

# Mascoutah City Council

January 4, 2016

## REGULAR MEETING AGENDA

### City Council Meeting - 7:00 pm

1. PRAYER & PLEDGE OF ALLEGIANCE
2. CALL TO ORDER
3. ROLL CALL
4. **AMEND AGENDA** – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*
5. **MINUTES**, December 21, 2015 City Council Meeting (Page 1 to Page 4)
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. **Code Change – No Parking, Tenth Street (Second Reading)** (Page 5 to Page 6)  
Description: Council approval of an Ordinance to amend Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.  
  
Recommendation: Council Approval and Adoption of Ordinance.
    2. **Code Change – Taxation (First Reading)** (Page 7 to Page 11)  
Description: Council approval of an Ordinance to amend Chapter 36 – Taxation, Article III – Municipal Utility Tax of the City Code of Ordinances.  
  
Recommendation: First Reading.
    3. **Resolution Urging Reduction of Illegal Dumping of Foreign Steel** (Page 12 to Page 13)  
Description: Approval of a resolution urging the United States Congress to take action to reduce illegal dumping of foreign steel.

Recommendation: Council Approval and Adoption of Resolution.

**B. Council – Miscellaneous Items**

**C. City Manager**

- **Heritage Museum**

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

**11. ADJOURNMENT TO EXECUTIVE SESSION – NONE**

**12. MISCELLANEOUS OR FINAL ACTIONS**

**13. ADJOURNMENT**

***POSTED 12/30/15 at 5:00 PM***

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

**DECEMBER 21, 2015**

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

**PRAYER AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

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

**ROLL CALL**

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

*Absent:* None.

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

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

**AMEND AGENDA**

None.

**MINUTES**

The minutes of the December 7, 2015 regular City Council meeting were presented and approved as presented. The minutes of the December 7, 2015 Executive Session meeting were presented and approved as presented.

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

**PUBLIC COMMENTS**

None.

**DEPARTMENT REPORTS**

*Fire Chief Joe Zinck* – November 2015 report was provided.

*Police Chief Bruce Fleshren* – November 2015 report was provided. Councilman Grodeon asked if any progress has been made on the case involving the shooting on Market Street. Police Chief stated that the investigation is ongoing.

*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. Mayor asked about the progress of the North 10<sup>th</sup> Street extension. City Engineering stated that it should be finished on Wednesday, December 23<sup>rd</sup> except for final grading and seeding. Councilman Schorr asked if at a future meeting we can discuss the contract specifications for backfilling and the materials to be used for backfilling. City Engineer stated that we normally use IDOT standards but can discuss it at a future meeting.

## **REPORTS AND COMMUNICATIONS**

### *Mayor*

Attended the following meetings and functions: United Way recognition luncheon, meeting regarding partnership program at Scott AFB, SLM Water Commission meeting, meeting in Granite City with area Mayor's regarding the Granite City steel factory, Christmas open houses and events.

### *City Council*

Grodeon – Attended the following meetings and functions: TWM open house.

Schorr – Attended the following meetings and functions: Government Ethics Class presented by the State's Attorney, school board meeting.

Weyant – Attended the following meetings and functions: Christmas open houses and events, volunteered at the Santa Hut.

McMahan – Nothing to report.

*City Manager* – Nothing to report.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

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

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

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

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

### **CODE CHANGE – NO PARKING, TENTH STREET (FIRST READING)**

City Manager presented report for Council consideration of approval of an Ordinance to amend the Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

Councilman Weyant asked if we were still looking at putting another parking lot in the park. City Manager stated that there has been discussion about putting another parking lot north of Park Drive next to the ball fields.

First reading. No action required.

### **CLOSED SESSION RESOLUTIONS**

City Manager presented report for Council consideration of approval of resolutions regarding the release of closed session meeting minutes and the destruction of closed session tapes.

Schorr moved, seconded by Weyant, to approve and adopt Resolution No. 15-16-11, a Resolution Authorizing the Destruction of Closed Session Tapes and Resolution No. 15-16-12, a Resolution Regarding the Release of Closed Session Minutes.

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

### **COUNCIL – MISCELLANEOUS ITEMS**

Mayor thanked staff and the Council for another great year.

Councilman Schorr asked about the trucking business that was to be relocated on Route 4. Assistant City Manager stated that Mr. Friederich ending up not purchasing the property. Assistant City Manager stated that the zoning will stay in place.

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

City Manager provided information to Council regarding the Huddle House sales tax revenue bonds and stated that since the bonds are not going to be issued, the developer has asked for an incentive in the form of a sales tax rebate which would have been used to pay back the tax exempt bond if that would have been issued. City Manager stated that it would be for a 2-3 year deal until the bio-diesel exemption is removed. City Manager stated that he wanted Council's feedback before he had the City Attorney draft an agreement. Council discussed the possible sales tax rebate. City Manager will draft an agreement and review the projections and estimated rebate amount and bring it back to Council at a future meeting.

### **PUBLIC COMMENTS**

None.

