

Mascoutah City Council

December 4, 2023

REGULAR MEETING AGENDA

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

6:30 pm – Public Hearing

- Proposed Property Tax Increase for Mascoutah Special Service Area
(Page 1 to Page 1)

7:00 pm – City Council Meeting

- PRAYER & PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- 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.*
- MINUTES**, November 20, 2023 Special City Council Meeting (Page 2 to Page 5)
November 20, 2023 Special Executive Session Meeting (*confidential, see City Clerk*)
- PUBLIC COMMENTS (3 minutes)** – opportunity for the public to comment.
- REPORTS AND COMMUNICATIONS**
 - Mayor
 - City Council
 - City Manager
 - City Attorney
 - City Clerk
- COUNCIL BUSINESS**
 - Council Items for Action**
 - PC 23-09 – Final Plat for Hayden Drive Warehouses (Second Reading)**
(Page 6 to Page 29)
Description: Council consideration of approval of an ordinance for a final plat for the Hayden Drive Warehouses.

Recommendation: Council Approval and Adoption of Ordinance.
 - PC 23-10 – Final Plat for Fulford Homes – Prairie Lakes Subdivision (Second Reading)**
(Page 30 to Page 48)
Description: Council consideration of approval of an ordinance for a final plat for

the Fulford Homes Phase 1 of Prairie Lakes subdivision.

Recommendation: Council Approval and Adoption of Ordinance.

**3. PC 23-03 – Chapter 34 Code Changes – Recreation Vehicles
(Second Reading)**

(Page 49 to Page 59)

Description: Council consideration of approval of an ordinance to amend Chapter 34 - Code Changes Section 34-9-21 – Recreational Vehicles

Recommendation: Council Approval and Adoption of Ordinance.

4. 2023 Property Tax Levy (First Reading)

(Page 60 to Page 62)

Description: Council approval and adoption of the 2023 Property Tax Levy Ordinance.

Recommendation: First Reading.

5. Paid Leave for All Workers Act – Ordinance (First Reading)

(Page 69 to Page 84)

Description: Council approval and adoption of an ordinance regarding the Illinois Paid Leave for All Workers Act.

Recommendation: First Reading.

B. Council Miscellaneous Items

- City Fees – Pay Parking Lots

C. City Manager

9. ADJOURNMENT TO EXECUTIVE SESSION

A. Litigation – Section 2(c)(11)

10. MISCELLANEOUS OR FINAL ACTIONS

11. ADJOURNMENT

POSTED 11/30/23 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
Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins, City Manager

SUBJECT: **Public Hearing – Special Service Area 2023 Tax Levy**

MEETING DATE: December 4, 2023

PUBLIC HEARING – MASCOUTAH SPECIAL SERVICE AREA 1:

The Truth in Taxation Act requires municipalities to publish a notice and have a public hearing when the tax levy extension necessary is more than 105% of the previous year's extension for a taxing district. The Notice of Proposed Property Tax Increase for Mascoutah Special Service Area 1 was published in the Mascoutah Herald on November 22nd and the public hearing is being conducted tonight, December 4th at 6:30 p.m.

The property taxes for residents within the Special Service Area are not increasing. The rate for the Special Service Area remains at 0.375%. The amount of property taxes owed within the Special Service Area will only increase if their EAV increases.

The rate setting EAV for 2022 for the Special Service Area was \$5,117,014 and the amount received by the city was \$19,188.80. The City's estimation for the rate setting EAV for 2023 is \$5,218,372 and an estimated amount to be received of \$19,568.89. The city is requesting \$137,625 in the levy ordinance which is the remaining balance on the loan.

A public hearing for the Special Service Area will be required for the remaining life of the Special Service Area in order to ensure that the entire 0.375% is collected each year.

History:

The Special Service Area was adopted by Ordinance No. 09-15 on August 3, 2009. The current SSA loan is financed through Farmers & Merchants National Bank with a maturity date of December 15, 2039.

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

NOVEMBER 20, 2023

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 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 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 Seibert to amend agenda adding Litigation to Executive Session.

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

MINUTES

The minutes of the November 6, 2023 regular City Council 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 OCTOBER WERE PROVIDED

REPORTS AND COMMUNICATIONS

Mayor –Mayor McMahan stated that Winterfest lights are almost complete at Scheve Park.

City Council

Weyant –Nothing to report.

Battas –Nothing to report.

Seibert –Nothing to report.

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

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

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

MABAS ORDINANCE (second reading)

City Manager Cody Hawkins presented a report for Council approval of an ordinance adopting the new Mutual Aid Box Alarm System Agreement.

There was no further discussion.

Seibert moved, seconded by Baker to approve and adopt Ordinance No. 23-12, thereby authorizing the new Mutual Aid Box Alarm System Agreement.

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

CODE CHANGE – ADOPTION OF ELECTRIC SERVICE REGULATIONS (second reading).

City Manager Cody Hawkins presented a report for Council approval of revisions to City Code, Chapter 11 – Electric System to adopt Electric Service Regulations by adoption of ordinance.

There was no further discussion.

Weyant moved, seconded by Battas to approve, and adopt Ordinance No. 23-13, thereby modifying Chapter 11, Electric System, Article 2, Electric Service Regulations.

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

CODE CHANGE – PUBLIC COMMENT POLICY (second reading).

City Manager Cody Hawkins presented a report for Council approval of an ordinance to amend Chapter 1 – Administration to amend the Public Comment Policy of the City Code of Ordinances.

Councilman Baker stated that the secondary comment period was enacted in the past to give people a second chance to speak after the action items and he believes that it would be best to keep it.

Mayor Pat McMahan stated that everyone has an opportunity at the first comment period to speak on any topic related or not to the agenda. Mayor also feels that with the open office policy he and the City Manager have it is not necessary to have a second comment period.

There was no further discussion.

Weyant moved, seconded by Seibert to approve, and adopt Ordinance No. 23-14, amending Chapter 1 – Administration, Article IX – Public Comment Policy of the City Code of Ordinances.

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

PC 23-09 – FINAL PLAT FOR HAYDEN DRIVE WAREHOUSES (first reading)

City Manager Cody Hawkins presented a report for Council approval of an ordinance adopting the final plat for the Hayden Drive Warehouses on 8.71 acres of property located at Hayden Drive (parcel no. 10-06.0-301.009) in GC, General Commercial Zoning District lot located east of Hawkins Point Townhomes, south of proposed Falcon Townhome Phase 2, north of Luann Drive, and west of lots adjacent to Beller Drive.

There was no further discussion.

First Reading.

PC 23-10 – FINAL PLAT – PRAIRIE LAKES PHASE 1 (first reading)

City Manager Cody Hawkins presented a report for Council approval of an ordinance adopting a final plat for the 78 acre Prairie Lakes Subdivision Phase 1 located on North Sixth Street.

There was no further discussion.

First Reading.

PC 23-03 – Chapter 34 Code Changes – Recreational Vehicles (first reading)

City Manager Cody Hawkins presented a report for Council approval of an ordinance adopting revisions of City Code to Chapter 34 – Unified Land Development code section 34-9-21 recreational Vehicles of the Mascoutah City Code of Ordinances.

Councilman Battas explained how he has no problem with allowing a resident to place their camper or recreational vehicle on their driveway during the busy season (April-October). Councilman Weyant agreed stating that as long as the recreational vehicles are in good working condition and off the road, he is fine with setting a longer time frame to keep vehicles on their property.

There was no further discussion.

First Reading.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Baker asked if staff could bring an amendment to our parking ordinance, adding a city fee per car for parking lots that charge a fee within city limits to the next City Council Meeting. Explaining how he feels it's a major income source. City Manager stated he will do some research and get some information to Council.

CITY MANAGER – MISCELLANEOUS ITEMS

None.

PUBLIC COMMENTS

Eric Mercer had additional comments.

ADJOURNMENT TO EXECUTIVE SESSION

Battas moved, seconded by Seibert, to adjourn to Executive Session to discuss Litigation at 8:03 p.m.

RETURN TO REGULAR SESSION

Weyant moved, seconded by Baker, to return to Regular Session at 8:30 p.m.

MISCELLANEOUS OR FINAL ACTIONS

None

ADJOURNMENT

Battas moved, seconded by Seibert, to adjourn at 8:31 p.m.

Motion passed. Motion passed by unanimous yes voice vote.

Melissa Schanz, City Clerk

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins, City Manager

SUBJECT: PC 23-10 – Final Plat for Hayden Drive Warehouses (Second Readings)

MEETING DATE: December 4, 2023

REQUESTED ACTION:

Public Hearing by the City Council to consider approval of a final plat for the Hayden Drive Warehouses of 8.71-acre on property located at Hayden Drive (parcel no. 10-06.0-301-009) in GC, General Commercial Zoning District lot located east of Hawkins Point Townhomes, south of proposed Falcon Townhome Phase 2, north of Luann Drive, and west of lots adjacent to Beller Drive.

BACKGROUND & STAFF COMMENTS:

The applicant is Barry Hayden, owner and developer of 25.40-acre parcel no. 10-06.0-301-009. The final plat depicts the land subdivided into two (2) lots, portion one is the 8.71-acre lot for proposed office and warehouse project located east of Hawkins Point Townhomes and south of proposed Falcon Townhome Phase 2, and portion two of remaining 16.69-acre General Commercial lot located north of Luann Drive, and west of lots adjacent to Beller Drive.

DISCUSSION POINTS / ISSUES:

Land Use: The subject property is designated General Commercial (GC). The land to the north and west is zoned Multi-Family (RM), and land south and east are zoned General Commercial (GC).

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

	Required	Provided
a. Min. Lot Size	10,000 sq. ft.	379, 407 sq. ft.
b. Min. Lot Width	100 ft.	510 ft.
c. Min. Lot Depth	100 ft.	641.85 ft.
d. Min. Front Yard Setback	25 ft.	90 ft.
e. Min. Side Yard Setback	0 ft.	30 ft.
f. Min. Rear Yard Setback	20 ft.	21.5 ft.
g. Max. Building Height	2.5 stories or 35 ft.	review at site plan phase
h. Max. Density	N/A	35.42%

Circulation: Access to the property is via Hayden Drive. All traffic control shall be furnished, installed, maintained, relocated, and/or removed according to the latest edition of the MUTCD and IDOT standard specifications.

Utilities:

The Site Plan will require evaluation by Water & Sewer Foreman, the Electric Foreman, Oates Associates.

Water: Water provided by the City of Mascoutah. Separate water meters for each unit required; water meters must be located on the outside of each building. No more than one water meter per it.

Sanitary Sewer: A sanitary sewer plan is required, showing separate sewer lines for each unit and separate clean- out for each unit.

Storm Drainage: Staff requests drainage plans.

Electric: Electric will be provided by the City of Mascoutah. Separate meters for each unit will be required.

Natural Gas: Natural gas provided by Ameren.

Landscape Plan: Staff requests a landscape plan. A twenty-five (25) foot landscape buffer easement shall be provided between the commercial development and the residential development.

Lighting Plan: Staff requests a lighting plan approval review.

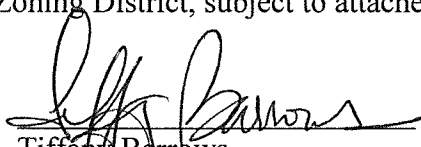
RECOMMENDATION:

Staff recommends approval of the Final Plat Subdivision of the 8.71-acre lot on property located at 9700 Hayden Drive (parcel no. 10-06.0-301-009) in GC, General Commercial Zoning District.

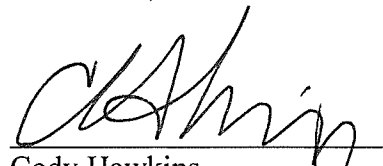
SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance Bo. 23-__, approving the Final Plat Subdivision for the 8.71-acre lot at Hayden Drive (parcel no. 10-06.0-301-009) in GC, General Commercial Zoning District, subject to attached Findings.

Prepared by:


Tiffany Barrows
Planning and Zoning Administrator

Approved by:


Cody Hawkins
City Manager

Attachments: A – Findings For Approval
B – Ordinance
C – Planning Commission October Meeting Minutes, Draft
D – Final Plat Application
E – St. Clair County Parcel Map Viewer Image
F – Proposed Site Plan
G – Architectural Elevations
H – Public Hearing Notice

FINDINGS FOR APPROVAL

PC 23-09 – Final Plat for Subdivision, Parcel 10-06.0-302-009

Date: November 6, 2023

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

1. The proposed final plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.
2. Adequate provisions have been made for a sufficient water supply system and public sewage system.
3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.
4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

ORDINANCE NO. 23-__

FINAL PLAT HAYDEN DRIVE WAREHOUSES

An Ordinance approving the Final Plat for Hayden Drive Warehouses, Parcel 10-06.0-301-009, generally located east of Hawkins Point Townhomes, south of proposed Falcon Townhomes Phase 2, north of Luann Drive, and west of lots adjacent to Beller Drive.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, in accordance with the powers of the City of Mascoutah as a "Home Rule Unit" as granted by the Illinois Constitution, 1970, Article 7, Section 6 and in accordance with the Subdivision Ordinance of the City of Mascoutah, the final plat for Parcel 10-06.0-301-009, generally located east of Hawkins Point Townhomes, south of proposed Falcon Townhomes Phase 2, north of Luann Drive, and west of lots adjacent to Beller Drive. Being a part of the City of Mascoutah, St. Clair County, Illinois is hereby approved.

This Ordinance shall go into full force and effect from and after its passage and approval all as provided by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 4th day of December, 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>Abstain</u>	<u>Absent</u>
John Weyant	___	___	___	___
Walter Battas	___	___	___	___
Nick Seibert	___	___	___	___
Mike Baker	___	___	___	___
Pat McMahan	___	___	___	___

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 4th day of December 2023.

ATTEST:

Mayor

City Clerk
(Seal)

Attachment B

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

October 18, 2023

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

WORKSHOP- Chapter 34 Code Changes – Recreation Vehicles – 6:05 PM

Commission Chairman stated that the workshop is to discuss and work through the commission desired changes. Rich Thompson, who was not present, submitted his text amendment considerations.

Zarcharski stated that a lot of people in town own RVs. Most citizens store these vehicles and do not park them in driveways or in streets. There are some that park them in driveways. He reported that Mascoutah Police do not actively look for code violators. The Mascoutah Police will only respond to complaints. He worries that if they allow people to park RVs in driveways it will be a lot of RVs in town, and no one will be able to complain.

Planning and Zoning Administrator, Tiffany Barrows, provided the commission members with RV Code Sampling of surrounding and similar population towns/villages. Many towns and villages have a similar code to that of Mascoutah.

Commission member Jim Connor pointed out that most of the towns shown on the code sampling are limited to one RV.

Commission member Karen Wobbe asked if a golf cart is parked on a trailer how many are technically parked in the driveway. The members agreed that it is the vehicle parked on the driveway.

Wobbe also asked about side yard driveways and if that is currently allowed. It was confirmed that RVs can be parked on a side yard driveway.

Commission member Bill Millikin asked the group to decide the goal for the workshop. The group agreed that the goal is to protect property value.

Connor pointed out that an HOA can protect the properties within their neighborhood, and it is not fair to those without an HOA.

Barrows asked the group what portion of the code they wanted to address. She asked if they wanted to allow one RV in front facing driveways or what exactly they did not want in the code.

Zacharski stated that the commission is deciding legally to allow one in front.

C

Millikin reviewed what Rich Thompson sent over regarding – dividing the RV classification by gross vehicle weight. He agrees they should consider creating two separate categories.

Wobbe pointed out some of the commission's current concerns are RVs parked on side facing driveways.

Millikin asked the commission to start discussing size. He reviewed Rich Thompson's suggestion that separating recreation vehicles into two classes. Millikin pointed out that this is logical and categorizing by size is similar.

Wobbe agreed that gross weight is posted on the vehicles.

Commission members discussed the size differences. Millikin pointed out the GVW is also how the stated categorizes RV.

Barrows reminded the commission that most of the commission did not like the definition section of the code.

Commission members discussed the size differences.

Klopmeyer pointed out the school buses are an issue and there is no reason they should be parking along city streets.

Zacharski stated that the city already allows for 72hrs. Millikin pointed out that they are discussing long term storage.

Commission members continued to discuss RV issues throughout the city.

