

# Mascoutah City Council

March 1, 2021

## REGULAR MEETING AGENDA

Virtual Public Participation – see below for instructions on attending

### 7:00 pm – City Council Meeting

#### 1. PRAYER & PLEDGE OF ALLEGIANCE

#### 2. CALL TO ORDER

#### 3. ROLL CALL

#### 4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

- |  |                                    |
|--|------------------------------------|
| 5. MINUTES, February 16, 2021 City Council Meeting   | (Page <u>1</u> to Page <u>10</u> ) |
| MINUTES, April 20, 2020 Executive Session Meeting    | (Confidential, see City Clerk)     |
| MINUTES, April 27, 2020 Executive Session Meeting    | (Confidential, see City Clerk)     |
| MINUTES, September 8, 2020 Executive Session Meeting | (Confidential, see City Clerk)     |
| MINUTES, October 5, 2020 Executive Session Meeting   | (Confidential, see City Clerk)     |
| MINUTES, October 19, 2020 Executive Session Meeting  | (Confidential, see City Clerk)     |
| MINUTES, November 2, 2020 Executive Session Meeting  | (Confidential, see City Clerk)     |
| MINUTES, November 16, 2020 Executive Session Meeting | (Confidential, see City Clerk)     |
| MINUTES, December 7, 2020 Executive Session Meeting  | (Confidential, see City Clerk)     |
| MINUTES, February 1, 2021 Executive Session Meeting  | (Confidential, see City Clerk)     |
| MINUTES, February 16, 2021 Executive Session Meeting | (Confidential, see City Clerk)     |

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

#### 7. REPORTS AND COMMUNICATIONS

- A. Mayor
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

#### 8. COUNCIL BUSINESS

##### A. Council Items for Action –

##### 1. PC 21-02 – Chapter 34 Code Changes – Fences (first reading)

(Page 7 to Page 13)

Description: Council consideration of approval of text amendments to Chapter 34 – Unified Land Development Code by adoption of ordinance.

Recommendation: First Reading.

**B. Council Miscellaneous Items**

**C. City Manager**

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

**10. ADJOURNMENT TO EXECUTIVE SESSION**

**A. Purchase/Lease of Property – Section 2(c)(5)**

**B. Litigation – Section 2(c)(11)**

**C. Personnel – Section 2(c)(1)**

**11. MISCELLANEOUS OR FINAL ACTIONS**

**A. Resolution Approving Redevelopment Agreement relating to Mascoutah TIF #3**

(Page 14 to Page 17)

Description: Council approval of Resolution approving the Intergovernmental Agreement between the City of Mascoutah, Illinois and St. Clair County relating to the Mascoutah Tax Increment Financing Redevelopment Plan and Project #3 (Mascoutah TIF #3).

Recommendation: Council Approval and Adoption of Resolution.

**B. Engineering Services – Mascoutah 138KV Line 2** (Page 18 to Page 23)

Description: Council approval of an Engineering Services Agreement with BHMG Engineers, Inc. for engineering and land acquisition services for the 138KV Transmission Line 2 Project.

Recommendation: Council Approval.

**12. ADJOURNMENT**

***POSTED 2/26/21 at 5:00 PM***

Virtual Public Participation

Gov. Pritzker's March 16<sup>th</sup> Executive Order waived the attendance requirements for public meetings to allow for virtual attendance. As a result, this meeting will be held virtually through Zoom Meeting. In-person attendance will not be allowed, but public attendance and comment will be available through the virtual meeting.

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

<https://us02web.zoom.us/j/84539049582>

**You can also dial in using your phone.**

United States: +1 (312) 626-6799

**Access Code:** 845-3904-9582

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

**FEBRUARY 16, 2021**

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

**GREAT STREETS PRESENTATION**

Mayor Gerald Daugherty called the discussion to order at 6:30 p.m.

*Present:*

Mayor Gerald Daugherty and Council members John Weyant, Pat McMahan, Michael Baker, and Walter Battas.

*Absent:*

None.

*Other Staff Present:*

City Manager Brad Myers, City Clerk Melissa Schanz, Assistant City Manager Kari Speir, Public Works Director Jesse Carlton and City Engineer Tom Quirk.

*Discussion:*

Paul Hubbman with East-West Gateway gave presentation on the Great Streets Project for the City of Mascoutah.

Mayor Gerald Daugherty closed the discussion at 6:58 p.m.

**PRAYER AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Mayor Gerald Daugherty called the meeting to order at 7:02 p.m.

**ROLL CALL**

Mayor Gerald Daugherty and Council members John Weyant, Pat McMahan, Michael Baker, and Walter Battas.

*Absent:* None.

*Other Staff Present:* City Manager Brad Myers, Assistant City Manager Kari Speir, City Clerk Melissa Schanz, Finance Coordinator Lynn Weidenbenner, Fire Chief Joe Zinck, City



Engineer Tom Quirk, Public Works Director Jesse Carlton, EMS Supervisor Jeremy Gottschammer and Police Chief Scott Waldrup.

