

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 19, 2017.

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 Daniel C. Jones, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jason Taylor, 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 5, 2017; Fire Department reports for the months of October and November, 2017; IML Board Meeting Expenses for the Mayor; bills and payroll for the first half of December, 2017.

Bills & Payroll
First half of December, 2017

	<u>General Fund</u>		
Payroll		\$	332,509.61
Bills		\$	<u>350,958.80</u>
	Total	\$	683,468.41
	<u>Hotel Tax Administration</u>		
Payroll		\$	2,058.82
Bills		\$	<u>712.50</u>
	Total	\$	2,771.32
	<u>Festival Mgmt</u>		
Bills		\$	<u>3,214.59</u>
	Total	\$	3,214.59
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	<u>316,999.50</u>
	Total	\$	316,999.50
	<u>Midtown TIF</u>		
Bills		\$	<u>5.95</u>
	Total	\$	5.95
	<u>Capital Project Fund</u>		
Bills		\$	<u>10,846.67</u>
	Total	\$	10,846.67

	<u>Broadway East TIF Dist</u>		
Bills		\$	2,088.73
		Total	\$ 2,088.73
	<u>Water Fund</u>		
Payroll		\$	36,882.56
Bills		\$	42,100.25
		Total	\$ 78,982.81
	<u>Sewer Fund</u>		
Payroll		\$	35,170.86
Bills		\$	34,026.35
		Total	\$ 69,197.21
	<u>Health Insurance Fund</u>		
Bills		\$	87,793.38
		Total	\$ 87,793.38
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	20,576.96
		Total	\$ 20,576.96

Mayor Gover declared the motion to approve 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 or questions with no response.

Ms. Laura Smith of the Mattoon Middle School and Students, Jenaya Carter, Lance Chaney, Greta Ballinger, and Josie Auer, presented the Council with their “Read Across Mattoon” Reading Program. The Program selected I Will Always Write Back: How One Letter Changed Two Lives by Caitlin Alifirenka and Martin Ganda with Liz Welch. The students explained the program, the selection process, and distributed the book. Mayor Gover thanked the presenters.

NEW BUSINESS

Commissioner Owen seconded by Commissioner Graven moved to adopt Special Ordinance 2017-1669, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2017 and ending April 30, 2018.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2017-1669

AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2017 AND ENDING APRIL 30, 2018

BE IT ORDAINED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

Section 1. Assumed Equalized Assessed Valuation. The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$197,365,815 to \$199,031,163, eighty-four one hundredths of a percent (.84%) over the previous fiscal year.

Section 2. Tax Levy. The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2017 and ending April 30, 2018. The total property tax levy extension is attached hereto and marked as “Exhibit A” and incorporated herein by reference.

Section 3. Maximum Rates for Certain Services. If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection and Fire Protection.

Section 4. Tax Abatement for General Obligation Bonds. Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon’s General Obligation Bonds, the 2017 tax levy (to be received in 2018) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>	<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2017 A General Obligation Refunding Bonds	2017-2027	Ordinance 2017-5397
Series 2017 B General Obligation Refunding Bonds	2017-2027	Ordinance 2017-5398
Series 2014 General Obligation Refunding Bonds	2014 -2024	Ordinance 2014-5368

The levy for paying principal and interest on these bonds shall only be abated for the 2017 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

Section 5. Amount to be Raised by Tax Levy. The amount to be levied for each purpose is placed in a separate column under the heading “Amount to be Raised by Tax Levy”, which appears over same being as follows, to wit:

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
General Fund			
General Government	1,004,471	758,170	246,301

Public Safety	12,148,444	8,507,926	3,640,518
Public Works	1,615,658	1,615,658	-0-
Health & Welfare	1,612,102	1,612,102	-0-
Culture & Recreation	1,005,059	931,169	73,890
Economic Development	50,000	50,000	-0-
Debt Service	410,906	410,906	-0-
Other Financing Uses	<u>1,242,598</u>	<u>1,242,598</u>	<u>-0-</u>
Total General Fund	\$ 19,089,238	\$ 15,128,529	\$ 3,960,709

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	246,301
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	147,781
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	147,781
Parks (65 ILCS 5/11-98-1): 0.075 Limit	73,890
Firemen's Pension (40 ILCS 5/4-118) No Limit	1,736,734
Firemen's Pension (35 ILCS 200/18-185) No Limit	44,482
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>1,563,740</u>
	\$ 3,960,709