Millikin asked the group to discuss the current code, line by line.

Wobbe would like to remove subsection A since certain vehicles can be compacted, and property owners should have the option of more than one on their property.

Commission agreed to keep subsection B and C.

Commission agreed to change subsection D. Change line 2 in subsection D from parked to stored. Change line 3 in subsection D allowed to be parked in driveway for a maximum of 72hrs, regardless of location of driveway. Millikin pointed out the change results that no one will be allowed long-term storage of RVs in a driveway.

The Commission agreed to change subsection E. Millikin reported that the majority agreed to categorize by size. He also read through Thompson's submission of dividing the RVs into two classes.

Commission members agreed on classification by weight.

Wobbe pointed out that most people in town are more concerned about their side by side and golf carts.

Commission members continued to discuss code amendment options. They would like to change the definition and allow storing options dependent on category types.

Millikin reviewed the discussion not to allow storage on front yard and any driveway. He continued that they would use the GVW to classify RVs. He then specified that one of each of the different class sizes to be stored on a property. He said that they would need to write out what the class size will be defined by GVW and length, based on what O'Fallon currently lists on their code.

Zacharski stated we will need to create a motion.

Barrows stated that we should first create what verbiage before making a motion.

Millikin reviewed what they agreed upon. Zacharski requested that Millikin write up the verbiage as agreed upon and send it to Barrows to create the next month's requested action regarding RV code change.

PUBLIC HEARING – 7:01 PM

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

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

Resident Eric Mercer presented his concerns with making the code more restrictive.

There was no further discussion.

PUBLIC HEARING – 7:06 PM

PC 23-07 – Site Plan and Architectural Review - Falcon Place Townhomes, Phase 2

Planning and Zoning Administrator, Tiffany Barrows presented the background of this area. Barrows reported on the land use and zoning requirements. The property is designated as Multiple-Family Residential. Maximum building coverage allowance is 45%; proposed building coverage is 16.98% per acre. As depicted in the site plan, the building will meet the front, side and rear yard requirements of the RM District. The property is surrounded by commercial property to the south and west and zoned GC, General Commercial, and Multi-Family Residential property to the north and east. A buffer will be required for any commercial development to the south.

Barrows reported on the access will be served with a driveway at Beller Drive.

Barrows reported that the parking lot plan for the multiple-family dwellings presents two parking spaces per dwelling unit. This calculation would require a total of 128 spaces. The site plan depicts a total of 363 parking spaces. Of those 216 parking spaces, 8 will be ADA accessible, which equates to one per building which is acceptable.

Barrows continued, reporting the requirements for sidewalks, lighting, and trash enclosures.

Barrows reported on utilities of the development.

The buildings will be served by an 8" water main tapped off the City's 12" water main located along the east side of property. Water meters will be required to be located on the outside of each building and located in the front yards of each building.

The new buildings will be served by an 8" sanitary sewer main tapped off the City's 15" located along the east side of the property.

Submittal of a drainage plan is required and has been reviewed by Oates Associates. The detention pond must be designed to handle a development with 68% impervious area or greater. The existing storm sewer system must have the capacity to handle the additional flow from the proposed development. City staff has requested these additional items be presented in the drainage report.

The electricity will be provided by the City and natural gas provided by Ameren.

Barrows stated that the architectural and design review was already accepted with the first phase of the development and will match was already built. She declared that the staff recommendation is to table this action item until staff receives a complete review of drainage calculations, as well as receives the lighting and landscape plan for phase two. She also pointed out the first phase does not have landscaping completed and the dumpsters are not properly enclosed.

Barrows stated that after the advisement of engineering and public works, we recommend tabling this motion until we can get more information. The city has also requested landscape and lighting plans.

There was no further discussion.

PUBLIC HEARING – 7:15 PM

PC 23-09 – Final Plat for Subdivision – Proposed Office and Warehouse Project at Hayden Dr. (Parcel no. 10-06.0-302-009)

Planning and Zoning Administrator, Tiffany Barrows presented the background of this area. She stated the applicant is Barry Hayden, owner and developer of parcel no. 10-06.0-301-009. The final plat depicts the land subdivided into two (2) lots, portion one is the 8.71-acre lot for proposed office and warehouse project located east of Hawkins Point Townhomes and south of proposed Falcon Townhome Phase 2, and portion two of remaining 16.69-acre General Commercial lot located north of Luann Drive, and west of lots adjacent to Beller Drive.

Barrows reported that the property is designated General Commercial (GC). The land to the north and west is zoned Multi-Family (RM), and land south and east are zoned General Commercial (GC). The project, as proposed, will meet the GC zoning requirements of the City's Subdivision Code.

Barrows reported that access to the property is via Hayden Drive. All traffic control shall be furnished, installed, maintained, relocated, and/or removed according to the latest edition of the MUTCD and IDOT standard specifications.

Barrows reported on the utilities. She stated that the site plan will require evaluation by the City Engineer, the Water & Sewer Foreman, the Electric Foreman, and Oates Associates.

Barrows continued, stating that water will be provided by the City of Mascoutah. Separate water meters for each unit required; water meters must be located on the outside of each building. No more than one water meter per it. A sanitary sewer plan is required, showing separate sewer lines for each unit and separate clean- out for each unit.

Barrows stated that electricity will be provided by the City of Mascoutah and that separate meters for each unit will be required. Natural gas provided by Ameren.

Barrows stated that staff requests drainage plans.

Barrows requests a lighting plan.

Barrows requests a landscape plan as well. A twenty-five (25) foot landscape buffer easement is required between the commercial development and the residential development.

Klopmeier asked if the storm drainage issue north of this project was corrected.

Barry Hayden stated that the drainage to the north has been corrected.

Barrows confirmed the original drainage issue was restored and a report from Oates was provided to the Planning Commission one or two months ago.

Hayden questioned why he needed to provide additional drainage reporting because he said the whole development (referencing all RM and GC land he owns in the area) is designed to drain in the pond.

Hayden stated that the drainage reports were already sent to the city when he started the development.

Barrows stated that she is going to look for the original drainage report that Hayden is referencing. So far, they have not been looking.

Brandon Beckmeyer of Oates Associates stated they are looking for in the drainage report, the detention pond was already approved from when the site was zoned commercial. That would have been for a certain percentage of pervious and a certain percentage of impervious ground.

Oates would like the report to ensure the development is staying within that intent to see if it is going to be the appropriate size for what is going to be built.

Barry Hayden stating that it was designed for 100% impervious ground which was approved by the previous city engineer.

Barrows asked for clarification. Beckemeyer repeated that Hayden stated the detention pond was designed for 100% impervious ground. Beckemeyer stated that design is not typical in his expertise. If the city could be provided that documentation it would answer multiple questions for the Falcon Place Phase 2 development.

Millikin asked if that is why the city recommended table the Falcon Place Phase 2 motion. Barrows confirmed that yes, the city needs that drainage report as well as landscape plan and lighting plan. The city has had complaints about lighting and the bleakness of the first phase. She also stated that the dumpsters are not enclosed.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:24 PM

CALL TO ORDER at 7:25 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Jack Klopmeier, Bruce Jung, Jim Connor, Karen Wobbe, Bill Millikin, and Chairman Ken Zacharski were present.

ABSENT – Rich Thompson

ALSO PRESENT

Planning and Zoning Administrator Tiffany Barrows, City Attorney Al Paulson, Mayor Pat McMahan, City Engineer Sal Elkott, Deputy City Clerk Emily Quellmalz, Brandon Beckemeyer of Oates Associates, and developer Barry Hayden.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

AMEND AGENDA – NONE

MINUTES FROM September 27, 2023

Millikin moved, seconded by Klopmeier to approve the minutes from the September 27, 2023, Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, Bill Millikin aye, and Chairman Ken Zacharski aye.

6-ayes, 0-nays, 1-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:

Connor moved, seconded by Jung, to table the decision until next month to present a recommendation to the City Council.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, Bill Millikin aye, and Chairman Ken Zacharski aye.

6-ayes, 0-nays, 1-absent

PC 23-07 – Site Plan and Architectural Review - Falcon Place Townhomes, Phase 2

Conner moved, seconded by Jung, to table the recommendation to the City Council for further staff review. Please see the Public Hearing section of these minutes for details.

MOTION:

Millikin moved, seconded by Klopmeier, to table the decision until next month to present a recommendation to the City Council.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, Bill Millikin aye, and Chairman Ken Zacharski aye.

6-ayes, 0-nays, 1-absent

PC 23-09 – Final Plat for Subdivision – Proposed Office and Warehouse Project at Hayden Dr. (Parcel no. 10-06.0-302-009)

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

MOTION:

Millikin moved, seconded by Wobbe, that the Planning Commission recommend Final Plat for Subdivision of parcel no. 10-06.0-302-009 for a proposed office and warehouse project, located at 9700 Luan Drive in a GC, General Commercial Zoning District.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, Bill Millikin aye, and Chairman Ken Zacharski aye.

6-ayes, 0-nays, 1-absent

MISCELLANEOUS

None.

ADJOURNMENT

Millikin moved, seconded by Wobbe to adjourn at 7:28 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator

City of Mascoutah
PRELIMINARY PLAT APPLICATION

Application is hereby made this 15th day of Sept., 2023, for Preliminary Plat approval for:

Hayden Warehouse
Name of Proposed Subdivision

Located at:
Hayden Drive

in accordance with the drawings and specifications presented herewith.

Signature of Applicant _____

Applicant is: ☒ Property Owner ☐ Lessee ☐ Agent of owner or lessee*

* Note: If applicant is an Agent, the following statement must be signed by the property owner or Lessee.

The undersigned property owner authorizes Applicant to make this application for the premises stated above and further states that he/ she is familiar with the appropriate portions of the Ordinances of the City of Mascoutah as they may apply to the proposed property changes. Further, the undersigned agrees to assume all costs related to application review of this project, including but not limited to City engineering, legal costs, and/ or required studies deemed necessary during the review process.

Property Owner

Property Information

Property Owner:

Barry Hayden Plaza 23

Address:

138 Lincoln Place

Lessee:

Belleville Ill 62221

Address:

Contractor:

SAME

Contractor Contact:

618-277-5050

Application Checklist (Attachments)

<input checked="" type="checkbox"/>	Proof of Ownership
<input checked="" type="checkbox"/>	Application Fee \$50 + \$10 per lot _____
<input checked="" type="checkbox"/>	Legal Description
<input checked="" type="checkbox"/>	Boundary Survey

<input checked="" type="checkbox"/>	Preliminary Plat (1 full size set & electronic copy)
<input checked="" type="checkbox"/>	Improvement Plans (optional)
<input checked="" type="checkbox"/>	Architectural Elevations (if applicable)
<input type="checkbox"/>	

CITY OF MASCOUTAH
3 W MAIN STREET
MASCOUTAH IL 62258-2030 (618) 566-2984

Receipt No: 1.532624 Sep 18, 2023

BARRY HAYDEN

Previous Balance:	.00
Other	
SITE PLAN HEARING	50.00
100-50102-7300	
OTHER - TWM/BHMG/ETC.	
Total:	50.00
Cash	50.00
Payor:	
BARRY HAYDEN	
Total Applied:	50.00
Change Tendered:	.00

09/18/2023 11:31 AM

A TRACT OF LAND BEING PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6 IN TOWNSHIP 1 NORTH, RANGE 6 WEST OF THE THIRD P.M. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON ROD WHICH MARKS THE NORTHEAST CORNER OF LOT 1 IN "THE PLAZA PHASE 2" AS SHOWN ON THE PLAT THEREOF RECORDED IN DOCUMENT NO. A02247951 IN THE RECORDER'S OF DEED'S OFFICE FOR ST. CLAIR COUNTY, ILLINOIS; THENCE ON THE EASTERLY LINE OF SAID LOT 1 IN "THE PLAZA PHASE 2", SOUTH 00 DEGREES 33 MINUTES 36 SECONDS WEST, 428.00 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 26 MINUTES 15 SECONDS EAST, 510.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 36 SECONDS WEST, 829.83 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HAYDEN (60'w.) DRIVE: THENCE ON SAID NORTHERLY RIGHT OF WAY LINE, THE FOLLOWING 4 CALLS: 1) THENCE 108.29 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 470.00 FEET, THE CHORD OF WHICH BEARS NORTH 75 DEGREES 10 MINUTES 46 SECONDS WEST, 108.06 FEET; 2) THENCE NORTH 68 DEGREES 34 MINUTES 43 SECONDS WEST, 213.60 FEET; 3) THENCE 198.38 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 3,786.02 FEET, THE CHORD OF WHICH BEARS NORTH 67 DEGREES 04 MINUTES 39 SECONDS WEST, 198.36 FEET; 4) THENCE NORTH 65 DEGREES 34 MINUTES 35 SECONDS WEST, 24.32 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED LOT 1 IN "THE PLAZA PHASE 2"; THENCE ON THE EASTERLY LINE OF SAID LOT 1, NORTH 00 DEGREES 33 MINUTES 36 SECONDS EAST, 641.85 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 8.71 ACRES, MORE OR LESS, AND BEING IN THE CITY OF MASCOUTAH IN ST. CLAIR COUNTY, ILLINOIS.

NE Cor. of LOT 1 in
"THE PLAZA PHASE 2"

S00°33'36"W
428.00'

POB

S00°33'36"W 1071.63' (R&M)

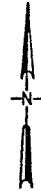
N00°33'36"E 641.85'

BOUNDARY SURVEY

Part of the S. 1/2 of the SW 1/4 in Sec. 6 in T.1N, R.6 W.
CITY of MASCOUTAH in ST. CLAIR COUNTY, ILLINOIS

N89°26'15"W 1302.65'

S89°26'15"E 510.00'



BELLER (60'w.) DRIVE

"THE PLAZA PHASE 2"

Doc # A02247951

LOT 1

8.71 ACRES

S00°33'36"W 829.83'

N65°34'35"W
24.32'

40' DRAINAGE & UTILITY EASEMENT
L=198.38'
R=3,786.02
CB N67°04'39"W
Ch 198.36'

40' BLDG LINE

N68°34'43"W 213.60'

HAYDEN (60'w.) DRIVE

L=108.29'
R=470.00

CB N75°10'46"W
Ch 108.06'

220.86'

NOT TO SCALE

**RGB
SURVEYING**

105 E. ADAMS STREET
O'FALLON, ILLINOIS 62269
(618) 741-3931

EXHIBIT A



9-18-2023

21

Location



St. Clair County Parcel Map Viewer Image

HAYDEN CONSTRUCTION

ROAD

MASCOUTAH, IL 62258

Drawings Prepared By:

Brian T. Nickas
452 Micah's Way
Columbia, IL 62236
ph. 618.531.0107
batnickas@charter.net

GENERAL NOTES:

1. PRIOR TO THE BEGINNING OF WORK, THE GENERAL CONTRACTOR SHALL REVIEW THE DRAWINGS AND SPECIFICATIONS AT THE JOB SITE AND NOTIFY THE OWNER OF ANY DRAWING ERRORS OR OMISSIONS.
2. DO NOT SCALE DRAWINGS. FOLLOW WRITTEN DIMENSIONS ONLY. GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTIFY OWNER OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
3. GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL BUILDING PERMITS, WATER TAP FEES, SEWER TAP FEES AND ETC....
4. CHANGES TO THIS WORK ARE ONLY AUTHORIZED IN WRITING FROM THE ARCHITECT. ANY CHANGES MUST BE IN WRITING AND MUST BE SIGNED BY BOTH ARCHITECT AND GENERAL CONTRACTOR. ANY CHANGES MUST BE MADE IN ACCORDANCE WITH THE ORIGINAL DRAWINGS AND SPECIFICATIONS WITH PERFECT ACCURACY. ARCHITECT'S RESPONSIBILITY IS TO PROVIDE A COMPLETE AND OPERABLE, AND IN COMPLIANCE WITH GOOD PRACTICE AND THE ORDINANCES, REGULATIONS AND DECISIONS OF ALL BODIES OR PERSONS HAVING GOVERNMENTAL AUTHORITY OVER IT.

