

City of Edwardsville

Council Proceedings

March 15, 2022

Mayor Risavy read the Public Hearing Notice - Regarding the execution of an Annexation Agreement between the City of Edwardsville and Brandon and Jessica Adams. 7724 El Pine Estate, Edwardsville, IL 62025. PID: 10-2-16-20-03-301-009. No one was present to speak on behalf or against. The public hearing was concluded.

The regularly scheduled meeting of the Edwardsville City Council was held at 7:00 p.m. at Edwardsville City Hall, located at 118 Hillsboro Avenue in Edwardsville, Illinois, with Mayor Risavy presiding.

Mayor Risavy welcomed the Girl Scouts of Southern Illinois, Service Unit 108 to the meeting and invited them to lead the Pledge of Allegiance.

The Pledge of Allegiance was recited by all present.

Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren answered present on roll call.

Mayor Risavy welcomed everyone in attendance and those viewing on Cable Channel 993 and Facebook Live to the meeting.

Mayor Risavy invited all in attendance to participate in a moment of silence to recognize the conflict in Ukraine and honor all those who have lost their lives.

Mayor Risavy announced the Excellence in Edwardsville recognition of Sandy Deal. James Arnold read a special recognition passage recognizing Ms. Sandy Deal. She has served the citizens of Edwardsville as a school crossing guard for Columbus Elementary School. She assists children rain or shine. She is the true meaning of Excellence in Edwardsville. Ms. Deal thanked the Council, the Police Department, Fire Department and the Columbus School.

Mayor Risavy read a Proclamation for Girl Scout Week. The proclamation recognized the March 12, 2022 110th anniversary of Girl Scouts of the USA. The Council and the Mayor took a photo with all of the Girl Scouts present.

Butch Clemins from the Masonic Lodge 99 was present to speak, but didn't respond when his name was called.

Mayor Risavy opened the public comment portion of the meeting. Fifteen (15) public comments were made. Mayor Risavy provided direction on the public comment portion

of the meeting. He directed that there would be no back-and-forth, and each speaker would have three minutes to speak.

The first public comment came from Mr. Joe Doyle. Mr. Doyle lives in the Willowcreek subdivision. His neighborhood borders the neighborhood with the short-term rental up for vote tonight in Gerber Woods. He feels that the short-term rental is detrimental to neighborhoods. His backyard is adjacent to the short-term rental property. He felt that allowing short-term rental use of the property would be the same as allowing commercial use. He is against the approval of the short-term rental in Gerber Woods.

The second public comment was from John Fischer living at 1319 Gerber Woods Drive in Edwardsville. Mr. Fischer lives in the neighborhood with the proposed SUP at 1315 Gerber Woods Drive. He felt that this would be like having a hotel. The neighborhood is zoned R-1. Mr. Fischer said the property would act like a hotel. He is against the use of a SUP for the short term rental at 1315 Gerber Woods Drive. Requested that the city denies the SUP.

The third public comment was from Rex Whitehead living at 1315 Gerber Woods Drive in Edwardsville. Mr. Whitehead is the homeowner applying for the SUP. He said that he has owned the property for about two years. Mr. Whitehead said the previous owner used the home as a rental property. Since he has owned the property, he has made many improvements to the property. He does not feel that short-term rentals de-value the homes. He pointed out that there are already short-term rentals in the City of Edwardsville. Mr. Whitehead explained his process with rentals. He would like the council to consider his application for the SUP.

The fourth public comment is from Bob Schoeberle living at 1609 Stonebrooke Drive in Edwardsville. Mr. Schoeberle spoke in favor of the Gerber Park PUD. He has lived in the subdivision for 25 years. He has seen several proposals regarding the property. Mr. Schoeberle reviewed many of the suggestions over the years. He feels the many of the projects were too small for the land. The proposed Gerber Park addressed many of the concerns brought forward through the PUD process. He believes this is the right plan with the right builders at the right time.

The fifth public comment was from Mr. John Falcone residing at 1425 McCoy Drive in Edwardsville. Mr. Falcone made general comments regarding the short-term rentals. Asked the Council to think about what they would like near their neighborhood. He feels like the Gerber Park is too many houses on a small piece of property.

The sixth public comment was from J. Scott Phillips living at 1604 Stonebrooke Drive in Edwardsville. He expressed that he did not want the Gerber Park PUD.

