

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 2, 2019.

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, Arts & Tourism Director Angelia Burgett, Public Works Director Dean Barber, Interim Fire Chief Kris Phipps, 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 June 18, 2019; IML travel expenses for the mayor; bills and payroll for the last half of June 2019.

**Bills & Payroll**  
**last half of June, 2019**

	<b><u>General Fund</u></b>		
Payroll		\$	278,305.38
Bills		\$	<u>1,032,293.88</u>
	Total	\$	1,310,599.26
	<b><u>Hotel Tax Administration</u></b>		
Payroll		\$	3,555.09
Bills		\$	<u>22,501.66</u>
	Total	\$	26,056.75
	<b><u>Festival Mgmt Fund</u></b>		
Bills		\$	<u>1,250.63</u>
	Total	\$	1,250.63
	<b><u>Ins &amp; Tort Jdgmt</u></b>		
Bills		\$	<u>19,128.66</u>
	Total	\$	19,128.66
	<b><u>Midtown TIF Fund</u></b>		
Bills		\$	<u>10.80</u>
	Total	\$	10.80
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>16,776.00</u>
	Total	\$	16,776.00

	<b><u>Water Fund</u></b>		
Payroll		\$	40,496.62
Bills		\$	<u>126,882.09</u>
	Total	\$	167,378.71
	<b><u>Sewer Fund</u></b>		
Payroll		\$	39,132.56
Bills		\$	<u>256,806.33</u>
	Total	\$	295,938.89
	<b><u>Health Insurance Fund</u></b>		
Bills		\$	<u>154,729.23</u>
	Total	\$	154,729.23
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$	<u>15,145.10</u>
	Total	\$	15,145.10

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 questions/comments with no response.

Commissioner Cox presented a retirement plaque to WWTP Operator Robert (Stan) Hagerstrom acknowledging his nine years of service. (WWTP Plant Operator VI) Mr. Hagerstrom stated he appreciated his time and employment and asked the Council to consider paying backpay to those who retire before the settlement of future contracts.

**NEW BUSINESS**

Commissioner Cox seconded by Commissioner Graven moved to approve Council Decision Request 2019-1947, approving the plans and specifications for the sidewalk improvements on Champaign Avenue from 27<sup>th</sup> Street to 32<sup>nd</sup> Street. Champaign Avenue Sidewalks - Phase 2

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 Owen moved to adopt Resolution No. 2019-3043, approving and adopting the Enforcement Response Plan for the City of Mattoon’s Industrial Pretreatment Program.

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2019-3043**

**A RESOLUTION APPROVING THE ENFORCEMENT RESPONSE PLAN FOR THE CITY'S INDUSTRIAL PRETREATMENT PROGRAM**

**WHEREAS**, the City of Mattoon is authorized by, and required by, the United States Environmental Protection Agency (USEPA) to administer an Industrial Pretreatment Program; and

**WHEREAS**, an Ordinance revising the Industrial Pretreatment Regulations in Title V of the City of Mattoon Code of Ordinances was approved by the City Council on May 21, 2019; and

**WHEREAS**, the purpose of the Industrial Pretreatment Program is to cause local Industrial Users to monitor and treat their sanitary waste streams before discharging to the sanitary sewer system so as to prevent damage to the Waste Water Collection System and the Waste Water Treatment Plant operations of the City of Mattoon; and

**WHEREAS**, an Enforcement Response Plan has been prepared in accordance with EPA Regulations to detail the actions to be taken in the event of violations of the City of Mattoon's Industrial Pretreatment Regulations by local Industrial Users.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that the Enforcement Response Plan attached as Exhibit 'X' be approved.

Upon motion by Commissioner Cox, seconded by Commissioner Owen, adopted this 2<sup>nd</sup> day of July, 2019, 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 2<sup>nd</sup> day of July, 2019.

/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 July 2, 2019.

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 Hall moved to adopt Ordinance No. 2019-5419, amending Chapter 99 Streets and Sidewalks of the municipal code to modify Section 99.73 Tree Commission for the City of Mattoon.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2019-5419**

**AN ORDINANCE MODIFYING THE TREE COMMISSION ORDINANCE FOR THE CITY OF MATTOON**

**WHEREAS,** Chapter 99 of the City of Mattoon Code of Ordinances establishes a Tree Commission and certain regulations regarding the care and maintenance of trees on City Property; and

**WHEREAS,** the City of Mattoon wishes to modify certain portions of the ordinances in said Chapter 99 regarding the Tree Commission.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mattoon that

**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. Amendments.** Title IX (General Regulations), Chapter 99 (Streets and Sidewalks) of the Code of Ordinances be amended by the deletion of the following language:

**99.73 TREE COMMISSION.**

(A) The Mattoon Tree Commission shall consist of property owners who reside within the city. The members of the Tree Commission shall be appointed by the Public Works Commissioner with the approval of the City Council.