NOTE:

THIS SET OF ARCHITECTURAL DESIGN DRAWINGS DEPICT ONLY THE DESIGN INTENT OF THE ARCHITECT. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND SPECIFICATIONS AND FOR THE CONSTRUCTION OF ALL OTHER DISCREPANCIES, INCLUDING BUT NOT LIMITED TO, STRUCTURAL, MECHANICAL, ELECTRICAL, PLUMBING AND CIVIL ENGINEERING TO BE BY OTHERS.

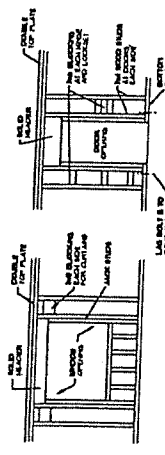
ALL CIVIL ENGINEERING BY OTHERS.
ALL STRUCTURAL CALCULATIONS AND DESIGN BY OTHERS.
MECHANICAL, ELECTRICAL, PLUMBING TO BE OF DESIGN-BUILD TYPE BY OTHERS, COORDINATED AND RESPONSIBILITY OF THE CONTRACTOR/OWNER.

SHEET INDEX:

- COVER SHEET
- A.100 FOUNDATION PLAN
- A.200 FLOOR PLAN
- A.300 EXTERIOR ELEVATIONS
- A.400 WALL SECTIONS

COMPLETED DRAWINGS:
JUNE 6, 2016

REVISIONS:	
NO.	DATE
DESCRIPTION	

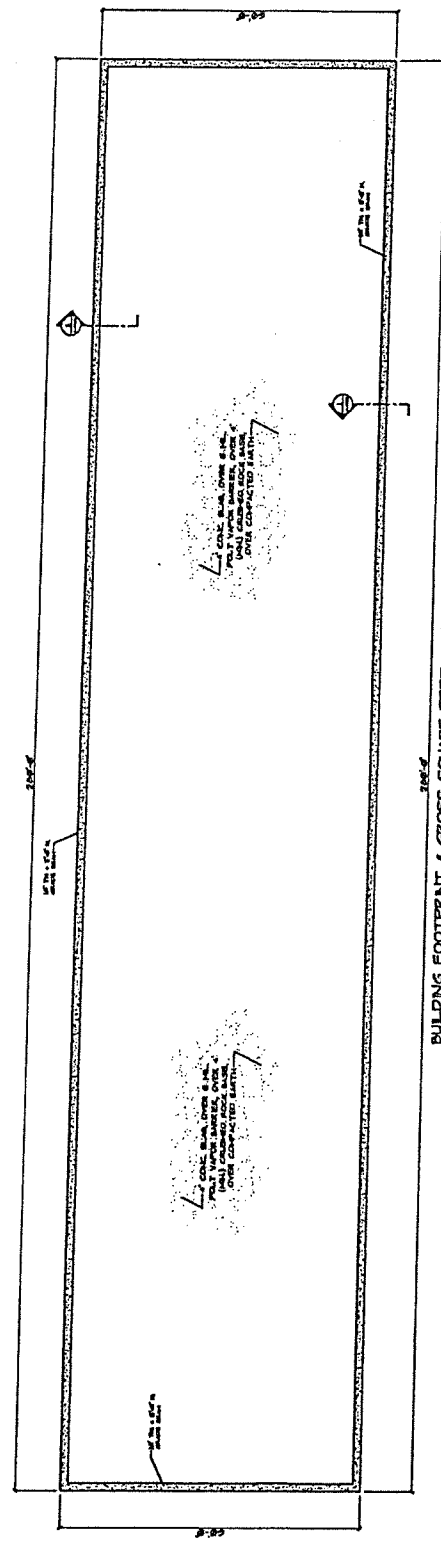


TYPICAL WINDOW FRAMING
SCALE: 1/4" = 1'-0"

TYPICAL DOOR FRAMING
SCALE: 1/4" = 1'-0"

NOTE: METAL SILL WOOD BLOCKING
WITH METAL REINFORCING

LINTEL SCHEDULE	
SPACING	IN JACK INCHES
UP TO 8'-0"	12" JAMES W. WOOD REINFORCING
8'-0" TO 12'-0"	12" JAMES W. WOOD REINFORCING
12'-0" TO 16'-0"	12" JAMES W. WOOD REINFORCING



BUILDING FOOTPRINT & GROSS SQUARE FEET = 16,000 SQ. FT.

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

Brian T. Nickas
Drilling & Design Services
453 Miesha Way
Columbia, IL 62236
PH: 618.531.0107
brian.nickas@gmail.com

PROJECT INFO:
HAYDEN
CONSTRUCTION
1000 S. MAIN ST.
MASCOUTAH,
ILLINOIS 62254

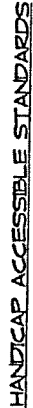
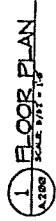
SHEET TITLE:
FOUNDATION
PLAN

DATE:
JUNE 4, 2016
SHEET NUMBER:

A.100

ALL CIVIL ENGINEERING BY OTHERS.
ALL STRUCTURAL CALCULATIONS AND DESIGN BY OTHERS.
MECHANICAL, ELECTRICAL, PLUMBING TO BE OF
DESIGN-BUILD TYPE BY OTHERS, COORDINATED AND
RESPONSIBILITY OF THE CONTRACTOR/OWNER.

A.200



**ALL CIVIL ENGINEERING BY OTHERS.
ALL STRUCTURAL CALCULATIONS AND DESIGN BY OTHERS.
MECHANICAL, ELECTRICAL, PLUMBING TO BE OF
DESIGN-BUILD TYPE BY OTHERS. COORDINATED AND
RESPONSIBILITY OF THE CONTRACTOR/OWNER.**

PROJECT INFO:

HAYDEN
CONSTRUCTION
1000 N. HAYDEN
MASCOUTAH
ILLINOIS 62438

PROJECT TITLE:

EXTERIOR
ELEVATIONS

DATE:

JUNE 8, 2016

SHEET NUMBER:

A.300

REVISIONS:

NO. DATE DESCRIPTION

NO. DATE DESCRIPTION

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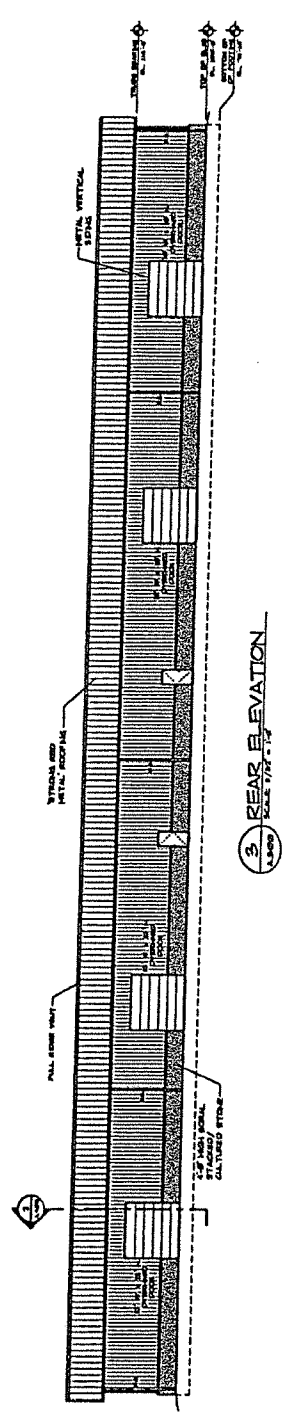
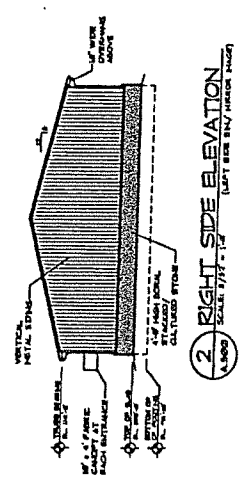
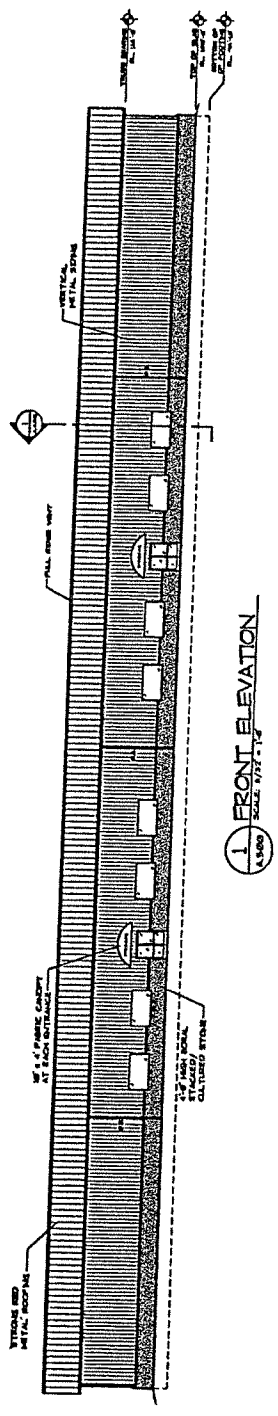
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Brian T. Nickas
Drailling & Design Services
452 Mich's Way
Columbia, IL 62236
PH. 618.531.0107
brian@nickas.com



REVISIONS:

NO.	DATE	DESCRIPTION
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5		
6		
7		
8		
9		
10		

PROJECT INFO:

MAISON
CONDOMINIUM
ROAD
ALABAMA 35218

SHEET TITLE:

WALL
SECTIONS

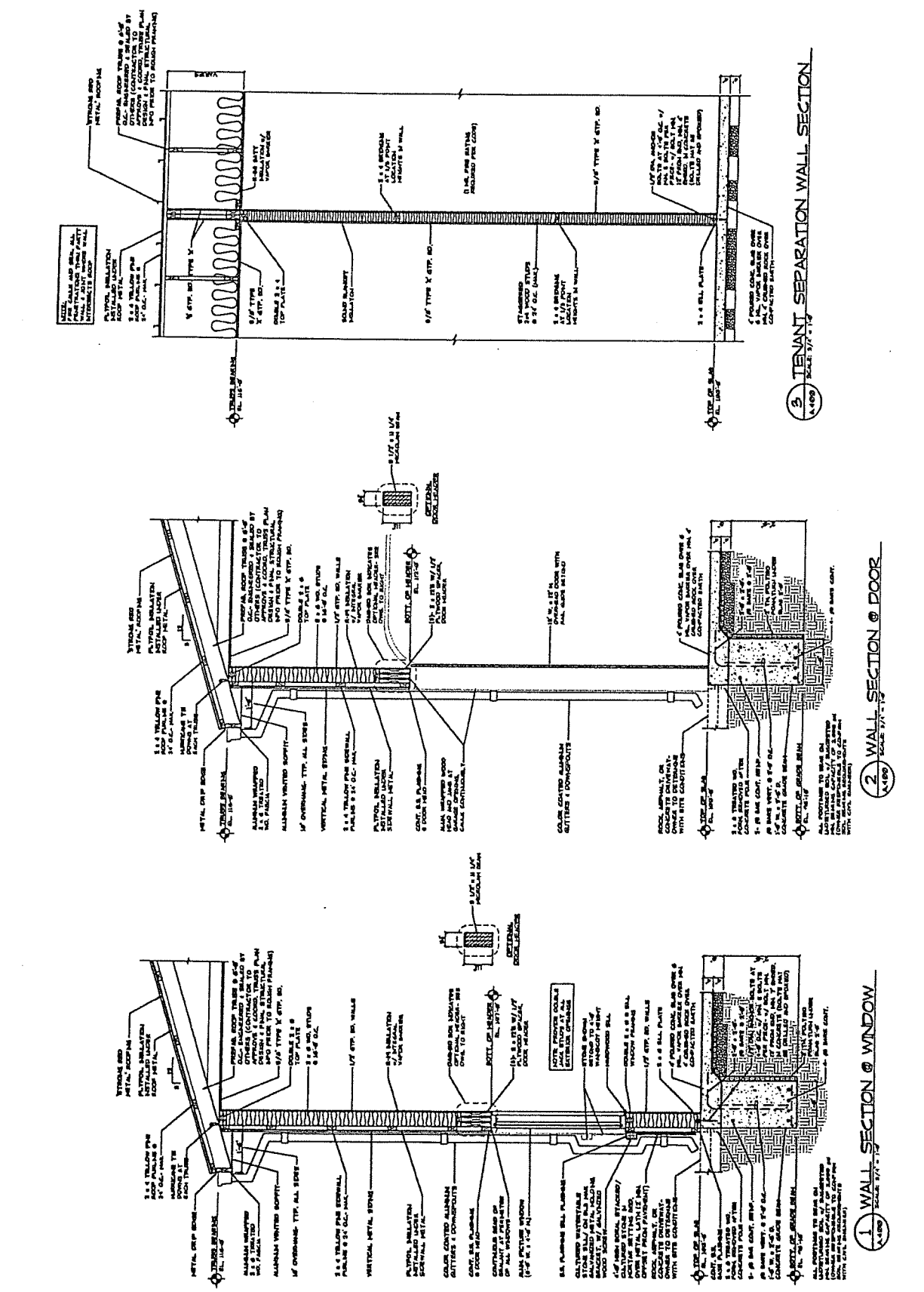
DATE:

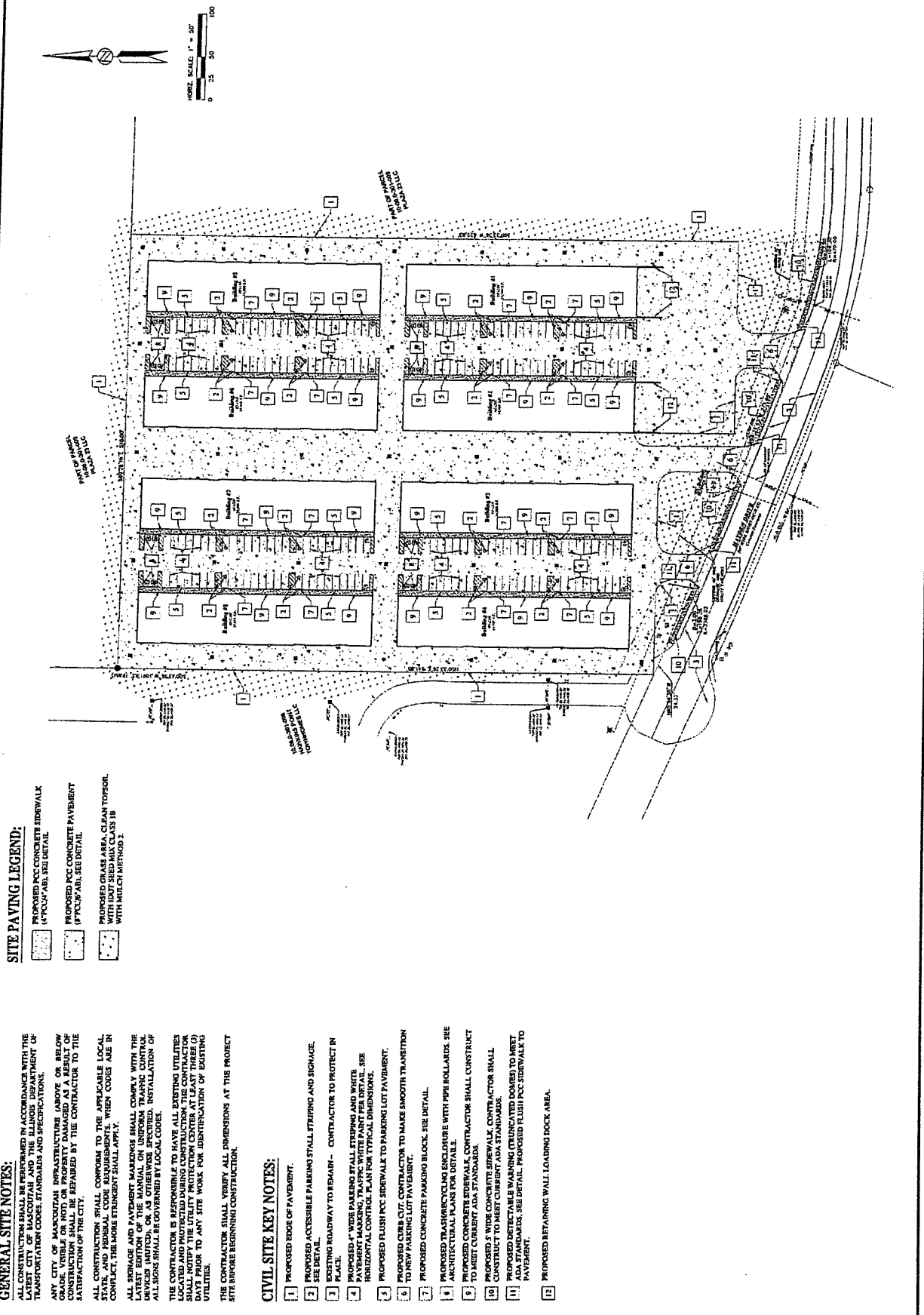
JUNE 9, 2016

SHEET NUMBER:

A.400

Brian T. Nickas
Drilling & Design Services
453 Nickas Way
Columbia, IL 62238
P. 618.531.0107
brian.nickas@gmail.com





SITE PAVING LEGEND:

-

GENERAL SITE NOTES:

ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF MASCOUTAH AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION CODE, STANDARDS AND SPECIFICATIONS. ANY CITY OF MASCOUTAH INFRASTRUCTURE (ABOVE OR BELOW GROUND) SHALL BE MAINTAINED AND NOT TO BE REMOVED AS A RESULT OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SATISFACTION OF THE CITY. ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE LOCAL, STATE, AND FEDERAL CODE REQUIREMENTS. WHEN CODES ARE IN CONFLICT, THE MORE STRINGENT SHALL APPLY. ALL SIGNAGE AND PAVEMENT MARKINGS SHALL COMPLY WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND PAVEMENT MARKINGS. THE INSTALLATION OF ALL SIGNS SHALL BE GOVERNED BY LOCAL CODES. THE CONTRACTOR IS RESPONSIBLE TO HAVE ALL EXISTING UTILITIES LOCATED AND PROTECTED PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER AT LEAST THREE (3) DAYS PRIOR TO ANY SITE WORK FOR IDENTIFICATION OF EXISTING UTILITIES. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AT THE PROJECT SITE BEFORE BEGINNING CONSTRUCTION.

