

CITY OF O'FALLON

GARY L. GRAHAM

Mayor

PHILIP A. GOODWIN

City Clerk

Walter Denton

City Administrator

DAVID H. HURSEY

City Treasurer

ALDERMAN

Gene McCoskey Ward 1 John Drolet Ward 4

Richie Meile Ward 1 Michael Bennett Ward 5

Ed True Ward 2 Courtney Cardona Ward 5

Jerry Albrecht Ward 2 Jim Hursey Ward 6

Jerry Mouser Ward 3 Ray Holden Ward 6

Kevin Hagarty Ward 3 David Cozad Ward 7

Herb Roach Ward 4 Harlan Gerrish Ward 7

CITY COUNCIL MEETING

A G E N D A

Monday, July 7, 2014

7:00 P.M. – Council Chambers

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. APPROVAL OF MINUTES – [June 16, 2014](#)

V. PUBLIC HEARING –

VI. REPORTS

A. Residents of O'Fallon – This portion of the City Council meeting is reserved for any resident wishing to address Council. The Illinois Open Meetings Act (5 ILCS 120/1) mandates NO action shall be taken on matters not listed on this agenda, but Council may direct staff to address the topic or refer the matter to a committee. Please provide City Clerk with name & address; speak into microphone; limit presentation to 3 minutes; and avoid repetitious comments. Thank you.

B. Clerk's Report

1. Request from O'Fallon/Fairview Heights Women of the Moose #2281 to conduct a raffle from July 7 – May 28, 2015 for cash prizes
2. Request to conduct a roadblock from the O'Fallon/Fairview Heights Lions Club at the intersection of Smiley and State and Lincoln and State from Friday, October 10th from 7:30 – 9:00 a.m. and 3:00 - 6:00 p.m. as well as Saturday, October 11th from 7:30 – 11:00 a.m.
3. Request from the American Legion Post 137 to conduct a raffle for cash from July 9, 2014 – December 17, 2014

C. Mayor's Report

1. Proclamation declaring July 7th as Natalie Ancinova Day
2. Proclamation declaring the month of July as Park and Recreation Month

VII. RESOLUTIONS –

ITEM 1 – Resolution authorizing the Director of Finance to secure a lease/purchase agreement for equipment/vehicles for FY 2014/2015 ([Click here to view the staff report](#))

ITEM 2 – Resolution authorizing the City Clerk to execute an IDOT resolution approving the use of Motor Fuel Tax (MFT) in support amount of the project (\$565,000) for the bike and pedestrian access improvements - Illini Bike Trail to Frank Scott Parkway, and allow the Mayor to sign an agreement with Rhutasel and Associates, Inc. for \$67,000 for the design of the project ([Click](#) here to view the staff report, [attachment](#) and [IDOT Form](#))

ITEM 3 – Resolution advocating a Gubernatorial veto or amendatory veto of Senate Bill 507, which amends 65 ILCS 5/11-150-1 to restrict the collection of connection fees charged by municipalities ([Click](#) here to view the staff report)

ITEM 4 – Resolution authorizing the Mayor to execute an agreement with Merrell Brothers of Kokomo, Indiana for the Sludge Lagoon Cleaning and Sludge Disposal in the amount of \$122,345, based on the unit price for 500 tons of dry sludge removed ([Click](#) here to view the staff report and [bid](#) tab)

VIII. ORDINANCES

A. 1st reading –

ITEM 5 – Ord. adopting the Personnel Code of 2014 ([Click](#) here to view the staff report)

ITEM 6 – Ord. amending Ord. 623, Zoning, development known as Enjoy Church ([Click](#) here to view the staff report and [Exhibit A](#))

ITEM 7 – Ord. approving the final plat of the Parcs at Arbor Green – Phase 5B ([Click](#) here to view the staff report, [Final Plat](#), and [Preliminary Plat](#))

ITEM 8 – Ord. amending Chapter 77, Traffic Schedules, Witte Farms Stop Sign ([Click](#) here to view the staff report)

ITEM 9 – Ord. amending Ord. 2073, to add territory to St. Clair County MidAmerica Enterprise Zone ([Click](#) here to view the staff report, [maps](#) and [agreement](#))

C. 2ND Reading –

10. Ord. declaring certain vehicles and equipment as surplus property for sale and/or disposal pursuant to 65 ILCS 5/11-76-42.

11. Ord. Approving the Franchise Agreement (On Hold)

IX. STANDING COMMITTEES

1. Community Development – [Minutes Attached](#) – **Motion** to approve the Special Event request from Lifelong Music in O’Fallon Schools for the Music of the Night 5k race on Saturday, August 9th from 6 – 10:00 p.m. *with noted condition* ([Click](#) here to view the staff report and [attachment](#))

2. Public Works – [Minutes Attached](#) – Motion to approve the low bid from EJ Sweeper for the Municipal Regenerative Air Street Sweeper in the amount of \$216,304 ([Click](#) here to view the staff report)

3. Public Safety

4. Finance/Administration - [Minutes Attached](#)

5. Parks/Environment

X. EXECUTIVE SESSION – Occasionally, the Council may go into closed session in order to discuss such items covered under 5 ILCS 120/2 (b) which are as follows: Legal Matters; Purchase, Lease or Sale of Real Estate; Employment/appointment matters; Business matters or Security/criminal matters and may possibly vote on such items after coming out of closed session.

XI. ACTION TAKEN ON EXECUTIVE SESSION ITEMS

XII. ADJOURNMENT

**O'FALLON CITY COUNCIL
MINUTES OF THE REGULAR COUNCIL MEETING
Draft June 16, 2014**

The regular meeting was called to order at 7:01 p.m. by Mayor Graham who led the Council in "The Pledge of Allegiance to the Flag."

Philip Goodwin, City Clerk, called the roll: Gene McCoskey, present; Richie Meile, present; Ed True, present; Jerry Albrecht, present; Jerry Mouser, present; Kevin Hagarty, present; John Drolet, present; Herb Roach, present; Michael Bennett, present; Courtney Cardona, present; Jim Hursey, present; Ray Holden, present; David Cozad, present; Harlan Gerrish, present. A quorum was declared present.

Mayor Graham asked for approval of the minutes. Motion was made by J. Mouser and seconded by E. True to approve the minutes of June 2, 2014. All ayes. Motion carried.

PUBLIC HEARING – None scheduled.

RESIDENTS: Matt Shellabarger, president of St. Clair Bowl, has spearheaded the petition drive to place the video gaming question on the ballot. They have 2,000 of the 4,800 signatures needed. He asked the Council if they would place it on the ballot.

Vern Malare stated that the electrical code violation that he had brought up before had not been corrected. Mayor Graham replied that he will find out and will follow up.

REPORTS:

Clerk's Report: City Clerk Goodwin read the following requests:

1. Request from St. Nicholas Church to conduct a raffle for cash prizes from July 1, 2014 – June 26, 2015
2. Request from American Legion Post 137 to conduct a raffle for cash from June 17, 2014 – August 8, 2015
3. Request from O'Fallon Moose Lodge 2608 to conduct a raffle for cash from June 17 – December 26, 2014
4. Request from O'Fallon Moose Lodge 2608 to conduct a raffle for cash from June 17 – December 18, 2014
5. Request from O'Fallon Kiwanis Club to conduct a raffle for a garden wagon filled with alcohol from June 30, 2014 – August 16, 2014

Motion was made by M. Bennett and seconded by J. Mouser to approve. All ayes. Motion carried.

Mayor's Report: Mayor Graham asked W. Denton to ensure there is an electrician to check the situation at the cemetery and report back to him.

RESOLUTIONS: Nothing brought forward.

ORDINANCES:

1st Reading – Motion by J. Albrecht and seconded by M. Bennett to consider Item 1 on 1st Reading, an Ordinance declaring certain vehicles and equipment as surplus property for sale and/or disposal pursuant to 65 ILCS 5/11-76-4.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

2nd Readings - Mayor Graham stated the Ordinance approving the Franchise Agreement remains on hold.

STANDING COMMITTEES –

Community Development: Motion by J. Albrecht and seconded by M. Bennett to approve the Special Event Permit request from the O'Fallon Panther Band Boosters for the O'Town 5th of July Block Party including a Parade Permit request and a Special Event Liquor License request. All ayes. Motion carried.

J. Albrecht announced that the next meeting will be on June 23rd.

Public Works: R. Meile stated they will meet on June 23rd at 7:00 p.m.

Public Safety: K. Hagarty announced they will meet July 14th in the Mayor's Conference Room.

Finance/Administration: Motion by M. Bennett and seconded by J. Albrecht to approve Warrant #303 in the amount of \$1,285,427.64.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

Parks and Environment: E. True stated they will meet at 5:30 p.m. on July 14th.

EXECUTIVE SESSION: Mayor Graham said we will have closed session. Motion by J. Mouser and seconded by J. Hursey to go into Closed Session to discuss employment matters, property acquisition and disposition.

ROLL CALL: McCoskey, aye; Meile, aye; True, aye; Albrecht, aye; Mouser, aye; Hagarty, aye; Drolet, aye; Roach, aye; Bennett, aye; Cardona, aye; Hursey, aye; Holden, aye; Cozad, aye, Gerrish, aye. Ayes - 14; Nos – 0. Motion carried.

The Council went into closed session at 7:14 p.m. and returned at 7:39 p.m. with no action.

ADJOURNMENT: Motion by G. McCoskey and seconded by J. Mouser to adjourn. All ayes. Motion carried.

The meeting was adjourned at 7:40 p.m.

Submitted by,

Philip A. Goodwin
City Clerk

Minutes recorded by
Maryanne Fair, Deputy City Clerk
Proper notice having been duly given

**CITY OF O'FALLON, ILLINOIS
RESOLUTION 2015-**

**A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO SECURE
A LEASE/PURCHASE AGREEMENT FOR EQUIPMENT/VEHICLES FOR
FY 2014/2015**

WHEREAS, the City Council deems it necessary for the health, safety and welfare of the residents of the City of O'Fallon to provide for the lease/purchase of certain equipment as approved in the FY 2014-2015 Budget; and

WHEREAS, pursuant to the provision of Section 11-61-3 of Article II of the Illinois Municipal Code, the City of O'Fallon is authorized to purchase real and personal property for public purposes pursuant to contracts that provide for the consideration for such purchase to be paid in monthly or annual installments during a period not exceeding twenty (20) years; and

WHEREAS, it is hereby estimated and determined that funds, plus interest, in order to purchase said equipment are not presently available.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL, OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

That the City of O'Fallon has authorized the Director of Finance to enter into a lease/purchase of said equipment/vehicles to be paid in equal installments not to exceed five (5) years.

This Resolution shall become effective immediately upon its adoption by City Council.

Passed by the City Council this 7th day of July 2014.

ATTEST:

(seal)

Approved by the Mayor this 7th day
of July 2014.

Philip A. Goodwin, City Clerk

Gary Graham, Mayor



CITY COUNCIL AGENDA ITEMS

To: Mayor and City Council
From: Sandy Evans, Director of Finance
Walter Denton, City Administrator
Date: July 7, 2014
Subject: Resolution on Lease of Vehicles and Equipment

List of committees that have reviewed: Finance and Administration

Background: This is the annual resolution authorizing the Director of Finance to secure/continue lease purchase agreements for vehicles and equipment approved in the budget. This action allows the Director of Finance to enter into agreements with local banks that spread the cost of vehicles/equipment over a specific period of time, not to exceed 5 years. Police vehicles are usually 3 years and some special use vehicles/equipment are for longer periods depending on the projected useful life.

Legal Considerations, if any: None

Budget Impact: Vehicle/Equipment purchase is authorized with the budget approval and the Director of Finance and staff determines the most cost effective method of payment on an individual vehicle/equipment basis.

Staff recommendation: Recommend approval

CITY OF O'FALLON, ILLINOIS
RESOLUTION 2014 -

AUTHORIZING THE CITY CLERK TO EXECUTE AN IDOT RESOLUTION FORM APPROVING USE OF MOTOR FUEL TAX (MFT) IN SUPPORT AMOUNT OF THE PROJECT (\$565,000.00) FOR THE BIKE AND PEDESTRIAN ACCESS IMPROVEMENTS – ILLINI BIKE TRAIL TO FRANK SCOTT PARKWAY, AND ALLOW THE MAYOR TO SIGN AN AGREEMENT WITH RHUTASEL AND ASSOCIATES, INC. FOR \$67,000 FOR THE DESIGN OF THE PROJECT

WHEREAS, the City of O'Fallon, a municipal corporation, needs design services for the future construction project, and

WHEREAS, Rhutasel and Associates have the expertise needed to design the project, and

WHEREAS, the City of O'Fallon, a municipal corporation, needs to show IDOT that it supports the project, and

WHEREAS, the City needs IDOT approval to expend MFT funds for execution of the project on items allowable under MFT regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

That the City of O'Fallon authorizes its appropriate representatives to sign the IDOT Resolution and the agreement with Rhutasel and Associates, Inc. for the costs related to the Bike and Pedestrian Access Improvements – Illini Bike Trail to Frank Scott Parkway.

Passed and approved this 7th day of July 2014.

ATTEST:

Approved:

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: Dennis Sullivan, Director of Public Works
Walter Denton, City Administrator
Date: July 7, 2014
Subject: RESOLUTION – Bike and Pedestrian Access Improvements – Illini Bike Trail to Frank Scott Parkway - Rhutasel Agreement and MFT Support Resolution

List of committees that have reviewed: Public Works

Background: The City of O'Fallon is to receive federal funds for the design and construction of a primarily, on-road, 11,300 lineal-foot, bike trail connection. The project will extend the Illini Bike Trail to State Street will paving, then use pavement markings and signs along State and Lincoln to the intersection of Hwy 50 and Lincoln. From there, improved shoulder sections along S. Lincoln will be provided as well as sidewalk connections/extensions along the west side of the road to I-64. The shoulder improvements will continue south of I-64 where the turn lanes for Memorial East Hospital are not improved for bicycle traffic. Signage and pavement markings will be provided for the entire stretch of the bike trail.

Shiloh has also received funding notification for the stretch of their existing on and off trail, south to Scott Air Force Base.

Legal Considerations, if any: None beyond contracting for professional services.

Budget Impact: Funding is available for the City of O'Fallon's share for preliminary engineering and for future construction in from the Motor Fuel Tax (MFT) allotments the City will receive this year and future years. Actual construction will be in FY16 or FY17 dependent upon IDOT review and letting.

Staff Recommendation: Staff recommends passage of the resolution supporting the project's design agreement with Rhutasel & Associates, Inc., in the amount of \$67,000.00 and the required IDOT resolution showing the City's support of the \$565,000.00 project (80% federal/20% City).



BE IT RESOLVED, by the City Council of the City of O'Fallon Illinois that the following described street(s) be improved under the Illinois Highway Code:

| Name of Thoroughfare | Route | From | To |
|----------------------|-------|----------------|---------------------|
| Illini Bike Trail | | State Street | Frank Scott Parkway |
| | | Lincoln Avenue | Cross Street |
| | | | |
| | | | |
| | | | |

- BE IT FURTHER RESOLVED,
- That the proposed improvement shall consist of Engineering costs and construction improvements to extend the Illini Bike/Ped Trail, pavement markings and signs for bike routes on State St., Lincoln Ave., and Cross St., new sidewalk along part of Lincoln Ave., improved shoulder pavement on Lincoln Ave. and Cross St. to serve as a bike lane. The resolution covers everything related to the project including miscellaneous work related to the project paid by MFT. and shall be constructed varies wide and be designated as Section _____
 - That there is hereby appropriated the (additional Yes No) sum of Five Hundred Sixty-Five Thousand and no/100 Dollars (\$565,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
 - That work shall be done by Contract; and, Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

| | |
|--|---|
| <p>Approved _____</p> <p>Date _____</p> <p>Department of Transportation</p> <p>Regional Engineer _____</p> | <p>I, <u>Philip A. Goodwin</u> Clerk in and for the <u>City</u> of <u>O'Fallon</u> <small>City, Town or Village</small> County of <u>St. Clair</u>, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the <u>City Council</u> <small>Council or President and Board of Trustees</small> at a meeting on <u>July 7, 2014</u> <small>Date</small></p> <p>IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this _____ day of _____</p> <p>(SEAL)</p> <p>_____ City, Town, or Village Clerk</p> |
|--|---|

CITY OF O'FALLON, ILLINOIS
RESOLUTION 2014 -

A RESOLUTION ADVOCATING A GUBERNATORIAL VETO OR AMENDATORY VETO OF SENATE BILL 507, WHICH AMENDS 65 ILCS 5/11-150-1 TO RESTRICT THE COLLECTION OF CONNECTION FEES CHARGED BY MUNICIPALITIES

WHEREAS, Senate Bill 3507, which amends 65 ILCS 5/11-150-1 to restrict the collection of connections fees for water and sewer service by municipalities to new customers by limiting the revenue of connection fees to no more than "1/6 of the user's estimated annual charge for that class of service," was passed by the Illinois State Senate on April 1, 2014 and the Illinois House of Representatives on May 27, 2014; and

WHEREAS, Senate Bill 3507 now awaits final action by the Governor of the State of Illinois,

WHEREAS, the City of O'Fallon believes Senate Bill 3507 will negatively affect its residents by transferring the financing cost of municipal water and sewer systems from new municipal water and sewer customers to existing customers, by restricting the collection of connection fees; and

WHEREAS, the City of O'Fallon which collected \$338,750 from 123 water connections and \$90,580 from 30 sewer connections in our FY14 would see those revenues drop under the reforms presented in Senate Bill 3507 to \$26,010, based upon an average residential two-month usage charge of \$170; and

WHEREAS, the City of O'Fallon reasonably believes that it would have to raise the rates on existing customers to offset the loss of \$403,320 in revenue based on Senate Bill 3507 and the FY14 data above; and

WHEREAS, the City Council of the City of O'Fallon, Illinois, believes it is in the best interest of the City and its residents to urge a gubernatorial veto or amendatory veto of Senate Bill 3507.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. The City of O'Fallon hereby urges the Governor to veto Senate Bill 3507, or to file an amendatory veto to delete Section 10 of the bill.

Section 2. The Mayor is hereby directed to send a copy of this resolution to the Governor of the State of Illinois.

Section 3. This resolution shall be in full force and effect after its passage and approval as provided by law.

Passed and approved this 7th day of July 2014.

ATTEST:

Approved:

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: Dennis Sullivan, Director of Public Works
Walter Denton, City Administrator
Date: July 7, 2014
Subject: RESOLUTION – Gubernatorial Veto of Senate Bill 3507, Municipal Water & Sewer Tap Fees

List of committees that have reviewed: None

Background: Senate Bill 3507, amends 65 ILCS 5/11-150-1 to restrict the collection of connections fees for water and sewer service by municipalities to new customers by limiting the revenue of connection fees to no more than “1/6 of the user’s estimated annual charge for that class of service.” The bill was passed by the Illinois State Senate on April 1, 2014 and the Illinois House of Representatives on May 27, 2014. Currently, the City of O’Fallon charges \$3,000 for both a water and sewer tap for a new residential property. Those charges are based on the cost of City services to establish the taps and a “buy-in cost” to the new customer for infrastructure already in place to serve the residence. The bill as written would limit the tap fees to about \$170 for both based on the language contained in the legislation.