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

#### **AMEND AGENDA**

None.

#### **MINUTES**

The minutes of the February 1, 2021 regular City Council meeting were presented and approved as presented.

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

#### **PUBLIC COMMENTS**

Donna Cameron, Wayne Armstrong, Justin Royer, Michael Palmer, Arlene Burns and Amanda Johnston of Mascoutah voiced their opinion of being in favor of keeping Waste Management as our Residential Waste Collection Company. Multiple residents also voiced their opinion of being in favor of keeping Waste Management by using the chat feature in Zoom.

Carrie Ward with Republic Services stated that she was available if anyone had questions concerning their bid.

#### **DEPARTMENT REPORTS**

*Fire Chief Joe Zinck* – January 2021 monthly report was provided.

*Police Chief Scott Waldrup* – January 2021 monthly report and the Public Safety 2020 Annual Report was provided.

*Finance Coordinator Lynn Weidenbenner* – December 2020 and January 2021 monthly financials were provided.

*Public Works Director Jesse Carlton* – January 2021 building and status report was provided.

*City Engineer Tom Quirk* – January 2021 status report on public projects was provided.

#### **REPORTS AND COMMUNICATIONS**

*Mayor*

Attended the following meetings and functions: Chamber meeting, EDC meeting, Illinois Municipal League meeting, Military Affairs meeting and a meeting with St. Clair County and the School District.

*City Council*

Weyant – Nothing to report.

McMahan – Nothing to report other than the Noon Lions Fish Fry for Feb. 19 has been canceled.



Baker –Nothing to report.

Battas – Nothing to report.

*City Manager*

Attended the following meetings and functions: Multiple Budget Meetings with staff and 23 zoom meetings.

*City Attorney* – Absent.

*City Clerk* – Nothing to Report.

## **COUNCIL BUSINESS**

### **PC 21-01 – PLANNED DEVELOPMENT PROCEDURE – MIDAMERICA ST. LOUIS AIRPORT PDP PLAN (SECOND READING)**

Assistant City Manager presented report for Council consideration of approval of an ordinance for the establishment of a Planned Development Procedure (PDP) entitled MidAmerica St. Louis Airport PDP Plan. The total acreage of the PDP development area is +/- 217 acres generally located west of Route 4 and north of the Norfolk Southern Railroad.

There was no further discussion.

McMahan moved, seconded by Baker, that the City Council approve the establishment of a Planned Development Procedure (PDP) entitled MidAmerica St. Louis Airport PDP Plan, subject to the Findings for Approval, by adoption of Ordinance No. 21-01.

***Motion passed.*** AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none

### **PC 21-02, CHAPTER 34 CODE CHANGES – FENCES, HANDICAPPED PARKING, AND STORMWATER MANAGEMENT (SECOND READING)**

Assistant City Manager presented report for Council consideration of approval of text amendments to Chapter 34 – Unified Land Development Code by adoption of ordinance. Following are the text amendments to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances:

Section 34-3-6 – Fences, walls and hedges

(clarify definition of properties having two frontages)

Section 34-9-41 & 34-9-42 – Handicapped parking spaces

(update to follow current ADA Standards for Accessible Design and the current Illinois Accessibility Code)

Section 34-12-24 – Drainage and storm sewers

(update to include recommendation from the Illinois Department of Natural Resources for added protection for flooding and storm events)

There was no further discussion.

Weyant moved, seconded by Baker, that the Council approve the text amendments to Chapter 34 – Unified Land Development Code of the Mascoutah City Code of Ordinances by adoption of Ordinance No. 21-02.

***Motion passed.*** AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.

#### **CORRINGTON STREET WATER MAIN PROJECT – BID AWARD**

City Manager presented report for Council approval of bids and authorization to award a contract to furnish all labor, materials and equipment for construction of the Corrington Street Water Main Project.

There was no further discussion.

McMahan moved, seconded by Weyant, that the Council approve the low bid of \$44,970.00 and award a contract to Haier Plumbing and Heating, Inc. of Okawville, IL to furnish all labor, materials and equipment for construction of the Corrington Street Water Main Project and authorize appropriate officials to execute the necessary documents.

***Motion passed.*** AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.

#### **SANITARY SEWER REHABILITATION PROJECT PHASE I – BID AWARD**

City Manager presented report for Council approval of bids and authorization to award a contract to furnish all labor, materials and equipment for construction of the Sanitary Sewer Rehabilitation Project Phase I.

Councilman Battas thought it was interesting that Haier Plumbing and Heating did not bid originally, but then came in on the re-bid.

Councilman McMahan asked staff if they knew what made the other company's so much higher on the first bid. Staff stated that there was not a clear answer, but needed to re-bid since the bids were so much higher than estimated construction costs.

Councilman Baker asked how sure staff is with this new bid amount. City Engineer along with staff feel the low bid from Haier Plumbing and Heating is complete and accurate and RJN Engineering Group has recommended we accept the lowest bid.

There was no further discussion.

