

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on January 5, 2016.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, Arts and Tourism Director Angelia Burgett, and City Clerk Susan O'Brien.

### **CONSENT AGENDA**

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the Regular meeting December 15, 2015; and bills and payroll for the last half of December, 2015.

#### **Bills and Payroll for the last half of December, 2015**

		<b><u>General Fund</u></b>	
Payroll		\$	525,414.65
Bills		\$	<u>495,344.84</u>
	Total	\$	1,020,759.49
		<b><u>Hotel Tax Administration</u></b>	
Payroll		\$	5,124.85
Bills		\$	<u>966.73</u>
	Total	\$	6,091.58
		<b><u>Arts Council</u></b>	
Bills		\$	<u>96.45</u>
	Total	\$	96.45
		<b><u>Festival Mgt. Fund</u></b>	
Bills		\$	<u>1,825.61</u>
	Total	\$	1,825.61
		<b><u>Insurance &amp; Tort Judgment</u></b>	
Bills		\$	<u>275,024.54</u>
	Total	\$	275,024.54

**Capital Project Fund**

Bills		\$	29,450.69
	Total	\$	29,450.69

**Midtown TIF Fund**

Bills		\$	330.00
	Total	\$	330.00

**Water Fund**

Payroll		\$	63,319.23
Bills		\$	35,457.31
	Total	\$	98,776.54

**Sewer Fund**

Payroll		\$	71,829.41
Bills		\$	21,665.27
	Total	\$	93,494.68

**Heath Insurance Fund**

Bills		\$	242,205.99
	Total	\$	242,205.99

**Motor Fuel Tax Fund**

Bills		\$	17,371.64
	Total	\$	17,371.64

Mayor Gover opened the floor for comments/questions with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for Public comments with no response.

Administrator Gill announced the attendance of Mr. Ed Dowd, the new Mattoon Chamber Director. Administrator Gill and Council welcomed Mr. Dowd.

**NEW BUSINESS**

Commissioner Hall seconded by Commissioner Owen moved to adopt Ordinance No. 2016-5383, amending Chapter 34 of the municipal code regarding the adoption of a Rapid Entry System that requires certain property owners to equip their property with a rapid entry key lock boxes known as Knox Boxes.

---

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2016-5383

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TITLE III, CHAPTER 34  
REGARDING THE INSTALLATION OF RAPID ENTRY SYSTEM KEY BOXES (KNOX BOXES)

WHEREAS the City of Mattoon, Illinois, is authorized, pursuant to  
65 ILCS 5/11-8-2, to require fire safety devices on all building and enclosures; and

WHEREAS the City Council for the City of Mattoon recognizes the importance and need of providing  
the Fire Department rapid entry into locked buildings; and

WHEREAS delays in gaining rapid entry to a structure by the Fire Department reduces occupants'  
chances of survival in a fire, increases chances of substantial property damage or loss, and compromises  
the safety and survival of the fire fighters; and

WHEREAS in order to protect the health, safety and welfare of the public, it is necessary that the Fire  
Department have the means whereby it may gain entry into locked/secured facilities and/or structures.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be  
true and correct and are hereby adopted as part of this Ordinance.

Section 2: Fire Department Rapid Entry Key Lock Box – Required. Sections §34.08, §34.081, §34.082,  
§34.083 of Chapter 34 of the Code of Ordinances of the City of Mattoon are hereby added as follows:

§ 34.08 FIRE DEPARTMENT RAPID ENTRY KEY LOCK BOX – REQUIRED

- A. The owner or person in control of the following types of buildings shall install and maintain a Fire  
Department Rapid Entry Key Lock Box of a type approved by the Fire Chief:
1. A structure which contains a Fire Alarm that uses an Automatic dialer or contains an  
automatic fire suppression system.
  2. Commercial and industrial buildings identified by Fire Officials as difficult to access during  
emergencies.

Exception – any building or structure having an on-site 24 hour security or maintenance personnel with  
full access to all portions of the facility.

- B. Persons or entities who own existing buildings or structures which are subject to the requirements of this  
chapter shall have two months, after being notified by the Fire Department of this ordinance, to comply  
with the requirements. Persons or entities who construct buildings or structures which would be subject  
to the requirements of this chapter shall comply with the requirements at the time of construction.
- C. The Fire Chief may establish rules and regulations for the placement and maintenance of Fire Department  
Rapid Entry Key Lock Boxes within the City, including but not limited to the specification of approved  
types of Fire Department Rapid Entry Key Lock Boxes.

§ 34.081 Keys Required and Installation

- A.** The owner or person in control of buildings or facilities described in Section 34.08, required to have a Fire Department Rapid Entry Key Lock Box shall cause a key to be placed in such Lock Box in accordance with the following:
1. The owner is responsible for ordering and installing the Lock Box.
  2. The Fire Chief shall designate the type of key Lock system to be implemented.
  3. The Lock box shall be installed on the front of the building near the main entry door, on the right hand side, between six and eight feet above the ground, unless approved at a higher or lower level, by the Fire Department. The Fire Department may wish to locate the Lock Box in an alternate site in some cases. The owner should contact the Fire Department prior to mounting the Lock Box to ensure proper location.
  4. The Lock Box shall contain the key(s) for the exterior doors, the keys for all interior doors within the building which control access to shared systems (HVAC, Alarm Panels, Sprinkler Controls and Electrical Panels). The keys should be labeled and easily identified.
- B.** The owner or person in control of any building or facility described in Section 34.08, required to have a Fire Department Rapid Entry Key Lock Box shall provide updated keys and information capable of access to all areas of the facility in such Lock Box at all times.