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Other Governmental Funds:			
Library Fund	\$ 548,375	\$ 90,603	\$ 457,772
Motor Fuel Tax Fund	778,100	778,100	-0-
Hotel & Motel Tax Fund	298,145	298,145	-0-
Festival Management Fund	129,750	129,750	-0-
Mobile Equipment Fund	414,952	414,952	-0-
Insurance & Tort Judgment Fund	1,007,300	1,007,300	-0-
Revolving Loan Fund	31,261	31,261	-0-
Midtown TIF Fund	617,976	617,976	-0-
East I-57 TIF Fund	8,032	8,032	-0-
South Route 45 TIF District Fund	69,779	69,779	-0-
South Route 45 Business District Fund	40,000	40,000	-0-
Broadway East TIF District Fund	14,464	14,464	-0-
Broadway East Business District Fund	378,893	378,893	-0-
Capital Improvement Fund	<u>\$2,633,139</u>	<u>\$2,633,139</u>	<u>-0-</u>
Total Other Governmental Funds	\$6,970,166	\$6,512,394	\$ 457,772

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 457,772
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	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Enterprise Funds:			
Water Fund	\$ 4,226,599	\$ 4,226,599	-0-
Sewer Fund	16,808,089	16,808,089	-0-
Total Enterprise Funds	\$ 21,034,688	\$ 21,034,688	-0-
All Fund Totals	\$ 47,094,092	\$42,675,611	\$4,418,481

Section 6. The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

Section 7. If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

Section 8. This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Owen, seconded by Commissioner Graven, adopted this 19th day of December, 2017, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS): None

ABSENT (Names) None

Approved this 19th day of December, 2017.

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

ATTEST:
/s/Susan J. O'Brien

Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 19, 2017.

Mayor Gover opened the floor for questions/comments/discussion. Finance Director & Treasurer Wright commented on the prior year's levy was at \$4.2 million and this year's preliminary levy is at \$4.4 million with the expected levy after PTELL was applied would result in a receipt of approximately \$4.3 million. She further stated the Fire and Police Pensions would compromise 77% of the levy after PTELL, which was approximately \$345,000 more than the prior year. Mayor Gover opened the floor for questions 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.

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance 2017-5400, ratifying the Mattoon Code of Ordinances to update Chapter 37, Employee Regulations with the Policy Prohibiting Sexual Harassment.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2017-5400

AN ORDINANCE ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017;

WHEREAS, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

WHEREAS, all prior existing sexual harassment policies of the City of Mattoon shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance; and

WHEREAS, should any section or provision of this Ordinance or the adopted Policy Prohibiting Sexual Harassment be declared to be invalid, that decision shall not affect the validity of this Ordinance or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The above recitals are incorporated into and made part of this Ordinance.

Section 2. Chapter 37: Employee Regulations is hereby adopted and added to include the following:

§37.04 POLICY PROHIBITING SEXUAL HARASSMENT

(A) PROHIBITION ON SEXUAL HARASSMENT

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of the City of Mattoon to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

(B) DEFINITION OF SEXUAL HARASSMENT

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

(C.) PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

(D) PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

(E.) CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

(F) CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

Section 3. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on January 01, 2018 and upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 19th day of December 2017, by a roll call vote, as follows:

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

Approved this 19th day of December, 2017.

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

ATTEST:

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

APPROVED AS TO FORM:

/s/ Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 19, 2017.

Mayor Gover opened the floor for questions. Mayor Gover commented on the State of Illinois mandate; and noted the City had a policy, but the ordinance would result in compliance with the State's mandate. Mayor Gover opened the floor for further questions/comments 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 Graven seconded by Commissioner Cox moved to adopt Ordinance 2017-5401, ratifying the Mattoon Code of Ordinances to establish Chapter 37, Yard Waste Facility operating policy, fee Schedule and fines.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2017-5401

**AN ORDINANCE ESTABLISHING AN OPERATING POLICY
AND AMENDING THE FEE SCHEDULE
AND ESTABLISHING FINES
FOR THE YARD WASTE FACILITY**

WHEREAS, the City of Mattoon operates a Yard Waste Facility at 320 Shelby Avenue; and

WHEREAS, the City Council of the City of Mattoon wishes to establish certain regulations with regard to the operation and use of said Facility; and

WHEREAS, the City Council of the City of Mattoon wishes to amend the fee schedule for landscaping, mowing, and private contractors using said Facility; and

WHEREAS, the City Council of the City of Mattoon wishes to establish a specific set of penalties for misuse of said Facility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS that

Section 1. Chapter 35 of the Code of Ordinances is hereby approved and amended by the replacing §35.01(C) in its entirety:

Yard Waste Facility Fees for Landscaping, Mowing & Private Contractors	
Annual Pass	\$650 / Year
Pick-Up Truck or 1 Ton Truck	\$10 / Load
Single Axle Dumpbody Truck	\$50 / Load
Tandem Axle Dumpbody Truck	\$100 / Load

Semi Trailer	\$200 / Load
Trailers will be charged as the nearest conventional load size equivalent listed above.	