Baker moved, seconded by Weyant, that the Council approve the low bid of \$546,550.00 and award a contract to Haier Plumbing and Heating, Inc. of Okawville, IL to furnish all labor, materials and equipment for construction of the Sanitary Sewer Rehabilitation Project Phase I and authorize appropriate officials to execute the necessary documents.

***Motion passed.*** AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.

## **RESIDENTIAL WASTE CONTRACT APPROVAL**

City Manager presented report for Council approval and authorization of Residential Waste Collection contract. City Manager stated that Mayor and some Council Members requested the bid award be revisited for further discussion.

Councilman Baker stated that he feels it is ethically wrong to change the bid award.

Councilman McMahan along with Councilman Weyant thanked those residents who reached out in support of Waste Management; explaining how they agree that Waste Management has been a good company and asked the Mayor and Council to rescind the February 1, 2021 Residential Waste decision.

Councilman Battas stated that we made a decision and it will not look good to future bidders if the city changes their decision now.

Councilman Baker and Councilman Battas asked if we received legal advice on this. City Manager stated that City Attorney was contacted and he advised that it was legal since a contract has not been signed yet.

There was no further discussion.

McMahan moved, seconded by Weyant, that the Council rescind their motion from the February 1, 2021 meeting approving a Residential Waste Contract with Republic Services and move to approve a Residential Waste Contract with Waste Management for once per week trash and every other week recycling and authorize appropriate officials to execute required documents.

***Motion passed.*** AYE's – Weyant, McMahan, Daugherty. NAY's – Baker, Battas.

## **COUNCIL – MISCELLANEOUS ITEMS**

Mayor and City Council reviewed and finalized the Budget Guidance FY 2021-2022.

## **CITY MANAGER – MISCELLANEOUS ITEMS**

None.

## **PUBLIC COMMENTS**

Kent Harrel with Waste Management thanked the Mayor and Council.

Wayne Armstrong thanked the residents for showing interest in the meeting and suggested more people in our community get active in local issues.

## **ADJOURNMENT TO EXECUTIVE SESSION**

Weyant moved, seconded by Battas, to adjourn to Executive Session to discuss Purchase/Lease of Property – Section 2(c)(5), Litigation – Section 2(c)(11) and Personnel – Section 2(c)(1).

***Motion passed.*** AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.



## MISCELLANEOUS OR FINAL ACTIONS

None.

## ADJOURNMENT

Battas moved, seconded by Baker, to adjourn at 9:06 p.m.

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

  
Melissa Schanz, City Clerk

**CITY OF MASCOUTAH  
Staff Report**

**TO:** Honorable Mayor & Council

**FROM:** Brad Myers, City Manager

**SUBJECT:** PC 21-02, Chapter 34 Code Changes – Fences (first reading)

**MEETING DATE:** March 1, 2021

**REQUESTED ACTION:**

Council consideration of approval of text amendments to Chapter 34 – Unified Land Development Code by adoption of ordinance. Following are the text amendments to Chapter 34 – Unified Land Development Code of the Mascoutah City Code of Ordinances:

Section 34-3-6 – Fences, walls and hedges  
(clarify definition of properties having two frontages)

**TEXT AMENDMENT – SECTION 34-3-6 – FENCES, WALLS AND HEDGES:**

**Background Information:**

This text amendment will clarify definition of fence location and height for properties having two frontages.

**Proposed Text Amendment:**

Section 34-3-6 – Fences, walls and hedges.

- (a) *Easements and rights-of-ways.* Fences, walls and hedges shall not be constructed on or over any dedicated public drainage or public rights-of-way. Construction may be allowed in utility easements, however, owners are responsible to replace or remove, at their cost, fences, walls and hedges that might be removed or damaged during utility repairs/improvements by the city or other approved entities. The city will attempt to notify owners in advance about required removals but reserves the right to remove a fence, wall or hedge in an easement without advance notice, as emergency or other scheduling considerations warrant. Notice of this provision will be displayed on the city's fence permit application. Trees are prohibited in all easements and all public rights-of-way.
- (b) *Front yard.* Fences not exceeding 48 inches in height may be erected in the front yard of any lot.
- (c) *Side yard.* Fences not exceeding six feet in height may be erected in the side yard of any lot provided they do not extend beyond the front setback line. **In the case of a corner lot that results in double frontage whose side yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge**

**of side property line (further restrictions may be imposed by Homeowners' Association).**

(d) *Rear yard.* Fences not exceeding six feet in height may be erected in the rear yard of any lot. **In the case of a double frontage lot whose rear yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge of rear property line (further restrictions may be imposed by Homeowners' Association).**

(e) *Prohibited materials.* No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district.

(f) *Placement of fences.*

(1) Fences may be erected along lot lines.

(2) All structural or supporting members of any fence must be constructed to be within or toward the area to be enclosed. This provision will not preclude home owners to share a fence on the property line.