§ 34.082 Access to Fire Department Rapid Entry Key Lock Box

The owner or person in control of any building or facility described in Section 34.08, required to have a Fire Department Rapid Entry Key Lock Box shall be present, himself or through his agent, during access to such Lock Box by the Fire Department except when the Fire Department has responded to an emergency at the property.

§ 34.083 Limitation of Liability

The City assumes no liability for any of the following:

1. Any defects in the operation of the Fire Department Rapid Entry Key Lock Box, of any of the keys contained within such Lock Box or any information stored within the Lock Box or otherwise provided to the City;
2. The failure or neglect of any owner or person in control of a building or facility required to have a Fire Department Rapid Entry Key Lock Box to provide access to the Lock Box; or
3. The security of any property required to have a Fire Department Rapid Entry Key Lock Box due to access to the Lock Box by any person.

Section 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

Section 4. This ordinance shall be effective upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Commissioner Hall, seconded by Commissioner Owen, adopted this 5th day of January, 2016, by a roll call vote, as follows:

AYES (Names):           Commissioner Cox, Commissioner Hall,  
                                  Commissioner Graven, Commissioner Owen,  
                                  Mayor Gover  
NAYS (Names):           None  
ABSENT (Names):        None

Approved this 5th day of January, 2016.

/s/Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black  
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on January 5, 2016.

Chief Nichols stated the regulation was not a new program to the City, but was now to be codified. Chief Nichols explained the function of lock boxes and noted almost all retail establishments had lock boxes. Administrator Gill stated the last couple of years the Code Enforcement had required the installation of lock boxes to new businesses. Commissioner Hall noted no grandfathering and could save the establishments money by not having doors destructed when an alarm is activated.

Mayor Gover opened the floor for comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover

Commissioner Cox seconded by Commissioner Graven moved to approve Council Decision Request 2016-1648, approving the fee proposal from Crawford, Murphy & Tilly for on-demand construction phase services during the construction of the CSO Satellite Treatment Facility at Riley Creek; and authorizing the Public Works Director to sign the Standard Agreement for Professional Services.

Mayor Gover opened the floor for comments/questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Hall, YEA Commissioner Graven, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2016-1649, ratifying the appointment of Justin Grady for an unexpired term ending 06/30/17 to the Mattoon Public Library Board.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

#### DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT provided compliments to the Public Works Department on handling the six inches of rain the City received over the weekend, received the Fire Department's report on the Standerfer building fire, and announced a budget workshop. Council discussed the date for the Budget Workshop and determined February 1<sup>st</sup> would be the best date to review the Mobile Equipment Fund (MEF) and Capital Projects budgets; and remarked on the successful retention and disposal of water throughout the City. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY had nothing new to report. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted all liquor licenses were renewed, fire standby agreements were distributed, and the supplemental insurance enrollment forms had been collected and were to be submitted this week; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE noted receipt of last property taxes totaling \$4.2 million, the State backlogged funds received due to State budget stalemates, and submission of TIF reports to the State Comptroller's office. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the active construction work and bids to be received on the Burgess Osborne Auditorium's repair. Commissioner Owen inquired as to the flooding next to the new Public Works Building site. Director Barber stated our site was elevated higher than the road and did not cause flooding on our side of the road, and the receipt of a complaint from Diesel Speed Repair across the street, but their flooding was not due to our site.

FIRE updated Council on the insurance meeting regarding the Standerfer building; announced no injuries to personnel or Public, and thanked Public Works Department for their assistance. Mayor Gover opened the floor for questions with no response.

POLICE announced Officer Devin Patterson's completion of FTO training. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced Lightworks' completion with an increase of 1,000 cars, significantly more donations and sponsors, and next year's 25<sup>th</sup> Anniversary planning. Administrator Gill stated Parks Superintendent was to review the electrical costs before and after the LED lights were installed. Arts & Tourism Director Burgett believed the LED lights saved a quarter of the electrical cost.

#### COMMENTS BY THE COUNCIL

Commissioner Cox provides accolades and appreciation to WWTP Superintendent Glen Sloan and WTP Superintendent Dave Basham for keeping the City above water over the weekend; and read a portion of the Journal Gazette newspaper and online version where there was another situation with people who were in the community because of PADS, and expounded on the frustration with inaccurate numbers the Council has received from PADS on their clientele. Chief Branson expounded on the episode between an Officer and resident of PADS and the email from PADS Director Stopka. Council with input from Rob Stroud of the Journal Gazette continued the discussion of Director Stopka's

clarification request. Mayor Gover added that PADS is operating more along the lines of a transitional facility and the rejection of PADS' to accept an offer for free land.

Mayor Gover seconded by Commissioner Graven moved to recess to closed session at 7:06 p.m. pursuant to the Illinois Open Meetings Act for the purpose of discussing litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:29 p.m.

Commissioner Hall seconded by Commissioner Cox moved to adjourned at 7:29 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien  
City Clerk