

Mascoutah City Council

October 2, 2023

REGULAR MEETING AGENDA

IN-PERSON MEETING with combined IN-PERSON and optional VIRTUAL PUBLIC PARTICIPATION – see below for instructions on attending virtually

7:00 pm – City Council Meeting

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, September 18, 2023 City Council Meeting (Page 1 to Page 4) September 18, 2023 Executive Session Meeting (confidential, see City Clerk)

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. City Engineer Contract (Page 5 to Page 7) Description: Council approval for the contract for the City Engineer

Recommendation: Council Approval.

2. Full Time EMS Employee Staffing Increase (Page 8 to Page 9) Description: Increase the number of Full-Time EMS personnel from six to seven.

Recommendation: Council Approval.

3. AMI Metering Purchase (Page 10 to Page 14) Description: Council approval of the purchase of additional electric meters through the Advanced Metering Infrastructure (AMI) System.

Recommendation: Council Approval.

4. Alley Vacation

(Page 11 to Page 26)

Description: City Council approval of an alley vacation between 919 West Church Street and 922 West Green Street.

Recommendation: Council Approval and Adoption of Ordinance.

B. Council Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES) – MUST PERTAIN TO ACTION ITEMS

10. ADJOURNMENT TO EXECUTIVE SESSION - NONE

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 9/28/23 at 4:00 PM

OPTIONAL VIRTUAL PUBLIC PARTICIPATION – see below for instructions on attending virtually

In-person public attendance is allowed. Optional virtual public attendance is also being provided virtually through Zoom Meeting (<https://zoom.us>).

Please join my meeting from your computer, tablet or smartphone.

<https://us02web.zoom.us/j/86343603533>=[']

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You can also dial in using your phone.

United States: +1 (312) 626-6799

Access Code: 863-4360-3533

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

SEPTEMBER 18, 2023

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

COUNCIL WORKSHOP – American Rescue Plan (ARPA)

Mayor Pat McMahan called the workshop to order at 6:00 p.m.

Present:

Mayor Pat McMahan and Council members John Weyant, Walter Battas, Nick Seibert and Mike Baker.

Absent:

None.

Other Staff Present:

City Manager Becky Ahlvin, City Clerk Melissa Schanz, City Attorney Al Paulson.

Discussion:

Mayor and City Council discussed the different options for obligating the ARPA funds.

Mayor Pat McMahan closed the workshop at 6:53 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Mayor Pat McMahan called the meeting to order at 7:00p.m.

ROLL CALL

Mayor Pat McMahan and Council members John Weyant, Walter Battas, Nick Seibert and Mike Baker.

Absent: None.

Other Staff Present: City Manager Becky Ahlvin, City Clerk Melissa Schanz, City Attorney Al Paulson and Police Chief Waldrup.

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

AMEND AGENDA

Weyant moved, seconded by Battas to amend the agenda to add personnel.

Motion passed. Passed by unanimous yes voice vote.

MINUTES

The minutes of the September 5, 2023 regular City Council meeting and September 5, 2023 Executive Session meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Eric Mercer, a resident of Mascoutah, voiced his concerns.

MONTHLY DEPARTMENT REPORTS FOR AUGUST WERE PROVIDED

Fire Chief Joe Zinck announced he will be retiring along with Deputy Fire Chief Greg Moll at the end of the year.

REPORTS AND COMMUNICATIONS

Mayor – Will be heading to Chicago for IML Conference this week.

City Council

Weyant –Nothing to report.

Battas –Nothing to report.

Seibert –Attended the Mascoutah Athletic Commission meeting this month.

Baker –Nothing to report.

City Manager – Nothing to report.

City Attorney –Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The August 2023 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

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

Motion passed. AYE's – Weyant, Battas, Seibert, Baker, McMahan. NAY's – none.
ABSENT – none.

**ORDINANCE RE-NAMING THE ROADWAY LYING DIRECTLY NORTH OF
LEGACY PLACE CURRENTLY KNOWN AS HERITAGE WAY TO ONYX DRIVE.
(FIRST READING)**

City Manager presented a report for Council approval of an ordinance re-naming the roadway that runs west from Illinois Route 4 directly north of Legacy Place from “Heritage Way” to “Onyx Drive” within the City Limits of Mascoutah, Illinois.

Mayor along with Council feel the change makes sense and Councilman Baker recommended that the first reading be waived, and the ordinance get approved.

There was no further discussion.

Baker moved, seconded by Battas to waive the first reading and approve and adopt Ordinance 23-20, an Ordinance re-naming the roadway directly north of Legacy Place from Heritage Way to Onyx Drive.

Motion passed. AYE’s – Weyant, Battas, Seibert, Baker, McMahan. NAY’s – none.
ABSENT –none

**RESOLUTION OBLIGATING CORONAVIRUS STATE AND LOCAL FISCAL
RECOVERY FUNDS.**

City Manager presented a report for Council approval of a resolution to obligate the City of Mascoutah’s Coronavirus State and Local Fiscal Recovery Funds allocation.

The Mayor and City Council decided after much discussion to approve Scenario 1 which included funds for the Splash Pad at Scheve Park, Park Upgrades and Sewer System Infrastructure.

There was no further discussion.

Weyant moved, seconded by Battas to approve and adopt Resolution No. 23-24-10, a resolution to obligate the City of Mascoutah’s Coronavirus State and Local Fiscal Recovery Funds and allocate the funds as follows: Splash Pad funding in the amount of \$150,000.00, Park Upgrades in the amount of \$100,000.00, and Sewer System Infrastructure in the amount of \$837299.35. The council also stated that they do not want to see the sewer system infrastructure funds be reduced.