The seventh public comment was from Linda Sambor who lives at 105 Carrington Court in Edwardsville. She spoke regarding the Gerber PUD. Her concerns are regarding the water flow from the new project. Her creek behind her house has lots of run-off from the

Governors Parkway. Ms. Sambor had to move the section of creek near her home at the cost of \$50,000. She feels that the development would create extra water flow.

The eighth speaker was Mike Whitaker living at 100 Carrington Court in Edwardsville. Mr. Whitaker is against the Gerber Park PUD Development. He checked the zoning of the proposed site and it was zoned R-1 when they moved in. He was reassured at the time that the land would be for single-family homes. Mr. Whitaker was unaware of the PUD process. He felt that there are safety concerns with the additional traffic. He is against the development.

The ninth speaker was Marcia Bueno who lives at 108 Carrington Court in Edwardsville. Ms. Bueno is against the Gerber Park PUD development. She expected that the development would be single family homes. Her main concern is the additional traffic. She requests a development with fewer homes in the space.

The tenth speaker was Suzanne Osterbur who lives at 101 Carrington Court in Edwardsville. Ms. Osterbur is against the Gerber Park PUD Development. She understands the concerns about the development. Ms. Osterbur would like to see other options presented. She is opposed to the development.

The eleventh speaker was Dave Stukenberg who lives at 1725 Gerber Road in Edwardsville. He is opposed to the PUD. Mr. Stukenberg is concerned with the private development and the HOA having financial issues. His concern is 15-20 years down the road, the development goes downhill with decreases in property values.

The twelfth speaker was Marty Alterberger. He resides at 103 Carrington Court in Edwardsville. He is against the PUD development. He did not come to the podium; it was hard to hear specifics.

The thirteenth speaker was Susan Marty. Ms. Marty resides at 203 Belden Drive in Edwardsville. She is against the PUD development. She has lived in Bennington for twenty years. Her concern is the congestion in Edwardsville and the mass of the development. She is against re-zoning out of the R-1 and these are not single family homes. She is opposed to the PUD development.

The fourteenth speaker is Jenn Stukenberg. She is against the Gerber Park PUD Development and is concerned about safety. The traffic with the school buses and school traffic. She says the amount of traffic is very congested. Ms. Stukenberg is also concerned about the water run-off. She feels the city is not looking at the whole picture and the city could do better.

The fifteenth speaker is Trevor Pettus. Mr. Pettus resides at 108 Surrey Lane in Edwardsville. He agrees that Spencer Homes is capable of building high quality of homes. He said that he is concerned property value will be affected negatively. Mr. Pettus also pointed out that nothing stops someone from renting these properties. He likes the approach but feels it would be better-suited in another area. He does not support

the development of the multi-family development. He recommends that the Council not approve this PUD development.

Mr. Risavy thanked everyone for their comments and for attending the meeting.

Consent Agenda

Mayor Risavy read Consent Agenda items as follows:

- Approval of minutes of Council Meeting on March 01, 2022
- Reports of Elected and Appointed Officials:
 - Finance Director – Monthly Financial Report (to be distributed)
 - Finance Department - Monthly Activity Report
 - Police – Monthly Activity Report
 - Fire Chief – Monthly Activity Report (Fire and EMS Services)
 - Public Works Director – Building, Electrical and Plumbing Permits
- Circuit Clerk’s Report
- Group Health Insurance Fund Report - \$91,116.76
- Executive Session – Consider Security Procedures pursuant to 5 ILCS 120/2(c)(8)
- Mayor Risavy added an item to the Legislative and Executive section of the agenda.
The item will be an update on the pipeline leak from Chief Whiteford. This will be item “a” and all items under will be moved down one letter.
- Mayor Risavy announced the addition of an Executive Session Purchase or Lease of Real Property for the use of the Public Body pursuant to 5 ILCS 120/2(c)(5)

Motion by Krause, seconded by Burns for approval of the Consent Agenda as presented.
Roll Call on Consent Agenda: Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Petitions and Communications

Mayor Risavy read the following items:

- a) Letter from Plan Commission regarding Gerber Park PUD Development Plan
- b) Letter from Zoning Board of Appeals regarding a Special Use Permit for 119 South Main Street
- c) Letter from Zoning Board of Appeals regarding a Special Use Permit for 1315 Gerber Woods Drive
- d) Letter from Zoning Board of Appeals regarding a Special Use Permit for 2386 Troy Road

