

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on October 16, 2018.

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, Police Chief Jason Taylor, Arts & 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 October 2, 2018; bills and payroll for the first half of October, 2018.

Bills & Payroll
first half of October, 2018

	<u>General Fund</u>		
Payroll		\$	275,420.61
Bills		\$	<u>354,335.41</u>
	Total	\$	629,756.02
	<u>Hotel Tax Administration</u>		
Payroll		\$	2,517.82
Bills		\$	<u>3,776.56</u>
	Total	\$	6,294.38
	<u>Festival Mgmt Fund</u>		
Bills		\$	<u>705.00</u>
	Total	\$	705.00
	<u>Broadway East Bus Dist</u>		
Bills		\$	<u>256,883.37</u>
	Total	\$	256,883.37
	<u>Ins & Tort Jdgmnt</u>		
Bills		\$	<u>37,101.28</u>
	Total	\$	37,101.28
	<u>Capital Project Fund</u>		
Bills		\$	<u>405,419.13</u>
	Total	\$	405,419.13

	<u>Water Fund</u>		
Payroll		\$	38,802.63
Bills		\$	<u>48,472.83</u>
	Total	\$	87,275.46
	<u>Sewer Fund</u>		
Payroll		\$	37,594.35
Bills		\$	<u>26,652.16</u>
	Total	\$	64,246.51
	<u>Health Insurance Fund</u>		
Bills		\$	<u>149,444.52</u>
	Total	\$	149,444.52
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>67,768.33</u>
	Total	\$	67,768.33
	<u>Revolving Loan Fund</u>		
Bills		\$	<u>43,500.00</u>
	Total	\$	43,500.00

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. Mrs. Barb Zigler of 2821 Walnut, Doug Starwalt of 2609 DeWitt, Deanna Lee, and Terry Landrus voiced their concerns of delayed transports from the hospital and if future referendum revenues would go toward the ambulance.

Mayor Gover, Commissioner Owen and Administrator Gill explained the \$750,000 deficit, budgets, transfers from the hospital are determined by the hospital, and unknown expenditures for a possible referendum.

Ms. Paula Enstrom of Coles Progressives invited the Council to attend their Future Energy Conservation meeting on October 22nd at Sarah Bush Lincoln's Education Center.

Mrs. Julie Rose of 1121 14th Street requested a "jetting out" of the sewer system on her street due to the sewer smell in her home she has been dealing with for years. Mayor Gover asked Administrator Gill and Director Barber to handle the request.

NEW BUSINESS:

Mayor Gover seconded by Commissioner Owen moved to adopt Ordinance No. 2018-5409, establishing Section §35.29 Procurements Using Federal Grants of the Mattoon Code of Ordinances to prescribe procurement procedures when using Federal Grant funds.

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

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2018-5409

AN ORDINANCE ESTABLISHING SECTION §35.29 PROCUREMENTS USING FEDERAL GRANTS OF THE MATTOON CODE OF ORDINANCES TO PRESCRIBE PROCUREMENT PROCEDURES WHEN USING FEDERAL GRANT FUNDS

WHEREAS, in order to keep in compliance with Federal procurement standards, the City of Mattoon needs to amend its procurement policies; and

WHEREAS, the local code should conform to the Federal statutes to mitigate risk of having contracts declared null and void.

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

Section 1. Section §35.29 Procurements Using Federal Grants of Chapter 35 of the Code of Ordinances of the City of Mattoon is hereby enacted as follows:

§35.29 PROCUREMENTS USING FEDERAL GRANTS

A. General Procurement Standards.

(a) The City shall use its own documented procurement procedures which reflect applicable State, local, and tribal laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(b) The City shall maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)(1) The City shall maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. Officers, employees, or agents of the City shall abide by the Ethics Policy and the Gift Ban Act Policy set forth by the City.

(2) All affiliate, or subsidiary organizations that are not a state, local government, or Indian tribe shall also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with an affiliate, or subsidiary organization, the City is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The City's procedures shall avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the City encourages entering into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services.

(f) The City encourages the use of Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The City encourages the use of value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The City shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(i) The City shall maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)(1) The City may use a time and materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to a City is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the City awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The City alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and

claims. These standards do not relieve the City of any contractual responsibilities under its contracts. The Federal awarding agency will not substitute its judgment for that of the City unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

B. Competition.

(a) All procurement transactions shall be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
- (2) Requiring unnecessary experience and excessive bonding;
- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;

(6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and

- (7) Any arbitrary action in the procurement process.