Motion passed. AYE’s – Weyant, Battas, Seibert, Baker, McMahan. NAY’s – none.
ABSENT –none.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Battas explained how he had a water leak at his home, and he requested we look into putting reminders about checking your indoor utilities for leaks in monthly utility bills. The City Manager will check with utility office as to if they put something in the bills throughout the year and if not will work on getting something in the monthly utility bills a couple times per year. Councilman Baker asked about the Metrolink and the cost the city will be responsible for. City Manager said it is in the early stages and cost for those involved have not been discussed yet.

CITY MANAGER – MISCELLANEOUS ITEMS

The City Manager gave a Strategic Plan Update.

PUBLIC COMMENTS

Eric Mercer had additional comments.

Mary Jeanne Hutchinson introduced herself.

ADJOURNMENT TO EXECUTIVE SESSION

Weyant moved, seconded by Battas, to adjourn to Executive Session to discuss Personnel at 7:30 p.m.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

Weyant moved, seconded by Battas, to adjourned at 7:52 p.m.

Motion passed. Motion passed by unanimous yes voice vote.

Melissa Schanz, City Clerk

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council
FROM: Becky Ahlvin, City Manager
SUBJECT: **Employment Contract with City Engineer**

MEETING DATE: October 2, 2023

REQUESTED ACTION:

Council approval of the contract with the City Engineer.

BACKGROUND & STAFF COMMENTS:

The City is hiring Sal Elkott for the position of City Engineer. The contract with Mr. Elkott provides an annual salary of \$120,000, the same benefits as non-union employees, 15 vacation days, and establishes his work schedule as 7:30 am to 4 pm, Monday through Thursday. If Council approves the contract, Mr. Elkott will start in mid-October 2023.

FUNDING:

The position of City Engineer is funded in this fiscal year budget.

RECOMMENDATION:

Staff recommends approving the contract.

SUGGESTED MOTION:

I move that the City Council approves the contract with Mr. Sal Elkott for City Engineer and authorize appropriate officials to execute the necessary documents.

Prepared By: 
Becky Ahlvin
City Manager

Approved By: 
Becky Ahlvin
City Manager

Attachments: A – City Engineer Contract

CITY MANAGER EMPLOYMENT CONTRACT

This Employment Contract entered into this ____ day of ____, 2023, A.D. by and between the City of Mascoutah, a municipal corporation, St. Clair County, Illinois, hereinafter called the "City", and, Sal Elkott, hereinafter called the "City Engineer" or "Engineer".

IT IS AGREED AS FOLLOWS:

1. That Sal Elkott is hereby employed as the City Engineer of the City of Mascoutah, effective _____, 2023.
2. Duties – In accordance with Chapter 1 entitled "Administration" of the City Code of Ordinances, as amended, the City Engineer shall make and submit plans, estimates and specifications for any public work which may be proposed or ordered by the city manager or the city council. He shall also examine all public works under his charge and see that the plans, estimates and specifications for the same are properly executed. He shall also receive a salary as established in the annual budget.
3. Additional Obligations – The City Engineer shall devote their full time, skill, and labor to the City, and is on-call at all times.
4. Salary – The annual salary for the City Engineer shall be One Hundred Twenty thousand dollars (\$120,000.00), payable biweekly.
5. Benefits – The City, in addition to the above salary, shall furnish the same fringe benefits that are being furnished to all non-union city employees, including, but not limited to: health insurance, life insurance, dental insurance, and payment into the Illinois Municipal Retirement Fund, in accordance with Chapter 28 entitled "Personnel Code" of the City Code of Ordinances, as amended.
6. Work Schedule – The City Engineer is expected to have the following work schedule: Monday through Thursday, 7:30 am to 4:00 pm.
7. Holidays and Sick Leave – The City Engineer shall have as holidays those holidays presently recognized by the City for all other non-union employees, and the City Engineer shall also receive sick leave as set forth for all other non-union employees of the City, in accordance with Chapter 28 entitled "Personnel Code" of the City Code of Ordinances, as amended.
8. Vacation – The City Engineer shall receive fifteen (15) working days of vacation per year which shall be prorated the first year until the start of the next fiscal year. Vacation shall be scheduled for no more than seven (7) consecutive working days without prior approval of the City Manager. The Employee may only carry over 240 hours of vacation leave from Dec 31 of any year to Jan 1 of the next year. Vacation balances in excess of 240 hours not used by the end of the year shall be forfeited.
9. Expenses – Any out-of-pocket expenses for official travel, meetings, school or seminars shall be paid per City policy by the City or reimbursed to the City Engineer. Proposed

expense payments/reimbursements will be reviewed by the City Manager and are subject to the City Manager's approval prior to payment/reimbursement.

10. Discharge – The City Engineer can be terminated for “just cause” by a vote of the majority of the City Council. “Just cause” is defined and hereby limited for the purposes of this agreement to the following reasons: (1) willful neglect of duty; (2) felony or misdemeanor conviction of any crime involving moral turpitude; (3) dishonesty in the performance of job duties; or (4) improper government action.

11. Disability – In the event of the death or incapacity of the City Engineer, this contract is subject to termination. Incapacity shall be defined as the City Engineer's inability to perform and fulfill all the City Engineer's duties and obligations as defined by Illinois and federal law, City Code and City Policy, for a period of three (3) consecutive months or more.

12. Resignation – In the event the City Engineer retires or resigns, they are required to provide forty-five (45) days written notice.

13. Term – This contract shall be in full force and effect for two (2) years after execution by both parties. After such time, the contract will renew automatically for a four-year term, providing a new contract period is approved by the City Council. This contract represents the entire agreement between the two parties and supersedes any other written or oral agreement. Otherwise, the City Engineer is subject to and shall be governed by the provisions set forth within the City Code, and all subsequent amendments thereto. This agreement may be modified at any time, provided the written consent of both the City and the City Engineer.