Section 2. Title V of the Code of Ordinances be hereby approved and amended by the addition of “Chapter 54 Yard Waste Facility”:

CHAPTER 54: YARD WASTE FACILITY

54.01 Definitions

Construction and Demolition Debris – All materials generated from residential, commercial, or industrial construction and/or demolition including lumber.

General Contractor – A contractor whether licensed or unlicensed that typically engages in; residential, commercial, industrial, heavy/highway, excavation, or utility construction and/or demolition.

Household Waste – All forms of household waste, trash, garbage, litter, or refuse including, but not limited to; fabric, food stuffs, glass, metal, paper, plastic, and/or rubber.

Landscaping Contractor – A contractor whether licensed or unlicensed that typically engages in planting and maintenance of landscaping areas such as shrubs, flowers, and other ornamental plantings.

Lumber – Wood which has been cut into building materials and used in household, commercial, or industrial construction.

Mowing Contractor - Any company or individual whether licensed or unlicensed hired to maintain grass lawns.

Paper Yard Waste Bags - Paper bags specifically designed and sold for the collection, storage, transportation, and disposal of Yard Waste.

Plastic Bags – Plastic trash bags manufactured and sold for the storage and disposal of household trash.

Private Contractor – Any company or individual whether licensed or unlicensed hired to transport or dispose of yard waste.

Root Balls – A mass of roots and soil resulting from the excavation of a tree, tree stump, or shrub.

Tree Contractor – A contractor whether licensed or unlicensed that specializes in tree, limb, and stump removal.

Yard Waste – Leaves, Limbs, Grass Clippings, and Landscape Waste.

Yard Waste Facility – The facility owned and operated by the City of Mattoon at 320 Shelby Avenue.

54.02 Intended Use of Facility

The Yard Waste Facility is intended to provide a site for disposal of yard waste generated within the City Limits of the City of Mattoon. The Facility is open to those individuals or companies owning residential, commercial, or industrial property in the City Limits of the City of Mattoon.

54.03 Prohibited Activities

- A. Disposal of any material other than Yard Waste and Paper Yard Waste Bags, including but not limited to; construction and demolition debris, household waste, lumber, and plastic bags.
- B. Disposal of Yard Waste by General and Tree Contractor except when disposing of their own yard waste from their real estate located in the City Limits of the City of Mattoon.
- C. Disposal of Root Balls in excess of 12” diameter.
- D. Disposal of Yard Waste in excess of 7’ in length.
- E. Disposal of Yard Waste generated from real estate located outside the City Limits of the City of Mattoon.
- F. Disposal of Yard Waste by a Private Contractor without payment of the fees established in Section 54.05.
- G. Disposal of Yard Waste not in accordance with the regulations for Site Access and Hours established in Section 54.06.

54.04 Fees for Residents

There shall be no fee for owners and/or tenants of residential, commercial, or industrial real estate located within the City Limits of the City of Mattoon for the disposal of yard waste generated from their real estate located within the City Limits of the City of Mattoon.

54.05 Fees for Landscaping, Mowing and Private Contractors

The fee structure for private contractors shall be as follows:

Yard Waste Facility Fees for Landscaping, Mowing & Private Contractors	
Annual Pass	\$650 / Year
Pick-Up Truck or 1 Ton Truck	\$10 / Load
Single Axle Dumpbody Truck	\$50 / Load
Tandem Axle Dumpbody Truck	\$100 / Load
Semi Trailer	\$200 / Load

Trailers will be charged as the nearest conventional load size equivalent listed above.

54.06 Site Access and Hours

Residents shall enter the site from the west gate located near the intersection of Logan Street and Shelby Avenue. Disposal of Yard Waste for residents shall be allowed from Sunrise to Sunset, 7 days per week, or as otherwise posted at the gate.

Private Contractors shall enter the site from the east gate at the Public Works Building at 401 Dewitt Avenue East. All private contractors shall check-in at the Public Works Building, pay the appropriate fees, and provide documentation that the Yard Waste to be disposed of was generated within the City Limits of the City of Mattoon. The procedures for acceptance and verification of said documentation shall be set by the Public Works Department. The procedures for collection of fees and annual permits shall be set by the Public Works Department. Access for Private Contractors shall be limited to the normal business hours of the Public Works Department. Said hours are currently 7:00AM to 3:00PM, Monday thru Friday, except for Holidays observed by the City of Mattoon.

