

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

**AUGUST 5, 2019**

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 Deputy 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 7:00 p.m.

**ROLL CALL**

*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, City Attorney Al Paulson, City Engineer Tom Quirk, Public Works Director Jesse Carlton, and Police Chief Scott Waldrup.

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

**SWEARING IN**

Melissa Schanz was sworn in as City Clerk by Mayor Daugherty.

**AMEND AGENDA**

None.

**MINUTES**

The minutes of the July 15, 2019 regular City Council meeting were presented and approved as presented. The minutes of the July 15, 2019 Executive Session meeting were presented and approved as presented.

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

**PUBLIC COMMENTS**

Paula Proffitt voiced concerns about the rezoning request stating: it will lower property values; it is spot zoning (Mayor stopped her and said it is not spot zoning, she disagreed); questioned why the comprehensive plan and ordinances about keeping property mowed is not being followed; the city is not following their economic goals and sub goals which has an

emphasis and focuses on commercial zoning in the north corridor of the city; neighbors do not want this zoning change.

Donna Mae Schlueter voiced concerns about the rezoning request stating: worked on the Economic Development Plan and much of this area is in the flood plain; sewer plant rolled over; Prairie Lakes rolled over and the yard waste is smoldering; no one will want to live south of town when they cannot go outside; Mr. Stukenberg does not keep up his properties; why do we have a comprehensive plan and ordinances if the city does not follow them; Mascoutah needs to grow the correct way to the north.

Kenny Kehrer voiced concerns about the rezoning request stating: the city dropped the ball, this whole thing revolves around 5 acres the city needs and there was a hand shake behind closed doors; nowhere else in town is there commercial residential commercial residential; against the spending of tax payers money on retention ponds in a flood plain that's just asking for trouble.

Dale Schlueter voiced concerns about the rezoning request stating: should not even be at city council meeting; planning should not have approved due to a conflict of interest with one of the planning commission members.

Bob Stauder voiced concerns about the rezoning request stating: provided comp plan and picture packet, a picture is worth a thousand words....the parcel Stukenberg wants to develop to GC is proposed in the comp plan as park space; plenty of land for sale north of town for Mr. Stukenberg; gave a definition of spot zoning stating this is spot zoning and can be challenged in court.

John Proffit voiced concerns about the rezoning request stating: clearly, this is spot zoning; commercial zoning would be an eye sore with all the residential Mr. Stukenberg is developing; will bring crime, more traffic and bring down property values.

Linda Stauder voiced concerns about the rezoning request stating: please do not allow general commercial on Brickyard Road, it is spot zoning and can be challenged; it will lower property values; this area can cause lung problems; shame on the Mayor, City and Mr. Stukenberg for tricking residents of Mascoutah.

## **REPORTS AND COMMUNICATIONS**

### *Mayor*

Attended the following meetings and functions: SLM Water Commission meeting, IML Board of Directors meeting, National Night Out meeting, SWIL Council of Mayor's meeting in Freeburg, Mascoutah Alumni Golf Tournament, Mascoutah Homecoming.

### *City Council*

Weyant – Attended the following meetings and functions: Homecoming planning meeting, Homecoming.

McMahan – Attended the following meetings and functions: Homecoming planning meeting, Homecoming.

Baker – Nothing to report.

Battas – Nothing to report.

*City Manager*

Attended the following meetings and functions: Successful Power switch over, Housing Authorities meeting, IDNR meeting about fish kill, Historic Society meeting, Homecoming, Cemetery Board meeting, National Night Out meeting, Surface Water Protection meeting, SWIL Council of Mayor's meeting in Freeburg.

*City Attorney* – Nothing to report.

*City Clerk* – Nothing to report.

## **COUNCIL BUSINESS**

### **ORDINANCE AUTHORIZING EASEMENT VACATION LOCATED IN NETAL ESTATES.**

City Manager presented report for Council consideration of approval to vacate an easement located in Netal Estates. The requested vacation runs north and south on lots 4, 5, and 6 at the southwest corner of Route 161 and Route 4.

Weyant moved, seconded by McMahan, to approve and adopt Ordinance 19-13, approving this easement vacation located in Netal Estates.