(B) The Tree Commission shall have the following duties:

- (1) To recommend and advise the Public Works Commissioner and the City Council with respect to standards to be adopted for the maintenance and care of trees and other plants on public property within the city; and
- (2) To recommend and advise the Public Works Commissioner and the City Council with respect to all other things necessary to carry out the policy as adopted by the City Council for the city regarding the care and management of trees and other plants.

**Section 3. Amendments.** Title IX (General Regulations), Chapter 99 (Streets and Sidewalks) of the Code of Ordinances be amended by the addition of the following language:

**§ 99.73 TREE COMMISSION.**

(A) The Tree Commission shall consist of community members appointed by the Commissioner of Public Property with the approval of the City Council. The Tree Commission shall present findings and recommendations to the Public Works Advisory Board.

(B) The Tree Commission shall have the following duties:

- (1) To advocate for, and promote, the proper management of the City's tree inventory.
- (2) To assist with the preparation of tree inventories and other studies recommended by the Tree Commission.

- (3) To advise and present recommendations to the Commissioner of Public Property, the Public Works Director, and the Public Works Advisory Board for revisions to the City's standards for tree care and maintenance; and
- (4) To advise and present recommendations to the Commissioner of Public Property, the Public Works Director, and the Public Works Advisory Board for new tree planting projects and programs; and
- (5) To assist with the preparation of grant applications, and securing of funding for the projects promoted by the Tree Commission.

**Section 3.** This ordinance shall be in full force and effect 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 Cox, seconded by Commissioner Hall, adopted this 2nd day of July, 2019, 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 2nd day of July, 2019.

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

ATTEST:	APPROVED AS TO FORM:
<u>/s/Susan J. O'Brien</u> Susan J. O'Brien, City Clerk	<u>/s/Daniel C. Jones</u> Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on July 2, 2019.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall noted the existence of the Tree Commission 15 years ago, its disbandment, and the revitalization the Commission with help from Director Barber, Commissioner Cox and others while looking forward to getting people involved. Commissioner Cox noted the viable purpose of research from the Commission and identification of trees which would affect the City.

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 2019-1948, approving a \$3,000 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds to the Mattoon Babe Ruth Baseball in support of the Cal Ripken 12-year-olds State tournament to be held July 11-14, 2019; and authorizing the mayor to sign the agreement.

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 Hall seconded by Commissioner Owen moved to approve Council Decision Request 2019-1949, approving a \$3,200 grant by the Tourism Advisory Committee from 19/20 hotel/motel tax funds to the Mattoon High School in support of hosting the Craig Dixon Golf Invite to be held September 13-14, 2019; and authorizing the mayor to sign the agreement.

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 Hall seconded by Commissioner Graven moved to approve Council Decision Request 2019-1950, approving a \$1,500 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds to the Lincoln Log Cabin Foundation for hosting the Harvest Frolic to be held September 27-28, 2019; and authorizing the mayor to sign the agreement.

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 Hall seconded by Commissioner Cox moved to approve Council Decision Request 2019-1951, approving a \$5,000 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds to the CIL-Con for the Central Illinois Convention to be held September 6-7, 2019; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/discussion. Mayor Gover inquired as to the organization with Director Burgett and Commissioner Hall describing the organization and its events over the past 5-6 years as being well attended.

Mayor Gover declared the motion carried by the following votes: 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 2019-1952, approving a \$2,500 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds to the Coles County Speedway for hosting the AMSA Summer National event to be held August 9-10, 2019; and authorizing the mayor to sign the agreement.

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 Hall seconded by Commissioner Cox moved to approve Council Decision Request 2019-1953, approving a \$2,500 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds to the Charleston American Legion Post #93 Baseball in support of the American

Legion Baseball Great Lakes Regional tournament to be held August 6-11, 2019; and authorizing the mayor to sign the agreement.

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 called for comments from Chief Phipps, who explained the appointments were due to Shift Captain's retirement and provided accolades of the firefighter promotions. Commissioner Hall added the promotions were due to Shift Captain Sean Junge's retirement after 21 years of good service with the City and noted his choice to accept employment with the State Fire Marshal's Office.