Legal Considerations, if any: None.

Budget Impact: The bill if signed by the Governor would have a dramatic impact on many communities in Illinois operating water and wastewater utilities.

Staff Recommendation: Staff recommends passage of the resolution requesting the Governor to veto the provisions of Senate Bill 3507 pertaining to municipal tap fees for water and sewer.

CITY OF O'FALLON, ILLINOIS
RESOLUTION 2014-

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MERRELL BROTHERS OF KOKOMO, INDIANA FOR THE SLUDGE LAGOON CLEANING AND SLUDGE DISPOSAL IN THE AMOUNT OF \$122,345.00 BASED ON THE UNIT PRICE PROVIDED FOR 500 TONS OF DRY SLUDGE REMOVED

WHEREAS, the City of O'Fallon, a municipal corporation, has a yearly requirement to clean its sludge lagoons and dispose of the sludge, and

WHEREAS, Merrell Brothers has provided a responsive bid;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

That the City of O'Fallon authorizes its appropriate representatives to sign an agreement with Merrell Brothers for the Sludge Lagoon Cleaning and Sludge Disposal in the amount of \$122,345.00 based on the unit price for 500 tons of dry sludge.

Passed and approved this 7th day of July 2014.

ATTEST:

Approved:

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: Dennis Sullivan, Director of Engineering & Public Works
Walter Denton, City Administrator
Date: July 7, 2014
Subject: RESOLUTION - Sludge Lagoon Cleaning and Sludge Disposal

List of committees that have reviewed: None

Background: This is a maintenance item contracted in the past for disposal of sludge from our two sludge storage lagoons at the O'Fallon wastewater treatment plant (WWTP). Four bids were received with the low bid submitted from Merrell Brothers, which has been the contractor for the past four years. The work has gone exceptionally well in the past with them as the contractor.

Merrell Brothers bid was \$122,345.00 for 2014 removal based on 500 dry tons of sludge to be removed. This is a unit price contract (\$244.69 per ton), which is reasonable considering past costs and the other bidders' submissions. If weather allows, they may remove additional amounts of sludge.

Additionally, the contract this year has provisions for contracting two additional years (CY2015 and CY2016) with the unit price to be adjusted as well as two additional option years (CY2017 and CY2018). The above price shall be for any biosolids hauled and land applied during the 2014 calendar year. The contract price for CY2015 through CY2017 if the option years are taken may be increased or decreased annually equal to 5% or by the CPI for the Midwest Region (whichever is less). The maximum it can increase or decrease in any one calendar year shall be 5%.

Last contract price was \$97,170.00 for 500 tons in the base year by Merrell Brothers.

Legal Considerations, if any: Normal considerations for contract services.

Budget Impact: Funds are reserved in the FY15 City Operating Budget for sludge lagoon cleaning, a yearly must pay.

Staff recommendation: Approve contract with Merrell Brothers in the amount of \$122,450.00 for 2014 based on the unit price quoted for 500 tons of dry sludge.

**City of O'Fallon
Bid Tab**

**Sludge Lagoon Cleaning
& Sludge Disposal
July 1, 2014**

| ITEM DESCRIPTION | | QTY. | Merrell Brothers Kokomo, IN | | Midwest Injection , Inc. Cascade, IA | | Denali Water Solutions Russellville, AR | | Synagro Central, LLC Baltimore,, MD | |
|------------------|--|-------------|--------------------------------|----------------------|---|----------------------|--|----------------------|--|---------------------|
| | | | U.P. | TOTAL | U.P. | TOTAL | U.P. | TOTAL | U.P. | TOTAL |
| 1 | Remove sludge in the O'Fallon WWTP Sludge Lagoons | 500 Dry Ton | \$ 244.69 | \$ 122,345.00 | \$ 249.00 | \$ 124,500.00 | \$ 256.92 | \$ 128,460.00 | \$ 347.50 | \$ 173,750.00 |
| TOTAL | | | | \$ 122,345.00 | | \$ 124,500.00 | | \$ 128,460.00 | | \$173,750.00 |

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE
PERSONNEL CODE**

WHEREAS, the Personnel Code as adopted by Ordinance 3058 as revised July 2, 2001 of the City of O'Fallon has been rewritten,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. That Ordinance 3058 as revised by the City of O'Fallon be hereby repealed.

Section 2. That the Personnel Code of the City of O'Fallon as attached is hereby adopted as the Personnel code of the City of O'Fallon.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST:

Approved by the Mayor this _____ day

(seal)

of _____ 2014

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

| ROLL CALL: | Meile | McCoskey | True | Cardona | Mouser | Hagarty | Roach | SUB TOTALS |
|-------------------|-------|----------|------|---------|--------|---------|-------|-------------------|
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| ROLL CALL: | Drolet | Bennett | Holden | Hursey | Gerrish | Albrecht | Cozad | SUB TOTALS | SUM OF TOTALS |
|-------------------|--------|---------|--------|--------|---------|----------|-------|-------------------|----------------------|
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |



CITY COUNCIL AGENDA ITEMS

TO: Mayor Graham and City Council

FROM: Pam Funk, Asst. City Administrator
Walter Denton, City Administrator

DATE: July 7, 2014

SUBJECT: Ordinance Amending Personnel Code

List of committees that have reviewed: The Finance and Administration Committee discussed this at their June 23, 2014 meeting. The Committee unanimously recommended it for approval.

Background: The Personnel Code has been updated to reflect new state and federal legislation that has been enacted since the Code was adopted in 2001, as well as updates to previous legislation. The updates to the document have occurred regularly over that period of time and have also been put into practice. With the numerous additions and updates, the ordinance needs to be amended.

Legal considerations, if any: Code has been reviewed by Lowenbaum for legal compliance.

Budget Impact: None.

Staff recommendation: Approval.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
ORDINANCE 623, ZONING
DISTRICTS OF THE CITY OF
O’FALLON, ILLINOIS
(DEVELOPMENT KNOWN AS
“ENJOY CHURCH”) TO BE AT
251 REGENCY PARK DRIVE
ON PARCEL NUMBER:
03-36.0-200-021**

WHEREAS, the applicant, Tindall Construction on behalf of Enjoy Church and Sunrise Counties, LLC, has filed an application requesting approval of a planned use rezoning to authorize a church or place of formal worship located on Parcel 03-36.0-200-021 at 251 Regency Park Drive in O’Fallon; and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 3471, “Planned Uses”; and

WHEREAS, the Planning Commission of the City of O’Fallon, Illinois held a public hearing on June 10, 2014, in accordance with state statute, and recommended to approve the petitioner’s request to obtain a B-1(P) Planned Community Business District zoning for the property with a vote of 6 ayes to 1 nay as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A); and

WHEREAS, on June 23, 2014 the Community Development Committee of the City Council reviewed the rezoning and recommended approval with a vote of 6 ayes to 0 nays.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. That upon the effective date of this Ordinance, the described property, known as “Enjoy Church”, be henceforth classified as zoning district B-1(P) Planned Community Business District, with the following conditions:

1. The occupancy of the church shall not exceed the City’s minimum parking requirements for spaces provided on the property. Based on the current parking (257 spaces) the maximum occupancy is limited to 642 people. If at any time the church were to construct additional parking on-site, the city would reevaluate the maximum capacity.

2. No expansion of parking or the building is permitted with this planned use, exclusive of the small reserve area on site for additional parking, without future amendment of this planned use.
3. The property must be cleaned up and restored to occupy the building.
4. All landscape islands shall conform to the planting requirements of Section 158.144 – Parking Lot Landscaping Standards.
5. All lighting standards shall be repaired and operational.
6. No parking shall occur off-site, without City approval.
7. No parking shall occur on Regency Park Drive.
8. If the area to the south of the building is to be used for parking, it must be upgraded to the parking lot standards of Chapter 158, Article 7.
9. There shall be a minimum of 30 minutes between services.
10. Church will agree to provide on-site and off-site traffic management as the situation warrants, as determined by the City.

Section 2. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk’s office of the City of O’Fallon, Illinois.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST: Approved by the Mayor this _____ day
 (seal) of _____ 2014.

 Philip A. Goodwin, City Clerk

 Gary L. Graham, Mayor

| ROLL CALL: | McCoskey | Meile | True | Albrecht | Mouser | Hagarty | Drolet | SUB TOTALS |
|------------|----------|-------|------|----------|--------|---------|--------|------------|
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| ROLL CALL: | Roach | Bennett | Cardona | Hursey | Holden | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
|------------|-------|---------|---------|--------|--------|-------|---------|------------|---------------|
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Community Development Director
Walter Denton, City Administrator
Date: July 7, 2014
Subject: P2014-05: Enjoy Church, Planned Use – 1st Reading

List of committees that have reviewed: The Planning Commission reviewed this application at its June 10, 2014 meeting. The Commission voted 6-ayes and 1-nay to approve the requested Planned Use application for Enjoy Church, subject to the conditions recommended by staff, with an amendment to Condition 2 to read “No expansion of parking or the building is permitted with this planned use, exclusive of the small reserve area on site for additional parking, without future amendment of this planned use.”; an amendment to Condition 6 to read “No parking shall occur off-site, without City approval.”; and added Condition 10: “Church will agree to provide on-site and off-site traffic management as the situation warrants, as determined by the City.” The Community Development Committee reviewed this application at its June 23, 2014 meeting and recommend approve with a vote of 6-ayes and 0-nays, with an amendment to Condition 9 to read “There shall be a minimum of 30 minutes between services ~~on Sundays.~~”

Background

Tindall Construction has filed an application requesting a change of use and zoning for a parcel of land at 251 Regency Park Drive zoned B-1 to B-1 (P). The building located on the property was formally known as Fat Cat’s Bowling Alley. The application indicates the proposal is for the reuse of the existing structure and parking lot for Enjoy Church, including the use of the building for church services, offices and meetings. A Planned Use rezoning is required because the project is a church or place of formal worship. The applicant has indicated they will have two Sunday morning services at 10:25 AM and 11:45 AM, and a midweek service at 7:00 PM. The applicant has indicated services would last approximately one hour. The church does not have Sunday school classes. Just as a note, the plans show a sidewalk along Regency Park Drive, which were not constructed with the development of the bowling alley.

Please see the attached Plan Commission Project Report for more detailed information on the proposal.

Legal Considerations, if any: RLUIPA is federal law established to protect religious institutions from unduly burdensome or discriminatory land use regulations. RLUIPA was passed to prevent infringement of religious exercise, to prevent discrimination, to prevent excluding religious assemblies and provides that religious institutions must be treated at least as well as nonreligious institutions.

Budget Impact: None

Staff Recommendation

Staff recommends approval of the project with the following conditions:

1. The occupancy of the church shall not exceed the City's minimum parking requirements for spaces provided on the property. Based on the current parking (257 spaces) the maximum occupancy is limited to 642 people. If at any time the church were to construct additional parking on-site, the city would reevaluate the maximum capacity.
2. No expansion of parking or the building is permitted with this planned use, exclusive of the small reserve area on site for additional parking, without future amendment of this planned use.
3. The property must be cleaned up and restored to occupy the building.
4. All landscape islands shall conform to the planting requirements of Section 158.144 – Parking Lot Landscaping Standards.
5. All lighting standards shall be repaired and operational.
6. No parking shall occur off-site, without City approval.
7. No parking shall occur on Regency Park Drive.
8. If the area to the south of the building is to be used for parking, it must be upgraded to the parking lot standards of Chapter 158, Article 7.
9. There shall be a minimum of 30 minutes between services.
10. Church will agree to provide on-site and off-site traffic management as the situation warrants, as determined by the City.



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Planning Director
DATE: June 10, 2014
PROJECT: P2014-05: Enjoy Church, Planned Use

Location: 251 Regency Park Drive
Ward: 1
Applicant: Bill Tindall of Tindall Construction, Inc.
Owner: Sunrise Counties, LLC
Submitted: May 2, 2014

Introduction

Tindall Construction has filed an application requesting a change of use and zoning for a parcel of land at 251 Regency Park Drive zoned B-1 to B-1 (P). The building located on the property was formally known as Fat Cat's Bowling Alley. The application indicates the proposal is for the reuse of the existing structure and parking lot for Enjoy Church, including the use of the building for church services, offices and meetings.

Zoning & Land Use

The subject property is currently zoned B-1, Community Business District.

Adjacent Zoning

North: O(P) & SR-3

East: O(P)

South: B-1

West: B-1 & B-1(P)

Adjacent Land Use

North: Proposed Green Mount Medical Campus & residences on Carr Street

East: Proposed Green Mount Medical Campus

South: Undeveloped parcel

West: Across Interstate 64-Commercial

Please see the attached maps for more detailed information on surrounding zoning and land uses.

Applicable Ordinance, Documents and Reports

O'Fallon Comprehensive Plan: The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as Regional Commercial, which is consistent with the proposed reuse of the building for a place of worship.

Code of Ordinances: The existing multi-use building is subject to Article 6 Planned Uses of Chapter 158: Zoning of the Code of Ordinance and requires a development plan. The property is also subject to the B-1, Community Business District requirements.

Public Notice: Public Notice of this project has been fulfilled in accordance with Section 158.255 and 158.256 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of

the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

Discussion Points/Issues

Land Use

The subject property is identified as *Regional Commercial* in the Comprehensive Plan. The proposed project is consistent with the Comprehensive Plan. The subject property is surrounded by vacant land or right-of-way. A Planned Use rezoning is required because the project is a church or place of formal worship. The applicant has indicated they will have two Sunday morning services at 10:25 AM and 11:45 AM, and a midweek service at 7:00 PM. The applicant has indicated services would last approximately one hour. The church does not have Sunday school classes.

Site Plan

The building is already constructed and no building or site changes have been proposed. While there are no changes proposed to the site, there are a number of improvements that will need to be addressed from the building being unoccupied for several years. Prior to occupancy, the overall appearance of the property will need to be improved including, the landscape islands, parking lot lighting and building repairs associated with the city codes regarding Occupancy Permits and Property Maintenance requirements.

Traffic Circulation/Parking

Ingress and Egress: The site will continue to provide access from three existing access points off Regency Park Drive. The church has the potential to generate a large amount of traffic on Sunday mornings during the times leading up to and after both services. However, staff doesn't believe there will be a significant impact to the area. Regency Park Drive already has a large assembly use in the Regency Conference Center and is a two lane road with a middle turn lane. Additionally, the church's peak use of Regency Park Drive is on Sunday mornings, which is considered off-peak for a typical commercial land uses.

Parking: The site has an existing parking lot associated with the previous use as a bowling alley. The parking lot includes 257 parking spaces, 7 of which are designated as accessible spaces. The site plan indicates the parking spaces meet all of the dimension requirements of Chapter 158, Article 7 - Parking and Loading of the Code of Ordinances.

The site plan indicates no additional parking will be provided at this time. The Code of Ordinances requires auditoriums, churches, theaters, stadiums and other places of assembly to provide 1 parking space per 2.5 seats (a seat equals 30" of pew length) or 1 per 3-person capacity based on ICC occupant load, whatever combination is greatest. Enjoy Church proposes using movable chairs for seating, which means the area could be occupied in a multitude of alternatives. Thus, the space is calculated as an assembly without fixed seats – concentrated (chairs only – not fixed). The ICC occupant load is calculated at a rate of 7 square feet per 1 person in largest area for assembly for proposed seating. The building plans indicate the largest area of assembly is 9,870 square feet. Therefore, as constructed and use the space for assembly use the site would have to provide 470 parking spaces (9,870 sq. ft. / 7 sq. ft. per person = 1,410 persons / 3 people per parking space).

The church has provided a seating arrangement based on the number of parking spaces available for use. There are 257 parking spaces on the site; this would amount to an occupancy load of 642 people, calculated according to 1 parking space per 2.5 seats. Therefore, because of the additional area in the building to have more people in the building than parking, staff recommends a condition be placed on the approval that the occupancy of the church shall not exceed the parking provided on the property. As previously mentioned there are two Sunday morning services

Community Development Department

255 South Lincoln Avenue, O'Fallon, IL 62269 ♦ P: 618.624.4500 x 4 ♦ F:618.624.4534

scheduled with approximately 20 minutes between services which could cause minor issues of overlapping church attendees. Staff recommends a minimum of 30 minutes between services to reduce potential parking shortages.

Additionally, there is an area to the south of the building that could be developed with additional parking totaling approximately 20-25 spaces. If the church would seek to provide additional parking the City would reevaluate the maximum occupancy of the building. This approval does not authorize any off-site parking or any parking along Regency Park Drive.

Sidewalks: The site was developed without sidewalks.

Landscaping and Buffer Requirements

Under the original improvements of the site, the site plan included some landscaping. Over time the landscaping in the parking lot islands has been removed or has died. Staff recommends the parking lot landscape islands be landscaped in accordance with Chapter 158, Article 7.

Lighting

Parking lot lighting will remain as constructed; all lighting standards must be in proper working order.

Utilities and Drainage

The existing public water and sewer will remain as previously constructed. No impervious surfaces are being added; therefore no additional drainage information is required.

Signage

At this time, the applicant has not submitted a formal application for signs. According to the building elevations provided the signage proposed is a 40 square foot sign on three sides (front, right and left elevations). The proposed signage would meet the requirements of the Code of Ordinances.

Hours of Operation

The hours of operation for the site should be considered to ensure the use does not create a potential parking conflict. While not typical of hours of operation, staff recommends requiring a minimum of 30 minutes between services on Sundays to allow attendees from the first service to exit the site before attendees of the second service arrive.

Review and Approval Criteria

Section 158.119 of Article 6 "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
The project meets all applicable zoning standards.
2. The physical design of the proposed plan and the manner in which said design makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and park dedication, and furthers the amenities of light, air, recreation and visual enjoyment.
The proposed development will not have a significant impact on traffic, because of the off-peak use of the property.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
Allowing a church in the existing building should not negatively affect adjacent properties.

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4. The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. (Ord 3665; passed 5-3-10)
The proposal is consistent with the Comprehensive Plan. The building was constructed prior to the adoption of the Commercial Design Handbook.
5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
The proposed development is designed to be operated to protect the public health, safety and welfare.
6. An identified community need exists for the proposed use.
Yes, a community need exists for the proposed use.
7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.
The development will not impede the normal and orderly development and use of the surrounding property, nor will it impair the use, enjoyment, or value of neighboring properties.
8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.
The existing building will not detract from many of the structures surrounding the property.
9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.
The proposed development meets the area-bulk requirements set forth in the B-1 Community Business District.