CIVIL SITE KEY NOTES:

1. PROPOSED ACCESSIBLE PARKING STALL STRIPING AND SIGNAGE, SEE DETAIL.
2. PROPOSED 4" WIDE PARKING STALL STRIPING AND WHITE PAVEMENT MARKING, TRAFFIC WHITE PAINT PER DETAIL. SEE HORIZONTAL CONTROL PLAN FOR TYPICAL DIMENSIONS.
3. PROPOSED FLUSH PCC SIDEWALK TO PARKING LOT PAVEMENT.
4. PROPOSED CURB CUT, CONTRACTOR TO MAKE SMOOTH TRANSITION TO NEW PARKING LOT PAVEMENT.
5. PROPOSED CONCRETE PARKING BLOCK, SEE DETAIL.
6. PROPOSED TRASH/RECYCLING ENCLOSURE WITH PPM ROLLERS, SEE ARCHITECTURAL PLANS FOR DETAILS.
7. PROPOSED CONCRETE SIDEWALK, CONTRACTOR SHALL CONSTRUCT TO MEET CURRENT ADA STANDARDS.
8. PROPOSED 2" WIDE CONCRETE SIDEWALK, CONTRACTOR SHALL CONSTRUCT TO MEET CURRENT ADA STANDARDS.
9. PROPOSED 4" WIDE CONCRETE SIDEWALK, CONTRACTOR SHALL CONSTRUCT TO MEET CURRENT ADA STANDARDS.
10. PROPOSED 2" WIDE CONCRETE SIDEWALK, CONTRACTOR SHALL CONSTRUCT TO MEET CURRENT ADA STANDARDS.
11. PROPOSED 4" WIDE CONCRETE SIDEWALK, CONTRACTOR SHALL CONSTRUCT TO MEET CURRENT ADA STANDARDS.
12. PROPOSED RETAINING WALL LOADING DOCK AREA.

**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, October 18, 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 a Final Plat for Subdivision of parcel no. 10-06.0-302-009 for a proposed office and warehouse project, located at 9700 Luan Drive in a GC, General Commercial Zoning District.

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 at (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: September 21, 2023

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

H.

CITY OF MASCOUTAH
Staff Report

TO: City Council

FROM: Cody Hawkins, City Manager

SUBJECT: PC 23-10 – Final Plat - Prairie Lakes Phase 1 (Second Readings)

MEETING DATE: December 4, 2023

REQUESTED ACTION:

Council approval of an ordinance for a final plat for the Prairie Lakes Subdivision Phase 1.

BACKGROUND AND STAFF COMMENTS:

The applicant is Fulford Homes, developer of the proposed Prairie Lakes Subdivision. Prairie Lakes Subdivision is to be constructed on approximately 78 acres of land located on North Sixth Street. The presently unaddressed property is located on the east side of 6th Street, just south of the intersection of Douglas Street and 6th Street (PID # 10300200007).

The first phase of the development contains approximately 14.8 acres at the westerly end of the development. The subject site is in the south half of Township 1 North, Range 6 West, Section 30 at the Third Principal Meridian in St. Clair County, Illinois. The site is surrounded by single family residential zones and multifamily residential zones to the north. The subdivision layout for this final plat is consistent with the preliminary plat approved in 2022.

Phase 1 of this subdivision includes Outlot C that is within Airport Accident Protection Zone 2 (Airport APZ-2). The acreage of this lot is about 1.26 acres. The purpose of the APZ-2 is to require that land and any structures located within safety zones around the Scott AFB and MidAmerica St. Louis airfields be developed to protect the health, safety, and general welfare of the public and to mitigate hazards of potential aircraft mishaps. Because of this requirement, this lot is anticipated to remain undeveloped and contain no buildings or surface improvements.

Brian Colligham, the Base Planner for Scott Air Force Base, advised the city to require the Prairie Lakes Subdivision Covenants and Restrictions, sale contracts, and building permits restrict and enforce the density requirements.

These requirements include the following:

- Restricting any type of building permit (outside of the initial principal building) on lots 2, 25, or 32. The developer will also ensure these lots will have such restriction language on the sale contracts.
- Outlot-C is labeled and planned for dry greenspace which will also have restrictions. The Prairie Lakes Subdivision Covenants and Restrictions will include language that declares any structure development (playground, pavilion, clubhouse, dog park, etc.) which could create a large, densely populated gathering space in Outlot-C (dry greenspace) is prohibited.
- Phase 1 is dry. The drainage mapped within Phase 1 of development will not hold water but rather drain to detention areas. The basins outside of the APZ are all wet basins. The basins

cannot be dry. The total development site is too flat to drain without the construction of lakes. Since they are located outside of the zone they should not be restricted.

These restrictions prove Prairie Lakes Subdivision is a "Compatible Development" IAW APZ regulations.

DISCUSSION POINTS / ISSUES:

- Zoning:** This property is zoned "RS-8" Single-Family Residential District. This designation allows for 14 of the 38 lots to be comprised of 8,000 to 10,000 square feet. The remaining 24 lots will be comprised of more than 10,000 square feet.
- Property Size:** The final plat is comprised of 14.80 acres, with 10.23 acres for developable lots, 1.29 acres for undevelopable "common lots," and 3.08 acres for right-of-way to accommodate streets and sidewalks.
- Topography:** The subject property is generally flat with just minimal elevation decline. Due to this condition, a variance for the vertical design of the roadways within the subdivision was approved at the time of the preliminary plat to allow for a minimum design slope of 0.5% instead of the standard 1% design.
- Utilities and Services:** The City of Mascoutah will provide electric, sanitary sewer, water, and public safety protection to the subject tract. Ameren Illinois will provide natural gas services.
- Access:** Phase 1 of Prairie Lakes subdivision will derive access off 6th Street to the west. Internal to this phase is a looped street serving all lots and stub street connections to the east (2 connections) and south (1 connection) for connections to future phases.
- Right-of-way:** The final plat indicates that there is sufficient right-of-way width for the portion of Phase 1 that is adjacent to 6th Street.
- The westward extension of Onyx Drive through the subdivision will serve as an east-west collector street for the Mascoutah community. To meet higher traffic capacity needs, this road will match the 60-foot Onyx Drive right-of-way width originally dedicated east of the subject tract. A variance was approved to allow the developer to match this width at the time of the preliminary plat.
- Sidewalks:** Required sidewalks will be installed along all street frontages internal to the proposed subdivision. In addition, a multi-use path will be installed along 6th Street along the subject tract's west boundary within Phase 1. The width of this path, which leads south to existing City-owned parkland, will accommodate pedestrians and cyclists and will serve as a good amenity for residents of the subdivision and the

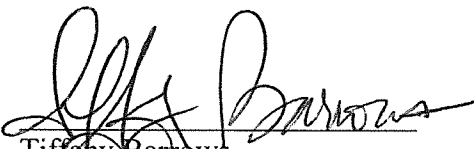
community as a whole.

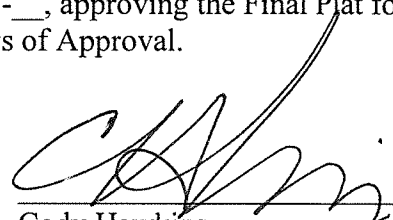
Utility Easements: The final plat includes necessary utility and drainage easements at the City-required width to serve all 38 lots.

RECOMMENDATION:
Council approval of ordinance, as attached.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance No. 23-__, approving the Final Plat for Prairie Lakes Subdivision Phase 1, subject to the attached Findings of Approval.

Prepared by: 
Tiffany Barrows
Planning and Zoning Administrator

Approved by: 
Cody Hawkins
City Manager

Attachments: A – Findings For Approval
B – Ordinance
C – Planning Commission October Meeting Minutes, Draft
D – Final Plat Application
E – Proposed Final Plat
F – Preliminary Plat Approved Variance List
G – Public Hearing Notice

FINDINGS FOR APPROVAL

PC 23-10 – Final Plat, Prairie Lakes – Phase 1

Date: December 4, 2023

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

1. The proposed final plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.
2. Adequate provisions have been made for a sufficient water supply system and public sewage system.
3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.
4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
5. The proposed subdivision has approximately 2.24 acres located in the AO, Airport Overlay District, specifically the Accident Potential Zone (APZ-2). 1.26 acres are located within Outlot C and the remainder are within street right-of-way.
6. The City will restrict any type of building permit (outside of the initial principal building) on lots 2, 25, or 32. The developer will also ensure these lots will have such restriction language on the sale contracts.
7. The Subdivision Covenants and Restrictions will include language that declares any structure development (playground, pavilion, clubhouse, dog park, etc.) which could create a large, densely populated gathering space in Outlot-C (dry greenspace) is prohibited.

ORDINANCE NO. 23-_____

FINAL PLAT SUBDIVISION, PARCEL 10-30.0-200-007

An Ordinance approving the Final Plat for Subdivision, Parcel 10-30.0-200-007, generally located on the east side of North 6th Street, just south of the intersection of Douglas Street and 6th Street.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, in accordance with the powers of the City of Mascoutah as a "Home Rule Unit" as granted by the Illinois Constitution, 1970, Article 7, Section 6 and in accordance with the Subdivision Ordinance of the City of Mascoutah, the final subdivision Ordinance of the City of Mascoutah, the final subdivision plat for Parcel 10-30.0-200-007, generally located on the east side of North 6th Street, just south of the intersection of Douglas Street and 6th Street. Being a subdivision of part of the City of Mascoutah, St. Clair County, Illinois is hereby approved.

This Ordinance shall go into full force and effect from and after its passage and approval all as provided by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 4th day of December, 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>Abstain</u>	<u>Absent</u>
John Weyant	_____	_____	_____	_____
Walter Battas	_____	_____	_____	_____
Nick Seibert	_____	_____	_____	_____
Mike Baker	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 4th day of December, 2023.

ATTEST:

Mayor

City Clerk
(Seal)

Attachment B

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

November 15, 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

City Manager, Cody Hawkins, reviewed the proposed text amendments to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances, Section 34-9-21 – Recreational vehicles.

Hawkins gave recommendations on language. Hawkins suggested changing the classifications from Class A & B to Type 1 & 2. Suggested adding a seasonal type of timeframe to subsection d. Stated this section would be where we could change the Class A&B to Type 1&2. Suggested striking the “specified size requirements needed”.

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to subsection a. He questioned what the commission is authorizing and clarification. He believes that enforcement needs to be reviewed.

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allow two on a lot of Type 1 and Type 2. He suggested that someone make a motion on these two items.

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Zacharski prefers the timeframe of May through October. He is ok with two RVs but not in the driveway. He believes the city will see more complaints.

Jung stated that he has no objection and has never had to worry about parking on his lot. When he had a camper, he took it to storage during off season. He believes it is unreasonable to expect the police to enforce the 72-hour rule and agrees with the season timeframe.

Connor believes there is a silent majority that would like this code to stay as it is. He does not object to smaller RVs but believes there will be an increase in complaints and therefore neighborhood problems. He would like the code to stay as is.

Thompson discussed his HOA restrictions and the fines of enforcement.

Hawkins reported that he concludes that the majority are in favor of the Type 1 and 2. Only 3 of the 7 members are in favor with allowing driveway parking or to keep that portion of the code the same.

Millikan recommends that accept this, pending the changes: keeping the timeframe as is, class to type and leaving city manager to create separate classifications, eliminating RV names. He reported this recommendation is a summary of the consensus of the commission. He believes the biggest issue is the enforcement not the language.

Hawkins stated that the city does not have an active, dedicated code enforcement officer.

Millikan suggested adding a maximum of 72 hours within a 15-day time frame. Hawkins stated that would still be hard to enforce.

Barrows requested that they move the definition and classification to subsection a.

Commission members stated the change the verbiage of the current subsection (a) to be "may be" instead of "shall be".

Jung asked the city manager if this issue is brought up a lot. Hawkins confirmed that the city does not get many if any complaints regarding RVs.

Millikin reminded the commission of the change to one vehicle and the uproar that caused from the residents.

There was no further discussion.

PUBLIC HEARING – 7:37 PM

PC 23-10 – Final Plat - Prairie Lakes Phase 1

City Manager, Cody Hawkins presented the background and proposal summary.

Hawkins also reported zoning, property size, topography, utilities and services, access, right of way, sidewalks, utility easements.

Hawkins also reported on the road right of way and stated that the city, engineer, developer, and his engineer are working on a possible road shift for shared use path to school route. He stated that it will be addressed at the Phase 1 Site Plan phase.

Hawkins discussed APZ2 requirements and compatibility for SAB requirements.

Recommendation will be contingent on SAFB approval. Hawkins discussed green space, non-developable areas, compatibility from base. SAFB is requesting clarification or edits to final plat. Waiting for compatibility follow-up from base. Staff recommendation is approval contingent on SAFB compatibility result. There are only a handful of items that need to be addressed: the 3 lots that fall within the APZ-2 zone need to have restrictions to ensure the denial of future structure development on those lots. Outlot C cannot be developed to increase density such as a playground, pavilion, or clubhouse. More clarification on final plat on areas labeled retention was changed to a drainage area and we need assurance that it will not hold standing water. Once we get those three items, he is confident that we will have SAFB approval.

Commission members discussed the waterways that were listed and approved on the preliminary plat. There were to be holding areas between houses that were directed to the “lakes”.

Marsha Maller confirmed that there will still be small lakes in the development.

Planning and Zoning Administrator, Tiffany Barrows, stated that there should be no standing water within Phase 1.

Millikan asked for clarification on drainage easements for the development.

Project engineer, Marsha Maller stated that those drainage easements that will have contain water are outside Phase 1.

Zacharski reminded the commission of the property owners to the north of the proposed development requested that this development help with their water issue. The commission determined at that time it was not up to new development to correct their property issues.

Maller stated that the north properties drainage runs along the north property line of this development. This development will not increase any of their issues, but it will not correct their drainage issue, nor could they because it is not their property. There will be improvements on the Prairie Lakes development but not their northern properties.

Millikan questioned what the city's corrective actions for that drainage issue were.

Hawkins stated the northern property issues have been reoccurring. The City clears the drainage swale when complaints are reported but the water soaks back in and fills back up because it is not maintained by the property owners. That drainage moves to Townsend Square.

Commission member, Jim Connor, inquired on the drainage plan for this and future phases. This phase does not allow for standing water and wonders where it will be routed.