Legislative & Executive

Chief Whiteford provide an update on the crude oil spill. Several representatives from Marathon Oil and the EPA were present and Chief Whiteford welcomed them to the meeting. On the morning of Friday, March 11, 2022 the fire department received several

calls regarding a smell. The investigation into the calls regarding the smell led the fire department to discover that a pipeline leak had occurred just north of town where 159 and 143 separate, over the Cahokia Creek canal. The crude oil leak was right next to the canal, some went into the canal and washed down the creek. The current estimated spill size is 3,900 barrels.

Friday morning at 8:33 am the first call came in regarding the smell. By 9:00 the fire department had 12 calls. This was how the leak was found. The fire department has been in emergency response mode since the spill. The spill in the creek is contained, no oil made it to the Mississippi River.

Air monitoring has been in place. Madison County Hazmat team was activated and Marathon Petroleum was also monitoring. The Illinois EPA has also been on-site monitoring. The clean-up efforts have been around the clock. Two hundred and seventy personnel have been brought in to help with the clean-up of the spill. The Watershed Nature Center sits close to the spill site. With the current elevation change between the Watershed and the Canal, there is no real concern of the spill contaminating the Nature Center. The clean-up efforts have removed 5,864 barrels of crude mixed with water. The damaged section of pipe has been repaired. Federal agencies approved the re-start of the pipeline. Water monitoring is in place for all surrounding municipalities. There is no concern that the oil spill will contaminate any water systems.

Wildlife was impacted by the spill. Marathon brought in specialists that deal with oil covered animals. They have also worked with the Treehouse Wildlife Center. Marathon has paid to upgrade the facilities to help the animals. Audible deterrents are being used to keep animals away from the clean-up site.

No injuries have been reported by any of the responders. Chief Whiteford commented that the work site can be dangerous and urged the public to stay away to allow the responders to continue their work. The clean-up will take weeks to complete. Soon the site will be transitioning from emergency response to just clean-up. The governing agencies will guide the clean-up.

Alderman Burns asked about the cost of recovery. Chief Whiteford said that Marathon will cover all costs for the clean-up and recovery. Reimbursement of the fire department time has not been discussed.

Alderman Farrar asked about the remainder of the pipe, is there an inspection process. Andy L. with Marathon Pipeline provided information about the inspection of the pipeline to ensure that it is safe to operate.

Alderman Krause asked about total time for complete reclamation of the area. Chief Whiteford said that it may take several months.

Alderman Farrar asked about the long-term impact of the spill. Jake Passen with the US Environmental Protection Agency said they are here to oversee the clean-up and

response. Some of the long-term monitoring will be turned over to the Illinois EPA. Long-term effects won't be known until a later date. Illinois EPA will be overseeing the long-term impact of the spill. US EPA has a website, response.epa.gov has information on the spill response. IEPA also should have a website for questions and updates. Marathon is the responsible party and will enter into a plan with the state. Joe Gannon with Marathon Petroleum said that they are committed to covering all costs with the response to the oil spill.

Chief Whiteford said that frequent updates are being posted. Alderman Krause recognized what a great job the Fire Department has done handling the emergency event.

Mayor Risavy requested that Council move back to an item under Special Recognitions and allow Butch Clemins to speak on behalf of the Masonic Lodge 99. Mr Clemins spoke about the Donation Breakfast which will be held on April 23, 2022 from 8:30 – 11:00am. They want to feed anyone in the city for a free-will donation. All donations received will be given to the Glen-Ed Pantry.

Motion by Krause, second by Stack to approve the appointment of Bryson Baker to the Plan Commission effective immediately with a term ending in April 2022.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Farrar, second by Morrison to approve the appointment of Pam Pinegar to the Edwardsville Beautification and Tree Commission effective immediately with a term ending April 2024.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Krause, second by Stack to accept with regret the resignation of Kyle Anderson from the Bicycle and Pedestrian Advisory Committee effective immediately.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Krause, second by Stack to approve a Resolution Authorizing Execution of Notice of Appointment of IMRF Authorized Agent for the City of Edwardsville.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Krause, second by Warren to approve a Class B Liquor License (Retail Sale of Alcohol for consumption on the premises only), So'Pasta d/b/a Chappy's, 1031 Century Drive, Edwardsville, IL 62025 (connected to Wang Gang).