(b) The City shall conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

(c) The City shall have written procedures for procurement transactions. These procedures must ensure that all solicitations:

- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended

use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

(2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(d) The City shall ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the City shall not preclude potential bidders from qualifying during the solicitation period.

C. Methods of procurement to be followed.

The City shall use one of the following methods of procurement.

(a) Procurement by micro-purchases. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. To the extent practicable, the City shall distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the City considers the price to be reasonable.

(b) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(c) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph (c)(1) of this section apply.

(1) In order for sealed bidding to be feasible, the following conditions should be present:

(i) A complete, adequate, and realistic specification or purchase description is available;

(ii) Two or more responsible bidders are willing and able to compete effectively for the business;
and

(iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(2) If sealed bids are used, the following requirements apply:

(i) Bids shall be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;

(ii) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(iii) All bids shall be opened at the time and place prescribed in the invitation for bids, and the bids shall be opened publicly;

(iv) A firm fixed price contract award shall be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(v) Any or all bids may be rejected if there is a sound documented reason.

(d) Procurement by competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(1) Requests for proposals shall be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be considered to the maximum extent practical;

(2) Proposals shall be solicited from an adequate number of qualified sources;

(3) The City shall have a written method for conducting technical evaluations of the proposals received and for selecting recipients;

(4) Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(5) The City may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(e) [Reserved]

(f) Procurement by noncompetitive proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

(1) The item is available only from a single source;

(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City; or

(4) After solicitation of a number of sources, competition is determined inadequate.

D. Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.

(a) The City shall take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;

(5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

E. Contract cost and price.

(a) The City shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold including contract modifications. The method and degree

of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the City shall make independent estimates before receiving bids or proposals.

(b) The City shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

(c) Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City under Subpart E—Cost Principles of this part. The City may reference its own cost principles that comply with the Federal cost principles.

(d) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

F. Federal awarding agency or pass-through entity review.

(a) The City shall make available, upon request of the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition. This review generally will take place prior to the time the specification is incorporated into a solicitation document. However, if the City desires to have the review accomplished after a solicitation has been developed, the Federal awarding agency or pass-through entity may still review the specifications, with such review usually limited to the technical aspects of the proposed purchase.

(b) The City shall make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

(1) The City's procurement procedures or operation fails to comply with the procurement standards in this part;

(2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

(3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;

(4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or

(5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

(c) The City is exempt from the pre-procurement review in paragraph (b) of this section if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.

(1) The City may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third party contracts are awarded on a regular basis;

(2) The City may self-certify its procurement system. Such self-certification shall not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from the City that it is complying with these standards. The City shall cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.

G. Bonding requirements.

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the City provided that the Federal awarding agency or pass-through entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the minimum requirements must be as follows:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

H. Contract provisions.

The City's contracts shall contain the applicable provisions described in Appendix II to Part 200—Contract Provisions for City Contracts Under Federal Awards.

Section 2. 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 3. Effective Date. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form. This ordinance shall be effective upon its publication in pamphlet form and approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Owen, adopted this 16th day of October, 2018, 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 16th day of October, 2018.

/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 October 16, 2018.

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 2018-1878, awarding the 2018 Water Treatment Plant chemical bids to:

USALCO	Alum	@	\$0.1891/pound,
Hawkins	Ammonium Sulfate	@	\$0.2900/pound,
CryoGas	Carbon Dioxide	@	\$0.0810/pound,
Polydyne	Cationic Polymer	@	\$0.5600/pound,
Hawkins	Chlorine	@	\$0.2600/pound,
Hawkins	Fluoride	@	\$0.3050/pound,

Water Solutions Unlimited Permanganate @ \$0.8900/pound; and
Water Solutions Unlimited Phosphate Blend @ \$0.5000/pound. (Cox)

Mayor Gover opened the floor for 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 Hall seconded by Commissioner Cox moved to approve Council Decision Request 2018-1879, approving a \$3,000 grant by the Tourism Advisory Committee from FY 18/19 hotel/motel tax funds in support of the Mattoon Santa Chase for hosting its 5k/Half Marathon to be held on November 17, 2018; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments. Commissioner Hall explained to those in attendance the restricted Hotel/Motel Tax funds and distribution of the funds.

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 Special Ordinance No. 2018-1694, declaring personal property owned by the municipality surplus and authorizing the sale or disposal of the property.

Mayor Gover noted all surplus items were obsolete computer items.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2018-1694

A SPECIAL ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE MUNICIPALITY SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL OF THE PROPERTY

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

Section 1. Supplies and equipment identified on Exhibit A to this ordinance are no longer necessary or useful to, or for the best interest of, the City of Mattoon, and are hereby declared surplus to the needs of the City of Mattoon.