14. Indemnification – The City shall defend, hold harmless and indemnify the City Engineer against any claims, lawsuit, demand or other legal action arising out of an alleged negligent act or omission occurring in the performance of the Employee's duties. The City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City shall bear the full cost of any fidelity or other bond required of the City Engineer under any law or ordinance.

IN WITNESS WHEREOF we have set our hands and seals the date above written.

CITY OF MASCOUTAH

Attest:

Mayor

City Clerk

CITY ENGINEER

Sal Elkott

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Scott Waldrup – Director of Public Safety

SUBJECT: Full Time EMS Employee Staffing Increase

MEETING DATE: October 2, 2023

REQUESTED ACTION:

Increase the number of full-time EMS personnel from six to seven.

BACKGROUND & STAFF COMMENTS:

The City currently has six full-time and four part-time EMS employees. The Director of Public Safety and EMS Supervisor have recently discovered that the City needs to increase EMS staffing by one additional full-time employee.

The decrease in part-time staff within the last eighteen months has created an abundance of overtime and added costs within the EMS Department. There has been an increased shortage of EMS personnel nationwide, which makes obtaining EMS personnel difficult.

The intent is to add one additional full-time EMS employee, bringing the total number to seven. At the same time, the City will maintain as many part-time personnel as available to fill shift vacancies (vacations, sick time, etc.), therefore decreasing available overtime.

During the most recent EMS hiring (approximately one year ago), only one qualified applicant was received for consideration. At this time, the EMS Department has three qualified candidates, of which one will be chosen to replace a departing full-time employee. This currently leaves two qualified candidates to choose from if this additional position is approved.

Benefits include:

- Reduced overtime costs. The amount of overtime that has been paid while the EMS Department has been operating with a reduced part-time staff would largely offset the new full-time employee's salary and benefits.
- The number of instances when current full-time employees have to work shifts longer than 24 hours will be reduced. This will allow current full-time employees customary time in between shifts to rest, which can decrease safety concerns.
- This would alleviate the chances of part-time staff potentially reaching benefit eligibility. Employees become eligible for benefits after working more than 1,000 hours per year.
- Scheduling difficulties will be alleviated.
- Lead EMS Supervisor will be able to dedicate more time to complete necessary reports, attend required meetings, and complete administrative duties that fall within his position.

FUNDING:

This one full-time employee will be an addition to the existing budget. Finance Director has confirmed cash is available for funding.

RECOMMENDATION:

Director of Public Safety and City Manager recommend that the Council approve the addition of one full-time EMS employee.

SUGGESTED MOTION:

I move that the Council approve the increase of full-time EMS employees from six to seven.

Prepared By:



Scott Waldrup
Director of Public Safety

Approved By:



Rebecca Ahlvin
City Manager

**CITY OF MASCOUTAH
Staff Report**

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: AMI Metering System Purchase

MEETING DATE: October 2, 2023

REQUESTED ACTION:

Council approval of the purchase of additional electric meters through the Advanced Metering Infrastructure (AMI) System.

BACKGROUND & STAFF COMMENTS:

Last year, the City began implementing the first phase of the Advance Metering Infrastructure (AMI) System through Nighthawk. This system allows utilities to remotely collect customer usage data in real time. The AMI System will provide on-demand reads as needed, hourly detail reading, outage alerts, tamper detection, voltage monitoring, and remote connect and disconnect.

The first phase of AMI meters was deployed in the area north of State Route 161 and in new construction homes, which was about 460 electric meters. Because the AMI meters allow for remote connect and disconnect, it allows the electric linemen to work more on maintenance and installations instead of disconnecting and connecting service. The AMI meters have provided more accurate and timely information for customers that have them installed.

The second phase of AMI meters will include 152 polyphase meters for our commercial customers, 230 mesh leaf meters for residential customers, and 80 hub meters that relay information to City Hall. After the second phase is complete, most of the City's commercial customers will be on the AMI system. The City has about 4,000 electric meters on the electric grid.

Because the City bid out the AMI project last year and decided to use TESCO Nighthawk for the meters, the second phase of meters also needs to be purchased through TESCO Nighthawk. The cost breakdown is as follows:

- 230 Mesh Leaf Meters = \$44,390
- 152 Polyphase Meters = \$61,908
- 80 Hub Meters = \$23,440

The total cost of phase 2 is \$129,738. The FY 23/24 budget includes \$150,000. Through July, the City has spent \$18,889.16 on AMI meters for new-build customers, training, and general maintenance.

FUNDING:

This purchase will be paid for with the current FY 23/24 budgeted funds in the Electric Department.

RECOMMENDATION:

Staff recommends approving the purchase.

SUGGESTED MOTION:

I move that the City Council approves the purchase of AMI electric meters with TESCO Nighthawk in the amount of \$129,738.00 and authorize appropriate officials to execute the necessary documents.

Prepared By: Rebecca Ahlvin
Becky Ahlvin
City Manager

Approved By: Rebecca Ahlvin
Becky Ahlvin
City Manager

Attachments: A – Quotes from Nighthawk



A TESCO COMPANY

TESCO

925 Canal Street
Bristol, PA 19007
Phone: 215-228-0500

Quote #: 091423-02

Quoted by:

Jon Scott, Nighthawk Sales Manager
404.451.8444
jon.scott@tescometering.com

Larry Linck

City of Mascoutah

3 West Main St

Mascoutah, IL 62258

Customer Contact

Name: Larry Linck

Phone: (618) 779-4875

Email: llinck@mascoutah.com

Issue Date: 09/14/2023

Qty	Item #	Name	Price Ea	Total
230	RDA2M0-0MD	2S/200 RF-Mesh Leaf Meter w/ Disconnect	\$ 189.00	\$ 43,470.00
230	Annual Service	Leaf Annual Fees Billed Quarterly* (\$1.00/quarter)	\$ 4.00	\$ 920.00
Sub Total				\$ 44,390.00
FOB Shipping Point Shipping & Handling				\$.00
Taxes			0.000%	\$.00
TOTAL				\$ 44,390.00

Comments:

Office Use Only:

Thank you for your business.