Staff Recommendation

Staff recommends approval of the use, with the following conditions:

1. The occupancy of the church shall not exceed the City's minimum parking requirements for spaces provided on the property. Based on the current parking (257 spaces) the maximum occupancy is limited to 642 people. If at any time the church were to construct additional parking on-site, the city would reevaluate the maximum capacity.
2. No expansion of parking or the building is permitted with this planned use, exclusive of the small reserve area on site for additional parking.
3. The property must be cleaned up and restored to occupy the building.
4. All landscape islands shall conform to the planting requirements of Section 158.144 – Parking Lot Landscaping Standards.
5. All lighting standards shall be repaired and operational.
6. No parking shall occur off-site.
7. No parking shall occur on Regency Park Drive.
8. If the area to the south of the building is to be used for parking, it must be upgraded to the parking lot standards of Chapter 158, Article 7.
9. There shall be a minimum of 30 minutes between services on Sundays.

Attachments

- Attachment 1 – Project Application
- Attachment 2 – Zoning Map
- Attachment 3 – Surrounding Land Use Map
- Attachment 4 – Site Plan
- Attachment 5 – Email submitted in Opposition

Community Development Department

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Narrative
Exhibit A

April 28, 2014

RECEIVED MAY - 2 2014

City of O'Fallon
255 S. Lincoln
O'Fallon, IL 62269

To Whom It May Concern:

Enjoy Church would like to give you a narrative of our desire to hold church services in the building at 251 Regency Park, O'Fallon, IL 62269. Enjoy Church exists to lead people to experience and enjoy a God-first life. We serve the people of our communities with a Bible-based, positive, and affirming approach to practical, everyday living.

The church conducts regular worship services, supports missionaries abroad and oversees various educational and benevolent programs locally. Enjoy Church will host services two to three times per week and possibly a mid-week service with an atmosphere of technology, music, and age appropriate teaching.

We view our auditorium as a tool of outreach to the community. It will feel more like a modern, upscale theater than a traditional church sanctuary and our auditorium seating will comply with parking ratios of the city of O'Fallon. The purpose of this is to support our goal to reach the un-churched person or the person who has fallen away from church. Our messages are practical and life applicable for the topics that we face in our society today.

Enjoy Church is a multi-denominational church that is made up of a cross-section of our culture. We are an inclusive church that has a passion to help people find their purpose in life. Our church culture is one of community involvement, with a high priority of serving the community we live in. We also love our local businesses and have a strong business development culture with support, leadership development and business training. Our members are active in and supportive of our community and business within our community.

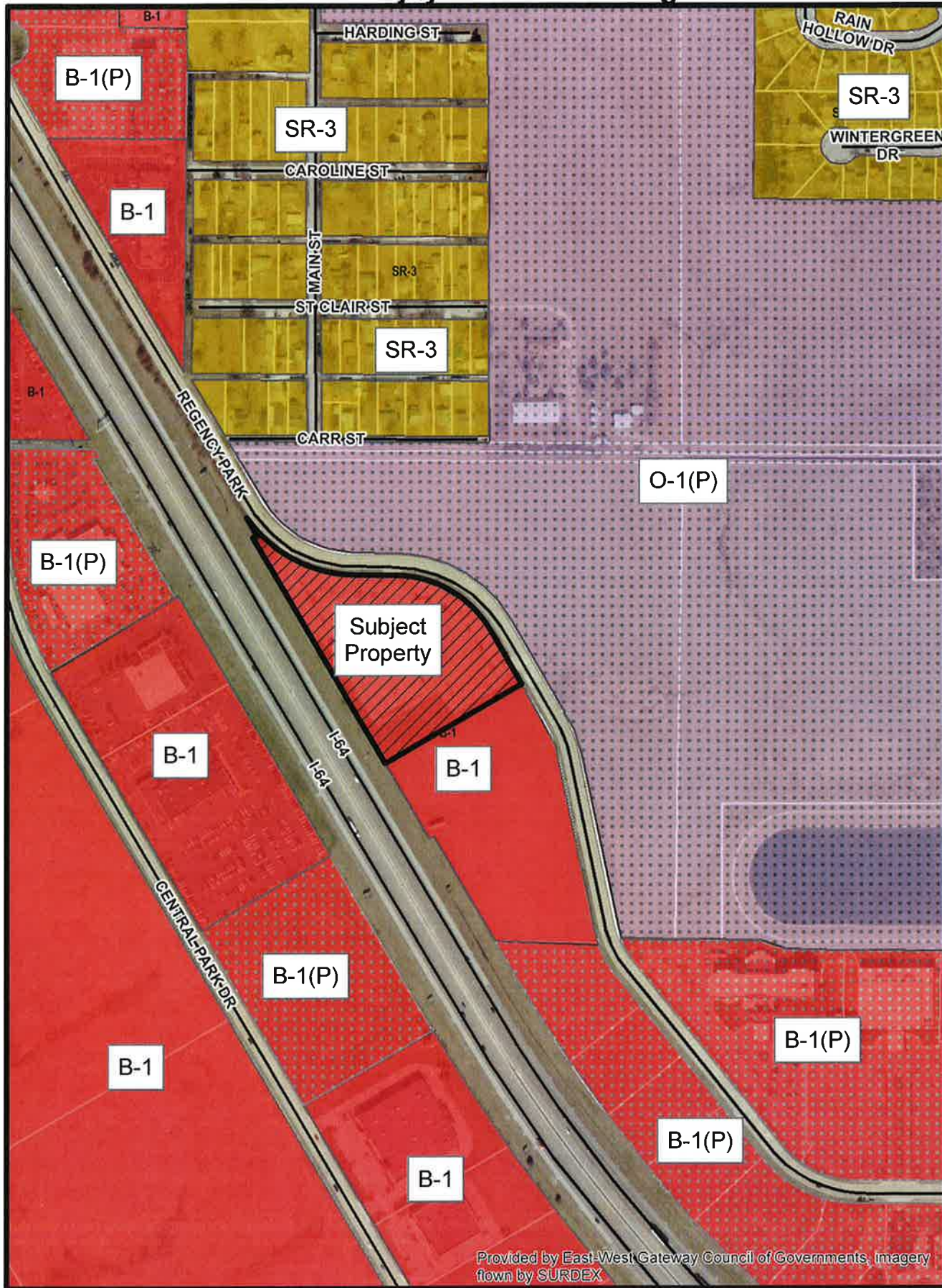
We are looking forward to being a positive force in the O'Fallon, Illinois area.

Thank You,


Daren W. Carstens
Senior Pastor

P2014-05: Enjoy Church - Zoning

Exhibit A



Provided by East-West Gateway Council of Governments, imagery flown by SURDEX

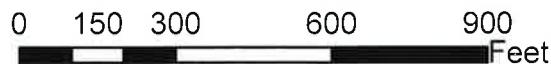


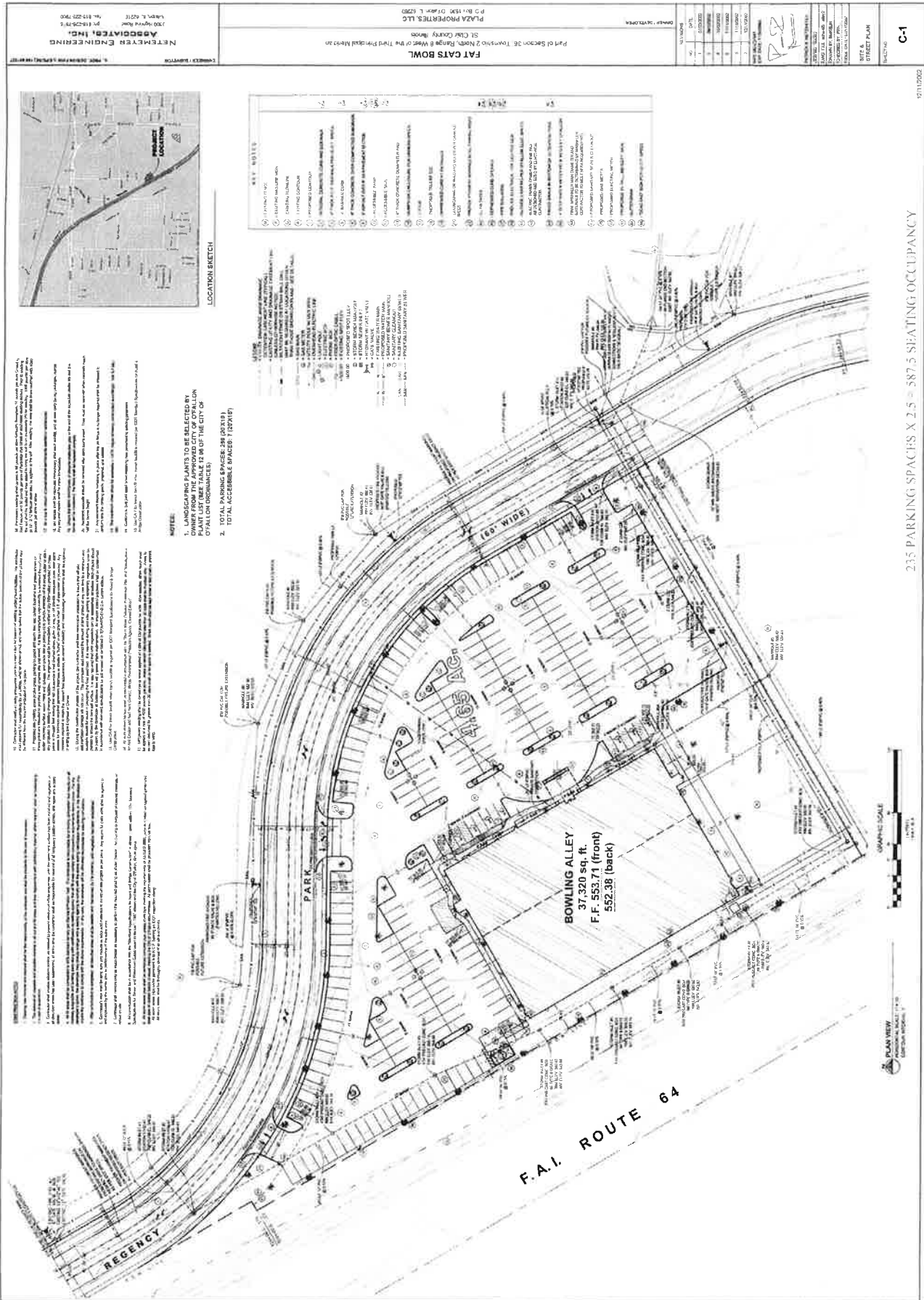
P2014-05: Enjoy Church - Land Uses

Exhibit A



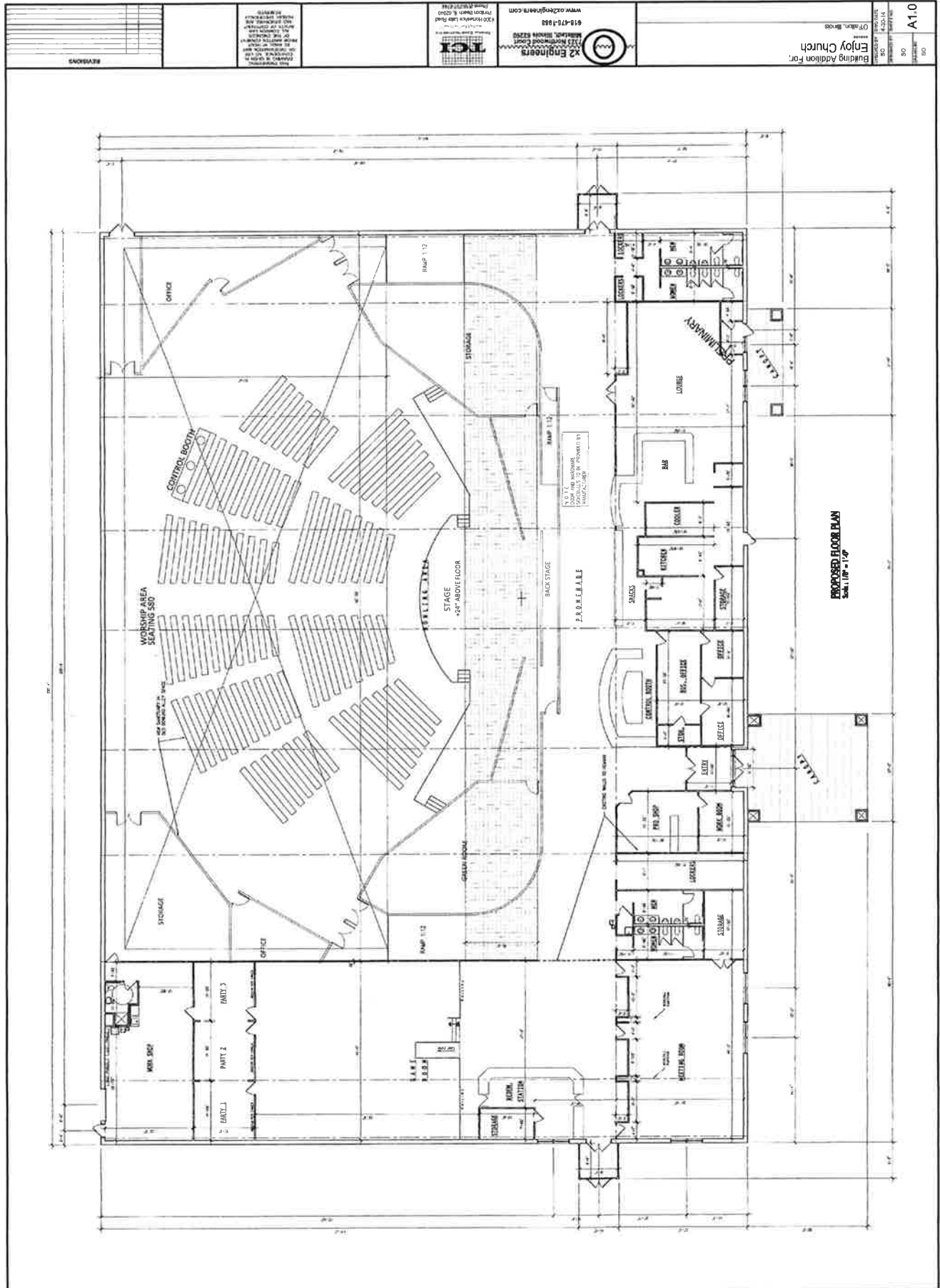
Subject Property





235 PARKING SPACES X 2.5 = 587.5 SEATING OCCUPANCY

RECEIVED MAY - 2 2014



| NO. | REVISIONS |
|-----|-----------|
| | |
| | |
| | |
| | |

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

TCI
 TCI ENGINEERS
 619-475-1888
 WWW.TCIENGINEERS.COM
 2222 BROADWAY, SUITE 200
 SAN DIEGO, CA 92108

X2 Engineers
 619-475-1888
 WWW.X2ENGINEERS.COM
 2222 BROADWAY, SUITE 200
 SAN DIEGO, CA 92108

Building Addition For:
Enjoy Church
 07 Palm, Blvd
 PROJECT NO. 1000114
 SHEET NO. A1.0

| | | |
|------|-----|-------------|
| DATE | NO. | DESCRIPTION |
| | | |
| | | |

RECEIVED MAY - 2 2014

Justin Randall

Letter of Opposition

From: Ted Shekell
Sent: Monday, May 12, 2014 5:00 PM
To: Justin Randall
Subject: FW: 251 Regency Park Dr. - Enjoy Church

fyi

From: Darrell Shelton [<mailto:dgs@centralparkplaza.com>]
Sent: Monday, May 12, 2014 3:04 PM
To: Mayor Graham; Ted Shekell
Cc: Wayne Schmidt; Wittenauer, David; Sheahan, Peter
Subject: 251 Regency Park Dr. - Enjoy Church

Gary and Ted:

I was informed on Friday there is an application for a zoning modification as it relates to the former bowling alley on Regency Park Dr. First I would like you and the City to understand my opposition to this zoning modification has nothing to do with the church or its congregation but the actual location they have selected with its limited parking and its intended use in the development.

As the adjacent property owner it has always been the intention and master plan of both the City and Developer that the subject property be zoned for commercial use (Office, Retail, Hotel, etc.). The plan never designated a church along Regency Park Drive and I am curious on why that is being allowed today. Furthermore, I believe it needs to be noted to the Zoning Board and City Council that Mr. Miles was one of the individuals that had input on the master plan. It seems since his interest in the adjoining property is gone and he owns the bowling alley that he has change his tune on the future outcome and impact of the development.

In my experience church's rein havoc on its neighboring properties because of the traffic and parking issue that arise during their service times and special events especially when they do not have the appropriate parking for their congregation. The congregation will park on adjoining lots when the parking on its property cannot handle their events. I understand that you stated to Wayne that their congregation is in excess of 800 but they have 235 parking spaces on site. In addition you have stated that the church will have restrictions of attendance or occupancy to 580 at any one given time (approx. 2 1/2 times of their parking). I find it extremely hard to believe that a church on its service or event day will shut their doors on its congregation when they hit 580. We both know that the building can hold more than 580 people and when they come – they will not be turned away.

I want to pass along our suggestions that might maintain the value and marketability of our adjoining property. If these suggestions are acceptable to the City we would like to have them as a condition of the zoning approval and also part of the zoning approval is that all approved conditions are included in the lease or sale agreement between Sunrise Counties, LLC and Enjoy Church.

- 1) The church would employ a traffic control individual/company during service or event hours that regulate parking and keep it off adjoining properties.
- 2) The church would employ an off-duty police officer to insure traffic safety and traffic flow on Regency Park Drive when church services or events are occurring.
- 3) The church will plant and maintain a natural border between the adjoining property in order to deter pedestrian flow in which deters off-site parking. The length of the border from the street and height and quantity of the border is

at the discretion of the adjoining property owner.

- 4) The church would not be allowed to have any events or services on the parking lot. All activities must remain in the building. *Any special event must be during "off peak hours" in parking lot*
- 5) The church will agree if any parking occurs on the adjacent properties that they will be responsible for all towing fees.
- 6) The church signage will be restricted to the building without additional signage on Regency Park Dr or Interstate 64
- 7) Any sound or music from services or events cannot be heard outside - including bell chimes.
- 8) If any of these conditions are violated 2 times in a 60 day period the zoning approval can be revoked and their occupancy permit terminated.

Gentlemen, we all know this organization does not fit in this building. With a congregation of this size it is going to be a problem. As we market the adjoining properties this is a going to be a major concern for a Buyer – I know it, you know it and Darwin knows it.

Sincerely,

Darrell G. Shelton
Shelton Investments, LLC
1331 Park Plaza Dr., Ste. 4
O'Fallon, IL 62269
618-628-0699
Fax 618-628-0787

----- End of Forwarded Message

CITY OF O'FALLON, ILLINOIS
ORDINANCE NO. _____

**AN ORDINANCE APPROVAL THE
FINAL PLAT OF THE PARCS AT
ARBOR GREEN – PHASE 5B.**

WHEREAS, the City of O'Fallon Community Development and Public Work Departments have reviewed and subsequently recommend the Final Plat and associated improvement plans for the Parcs at Arbor Green subdivision; and

WHEREAS, on June 23, 2014, the Community Development Committee of the City Council reviewed the final plat and recommended approval with a vote of 6-0; and

WHEREAS, the City Council has reviewed the Final Plat and finds it acceptable and to the public benefit.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. That the final plat of the Parcs of Arbor Green Subdivision attached hereto as Exhibit A, be accepted and approved.