Maller stated that each phase for this development will not impact that issue. On drainage, she reported that each phase has a drainage plan, and they are going to build the downstream end first. Phases 2 and 3 will have two additional "lakes."

Maller stated there may be field tiles for farming.

Hawkins stated that the city has been coordinating with engineers and developers. As far as the Final Plat is concerned, the city is waiting on SAFB to sign off on compatibility.

Millikin asked if the overall design was updated to include access to future school development. The school district owns the property to the south. He asked if the school district has been communicated with regarding this project. He continued and asked if this development would create a landlocked for the school development.

Hawkins reported that if it becomes such as issue, they would work through it. He also stated that the mayor and staff met with the school district. The district is working on their plan. The city agreed that they will work with the school district.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:54 PM

CALL TO ORDER at 7:54 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT – none.

ALSO PRESENT

City Manager Cody Hawkins, Planning and Zoning Administrator Tiffany Barrows, City Engineer Sal Elkott, Matt Lanter of Fulford Homes, Marsha Maller of TWM and contractor for Prairie Lakes Subdivision, and in audience City Councilman Wally Battas.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT**AMEND AGENDA – NONE****MINUTES FROM October 18, 2023**

Wobber moved, seconded by Klopmeier to approve the minutes from the October 18, 2023, Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.
7-ayes, 0-nays, 0-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:

Millikin moved, seconded by Klopmeier, that the Planning Commission recommends approval to the Council of the text amendments, as amended, to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances:

Section 34-9-21 – Recreational Vehicles

(Modify definition, and placement allowance for recreation vehicles)

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.
7-ayes, 0-nays, 0-absent

PC 23-10 – Final Plat - Prairie Lakes Phase 1

to table the recommendation to the City Council for further staff review. Please see the Public Hearing section of these minutes for details.

MOTION:

Wobbe moved, seconded by Thompson, that the Planning Commission recommends approval to the City Council of the Final Plat for Prairie Lakes Subdivision Phase 1 subject to the attached

Findings of Approval, and contingent on approval/comments from Scott AFB regarding the acreage located within the APZ-2.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.

7-ayes, 0-nays, 0-absent

MISCELLANEOUS

None.

ADJOURNMENT

Jung moved, seconded by Connor to adjourn at 8:00 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator

City of Mascoutah
FINAL PLAT APPLICATION

Application is hereby made this 29 day of September, 2023, for Final Plat approval for:

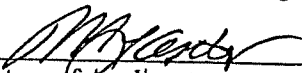
Prairie Lakes Subdivision Phase 1

Name of Proposed Development

Located at:

Mascoutah, Illinois

in accordance with the drawings and specifications presented herewith.


Signature of Applicant

Applicant is: ☒ Property Owner ☐ Lessee ☐ Agent of owner or lessee*

* Note: If applicant is an Agent, the following statement must be signed by the property owner or Lessee.

The undersigned property owner authorizes Applicant to make this application for the premises stated above and further states that he/ she is familiar with the appropriate portions of the Ordinances of the City of Mascoutah as they may apply to the proposed property changes. Further, the undersigned agrees to assume all costs related to application review of this project, including but not limited to City engineering, legal costs, and/or required studies deemed necessary during the review process.

Property Owner

Property Information

Property Owner: Fulford Homes
Address: 1124 Hartman Lane Suite LL2
Lessee: _____
Address: _____
Contractor: Matt Lanter
Contractor Contact: 618-632-5770 matt@fulfordshomes.com

Application Checklist (Attachments)

<input checked="" type="checkbox"/>	Final Plat (6 full-size sets & 11"x-17" copy)
<input checked="" type="checkbox"/>	Improvement Plans (6 full-size sets & 11"x-17" copy)
<input checked="" type="checkbox"/>	Application Fee \$50 + \$10 / per lot
<input checked="" type="checkbox"/>	Drainage Calculations (2 sets)
<input type="checkbox"/>	

<input type="checkbox"/>	Covenants and Restrictions
<input type="checkbox"/>	Cost of Improvements, sealed by Engineer
<input type="checkbox"/>	Financial Security (Performance Bond)
<input type="checkbox"/>	
<input type="checkbox"/>	

TO BE SUBMITTED
BY DEVELOPER AT
A LATER DATE

TO BE SUBMITTED
BY DEVELOPER AT
A LATER DATE

TO BE SUBMITTED
AFTER
CONSTRUCTION
PLANS ARE
REVIEWED

D.

CITY OF MASCOUTAH
3 W MAIN STREET
MASCOUTAH IL 62258-2030 (618) 566-2964

Receipt No: 1.533640 Oct 25, 2023

FULFORD HOMES

Previous Balance:	.00
Other	
FINAL PLAT APP-PHASE 1	430.00
100-50102-7300	
OTHER - TWM/BHMG/ETC.	

Total:	430.00
--------	--------

Check

Check No: 172158	430.00
Payor:	
FULFORD HOMES	
Total Applied:	430.00

Change Tendered:	.00
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10/25/2023 1:20 PM

Preliminary Plat Approved Variance List

No variances are associated with this Final Plat; All needed variances were approved by the City Council at the time of the preliminary plat. As a reminder of what these variances entailed, they were as follows:

Variance 1 related to Table 12-2 (Street Design Specifications) in Section 34-12-23 which provides that the vertical design of the roadways within the subdivision to allow for a minimum design slope should be at least 1%. As the minimal topographic relief across the site did not provide enough elevation for street slopes to meet the minimum of 1%, the developer received a variance to allow for a half-percent (0.5%) slope for streets in the subdivision. Section 34-12-23 states that the minimum gradient may be reduced to 0.5 percent as determined by the development administrator.

Variance 2 from Table 12-2 (Street Design Specifications) in Section 34-12-23 provides that the minimum ROW width of "Street A" (westward extension of Onyx Drive) should be 70 feet. The developer requested a variance from this section at the time of the preliminary plat to allow for the right-of-way of Street A to be 60 feet so that it will be identical right-of-way with of 60 feet existing Onyx Drive. Note that the pavement width will meet the minimum standard of 36 feet.

Variance 3 from Section 34-12-29 (b) This section states that, in meeting required greenspace standards, the subdivider/developer is not credited for "water retention, water detention or other storm water management areas" in meeting this greenspace requirement. For this subdivision however, the developer has shown common areas (Outlot Detention Areas B, C and D) that will contain permanent water features and are potentially suitable and large enough to allow residents to use small watercraft such as canoes, kayaks, paddleboats, and paddle boards, and be able to do recreational activities such as fishing or operate remote control boats. Council granted this variance as, in combination with the multi-use path along 6th Street and a paved walking path around these detention areas, the developer was positioned to to significantly exceed the required greenspace requirement of 2 acres for the first 200 lots and 500 square feet for each lot over 500 square feet. Eventually, it will be the Homeowners Association's responsibility (initially overseen by the developer until the HOA is turned over to residents of the subdivision) to ensure that these three Outlot Detention Areas be properly maintained for recreational purposes.

Outlot Detention Areas A, B, and C are located within later phases of this subdivision and are not applicable to Phase 1.

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, November 15, 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 a final plat for Prairie Lakes Phase 1, a 38-lot single-family residential development, located on North 6th Street (parcel no. 10-30-0-200-007).

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 at (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: October 27, 2023

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

G.

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins, City Manager

SUBJECT: PC 23-03, Chapter 34 Code Changes – Recreational Vehicles

MEETING DATE: December 4, 2023

REQUESTED ACTION:

Council approval to revisions of City Code to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances, by adoption of ordinance.

Background and Staff Comments:

At past City Council meetings, members requested City Staff to review and possibly amend Sec.34-9-21 – Recreational Vehicles. City Staff presented request to the Planning Commission to make recommendation to allow driveway parking so long as placement does not obstruct the view of traffic and corner visibility.

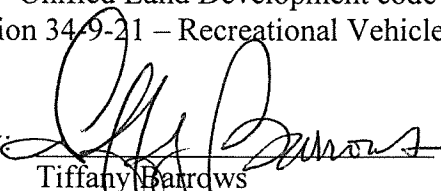
The Planning Commission has held four separate public hearings since July 19, 2023, as well as a workshop on October 18, 2023. November 15, 2023, the commission recommended approval of the text amendments Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances Section 34-9-21 – Recreational vehicles to allow storage of two recreational vehicles on any lot and modify definition to include classification between types of recreational vehicles.

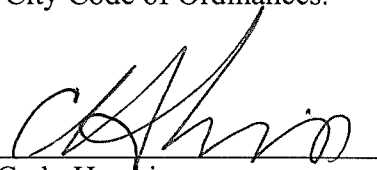
RECOMMENDATION:

Council approval of ordinance, as attached.

SUGGESTED MOTION:

I move that the City Council approves and adopt Ordinance No. 23-___, thereby modifying Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances:
Section 34-9-21 – Recreational Vehicles

Prepared By: 
Tiffany Barrows
Planning and Zoning Administrator

Approved By: 
Cody Hawkins
City Manager

Attachments: A – Ordinance
B – Planning Commission November 15, 2023, Meeting Minutes, Draft
C – Public Hearing Notice

ORDINANCE NO. 23-__

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 34 – UNIFIED LAND DEVELOPMENT CODE
ADOPTED OF THE CITY OF MASCOUTAH, ILLINOIS.**

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

SECTION 1: Amending CHAPTER 34 – UNIFIED LAND DEVELOPMENT CODE, ARTICLE IX – OFF-STREET PARKING AND LOADING, DIVISION 4 – DESIGN AND MAINTENANCE STANDARDS, as attached.

SECTION 2: This ordinance shall be in full force and effect after passage, approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 4th day of December, 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	_____	_____	_____
Mike Baker	_____	_____	_____
Pat McMahan	_____	_____	_____

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 4th day of December, 2023.

ATTEST:

Mayor

City Clerk
(SEAL)

CHAPTER 34 – UNIFIED LAND DEVELOPMENT CODE

ARTICLE IX – OFF-STREET PARKING AND LOADING

DIVISION 4 – DESIGN AND MAINTENANCE STANDARDS

Section 34-9-21 – Recreational Vehicles

With the exception of travel trailer parks and commercial establishments engaged in the sale of recreational vehicle, recreational vehicles shall comply with the following regulations:

- (a) ~~No more than one recreational vehicle shall be parked on any lot.~~
***Recreational vehicles are divided into two classifications by size (Type 1 and Type 2):
Type 1: Recreational vehicles greater than 16ft. in length including any attachments.
Type 2: Recreational vehicles less than or equal to 16ft. in length including any attachments.***
- (b) ~~No recreational vehicle shall be used as a dwelling.~~
Two recreational vehicles shall be parked on any lot but can only include the following combination: one Type 1 with one Type 2 or two Type 2 recreational vehicles.
- (c) ~~No recreational vehicle shall be used as an office or for any other commercial purposes.~~
No recreational vehicle shall be used as a dwelling.
- (d) ~~No recreational vehicle shall be parked in front of any existing residences or in the front yard or driveway on any lot in any single-family residential zoning district. Such vehicles may be parked in the side and rear yards. RV's and campers will be allowed to be parked in driveways for a maximum of 72 consecutive hours.~~
No recreational vehicle shall be used as an office or for any other commercial purposes.
- (e) ~~Recreational vehicles are defined as RV's, campers, boats, jet skis, trailers, utility trailers, towing trailers, pull trailers, buses, shuttles, limousines, tractors, ATV's, four-wheelers, RTV's, golf carts, and other similar such vehicles.~~
Recreational vehicles may be parked on any residential driveway on any lot in any single-family residential zoning district from April 1 through October 31 of each year. Such vehicles may be parked in the side and rear yards year-round. Any recreational vehicle parked on residential property or driveways must not obstruct the view of traffic, corner visibility or impede on any sidewalk.
- (f) Recreational vehicles shall not be parked on city roads for more than 72 consecutive hours.
- (g) Any person who violates any of the provisions of this section can and shall, upon conviction, be fined as provided in Section 1-1-20- Penalty.

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

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Thompson discussed his HOA restrictions and the fines of enforcement.

Hawkins reported that he concludes that the majority are in favor of the Type 1 and 2. Only 3 of the 7 members are in favor with allowing driveway parking or to keep that portion of the code the same.

Millikan recommends that accept this, pending the changes: keeping the timeframe as is, class to type and leaving city manager to create separate classifications, eliminating RV names. He reported this recommendation is a summary of the consensus of the commission. He believes the biggest issue is the enforcement not the language.

Hawkins stated that the city does not have an active, dedicated code enforcement officer.

Millikan suggested adding a maximum of 72 hours within a 15-day time frame. Hawkins stated that would still be hard to enforce.

Barrows requested that they move the definition and classification to subsection a.

Commission members stated the change the verbiage of the current subsection (a) to be "may be" instead of "shall be".

Jung asked the city manager if this issue is brought up a lot. Hawkins confirmed that the city does not get many if any complaints regarding RVs.

Millikin reminded the commission of the change to one vehicle and the uproar that caused from the residents.

There was no further discussion.

PUBLIC HEARING – 7:37 PM

PC 23-10 – Final Plat - Prairie Lakes Phase 1

City Manager, Cody Hawkins presented the background and proposal summary.

Hawkins also reported zoning, property size, topography, utilities and services, access, right of way, sidewalks, utility easements.

Hawkins also reported on the road right of way and stated that the city, engineer, developer, and his engineer are working on a possible road shift for shared use path to school route. He stated that it will be addressed at the Phase 1 Site Plan phase.

Hawkins discussed APZ2 requirements and compatibility for SAB requirements.

Recommendation will be contingent on SAFB approval. Hawkins discussed green space, non-developable areas, compatibility from base. SAFB is requesting clarification or edits to final plat. Waiting for compatibility follow-up from base. Staff recommendation is approval contingent on SAFB compatibility result. There are only a handful of items that need to be addressed: the 3 lots that fall within the APZ-2 zone need to have restrictions to ensure the denial of future structure development on those lots. Outlot C cannot be developed to increase density such as a playground, pavilion, or clubhouse. More clarification on final plat on areas labeled retention was changed to a drainage area and we need assurance that it will not hold standing water. Once we get those three items, he is confident that we will have SAFB approval.

Commission members discussed the waterways that were listed and approved on the preliminary plat. There were to be holding areas between houses that were directed to the “lakes”.

Marsha Maller confirmed that there will still be small lakes in the development.

Planning and Zoning Administrator, Tiffany Barrows, stated that there should be no standing water within Phase 1.

Millikan asked for clarification on drainage easements for the development.

Project engineer, Marsha Maller stated that those drainage easements that will have contain water are outside Phase 1.

Zacharski reminded the commission of the property owners to the north of the proposed development requested that this development help with their water issue. The commission determined at that time it was not up to new development to correct their property issues.

Maller stated that the north properties drainage runs along the north property line of this development. This development will not increase any of their issues, but it will not correct their drainage issue, nor could they because it is not their property. There will be improvements on the Prairie Lakes development but not their northern properties.

Millikan questioned what the city's corrective actions for that drainage issue were.

Hawkins stated the northern property issues have been reoccurring. The City clears the drainage swale when complaints are reported but the water soaks back in and fills back up because it is not maintained by the property owners. That drainage moves to Townsend Square.

Commission member, Jim Connor, inquired on the drainage plan for this and future phases. This phase does not allow for standing water and wonders where it will be routed.

Maller stated that each phase for this development will not impact that issue. On drainage, she reported that each phase has a drainage plan, and they are going to build the downstream end first. Phases 2 and 3 will have two additional "lakes."

Maller stated there may be field tiles for farming.

Hawkins stated that the city has been coordinating with engineers and developers. As far as the Final Plat is concerned, the city is waiting on SAFB to sign off on compatibility.

Millikin asked if the overall design was updated to include access to future school development. The school district owns the property to the south. He asked if the school district has been communicated with regarding this project. He continued and asked if this development would create a landlocked for the school development.

Hawkins reported that if it becomes such as issue, they would work through it. He also stated that the mayor and staff met with the school district. The district is working on their plan. The city agreed that they will work with the school district.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:54 PM

CALL TO ORDER at 7:54 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT – none.