Commissioner Hall seconded by Commissioner Owen moved to approve Council Decision Request 2019-1954, approving the promotion of Captain Michael Shane Diepholz to Shift Captain effective July 06, 2019, due to the deferred retirement of Shift Captain Junge.

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 Hall seconded by Commissioner Graven moved to approve Council Decision Request 2019-1955, approving the promotion of Engineer Hallam Shutts to Captain, effective July 06, 2019, due to the promotion of Shift Captain Diepholz.

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 Hall seconded by Commissioner Cox moved to approve Council Decision Request 2019-1956, approving the promotion of Firefighter Michael Ueleke to Engineer, effective July 06, 2019, due to the promotion of Captain Shutts.

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 Hall seconded by Commissioner Owen moved to approve Council Decision Request 2019-1957, approving the appointment of Firefighter Rocky Reynolds to regular employment status with successful completion of his probationary period effective July 8, 2019.

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 Graven moved to adopt Special Ordinance No. 2019-1713, granting a rezoning from C-3 (Service Commercial District) to C4 (General Commercial District) of ±2.41 acres located at 1421 Old State Road for the purpose of conducting their business of selling wholesale plumbing supplies and outside storage for certain PVC materials. Connor Co. – Petitioner

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2019-1713**

**AN ORDINANCE GRANTING REZONING AT 1421 OLD STATE ROAD FROM C-3 TO C-4 TO ALLOW OPERATION OF A WHOLESALE PLUMBING SUPPLY HOUSE**

**WHEREAS**, there has been filed a written Petition for Connor Co. requesting Rezoning, of the parcel legally described in exhibit A attached hereto; and

**WHEREAS**, said site is zoned C-3, Commercial, which does not allow the operation of said supply house; and

**WHEREAS**, the property is well suited for a plumbing supply house; and

**WHEREAS**, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the request be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve rezoning to C-4 to allow the construction of said development.

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

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, same is granted a rezoning for lawful right to operate a wholesale plumbing supply facility with the following conditions:

- a. Rezoning of the parcel, PIN # 07-1-00978-000 to C-4 Commercial.
- b. The water service must be removed from the private line supplying Old State Village.

**Section 2.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

**Section 4.** The City Clerk shall make and record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Graven, adopted this 2<sup>nd</sup> day of July, 2019, by a roll call vote, as follows:

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



NAYS (Names): Mayor Gover  
None  
ABSENT (Names): None

Approved this 2nd day of July, 2019.

/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/Dan Jones  
Dan Jones, City Attorney

Recorded in the Municipality's Records on July 2, 2019.

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.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT updated Council on meetings and code enforcement plans, litigation, and day-to-day activities. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted movement on all projects; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted the office processed liquor license renewals (all but BAMCA renewed), processing of retirements; received the IMRF Audit; and responded to auditors' inquiries while preparing for the audit. Mayor Gover opened the floor for questions with no response.

FINANCE announced the receipt of the first disbursement of property taxes of \$1.2 million with \$800,000 to Fire/Police pensions and \$100,000 to the Library; noted audit preparations and questions; and preparation of the Annual Treasurer's Report. Commissioner Hall inquired as to the impact of the newly passed State laws with Treasurer and Director Wright noting receipt of information from the IML. Mayor Gover inquired as to the cannabis situation with Chief Taylor noting nothing from the Court or State as of yet. Administrator Gill noted eight percent would be transferred to the Local taxes, but unknown revenues. Mayor Gover also noted the video gaming establishments could add one more machine and truck stops could add an additional five machines.

PUBLIC WORKS provided an update on the Caldwell tanks painting, and street crews to commence water main connections on Charleston Avenue on Monday. Mayor Gover opened the floor for questions with no response.

FIRE provided Departmental statistics, RID team assignment, promotional training, hydrant testing, and inspections. Mayor Gover opened the floor for questions with no response.

POLICE announced a drug house bust and receipt of an upcoming retirement in September of Officer Dan St. John; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced final plans for the fireworks and parade, Bagelfest advertising, and Arts Council's Shakespeare in the Park and other activities. Mayor Gover opened the floor for questions with no response.

#### COMMENTS BY THE COUNCIL

Council congratulated the promotions and retirements and wished attendees a safe 4<sup>th</sup>.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 6:56 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of litigation that is affecting the City and an action is probable or imminent (5ILCS 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 7:36 p.m.

Council discussed providing back pay to retirees upon settlement of contracts with the consensus not to provide back pay to retirees upon settlement of contracts.

Commissioner Hall seconded by Commissioner Graven moved to adjourn at 7:39 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