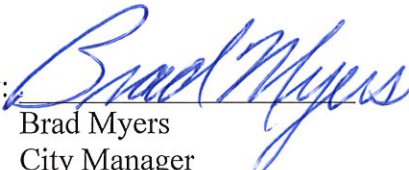
(3) **Corner visibility. In the case of a corner lot, fences taller than 30 inches may not be erected within the 30 foot triangle in order to maintain safe sight distance for vehicles approaching the intersection (see Sec. 34-3-8).**

**Public Notice:** Text amendments to the Unified Land Development Code require a public hearing before the Planning Commission. The legal notice was published. As of the date of this report, staff has received no questions or objections.

**Planning Commission:** The Planning Commission held a public hearing on February 24, 2021. The commission recommended approval of the text amendments as presented.

**SUGGESTED MOTION:**

I move that the City Council approve the text amendments to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances by adoption of Ordinance No. 21-\_\_\_\_.

Approved By:   
Brad Myers  
City Manager

Prepared By:   
Kari Speir  
Assistant City Manager

Attachments: A – Planning Commission February 24, 2021 Meeting Minutes



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

FEBRUARY 24, 2021

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

**PUBLIC HEARING – 7:00 PM**

**PC 21-01- Chapter 34 Code Changes- Fences**

**TEXT AMENDMENT – SECTION 34-3-6 – FENCES, WALLS AND HEDGES:**

Assistant City Manager presented report. This text amendment will clarify definition of fence location and height for properties having two frontages. This was discussed last month, however only rear yards were addressed at that time.

**Proposed Text Amendment:**

Section 34-3-6 – Fences, walls and hedges.

- (a) *Easements and rights-of-ways.* Fences, walls and hedges shall not be constructed on or over any dedicated public drainage or public rights-of-way. Construction may be allowed in utility easements, however, owners are responsible to replace or remove, at their cost, fences, walls and hedges that might be removed or damaged during utility repairs/improvements by the city or other approved entities. The city will attempt to notify owners in advance about required removals but reserves the right to remove a fence, wall or hedge in an easement without advance notice, as emergency or other scheduling considerations warrant. Notice of this provision will be displayed on the city's fence permit application. Trees are prohibited in all easements and all public rights-of-way.
- (b) *Front yard.* Fences not exceeding 48 inches in height may be erected in the front yard of any lot.
- (c) *Side yard.* Fences not exceeding six feet in height may be erected in the side yard of any lot provided they do not extend beyond the front setback line. **In the case of a corner lot that results in double frontage whose side yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge of side property line (further restrictions may be imposed by Homeowners' Association).**
- (d) *Rear yard.* Fences not exceeding six feet in height may be erected in the rear yard of any lot. **In the case of a double frontage lot whose rear yard abuts a local street, a fence not exceeding six feet in height may be erected no closer than five (5) feet from the edge of rear property line (further restrictions may be imposed by Homeowners' Association).**

Attachment A

(e) *Prohibited materials.* No barbed wire, electrical elements, or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district.

(f) *Placement of fences.*

(1) Fences may be erected along lot lines.

(2) All structural or supporting members of any fence must be constructed to be within or toward the area to be enclosed. This provision will not preclude home owners to share a fence on the property line.

(3) **Corner visibility. In the case of a corner lot, fences taller than 30 inches may not be erected within the 30-foot triangle in order to maintain safe sight distance for vehicles approaching the intersection (see Sec. 34-3-8).**

Text amendments to the Unified Land Development Code require a public hearing before the Planning Commission. The legal notice was published. As of the date of this report, staff has received no questions or objections.

Commission member Thompson asked for clarification about the permitted materials that fences might be constructed from.

#### **PUBLIC HEARING ADJOURNED at 7:06 PM**

#### **CALL TO ORDER at 7:07 PM**

Chairman Ken Zacharski called the meeting to order.

#### **PRESENT**

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

**ABSENT** – Glenn Shelley.

#### **ALSO PRESENT**

City Manager Brad Myers, Assistant City Manager Kari Speir, City Clerk Melissa Schanz, Zoning Board of Appeals Members Don Taylor and Kimberly Kilgore.

#### **ESTABLISHMENT OF A QUORUM**

A quorum of Planning Commission members was present.

#### **GENERAL PUBLIC COMMENT – NONE**

#### **AMEND AGENDA – NONE**

#### **MINUTES FROM JANUARY 20, 2021**

Klopmeier moved, seconded by Wobbe, to approve the minutes from the January 20, 2021 Planning Commission Meeting as amended.



### **THE MOTION BY ROLL CALL**

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

6-ayes, 0-nays

### **PC 21-02- Chapter 34 Code Changes- Fences**

Discussion was held during the Public Hearing process. Please see Public Hearing section of these minutes for details. Wobbe asked if an existing fence that falls outside of this change would be grandfathered in as to not force the resident to remove it. Assistant City Manager confirmed that all existing fences would not be forced to be removed.

### **MOTION:**

Thompson moved, seconded by Conner, that the Planning Commission recommend approval to the City Council of the following text amendments to Chapter 34- Unified Land Development code of the Mascoutah City Code of Ordinances:

Section 34-3-6- Fences, walls and hedges (clarify definition of properties having two frontages).