54.07 Penalties

Penalties for violations of Prohibited Activities listed in Section 54.03 shall be a fine not less than \$50, not more than \$750 for each offense in accordance with Section 10.99 of the City of Mattoon Code of Ordinances.

Section 3. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on January 01, 2018 and 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 Graven, seconded by Commissioner Cox, adopted this 19th day of December 2017, by roll call vote, as follows:

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

Approved this 19th day of December, 2017.

/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/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 19, 2017.

Mayor Gover opened the floor for questions/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 adopt Resolution 2017-3008, approving an agreement between the City of Mattoon and Shelby County Energy Center, LLC for water use of Lake Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2017-3008

A RESOLUTION APPROVING A WATER USE AGREEMENT FROM LAKE MATTOON WITH SHELBY COUNTY ENERGY

WHEREAS, the City Council of the City of Mattoon approved Resolution No. 2017-3003, a WATER USE AGREEMENT FROM LAKE MATTOON WITH SHELBY COUNTY ENERGY, on October 03, 2017; and,

WHEREAS, both parties wish to modify the terms of said AGREEMENT; and,

WHEREAS, said October 03, 2017 AGREEMENT has not been executed; and,

WHEREAS, the modified AGREEMENT is attached as Exhibit 'A'.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mattoon, Coles County, Illinois, that the City of Mattoon rescinds Resolution No. 2017-3003; and the attached modified "WATER USE AGREEMENT FROM LAKE MATTOON WITH SHELBY COUNTY ENERGY" be approved.

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 19th day of December, 2017, by a roll call vote, as follows:

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

Approved this 19th day of December, 2017.

/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/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 19, 2017.

Mayor Gover opened the floor for questions/comments/discussion.

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.

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2017-1816, authorizing the employment of Luke N. Wilson at the Mattoon Police Department as a probationary officer on January 7, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Chief Taylor introduced Mr. Wilson and provided an educational and professional background. Mayor Gover commented that Mr. Wilson would be in the first class to attend the institute in Macon County. Commissioner Owen expressed concern over hiring more personnel with the tax levy issues, stated it was not personal, but could not vote for the hiring. Chief Taylor understood the fiscal concern, but the Police Department was to the bone on manpower. Mayor Gover stated that all were concerned and that one would be the additional School Resource Officer which would be paid for by the School District. Mayor Gover opened the floor for further questions with no response.

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.

Commissioner Owen seconded by Commissioner Hall moved to approve Council Decision Request 2017-1817, approving a water adjustment in the amount of \$1,511.78 for Patridge, Inc. due to a water leak.

Mayor Gover opened the floor for questions/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.

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2017-1818, authorizing the employment of Tyler S. Poland at the Mattoon Police Department as a probationary officer on January 7, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Owen had the same response as the previous employment CDR. Chief Taylor introduced Mr. Poland and provided an educational and professional background. Chief Taylor re-iterated his concern of Police personnel.

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.

DEPARTMENT REPORTS

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT stated work on the Pierce Fire Truck lawsuit, upcoming budgets and union negotiations. Mayor Gover opened the floor for questions/comments with no response.

CITY ATTORNEY noted business as usual and work on the Pierce Fire Truck issue. Commissioner Hall inquired as to an estimate for settlement date? Attorney Jones estimated three months. Mayor Gover opened the floor for additional questions with no response.

CITY CLERK noted renewal of Liquor Licenses, 2018 FSA renewals, FOIAs, and Insurance issues; otherwise business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE distributed the November Financial Report; cited the variances and revenues which were not expected to reach the budgeted amounts in the telecommunications tax, personal property replacement tax and utility tax; reviewed the cash position; and worked on projections for the budget and budgetary revenues. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on water tasting issue solutions and the need of rain. Commissioner Cox inquired about feedback and the yearly occurrences. Director Barber stated there was feedback and the dependency on rain for clearing the taste issues. Director Barber added Public Works Building Open House announcements with a move into the building after the first of the year; work on a few year-end contracts with large amounts of paperwork, submittal of the final loan payment and permits, dam inspections, and IEPA waste area permit. Mayor Gover opened the floor for questions with no response.

FIRE updated Council on Operation Sleighride program which received \$6,000 in donations and provided 157 children with food, clothing, and toys. Mayor Gover opened the floor for questions with no response.

POLICE updated Council on the Cops for Kids program which provided 61 children with necessities and toys from Walmart. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM Commissioner Hall had nothing to report.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:01p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2) ©(2)); and litigation is affecting the city and an action is probable or imminent (5ILCS/20(2)©(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 7:57 p.m.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:58 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