ALSO PRESENT

City Manager Cody Hawkins, Planning and Zoning Administrator Tiffany Barrows, City Engineer Sal Elkott, Matt Lanter of Fulford Homes, Marsha Maller of TWM and contractor for Prairie Lakes Subdivision, and in audience City Councilman Wally Battas.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT**AMEND AGENDA – NONE****MINUTES FROM October 18, 2023**

Wobber moved, seconded by Klopmeier to approve the minutes from the October 18, 2023, Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.

7-ayes, 0-nays, 0-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:

Millikin moved, seconded by Klopmeier, that the Planning Commission recommends approval to the Council of the text amendments, as amended, to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances:

Section 34-9-21 – Recreational Vehicles

(Modify definition, and placement allowance for recreation vehicles)

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.

7-ayes, 0-nays, 0-absent

PC 23-10 – Final Plat - Prairie Lakes Phase 1

to table the recommendation to the City Council for further staff review. Please see the Public Hearing section of these minutes for details.

MOTION:

Wobbe moved, seconded by Thompson, that the Planning Commission recommends approval to the City Council of the Final Plat for Prairie Lakes Subdivision Phase 1 subject to the attached

Findings of Approval, and contingent on approval/comments from Scott AFB regarding the acreage located within the APZ-2.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Bill Millikin aye, Rich Thompson aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.

7-ayes, 0-nays, 0-absent

MISCELLANEOUS

None.

ADJOURNMENT

Jung moved, seconded by Connor to adjourn at 8:00 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator

**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, November 15, 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 text amendments to Chapter 34 – Unified Land Development Codes of the Mascoutah City Code of Ordinances.

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: October 27, 2023

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

**CITY OF MASCOUTAH
Staff Report**

TO: Honorable Mayor & Council
FROM: Cody Hawkins, City Manager
SUBJECT: **2023 Property Tax Levy (First Reading)**

MEETING DATE: December 4, 2023

REQUESTED ACTION:

Council approval and adoption of the 2023 Property Tax Levy Ordinance.

CITY TAX LEVY:

VALUATION:

The 2022 Rate Setting EAV was \$155,417,971. This year the calculated estimate is \$160,311,430 which results in a slight increase.

TAX LEVY:

Tax Levy can be defined as dollars needed by the City to run operations and to pay General Obligation Bonds.

- The Tax Levy dollars requested absorb only growth generated revenues related to estimate EAV calculations, no additional increase.
- The Tax Levy by fund line is accompanied with Finance Committee recommendations.

BACKGROUND & STAFF COMMENTS:

After communicating computations, explanations, calculations and distributions of dollars by fund with the Finance Committee members, the following recommendations are presented to Council.

Since the EAV for this year is not increasing beyond 5%, there is no need for a tax levy hearing. Finance Committee after communicating with staff, recommended increasing the levy amount to 4.99% (just under the 5% threshold for a public hearing) in order to ensure that any and all EAV increase is captured.

In April/May during the County/City certification step, the certified rate received from the County will be adjusted in order to capture the increased EAV and to keep the City's rate the same.

ADDITIONAL DETAIL ON EACH LEVY ITEMIZED LINE:

General Fund (Corporate)

\$546,000; increase = \$3,746.70

The General Fund levy distribution increases to capture the balance of the EAV computation estimated tax levy dollars available. Any increase in this fund assists with proposing a balanced budget for the consecutive year.

Bonds & Interest Fund \$179,755; decrease = (\$1,462.35)
The Bond and Interest levy distribution covers the bond ordinance commitments for all of the City's GO Bonds. The only outstanding GO Bond is the 2008 GO Bond (County Road improvements). Principal and interest payment is fully levied. Payoff on bond is April 30, 2028.

IMRF Fund \$185,200; increase = \$7,091.01
The IMRF Fund levy distribution captures the amount recommended from the State of IL based on an individual City of Mascoutah actuarial. The current IMRF regular employer rate is 8.08% and SLEP employer rate is 32.63%. The rate for 2024 is 7.86% for IMRF and 34.46% for SLEP.

Fire Protection Fund \$175,000; increase = \$5,905.25
The Fire Department Fund levy distribution has a small increase to maintain its existing fund balance and will assist to pay back interfund borrow for new truck.

Police Pension Fund \$430,000; increase = \$19,851.97
The Police Pension Fund levy distribution is the planned amount to capture the recommendation by the State of IL related to the downstate pension actuarial calculations for the City. Last year, the Police Pension Fund is underfunded. In order to follow the actuarial report recommendation, the City does have a goal to have the Police Pension Fund 90% funded by the year 2040.

Parks & Recreation Fund \$381,000; increase = \$69,853.22
The Parks and Recreation Fund levy distribution increases to assist the fund balance and/or fiscal year budget plus some updates/maintenance in the parks. The increase is needed this year for updates and a positive fund balance.

Ambulance Fund \$400,000; decrease = (\$5,019.23)
The Ambulance Fund levy distribution increases to assist with maintaining a positive fund balance and purchase of new ambulance in upcoming fiscal year.

Library Fund \$481,500; increase = \$22,084.47
The Library is requesting enough funds to capture only the EAV growth and to keep their tax rate around the same amount as in previous years. The Library levies for their General Fund, Building Maintenance Fund, IMRF Fund, Medicare Fund, Social Security Fund and Liability Insurance Fund.

SSA #001 \$137,625; remaining loan balance
This amount captures the remaining loan balance; the loan payment amount is \$13,975 for the Crown Pointe (Murphy) Development improvements received from Farmers & Merchants National Bank.

FUNDING:


By the nature of levies, the action within this report is directed at increasing revenues only by capturing the estimated increase in the EAV for the FY24/25 Budget year. This is the implementation of our budgeting program which is intended to balance the City's budget by department and fund.


RECOMMENDATION:

Council approval and adoption of the 2023 Property Tax Levy Ordinance.

SUGGESTED MOTION:

I move that the Council approve the 2023 Property Tax Levy by adopting Ordinance No. 23-____.

Prepared By: 
Lynn Weidenbenner
Finance Coordinator

Approved By: 
Cody Hawkins
City Manager

Attachments: A – Tax Rate Computation Sheet
B – Tax Levy Ordinance

Tax Rate Computation - November, 2023

2016 Rate Setting EAV	124,871,274	2020 Rate Setting EAV	141,987,320
2017 Rate Setting EAV	128,716,679	2021 Rate Setting EAV	145,899,082
2018 Rate Setting EAV	135,531,447	2022 Rate Setting EAV	155,417,971
2019 Rate Setting EAV	139,146,429	2023 Rate Setting EAV	160,311,430

	2022 Tax Computation				2023 Projected Computation				notes for finance committee:
	Levy Request	Cert. Rate	Extension	Request +/-	Cert. Rate	Levy Request	Request +/-		
Corporate	\$542,150.00	0.3489	\$542,253.30	\$103.30	0.3406	\$546,000.00	\$3,746.70	100.69% slightly increase balance for continuous increased costs	
Bonds & Interest	\$181,207.00	0.1166	\$181,217.35	\$10.35	0.1121	\$179,755.00	(\$1,462.35)	99.19% 2008 GO Bond amount per ordinance	
IMRF	\$178,000.00	0.1146	\$178,108.99	\$108.99	0.1155	\$185,200.00	\$7,091.01	103.98% funding itself but need to add some for full imrf staff	
Fire Protection	\$169,000.00	0.1088	\$169,094.75	\$94.75	0.1092	\$175,000.00	\$5,905.25	103.49% (pay back interfund borrow when get new ladder truck cost)	
Police Pension	\$410,000.00	0.2639	\$410,148.03	\$148.03	0.2682	\$430,000.00	\$19,851.97	104.84% per DOI actuarial - estimated	
Playground	\$311,000.00	0.2002	\$311,146.78	\$146.78	0.2377	\$381,000.00	\$69,853.22	122.45% need to increase some for parks and pool; updates and under funded	
Ambulance	\$405,000.00	0.2606	\$405,019.23	\$19.23	0.2495	\$400,000.00	(\$5,019.23)	maintain positive fund balance for added staff full-time and new	
	\$2,196,357.00	1.4136	\$2,196,988.43	\$631.43	1.4328	\$2,296,955.00	\$99,966.57	104.55%	
LIB Corporate	\$395,190.00	0.2543	\$395,227.90	\$37.90	0.2576	\$413,000.00	\$17,772.10	104.50% per library meeting	
LIB Building	\$19,195.00	0.0124	\$19,271.83	\$76.83	0.0128	\$20,500.00	\$1,228.17	106.37%	
LIB IMRF	\$24,500.00	0.0158	\$24,556.04	\$56.04	0.0140	\$22,500.00	(\$2,056.04)	91.63%	
LIB Liability Insurance	\$11,000.00	0.0071	\$11,034.68	\$34.68	0.0087	\$14,000.00	\$2,965.32	100.00%	
LIB Social Security	\$7,680.00	0.0050	\$7,770.90	\$90.90	0.0060	\$9,600.00	\$1,829.10	100.00%	
LIB Medicare	\$1,535.00	0.0010	\$1,554.18	\$19.18	0.0012	\$1,900.00	\$345.82	100.00%	
	\$459,100.00	0.2956	\$459,415.53	\$315.53	0.3004	\$481,500.00	\$22,084.47	104.81%	
Total w/out Bonds (for calculating % increase to determine need for public hearing)				\$	2,398,700.00		104.990% needs to be at 4.99% to avoid hearing		
	\$2,655,457.00	1.7092	\$2,656,403.96	\$946.96	1.7332	\$2,778,455.00	\$122,051.04	104.59%	

Attachment A

Special Service Area (Crown Pointe)

2015 Rate Setting EAV	3,030,984	2019 Rate Setting EAV	4,108,108	2023 Rate Setting EAV	5,218,372	estimation	5,218,372 x 375 = 19,568,89 and last year 5,117,014 x 375 = 19,188,80
2016 Rate Setting EAV	3,375,796	2020 Rate Setting EAV	4,333,369				
2017 Rate Setting EAV	3,533,435	2021 Rate Setting EAV	4,642,273				
2018 Rate Setting EAV	3,821,829	2022 Rate Setting EAV	5,117,014				
Special Service Area	\$144,018.00	0.3750	\$19,188.80	0.3750	\$	137,625.00	\$118,436.20
							717.22%
	\$2,799,475.00	2.0842	\$2,675,592.76	2.1082		\$2,916,080.00	

Will need to do public hearing each year for SSA if it is over 5% increase in order to keep separate from other City levies

SSA Loan refinanced 02/2018 - new loan payment amount is \$13,975.00 payable December of each year

NOTE: Per County Clerk's office - bonds are not included when figuring the 4.99%.

ORDINANCE NO. 23-__

ANNUAL TAX LEVY ORDINANCE FOR THE FISCAL YEAR
2024 - 2025

AN ORDINANCE PROVIDING FOR THE ANNUAL TAX LEVY FOR THE CITY OF MASCOUTAH, ST. CLAIR COUNTY, ILLINOIS FOR THE FISCAL YEAR COMMENCING ON THE 1ST DAY OF MAY, 2024, AND ENDING ON THE 30TH DAY OF APRIL, 2025.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, ILLINOIS, A HOME RULE UNIT PURSUANT TO ARTICLE VII, SECTION 6, CONSTITUTION OF ILLINOIS 1970.

SECTION 1: That there be and is hereby levied upon all real estates and personal property situated within the corporate limits of the City of Mascoutah, Illinois, subject to taxation, **the sum of Two Million, Nine Hundred Sixteen Thousand, Eighty Dollars (\$2,916,080)** which amount shall be raised by taxation upon all said property according to its value as same is assessed and equalized for state and county purposes for the current fiscal year commencing on the 1st day of May, 2023, and ending on the 30th day of April, 2024, and which amount is to defray the expenses of said City as provided in the Annual Budget Ordinance of said City heretofore passed, adopted and published and in force, said levy to be for the following corporate uses and purposes pursuant to the Home Rule Powers of the City of Mascoutah as granted in Article VII, Section 6 of the Constitution of the State of Illinois and previously authorized by State enabling legislation and city ordinances which are incorporated by reference as if fully set forth herein.

SECTION 2: The City of Mascoutah finds that the total amount of Five Hundred Forty-Six Thousand Dollars (\$546,000) herein above levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6 of the Constitution of the State of Illinois, to be raised by taxation, after deducting revenue from all sources, is necessary for the **general corporate purposes** of said City.

SECTION 3: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for **fire protection** of said City, the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 4: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the establishment, maintenance and conduct of a supervised **playground and recreational system** of said City, the sum of Three Hundred Eighty-One Thousand Dollars (\$381,000) upon all taxable property within said City which shall

be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 5: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **operation of the Mascoutah Public Library** of said City, the sum of Four Hundred Thirteen Thousand Dollars (\$413,000) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 6: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the operation of the **Ambulance Service** of said City, the sum of Four Hundred Thousand Dollars (\$400,000) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 7: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for a **Police Pension Trust** of said City, the sum of Four Hundred Thirty Thousand Dollars (\$430,000) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 8: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the participation in the **Illinois Municipal Retirement Fund** the sum of One Hundred Eighty-Five Thousand, Two Hundred Dollars (\$185,200) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 9: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **Illinois Municipal Retirement Fund of the Mascoutah Public Library** of said City, the sum of Twenty-Two Thousand, Five Hundred Dollars (\$22,500) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 10: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **building and maintenance of the Mascoutah Public Library** of said City, the sum of Twenty Thousand, Five Hundred Dollars (\$20,500) upon all taxable property within said City which shall be in addition to the above levy

hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 11: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **Medicare of the Mascoutah Public Library** of said City, the sum of One Thousand, Nine Hundred Dollars (\$1,900) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 12: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **social security of the Mascoutah Public Library** of said City, the sum of Nine Thousand, Six Hundred Dollars (\$9,600) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 13: The City of Mascoutah finds that there is to be raised by taxation and levied pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6, of the Constitution of the State of Illinois for the **liability insurance of the Mascoutah Public Library** of said City, the sum of Fourteen Thousand Dollars (\$14,000) upon all taxable property within said City which shall be in addition to the above levy hereinabove set forth, and over and above and in addition to the rate required for other corporate purposes.

SECTION 14: The tax levy provided in Section 402 of the **Bond** Ordinance (Ordinance No. 08-05, filed March 20, **2008**, with the County Clerk of the County of St. Clair, Illinois) is limited to the sum of One Hundred Seventy-Nine Thousand, Seven Hundred Fifty-Five Dollars (\$179,755) for the 2023 tax levy (to be received in 2024).

SECTION 15: Special Service Area. The tax levy provided in Section 4 of the **Special Service Area #001** Adopting Ordinance (Ordinance No. 09-15, adopted August 3, 2009) is hereby levied on the property and parcels identified in said ordinance for the sum of One Hundred Thirty-Seven Thousand Six Hundred Twenty-Five Dollars (\$137,625) and is set at a maximum rate of .375% of assessed valuation.

SECTION 16: That the City Clerk of the City of Mascoutah be and is hereby directed to file with the County Clerk of St. Clair County, Illinois, a duly certified copy of this ordinance, as provided by law.

SECTION 17: That conflicting ordinances or pertinent portions thereof in force at the time this ordinance shall take effect are hereby repealed.

SECTION 18: If any part of this Ordinance is held improper, such holding shall not affect any other part hereof and all other parts shall be, and remain, in full force and effect.

SECTION 19: This levy ordinance is adopted pursuant to the Home Rule powers of the City of Mascoutah as granted by Article VII, Section 6 of the Constitution of the State of Illinois and any tax rate limitation or any other substantive limitations as to tax levies in Illinois Municipal Code in conflict with this ordinance shall not be applicable to this ordinance pursuant to Section 6 of the Article VII of the Constitution of the State of Illinois.

SECTION 20: That this Ordinance shall be in full force and effect after its passage and approval according to law.

PASSED by the Mayor and 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 18th day of December 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>	<u>Abstain</u>
John Weyant	_____	_____	_____	_____
Walter Battas	_____	_____	_____	_____
Nick Seibert	_____	_____	_____	_____
Eric Kohrmann	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 18th day of December, 2023.

Mayor

ATTEST:

City Clerk
(SEAL)

**TRUTH-IN-TAXATION
CERTIFICATE OF COMPLIANCE**

I, Pat McMahan, Mayor, hereby certify to the St. Clair County Clerk that the City of Mascoutah has compiled with all provisions of Public Act 82-102, "Truth-in-Taxation Act", as amended, with respect to the adoption of the Fiscal Year 2024-2025 Tax Levy.