### **THE MOTION BY ROLL CALL**

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

6-ayes, 0-nays

### **MISCELLANEOUS – Allowance of metal materials (carports, buildings, etc.)**

Zoning Board of Appeals member Kimberly Kilgore stated the Zoning Board is seeking clarification regarding the issue of metal structures. She stated that several members are hesitant to make the determination of allowing metal structures. She feels that if the City is going to continue to allow them, then the City should not be charging the residents the additional variance fee for the request to the Zoning Board. She stated that a decision should be made deciding definitively that the metal structures will be allowed or not, and if they are not allowed, give the reasoning of why metal structures are not allowed. She feels that there is a disconnect between the Zoning Board of Appeals and the Planning Commission, and stated some correspondence between the two will be helpful.

Assistant City Manager stated that metal structures are typically not allowed in residential areas, with the exception of some in mobile home districts. Currently, accessory structures that face the street shall be constructed of similar or consistent building materials to the primary structure. There have been a few carports that have been constructed in the rear of homes, due to the fact they cannot be seen from the street. If an applicant would request permission to place a metal carport in the rear of their home, it would be allowed due to the fact it cannot be seen from the street. Recently, one has been allowed on the side of the home as it was even with the principal structure. The applicant was granted a variance from the Zoning Board.

Zacharski asked if the Zoning Board makes a recommendation to City Council regarding the approval of the metal structures, but Assistant City Manager stated that the Zoning Board has the final decision. He asked if Homeowners' Associations could overrule the City's decision, however Assistant City Manager stated if the Homeowners' Association is involved, the City would not be. Thompson confirmed that if the Association rules were more prohibitive than the City's rules, the Association's rules would prevail. Assistant City Manager stated that for



commercial buildings, metal is not allowed on commercial and institutional buildings, however it is allowed on industrial and major recreational buildings.

Zoning Board Chairman Taylor discussed the recent denial and subsequent removal of a metal carport due to the fact the structure was in the front of the home and was sitting in a setback line. He discussed a past request for a metal building with a brick front that was denied. He agreed that metal structures should not be placed in residential neighbors of all brick homes, however he feels that there are some places where a metal building would fit in. Wobbe asked if the discussion at the January meeting was specific to carports, which Assistant City Manager confirmed that the discussion was focused on metal carports in residential areas.

Connor stated that, at this time, if a resident would request a carport, they would have to seek a variance for it and that would allow their neighbors to be notified of the request, which they would be able to speak for/against it at the Zoning Board meeting. If the ordinance changes, all the resident that is wanting a carport will have to do is obtain a building permit, which will not allow the neighbors to be notified. Connor also asked if there would be height limits on the carports, which Assistant City Manager confirmed. He feels that the metal carports would have an effect on property values. He stated that the process needs to allow for neighbor input, and if no neighbors object, then the structure is allowed. Thompson agreed that if it is in the Code, the neighbors have no say.

Wobbe asked how many requests are being discussed. Speir stated that there been approximately a few in the last few months. Conner asked if this could be made a conditional use, therefore giving the neighbors notification. Speir stated that a conditional use would still require Planning Commission meeting, and a conditional use permit would require City Council approval. Thompson pointed out that with a conditional use permit would have to be redone every time that property changes ownership.

Kilgore stated that she feels that this discussion was necessary so that both groups could be essentially on the same page. She stated that it is not responsible of the City to charge \$200 for a request to go in front of the Zoning Board, only to be told no.

Commission member Jung discussed the need for neighbor input. If one neighbor would be the reason for a denial, what would occur when that neighbor moves away? Would the person wanting the carport have to come back again and resubmit the request? Thompson stated that he feels that a City body should have some decision-making authority to oversee both sides of the argument. Jung also stated that the argument that a metal carport in a neighborhood would lower property values is not a true statement, due to the current housing market and values in Mascoutah. Thompson said he felt the idea of lower property values was perception. Taylor stated that he felt that residents would not be inclined to place a metal carport in an all brick neighborhood, but feels there are many residents in the south end of town that would prefer one over building a garage for financial reasons.

Assistant City Manager summarized the discussion by stating the Planning Commission is not wanting to change the Code to provide a hard yes/no, however is not opposed to allowing metal carports as long as they still have to go through a process to allow neighbor notification. Many members are not opposed to the carports; however still feel that they need to be approved. Jung stated that a carport on the side and flush with the home or in the rear of the home would be acceptable. Taylor feels that by saying "no metal", it takes away the opportunity for a carport or

metal building, which some are nice and improvements within the City. Wobbe asked if they could change the Code to allow for metal buildings and still have the metal carports go through the Zoning Board. Assistant City Manager clarified that Wobbe was discussing commercial. Thompson said that he was under the impression that metal building had to have a partial brick front. Assistant City Manager stated that the City could require this during the site plan/architectural review process with the specifications. Zacharski stated that before any decisions could be made, more discussion must take place. He asked that if there was a way to have the information from each board sent to each other, therefore providing each commission more information to be better informed for decision making purposes. Many board/commission members felt this was a good idea moving forward.

