

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

FEBRUARY 3, 2014

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

PRAYER AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

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

ROLL CALL

Present:

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

Absent:

None.

Other Staff Present:

City Manager Cody Hawkins, City Clerk Kari Haas, City Attorney Al Paulson, Assistant City Manager Lisa Koerkenmeier and City Engineer Ron Yeager.

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

AMEND AGENDA

None.

MINUTES

The minutes of the January 21, 2014 regular City Council meeting were presented and stood as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Laurie Brown – Vice President for Professional Consultants and Management, property management company for the Timberbrook Subdivision. Voiced concerns over the Community-Integrated Living Arrangement being in violation of the Timberbrook Indentures regarding commercial ventures since it is a for-profit company that is going to rent out to residents. Voiced concerns over damaging property values.

Paul Hyatt, 480 Falling Leaf Way – Voiced concerns over the Community-Integrated Living Arrangement regarding depleting property values. Voiced concerns over this being a commercial use and stated that he moved into the neighborhood with the understanding that this was a single-family residential area with no commercial use. Asked the council to look at the interpretation of the law and think of the residents.

Henry Ellis – Voiced concerns about property values. Voiced concerns over the whole neighborhood with regards to more children, more noise and faster traffic.

David Goodwin, member of board of directors of HOA – Voiced concerns over rezoning of the neighborhood by allowing more commercial. Voiced concerns over the City approving commercial property after the City had approved the Timberbrook Indentures.

Terry Harkey – Asked why the individuals themselves were not allowed to purchase the home and have a caregiver care for them instead of having the business purchase the home which makes it a business now.

David Dicenso, member of the board of directors of HOA – Voiced concerns over this being allowed already. State that they had an understanding with the first one that it was going to be the only one and now it is not the only one. Voiced concerns over this being a rooming house. Stated that they are not discriminating, only discriminating over this is a commercial venture trying to move into a residential area. Stated that they are trying to keep businesses, for-profit ventures, out of their subdivision.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: SWIL Council of Mayors meeting, Rotary Trivia night, teleconference with Prairie State along with the City Manager, meeting with Chairman Kern regarding proposed sales tax increase for the St. Clair County jail along with Mayor Graham (O'Fallon) and Mayor Vernier (Shiloh), Finance Committee meeting, judge for Sweetie Pie Day, meeting with base commander along with Mayor Graham and Mayor Vernier, SWIL Council of Mayors Executive Committee meeting.

City Council

Grodeon – Attended the following meetings and functions: SWIL Council of Mayors meeting, Habitat for Humanity meeting.

Schorr – Attended the following meetings and functions: SWIL Council of Mayors meeting, Finance Committee meeting, Tree-Subcommittee meeting.

Weyant – Attended the following meetings and functions: SWIL Council of Mayors meeting, Rotary Trivia night.

McMahan – Attended the following meetings and functions: SWIL Council of Mayors meeting, Rotary trivia night.

City Manager
Nothing to report.

City Attorney
Nothing to report.

City Clerk
Nothing to report.

COUNCIL BUSINESS

CONDITIONAL USE PERMIT FOR A COMMUNITY-INTEGRATED LIVING ARRANGEMENT IN A RS-10, SINGLE FAMILY RESIDENTIAL DISTRICT AT 476 FALLING LEAF WAY

City Manager presented report for Council consideration of approval of Conditional Use Permit, with conditions, for a Community-Integrated Living Arrangement in a RS-10, Single-Family Residential District at 476 Falling Leaf Way, by adoption of ordinance.

Councilman Weyant asked for clarification on the business arrangement and what would be the difference between this company having people live there or another company purchasing the property and renting it out. City Attorney stated that this only applies to these community-integrated living arrangement because they are a protected class. City Attorney stated that he has case law from previous cases where cities and people have tried to challenge the commercial aspect but it was found to be a Fair Housing Act violation. City Attorney stated that the City will be sued if they were to deny this CUP.

Mayor asked if there is a limit to how many can be in one neighborhood. City Attorney stated that 1,000 feet between homes seems to be the allowable. City Manager stated that there are stipulations that these types of homes have to be 800 feet apart.

Councilman Schorr asked if there are home-based businesses located within the subdivision and if so wouldn't that be in violation of the indentures. City Attorney stated that the HOA can fight the home-based businesses and other commercial businesses within their subdivision but not group homes.