- CHECK ON BOX -

- ☒ The City levied an amount of ad valorem tax that is less than or equal to 105% of the final aggregate levy extension of the preceding year, thereby requiring no Truth-in-Taxation hearing and/or notice.

- AND -

- ☒ The City levied an amount of ad valorem tax that is greater than 105% of the final aggregate levy extension of the preceding year and complied with the publication and hearing provisions of Section 18-60 through 18-85 of the Act.

Said notice was published in the Mascoutah Herald on November 22, 2023.

Said public hearing was held on December 4, 2023.

Mayor

Date

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & City Council

FROM: Cody Hawkins – City Manager

SUBJECT: Paid Leave for All Workers Act - Ordinance (First Reading)

MEETING DATE: December 4, 2023

REQUESTED ACTION:

Council approval and adoption of an ordinance regarding the Illinois Paid Leave for All Workers Act.

BACKGROUND & STAFF COMMENTS:

City staff feels we offer reasonable paid leave and have determined that applying the Act to its employees will negatively impact the city and place an undue financial and operational burden on the City of Mascoutah. The City of Mascoutah, being a home rule authority, believes that the city, as an employer, is exempt from the requirements of the Act and recommends opting out of the Paid Leave for All Workers Act.

RECOMMENDATION:

Council approval and adoption of ordinance.

SUGGESTED MOTION:

I move that the Council approve and adopt Ordinance No. 23-____, thereby opting out of the Illinois Paid Leave for All Workers Act.

Prepared By: Melissa A. Schanz
Melissa A Schanz
City Clerk

Approved By: Cody Hawkins
Cody Hawkins
City Manager

Attachments: A – Ordinance
B – Illinois Municipal League Memo

ORDINANCE NO. 23-
AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS
ACT FOR THE CITY OF MASCOUTAH

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of Mascoutah is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution and, pursuant to the provisions of said Section 6 of Article VII, may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “Act”); and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, the Act does not include any express limitation on the City of Mascoutah’s home rule authority as required by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance that requires the employer to provide any form of paid leave to their employees; and

WHEREAS, the City of Mascoutah recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the City of Mascoutah has determined that applying the Act to its own employees will negatively impact the city and place an undue financial and operational burden on the City of Mascoutah’s ability to provide uninterrupted services to its residents; and

WHEREAS, the City of Mascoutah believes and hereby declares that it is in the best interests of the city to clearly define the paid leave benefits that the City of Mascoutah employees shall receive and opt out of the Act.

NOW, THEREFORE, be it ordained, by the Mayor and City Council of the City of Mascoutah as follows:

Section 1: The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2: The City of Mascoutah hereby adopts its current paid leave policy for all city employees as set forth in the City of Mascoutah's Code of Ordinances, Employee Handbook, Annual Salary Ordinances, any collective bargaining agreements to which the City of Mascoutah is a party and all other binding legislative actions governing paid leave adopted by the Mayor and City Council, as the same may be amended from time to time. However, in no event shall the city, as an employer, provide less than one (1) day of paid leave per year to any City of Mascoutah employee.

Section 3: Pursuant to the City of Mascoutah's home rule authority, the city hereby declares that the City of Mascoutah, as an employer, is exempt from the requirements of the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*). The City of Mascoutah, as an employer, shall have no additional obligations regarding mandatory paid leave, including, without limitation, any obligations provided under the Act, except those obligations required by federal and/or state law which validly preempt the City of Mascoutah's home rule authority.

Section 4: Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 5: Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 6: The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

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 18th day of December, 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>	<u>Abstain</u>
John Weyant	_____	_____	_____	_____
Walter Battas	_____	_____	_____	_____
Nick Seibert	_____	_____	_____	_____
Michael Baker	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 18th day of December, 2023.

Mayor

ATTEST:

City Clerk

(SEAL)

MEMO

To: Brad Cole, Executive Director of Illinois Municipal League
From: Robbins Schwartz, Special Counsel to IML
Date: November 1, 2023
Re: Paid Leave for All Workers Act

ISSUES ADDRESSED

The Paid Leave for All Workers Act (Public Act 102-1143) (the “PLAWA”) becomes effective January 1, 2024 and mandates employers provide up to 40 hours of paid leave during a 12-month period for many types of employees in Illinois.

This memorandum analyzes whether home rule municipalities can opt out of the PLAWA and concludes that they can. IML has obtained several opinions on this issue, and in the discussion below, this memorandum analyzes and reconciles the opinions obtained by IML. Finally, this memorandum recommends model ordinances for both home rule and non-home rule municipalities to adopt prior to January 1, 2024.

DISCUSSION

1. Home rule authority is not preempted by the PLAWA and therefore home rule municipalities are not preempted from completely opting out of the PLAWA.

The powers of home rule municipalities are derived from the Illinois Constitution and will be familiar to the readers of this memorandum. The legal opinions obtained by IML all recognize the broad scope of home rule authority. The default position of home rule municipalities is that they get to legislate on matters of local concern. With the PLAWA there is no preemption of that default position, meaning that home rule municipalities are not preempted from opting out of the PLAWA.

A home rule unit “may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt.” Ill. Const. 1970, art. VII, § 6(a). “Section 6(a) was written with the intention to give home rule units the broadest powers possible.” *Palm v. 2800 Lake Shore Drive Condominium Ass’n*, 2013 IL 110505, ¶ 30. Home rule units are empowered to carry on activities that relate to their communities notwithstanding the fact

that the state also may be interested and active in regulating in the same area. *Crawford v. City of Chicago*, 304 Ill. App. 3d 818, 825 (1st Dist. 1999). Furthermore, section 6(m) of the Constitution provides that the “[p]owers and function of home rule units shall be construed liberally” thereby underscoring that in cases of doubt, questions of local authority should be resolved in favor of the home rule municipality. Ill. Const. 1970, art. VII, § 6(m).

Of course, the powers of home rule units are not boundless, and the legislature retains the authority “to restrict the exercise of virtually all home rule powers” by using the “tools necessary for the preemption of home rule activity” that are in section 6 of article VII. *Nevitt v. Langfelder*, 157 Ill. 2d 116, 131 (1993). The “tools” at the disposal of the legislature are subsections (g), (h), (i), (j), and (k) of section 6 of article VII. The General Assembly can restrict the concurrent exercise of a home rule unit’s power by enacting a law that specifically limits such power under section 6(i), but unless a state law specifically states that a home rule unit’s power is restricted, the authority of a home rule unit to act concurrently with the state *is not* restricted. *Crawford*, 304 Ill. App. 3d at 825-26.

The Illinois Supreme Court has “consistently recognized that the home rule provisions of the Illinois Constitution are intended to eliminate or at least reduce to a bare minimum the circumstances under which local home rule powers are preempted by judicial interpretation of unexpressed legislative intention.” *Scadron v. City of Des Plaines*, 153 Ill. 2d 164, 186 (1992) and *Palm*, 2013 IL 110505, ¶ 34. “The Illinois approach places almost exclusive reliance on the legislature rather than the courts to keep home rule units in line.” *Palm*, 2013 IL 110505, ¶ 34. As the *Palm* court further explained: “if the constitutional design is to be respected, the courts should step in to compensate for legislative inaction or oversight only in the clearest cases of oppression, injustice, or interference by local ordinances with vital state policies.” *Id.* And “because the legislature can always vindicate state interests by express preemption, only vital state interests would allow a court to decide that an exercise of home rule power does not pertain to local government and affairs.” *City of Chicago v. StubHub, Inc.*, 2011 IL 111127, ¶ 22. In summary, “[i]f a subject pertains to local government and affairs, and the legislature has not expressly preempted home rule, municipalities may exercise their power.” *Palm*, 2013 IL 110505, ¶ 36, (quoting *StubHub*, 2011 IL 111127, ¶ 22).

As the First District Appellate Court recently commented, “the default position for a home rule unit is to be able to legislate on local matters...” and “the legislature’s silence on the power of home rule units is actually evidence of the home rule unit’s power, not the other way around..” *Accel Entertainment Gaming, LLC v. Village of Elmwood Park*, 2015 IL App (1st) 143822, ¶ 47.

The General Assembly itself has recognized these principles and imposed on itself section 7 of the Statute on Statutes. Several of the opinions obtained by IML specifically note this section 7, which provides:

No law enacted after January 12, 1977, denies or limits any power or function of a home rule unit, pursuant to paragraphs (g), (h), (i), (j), or (k) of Section 6 of Article VII of the Illinois Constitution, unless there is specific language limiting or denying

the power or function and the language specifically sets forth in what manner and to what extent it is a limitation on or denial of the power or function of a home rule unit.

See 5 ILCS 70/7.

The opinion of Brown, Hay and Stephens obtained by IML notes that House Floor Amendment 2 was introduced to the PLAWA and would have provided as follows:

Section 90. Home rule. The regulation of employee leave benefits is an exclusive power of the State. A home rule unit may not regulate any type of employee leave benefits. Any county or municipal ordinance in effect on or before the effective date of this Act that regulates any form of employee leave benefits, including paid sick time, is null and void. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

After having the opportunity to include clear preemption language of the type proposed by Amendment 2, and after hearing testimony in opposition to the language including from IML, the General Assembly declined to include the express language. As the legal opinion obtained by IML from Brown, Hay and Stephens notes, this is the type of evidence a court could rely on to conclude that home rule authority is not preempted by the PLAWA. See *Harris Bank St. Charles v. Weber*, 298 Ill. App. 3d 1072, 1081 (2d Dist. 1998). Again, “the legislature’s silence on the power of home rule units is actually evidence of the home rule unit’s power, not the other way around..” *Accel Ent. Gaming*, ¶ 47.

Because there is no home rule preemption language in the PLAWA that satisfies the requirements of section 6 of article VII, or section 7 of the Statute on Statutes, home rule units are not preempted from opting out of the PLAWA. Three of the four opinions obtained from IML are consistent with the opinion expressed here.

2. A decision by a home rule municipality with respect to its own employees to opt out of the PLAWA pertains to the municipality’s government and affairs and is therefore a power of the municipality under section 6(a).

The cornerstone of any challenge brought to the decision of a home rule municipality to opt out of the PLAWA would probably be an argument under section 6(a) that opting out of the PLAWA is a broader statewide issue and not a matter of local concern. We think that the argument could probably be presented in such a way to make it attractive for a sympathetic court looking for a way to help workers secure additional benefits. Ultimately, however, on the discrete issue of a home rule municipality opting out of the PLAWA with respect to its own employees, the matter is one that pertains to the affairs of the local municipality.

Essentially, the framers of the Illinois Constitution saw the role of the courts under section 6(a) as narrow. For example, the Supreme Court noted the “dominant interest” of the state in the

administration of justice when it struck down a municipal ordinance imposing a fee on circuit court filings to benefit a county library. *Ampersand, Inc. v. Finley*, 61 Ill.2d 537, 543 (1975). In *People ex rel. Lignoul v. City of Chicago*, 67 Ill.2d 480, 486 (1977) the Supreme Court concluded that pervasive banking regulations by the state as well as a constitutional provision on the subject invalidated a municipal financial services ordinance. However, in *City of Evanston v. Create, Inc.*, 85 Ill.2d 101, 112–13 (1981), the Supreme Court stated that “[t]he mere existence of State interest and activity in a particular field does not alone preclude home rule activity,” and upheld a municipal landlord-tenant ordinance. *Id.* at 113.

Since *Kalodimos v. Village of Morton Grove*, 103 Ill.2d 483 (1984), the Supreme Court’s analysis under section 6(a) on whether an issue is a matter of statewide or local concerns has been the following three factor analysis:

Whether a particular problem is of statewide rather than local dimension must be decided not on the basis of a specific formula or listing set forth in the Constitution but with regard (1) for the nature and extent of the problem, (2) the units of government which have the most vital interest in its solution, and (3) the role traditionally played by local and statewide authorities in dealing with it.

Kalodimos, 103 Ill. 2d 501 (numbering added).

This is not a “free-wheeling preemption rule” resting upon the mere existence of comprehensive state regulation. *Id.* at 502. Again, the approach in Illinois is an almost exclusive reliance on the legislature rather than the courts to restrict home rule, and “because the legislature can always vindicate state interests by express preemption, only vital state interests would allow a court to decide that an exercise of home rule power does not pertain to local government and affairs.” *City of Chicago v. StubHub, Inc.*, 2011 IL 111127, ¶ 22.

With regard to assessing the nature and extent of the problem, courts will look to whether the problem can be identified or defined as more local in nature. Concerning which unit of government has a greater interest in solving the problem, the courts balance the local and state interests involved. The courts have typically found in favor of the municipality if the problem is determined to be primarily local in nature. Lastly, in determining whether the state or the home rule unit has a traditional role in solving the identified problem the court reviews the history of local and state regulation of the matter.

The issue of whether an individual home rule unit gives paid leave to its current employees, how much it gives them, and how it is provided, are quintessentially local concerns. As the Supreme Court has stated, the power over employee compensation and benefits is essential to the functioning of home rule municipalities. *Crawford*, 304 Ill. App. 3d at 827. “The competition in the job market involving employees from laborers to professionals must be dealt with by an employing municipal entity on a practical and realistic level if it is to possess the ability to hire and retain qualified individuals to serve the community.” *Id.* Moreover, the PLAWA provides no funding for implementation, and it is the municipalities that must budget for and pay the cost of

paid leave and deal with the consequences of staff shortages due to leave. The first two factors of the *Kalodimos* analysis weigh heavily in favor of home rule municipalities.

The last part of the *Kalodimos* analysis, the role traditionally played by local and statewide authorities in dealing with the issue, also favors home rule municipalities. The PLAWA is the state's first foray into broadly mandated paid leave, but local municipalities have been dealing with the issue of paid leave since well before the implementation of the Illinois Constitution. Moreover, the language of the PLAWA itself, in section 15(p) and in having collective bargaining carve-outs, is indicative of and an acknowledgement that municipalities (home rule and non-home rule alike) have a significant role. The legal opinion obtained by IML from Clark Baird Smith, LLP characterized section 15(p) as a legislative concession that paid time off pertains to local affairs. This is a fair characterization and an argument that should be advanced in the event of future legal proceedings on the home rule opt out issue.

No analysis on the question of whether a matter is of statewide or local concern can conclude without a discussion of *People ex rel. Bernardi v. City of Highland Park*, 121 Ill. 2d 1 (1988). The legal opinion obtained by IML from Del Galdo Law Group, LLC discussed the *Bernardi* case. In *Bernardi* the home rule municipality decided to use its home rule authority to opt out of the Prevailing Wage Act when it contracted for a public works project involving a water intake line from Lake Michigan. The Supreme Court held that the municipality could not opt out and that compliance with the Prevailing Wage Act "is a matter pertaining to statewide, and decidedly not local, government or affairs." *Id.* 16. This conclusion was preceded by troubling dicta that "[a]dopting the [municipality's definition of home rule authority...would put at risk all of the State's labor laws and invite increasingly localized definition of workers' rights" and that "to avoid a chaotic and ultimately ineffective labor policy...the State has a far more vital interest in regulating labor conditions than do local communities." *Id.* at 15-16.

The holding and language of *Bernardi* would seem to create a strong argument for the position that paid leave, and hence the PLAWA, is a statewide, not local, concern. However, the holding of *Bernardi* was limited and boxed in by the Supreme Court's analysis eleven years later in *Crawford*. The *Crawford* court stated as follows concerning the *Bernardi* opinion:

The supreme court [in *Bernardi*] noted that the Prevailing Wage Act embodied a policy precluding such wages from being set locally because the reduced wages for public works projects in Highland Park also would reduce the prevailing wage on all public works projects in Lake County, since the prevailing wage was determined solely by reference to wages paid on all public works projects in a region. (citation omitted). Highland Park's attempt to opt out of the Prevailing Wage Act affected an issue of state-wide concern because it had an impact beyond its own borders.

Crawford, 304 Ill. App. 3d 828.