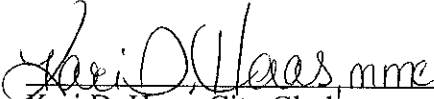
### **MISCELLANEOUS OR FINAL ACTIONS**

None.

**ADJOURNMENT**

McMahan moved, seconded by Weyant, to **adjourn at 7:23 p.m.**

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

  
Kari D. Haas, City Clerk

## CITY OF MASCOUTAH

### Staff Report

**TO:** Honorable Mayor & City Council

**FROM:** Cody Hawkins – City Manager

**SUBJECT:** Code Change – No Parking, Tenth Street (Second Reading)

**MEETING DATE:** January 4, 2016

**REQUESTED ACTION:**

Council approval of an Ordinance to amend the Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

**BACKGROUND & STAFF COMMENTS:**

Below are the recommendations from staff for no parking along the newly improved North Tenth Street.

Street – Side  
Tenth St. (East)

Location  
Harnett St. to Park Dr.

The Street Department will receive a work order to place no parking signs at these locations after passage of the attached Ordinance.

**FUNDING:**

N/A

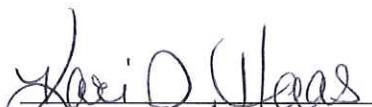
**RECOMMENDATION:**

Council approval and adoption of ordinance amending Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.


**SUGGESTED MOTION:**

I move that the Council approve and adopt Ordinance No. 16-\_\_\_, amending Chapter 24, Schedule “E” – No Parking Streets to add no parking on sections of North Tenth Street.

Prepared By:

  
Kari D. Haas, City Clerk

Approved By:

  
Cody Hawkins, City Manager

Attachments: A – Ordinance

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

**AN ORDINANCE AMENDING CHAPTER 24, SCHEDULE "E" – NO PARKING  
STREETS OF THE CITY OF MASCOUTAH CODE OF ORDINANCES**

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

**SECTION 1:** That CHAPTER 24, ARTICLE IV – ILLINOIS VEHICLE CODE  
(Schedule "E" – No Parking Streets) be amended to add the following:

**SCHEDULE "E" – NO PARKING STREETS**

*Street – Side*

Tenth St. (East)

*Location*

Harnett St. to Park Dr.

**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 McMahan, seconded by Councilman Schorr,  
adopted on the following roll call vote on the 4<sup>th</sup> day of January, 2016, and deposited and filed in  
the Office of the City Clerk in said City on that date.

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

**APPROVED** by the Mayor of the City of Mascoutah, Illinois, this 4<sup>th</sup> day of January,  
2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

Attachment A



**CITY OF MASCOUTAH**

**Staff Report**

**TO:** Honorable Mayor & City Council

**FROM:** Cody Hawkins – City Manager

**SUBJECT:** Code Change – Taxation (First Reading)

**MEETING DATE:** January 4, 2016

**REQUESTED ACTION:**

Council approval of an Ordinance to amend Chapter 36 – Taxation, Article III – Municipal Utility Tax of the City Code of Ordinances.

**BACKGROUND & STAFF COMMENTS:**


This code change is a response to Ameren's Tax Exemption Review requesting additional verbiage be added that clearly exempts municipal accounts. The attached code change will keep the City of Mascoutah gas utility accounts with Ameren tax exempt.

**RECOMMENDATION:**

Council approval and adoption of ordinance.

**SUGGESTED MOTION:**

I move that the Council approve and adopt Ordinance No. 16-\_\_\_, amending Chapter 36 – Taxation, Article III – Municipal Utility Tax of the City Code of Ordinances.

Prepared By:   
Kari D. Haas, City Clerk

Approved By:   
Cody Hawkins, City Manager

Attachments: A – Ordinance

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

**AN ORDINANCE AMENDING CHAPTER 36 – TAXATION  
OF THE CITY OF MASCOUTAH CODE OF ORDINANCES**

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

**SECTION 1:** That CHAPTER 36 – TAXATION, ARTICLE III – MUNICIPAL  
UTILITY TAX be amended as attached.

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

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

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

**APPROVED** by the Mayor of the City of Mascoutah, Illinois, this \_\_\_\_ day of January,  
2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

Attachment A

**CHAPTER 36 – TAXATION**  
**ARTICLE III. - MUNICIPAL UTILITY TAX**

**Sec. 36-3-1. - Tax imposed.**

A tax is imposed on all persons engaged in the following occupations or privileges:

(a) Persons engaged in the business of transmitting messages by means of electricity, at the rate of three percent of the gross receipts from such business originating within the corporate limits of the City of Mascoutah.

(b) Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the City of Mascoutah, and not for resale, at the rate of three percent of the gross receipts therefrom.

(c) Persons engaged in the business of distributing, supplying, furnishing, or selling water for use or consumption within the corporate limits of the City of Mascoutah, and not for resale, at the rate of five percent of the gross receipts therefrom.