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Legal & Judicial

None

City Clerk

None

Finance Committee

The minutes of the Finance Committee meeting on Thursday, February 24, 2022 were presented for information and file.

Motion by Burns, seconded by Warren, to approve Claims - \$1,536,955.23 and Library is \$12,640.90 for a total of \$1,549,596.13.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Burns, second by Grant to approve a Resolution Approving a Merit-Based Bonus Program.

Amanda Tucker spoke about the program. Department Heads make a recommendation to the City Administrator. With the new plan allow Mayor and City Administrator can make employee recognitions.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Burns, second by Farrar to approve a Resolution Authorizing a License and Services Agreement with Tyler Technologies for Certain Software and Equipment.

Jeanne Wojcieszak spoke about the new enterprise resource planning software. The new software keeps the business side of the city going. The new software is the leading software provider for municipalities. This should provide ease of use to all citizens and city employees. The city is buying a financial software package, business and community development software and a citizen 311 program and can provide resident notifications. The term of the agreement is 5 years.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Finance Committee will meet on Thursday, March 31, 2022 at 4:00 p.m. in City Hall located at 118 Hillsboro Avenue, Edwardsville, IL 62025.

Public Safety Committee

Minutes of the Public Safety Committee meeting held on Tuesday, February 08, 2022 were presented for information and file.

Public Safety Committee will meet on Tuesday, March 29, 2022 at 5:30 p.m. in City Hall located at 118 Hillsboro Avenue, Edwardsville, IL 62025.

Public Services Committee

Minutes of the Public Services Committee meeting held on Tuesday, February 08, 2022 were received for information and file.

Motion by Morrison, second by Farrar for approval to Award the Second Street and St. Louis Street Improvements Contract to Keller Construction in the amount of \$1,293,293.00.

Alderman Morrison said the project will replace water mains and doing some resurfacing work. There will also be a shared use path created.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Morrison, second by Stack for approval of an IDOT Resolution for Maintenance Under the Illinois Highway Code in the Amount of \$1,200,000.00.

Alderman Morrison said the resolution appropriates our motor fuel tax funds. The funds are used to maintain streets within the city.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Public Services Committee will meet on Tuesday, March 29, 2022 at 4:30 p.m. in City Hall located at 118 Hillsboro Avenue, Edwardsville, IL 62025.

Administrative & Community Services Committee

Minutes of Administrative & Community Services Committee meeting on February 24, 2022 were received for information and file.

Motion by Krause, second by Grant to approve an Ordinance Certifying the Official Zoning Map of the City of Edwardsville, Madison County, Illinois.

Alderman Krause commented that this is a requirement by Illinois State Statute that the city publishes the map annually.

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Krause, second by Grant to approve a Resolution Approving a Special Use Permit for a Drive-Through Facility at 119 South Main Street.

Alderman Krause said the request comes from the Bank of Madison County. This is the building located near Walgreens. Alderman Morrison commented that the plans look great.

Roll Call: Six Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause and Farrar voting aye. Alderman Warren Abstained. Motion carried.

Motion by Krause, second by Burns to approve a Resolution Approving a Special Use Permit for a Drive-Through Facility at 2386 Troy Road.

The SUP is for the former Pizza Hut location near Target. Request is from Hawaiian Brothers. Existing site has a drive-through. Alderman Krause asked why it was a special use. The special use doesn't transfer, so they must apply as a new business

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Motion by Krause, second by Warren to approve a Resolution Approving a Special Use Permit for a "Type B" Non-Owner Occupied Short-Term Rental at 1315 Gerber Woods Drive.

Alderman Krause commented and said this was the fourth request for a short-term rental. All previous were in R-1 districts. The other three are located in the general downtown area. The rules don't specify where it can be located. The applicant has met all of the requirements. Alderman Krause said the Airbnb's and VRBO's have forced municipalities to take action on short-term rentals. He cautioned about prohibiting in R-1 across the board. Mayor Risavy asked about the policy if the owner had any violations. Emily Calderon provided an answer regarding the license. The city could revoke their license. Alderman Grant said that the residents tried to get in touch with owner, but he does not live in the area. Most neighborhood covenants were written before Airbnb's or VRBO's. Alderman Warren said that she has received numerous complaints regarding this home and proposed maybe the council re-visit the requirements. Alderman Krause commented on the fact that this is a "special-use" and these are exceptions. He provided some examples of "special-use" with exceptions. He doesn't see the added benefit of this exception to the rule. Alderman Morrison spoke about "context matters".