#### **ADJOURNMENT**

Thompson moved, seconded by Jung, to adjourn at 7:49 p.m. All were in favor.

  
Julia Biggs, Executive Assistant



**CITY OF MASCOUTAH**  
**Staff Report**

**TO:** Honorable Mayor and City Council

**FROM:** Brad Myers, City Manager

**SUBJECT:** Resolution Approving Redevelopment Agreement relating to Mascoutah TIF #3

**DATE:** March 1, 2021

**REQUESTED ACTION:**

Approval of Resolution approving the Intergovernmental Agreement between the City of Mascoutah, Illinois and St. Clair County relating to the Mascoutah Tax Increment Financing Redevelopment Plan and Project #3 (Mascoutah TIF #3).

**BACKGROUND INFORMATION:**

The City has been working with our City Attorney, St. Clair County officials and attorneys, and TIF consultant Moran Economic Development, to draft and negotiate terms of the proposed Redevelopment Agreement with St. Clair County for a future development located within the City's TIF #3.

**RECOMMENDATION:**

Council approval and adoption of Resolution and Redevelopment Agreement.


**SUGGESTED MOTION:**

I move that the Council approve and adopt Resolution No. 20-21-\_\_\_\_, Resolution Approving the Redevelopment Agreement between the City of Mascoutah, Illinois and St. Clair County, Illinois relating to the Mascoutah Tax Increment Financing Redevelopment Plan and Project #3.

Prepared By:

  
Kari Speir  
Assistant City Manager

Approved By:

  
Brad Myers  
City Manager

Attachments: A – Resolution

B – Redevelopment Agreement (*to be provided at meeting*)



**RESOLUTION NO. 20-21-\_\_**

**RESOLUTION TO ST. CLAIR COUNTY FOR REDEVELOPMENT OF CERTAIN  
PROPERTY LOCATED IN THE CITY OF MASCOUTAH, ILLINOIS UTILIZING TAX  
INCREMENT FINANCING**

**WHEREAS**, the City of Mascoutah, Illinois, (the "City") desires to redevelop and improve existing property within the established Tax Increment Financing Redevelopment Project Area #3 ("TIF District") pursuant to the TIF District Act, 65 ILCS 5/11-74.1 et. seq. et. seq. Revised Illinois Statutes ("TIF Act"); and,

**WHEREAS**, the City will use its best efforts and act in accordance with the TIF Act to utilize Tax Increment Financing where available to accomplish the goals set forth by the Redevelopment Plan and Project #3 ("TIF Plan") for the City of Mascoutah's TIF District; and,

**WHEREAS**, St. Clair County ("the Developer"), has submitted a proposal requesting consideration by the City Council of the City of Mascoutah for the use of TIF Funds to support a project for the renovation and redevelopment of property at MidAmerica Airport for a new Aeronautical Production Facility; and,

**WHEREAS**, the City wishes to encourage the Developer to pursue a plan for redevelopment and rehabilitation of existing buildings and property within the TIF District and make such expenditures as are reasonably necessary in that regard; and,

**WHEREAS**, the City has the ability and legal authority granted by the TIF Act to utilize TIF Funds to support economic development efforts in accordance with the goals of the established TIF Plan; and,

**WHEREAS**, the Corporate Authorities of the City of Mascoutah finds that it is in the best interest of the City of Mascoutah to enter into a Redevelopment Agreement with the Developer for reimbursement of certain approved costs and expenses relating to the construction of renovations and redevelopment of certain property, a copy of which is attached hereto as Exhibit "A" and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE CORPORATE  
AUTHORITIES OF THE CITY OF MASCOUTAH, ILLINOIS, AS FOLLOWS:**

**SECTION 1.** The duly appointed Corporate Authority is hereby authorized to enter into a Redevelopment Agreement using Tax Increment Financing with Developer, attached hereto as Exhibit "A" and made a part hereof.

**SECTION 2.** The duly appointed Corporate Authority is hereby authorized to execute all documents and to take all other action deemed by it to be necessary and proper to effectuate the said agreement.

Attachment A

**SECTION 3.** The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

**SECTION 4.** This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

**PASSED** by the City Council of the City of Mascoutah, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 2021 on the following roll call vote:

	Aye	Nay	Abstain	Absent
John Weyant	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____
Michael Baker	_____	_____	_____	_____
Wally Battas	_____	_____	_____	_____
Gerald Daugherty	_____	_____	_____	_____

**APPROVED** by the Mayor of the City of Mascoutah this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Gerald Daugherty

ATTEST:

\_\_\_\_\_  
Melissa Schanz  
City Clerk

Recorded in the Records of the City Clerk this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Published by the authority of the Mayor and City Council of the City of Mascoutah, St. Clair County, Illinois in pamphlet form this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