- All Purchase Orders must be addressed to TESCO Nighthawk and payment will be directly to TESCO – The Eastern Specialty Company, 925 Canal Street, Bristol, PA 19007.
- Shipping: FOB Nighthawk Factory (Dallas, TX) within the contiguous 48 States. Shipping, handling, and insurance charges will be prepaid and added to invoice. Product shipped to Alaska, Hawaii, and U.S. possessions, or by priority parcel will result in additional shipping costs.
- Payment Terms: Net 30 days of shipment.
- All prices are in U.S. Dollars.
- All prices are subject to change without notice.
- All sales are final after 30 days of shipment.

Please visit <https://www.tescometering.com/doing-business-with-tesco-nighthawk/> to review the Solution as a Service Terms and Conditions. By agreeing to purchase Nighthawk products, the buyer acknowledges acceptance of the Solution as a Service Terms and Conditions.



A TESCO COMPANY

TESCO

925 Canal Street
Bristol, PA 19007
Phone: 215-228-0500

Quote #: 083023-01

Quoted by:

Jon Scott, Nighthawk Sales Manager
404.451.8444
jon.scott@tescometering.com

Larry Linck

City of Mascoutah

3 West Main St

Mascoutah, IL 62258

Customer Contact

Name: Larry Linck

Phone: (618) 779-4875

Email: llinck@mascoutah.com

Issue Date: 08/30/2023

Qty	Item #	Name	Price Ea	Total
88	CIK989-OMN	Aclara kV2c Polyphase Meter - LTE - 9S/20	\$ 387.50	\$ 34,100.00
12	CIK982-OMN	Aclara kV2c Polyphase Meter - LTE - 12S/200	\$ 415.00	\$ 4,980.00
4	CIK98C-OMN	Aclara kV2c Polyphase Meter - LTE - 12S/320	\$ 415.00	\$ 1,660.00
32	CIK986-OMN	Aclara kV2c Polyphase Meter - LTE - 16S/200	\$ 387.50	\$ 12,400.00
12	CIK98G-OMN	Aclara kV2c Polyphase Meter - LTE - 16S/320	\$ 415.00	\$ 4,980.00
4	CIK985-OMN	Aclara kV2c Polyphase Meter - LTE - 45S/20	\$ 415.00	\$ 1,660.00
152	Annual Service	Poly Annual Fees Billed Quarterly* (\$3.50/quarter)	\$ 14.00	\$ 2,128.00
Sub Total				\$ 61,908.00
FOB Shipping Point Shipping & Handling				\$.00
Taxes			0.000%	\$.00
TOTAL				\$ 61,908.00


Comments:

Office Use Only:

Thank you for your business.

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 <p>TESCO 925 Canal Street Bristol, PA 19007 Phone: 215-228-0500</p> <p>A TESCO COMPANY</p>	<p>Quote #: 091423-01</p> <p>Quoted by: Jon Scott, Nighthawk Sales Manager 404.451.8444 jon.scott@tescometering.com</p>

<p>Larry Linck City of Mascoutah 3 West Main St Mascoutah, IL 62258</p>	<p>Customer Contact Name: Larry Linck Phone: (618) 779-4875 Email: llinck@mascoutah.com</p>	<p>Issue Date: 09/14/2023</p>
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Qty	Item #	Name	Price Ea	Total
80	ORDA980-OMD	25/200 LTE Hub Meter w/ Disconnect	\$ 279.00	\$ 22,320.00
80	Annual Service	Hub Annual Fees Billed Quarterly* (\$3.50/quarter)	\$ 14.00	\$ 1,120.00
Sub Total:				\$ 23,440.00
FOB Shipping Point Shipping & Handling:				\$.00
Taxes:			0.000%	\$.00
TOTAL				\$ 23,440.00

Comments:	Office Use Only:
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Thank you for your business.

- All Purchase Orders must be addressed to TESCO Nighthawk and payment will be directly to TESCO – The Eastern Specialty Company, 925 Canal Street, Bristol, PA 19007.
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**CITY OF MASCOUTAH
Staff Report**

TO: Honorable Mayor & Council

FROM: Becky Ahlvin, City Manager

SUBJECT: PC 23-08 – Alley Vacation, 919 West Church St (parcel no. 10-31.0-123-014) and 922 West Green St (parcel no. 10-31.0-123-005).

MEETING DATE: October 2, 2023

REQUESTED ACTION:

City Council approval of an alley vacation between 919 West Church Street and 922 West Green Street.

BACKGROUND & STAFF COMMENTS:

The applicants, Robert (Kevin) and Nancy Endrijaitis, are property owners of 919 West Church Street. A fence replacement project has resulted in a property dispute with the owners of 922 West Green, Kirby and Matt Preston, north of the alley requested to be vacated. The applicant has requested an alley vacation for the section between his rear property line and rear property line of 922 West Green Street. The alley section requested to be vacated contains a total of 299 square feet, 49.99 ft in length and 12ft in depth that runs between the rear property lines. The applicant requested to split the alley with the property owners of 922 West Green, 6.03ft in depth for both sides. The City has no need for this section of the alley.

DISCUSSION POINTS / ISSUES:

Utilities: There are no City of Mascoutah utilities located within this section of the alley.