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

### **PC 19-06, MIDAMERICA AIRPORT TERMINAL MODIFICATIONS.**

City Manager presented report for Council consideration of approval of a Site Plan and Architectural Review for MidAmerica Airport Terminal Modifications located at 9656 Air Terminal Dr.

Baker moved, seconded by Battas, to approve the Site Plan and Architectural Review for MidAmerica St. Louis Airport Passenger Terminal Modifications.

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

### **PC 19-07, REZONING OF PROPERTY LOCATED AT SOUTH 10<sup>TH</sup> ST. (FIRST READING)**

City Manager presented report for Council consideration of approval of a rezoning request for property located at South 10<sup>th</sup> Street from AG, Agricultural, to GC, General Commercial and RS-10 Single Family Residential.

Councilman McMahan stated that he resents the handshake comment. Councilman McMahan also feels that they should not review documents that the public bring in and hand out that is not in the council packet. Councilman McMahan expressed a fear that the property will not be developed and will be used for storing heavy equipment. City Attorney commented saying that zoning does not mean he can do whatever he wants with

the property. City Attorney stated that as it is zoned today, Mr. Stukenberg could store heavy equipment on the property and the city could not do anything about it.

Mayor and City Attorney explained the Comprehensive Plan to all in attendance stating that it is a “plan” and a “living document”; it can change over 20 years and is not a violation of any rule. City Attorney also expressed his thoughts on the spot zoning comments explaining that this is not spot zoning.

First reading. No action required.

#### **RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT**

City Manager presented report for Council consideration of approval of resolution authorizing the execution of settlement agreement and authorize payment with Brickyard Development Group LLC.

McMahan moved, seconded by Weyant, to approve and adopt Resolution No. 19-20-09, a resolution to authorize the Mayor or City Manager to execute any and all documents to procure settlement agreement with Brickyard Development Group LLC in the amount of \$125,000.00 in conjunction with the Wastewater Treatment Plant and Collection System Improvements.

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

#### **RESOLUTION APPOINTMENT OF AUTHORIZED IMRF AGENT**

City Manager presented report for Council consideration of approval of resolution for appointment of authorized IMRF agent.

McMahan moved, seconded by Baker, to approve and adopt Resolution No. 19-20-10, a resolution appointing City Clerk Melissa Schanz as the Authorized IMRF Agent for the City of Mascoutah.

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

#### **COUNCIL – MISCELLANEOUS ITEMS**

Mayor mentioned he would like to discuss the new Cannabis Law at the first meeting in September. Mayor stated he is attending a legislative meeting and will bring back information presented by IML for the City to review and discuss.

Councilman Baker asked that we revisit and bring to the Council the Golf Cart Ordinance that was discussed over a year ago.

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

City Manager stated that he has great pride in the City Employees of Mascoutah and thanked them for all the hard work helping with Homecoming preparation and clean up.

Mayor asked the City Manager for an update on the 10<sup>th</sup> St project. City Manager explained that the 10<sup>th</sup> St. project is now out for bid.

## **PUBLIC COMMENTS**

Kenny Kehrer asked what the cost of the 5 acres the city is buying from Mr. Stukenberg was. City Attorney stated that the city is paying \$125,000.00 for the 5 acres.

Dale Schlueter stated that he thinks that there should be restrictions on parking on Poplar Street east of 6<sup>th</sup> Street.

Bob Stauder stated that general commercial is not acceptable even being next to a sewer plant; explained that they are not against residential to the south of the city and keep general commercial to the north.

Donna Mae Schlueter asked if the City is going to do something about the flood plain. City Engineer stated that no buildings will be built on a flood plain. Donna Mae Schlueter explained how she contacted the Mayor, Council and City Manager about bad air quality coming from the yard waste site but nothing was done. Mayor explained how he went out to check on it along with the City Manager and many of the Councilman and they did not notice any smoke smell.

Paula Proffitt asked Council to look into burning at the yard waste site on certain days and times. Mayor explained that we try to wait till weather is good to burn so setting certain days and times may not work. Paula Proffitt stated that there should not be building allowed in the flood plains. Staff did explain that nothing that we are looking at is in a flood plain.

## **MISCELLANEOUS OR FINAL ACTIONS**

None.

## **ADJOURNMENT**

McMahan moved, seconded by Baker, to **adjourn at 7:58 p.m.**

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

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Melissa A Schanz, City Clerk