I, Melissa Schanz, do hereby certify that I am the City Clerk of the City of Mascoutah, Illinois; that the foregoing is a true and correct copy of an Resolution entitled "Resolution to St. Clair County for redevelopment of certain property located in the City of Mascoutah, Illinois utilizing Tax Increment Financing", duly passed by the Mayor and City Council of the City of Mascoutah as Resolution # \_\_\_\_\_, at a Regular Council meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, the Resolution being part of the official records of said City.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Melissa Schanz  
City Clerk



**CITY OF MASCOUTAH**  
**Staff Report**

**TO:** Honorable Mayor and City Council

**FROM:** Brad Myers, City Manager

**SUBJECT:** Engineering Services – Mascoutah 138KV Line 2

**DATE:** March 1, 2021

**REQUESTED ACTION:**

Approval of an Engineering Services Agreement with BHMGE Engineers, Inc. for engineering and land acquisition services for the 138KV Transmission Line 2 Project.

**BACKGROUND INFORMATION:**

This project consists of constructing a new 138KV transmission line to improve the capacity and reliability of the City's distribution system. This line will originate at Ameren's ring-bus located on IL Route 4 and will connect to the proposed new 138KV North Substation.

This request is for engineering and land acquisition services. BHMGE Engineers will be partnering with Hanson Professional Services out of Springfield, IL for the land acquisition portion of this project. Hanson will be a sub-consultant to BHMGE.

Construction services and land appraisals are not included in this contract at this time. Once land acquisition is complete, a contract for construction services and design build will be done. Approval of this new contract will void the existing contract with BHMGE for the transmission lines and design build approved in 2016 and 2017.

**FUNDING:**

This project will be paid for with the loan at Citizens Community Bank already established and paid back with Electric Funds.

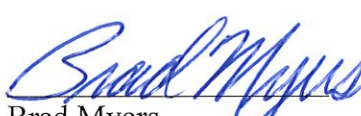
**RECOMMENDATION:**

Staff recommends approval of a contract with BHMGE Engineers Inc. for engineering and land acquisition services in the amount not to exceed \$582,100.00 for the Mascoutah 138KV Line 2.

**SUGGESTED MOTION:**

I move that the Council approve a contract with BHMGE Engineers Inc. for engineering and land acquisition services in the amount not to exceed \$582,100.00 for the Mascoutah 138KV Line 2 Project and authorize appropriate City officials to execute the necessary documents.

Prepared By:   
Kari D. Speir  
Assistant City Manager

Approved By:   
Brad Myers  
City Manager

Attachments: A – Agreement for Professional Services.



February 24, 2021

Mr. Brad Myers  
City Manager  
3 West Main Street  
Mascoutah, IL 62258

Ref: Cost Proposal for Mascoutah 138KV Line 2 – Engineering and Land Acquisition

Mr. Brad Myers

Thank you again for coming to BHM for a proposal on the upcoming work on the Mascoutah 138KV Line 2 Project. Considering our experience with previous Mascoutah projects, I am confident you will be pleased with our product on this project.

Below is a list of the major project scope items included in this proposal. BHM Engineers will be partnering with Hanson Professional Services on this project for Land Acquisition. Hanson will be a subconsultant to BHM.

- Project Management
- Engineering/Design for the Transmission Line
- Material Procurement Specification and Assistance
- Land Acquisition Services (Hanson)
  - Perform Market Study
  - Conduct landowner meetings
  - Perform title work
  - Negotiate easements with landowners
  - Produce surveys, legal descriptions and exhibits
- As-builts and Project Closeout

Construction support and land appraisals are not included in this proposal. These services can be added to this proposal if needed on the project.

BHM will provide an engineering and design package to support all the above-specified work as required by the project. Included with the design package will be project management, procurement assistance, and construction support. The next page is a breakdown of the costs to provide our engineering and design services.

BHM would like to propose the following schedule for the project. Please review and we can discuss in more detail as the design starts.

With regards,  
BHM Engineers

A handwritten signature in black ink, appearing to read "Lukas Pirok".

Lukas Pirok, P.E.  
COO/Principal

Attachment A

**Proposal for Engineering and Land Acquisition  
Mascoutah 138KV Line 2**

<b>Task</b>	<b>Cost</b>
Project Management	\$62,400
Equipment Specs and Procurement	\$39,936
Engineering/Design	\$134,784
As-Builts and Project Closeout	\$12,480
BHMG Engineers Subtotal	\$249,600
Hanson Land Acquisition	\$332,500
<b>Project Total (Lump Sum)</b>	<b>\$582,100</b>

**Lump Sum Fee** **\$582,100**



## MEMORANDUM OF AGREEMENT

### PROJECT DATA

Date 02/24/21

Project Name City of Mascoutah, IL 138KV Line 2 – Engineering and Land Acquisition

Owner's Project Number \_\_\_\_\_

BHMG Project Number 2110

### **Description of Service:**

Below is a list of the major project scope items included in this agreement. BHMG Engineers will be partnering with Hanson Professional Services on this project for Land Acquisition. Hanson will be a subconsultant to BHMG.