Public Notice: A request for an alley vacation requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to property owners within 250' of the subject property. As of the date of this report, a letter and supporting documents from the adjacent property owners of 922 West Green Street, Kirby and Matt Preston, state they do not see a need for the vacation but will accept their section if alley vacation is approved.


RECOMMENDATION:

Staff recommend approval of the alley vacation between 919 West Church Street and 922 West Green Street.


DRAFT MOTION:

I move/deny that the City Council recommend approval of this alley vacation between 919 West Church Street and 922 West Green Street.

Approved By:


Becky Ahlvin
City Manager

Prepared By:


Tiffany Barrows
Planning and Zoning Administrator

Attachments: A – Aerial/Parcel Map of Site
B – Public Hearing Notice
C – Minutes
D – Ordinance

Overview of 19th Block - LEIBROCKS 5TH ADD



Zoomed In Overview of Alley Section



CITY OF MASCOUTAH
3 WEST MAIN ST.
MASCOUTAH, IL 62258
(618) 566-2964

NOTICE OF PUBLIC HEARING

The City of Mascoutah Planning Commission will conduct a Public Hearing on *Wednesday, September 27, 2023*, 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 vacation of an alley located between 919 West Church St. (parcel no. 10-31.0-123-014) and 922 West Green St. (parcel no. 10-31.0-123-005).

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 Planning and Zoning Administrator's Office, City Hall, (618) 566-2964, ext. 107. Comments in writing may be forwarded to the Planning and Zoning Administrator's Office, 3 West Main St., Mascoutah, IL 62258.

Posting Date: August 31, 2023

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS
COUNTY OF ST. CLAIR

THIS IS TO CERTIFY, that the notice of wh
weeks in the THE HERALD, a newspaper of
in said County and State, by Greg A. Hoskins, its publisher, and that the first insertion was made in the paper
published on the 31 day of August A.D., 2023 and the last paper published
on the 31 day of August A.D., 2023, and said newspaper was regularly published for six months prior to date of first
publication of said notice.

Zoning Administrator's Office,
3 West Main St., Mascoutah,
IL 62258.
Posting Date: August 31,
2023
MASCOUTAH PLANNING
COMMISSION
Ken Zacharski, Chairman
(8/31)

NOTICE OF PUBLIC
HEARING

The City of Mascoutah
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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 Planning and Zoning
Administrator's Office, City
Hall, (618) 566-2964, ext. 107.
Comments in writing may be
forwarded to the Planning and

Subscribed and sworn before me, this date



8-31-23



MASCOUTAH, IL 8-31 A.D. 2023

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

September 27, 2023

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

PUBLIC HEARING – 7:00 PM

PC 23-03 – Chapter 34 Code Changes – Recreation Vehicles

Planning and Zoning Administrator, Tiffany Barrows presented the commission suggested text amendments to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances, Section 34-9-21 – Recreational vehicles.

Rich Thompson stated the definition is too broad of a description. He reported that there is currently an RV parked in a driveway on jacks. He understands golf carts, ATVs, 4-wheeler type vehicles that are licensed and parked throughout the city. He then stated that if he had a neighbor that had multiple RVs, what is currently described as an RV in the current Mascoutah code, parked around their house that he would be upset. The city would not be able to do anything about it.

Chairman Ken Zacharski stated that the city does not enforce the current code violations that are happening throughout town unless a citizen reports it.

Thompson stated that the problem he has is that if they make the changes, it will be even harder to enforce. He worries that they are putting the HOAs in jeopardy because the city allows this.

Al Paulson stated that HOAs can have their own stricter set of rules. HOA rules are indeed valid and enforceable no matter if the city allows RVs to park in driveways.

Thompson is concerned that if we open this up the way they have presented it to be changed, it is less enforceable. He is not in favor of the changes and stated that he is embarrassed since he helped write it. He believes the definition is way too broad. He then stated that if you can afford to have an RV the resident should also be responsible for storing it.

Jim Connor stated that it becomes patently unfair that it would take an HOA to enforce such a standard but if you do not live in an area with an HOA, you have no recourse.

Zacharski stated that if they open this up, it will most likely bring in more campers, etc. to the city. There are several storage units surrounding the city.

Al Paulson stated that he does not like how this ordinance is written and the enforcement. It is difficult for law enforcement to enforce 72-hour tracking.

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Thompson stated that his recommendation is to go back to the drawing board because the definition is too broad and is not specific enough of what is allowed and what recourse residents can take.

Resident David Weidler stated that this ordinance was passed in 2018. It was supposed to solve all the RV problems in town. He stated there is no enforcement. There is stuff that blatantly happens, and law enforcement drives by them without action. Residents can make complaints, but nothing happens. He does not like that he has to make a complaint through the police department because he believes there is no confidentiality. He knows this for a fact, and it gives repercussions to those that complain within their neighborhood. He stated that at the June 5th meeting one of the council members that voted on the original ordinance, Baker, made the comment that it should be suspended in the summertime since that is the typical RV season. Weidler believes that it would become free for all in the city. He then cited the minutes at the last meeting, chairman Zacharski brought up a council member that does not abide by the code. He stated that not even the people that create the ordinances can't even abide by them. He continued, stating that he is sure that the police aren't going to ticket these people. In his opinion, the whole town looks like an RV park. He believes that instead of making it easier the commission and council should firm it up. He suggested vehicles should be put in a code complaint garage or shed or park behind the house if you have the proper paved parking space. There are various places in town where property owners use rock instead of a paved area to store RV. He also stated that commercial businesses listed because they should not be allowed to park campers on their lots unless they are involved in sales or repair. There is no reason for an RV to be parked at a tavern or an insurance office. People visiting the town see this and wonder. It is stated here that more than one RV, he believes they are the minority and stated that if someone has the wherewithal to buy multiple types of RVs, it should not make a difference. They are putting the majority aside and making the town look like junk lots. As far as the 72-hour rule goes, he believes that an RV should be allowed to park in a driveway for 72 hours upon notification to city hall. Cargo trailer issue, he does not understand. He stated that there are many residents that drive large commercial trailers from work and park at their house overnight. He doesn't think that should be allowed. He reviewed and stated that it needs to be tightened up. Potential businesses drive through town and see all this.

