementing this Compliance Procedure. The Bond Compliance Officer will consult with Bond Counsel, legal counsel to the Issuer, accountants, tax return preparers and other outside experts to the extent necessary to carry out the purposes of this Compliance Procedure. The Bond Compliance Officer will report to the City Council as necessary and will report to the City Manager at least annually regarding implementation of this Compliance Procedure and any recommended changes or amendments to this Compliance Procedure.

Section 3.2. Training.

(a) General. Periodically, as individuals acting as the Issuer's Bond Compliance Officer pass the responsibilities for carrying out the provisions of this Compliance Procedure to another individual, the outgoing individual is responsible for training the incoming individual to ensure the Issuer's continued compliance with the provisions of this Compliance Procedure and all Tax Agreements for any outstanding Tax-Exempt Bonds.

(b) Training Opportunities. Prior to each future issuance of Tax-Exempt Bonds, the Bond Compliance Officer will discuss tax requirements related to such Tax-Exempt Bonds with Bond Counsel. When appropriate, the Bond Compliance Officer will take advantage of training opportunities regarding tax-exempt financing that are relevant to the Issuer such as:

- Subscribing for IRS Newswire updates related to tax-advantaged financings
- Attending training programs offered by the IRS or other industry professionals
- Consulting Bond Counsel from time-to-time with questions regarding tax requirements applicable to the Issuer

ARTICLE IV

TAX-EXEMPT BONDS CURRENTLY OUTSTANDING

Section 4.1. Tax-Exempt Bonds Covered by Article IV Procedures. This Article IV applies to all Tax-Exempt Bonds issued prior to the date of this Compliance Procedure that are currently outstanding and Tax-Exempt Bonds that have been approved by the City Council but not yet issued. These Tax-Exempt Bonds are listed on **Exhibit A** hereto.

Section 4.2. Tax-Exempt Bond File. As soon as practical, the Bond Compliance Officer will attempt to assemble as much of the Tax-Exempt Bond File that is available for the Tax-Exempt Bonds listed on **Exhibit A** hereto.

Section 4.3. Annual Compliance Checklists. As soon as practical following the adoption of this Compliance Procedure, the Bond Compliance Officer will work with Bond Counsel and/or legal counsel to the Issuer and cause Annual Compliance Checklists to be completed for all outstanding Tax-Exempt Bonds and will follow the procedures specified in **Article VI** hereof to complete the Annual Compliance Checklists and thereafter include each completed Annual Compliance Checklist in the Tax-Exempt Bond File.

Section 4.4. Correcting Prior Deficiencies in Compliance. If the Bond Compliance Officer determines a deficiency in compliance with a Tax Compliance Agreement for an outstanding Tax-Exempt Bond listed on **Exhibit A** hereto, the Bond Compliance Officer will direct the Issuer to follow the procedures described in the Regulations or the Tax-Exempt Bonds Voluntary Closing Agreement Program (VCAP) to remediate the noncompliance. If remediation of the noncompliance requires the Issuer to submit a request under VCAP, the Bond Compliance Officer will undertake this step only after reporting the violation to the City Council and obtaining its approval.

ARTICLE V

COMPLIANCE PROCEDURE FOR NEW TAX-EXEMPT BOND ISSUES

Section 5.1. Application. This Article V applies to Tax-Exempt Bonds approved and issued on or after the date of this Compliance Procedure.

Section 5.2. Prior to Issuance of Tax-Exempt Bonds.

(a) Intent Resolution. The City Council will authorize and approve the issuance of Tax-Exempt Bonds. Prior to or as a part of this authorizing resolution or ordinance, the City Council may adopt an Intent Resolution.

(b) Directions to Bond Counsel. The Bond Compliance Officer will provide a copy of this Compliance Procedure to Bond Counsel with directions for Bond Counsel to structure the documentation and procedural steps taken prior to issuing the Tax-Exempt Bonds so that they conform to the requirements of this Compliance Procedure, except to the extent Bond Counsel determines that different procedures are required. The Bond Compliance Officer will consult with Bond Counsel so that appropriate provisions are made to fund or reimburse the Issuer's costs and expenses incurred to implement this Compliance Procedure.

(c) Tax Compliance Agreement. For each issuance of Tax-Exempt Bonds a Tax Compliance Agreement will be signed by the Bond Compliance Officer. The Tax Compliance Agreement will (1) describe the Project Facility and the anticipated Financed Assets, (2) identify all Bond Restricted Funds and provide for arbitrage and rebate compliance by the Issuer, (3) for new money financings, require the Issuer to complete a Final Written Allocation, and (4) contain a form of the Annual Compliance Checklist for the Tax-Exempt Bonds. The Bond Compliance Officer will confer with Bond Counsel and the Issuer's counsel regarding the meaning and scope of each representation and covenant contained in the Tax Compliance Agreement.