**Sec. 36-3-2. - Exceptions.**

None of the taxes authorized by this article may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this state or any political subdivision thereof, or shall any persons engaged in the business of distributing, supplying, furnishing or selling gas, water, or engaged in the business of transmitting messages, or furnishing sewer services be subject to taxation under the provisions of this section for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code, nor shall any tax authorized by this section be imposed upon any person engaged in the business unless such tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the municipality, whether privately or municipally owned or operated. *Any account(s) of the City of Mascoutah shall be exempt from the taxes imposed by this article.*

**Sec. 36-3-3. - Additional funds.**

Such tax shall be in addition to the payment of money or value, of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayers' business.

**Sec. 36-3-4. - Definitions.**

For the purposes of this article, the following definitions shall apply:

*Gross receipts* means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas, electricity or water services for the use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise,

including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of transmitting said messages without any deduction on account of the cost of service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

*Transmitting messages*, in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of services or facilities (whether owned or leased), or both, to persons in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons for the transmission of messages.

*Person* means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator, or other representative appointed by order of any court.

**Sec. 36-3-5. - Effective date.**

This article shall take effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the 1st day of December, 1994.

**Sec. 36-3-6. - Returns.**

On or before the last day of January, 1995, each taxpayer shall make a return to the city treasurer for the month of December, 1994, stating:

- (a) His name.
- (b) His principal place of business.
- (c) His gross receipts during those months upon the basis of which the tax is imposed.
- (d) Amount of tax.
- (e) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every month thereafter, each taxpayer shall make a like return to the city treasurer for the preceding month.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the city treasurer, the amount of tax herein imposed; provided that in connection with any return, the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings, and the taxable gross receipts.

**Sec. 36-3-7. - Credit for over-payment.**

If it shall appear that an amount of tax has been paid which was not due under the provisions of this article, whether as the result of a mistake of fact or an error of law, then such

amount shall be credited against any tax due, or to become due, under this article from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

**Sec. 36-3-8. - Deposit of funds.**

The tax imposed under this article shall, when collected, be paid into the general corporate fund of the city, or any other fund so designated from time to time by the city.

**Sec. 36-3-9. - Recovery of overpayments.**

No action to recover any amount of tax due under the provisions of this article shall be commenced more than three years after the due date of such amount.

**Sec. 36-3-10. - Failure to file return.**

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willingly violates any other provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$150.00 nor more than \$750.00, and in addition shall be liable in a civil action for the amount of the tax due.

(Ord. No. 923, 10-17-94)

**CITY OF MASCOUTAH**

**Staff Report**

**TO:** Honorable Mayor & Council

**FROM:** Cody Hawkins – City Manager

**SUBJECT:** Resolution Urging Reduction of Illegal Dumping of Foreign Steel

**MEETING DATE:** January 4, 2016

**REQUESTED ACTION:**

Approval of a resolution urging the United States Congress to take action to reduce illegal dumping of foreign steel.

**BACKGROUND & STAFF COMMENTS:**

At the last SWIL Council of Mayors meeting, a resolution was presented to area Mayors who were asked to pass the resolution in support of Granite City and the Granite City Steel Works company. Attached is the draft resolution from the Mayor.

**RECOMMENDATION:**

Council approval of Resolution, as attached.

**SUGGESTED MOTION:**

I move that the City Council approve and adopt Resolution No. 15-16-\_\_\_\_, a resolution urging the United States Congress to take action to reduce illegal dumping of foreign steel.

Prepared By:

  
Kari D. Haas  
City Clerk

Approved By:

  
Cody Hawkins  
City Manager

Attachments: A – Resolution

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

**RESOLUTION URGING THE UNITED STATES CONGRESS TO TAKE ACTION TO  
REDUCE ILLEGAL DUMPING OF FOREIGN STEEL**

**WHEREAS**, the Granite City Steel Works, owned by the United States Steel Corporation, has operated since 1878; and

**WHEREAS**, the Granite City Works has been an industry leader in sheet steel products for customers in the construction, container, piping and tubing, service center, and automotive industries, and has an annual raw steelmaking capability of 2.8 million net tons; and

**WHEREAS**, Granite City Works is a vital part of the Metro-East economy and a major source of employment in the area, and the loss of this mill would be devastating to thousands of families and the financial well-being of the entire region; and

**WHEREAS**, global influences in the market such as reduced steel prices, unfair trade practices, imports, and fluctuating oil prices continue to have a dramatic negative impact on the steel production industry; and

**WHEREAS**, domestic steelmakers continue to lose substantial sales to foreign countries who have "dumped" their steel products into the United States market at prices below fair market value; and

**WHEREAS**, these disruptions in the steel market have caused United States Steel Corporation to temporarily idle the Granite City mill at the end of 2015, resulting in the layoff of 2,080 steel workers.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mascoutah, Illinois, on this 4<sup>th</sup> day of January, 2016 that it urges our US Congressmen to review the national tariff policy on steel goods and make immediate efforts to eliminate the practice of steel dumping, and to consider all possible trade and economic policies to protect this vital American industry and minimize the financial impact on these hardworking men and women; and

**BE IT FURTHER RESOLVED** that copies of this resolution be presented to each Illinois member in the US House of Representatives and to our two United States Senators.

**APPROVED** by the Mayor and City Council of the City of Mascoutah, Illinois, the 4<sup>th</sup> day of January, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

Attachment A