Section 2. That the City Clerk be and is hereby directed to file with the Recorder of Deeds of St. Clair County, Illinois, a copy of this Ordinance, along with a copy of the plat. The recording expense shall be borne by the person(s) requesting approval of the plat.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this _____ day of _____ 2014.

ATTEST:

Approved by the Mayor this _____ day

(seal)

of _____ 2014.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

| ROLL CALL: | McCoskey | Meile | True | Albrecht | Mouser | Hagarty | Drolet | SUB TOTALS |
|-------------------|----------|-------|------|----------|--------|---------|--------|-------------------|
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| ROLL CALL: | Roach | Bennett | Cardona | Hursey | Holden | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
|-------------------|-------|---------|---------|--------|--------|-------|---------|-------------------|----------------------|
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: July 7, 2014

Subject: Parcs at Arbor Green, Phase 5B, Final Plat (1st Reading)

List of committees that have reviewed: At its meeting on June 23, 2014, the Community Development Committee reviewed and unanimously recommended to approve the final plat of Parcs at Arbor Green – Phase 5B.

Background:

In 2005, the City Council approved the preliminary plat and annexation of the Kombrink Executive Homes (Parcs at Arbor Green) Subdivision. The subdivision is located west of Simmons Road. Denny Blumberg, Huntington Chase Homes, is seeking final plat approval of Phase 5B, which includes 3 lots south of the existing platted portion of the subdivision and east of Phase 5. The proposed final plat varies from the approved preliminary plat. The proposed Phase 5B Final Plat will eliminate the thru-street connection of Carnegie Knolls Drive (Future Development) and Shady Park Court (Phase 5). As a result in the future, Carnegie Knolls Drive will become a cul-de-sac with an approximate length of 660 feet. The change will result in a net loss of 2 lots for the future development. The improvement plans for Phase 5 showed the necessary improvements for Phase 5B.

Legal Considerations, if any: None.

Budget Impact: There will be an annexation fee paid to the City of \$2,250 per lot. A fee of \$866 per lot will be paid to the City by the developer as a fee in lieu of park land, as well as a fee of \$802 per lot for the future turn lane from Simmons Road.

Staff Recommendation: Community Development and Public Work staff has reviewed the final plat and improvement plans for the Parcs at Arbor Green - Phase 5B Final Plat and recommends it for approval.

FINAL PLAT OF PARCS AT ARBOR GREEN - PHASE 5B

**BEING A SUBDIVISION IN PART OF THE LOTS 2 AND 27 OF UNITED STATES SURVEY 391, CLAIMS 499 AND 500, TOWNSHIP 2 NORTH, RANGE 8 WEST OF THE THIRD PRINCIPAL MERIDIAN
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS**

I, EDGAR M. BARNAL, A PROFESSIONAL LAND SURVEYOR, LICENSED UNDER THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT "THOUVENOT, WADE & MOERCHEN, INC." HAS SURVEYED AND PLATTED THE ABOVE DESCRIBED PROPERTY. ALL REQUIRED MONUMENTS HAVE BEEN INSTALLED OR WILL BE INSTALLED. ALL DIMENSIONS AND OTHER ESSENTIAL INFORMATION REQUIRED BY THE RESOLUTION REGULATING THE PLATTING OF LAND INTO SUBDIVISIONS ADOPTED BY THE CITY OF O'FALLON, HAVE BEEN COMPLIED WITH, I ALSO HEREBY CERTIFY THAT THE PARCEL INCLUDED WITHIN THIS PLAT IS LOCATED WITHIN "ZONE X" AS DELINEATED BY THE OFFICIAL FLOOD PLAIN MAPS 17163C0205D AND 17163C0206D EFFECTIVE DATE NOVEMBER 5, 2003. NO GUARANTEE IS IMPLIED THAT THE PROPERTY ENCOMPASSED BY THIS PLAT IS NOT SUBJECT TO FLOODING.

EDGAR M. BARNAL, I.P.L.S. #2750

I, DENNY BLUMBERG, MEMBER, THE PARCS AT ARBOR GLEN, LLC DO HEREBY ACKNOWLEDGE THIS PLAT TO BE MY FREE AND VOLUNTARY ACT, I DEDICATE THE EASEMENTS AND ROADWAYS SHOWN THEREON FOR THE CONSTRUCTION AND MAINTENANCE OF PRIVATE AND PUBLIC UTILITY SERVICES, DRAINAGE AND SIDEWALKS. THE BUILDING LINES SHOWN THEREON ARE THE BUILDING LINES TO BE REFERENCED TO ON ALL FUTURE CONVEYANCES IN THIS SUBDIVISION.

DATED THIS _____ DAY OF _____, 2014.

MEMBER, THE PARCS AT ARBOR GLEN, LLC

STATE OF ILLINOIS)
ST. CLAIR COUNTY) SS

I, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT DENNY BLUMBERG, MEMBER, THE PARCS AT ARBOR GLEN, LLC PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AS HIS FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS _____ DAY OF _____, 2014.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

I, GARY GRAHAM, MAYOR OF THE CITY OF O'FALLON, DO HEREBY CERTIFY THAT THIS PLAT SHOWN HEREIN WAS DULY PRESENTED TO THE CITY COUNCIL AND APPROVED AT A MEETING OF THE SAME HELD ON THIS _____ DAY OF _____, 2014.

CITY CLERK _____ CITY MAYOR _____

I, THE UNDERSIGNED, 911 COORDINATOR OF ST. CLAIR COUNTY, ILLINOIS, DO HEREBY APPROVE THIS PLAT AS TO STREET NAMES AND ADDRESSES.

911 COORDINATOR _____ ST. CLAIR COUNTY, ILLINOIS

APPROVED BY MAPPING AND PLATTING THIS _____ DAY OF _____, 2014.

SIGNATURE _____

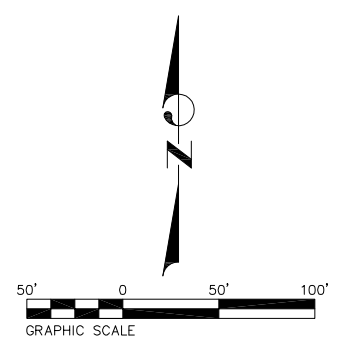
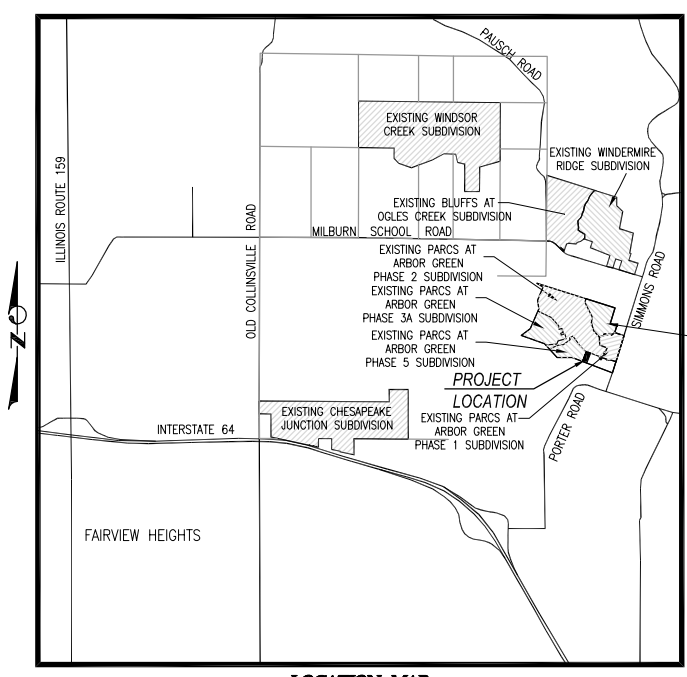
STATE OF ILLINOIS)
ST. CLAIR COUNTY) SS

I, THE UNDERSIGNED, COUNTY CLERK OF ST. CLAIR COUNTY, ILLINOIS, DO CERTIFY THAT I HAVE EXAMINED THE PLAT AND I HAVE SEARCHED THE RECORDS OF MY OFFICE TO ASCERTAIN WHETHER ALL REDEEMABLE SALES FOR UNPAID TAXES OR SPECIAL ASSESSMENTS HAVE BEEN PAID AS REQUIRED BY LAW UPON ALL OF THE PROPERTY EMBRACED WITHIN SAID PLAT, AND I DO HEREBY CERTIFY THAT I FIND NO REDEEMABLE TAX SALES OR UNPAID FORFEITED TAXES AGAINST ANY OF THE REAL ESTATE INCLUDED IN THIS PLAT AND I DO HEREBY APPROVE THIS PLAT FOR ASSESSMENT PURPOSES.

IN WITNESS WHEREOF I HAVE SET MY HAND AND SEAL OF THIS OFFICE THIS _____ DAY OF _____, 2014.

DEPUTY _____ CLERK OF ST. CLAIR COUNTY

THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS AND RESTRICTIONS RECORDED IN AN INDENTURE OF TRUST AND RESTRICTIONS FILED IN BOOK _____, PAGES _____, AS DOCUMENT NO. _____, IN THE RECORDER'S OFFICE, ST. CLAIR COUNTY, ILLINOIS.



I DO HEREBY CERTIFY THAT THE FOLLOWING AGENCIES WERE PROPERLY NOTIFIED AND APPROVED THIS PROJECT.
IHPA-ARCHAEOLOGICAL
IDNR-DWR-STREAM HYDRAULICS
SCS-LAND USE
USACE-CLEAN WATER ACT STREAM HYDRAULICS
IEPA-STORM WATER PERMIT
USDA-PRIME FARM LAND

MARSHA J. MALLER
REGISTERED PROFESSIONAL ENGINEER OF ILLINOIS NO. 51334

| LOT NUMBER | LOWEST FOUNDATION OPENING |
|------------|---------------------------|
| 120 | 575.00 |
| 139 | 575.00 |
| 140 | 574.50 |

LEGEND

- SET IRON PIN
- FOUND IRON PIN/PIPE
- ⊠ FOUND CONC. MONUMENT
- △ FOUND STONE
- SET CONCRETE MONUMENT
- 54' ROW LINE, (UNLESS OTHERWISE NOTED)
- - - 25' BUILDING SETBACK LINE UNLESS OTHERWISE NOTED.
- - - DRAINAGE AND UTILITY EASEMENT LINE SHALL BE 15' WIDE AND ADJACENT TO STREETS UNLESS OTHERWISE NOTED. DRAINAGE AND UTILITY EASEMENTS ADJACENT TO REAR LOT LINES SHALL BE 10' WIDE UNLESS OTHERWISE NOTED.
- (XXXX) STREET ADDRESS

NOTES:

ALL EASEMENTS SHOWN HEREON ARE DEDICATED FOR PRIVATE AND PUBLIC UTILITIES AND FOR DRAINAGE.

IRON PINS SHALL BE SET AT ALL LOT CORNERS, P.C.'s, P.T.'s, E.O.R.'s.

MINIMUM FIRST FLOOR ELEVATION OF EACH BUILDING SHALL BE TWO (2) FEET ABOVE THE STREET CENTERLINE ELEVATION. THE ELEVATION SHALL BE MEASURED AT THE CENTER OF THE LOT FRONTAGE AND FOR CORNER LOTS, THE HIGHEST STREET ELEVATION SHALL GOVERN. ALL DRIVEWAYS AT THE RIGHT-OF-WAY LINE SHALL BE A MINIMUM OF SIX (6) INCHES ABOVE THE STREET CENTERLINE ELEVATION. SHOULD THESE REQUIREMENTS BE DIFFICULT TO MEET OR SHOULD A WALKOUT BASEMENT OR PARTIALLY EXPOSED BASEMENT BE DESIRABLE, THE OWNER SHALL RETAIN AN ENGINEER TO DETERMINE THE MINIMUM ELEVATIONS AND/OR PROPER GRADING TO PREVENT DAMAGE FROM STORM WATER.

ALL BUILDINGS SHALL BE REQUIRED TO BE SUPPORTED BY UNDISTURBED SOIL MEETING COMPACTION REQUIREMENTS AS SET FORTH IN THE CITY OF O'FALLON'S BUILDING CODE. SHOULD THIS REQUIREMENT BE DIFFICULT TO MEET, THE BUILDING OWNER SHALL RETAIN AN ENGINEER TO DETERMINE THE SUITABILITY OF THE SOIL FOR BUILDING PURPOSES.

ALL EASEMENTS SHALL BE MAINTAINED BY THE LOT OWNER OR HOMEOWNERS ASSOCIATION. ALL IMPROVEMENTS LOCATED OUTSIDE OF R.O.W. SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OR THE LOT OWNER.

NO UTILITY BOXES SHALL BE INSTALLED IN OVERLAND FLOW PATHS.

LEGAL DESCRIPTION

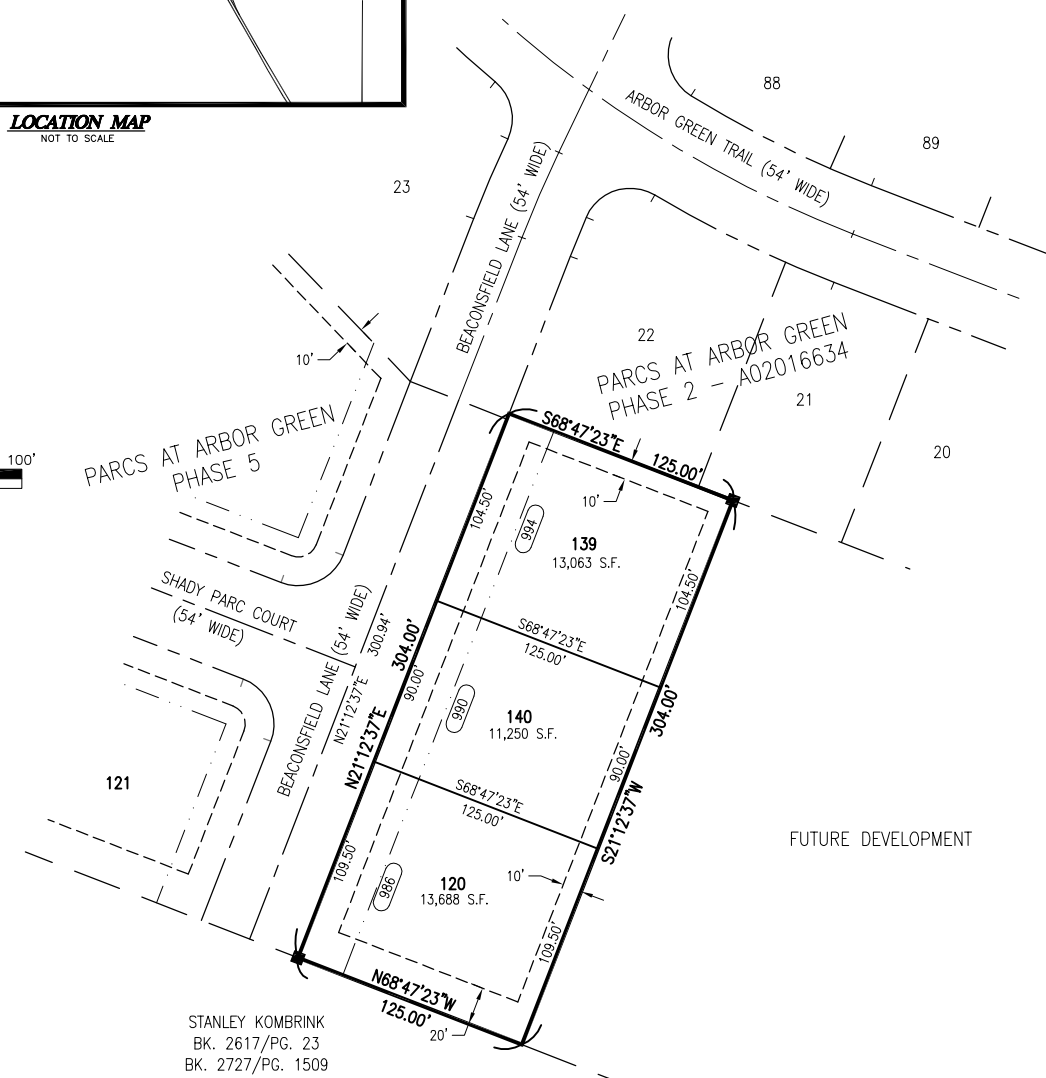
PART OF LOT 27 OF U.S. SURVEY 391, TOWNSHIP 2 NORTH, RANGE 8 WEST OF THE THIRD PRINCIPAL MERIDIAN, COUNTY OF ST. CLAIR, STATE OF ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 22 OF PARCS AT ARBOR GREEN PHASE 2, REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN DOCUMENT NUMBER A02016634; THENCE SOUTH 68 DEGREES 47 MINUTES 23 SECONDS EAST, ALONG A SOUTHWESTERLY LINE OF SAID PARCS AT ARBOR GREEN PHASE 2, A DISTANCE OF 125.00 FEET; THENCE SOUTH 21 DEGREES 12 MINUTES 37 SECONDS WEST, PARALLEL TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF BEACONSFIELD DRIVE, AS SHOWN ON SAID PLAT OF PARCS AT ARBOR GREEN PHASE 2, AND THE SOUTHWESTERLY EXTENSION THEREOF, 304.00 FEET TO A NORTHEASTERLY LINE OF A TRACT CONVEYED TO STANLEY KOMBRINK, RECORDED IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN DEED BOOK 2617 ON PAGE 23 AND DEED BOOK 2727 ON PAGE 1509; THENCE NORTH 68 DEGREES 47 MINUTES 23 SECONDS WEST, ALONG SAID NORTHEASTERLY LINE, 125.00 FEET TO SAID EXTENSION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF BEACONSFIELD LANE; THENCE NORTH 21 DEGREES 12 MINUTES 37 SECONDS EAST, ON SAID EASTERLY RIGHT OF WAY LINE OF BEACONSFIELD LANE AND THE EXTENSION THEREOF, 304.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.87 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, CONDITIONS AND RESTRICTIONS OF RECORD.

OWNERSHIP OF THE ABOVE DESCRIBED TRACT SHOULD BE CONFIRMED BY A TITLE COMPANY PRIOR TO CONVEYANCE.