Section 2. The City of Mattoon, Illinois does not express any warranty or imply any statement of condition of this surplus property. The Department Heads are hereby authorized to administratively sell by the most advantageous means and to negotiate the conditions for the sale, recycle, or other disposition of the property

without further formal consideration or approval by the City Council. The City of Mattoon shall reserve the right to accept or reject any and/or all offers for this property.

Section 3. The Mayor and City Clerk are authorized and directed to execute any documents necessary to complete the sale or disposal of the property.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of October, 2018, 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 16th day of October, 2018.

/s/Tim Gover
Tim 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 October 16, 2018.

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 Hall seconded by Commissioner Graven moved to adopt Ordinance No. 2018-5410, restructuring the management of the Fire Department due to budgetary restraints; and amending various sections of the municipal code including Section 34.042 which eliminates the office of Assistant Fire Chief.

Mayor Gover opened the floor for questions/comments. Commissioner Hall stated the need to reduce the budget, the union wanted the open positions filled, Assistant Chief Junge's performance was great, Facebook comments stimulate inaccurate discussions; and has respect for Assistant Chief Junge and had previously spoken with him. Mayor Gover stated he agreed with Commissioner Hall and added the elimination was simply a budgetary situation. Mayor Gover opened the floor for further comments with no response.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2018-5410

**AN ORDINANCE RESTRUCTURING THE MANAGEMENT OF THE FIRE DEPARTMENT
DUE TO BUDGETARY RESTRAINTS AND ELIMINATING THE OFFICE OF ASSISTANT
FIRE CHIEF**

WHEREAS, the City of Mattoon has approved a deficit budget for the fiscal year 2019 and continues to make adjustments in effort to reduce the deficit budget; and,

WHEREAS, the City of Mattoon is currently in negotiations for a new contract with the IAFF, local 691; and,

WHEREAS, the City of Mattoon is making efforts to comply with an arbitration ruling to return staffing levels to 30 bargaining members; and

WHEREAS, the City of Mattoon deems it necessary to restructure the management of the Fire Department by transferring the Assistant Chief to fill a vacant Shift Captain position and to eliminate the Assistant Fire Chief position.

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

Section 1. The City Council hereby approves the restructuring of the management of the Fire Department by transferring the Assistant Chief to a fill a vacant Shift Captain position and eliminating the Assistant Chief's position.

Section 2. Section 34.040 regarding the establishment of the Fire Department and Section 34.049 regarding the Scene of a Fire are hereby amended to delete any reference to "Assistant Chief."

Section 3. Section 34.042 with respect to the office Assistant Fire Chief is hereby repealed and shall read "RESERVED."

Section 4. Any and all references to the "Assistant Fire Chief" or Fire Department "Assistant Chief" found in the City of Mattoon Code Ordinances are hereby deleted.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. The Clerk is hereby directed to publish this Ordinance in pamphlet form. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Hall, seconded by Commissioner Graven adopted this 16th day of October, 2018, 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 16th day of October, 2018.

/s/Tim Gover
Tim 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/Dan C. Jones
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on October 16, 2018.

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 noted the review of TIF applications and proposed developments requesting information for TIF and Enterprise Zone areas; worked with the City Attorney on negotiations and other items; and reviewed the insurance proposal on Property Casualty coverage. Mayor Gover opened the floor for questions. Mayor Gover added meeting with a developer for a major development.

CITY ATTORNEY noted business as usual while waiting for the last fire truck check; and explained the Fire Truck settlement to the audience. Mayor Gover opened the floor for questions with no response.

CITY CLERK reported attendance of meetings to introduce the QHDHP to employees and retirees; handled other insurance and personnel matters; and reported the City Clerk's Office had 274 Early Voters. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the September Financial Report, cash position, majority of property tax distributions to the Fire and Police Pension funds; and noted receipt of the Police and Fire Pension Actuarial Reports resulting in minimum recommendations of \$3.9 million. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on Marshall Avenue reconstruction and A.J. Walker's Charleston Avenue sidewalk replacements. Mayor Gover opened the floor for questions with no response. Mayor Gover explained the funds for street repairs were from restricted funds for the use of roads.

POLICE reported 1,500 calls with 40-50 arrests within the last two weeks with meth having a strong presence. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM noted preparations for Trunk or Treat, Downtown Christmas, Lightworks on the 16th of November, the availability of Veterans Day and Christmas Parade applications,

the new Community Band, and the 3rd Mural Project funded by the Lumpkin Foundation. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, Hall, and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:17 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