(d) Preliminary Cost Allocations. For new money financings, the Bond Compliance Officer in consultation with Bond Counsel, will prepare a preliminary cost allocation plan for the Project Facility. The preliminary cost allocation plan will identify the assets and expected costs for the Project Facility, and, when necessary, will break-out the portions of Costs expected to be financed with proceeds of the Tax-Exempt Bonds (the "Financed Assets") and the portions, if any, expected to be financed from other sources.

(e) Tax Review with Bond Counsel. Prior to the sale of Tax-Exempt Bonds, the Bond Compliance Officer and Bond Counsel will review this Compliance Procedure together with the draft Tax Compliance Agreement to ensure that any tax compliance issues in the new financing are adequately addressed by this Compliance Procedure and/or the Tax Compliance Agreement. If Bond Counsel determines that this Compliance Procedure conflicts with the draft Tax Compliance Agreement, or must be supplemented to account for special issues or requirements for the Tax-Exempt Bonds, the Bond Compliance Officer will ask Bond Counsel to include the written modifications or additions in the final Tax Compliance Agreement. The Bond Compliance Officer will request Bond Counsel to prepare a form of Annual Compliance Checklist for use in monitoring the ongoing compliance requirements for the Tax-Exempt Bonds.

Section 5.3. Accounting and Recordkeeping.

(a) Accounting for New Money Projects. The Bond Compliance Officer will be responsible for accounting for the investment and allocation of proceeds of the Tax-Exempt Bonds. The Bond Compliance Officer will establish separate accounts or subaccounts to record expenditures for Costs of the Project Facility. Where appropriate, the Bond Compliance Officer may use accounts established as part of the Issuer's financial records for this purpose. In recording Costs for the Project Facility, the Bond Compliance Officer will ensure that the accounting system will include the following information: (1) identity of person or business paid, along with any other available narrative description of the purpose

for the payment, (2) date of payment, (3) amount paid, and (4) invoice number or other identifying reference.

(b) Allocation for Refunded Bonds and Related Refunded Bond Accounts. For Tax-Exempt Bonds that refund prior Tax-Exempt Bonds, the Tax Compliance Agreement will set out special allocation procedures for the proceeds of the financing, and if necessary proceeds of the refinanced Tax-Exempt Bonds.

(c) Tax-Exempt Bond File. The Bond Compliance Officer will be responsible for assembling and maintaining the Tax-Exempt Bond File. The Annual Reports, other reports and notices of certain material events filed by the Issuer with the MSRB will be publicly available on EMMA and need not be separately maintained in the Tax-Exempt Bond File.

Section 5.4. Final Allocation of Bond Proceeds.

(a) Preparation of Final Written Allocation; Timing. The Bond Compliance Officer is responsible for making a written allocation of proceeds of Tax-Exempt Bonds to expenditures and identifying the Financed Assets. This process will be memorialized in the Final Written Allocation. For a new money financing, the Bond Compliance Officer will commence this process as of the earliest of (1) the requisition of all Tax-Exempt Bond proceeds from any segregated Tax-Exempt Bond funded account, (2) the date the Project Facility has been substantially completed, or (3) four and one-half years following the issue date of the Tax-Exempt Bonds. For Tax-Exempt Bonds issued only to refund a prior issue of Tax-Exempt Bonds, the Bond Compliance Officer will work with Bond Counsel to prepare and/or document the Final Written Allocation for the Project Facility financed by the refunded Tax-Exempt Bonds and include it in the Tax Compliance Agreement.

(b) Contents and Procedure. The Bond Compliance Officer will consult the Tax Compliance Agreement and, if necessary, contact Bond Counsel to seek advice regarding any special allocation of Tax-Exempt Bond proceeds and other money of the Issuer to the Costs of the Project Facility. If no special allocation is required or recommended, the Bond Compliance Officer will allocate Costs of the Project Facility to the proceeds of the Tax-Exempt Bonds in accordance with the Issuer's accounting records. Each Final Written Allocation will contain the following: (1) a reconciliation of the actual sources and uses to Costs of the Project Facility, (2) the percentage of the cost of the Project Facility financed with proceeds of the Tax-Exempt Bonds (sale proceeds plus any investment earnings on those sale proceeds), (3) the Project Facility's Placed in Service date, (4) the estimated economic useful life of the Project Facility, and (5) any special procedures to be followed in completing the Annual Compliance Checklist (e.g., limiting the Annual Compliance Checklist to specific areas of the Project Facility that the Final Written Allocation or the Tax Compliance Agreement treats as having been financed by Tax-Exempt Bonds).