In other words, a municipality ignoring the Prevailing Wage Act would impact wages in the entire region thus having an impact not merely local in nature. The *Crawford* court suggests that the

Bernardi decision should be read no more broadly and even goes on to state that *Bernardi* does not hold that the state has a concern with the uniform application of all employee benefit laws. *Id.*

We also note that if the State tried to take a page from *Bernardi* and argue that it has an interest in uniform application of paid leave under the PLAWA, it would be difficult to make a strong argument in the face of all the exceptions in the PLAWA. Depending on the nature of the worker, there are numerous exceptions for workers who do not fall under the PLAWA, including: (1) employees under the federal Railroad Unemployment Insurance Act, (2) certain students who are employed at colleges or universities, (3) certain short-term employees of an institution of higher education, (4) school district employees, (4) park district employees, (5) employees under a collective bargaining agreement, (6) employees in the construction industry covered by a collective bargaining agreement, (7) employees covered by a collective bargaining agreement that provides services nationally or internationally of parcel delivery and transportation, (8) state agency employees covered by a collective bargaining agreement that could possibly waive the requirements of the PLAWA, and (9) employers covered by a municipal or county ordinance in effect as of January 1, 2024 that requires employers to give any form of paid leave to their employees.

The *Kalodimos* analysis strongly favors home rule municipalities, and for all the reasons above, arguments that local opt out ordinances do not pertain to a home rule municipality's government and affairs are likely to fail. The possible counter arguments should not discourage a home rule municipality from opting out of the PLAWA if it otherwise desires to do so.

RECOMMENDATION FOR MUNICIPAL ACTION

For the reasons stated above, home rule municipalities can opt out of the PLAWA. However, we recommend a belt and suspenders approach that both uses home rule authority to opt out and also works within the framework of section 15(p) of the PLAWA.

Section 15(p) provides:

(p) The provisions of this Act shall not apply to any employer that is covered by a municipal or county ordinance that is in effect on the effective date of this Act that requires employers to give *any form of paid leave* to their employees, including paid sick leave or paid leave. Notwithstanding the provisions of this subsection, any employer that is not required to provide paid leave to its employees, including paid sick leave or paid leave, under a municipal or county ordinance that is in effect on the effective date of this Act shall be subject to the provisions of this Act if the employer would be required to provide paid leave under this Act to its employees.

Any local ordinance that provides paid leave, including paid sick leave or paid leave, *enacted or amended after the effective date of this Act* must comply with the

requirements of this Act or provide benefits, rights, and remedies that are greater than or equal to the benefits, rights, and remedies afforded under this Act.

An employer in a municipality or county that enacts or amends a local ordinance that provides paid leave, including paid sick leave or paid leave, *after the effective date of this Act* shall only comply with the local ordinance or ordinances so long as the benefits, rights, and remedies are greater than or equal to the benefits, rights, and remedies afforded under this Act.

820 ILCS 192/15(p) (emphasis added).

Given the severe consequences of not acting before the PLAWA effective date of January 1, 2024, municipalities, home rule and non-home rule alike, should enact an ordinance providing that paid leave shall only be provided in accordance with current ordinances, personnel policies or other local policies, and in accordance with collective bargaining agreements, if any. This is consistent with the approaches suggested in all the opinions obtained by IML.

In the legal opinion from Burke, Burns and Pinelli, Ltd., it was recommended that language be added to any ordinance providing that “in no event shall the municipality, as an employer, provide less than (1) day of paid leave.” We agree with this approach as a means to ensure compliance with the letter of the PLAWA.

Proposed ordinances for both home rule and non-home rule municipalities are enclosed. In preparing the enclosed model ordinances, we reviewed ordinances from the Village of Schaumburg, the Village of Palatine, and the City of Waukegan. Please let us know if you have any questions or would like to discuss this matter further.

PAID LEAVE FOR ALL WORKERS ACT

Effective January 1, 2024



The Paid Leave for All Workers Act, Public Act (P.A.) 102-1143, will require employers, including municipalities, to provide 40 hours of paid leave to employees on an annual basis.

ESTABLISHING A MINIMUM PAID LEAVE STANDARD

Beginning January 1, 2024, employers must provide employees one hour of paid leave per 40 hours worked and allow them to carry over up to 40 hours of paid leave annually. Employers may set a minimum increment of no more than two hours per day for the use of paid leave. Paid leave accrued may be taken for any reason without documentation, but employers may set leave policies that require employees to provide notice of seven days for foreseeable leave and as soon as possible for unforeseeable leave.

MUNICIPAL PAID LEAVE ORDINANCES

The Act does not require municipalities to pass paid leave ordinances. The Act does not apply to employers, including municipalities, covered by a current ordinance that requires them to provide any form of paid leave to their employees.

NON-HOME RULE MUNICIPALITIES

Non-home rule municipalities currently have authority to adopt leave ordinances for their own municipal employees, but such ordinances do not apply to other employers within the community. Those other employers will be required to provide 40 hours of paid leave annually, as outlined in the Act. If a non-home rule municipality adopts a leave ordinance for their own employees after the Act's effective date, the ordinance must comply with the minimum paid leave standard outlined in the Act.

HOME RULE MUNICIPALITIES

Home rule municipalities currently have authority to adopt paid leave ordinances that apply to all employers within their community and may continue to adopt alternative ordinances after this Act's effective date. However, employers will be required to comply with both local and state standards if those ordinances do not meet the state's minimum required benefits. Nothing in this Act preempts a home rule municipality from adopting ordinances providing broader or more expansive paid leave requirements for employers within that specific community.



EMPLOYER RESPONSIBILITIES UNDER PAID LEAVE FOR ALL WORKERS ACT

Employers will be required to maintain records documenting hours worked, paid leave accrued and taken and the paid leave balance for each employee for at least three years. Employers will also have notification responsibilities including posting a physical notice summarizing the Act, information on filing a complaint and supplying employees with notice of their amount of accrued time. Additionally, employers will be barred from retaliating against employees for using paid leave.

Employers will be subject to penalties for violations of the Act including fines of up to \$1,000 per violation of the Act's posting and notice requirements, up to \$2,500 for all other violations and possible civil penalties and damages to the employee.

EXCEPTIONS TO PAID LEAVE POLICY

The Act does not preempt or alter leave benefits subject to current collective bargaining agreements. The Act does not apply to federal employees, or school district and park district employees. Other excluded workers include: independent contractors, railroad employees subject to railroad unemployment insurance or the Railway Labor Act, part-time student employees who are employed by a college or university and short-term employees at institutions of higher education.

ADDITIONAL RESOURCES

The Illinois Department of Labor (IDOL) will monitor employer compliance and enforce the Act ([more information available via this link](#)). IDOL has compiled a list of Frequently Asked Questions about the Act ([available via this link](#)) and those particularly applicable to municipal employers are listed below. Specific questions or comments related to the Act can be submitted by email to IDOL at DOL.PaidLeave@illinois.gov.

FREQUENTLY ASKED QUESTIONS COMPILED BY IDOL

DOES THE ACT APPLY TO PART-TIME EMPLOYEES OR JUST FULL-TIME EMPLOYEES?

The Act doesn't distinguish between part-time, full-time or seasonal employees. Both full-time and part-time employees are covered by this Act. However, employees who work fewer hours may accrue less leave time compared to full-time employees.

MY COMPANY (OR MUNICIPALITY) ALREADY OFFERS EMPLOYEES 40+ HOURS OF PAID LEAVE. DOES MY POLICY NEED TO COMPLY WITH THE OTHER REQUIREMENTS OF THE ACT?

If your company has an existing policy that meets or provides the minimum amount of leave required by the Act (40 hours) in a 12-month period and your employees can in fact take that amount of leave for any reason of their choosing, you do not need to modify the terms of your policy.

IDOL expects to further clarify how existing policies meet expectations of the law in rulemaking.

MUST PAID LEAVE PROVIDED UNDER THE ACT BE PAID OUT UPON AN EMPLOYEE'S TERMINATION, RESIGNATION OR RETIREMENT?

The Paid Leave for All Workers Act (PLAWA) does not require payout of unused leave unless the leave is credited to the employee's paid time off bank or employee vacation account; however, employers should additionally consider their vacation payout obligations under the Illinois Wage Payment and Collection Act.



COOK COUNTY HAS A PAID LEAVE ORDINANCE, BUT MUNICIPALITIES ARE ALLOWED TO OPT OUT OF THAT COUNTY ORDINANCE. ARE EMPLOYERS LOCATED IN MUNICIPALITIES WHICH OPTED OUT REQUIRED TO COMPLY WITH THE ACT?

Yes, if on the effective date of the Act (1/1/24) a municipality does not have an ordinance in place that requires payment of paid sick or paid leave, then employers in that municipality shall be covered by this Act.

MAY MUNICIPALITIES OPT OUT OF PLAWA USING THEIR HOME RULE POWERS?

No. Under the Act, the only circumstance in which a municipality may avoid PLAWA coverage is if they have a local ordinance in effect that provides paid sick or paid leave or, after the effective date, if their local ordinance provides benefits, rights and remedies that are greater than or equal to those provided under the Act.

THIS COULD NEGATIVELY IMPACT LOCAL GOVERNMENTS WITH POLICE AND FIRE PERSONNEL, WHAT ARE THEY SUPPOSED TO DO?

The Act does not prohibit an employer from adopting an evenly applied paid leave policy to allow it to address operational issues and meet safety objectives. Employers of unionized employees can also address these concerns through collective bargaining.

CAN I DENY AN EMPLOYEE USE OF PAID LEAVE UNDER THIS LAW? PUT DIFFERENTLY, IS AN EMPLOYEE ALLOWED TO TAKE LEAVE UNDER THIS ACT IN ANY CIRCUMSTANCE?

Nothing in the Act prohibits an employer from adopting a policy that establishes some parameters for taking leave and limited reasons the employer may deny leave for operational necessity. Any such policy must be communicated to employees, applied equally to all employees and conform with other applicable state and federal laws.

IDOL will seek to provide further clarity regarding this issue in rulemaking.

AT WHAT INCREMENT CAN EMPLOYEES TAKE THIS LEAVE UNDER THE LAW?

An employee may take PLAWA leave at a minimum of two-hour increments, although an employer could choose to allow an employee to take leave in smaller increments. An employer whose existing policy meets the minimum requirement of 40 hours of paid time off for any reason of the Act would not have to modify that existing policy in regards to leave increments.

CAN AN EMPLOYER FRONT LOAD PAID LEAVE TIME AT THE BEGINNING OF THE YEAR?

Yes, an employer may front load paid leave time by giving a full year's worth of leave that meets the minimum requirements of the Act to an employee at the beginning of the year.

An employer may make available the minimum number of hours of paid leave, subject to pro rata requirements, a proportional share of accrued hours, under the law, at the beginning of the year for its employees.

IF OUR BUSINESS WANTS TO FRONT LOAD PLAWA BENEFITS FOR PART-TIME STAFF, DOES THE BUSINESS HAVE TO FRONT LOAD 40 HOURS OR CAN I FRONT LOAD AN AMOUNT PROPORTIONATE TO THEIR WORK SCHEDULE?

Employers may front load PLAWA benefits for part-time employees at a pro rata amount consistent with the employee's work schedule. However, if the employee in fact works more



hours than the employer anticipates, the employee is entitled to accrue more hours at a rate of 1 hour of paid leave for every 40 hours worked, up to 40 hours for the 12-month period. If a part-time employee works fewer hours than anticipated by their employer, the employer may not diminish or recoup used or unused front-loaded paid leave benefits.

CAN AN EMPLOYER REQUIRE EMPLOYEES TO ACCRUE PAID LEAVE TIME OVER THE COURSE OF THE YEAR?

Yes, instead of front loading leave benefits, an employer may allow employees to accrue or earn paid leave time at a rate of one hour of paid leave for every 40 hours worked. Notably, a part-time employee might not accrue the full 40 hours of leave provided for in the law by the end of the year, based on the number hours the employee works.

Example: Employee A works 15 hours per week, 52 weeks per year. They will accrue 19.5 hours of paid leave annually. (15 times 52 = 780 hours worked per year. 780 divided by 40 = 19.5 hours of paid leave.)

WHEN DOES ACCRUAL BEGIN UNDER THE ACT? WHEN CAN EMPLOYEES START TAKING PAID TIME OFF?

The Act takes effect January 1, 2024. Accrual begins upon the start of employment or January 1, 2024, whichever is later. Employees are entitled to begin using the accrued paid leave after 90 days. If an employee begins accruing paid leave on January 1, 2024, the first day they could take that paid time off would be March 31, 2024.

Example: The Paid Leave for All Workers Act takes effect January 1, 2024. Six months later, Employee B starts a new job on July 1, 2024, and works 40 hours per week. They start accruing paid leave on their first day (July 1) but must wait 90 days (until September 29, 2024) before taking any of their accrued paid leave.

Example: Employee C has worked for their employer since 2019 but did not previously get paid time off. Employee C will begin accruing paid time off beginning January 1, 2024 (the effective date of the Act.)

HOW DOES ACCRUAL APPLY TO EMPLOYEES WHO WORK MORE THAN 40 HOURS IN A WEEK BUT ARE EXEMPT FROM THE OVERTIME REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT?

Employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40 hours in each workweek for purposes of paid leave time accrual if they regularly work 40 or more hours in a workweek. If such employee's regular workweek is less than 40 hours, their paid leave time accrues based on the number of hours in their regular workweek.

IF AN EMPLOYER ALLOWS EMPLOYEES TO BORROW AGAINST FUTURE ACCRUAL, THEREBY MAKING THE EMPLOYEE'S PAID LEAVE BALANCE GO NEGATIVE, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE IF THE EMPLOYEE TERMINATES BEFORE THEY HAVE EARNED THAT LEAVE?

An employer may only make an employee repay borrowed accrued leave if that policy is disclosed in the employer's written paid leave policy and the employee agrees to that policy in writing prior to taking any leave. All payroll deductions must comply with the requirements of the Illinois Wage Payment and Collection Act.



IF AN EMPLOYER FRONTLOADS AN EMPLOYEE'S PAID LEAVE AT THE BEGINNING OF THE 12-MONTH PERIOD, AND THE EMPLOYEE USES ALL OF THEIR LEAVE AND THEN QUILTS BEFORE THE END OF THE 12-MONTH PERIOD, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE?

No, the law does not allow an employer to make an employee repay paid leave time that was frontloaded at the beginning of the 12-month period. Benefits that have already been provided may not be retroactively diminished.

HOW CAN AN EMPLOYER TRACK THE TIME REQUIRED UNDER THIS ACT VERSUS OTHER BENEFIT TIME GIVEN TO THE EMPLOYEE?

The Act requires employer tracking of paid time off for any reason. If the employer chooses to offer paid sick time or other forms of paid time off in addition to paid leave, they should track that too as a best practice, but it is not covered by this Act.

IS THERE A DIFFERENCE BETWEEN "VACATION" AND "PTO" (PAID TIME OFF)?

Generally speaking, PTO is leave that can be taken for any reason or no reason at all and may not have to be paid out to an employee upon separation. Leave specified as "vacation" leave is subject to pay out pursuant to Section 4 of the Wage Payment and Collection Act.

HOW WILL PLAWA INTERACT WITH FMLA?

The Family and Medical Leave Act (FMLA) is unpaid job protected leave that can only be used by covered employees in covered circumstances. Employees going on FMLA may use PLAWA time concurrently during their FMLA leave. [All FMLA questions should be directed to the [United States Department of Labor](#)]

HOW DOES CARRY OVER, ALSO KNOWN AS "ROLL OVER," WORK UNDER THIS LAW?

Employees are allowed to carry over or roll over unused, accrued leave from one year to the next under this law. However, there is no obligation for the employer to offer more than 40 hours of paid leave off in a year. An employer may offer more than the 40 hours off if they choose.

HOW DOES THIS LAW INTERACT WITH OTHER UNPAID LEAVE PROTECTIONS?

An employee covered under the Act is entitled to use paid leave under the Act before using unpaid leave under any employer policy or other state law.

WHEN WILL IDOL HAVE RULES IN PLACE FOR THIS ACT?

The Department anticipates filing a draft of the rules before the effective date of this Act. Under the rulemaking process there will then be a public comment period on those rules and a time period for the Department to make any changes. Finalized rules should be in place before March 31, 2024.

WHEN WILL THE NOTICE THAT IS REQUIRED IN THE ACT BE AVAILABLE FROM THE DEPARTMENT?

The required notice will be on our website by the end of 2023.