Councilman Weyant commented on how he doesn't see any difference between a company renting to an individual like in this situation or a homeowner renting to another person or family. City Attorney stated that he doesn't think there is.

Councilman Grodeon asked about the RS-10 zoning district in Timberbrook. Assistant City Manager stated that Timberbrook is an RS-10 with a Residential PDP overlay.

Councilman Grodeon asked if there were promises made by the City that there would only be one of these homes in this subdivision. City Manager stated that from his understanding someone discussed it with the business but the City did not state that.

Mayor asked about the depleting property values. City Attorney stated that there are studies that show that property values do not decrease because of these types of homes.

Mayor encouraged everyone between now and the next meeting to get their questions together that haven't been answered.

Question was asked about the threshold of the number of these types of homes that would be allowed within Timberbrook Subdivision. Assistant City Manager stated that there could be up to 4 of these types of homes within Timberbrook Subdivision.

First reading. No action required.

MASCOUTAH SWIMMING POOL RENOVATIONS – BID AWARD

City Manager presented report for Council consideration of approval and authorization of bids to renovate the Mascoutah Swimming Pool.

Councilman Grodeon asked if this is coming out of reserves for the General Fund. City Manager stated that funding will come off the bottom line from both the General Fund and the Parks and Recreation Fund and that there will be no borrowing.

Councilman Schorr asked about the hydro-blasting instead of sandblasting and if that was acceptable. City Manager stated that it is using high pressure water and is acceptable.

Grodeon moved, seconded by Schorr, to approve the low bid for the Mascoutah Swimming Pool Renovations Project awarding it to Mid-America Pool Renovation, Inc. of Grandview, MO in the amount of \$78,420.00 and authorize appropriate officials to execute the necessary documents.

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

ENGINEERING SERVICES – HARNETT STREET IMPROVEMENTS

City Manager presented report for Council consideration of approval of Engineering Services Agreement with Oates Associates for preparing construction documents for the Harnett Street Improvements Project.

Councilman Schorr asked with regards to the approval of the engineering firms for two other projects and with the Finance Committee recommending staging of the projects are these construction documents going to still be acceptable in 5-10 years if it might take that long before the project is started. City Engineer stated that unless something drastic changes with the road conditions, these construction documents and the ones being prepared for the other two projects will make the projects shovel-ready for when funds become available.

Councilman Schorr asked if TIF 2B funds can be used to pay for a portion of the engineering. City Engineer stated that it could and will plan on it if funds are available.

Councilman Grodeon asked about the cost plus portion of the contract still being optional. City Engineer stated that it is still an optional pricing only if it is required.

Councilman Weyant asked about the sidewalks on West Harnett and why they are being placed on the south side. City Engineer stated that it will line up with the sidewalk already on the other portion of Harnett. City Engineer stated that during the design phase they will look at both sides of the street and decide which side would be the better option.

McMahan moved, seconded by Schorr, to accept the City Manager's engineering recommendation to approve Oates Associates for engineering services for the Harnett Street Improvements Project and authorize appropriate officials to execute the necessary documents.

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

COUNCIL – MISCELLANEOUS ITEMS

Council discussed and finalized the FY14-15 Budget Guidance.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager provided information regarding the major street projects and the recommendation from the Finance Committee meeting. Council discussed the timing of the construction and the staggering of the projects. Council discussed which road project to do first and was in agreement to start with East Harnett.

Councilman Schorr asked about the grant on Park Drive. City Manager stated that he has received an email from DCEO that the bond has been released and is now waiting for the signature from the Governor, so hopefully a grant agreement will be coming very soon.

PUBLIC COMMENTS

Henry Ellis – Spoke regarding the weather and road conditions and the roads in their subdivision not being cleared. City Manager stated that he would discuss it with him after the meeting.

Terry Harkey – Asked who decides who is able to live in the home and what their disabilities are. The applicant stated that he would explain the process with her after the meeting.

David Dicenso – Thanked the Council for taking the time to listen to their concerns.

ADJOURNMENT TO EXECUTIVE SESSION

Schorr moved, seconded by Weyant, to adjourn to Executive Session to discuss Sale/Lease of Public Property – Section 2(c)(6) at 8:19 p.m.

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

RETURN TO REGULAR SESSION

Schorr moved, seconded by Grodeon, to return to Regular Session at 8:26 p.m.

Motion passed. Motion passed by unanimous yes voice vote.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Schorr, to **adjourn at 8:28 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.

Kari D. Haas, City Clerk