(c) Finalize Annual Compliance Checklist. As part of the preparation of the Final Written Allocation, the Bond Compliance Officer will update the draft Annual Compliance Checklist contained in the Tax Compliance Agreement. The Bond Compliance Officer will include reminders for all subsequent arbitrage rebate computations required for the Tax-Exempt Bonds in the Annual Compliance Checklist.

(d) Review of Final Written Allocation and Annual Compliance Checklist. Each Final Written Allocation and Annual Compliance Checklist will be reviewed by legal counsel to the Issuer or Bond Counsel for sufficiency and compliance with the Tax Compliance Agreement and this Compliance Procedure. Following the completion of the review, the Bond Compliance Officer will execute the Final Written Allocation.

ARTICLE VI

ONGOING MONITORING PROCEDURES

Section 6.1. Annual Compliance Checklist. An Annual Compliance Checklist will be completed by the Bond Compliance Officer each year following completion of the Final Written Allocation. Each Annual Compliance Checklist will be designed and completed for the purpose of identifying potential noncompliance with the terms of the Tax Compliance Agreement or this Compliance Procedure and obtaining documents (such as investment records, arbitrage calculations, or other documentation for the Project Facility) that are required to be incorporated in the Tax-Exempt Bond File. The Bond Compliance Officer will refer any responses indicating a violation of the terms of the Tax Compliance Agreement to legal counsel to the Issuer or Bond Counsel and, if recommended by counsel, will follow the procedure set out in **Section 4.4** hereof to remediate the non-compliance.

Section 6.2. Arbitrage and Rebate Compliance. The Bond Compliance Officer will monitor the investment of Bond Restricted Funds and provide investment records to the Rebate Analyst on a timely basis. The Bond Compliance Officer will follow the directions of the Rebate Analyst with respect to the preparation of and the timing of rebate or yield reduction computations.

ARTICLE VII

CONTINUING DISCLOSURE

Section 7.1. Annual Disclosure Filings. For each issuance of Tax-Exempt Bonds, the Bond Compliance Officer will review the Continuing Disclosure Undertaking to determine the financial information and operating data required to be included in the Annual Report to be filed by the Issuer with the MSRB on EMMA. The Bond Compliance Officer will cause the Annual Report to be filed with the MSRB on EMMA within the timeframe provided in the Continuing Disclosure Undertaking for the Tax-Exempt Bonds.

Section 7.2. Material Event Disclosure Filings. For each outstanding issue of Tax-Exempt Bonds, the Bond Compliance Officer will review the Continuing Disclosure Undertaking to determine the "material events" that require prompt notice to be filed with the MSRB. Generally, the occurrence of any of the following events with respect to the Tax-Exempt Bonds represents a "material event:"

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-

TEB) or other material notices or determinations with respect to the tax status of the bonds, or other material events affecting the tax status of the bonds;

- (7) modifications to rights of bondholders, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution or sale of property securing repayment of the bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) the consummation of a merger, consolidation, or acquisition involving the obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (14) appointment of a successor or additional trustee or the change of name of the trustee, if material.

After obtaining actual knowledge of the occurrence of any event that the Bond Compliance Officer believes may constitute an event requiring disclosure, the Bond Compliance Officer will contact Bond Counsel to determine if notice of the event is required to be given to the MSRB under the Continuing Disclosure Undertaking. If it is determined that notice should be provided to the MSRB or is required to be provided to the MSRB by the Continuing Disclosure Undertaking, the Bond Compliance Officer will cause the appropriate notice to be filed with the MSRB on EMMA within 10 business days after the occurrence of the event or as otherwise directed by Bond Counsel.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, ILLINOIS
THIS 2nd DAY OF SEPTEMBER, 2014.**

EXHIBIT A

TAX-EXEMPT BONDS COVERED BY THIS COMPLIANCE PROCEDURE:

1. General Obligation Corporate Purpose Bonds, Series 1998.
2. General Obligation Bonds, Series 2001A.
3. General Obligation Refunding Bonds, Series 2005.
4. General Obligation Bonds, Series 2008.
5. Sales Tax Revenue Bonds (Huddle House Project), Series 2014A.