Bruce Jung pointed out the discrepancy of the descriptions of RV.

Connor brought up an issue with buses parking on the street.

Zacharski stated that is concerned that it is only enforced if someone calls it in and that complaints are not confidential. The consensus is for the commission to meet again and review other city ordinances.

Al Paulson brought up other sections that pertain to this subject.

Connor asked the city attorney to draft something.

Paulson stated he was willing to but would need some parameters.

Tiffany Barrows stated that she would compile a report on what other municipalities are doing.

There was no further discussion.

PUBLIC HEARING – 7:24 PM

PC 23-08 – PC 23-08, Alley Vacation, 919 West Church St. (Parcel no. 10-31.0-123-014) and 922 West Green St. (Parcel no. 10-31.0-123-005).

Zacharski stated that he went to the site and gave a review that it is a grassy area that seems to have been maintained.

Planning and Zoning Administrator, Tiffany Barrows presented the background of this area. Barrows also stated that this application came in after a property dispute was reported to the city between the two neighbors. The city does not have any utilities located in this section of the alley and it does not serve any need of the city.

Al Paulson stated that the law requires that both adjacent property owners get half of the vacated alley. The commission is not here to mediate a dispute.

Barrows stated that when doing research for this alley vacation, it appears that the process was started years ago just never completed. The legal descriptions and boundary survey is identical to what was found the city files.

Applicant Robert (Kevin) Endrijaitis that he had the property survey in 2007 and had the property remarked by Ron Bright. He states that the survey supports the map overview. He stated that Mr. Bright replaced missing pins located northeast corner of the lot. He assumes that the neighbor would want the alley vacated because currently, he believes, the fence and shed placement would be on his property.

Paulson reminded the commission that they are not here to mediate a property dispute. That is for the courts to determine.

Barrows reported that when she notified Kirby Preston of the vacation application, she stated that she does not see a need for the vacation but would be willing to split it if approved.

Kirby Preston introduced herself and her husband and stated that they are attending in response to the alley vacation application. While she does not see that the alley vacation is necessary, she is not opposed to it. She states that has maintained and occupied the space for 8 years. The ongoing problems that they have experienced is here the 12ft alley is located. She stated that GIS maps are approximate and in their block's case the map is slightly shifted. She reviewed different supporting examples of how the GIS map is shifted. She stated that she has copies of the 2007 survey that was conducted on lot 233. All lots for block 19 are 50x100ft dimension with a 12 ft easement between, some lots being double. The survey provided shows that lot 233 is 50x100ft and approx. 106ft from south property pin to the center pin easement line marker. Her lot is also 50x100 from their northwest front property pin to the center pin easement line marker is approx. 105ft 9in.

She continued by describing the survey findings. She also presented pictures of property pin markers and well within her property with her shed placement and within the 6ft portion of the easement. He stated that regardless of the easement, both sides should respectively maintain their 6ft portion for block 19 and consideration should be vacating the entire easement instead of one small section. The outcome she sees of the vacation is a raise in the property tax. The block has already absorbed the easement.

Becky Elliot, property owner of 914 W. Green Street. When she purchased her home, it had an existing fence. 2016 survey showed the property markers 232 and 230 their corner is directly in line with her chain link fence corner post. At the time of this dispute, the owner of 233 stated where the property markers are his property. At this point, she doesn't believe that any part of the alley should be vacated until their land dispute is settled and she doesn't agree that a portion of the alley be vacated it should be the whole alley. She continued stating that her southeast corner where her fence runs parallel to the corner post, there is almost 6ft from her other corner post south to where the marker in her neighbor's land is so the alley would have run at an angle. She stated that the owner of lot 233 is disputing her lines as well.

Al Paulson stated that what seems to be happening here is that they are trying to get the commission to settle their land dispute. The commission is only to consider if this portion of the alley is vacated. We are not to be deciding where a fence post sits.

Zacharski reiterated what Paulson stated and the fact that if it is decided to vacate this portion of the alley, the dispute is not to be presented to the city. He also stated that the city is not charging for this portion of the land.

Paulson stated that typically, if there is no use of the land, the city will not charge except for the paperwork required to make such vacation. There is no dispute between the legal description, or the survey presented.

Endrijaitis requested a copy of the paperwork that was presented to the commission. Barrows agreed to make him copies and email them after the meeting.

Ms. Elliott spoke about their dispute and questions the lines.

Zacharski stated that would have to be straightened out with the surveyor not through this commission.

Mrs. Preston asked the surveyor if iron pins were still in the ground and if he is in agreeance with where the pins are. Endrijaitis stated she moved the pin set in May.

Sgt. Donovan asked the residents not to address each other but rather the commission.

Thompson concluded that bottom line is that the city has no use for this alley and that they would give 6ft to each property owner. The tax liability would be close to zero so that should not be an issue. This commission is not going to settle property disputes.

Paulson stated all the requirements to vacate the alley are presented. Whatever is listed as the legal description, it stands.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:48 PM

CALL TO ORDER at 7:49 PM PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT – Bill Millikin and Karen Wobbe.