Roll Call: Seven Nays with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting nay. Motion denied.

Motion by Krause, second by Grant to approve a Resolution Authorizing Gerber Park PUD Development Plan.

Alderman Krause provided some basic history on the project. The property is zoned single-family. Proposal has twenty attached single family homes. The PUD requested 4 variances. Public feedback was solicited and was shared with all of the Council. Plan Commission voted 5-3 to approve at the February meeting and Public Services voted 2-1 to deny at the March meetings. ACS voted 3-0 to approve. Alderman Krause explained about the PUD process. He used the Amazing Grace and Logan Place as an example. Alderman Krause said that the updated landscaping scheme should be updated to reflect what was sent over to Public Services. He also talked about the sidewalk and it would end at Governors Parkway.

Alderman Morrison commented on PUD fatigue. He mentioned that maybe PUD's should be scrutinized. A PUD is a give and take between the city and the developer. He doesn't feel the project is at a point to be completed or moved forward.

Alderman Grant commented that she is for responsible growth that makes sense. She believes that this is an opportunity to provide some additional housing.

Eric Williams spoke about erosion and water run-off. He said the development would be required to comply with storm water control ordinance. If approved the next step would be to do storm water calculations and incorporated into the design of their detention basin. The builder has to keep the run-off rates the same.

Alderman Krause asked about HOA collapse. Can an HOA cease to exist? What happens. City Attorney Jeff Berkbigler said they don't go away and can be re-organized. The city would not be required to take over.

Alderman Burns asked what the monthly fees would be. The developer said roughly \$250-300.

Alderman Farrar said that he didn't support this in Public Service. He expressed that there should be a tangible community benefit. He also mentioned affordability and said the units are not considered affordable. Alderman Farrar also commented on the green space. He wants to see Edwardsville diversify our housing.

Roll Call: Five Ayes with Aldermen Stack, Burns, Grant, Krause and Warren voting aye. Aldermen Morrison and Farrar voted nay. Motion carried.

Motion by Krause, second by Grant for approval of Recreation, Arts & Special Events (RASE) Board Items from March 1, 2022. The events for approval are:

- 1) Final Lap Race Management, Inc. – Watershed Endurance on August 6, 2022
- 2) Main Street Community Center – Trivia in the Park on June 15, 2022
- 3) The Pilates Barre Studio – Find Your Fit Expo on June 18, 2022
- 4) The Land of Goshen Community Market – Goshen Market on May 7 through October 15, 2022 (Saturdays Only)
- 5) St. Boniface Church – Bonifest on June 3 and 4, 2022
- 6) Metro Milers Running and Walking Club – Route 66 10K on June 11, 2022

Roll Call: Seven Ayes with Aldermen Stack, Burns, Grant, Morrison, Krause, Farrar and Warren voting aye. Motion carried.

Alderman Krause presented the following for information and file:

- 1) Plan Commission – Minutes -1-19-2022
- 2) Zoning Board of Appeals – Minutes 01-24-2022
- 3) Recreation, Arts and Special Events Board
 - i. Recreation Report – February 2022
 - ii. Program Report – February 2022

Administrative & Community Services Committee will meet on Thursday, March 31, 2022 at 5:00 p.m. in City Hall located at 118 Hillsboro Avenue, Edwardsville, IL 62025.

Old Business

None

New Business

Motion by Stack, to enter into Closed session at 9:29pm.

Closed Session

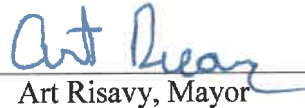
City Administrator proposed that we move the Executive Session – Consider Security Procedures pursuant to 5 ILCS 120/2(c)(8) to the next Council meeting due to the length of the meeting.

Executive Session Collective Bargaining pursuant to 5 ILCS 120/2(c)(2)


Action Taken on Executive Session Items

None

There being no further action required, Council adjourned at 9:43 p.m. with a motion by Stack.


Art Risavy, Mayor

Attest:


Michelle A. Boyer, City Clerk