STANLEY KOMBRINK
BK. 2617/PG. 23
BK. 2727/PG. 1509

THOUVENOT, WADE & MOERCHEN, INC.
ENGINEERS ♦ SURVEYORS ♦ PLANNERS



- CORPORATE OFFICE**
4940 OLD COLLINSVILLE RD.
SWANSEA, ILLINOIS 62226
TEL (618) 624-4488
FAX (618) 624-6688
corp@twm-inc.com
- WATERLOO OFFICE**
113 SOUTH MAIN STREET
WATERLOO, ILLINOIS 62298
TEL (618) 939-5050
FAX (618) 939-3938
waterloo@twm-inc.com
- EDWARDSVILLE OFFICE**
600 COUNTRY CLUB VIEW, SUITE 1
EDWARDSVILLE, ILLINOIS 62025
TEL (618) 656-4040
FAX (618) 656-4343
edwardsville@twm-inc.com
- ST. LOUIS OFFICE**
720 OLIVE ST., SUITE 200 A
ST. LOUIS, MISSOURI 63101
TEL (314) 241-6300
stlouis@twm-inc.com

| PROFESSIONAL REGISTRATIONS | LICENSE NO. |
|-------------------------------------|-------------|
| ILLINOIS PROFESSIONAL DESIGN FIRM | 184-001220 |
| PROFESSIONAL ENGINEERING CORP. | 62-035370 |
| PROFESSIONAL STRUCTURAL ENGR. CORP. | 81-005202 |
| ILLINOIS PROF. LAND SURVEYING CORP. | 048-000029 |
| MISSOURI PROFESSIONAL ENGR. CORP. | NC 001528 |
| MISSOURI LAND SURVEYING CORP. | NC 000346 |

SEAL

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

Signature: _____
Expiration Date: _____

STATEMENT OF RESPONSIBILITY
I hereby confirm that the document herein to be authenticated by my seal is restricted to this sheet, and I hereby disclaim any responsibility for all other drawings, specifications, estimates, reports or other documents or instruments relating to or intended to be utilized for any other part of the architectural, engineering or survey project.

COVER SHEET
PROJECT: **PARCS AT ARBOR GREEN - PHASE 5B**
CITY OF O'FALLON
ST. CLAIR COUNTY
ILLINOIS

| REV. | DATE | DESCRIPTION |
|------|------|-------------|
| | | |
| | | |
| | | |

| | |
|---|---|
| DRAWN BY: LEM | SHEET |
| DESIGNED BY: LEM | 1 |
| CHECKED BY: | OF 1 SHEETS |
| APPROVED BY: | PROJECT DESCRIPTION |
| PROJECT NUMBER: 001040234B | FINAL PLAT COVER SHEET PHASE 5B |
| <input checked="" type="checkbox"/> ISSUED FOR REVIEW | <input type="checkbox"/> ISSUED FOR BIDDING |
| <input type="checkbox"/> ISSUED FOR CONSTR. | <input type="checkbox"/> RECORD DRAWING |

CITY OF O’FALLON, ILLINOIS
ORDINANCE NO. _____

**AN ORDINANCE ADMENDING
THE CODE OF ORDINANCES
OF THE CITY OF O’FALLON,
CHAPTER 77, TRAFFIC
SCHEDULES, SCHEDULE III,
STOP/THROUGH STREET
INTERSECTIONS - WITTE
FARMS**

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON,
ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: STOP STREET DESIGNATIONS:

An Ordinance to amend the Code of Ordinances of the City of O’Fallon, Chapter 77, Schedule “III” be amended to include the following

Stop Street(s) Intersections:

| | Stop Street | Through Street | Direction |
|----|------------------|------------------|------------|
| 1) | Kings Ridge Blvd | Witte Rd | Westbound |
| 2) | Saddlewood | Kings Ridge Blvd | Northbound |
| 3) | Wind Rose Ct | Saddlewood | Eastbound |
| 4) | Bentwater Ln | Kings Ridge Blvd | Northbound |
| 5) | Acer Ln | Kings Ridge Blvd | Southbound |
| 6) | Caprice Ct | Kings Ridge Blvd | Northbound |
| 7) | Kincaid Ct | Kings Ridge Blvd | Westbound |
| 8) | Cabiness Ct | Kings Ridge Blvd | Southbound |

SECTION 2: RESPONSIBILITIES:

The City is responsible for the posting of said stop signs at named intersections above.



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: Dennis Sullivan, Director of Public Works
Walter Denton, City Administrator
Date: June 16, 2014
Subject: ORDINANCE – Stop Signs, Witte Farms Subdivision

List of committees that have reviewed: Public Works

Background: Due to the annexation of Witte Farms Subdivision into the City, Public Works has acquired the maintenance of the streets and regulatory signage. Therefore, an update to the Code of Ordinances is required to reflect the need for traffic control signage within the subdivision.

Legal Considerations, if any: None, traffic control per accepted standards.

Budget Impact: Minimal as posts for street signs at the locations already in existence will be used for the regulatory signs.

Staff recommendation: Staff recommends passage of the ordinance amendment.

ORDINANCE NO.

**AN ORDINANCE AMENDING
ORDINANCE NO. 2073, TO
ADD TERRITORY TO ST. CLAIR
COUNTY MIDAMERICA
ENTERPRISE ZONE**

WHEREAS, the following Ordinance is adopted based upon the following premises, to wit;

WHEREAS, the State of Illinois has enacted the “Illinois Enterprise Zone Act of 1982,” 20 ILCS 655/1 et seq., as amended (hereinafter referred to as “Act”), to alleviate distressed economic conditions in certain depressed areas;

WHEREAS, the Southwestern Illinois Development Authority Act, 70 ILLCS 520/1 et seq., as amended, authorizes Southwestern Illinois Development Authority (hereinafter referred to as “SWIDA”) by ordinance to designate prior to January 1, 2000 a portion of the territorial jurisdiction of SWIDA located in the townships of O’Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other Enterprise Zones which may be created under that Act. The area shall have all the privileges and rights of an Enterprise Zone, under the Illinois Enterprise Zone Act, but shall not be counted in determining the number of Enterprise Zones to be created in any year under that Act;

WHEREAS, the health, safety and welfare of the residents of St. Clair County, and the Municipalities of Lebanon, Mascoutah, O’Fallon and Shiloh are dependent, in part, upon a healthy private sector in St. Clair County, and the Municipalities of Lebanon, Mascoutah, O’Fallon and Shiloh;

WHEREAS, the development, growth and expansion of the private sector requires a cooperative and continuous partnership between government and the private sector;

WHEREAS, there are certain areas in the County that need the particular attention of government, business and labor to attract private sector investment and directly aid the entire county and the residents thereof;

WHEREAS, a number of residents within the incorporated municipalities of Lebanon, Mascoutah, O’Fallon, Shiloh, and adjacent areas of unincorporated St. Clair County, for several years have suffered pervasive unemployment and economic distress,

related to a variety of economic factors negatively affecting the incorporated and unincorporated areas mentioned above;

WHEREAS, the duly constituted legislative bodies of St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh are cognizant of the distressed conditions existing within this area and are desirous of alleviating these distressed conditions;

WHEREAS, St. Clair County, and the Municipalities of Lebanon, Mascoutah, O'Fallon and Shiloh have indicated their willingness and desire to cooperate in designating portions of their municipalities and unincorporated area in St. Clair County as an Enterprise Zone;

WHEREAS, on December 6, 1999 the O'Fallon City Council passed an Ordinance entitled "An Ordinance establishing an Enterprise Zone consisting of adjacent area within the County of St. Clair, City of Lebanon, City of Mascoutah, City of O'Fallon and Village of Shiloh, subject to approval by the Southwestern Illinois Development Authority and by Illinois Department of Commerce and Economic Opportunity, and approving and authorizing the execution of an Intergovernmental Agreement" being Ordinance No. 2073;

WHEREAS, on October 3, 2011 the O'Fallon City Council passed an Amending Ordinance to the foregoing Ordinance No. 2073, altering the zone termination date, revising sales tax exemption on building material and adding and deleting territory to St. Clair County MidAmerica Enterprise Zone and approving and authorizing the execution of an Amended Intergovernmental Agreement being Ordinance No. 3728;

WHEREAS, on August 5, 2013 the O'Fallon City Council passed an Amending Ordinance to the foregoing Ordinance No. 2073, expanding the boundaries of the St. Clair County MidAmerica Enterprise Zone to include the development of projects in Mascoutah and Lebanon and approving and authorizing the execution of an Amended Intergovernmental Agreement being Ordinance No.3801;

WHEREAS, the City Council of O'Fallon has found it appropriate to amend Ordinance No. 2073 to further expand the boundaries of the St. Clair County MidAmerica Enterprise Zone by adding 45.3 acres to the zone for a sports complex encompassing approximately 125,000 sq. ft. located in O'Fallon and adding another 1.01 acres located in downtown Mascoutah for the construction of a 10,000-12,000 sq. ft. distribution building and the renovation of a two story commercial building and to make revisions to the sales tax exemption section pursuant to Public Act 97-905 that transferred the authority to issue sales tax exemption certificates from Zone Administrators to the Illinois Department of Revenue; and

WHEREAS, with the further expansion of the enterprise zone, the new additions will receive all the state and local amenities provided by the present enterprise zone.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Description:

The area precisely described in *Exhibit “A”*, attached hereto and hereby made a part hereof as if fully set out herein, is hereby designated an Enterprise Zone pursuant to and in accordance with the “Illinois Enterprise Zone Act of 1982,” (hereinafter referred to as “Act”) and the Southwestern Illinois Development Authority Act;

Section 2. Qualifications:

The City of O’Fallon hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act and the Southwestern Illinois Development Authority Act, and further affirms the following:

- a. That the zone area is a contiguous area;
- b. That the zone area comprises a minimum of one-half of the square mile and not more than fifteen square miles in total area;
- c. That public notice was given in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the public hearing;
- d. That the zone area addresses a reasonable need to encompass portions of more than one municipality and an unincorporated area of a county; and
- e. That the zone area is located within the townships of O’Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair.

Section 3. Enterprise Zone Designation:

The zone was designated as an Enterprise Zone, subject to the approval of IDCEO and the Southwestern Illinois Development Authority, in accordance with state law on January 1, 2000.

Section 4. Term and Effect:

The term of the zone shall terminate at midnight of December 31, 2030.

Section 5. Name of Zone:

The name of said enterprise zone shall be “St. Clair County MidAmerica Enterprise Zone”.

Section 6. Sales Tax Exemptions:

Contractors and other entities participating in a real estate construction, rehabilitation or renovation project in the St. Clair County MidAmerica Enterprise Zone may purchase building materials for the project exemption from sales tax.

As of July 1, 2013, the building materials exemption is only available to those contractors or other entities with a certificate issued by the Illinois Department of Revenue (IDOR). To secure a certificate, the Zone Administrator, must submit an applications for each contractor through the “Business Incentives Reporting and Building Materials Exemption Certification” link at the IDOR’s website.

Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by IDOR.

When purchasing tax exempt building materials, the purchaser must submit a signed statement to the retailer that contains the certificate number, the zone, the project, and the materials being purchased. It is the seller’s responsibility to verify that the certificate holder’s building materials exemption certificate number is valid and active.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section.

Notwithstanding any other provision hereof, nothing in this Section shall be construed to exempt any such sale from the transit “sales tax” levied by the COUNTY OF ST. CLAIR.

Section 7. Urban Shopstead Program:

Pursuant to section 10 of the Illinois Enterprise Zone Act, the City of O’Fallon hereby establishes an urban shopstead program. Under the urban shopstead program, the City may sell to a Designated Zone Organization a structure or portion thereof that the City owns for a sum not to exceed \$100. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the City. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the City. The Designated Zone Organization may retain the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

The urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the O’Fallon City Council and the other units of local government involved, provided such rules and guidelines are not inconsistent with the Act.

Section 8. Urban Homestead Program:

Pursuant to section 10 of the Illinois Enterprise Zone Act, City of O'Fallon hereby establishes an urban homestead program. Under the urban homestead program, the City may sell to an individual a residence or any portion thereof that the City owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the City, and the individual must live in the residence for seven years. At the end of the seven year period, the City shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the City.

The urban homestead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the O'Fallon City Council and the other units of local government involved, provided such rules and guidelines are not inconsistent with the Act.

Section 9. Zone Management:

Upon designation as an Enterprise Zone by the IDCEO and SWIDA, a Zone Management Board will be formed comprised of the Chairman of the County Board of St. Clair County, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O'Fallon, Mayor/President of Shiloh and the Executive Director of SWIDA who will be an "ex-officio" member with no voting rights or comprised of the above named Officers' delegates. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the zone. The Zone Management Board will elect its Chairperson.

Section 10. Zone Administrator:

Pursuant to 20 ILCS 655/8, as amended, the position of "Zone Administrator" is hereby created. The person selected to assume this position shall be an employee of the St. Clair County Economic Development Department, who in his/her capacity is an employee of St. Clair County.

The following duties of the Zone Administrator shall be performed in addition to this person's current job responsibilities:

- (a) Supervise the implementation of the provisions of the Illinois Enterprise Zone Act;
- (b) Act as a liaison between St. Clair County, SWIDA, Lebanon, Mascoutah, O'Fallon, Shiloh, IDCEO designated zone organizations and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan;
- (c) Conduct an on-going evaluation of the Enterprise Zone program and to submit such reports annually to the Zone Management Board, the IDCEO and IDOR;

- (d) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small businesses, and financial assistance and employment training within the Enterprise Zone;
- (e) Recommend qualified designated zone organizations to the Zone Management Board;
- (f) Perform such other duties as specified by the Zone Management Board.

In addition to the above-described duties, the responsibilities of the Zone Administrator will be to:

- (a) Act as program manager responsible for the Enterprise Zone's day-to-day operations;
- (b) Serve as the primary technical and professional vehicle for triggering the implementation of the Enterprise Zone program objectives;
- (c) Collect and analyze data and submit reports required by the Zone Management Board, SWIDA, the IDCEO or IDOR on a timely basis;
- (d) Coordinate planning activities and program implementation with other county and/or municipal departments;
- (e) Market available sites and buildings available for business and industrial use, and to prepare documentation with specifics on all available sites and buildings;
- (f) Identify areas needing infrastructure improvements within the Enterprise Zone and work with various units of government to assure such facilities are constructed to meet the business needs of the area;
- (g) Work to enhance the Enterprise Zone's existing and future export potential through activities which will expand the foreign trade zone and intermodal product handling services within the zone;
- (h) Encourage modifications in county and municipal zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan;
- (i) Conduct educational forums and programs to market the incentives of the Enterprise Zone to businesses;

- (j) Coordinate with business and industry to identify State regulations or restrictions that adversely affect economic development within the Enterprise Zone, and to relay this information to the Zone Management Board, and the IDCEO to facilitate the easing of said regulations and restrictions;
- (k) Coordinate available and future economic development incentives within the Enterprise Zone by “networking” with economic development professionals, developers and realtors and maintaining contact with previous plant locations as well as prospects; and
- (l) Assist Enterprise Zone businesses in obtaining available local, State or Federal economic development incentives and benefits.

To accomplish the above duties and tasks, the Zone Administrator may receive technical/professional support from a Development Advisory Committee consisting of professionals, whose organizations have active and on going economic development programs within the Enterprise Zone.

Section 11. Designated Zone Organizations:

Pursuant to 20 ILCS 655/8, as amended, the Zone Administrator may recommend to the Zone Management Board one or more organizations that qualify as a Designated Zone Organization (DZO), under the provisions of the Act. Upon approval by the Zone Management Board, for a term of years set by same, the DZO may do the following:

- (a) Provide or contract for provisions of services including, but not limited to crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
- (b) Provide a forum for business, labor and government action on enterprise zone innovations;
- (c) Receive title to publicly-owned land;
- (d) Solicit and receive contributions to improve the quality of life in the zone area;
- (e) Recommend qualified DZO projects to the Zone Management Board; and

Section 12.

The Mayor of the City of O'Fallon shall have and is hereby authorized to execute and amend an Intergovernmental Agreement between St. Clair County, Southwestern Illinois Development Authority and the municipalities of Lebanon, Mascoutah, Shiloh and O'Fallon indicating the willingness and desire of the City of O'Fallon to participate in the Enterprise Zone Program and setting forth the criteria for cooperation, participation and management of said Enterprise Zone.

Section 13.

This Ordinance, and every provision thereof, shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 14.

All Ordinances, or parts thereof, in conflict herewith are hereby repealed.

EXHIBIT "A"

2014 ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE

Legal Description

Part of Sections 24, 25, 26, 27, 33, 34 and 35 of Township 2 North, Range 7 West, and Sections 19, 29 and 30 in Township 2 North, Range 6 West, and Sections 1, 2, 3, 4, 9, 10, 12 and 16 in Township 1 North, Range 7 West, and Sections 6, 7, 8, 17, 18, 19, 20, 29 and 30 in Township 1 North, Range 6 West of the Third Principal Meridian described as follows:

Beginning at the Southeast corner of Section 20 in Township 1 North, Range 6 West of the Third Principal Meridian; thence North along the East lines of Section 8, 17 and 20 of Township 1 North, Range 6 West to the South Right of Way (R.O.W) line of I-64; thence West along the South line of I-64 in Sections 7 and 8 of Township 1 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of the North half of Section 6 of Township 1 North, Range 6 West; thence West along the South line of the North ½ of Section 6, Township 1 North, Range 6 West and the South line of the North ½ of Section 1, Township 1 North, Range 7 West to the centerline of Section 1, Township 1 North, Range 7 West; thence South along the East-West centerline of said Section 1 to the North R.O.W line of I-64; thence Westerly along the North R.O.W line of I-64 to the point of intersection with the East line of Section 2 in Township 1 North, Range 7 West; thence North along the East line of Section 2, Township 1 North, Range 7 West and the East line of Sections 26 and 35 in Township 2 North, Range 7 West to the South R.O.W line of Highway 50 in said Section 26; thence Easterly along the South R.O.W of Highway 50 to a point that is 320 feet West of the East-West centerline of Section 25 in Township 2 North, Range 7 West; thence South parallel to the North-South centerline of said Section 25 to the North R.O.W line of the CSX Railroad in said Section 25; thence Northeasterly along the North R.O.W line of said CSX Railroad lying in Section 25 in Township 2 North, Range 7 West and Section 30 in Township 2 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence South along the East R.O.W line of Illinois Route 4 to the Southwest corner of Lot 4 of "Leberts Subdivision", recorded in plat book 50 page 36; thence East along the South line of Lot 4 of "Leberts Subdivision", to the Southeast corner of said lot 4; thence North along the East line of Lot 4 to a point 780 feet South of the Northeast corner of "Leberts Subdivision"; thence Northeast along the South line of property described in book 2465 page 965 and book 2465 page 432 to the West line of Little Silver Creek in the Southeast ¼ of Section 30, Township 2 North, Range 6 West; thence Northerly along the centerline of the Little Silver Creek to a point of intersection with the South line of East McAllister Street in the city of Lebanon if extended Eastwardly; thence West along the South prolongation line of East McAllister to the West line of Strack Lane; thence North along the West line of Strack Lane to the North line of East McAllister Street; thence West along the North line of East McAllister Street to the East R.O.W line of South Madison Street; thence North along the East R.O.W line of South Madison Street to the South line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7" in book "C" page 183; thence East along the South

line of said Lot 2 a distance of 165 feet to a point; thence North parallel to the East line of Lot 2 to the North line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence East along the North line of Lot 7 to the West R.O.W line of South Fritz Street; thence North along the West R.O.W line of South Fritz Street to the North line of Lot 1 Block 7 of "J.L Sargents Addition Subdivision of Block 7": thence West along the said North line of Lot 1 and it's Westerly prolongation to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to point 250 feet North of the North line of Lot 1 "Lebanon Plaza", recorded in Plat Book "86" page 23; thence West parallel to the North line of Lot 44 in "Plat of Lots 1 thru 50 in Section 19, Township 2 North, Range 6 West", to the West line of said Lot 44; thence South along said West line of Lot 44 a distance of 50 feet to a point; thence East parallel to the North line of said Lot 44 a distance of 696.9 feet to a point; thence South parallel to the West line of said Lot 44 a distance of 250 feet to a point; thence East parallel to the North line of said Lot 44 to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to the North line of Lot 2 "Emerald Plaza"; thence East along the North line of Lot 2 to a point 243.4 feet East of the Southwest corner of Lot 1 of "Emerald Plaza"; thence North parallel to the West line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the Northwest corner of said Lot 1; then South along the West line of Lot 1 to the North line of Lot 2; thence West along the West prolongation of the North line of Lot 2, 150 feet to a point; thence South parallel to the West line of Lot 2 "Emerald Plaza" to the North line of McAllister Street; thence West along the North R.O.W line of West McAllister Street to the East R.O.W line of Belleville Street; thence North along the East R.O.W line of Belleville Street to the Southwest corner of Outlot F of "Wakanda Villages"; thence East along the South line of Outlot F and Lot 38A of "Wakanda Village", to the Southeast corner of said Lot 38; thence Northeast along the Easterly line of said Lot 38 to the most Easterly corner of Lot 38; being the South R.O.W line of Perryman Road; thence Northeasterly along the Northerly R.O.W of Perryman Street to the West R.O.W line of Bow Drive; thence North along the West R.O.W line of Bow Drive to a North line of said "Wakanda Village Subdivision"; thence Southwest along a North line of "Wakanda Village Subdivision", to an East line of "Wakanda Village Subdivision"; thence North along said Subdivision and it's prolongation to the Northwest R.O.W line of Belleville Street; thence Southwest along the Northwest line of Belleville Street to the Southeast corner of parcel 04-25.0-100-023; thence North 62 degrees 52 minutes 54 seconds West, a distance of 416.78 feet to a point; thence South 46 degrees 52 minutes 53 seconds West, a distance of 173.65 feet; thence South 48 degrees 00 minutes 04 seconds East, a distance of 534.59 feet to a point; thence in a Southeast direction on a curve to the right, having a radius of 305.87, a cord of South 36 degrees 52 minutes 16 seconds East, a distance of 95.93 feet to the West R.O.W of Belleville Street; thence Southwest along the Northwest line of Belleville Street and it's Western spur to the North line of U.S Highway 50; thence Westerly along the North R.O.W line of U.S Highway 50, traveling through Sections 25, 26 and 27 of Township 2 North, Range 7 West, to the South R.O.W line of the CSX Railroad lying in said Section 27; thence West along the South R.O.W line of the CSX Railroad to the East line of "Woodstream Subdivision 1st Addition" in Book 96 page 26; thence South along the East line of "Woodstream Subdivision 1st

Addition” and it’s Southerly prolongation to the North R.O.W line of U.S Highway 50; thence Southwest along the North R.O.W line of U.S Highway 50 to the East R.O.W line of Air Mobility Drive (Hwy 158); thence East along the South line of Section 29 to the Northerly prolongation of the West line of Market Street; thence South along the West line of Market Street and it’s prolongation to the South line of Main Street; thence East along the South line of Main Street to a point 45 feet East of the Northwest corner of Lot 37, being a part of the Northwest ¼ of Section 32, Township 1 North, Range 6 West of the 3rd Principal Meridian; reference being had to the plat thereof in Book of Plats “A” on page 127 ; thence South parallel to the West line of Lot 37 to the South line of Lot 37; thence East along the South line of Lot 37 to the Southeast corner of Lot 37; thence North along the East line of Lot 37 and it’s Northerly prolongation to the North line of Main Street; thence West along the North line of Main Street to the Southeast corner of Lot 4 in Block 1 of the “Original Town of Mascoutah” in Book of Deeds “I” on page 529; thence North along the East line of Lot 4 Block 1 of the “Original Town of Mascoutah” and it’s Northerly prolongation to the South line of East Church Street; thence West along the South line of South Church Street to the East line of Market Street; thence North along the East line of Market Street to the South line of Section 29; thence Southerly along the East R.O.W of Air Mobility Drive (Hwy 158) traveling through Sections 33 and 34, Township 2 North, Range 7 West and Sections 4, 9 and 16 in Township 1 North, Range 7 West to the Northerly R.O.W line of the Metrolink Light Rail System; thence Easterly and Northerly along the R.O.W line of the Metrolink Light Rail line and it’s prolongation to the North line of Section 16 in Township 1 North, Range 7 West; thence East along the South line of Section 9 to a point on the East line of property owned by Bi-State Development Agency for the Metrolink Light Rail System lying in the Southeast ¼ of Section 9, Township 1 North, Range 7 West; thence North parallel to the East line of Air Mobility Drive to the South line of Seibert Road; thence Easterly along the Southerly R.O.W line of Seibert Road to the Southerly prolongation of the West line of Lot 1 in the Northeast ¼ of Section 10, Township 1 North, Range 7 West; thence North along said prolongation and the West line of Lot 1 to the Northwest corner of Lot 1; thence East along the North line of said Lot 1 to the East line of the West ½ of the Northwest ¼ of Section 10, Township 1 North, Range 7 West; thence North along the East line of the West ½ of the Northwest ¼ of Section 10 to the Northwest corner of the Southeast ¼ of the Northwest ¼ of Section 10; thence Northwest parallel to the centerline of Golf Course Road, lying in Section 10, Township 1 North, Range 7 West, a distance of 1623.19 feet to a point; thence Northeast at a right angle to the last described point a distance of 3,000 feet to a point; thence Southeast at a right angle a distance of 365.28 feet to a point on the North-South centerline of Section 3, Township 1 North, Range 7 West; thence continuing along the last described coarse to a point of intersection with the South line of Section 3; thence East along the South line to a point 898.9 feet West of the Southeast corner of said Section 3; thence North 6 degrees 54 minutes West 898.9 feet to a point; thence South 87 degrees 46.5 minutes East 985.4 feet to a point; thence South 00 degrees 21.5 minutes East 354 feet to a point; thence East parallel to the South line of Section 2, Township 1 North, Range 7 West, a distance of 1206.5 to a point; thence South parallel to the West line of said Section 2 to the South line of Section 2, township 1 North, Range 7 West; thence East along the South line of Section 2 to the East line of the West ½ of the Southeast ¼ of Section 2; thence North

along the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2 to the South R.O.W line of Interstate 64 (I-64); thence Southeast along the South R.O.W line of I-64 to the Northerly prolongation of the East line of Lot 10 in the Southwest $\frac{1}{4}$ of Section 1, township 1 North, Range 7 West; thence South along said prolongation of Lot 10 and the East line of Lot 10 to the South line of Lot 1; thence in a Southeast direction through Section 12 in Township 1 North, Range 7 West and Sections 7 and 18 in Township 1 North, Range 6 West to the intersection of the North-South centerline of Section 18 with the North R.O.W line of the Norfolk and Southern Railroad; thence South along the North-South centerlines of Section 18 and 19 in Township 1 North Range 6 West to the South line of Section 19; thence East along the South line of said Section 19 to the Southeast corner of Section 19; thence South along the East line of Section 30, Township 1 north, Range 6 West to the South line of "Townsend Square" recorded in A01981794; thence Westerly along said South line of "Townsend Square" and it's Westerly prolongation to the East R.O.W line of North 6th Street lying in Section 30, Township 1 North, Range 10 West; thence South along the East R.O.W line of North 6th Street to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30; thence East along the North line of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30 to the East line of Section 30; thence North along the East line of Section 30 to the Northwest corner of "Prairie View Estates Phase 2", recorded in A02023219; thence Easterly and Southerly along the North and Easterly line of "Prairie View Estates Phase 2" and "Prairie View Estates Phase 1" to the West R.O.W line of Illinois Route 4; thence South along the West R.O.W line of Illinois Route 4 to the Northeast corner of the Southwest $\frac{1}{4}$ of the Southwest corner of the Section 29; thence West along the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29 to the Northerly prolongation at the East line of Fountain View Drive; thence South along the East R.O.W line of Fountain View Drive and it's prolongation to the Easterly prolongation of the South line of "St. Christopher Lake" recorded in A01754006; thence Westerly along the Southerly line of "St. Christopher Lake" and it's prolongation to the West line of Section 29 in Township 1 North, Range 6 West; thence South along the West line of Section 29 to the Southwest corner of Section 29; thence East to the East line of Section 33, Township 2 North, Range 7 West; thence North along the East line of Sections 28 & 33 in Section 28; thence North 89 degrees 22 minutes 00 seconds West along the North line of tax lot 21A, a distance of 599.49 feet to a stone; thence South 22 degrees 04 minutes 05 seconds West, a distance of 441.89 feet; thence South 00 degrees 01 minutes 22 seconds East 476.42 feet; thence North 85 degrees 15 minutes 00 West, a distance of 230 feet; thence South 00 degrees 57 minutes 00 seconds West 666 feet to a point; thence North 77 degrees 50 minutes 03 seconds East, 289.01 feet to a point; thence South 12 degrees 11 minutes 47 seconds West, 78.52 feet to a point on the Northerly R.O.W line of Highway 50; thence Northeast along the North line of Highway 50 to the East R.O.W line of Air Mobility Drive (Highway 158); thence East along the South line of Section 29 to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the Westerly prolongation of the South line of "Crown Pointe-Phase 1A" lying in the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 29, Township 1 North, Range 6 West' thence East along the South line of "Crown Pointe-Phase 1A" and it's prolongation to the Southeast corner of "Crown Pointe Phase 1A"; thence North along the East line of "Crown Pointe-Phase 1A" to the Northeast corner of said subdivision' thence West along the North line of "Crown Pointe

-Phase 1A” to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of Section 20 in Township 1 North, Range 6 West; thence East along the South line of Section 20 to the point of beginning.

2014 St. Clair County MidAmerica Enterprise Zone Map identifying additions

O’Fallon Parcel Numbers:

04-28.0-400-028

04-28.0-400-032

04-33.0-200-019

04-33.0-200-025

04-33.0-200-028

04-33.0-200-033

Mascoutah Parcel Numbers:

19-32.0-137-001

10-32.0-137-002

10-32.0-137-003

10-32.0-137-016

10-32.0-149-011



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: July 7, 2014

Subject: Enterprise Zone Expansion (ORDINANCE)

List of committees that have reviewed: This request has not been reviewed by the Community Development Committee. Due to new legislation of Enterprise Zones, a large quantity of new applications will be submitted to the state vying for a number of Enterprise Zones expiring next year. Therefore, St. Clair County has requested approval of the attached ordinance and intergovernmental agreement for the MidAmerica Enterprise Zone Expansion as quickly as possible to submit to the state prior to the influx of applications from other communities.

Background:

St. Clair County is requesting an expansion of the existing St. Clair County MidAmerica Enterprise Zone. The City Administrator's office has been working with an individual who has recently placed under a letter of intent, a large commercial property located on the northwest quadrant of the intersection of State Road 50 and Scott-Troy Road (as shown on the attached maps). As indicated in the ordinance, the MidAmerica Enterprise Zone would be expanded to include 45.3 acres to the zone for a sports complex encompassing approximately 125,000 square feet. Due to the nature of the project and requested confidentiality, staff cannot be any more specific on the proposal at this time, other than what is included in the ordinance.

In addition to the property located within the city, the City of Mascoutah has two properties located in their downtown area seeking to be incorporated into the MidAmerica Enterprise Zone. Any time the Enterprise Zone is expanded action is required by the city council. St. Clair County has provided the attached ordinance and agreement for approval.

Legal Considerations, if any: None.

Budget Impact: None.

Staff Recommendation: Staff recommends approval of the attached ordinance and intergovernmental agreement.

**ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE
AMENDING INTERGOVERNMENTAL AGREEMENT**

An Amending Intergovernmental Agreement by and among the County of St. Clair, Illinois (hereinafter referred to as “St. Clair County”); the City of Lebanon (hereinafter referred to as “Lebanon”); the City of Mascoutah (hereinafter referred to as “Mascoutah”); the City of O’Fallon (hereinafter referred to as “O’Fallon”); the Village of Shiloh (hereinafter referred to as “Shiloh”); and the Southwestern Illinois Development Authority (hereinafter referred to as “SWIDA”) in respect to the St. Clair County MidAmerica Enterprise Zone.

WHEREAS, the Southwestern Illinois Development Authority Act, 70 ILCS 520/1 et seq., as amended, authorizes SWIDA by ordinance to designate prior to January 1, 2000 a portion of the territorial jurisdiction of SWIDA located in the townships of O’Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair for certification as an Enterprise Zone under the Illinois Enterprise Zone Act in addition to any other Enterprise Zones which may be created under that Act. The area shall have all the privileges and rights of an Enterprise Zone under the Illinois Enterprise Zone Act, but shall not be counted in determining the number of Enterprise Zones to be created in any year under that Act;

WHEREAS, the Illinois Enterprise Zone Act, 20 ILCS 655/1 et seq., as amended, requires a county or municipality, or any combination thereof, to designate by ordinance and/or resolution an area within its jurisdiction as an enterprise zone;

WHEREAS, St. Clair County, Lebanon, Mascoutah, O’Fallon and Shiloh have by separate ordinances and/or resolution designated an enterprise zone for establishment by SWIDA and have obtained approval of such zone;

WHEREAS, the Illinois Enterprise Zone Act 20 ILCS 655/8.2 new Sec. 8.2 c further requires that the administration of an enterprise zone shall be under the jurisdiction of the designating municipality or county and further provides that a Zone Administrator shall be appointed;

WHEREAS, the parties entered into an Intergovernmental Agreement on December 16, 1999 for the management and operation of the Enterprise Zone;

WHEREAS, a First Amendment to the Intergovernmental Agreement was approved and certified by the IDCEO on January 31, 2012 for a technical correction to the termination date, amend the building materials sales tax exemption, and to add and delete territory from the St. Clair County MidAmerica Enterprise Zone;

WHEREAS, a Second Amendment to the Intergovernmental Agreement was approved and certified by the IDECO on September 6, 2013 to expand the boundaries of the St. Clair County MidAmerica Enterprise Zone;

WHEREAS, the parties have determined that it is in the best interest of the parties and the public to further expand the current boundaries of the St. Clair County MidAmerica Enterprise Zone for projects that will provide an immediate benefit to the zone area and to make revisions to the Sales Tax Credit Section pursuant to Public Act 97-905 that transferred the authority to issue sales tax exemption certificates from Zone Administrator to the Illinois Department of Revenue.

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

1. SWIDA agrees to delegate for the entire term of the enterprise zone the administrative functions of the enterprise zone to a Zone Management Board comprised of the Chairman of the St. Clair County Board, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O'Fallon, the Mayor of Shiloh and SWIDA's Executive Director, who will be an "ex officio" member with no voting rights. The Zone Management Board will be the governing body of the enterprise zone and will be responsible for all decisions within the zone.
2. **Description:** The area precisely described in *Exhibit "A"*, attached hereto and hereby made a part hereof as if fully set out herein, is hereby designated an Enterprise Zone pursuant to and in accordance with the "Illinois Enterprise Zone Act of 1982," (hereinafter referred to as "Act") and the Southwestern Illinois Development Authority Act;
3. **Qualifications:** The County and the Municipalities hereby declares and affirms that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act and the Southwestern Illinois Development Authority Act, and further affirms the following:
 - is a contiguous area, that may exclude wholly surrounded territory within its boundaries;
 - comprises a minimum of one-half of the square mile and not more than fifteen square miles in total area, exclusive of lakes and waterways;
 - public notice was given in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the public hearing;
 - area addresses a reasonable need to encompass portions of more than one municipality and an unincorporated area of a county;
 - area is located within the townships of O'Fallon, Lebanon, Mascoutah, and Shiloh Valley of the County of St. Clair;
4. **Enterprise Zone Designation:** The area described was designated as an Enterprise Zone, subject to the approval of IDCEO and SWIDA, in accordance with state law.
5. **Term and Effect:** The term of the zone shall commence with the date the Enterprise Zone was approved and certified by the IDCEO and shall be in effect for no more than 30 calendar years and shall terminate at midnight of December 31 of the final calendar year of the certified term.
6. **Sales Tax Credits:** Each retailer who makes a qualified sale of building materials to be incorporated into real estate in an enterprise zone established by a county or municipality under the Illinois Enterprise Zone Act by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by this Act. For purposes of this Section, "qualified sale" means a sale of building materials that will be

incorporated into real estate as part of a building project for which a Certificate of Eligibility for Sales Tax Exemption has been issued by the Illinois Department of Revenue (IDOR).

In order to receive this Certification, building materials must be used for remodeling, rehabilitation or permanent new construction. Construction must be of the nature that a building permit would be required. A completed exemption form with original signatures must be submitted to the Zone Administrator prior to the start of the project. If an applicant requests certification for a project that does not require a building permit according to the rules, regulations, ordinances and resolutions in force, the Zone Administrator may still approve an exemption certificate in certain circumstances. Documentation from the City of Lebanon, City of Mascoutah, City of O'Fallon, Village of Shiloh or St. Clair County that a permit is not required must be submitted to the Zone Administrator for review and consideration by the contractor or business seeking the exemption. In addition to the completed exemption form, the applicant must submit a copy of the approved building permit issued by St. Clair County or applicable local unit of government. The Administrator will verify the project is eligible and located within the Zone boundary.

An approved Enterprise Zone project requesting a sales tax exemption, will be subject to a fee of one half percent (0.5%) of the total construction material costs included on the sales tax exemption form. The fee will be due upon the issuance of the sales tax exemption certificate by the Zone Administrator and a summary of construction materials costs must be provided to the Zone Administrator at the same time and no fee shall exceed \$50,000.

To document the exemption allowed under this Section, the retailer must obtain from the purchaser a signed Certificate of Eligibility for Sales Tax Exemption issued by the IDOR for the St. Clair County MidAmerica Enterprise Zone that contains the certificate number, the zone, the project and the materials being purchased.

The deduction allowed by this Section for the sale of building materials may be limited, to the extent authorized by ordinance, adopted after the effective date of this amendatory Act of 1992, by the municipality or county that created the enterprise zone into which the building materials will be incorporated. The ordinance, however, may neither require nor prohibit the purchase of building materials from any retailer or class of retailers in order to qualify for the exemption allowed under this Section.

Notwithstanding any other provision hereof, nothing in this Section shall be construed to exempt any such sale from the transit "sales tax" levied by the COUNTY OF ST.CLAIR.

- 7. Urban Shopstead Program:** Pursuant to section 10 of the Illinois Enterprise Zone Act, the County and the Municipalities hereby establishes an urban shopstead program. Under the urban shopstead program, the County or the Municipalities may sell to a Designated Zone Organization a structure or portion thereof that the appropriate unit of government owns for a sum not to exceed \$100. The Designated Zone Organization shall agree to renovate or remodel the property to meet the standards and level of maintenance stated in the agreement between the Designated Zone Organization and the County. The Designated Zone Organization may sell or lease such structure to commercial and industrial businesses pursuant to the procedures set forth in the sales agreement between it and the appropriate unit of government. The Designated Zone Organization may retain

the structure in whole or in part for its own use. Any proceeds derived from the use, lease or sale of such property shall accrue to the Designated Zone Organization.