ALSO PRESENT

City Manager Becky Ahlvin, Planning and Zoning Administrator Tiffany Barrows, City Attorney Al Paulson, Mascoutah Police Sergeant Kyle Donovan, applicant Robert (Kevin) Endrijaitis and Kirby and Matthew Preston, property owners of 922 West Green St.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

Barrows wanted it to be on the record that the Planning Commission was contacted on August 22nd that the regularly scheduled, 3rd Wednesday to the 4th Wednesday due to the City Administrative staff was scheduled to be at the IML Conference. It was accepted without any opposition, so the meeting was changed. Public notices went out on Augst 31 to the buffer zone, Mascoutah Herald, and was also posted on the City's website. A complaint was received today, September 27th, that the City Calendar was not updated on the change.

David Weidler stated that this comes up all the time. Perhaps the city should investigate all the alley ways that aren't used for utilities that they have a mass alley vacation. The citizens must maintain them the city has liability issues. If these things aren't being used just get rid of them. This block has a home located on the alley.

Zacharski stated that he should bring this up to the City Council.

Weidler stated that perhaps the commission suggest to the council.

AMEND AGENDA – NONE

MINUTES FROM August 16, 2023

Klopmeier moved, seconded by Connor to approve the minutes from the August 16, 2023, Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

PC 23-03 – Chapter 34 Code Changes – Recreation Vehicles

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

MOTION:

Thompson moved, seconded by Jung, to table the decision until they could meet again in a workshop setting before presenting a recommendation to the City Council.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

PC 23-08 – PC 23-08, Alley Vacation, 919 West Church St. (Parcel no. 10-31.0-123-014) and 922 West Green St. (Parcel no. 10-31.0-123-005).

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

MOTION:

Jung moved, seconded by Connor, that the Planning Commission recommend approval of the of this alley vacation for 919 West Church Street.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

MISCELLANEOUS

Code Change to Chapter 34, Recreational Vehicles

The commission requests that the Planning and Zoning Administrator present code examples from neighboring municipalities such as

ADJOURNMENT

Thompson moved, seconded by Connor to adjourn at 7:56 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator

ORDINANCE NO. 23-__

**AN ORDINANCE VACATING AN ALLEY BETWEEN 919 WEST CHURCH STREET
AND 922 WEST GREEN 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, the City of Mascoutah now desires to vacate an alley between parcel numbers 10-31-0-123-014 and 10-31-0-123-005 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 MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, THAT MASCOUTAH DOES HEREBY VACATE THE ALLEY OF THE PLAT AS SHOWN IN “EXHIBIT A” AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SECTION 1: TO OWNERS OF RECORD –

The 299 square feet, 49.99’ long 12’ wide alley between parcel numbers 10-31-0-123-014 (commonly known as 919 West Church St, Mascoutah, IL) and 10-31-0-123-005 (commonly known as 922 West Green St, Mascoutah, IL).

SECTION 2: 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 16th day of October, 2023, 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>
John Weyant	_____	_____	_____
Walter Battas	_____	_____	_____
Nick Seibert	_____	_____	_____
Michael Baker	_____	_____	_____
Pat McMahan	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 16th day of October, 2023.

Mayor

ATTEST:

City Clerk
(SEAL)

Alley Vacation for Lot 232

A tract of land being part of a twelve (12.00) foot wide alley adjacent to and contiguous with Lot 232 in Block 19 of "LEIBROCKS FIFTH ADDITION" according to the plat thereof recorded in Deed Book "M-2" on Page 22 in the Recorder of Deed's Office of St. Clair County, Illinois, said tract being part of Section 31 in T.1 N., R.6 W. of the Third P.M., and being described as follows:

Beginning at the southeast corner of said Lot 232; thence on an assumed bearing of South 00 degrees 00 minutes 00 seconds West on the southerly extension of the easterly line of said Lot 232, a distance of 6.03 feet to a point on the centerline of said twelve (12.00) foot wide alley; thence North 83 degrees 58 minutes 23 seconds West on said centerline, 49.99 feet to the intersection of said centerline with the southerly extension of the westerly line of said Lot 232; thence North 00 degrees 01 minute 05 seconds West on said westerly line, 6.03 feet to the Southwest corner of said Lot 232; thence South 83 degrees 58 minutes 23 seconds East on the southerly line of said Lot 232, a distance of 49.99 feet to the Point of Beginning.

Said tract of land herein described contains 299 square feet, more or less, and being situated in the City of Mascoutah, St. Clair County, Illinois.

Alley Vacation for Lot 233

A tract of land being part of a twelve (12.00) foot wide alley adjacent to and contiguous with Lot 233 in Block 19 of "LEIBROCKS FIFTH ADDITION" according to the plat thereof recorded in Deed Book "M-2" on Page 22 in the Recorder of Deed's Office of St. Clair County, Illinois, said tract being part of Section 31 in T.1 N., R.6 W. of the Third P.M., and being described as follows:

Beginning at the northeast corner of said Lot 233; thence on an assumed bearing of North 83 degrees 58 minutes 23 seconds West on the northerly line of said Lot 233, a distance of 49.99 feet to the northwest corner of said Lot 233; thence North 00 degrees 01 minute 05 seconds West on the northerly extension of the westerly line of said Lot 233, a distance of 6.03 feet to a point in the centerline of said twelve (12.00) foot wide alley; thence South 83 degrees 58 minutes 23 seconds East on said centerline, 49.99 feet to the intersection of said centerline with the northerly extension of the easterly line of said Lot 233; thence South 00 degrees 00 minutes 00 seconds West on said northerly extension, 6.03 feet to the Point of Beginning.

Said tract of land herein described contains 301 square feet, more or less, and being situated in the City of Mascoutah, St. Clair County, Illinois.

Lot 233 in Block 19 of "Leibrock's V Addition to the Town of Mascoutah"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, in Book of Deeds M-2 on page 22.