- Project Management
- Engineering/Design for the Transmission Line
- Material Procurement Specification and Assistance
- Land Acquisition Services (Hanson)
  - Perform Market Study
  - Conduct landowner meetings
  - Perform title work
  - Negotiate easements with landowners
  - Produce surveys, legal descriptions and exhibits
- As-builts and Project Closeout

Construction support and land appraisals are not included in this agreement.

### AGREEMENT DATA

Name Brad Myers, City Manager

Address City of Mascoutah

3 West Main Street

City Mascoutah, IL 62258

Phone 618-566-2964

**Lump Sum Fee:**        **\$582,100**

Dates: Start: March 8, 2021

Complete: To Be Determined

The terms and conditions under which we are providing these services shall apply. Such terms and conditions are set out on the reverse side of this page and incorporated herein by reference.

### BILLING DATA

X Monthly 30 days net

The above is intended as a summary of our agreement for the performance of the work described. Please examine it carefully and, if accurate, indicate your approval and acceptance in the space provided below.

**BHMG ENGINEERS, INC.**



By \_\_\_\_\_  
Lukas Pirok, Principal/COO

**ACCEPTED**

The undersigned hereby states that they represent the owner(s) of the above described project and that the terms and conditions stated above are understood by them and herewith agreed to and accepted. You are hereby authorized and directed to proceed with the work outlined above.

Date \_\_\_\_\_

Signature \_\_\_\_\_

\_\_\_\_\_  
(Print Name & Title)

Date \_\_\_\_\_

Attest \_\_\_\_\_

\_\_\_\_\_  
(Print Name & Title)

## **TERMS AND CONDITIONS** **BHMG Engineers, Inc.**

To assure an understanding of matters related to our mutual responsibilities, these terms and conditions for services are made a part of this agreement for our services:

### **AMENDMENTS**

This agreement may be amended in writing providing both the Owner and Company agree to such modifications.

### **COMPENSATION FOR SERVICES**

The basis for compensation will be as identified in the agreement.

When "Lump Sum" payment is utilized, it shall include all labor and expenses (for the scope of work as defined in the agreement) incurred by the Company and shall not exceed the fixed payment amount without prior authorization of the Owner.

When a "Payroll Costs" payment is utilized it shall be computed by a multiplier factor times payroll cost plus reimbursable expenses.

The "Payroll Costs" means the salaries and wages paid to all personnel engaged directly on the work plus the cost of customary and statutory benefits including social security contributions, unemployment, health, sick leave, vacation, workman's compensation, incentive and holiday pay applicable thereto.

"Reimbursable Expenses" means the actual expenses incurred directly or indirectly in connection with the work including but not limited to the following: Transportation and subsistence, toll telephone calls, telegrams, reproduction or printing, computer time and outside consultants.

The "Multiplier" is a factor for general direct overhead, indirect costs, profit and other costs. The Multiplier factor rate shall be identified in the agreement.

### **TIME OF PAYMENT**

The Company may submit monthly statements for services and expenses based upon the proportion of the actual work completed at the time of billing. Unless provided for otherwise, payments for engineering services will be due and payable thirty (30) calendar days from the issuance of the Company's statement.

### **LATE PAYMENT**

If the Owner fails to make any payment due the Company for services and expenses within the time period specified, a service charge of 1-1/2% per month will be added to the Owners account. This is an annual rate of 18%.

### **LIMITATION OF LIABILITY**

The Owner agrees to limit the Company's liability to the Owner and to all construction contractors and subcontractors where applicable, on this work, for damages to them, due to the Company's negligent acts, errors or omissions, such that the total aggregate liability of the Company to all those named shall not exceed \$50,000 or the Company's total fee for services rendered on this work, whichever is greater.

### **TERMINATION**

This agreement may be terminated by either party upon written notice. Any termination shall only be for good cause such as for legal, unavailability of adequate financing or major changes in the work. In the event of any termination the Company will be paid for all services and expenses rendered to the date of termination on a basis of payroll cost times a multiplier of 2.5 (if not previously provided for) plus reimbursable expenses.

### **REUSE OF DOCUMENTS**

All documents including drawings and specifications furnished by Company pursuant to this Agreement are instruments of his services in respect of the work. They are not intended or represented to be suitable for reuse by Owner or others on extensions of this work, or on any other work. Any reuse without specific written verification or adaptation by Company will be at Owner's sole risk, and without liability of Company, and Owner shall indemnify and hold harmless Company from all claims, damages, losses and expenses including attorneys fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Company to further compensation at rates to be agreed upon by Owner and Company.

### **ESTIMATES OF COST**

Since the Company has no control over the cost of labor, materials or equipment or over a Contractor(s) method of determining prices, or over competitive bidding or market conditions, his opinions of probable Project Cost or Construction Costs that may be provided for herein are to be made on the basis of his experience and qualifications and represent his best judgment as a design professional familiar with the construction industry, but Company cannot and does not guarantee that proposals, bids or the construction cost will not vary from opinions of probable cost prepared by him. If the Owner wishes greater assurance as to the construction cost, he shall employ an independent cost estimator.