The urban shopstead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Zone Management Board, provided such rules and guidelines are not inconsistent with the Act.

- 8. Urban Homestead Program:** Pursuant to section 10 of the Illinois Enterprise Zone Act, the County and the Municipalities hereby establishes an urban homestead program. Under the urban homestead program, the County or the Municipalities may sell to an individual a residence or any portion thereof that the appropriate unit of government owns within the zone area for a sum of \$100. The individual must agree to renovate or remodel the property to meet the standards and level of maintenance stated in the sales agreement between the individual and the appropriate unit of government, and the individual must live in the residence for seven years. At the end of the seven year period, the appropriate unit of government shall assign title to the property over to the individual, provided satisfactory improvements to the property have been made pursuant to the agreement with the appropriate unit of government.

The urban homestead program shall be subject to rules and guidelines issued by the Zone Administrator, with the approval of the Zone Management Board, provided such rules and guidelines are not inconsistent with the Act.

- 9. Zone Management:** Upon designation as an Enterprise Zone by the IDCEO and the SWIDA, a Zone Management Board will be formed comprised of the Chairman of the County Board of St. Clair County, the Mayor of Lebanon, the Mayor of Mascoutah, the Mayor of O’Fallon, the Mayor/President of Shiloh and the Executive Director of SWIDA, who will be an “ex-officio” member with no voting rights or comprised of the above named Officers’ delegates. This Zone Management Board will be the governing body of the Enterprise Zone and will be responsible for all decisions within the zone. The Zone Management Board will elect its Chairperson.
- 10. Zone Administrator:** Pursuant to 20 ILCS 655/8, as amended, the position of “Zone Administrator” is hereby created. The person selected to assume this position shall be an employee of the St. Clair County Economic Development Department, who in his/her capacity is an employee of St. Clair County.

The Zone Administrator shall be accountable to the Zone Management Board. The Zone Administrator will be responsible for the day-to-day operations and implementations of the zone area and will be the liaison between the Zone Management and the IDCEO.

The Zone Administrator shall be empowered, subject to approval by the Zone Management Board, to:

- (a) Supervise the implementation of the provisions of the Illinois Enterprise Zone Act;
- (b) Act as a liaison between St. Clair County, SWIDA, Lebanon, Mascoutah, O’Fallon, Shiloh, IDCEO, designated zone organizations and other state, federal and local agencies or planning groups, whether public or private, in support of the Enterprise Zone program and plan;

- (c) Conduct an on-going evaluation of the Enterprise Zone program and to submit such reports annually to the Zone Management Board, the IDCEO and IDOR;
- (d) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small businesses, and financial assistance and employment training within the Enterprise Zone;
- (e) Recommend qualified designated zone organizations to the Zone Management Board;
- (f) Perform such other duties as specified by the Zone Management Board.

In addition to the above-described duties, the responsibilities of the Zone Administrator will be to:

- (a) Act as program manager responsible for the Enterprise Zone's day-to-day operations;
- (b) Serve as the primary technical and professional vehicle for triggering the implementation of the Enterprise Zone program objectives;
- (c) Collect and analyze data and submit reports required by the Zone Management Board, SWIDA, the IDCEO or IDOR on a timely basis;
- (d) Coordinate planning activities and program implementation with other county and/or municipal departments;
- (e) Market available sites and buildings available for business and industrial use, and to prepare documentation with specifics on all available sites and buildings;
- (f) Identify areas needing infrastructure improvements within the Enterprise Zone and work with various units of government to assure such facilities are constructed to meet the business needs of the area;
- (g) Work to enhance the Enterprise Zone's existing and future export potential through activities which will expand the foreign trade zone and intermodal product handling services within the zone;
- (h) Encourage modifications in county and municipal zoning and building standards as appropriate to further the purposes of the Enterprise Zone plan;
- (i) Conduct educational forums and programs to market the incentives of the Enterprise Zone to businesses;
- (j) Coordinate with business and industry to identify State regulations or restrictions that adversely effect economic development within the Enterprise

Zone, and to relay this information to the Zone Management Board, and the IDCEO to facilitate the easing of said regulations and restrictions;

- (k) Coordinate available and future economic development incentives within the Enterprise Zone by “networking” with economic development professionals, developers and realtors and maintaining contact with previous plant locations as well as prospects; and
- (l) Assist Enterprise Zone businesses in obtaining available local, State or Federal economic development incentives and benefits;

To accomplish the above duties and tasks, the Zone Administrator may receive technical/professional support from a Development Advisory Committee consisting of professionals, whose organizations have active and on going economic development programs within the Enterprise Zone.

11. Designated Zone Organizations: Pursuant to 20 ILCS 655/8, as amended, the Zone Administrator may recommend to the Zone Management Board one or more organizations that qualify as a Designated Zone Organization (DZO), under the provisions of the Act. Upon approval by the Zone Management Board, for a term of years set by same, the DZO may do the following:

- (a) Provide or contract for provisions of services including, but not limited to crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
- (b) Provide a forum for business, labor and government action on enterprise zone innovations;
- (c) Receive title to publicly-owned land;
- (d) Solicit and receive contributions to improve the quality of life in the zone area; and
- (e) Recommend qualified DZO projects to the Zone management Board;

12. St. Clair County, Lebanon, Mascoutah, O’Fallon and Shiloh jointly and severally shall indemnify SWIDA, its members, officers, employees and agents for all losses, costs, expenses (including attorneys’ fees and expenses and costs of settlement), damages, penalties, actions, judgements, suits or other liabilities, or disbursements of any kind, which SWIDA may incur or which may be imposed upon or asserted against SWIDA in any way relating to or arising out of the administration, management, or operation of the enterprise zone.

13. LOCAL APPROVAL AND AUTHORITY TO EXECUTE: The governing bodies of each of the six (6) participating units of local government have approved this Amended Intergovernmental Agreement and authorized its execution by it undersigned officers as follows:

(a) COUNTY OF ST. CLAIR
Ordinance No. _____
Adopted and approved on _____

(b) CITY OF LEBANON
Ordinance No. _____
Adopted and approved on _____

(c) CITY OF MASCOUTAH
Ordinance No. _____
Adopted and approved on _____

(d) CITY OF O'FALLON
Ordinance No. _____
Adopted and approved on _____

(e) VILLAGE OF SHILOH
Ordinance No. _____
Adopted and approved on _____

(f) SOUTHWESTERN ILLINOIS DEVELOPMENT AUTHORITY
Amended Ordinance dated _____
Adopted and approved on _____

PASSED, APPROVED AND ADOPTED THE AMENDED ST. CLAIR COUNTY
MIDAMERICA ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT:

COUNTY OF ST. CLAIR

CITY OF LEBANON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

CITY OF MASCOUTAH

CITY OF O'FALLON

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

VILLAGE OF SHILOH

SOUTHWESTERN ILLINOIS
DEVELOPMENT AUTHORITY

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

ATTEST: _____

ATTEST: _____

Exhibit "A"

**2014 ST. CLAIR COUNTY MIDAMERICA ENTERPRISE ZONE
Legal Description**

Part of Sections 24, 25, 26, 27, 33, 34 and 35 of Township 2 North, Range 7 West, and Sections 19, 29 and 30 in Township 2 North, Range 6 West, and Sections 1, 2, 3, 4, 9, 10, 12 and 16 in Township 1 North, Range 7 West, and Sections 6, 7, 8, 17, 18, 19, 20, 29 and 30 in Township 1 North, Range 6 West of the Third Principal Meridian described as follows:

Beginning at the Southeast corner of Section 20 in Township 1 North, Range 6 West of the Third Principal Meridian; thence North along the East lines of Section 8, 17 and 20 of Township 1 North, Range 6 West to the South Right of Way (R.O.W) line of I-64; thence West along the South line of I-64 in Sections 7 and 8 of Township 1 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of the North half of Section 6 of Township 1 North, Range 6 West; thence West along the South line of the North ½ of Section 6, Township 1 North, Range 6 West and the South line of the North ½ of Section 1, Township 1 North, Range 7 West to the centerline of Section 1, Township 1 North, Range 7 West; thence South along the East-West centerline of said Section 1 to the North R.O.W line of I-64; thence Westerly along the North R.O.W line of I-64 to the point of intersection with the East line of Section 2 in Township 1 North, Range 7 West; thence North along the East line of Section 2, Township 1 North, Range 7 West and the East line of Sections 26 and 35 in Township 2 North, Range 7 West to the South R.O.W line of Highway 50 in said Section 26; thence Easterly along the South R.O.W of Highway 50 to a point that is 320 feet West of the East-West centerline of Section 25 in Township 2 North, Range 7 West; thence South parallel to the North-South centerline of said Section 25 to the North R.O.W line of the CSX Railroad in said Section 25; thence Northeasterly along the North R.O.W line of said CSX Railroad lying in Section 25 in Township 2 North, Range 7 West and Section 30 in Township 2 North, Range 6 West to the East R.O.W line of Illinois Route 4; thence South along the East R.O.W line of Illinois Route 4 to the Southwest corner of Lot 4 of "Leberts Subdivision", recorded in plat book 50 page 36; thence East along the South line of Lot 4 of "Leberts Subdivision", to the Southeast corner of said lot 4; thence North along the East line of Lot 4 to a point 780 feet South of the Northeast corner of "Leberts Subdivision"; thence Northeast along the South line of property described in book 2465 page 965 and book 2465 page 432 to the West line of Little Silver Creek in the Southeast ¼ of Section 30, Township 2 North, Range 6 West; thence Northerly along the centerline of the Little Silver Creek to a point of intersection with the South line of East McAllister Street in the city of Lebanon if extended Eastwardly; thence West along the South prolongation line of East McAllister to the West line of Strack Lane; thence North along the West line of Strack Lane to the North line of East McAllister Street; thence West along the North line of East McAllister Street to the East R.O.W line of South Madison Street; thence North along the East R.O.W line of South Madison Street to the South line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7" in book "C" page 183; thence East along the South line of said Lot 2 a distance of 165 feet to a point; thence North parallel to the East line of Lot 2 to the North line of Lot 2 Block 7 of "J.L Sargents Addition Subdivision of Block 7"; thence East along the North line of Lot 7 to the West R.O.W line of South Fritz Street; thence North along the West R.O.W line of South Fritz Street to the North line of Lot 1 Block 7 of "J.L Sargents Addition Subdivision of Block 7": thence West along the said North line of Lot 1 and it's Westerly prolongation to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to point 250 feet North of the North line of Lot 1 "Lebanon Plaza",

recorded in Plat Book "86" page 23; thence West parallel to the North line of Lot 44 in "Plat of Lots 1 thru 50 in Section 19, Township 2 North, Range 6 West", to the West line of said Lot 44; thence South along said West line of Lot 44 a distance of 50 feet to a point; thence East parallel to the North line of said Lot 44 a distance of 696.9 feet to a point; thence South parallel to the West line of said Lot 44 a distance of 250 feet to a point; thence East parallel to the North line of said Lot 44 to the West R.O.W line of South Madison Street; thence South along the West R.O.W line of South Madison Street to the North line of Lot 2 "Emerald Plaza"; thence East along the North line of Lot 2 to a point 243.4 feet East of the Southwest corner of Lot 1 of "Emerald Plaza"; thence North parallel to the West line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the North line of said Lot 1; thence West along the North line of Lot 1 to the Northwest corner of said Lot 1; then South along the West line of Lot 1 to the North line of Lot 2; thence West along the West prolongation of the North line of Lot 2, 150 feet to a point; thence South parallel to the West line of Lot 2 "Emerald Plaza" to the North line of McAllister Street; thence West along the North R.O.W line of West McAllister Street to the East R.O.W line of Belleville Street; thence North along the East R.O.W line of Belleville Street to the Southwest corner of Outlot F of "Wakanda Villages"; thence East along the South line of Outlot F and Lot 38A of "Wakanda Village", to the Southeast corner of said Lot 38; thence Northeast along the Easterly line of said Lot 38 to the most Easterly corner of Lot 38; being the South R.O.W line of Perryman Road; thence Northeasterly along the Northerly R.O.W of Perryman Street to the West R.O.W line of Bow Drive; thence North along the West R.O.W line of Bow Drive to a North line of said "Wakanda Village Subdivision"; thence Southwest along a North line of "Wakanda Village Subdivision", to an East line of "Wakanda Village Subdivision"; thence North along said Subdivision and it's prolongation to the Northwest R.O.W line of Belleville Street; thence Southwest along the Northwest line of Belleville Street to the Southeast corner of parcel 04-25.0-100-023; thence North 62 degrees 52 minutes 54 seconds West, a distance of 416.78 feet to a point; thence South 46 degrees 52 minutes 53 seconds West, a distance of 173.65 feet; thence South 48 degrees 00 minutes 04 seconds East, a distance of 534.59 feet to a point; thence in a Southeast direction on a curve to the right, having a radius of 305.87, a cord of South 36 degrees 52 minutes 16 seconds East, a distance of 95.93 feet to the West R.O.W of Belleville Street; thence Southwest along the Northwest line of Belleville Street and it's Western spur to the North line of U.S Highway 50; thence Westerly along the North R.O.W line of U.S Highway 50, traveling through Sections 25, 26 and 27 of Township 2 North, Range 7 West, to the South R.O.W line of the CSX Railroad lying in said Section 27; thence West along the South R.O.W line of the CSX Railroad to the East line of "Woodstream Subdivision 1st Addition" in Book 96 page 26; thence South along the East line of "Woodstream Subdivision 1st Addition" and it's Southerly prolongation to the North R.O.W line of U.S Highway 50; thence Southwest along the North R.O.W line of U.S Highway 50 to the East R.O.W line of Air Mobility Drive (Hwy 158); thence East along the South line of Section 29 to the Northerly prolongation of the West line of Market Street; thence South along the West line of Market Street and it's prolongation to the South line of Main Street; thence East along the South line of Main Street to a point 45 feet East of the Northwest corner of Lot 37, being a part of the Northwest ¼ of Section 32, Township 1 North, Range 6 West of the 3rd Principal Meridian; reference being had to the plat thereof in Book of Plats "A" on page 127 ; thence South parallel to the West line of Lot 37 to the South line of Lot 37; thence East along the South line of Lot 37 to the Southeast corner of Lot 37; thence North along the East line of Lot 37 and it's Northerly prolongation to the North line of Main Street; thence West along the North line of Main Street to the Southeast corner of Lot 4 in Block 1 of the "Original Town of Mascoutah" in Book of Deeds "I" on page 529; thence North along the East line of Lot 4 Block 1 of the "Original Town of Mascoutah" and it's

Northerly prolongation to the South line of East Church Street; thence West along the South line of South Church Street to the East line of Market Street; thence North along the East line of Market Street to the South line of Section 29; thence Southerly along the East R.O.W of Air Mobility Drive (Hwy 158) traveling through Sections 33 and 34, Township 2 North, Range 7 West and Sections 4, 9 and 16 in Township 1 North, Range 7 West to the Northerly R.O.W line of the Metrolink Light Rail System; thence Easterly and Northerly along the R.O.W line of the Metrolink Light Rail line and it's prolongation to the North line of Section 16 in Township 1 North, Range 7 West; thence East along the South line of Section 9 to a point on the East line of property owned by Bi-State Development Agency for the Metrolink Light Rail System lying in the Southeast $\frac{1}{4}$ of Section 9, Township 1 North, Range 7 West; thence North parallel to the East line of Air Mobility Drive to the South line of Seibert Road; thence Easterly along the Southerly R.O.W line of Seibert Road to the Southerly prolongation of the West line of Lot 1 in the Northeast $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along said prolongation and the West line of Lot 1 to the Northwest corner of Lot 1; thence East along the North line of said Lot 1 to the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10, Township 1 North, Range 7 West; thence North along the East line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 10 to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10; thence Northwest parallel to the centerline of Golf Course Road, lying in Section 10, Township 1 North, Range 7 West, a distance of 1623.19 feet to a point; thence Northeast at a right angle to the last described point a distance of 3,000 feet to a point; thence Southeast at a right angle a distance of 365.28 feet to a point on the North-South centerline of Section 3, Township 1 North, Range 7 West; thence continuing along the last described coarse to a point of intersection with the South line of Section 3; thence East along the South line to a point 898.9 feet West of the Southeast corner of said Section 3; thence North 6 degrees 54 minutes West 898.9 feet to a point; thence South 87 degrees 46.5 minutes East 985.4 feet to a point; thence South 00 degrees 21.5 minutes East 354 feet to a point; thence East parallel to the South line of Section 2, Township 1 North, Range 7 West, a distance of 1206.5 to a point; thence South parallel to the West line of said Section 2 to the South line of Section 2, township 1 North, Range 7 West; thence East along the South line of Section 2 to the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2; thence North along the East line of the West $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 2 to the South R.O.W line of Interstate 64 (I-64); thence Southeast along the South R.O.W line of I-64 to the Northerly prolongation of the East line of Lot 10 in the Southwest $\frac{1}{4}$ of Section 1, township 1 North, Range 7 West; thence South along said prolongation of Lot 10 and the East line of Lot 10 to the South line of Lot 1; thence in a Southeast direction through Section 12 in Township 1 North, Range 7 West and Sections 7 and 18 in Township 1 North, Range 6 West to the intersection of the North-South centerline of Section 18 with the North R.O.W line of the Norfolk and Southern Railroad; thence South along the North-South centerlines of Section 18 and 19 in Township 1 North Range 6 West to the South line of Section 19; thence East along the South line of said Section 19 to the Southeast corner of Section 19; thence South along the East line of Section 30, Township 1 north, Range 6 West to the South line of "Townsend Square" recorded in A01981794; thence Westerly along said South line of "Townsend Square" and it's Westerly prolongation to the East R.O.W line of North 6th Street lying in Section 30, Township 1 North, Range 10 West; thence South along the East R.O.W line of North 6th Street to the North line of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30; thence East along the North line of the South $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 30 to the East line of Section 30; thence North along the East line of Section 30 to the Northwest corner of "Prairie View Estates Phase 2", recorded in A02023219; thence Easterly and Southerly along the North and Easterly line of "Prairie View Estates Phase 2" and "Prairie View Estates Phase 1" to the West R.O.W line of Illinois Route 4; thence South along the West

R.O.W line of Illinois Route 4 to the Northeast corner of the Southwest ¼ of the Southwest corner of the Section 29; thence West along the North line of the Southwest ¼ of the Southwest ¼ of Section 29 to the Northerly prolongation at the East line of Fountain View Drive; thence South along the East R.O.W line of Fountain View Drive and it's prolongation to the Easterly prolongation of the South line of "St. Christopher Lake" recorded in A01754006; thence Westerly along the Southerly line of "St. Christopher Lake" and it's prolongation to the West line of Section 29 in Township 1 North, Range 6 West; thence South along the West line of Section 29 to the Southwest corner of Section 29; thence East to the East line of Section 33, Township 2 North, Range 7 West; thence North along the East line of Sections 28 & 33 in Section 28; thence North 89 degrees 22 minutes 00 seconds West along the North line of tax lot 21A, a distance of 599.49 feet to a stone; thence South 22 degrees 04 minutes 05 seconds West, a distance of 441.89 feet; thence South 00 degrees 01 minutes 22 seconds East 476.42 feet; thence North 85 degrees 15 minutes 00 West, a distance of 230 feet; thence South 00 degrees 57 minutes 00 seconds West 666 feet to a point; thence North 77 degrees 50 minutes 03 seconds East, 289.01 feet to a point; thence South 12 degrees 11 minutes 47 seconds West, 78.52 feet to a point on the Northerly R.O.W line of Highway 50; thence Northeast along the North line of Highway 50 to the East R.O.W line of Air Mobility Drive (Highway 158); thence East along the South line of Section 29 to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the Westerly prolongation of the South line of "Crown Pointe-Phase 1A" lying in the Northeast ¼ of the Southwest ¼ of Section 29, Township 1 North, Range 6 West' thence East along the South line of "Crown Pointe-Phase 1A" and it's prolongation to the Southeast corner of "Crown Pointe Phase 1A"; thence North along the East line of "Crown Pointe-Phase 1A" to the Northeast corner of said subdivision' thence West along the North line of "Crown Pointe -Phase 1A" to the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4; thence North along the East R.O.W line of Illinois Route 4 to the South line of Section 20 in Township 1 North, Range 6 West; thence East along the South line of Section 20 to the point of beginning.