The use of the land for residential one to four dwelling purposes is not affecting or impaired because that use is prohibited or impaired by reason of any grant, exception, or reservation, or lease of minerals or mineral rights and this policy insures against all loss or damage by reason of the exercise of any right to use the land for extraction or development of minerals.

Subject to easements, conditions, and restrictions of record.

This transfer exempt under the provisions of paragraph D, of the Real Estate Transfer Act Law (35 ILCS 200/31-45)

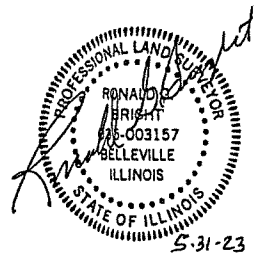
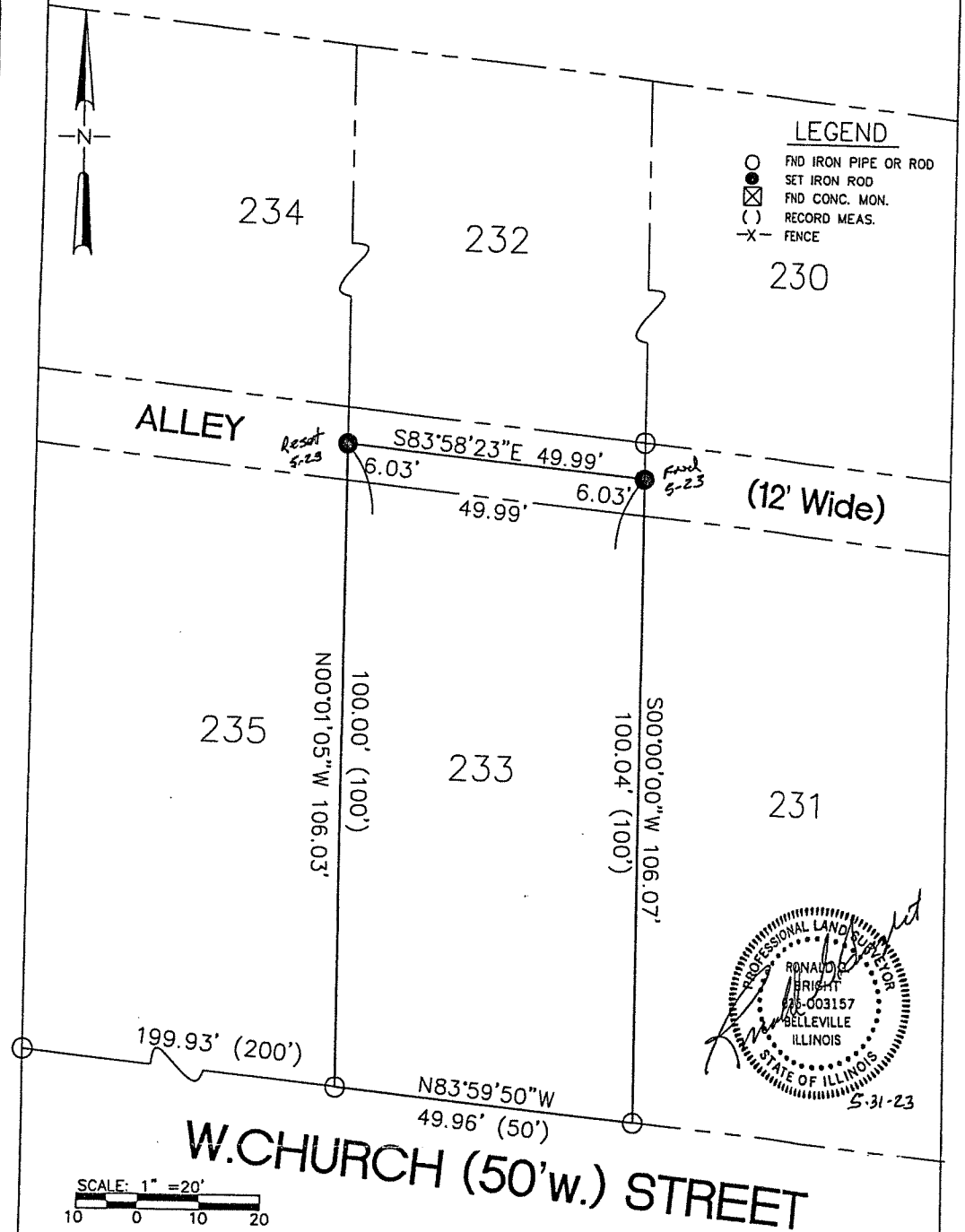
E. H. H. H. H.
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10-31-D-123-014

BOUNDARY SURVEY

LOT 233 in Block 19 of "LEIBROCKS 5th ADDITION"

AS RECORDER IN DEED BOOK "M-2" ON PAGE 22
CITY OF MASCOUTAH, ST. CLAIR COUNTY, ILLINOIS



SURVEYOR'S STATEMENT

This is to certify that while in the employ of Bob and Nancy Endrijaitis, I performed a Boundary Survey of Lot 233 in "LEIBROCKS 5th ADDITION". The results of said survey are shown hereon and are from record information and an actual survey on the ground and are in accordance to the "Minimum Standards for Land Surveying in the State of Illinois", as set forth by the Illinois General Assembly.

5-31-2023

Date:

Ronald G. Bright, PLS
No. 035-003157
License Expires 11-30-08

PROJECT NO.	07-Endrijaitis-Lot 233
DRAWN	R. BRIGHT
CHECKED	J. BRIGHT
DATE	APRIL 14, 2007

RGB

SURVEYING

105 E. ADAMS STREET
O'FALLON, ILLINOIS 62269
(618) 624-9034

EXHIBIT A