2014 St. Clair County MidAmerica Enterprise Zone Map identifying additions

O'Fallon Parcel Numbers:

04-28.0-400-028
04-28.0-400-032
04-33.0-200-019
04-33.0-200-025
04-33.0-200-028
04-33.0-200-033

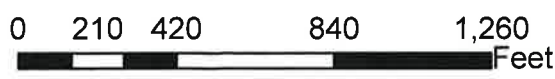
Mascoutah Parcel Numbers:

19-32.0-137-001
10-32.0-137-002
10-32.0-137-003
10-32.0-137-016
10-32.0-149-011

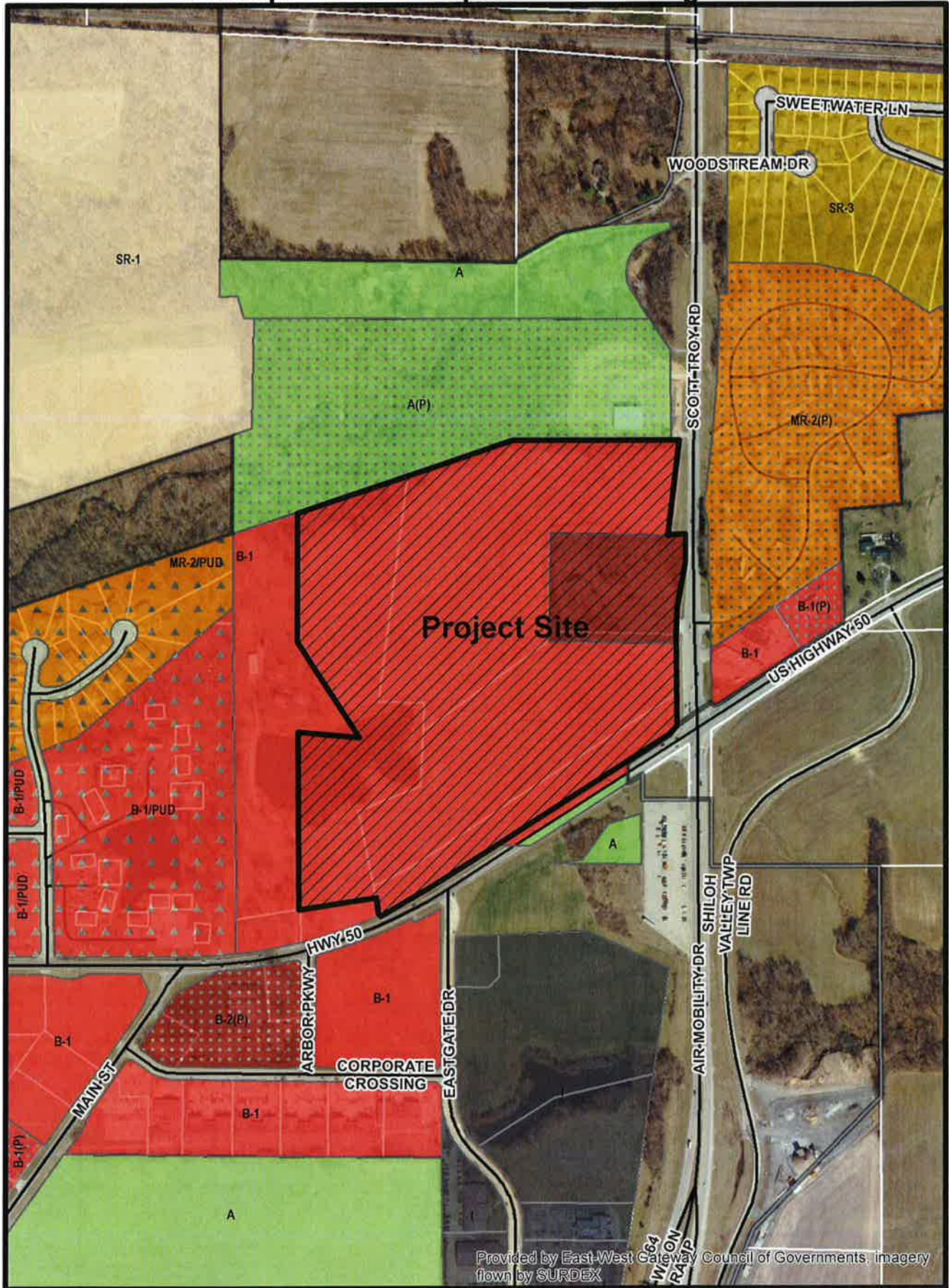
Enterprise Zone Expansion - Site Location



 Subject Property



Enterprise Zone Expansion - Zoning





**DRAFT MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
6:00 PM Monday, June 23, 2014**

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held in the Mayor's Conference Room, 255 S. Lincoln, O'Fallon, Illinois.

CALL TO ORDER: 6:00 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey (vice chair), Jerry Mouser, David Cozad, Ray Holden and Harlen Gerrish. *Other Elected Officials Present:* Kevin Hagarty, Richie Meile, John Drolet, Ed True and Michael Bennett. *Staff:* Walter Denton, Pam Funk, Ted Shekell and Jeff Stehman. *Visitors:* Darwin Miles, Bill Tindall, Darren Carstens, Denny Blumberg, Marsha Maller, Charlie Pitts and Vern Malare.

- II) Approval of Minutes from Previous Meeting**– All ayes. Motion carried.

- III) Items Requiring Council Action**
 - A. Enjoy Church – Planned Use (1st Reading) – Ted Shekell briefed the committee on the proposed reuse of the old Fat Cat's bowling alley as the new place of assembly for Enjoy Church. The committee discussed the application and the conditions. The committee indicated Condition #9: "There shall be a minimum of 30 minutes between services on Sundays" should be applicable to any day of the week and recommended removing "on Sundays" from the conditions. The committee recommended approval of the Enjoy Church – Planned Use with a vote of 6-0.

 - B. 117 Main Street Lease Agreement (Resolution) – Ted Shekell provided a quick overview of the proposed lease of real estate owned by the city to a neighboring property owner. The committee recommended approval of the lease agreement with a vote of 6-0.

 - C. SEPA – Music of the Night 5K Race (Motion) – Ted Shekell informed the committee on the special event permit and the event was consistent with last year's race. The committee recommended approval of the special event permit with a vote of 6-0.

 - D. Parcs at Arbor Green – Final Plat (1st Reading) – Ted Shekell provided a quick overview of the final plat for the Parcs at Arbor Green and the future implications of approving the plat. Denny Blumberg and Marsha Maller provided the committee with further explanation of the change from the preliminary plat to the final plat and the benefits to the proposed revision. The committee recommended approval of the final plat for Parcs at Arbor Green with a vote of 6-0.

IV) Other Business - None

MEETING ADJOURNED: 6:45 PM

NEXT MEETING: TBA – Mayor's Conference Room

Prepared by: Justin Randall, Senior City Planner



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: July 7, 2014
Subject: Special Event Permit- Music of the Night 5K Race (MOTION)

List of committees that have reviewed: At its meeting on June 23, 2014, the Community Development Committee reviewed the special event and recommended approval with a vote of 6-ayes and 0-nays.

Background:

Applicant: Lifelong Music in O'Fallon Schools
Event: Evening 5K Race with live music entertainment
Date/Time: 6:00 PM to 10:00 PM on Saturday, August 9th
Location: Starts/ends at Carriel Junior High School
Event Details:

- Please see the attached map for 5K route- primarily residential streets
- Tiki torches and glow in the dark markings will highlight the route
- Live music at Carriel Junior High- 10 or fewer students playing instruments
- Live music at St. Nicholas Church - a couple of people singing (slightly amplified) - from 8:00 PM to 9:00 PM
- Bathroom facilities at Carriel Junior High School will be utilized

Signage Request:

- None

City Assistance Request:

- None

Notes:

- Normally, 5K races without street closures can be approved administratively. This request was brought to the committee primarily due to the off-site live music.
- Consistent with last year's event.

Legal Considerations, if any: None.

Budget Impact: None.

Staff Recommendation: The Fire, Police and aPublic Works Departments had no issues with the request. Staff recommends approval of the Music of the Night 5K Race special event permit with the following condition:

1. Music at St. Nicholas will end by 9:00 PM

**Public Works Committee
Minutes
7:00 P.M.; June 23, 2014**

DRAFT

Minutes of a meeting of the City of O'Fallon's Public Works Committee, held in the Council Chambers, City Hall, 255 S. Lincoln, O'Fallon, Illinois on June 23, 2014.

CALL TO ORDER: Time: 7:10 P.M.

ROLL CALL: MEMBERS: Meile, Cozad, Bennett, Drolet; Absent: Roach
NON-COMMITTEE ALDERMEN: Albrecht, Hagarty; True, Gerrish, Mouser, Holden
STAFF LIAISON: Bell, Sullivan, Bowman, Shewmaker, Taylor, Funk, Denton
GUESTS: Vern Malare, Robert Booher, Karen Nixon, Charlie Pitts, Tony Schenk

Minutes from April 28, 2014 were approved.

Item 1: POI: Shiloh/District 104's Safe Routes to Schools – Staff received information today from IDOT District 8. IDOT Springfield has approved the use of existing sidewalks and bike/pedestrian way. A revised engineering agreement will be sent to Shiloh by the consultant, Rhutasel and Associates. From that there will be generated an intergovernmental agreement as the project uses O'Fallon right-of-way to complete. (Open)

Item 2: POI: Water Meter, 124 Springfield Court - Staff presented information on what the impact on revenue would be with a lower minimum usage charge. The difference of lowering it from 25,000 gallons per month to 15,000 would create a loss of \$51,153.47 per calendar year for a 1 ½" meter. The Committee seeing the numbers provided for all meters above 1" in size had no further discussion. (Closed)

Item 3: AI: Bike & Pedestrian Access Improvement – Illini Bike Trail to Frank Scott Parkway Design Proposal – Staff presented an engineering agreement from Rhutasel and Associates for the design. The City has received notice that it will receive Illinois Transportation Enhancement Program (ITEP) funding for the project. The letter from IDOT states that the City qualified for \$448,550.00 in funding. The local match will be \$112,140.00 if all the federal funding is used. It is an 80%/ 20% split. Staff will need to fill out the necessary paperwork to use MFT funds on the project. (Closed)

Motion: Committee recommends approval of the Rhutasel and Associates agreement in the amount of \$67,000.00 for the design. Ayes – Meile, Cozad & Bennett
No – Drolet.

Item 4: AI: Stop Sign Ordinance Change for Witte Farms Subdivision - Staff presented an ordinance amendment for the stop sign placement. Staff received a resident request for stop signs. There are none in the subdivision

POI: Point of Information

AI: Action Item

at this time. The posts are up for street names and will be utilized for the stop signs. (Closed)

Motion: Committee recommends approval of stop sign ordinance. Ayes – Meile, Cozad & Bennett No – Drolet.

Item 5: POI: Pickup Truck Purchases, FY15 Public Works Budget – Staff presented information on the pickup truck purchases included in the FY15 budget. The State of Illinois contract for ½-ton trucks ended in April of this year. So, with the budget not passed until May, the chance to purchase off of the state contract was missed. Specifying our own ½-ton trucks, Public Works contacted eight dealerships, receiving only two bids. Tri Ford of Highland was the low bidder at \$79,395.00 with trade. Had the vehicles been bought without trade, the unit price for the trucks was still lower than the expired state contract pricing. Staff suspects that the lower price was due to year end closeout incentives offered to the dealer. Toyota is no longer making the Titan pickup and declined to bid. (Closed)

Item 6: POI: Presidential Streets – Stormwater & Street Improvements – Staff presented the Rhutasel and Associates draft study laying out three different options for improving the area. The costs for each option:

Option “A”

\$9,640,000; Life Span 25 years if Portland cement concrete
-\$802,000 if asphalt paving substituted, Life Span 10-15 years

Option “B”

\$3,210,000; Life Span 10-15 years
+ \$476,000 for new sidewalk alternate
+ \$1,560,000 for alley reconstruction alternate

Option “C”

\$1,420,000; Life Span 3-10 years

*Costs do not include easements, utility relocations or design costs.

| | New Streets | Overlaid Streets | Alleyway Reconstruction | New Curbs | Ribbon Curbing | Underground Storm System | New Sidewalks | New Driveway Aprons | ADA Compliant Ramps | Penn-Vine Ditch Enclosure | New Detention | Fontainebleau Paved Swale | Reclaimed Ditches |
|------------|-------------|------------------|-------------------------|-----------|----------------|--------------------------|---------------|---------------------|---------------------|---------------------------|---------------|---------------------------|-------------------|
| Option "A" | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green |
| Option "B" | Green | Yellow | Green | Green | Green | Yellow | Green | Green | Green | Green | Green | Green | Green |
| Option "C" | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green | Green |

POI: Point of Information

AI: Action Item

Public Works Committee

June 23, 2014

Page 3 of 3

After a long discussion, Committee requested that staff look at Option "B" and come back with a 5 or 6-year time line and percentage of cost per year to complete that project option.

ADJOURNMENT: 8:14 P.M.

PREPARED BY: Heide Bell

Next regular meeting is scheduled for Tuesday, July 28, 2014 at 7:00 P.M., to be held in the Mayor's Conference Room or Council Chambers at City Hall dependent upon the number of visitors at the meeting.

POI: Point of Information

AI: Action Item



CITY COUNCIL AGENDA ITEMS

To: Mayor Graham and City Council
From: Dennis Sullivan, Director of Public Works
Walter Denton, City Administrator
Date: July 7, 2014
Subject: MOTION – Municipal Regenerative Air Street Sweeper

List of committees that have reviewed: None

Background: The City's 2004 Regenerative Air Street Sweeper is approaching the end of its useful life, and is in the shop for repair more than on the streets. Funding for replacement was included in the FY15 Streets, Water, and Wastewater Budgets approved by Council. The low and only bidder for the new sweeper was EJ Equipment of Manteno, IL. Their bid was \$216,304. The budgeted amount was \$205,000. EJ Equipment's bid did not include trade value, due to the age of the old sweeper. The City will place the old sweeper on excess once the new sweeper arrives. The part value of the old sweeper if not sold as a whole should exceed \$15,000.

The lack of additional bids is a concern; however, recently Troy and Belleville have also advertised for a new sweeper, and they too have received only one bid.

Legal Considerations, if any: None, beyond procurement of a new piece of equipment.

Budget Impact: As discussed above, the new sweeper is for slightly more than what was budgeted; however, the difference should be made up for in sale or sale for salvage.

Staff recommendation: Staff recommends approval of the purchase of a sweeper from EJ Equipment for \$216,304.00.

**FINANCE AND ADMINISTRATION
MEETING MINUTES
Monday, June 23, 2014**

Minutes of a meeting of the Finance and Administration Committee of the City of O'Fallon, held in the Mayor's Conference Room, City Hall, 255 S. Lincoln, O'Fallon, Illinois on June 23, 2014. Call to order by M Bennett Time: 5:30 p.m. QUORUM PRESENT

Roll Call:

| Committee Members: | | Other Alderman Present: | | City Staff: | |
|---------------------------|---|--------------------------------|---|--------------------|---|
| Chairman Bennett | X | Holden | X | S. Evans | X |
| Albrecht | X | Meile | X | Denton | X |
| Gerrish | X | Cozad | X | Funk | X |
| McCoskey | X | Hagarty | X | Mitchell | X |
| J.Drolet | X | True | X | Cavins | X |
| | | | | | |
| Others Present: | | | | | |
| V. Malare, C. Pitts | | | | | |

Approval Minutes: - April 28, 2014 Motion Albrecht, Second Drolet **All Ayes. Motion carried.**

Items Requiring Council Action:

Item A: Resolution authorizing Director of Finance to secure Lease/Purchase Agreements for Equipment/vehicles for FY 2014-2015: Director of Finance explained that this is an annual resolution that authorizes the Director of Finance to secure lease/purchase agreements for FY 2014-2015. There was no discussion. Motion Albrecht, Second McCoskey **All Ayes**

Item B: Ordinance Amending Personnel Code: Director of Finance explained that there was a need to update the 2001 Personnel code due to all of the new laws, such as concealed carry, tobacco-free smoking such as e-cigarettes, etc. A summary of changes was distributed prior to the meeting. April Mitchell, HR Specialist, was in attendance to answer any questions. Aldermen questioned why the personnel code hadn't been updated since 2001. It was explained that minor changes are made as the need arises, but since there were several, rather important changes and additions, it was decided to just update the entire personnel code by amending the ordinance from 2001. Motion Gerrish, Second McCoskey **All Ayes**

Other Business:

Item A: Tax Levy- TIF Clarification: Director of Finance addressed a comment from an Alderman from a previous meeting regarding how our property taxes are higher because of the TIF's. The city's TIF increment is \$8,140,373 which represents only 1.26% of our total EAV of \$644,876,503. The rate difference between the rate setting EAV and the EAV without a TIF is .0109. This amounts to approx.. \$4.79 for a resident with a \$150K home. The value the city and residents receive from the businesses in a TIF far outweigh this amount. Director of Finance said that O'Fallon establishes TIF districts the way they are supposed to be used, unlike some neighboring communities where their TIF increments are 80-100% of their total EAV.

Motion to Adjourn by Albrecht, Second, McCoskey All Ayes. Motion Carried.

Next Meeting: July 28, 2014 at 5:30pm

ADJOURNMENT: 5:50 p.m. PREPARED BY: Sandy Evans