

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on February 18, 2020.

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, Police Chief Jason Taylor, Interim Fire Chief Kevin Schott 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 February 4, 2020; bills and payroll for the first half of February, 2020.

Bills & Payroll
first half of February, 2020

	<u>General Fund</u>		
Payroll		\$	241,222.62
Bills			<u>76,830.72</u>
	Total	\$	318,053.34
	<u>Hotel Tax Administration</u>		
Payroll		\$	2,727.00
Bills		\$	<u>11,351.04</u>
	Total	\$	14,078.04
	<u>Insurance & Tort Jdmt</u>		
Bills		\$	<u>49,250.00</u>
	Total	\$	49,250.00
	<u>Capital Project Fund</u>		
Bills		\$	<u>17,834.10</u>
	Total	\$	17,834.10
	<u>Broadway East Bus Dist</u>		
Bills		\$	<u>2,417.33</u>
	Total	\$	2,417.33
	<u>Water Fund</u>		
Payroll		\$	40,357.29
Bills		\$	<u>40,511.07</u>
	Total	\$	80,868.36

	<u>Sewer Fund</u>		
Payroll		\$	39,483.31
Bills		\$	226,000.77
	Total	\$	265,484.08
	<u>Health Insurance Fund</u>		
Bills		\$	127,509.19
	Total	\$	127,509.19
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	7,791.70
	Total	\$	7,791.70

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

Mr. Rex Dukeman questioned the appointment of Mark Nelson to the Airport Authority, due to his employment with the school district. Attorney Jones stated the City was asking for an opinion from the State’s Attorney. Mr. Tim Quakenbush of 3832 Western Avenue questioned the plans for the City’s properties to be cleaned up. Administrator Gill stated the City would look into any properties of concern. Mr. Robb Perry reiterated his concern over the City’s deficit and no reduction plan, and amending the liquor ordinance at the last meeting. Administrator Gill provided a background for the deficit. Commissioner Owen explained accounting changes. Attorney Jones noted the previous amendment was not for one business. Mr. James DiNaso reiterated his business concerns from the previous two meetings. Administrator Gill noted the City’s efforts to grow the economy. Mr. Ed Dowd, Executive Director of the Chamber of Commerce, explained Mattoon in Motion’s progress and Elevate program.

Mayor Gover invited the Boy Scout in attendance to introduce himself and parent. Mr. Idrees Al-Arab introduced himself of Troop 39 and his mother, Clarissa Mouley, and stated his pursuit of a merit communication badge.

NEW BUSINESS

Mayor Gover seconded by Commissioner Hall moved to adopt Ordinance No. 2020-5428, amending Chapter 36: Taxation §36.10 Municipal Cannabis Retailers’ Occupation Tax to establish the tax on cannabis sales.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2020-5428

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF MATTOON BY THE ESTABLISHMENT OF CHAPTER 36.10 IMPOSING A MUNICIPAL CANNABIS RETAILERS’ OCCUPATION TAX

WHEREAS, the City of Mattoon has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/8-11-23 et seq. (Act); and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue;

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

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

Section 2. Adoption of Tax. Chapter 36 Taxation of the Municipal Code of the City of Mattoon shall be amended with the addition of Chapter 36.10 Municipal Cannabis Retailers' Occupation Tax shall be enacted as follows:

MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

§36.10 IMPOSITION OF TAXES; Rate.

(A) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City at the rate of 3% of the gross receipts from these sales made in the course of that business.

(1) The imposition of this tax is in accordance with the provisions of Sections 8-11-23, of the Illinois Municipal Code (65 ILCS 5/8-11-23).

(B) COLLECTION OF TAX BY RETAILERS.

The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(1) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

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

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of July, 2020. The Clerk is hereby directed to publish this Ordinance in pamphlet form. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to April 1, 2020.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 18th day of February, 2020, 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 18th day of February, 2020.

/s/Timothy D. 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 February 18, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Owen stated this tax was for the maximum the State allowed. Administrator Gill stated yes with the tax in place with the State by April 1, 2020 for an effective date of July 1, 2020. Commissioner Graven did not agree with the sales, but accepted the 3% tax on sales.

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 2020-2015, authorizing the employment of Rebecca J. Ulrich as a probationary patrol officer for the Mattoon Police Department effective March 01, 2020, contingent upon successful completion of background, physical and psychological exams.

Mayor Gover opened the floor for questions/comments. Mayor Gover explained the reconsideration of Ms. Ulrich due to different employment date since her acceptance to the Academy will begin in March. Chief Taylor stated she would be a good addition to the Department.

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 2020-2016, approving a \$2,400 grant by the Tourism Advisory Committee from FY19/20 hotel/motel tax funds in support of the Midwest Pickleball Association for hosting the Midwest Pickleball Championships to be held March 10-21, 2020; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall noted this was the second tournament held at EIU with growth about three times last year's tournament in addition to visitors from Michigan, Wisconsin, Ohio, Missouri, Tennessee and Kentucky which helps grow the economy. Commissioner Cox noted a good time of year for hotel stays.

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 2020-2017, approving a \$7,500 grant by the Tourism Advisory Committee from FY 19/20 hotel/motel tax funds in support of the Mattoon Baseball Club, Inc. – Post 88 for hosting the American Legion Baseball Senior Legion State Tournament to be held July 28 – August 2, 2020; 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 Cox seconded by Commissioner Owen moved to approve Council Decision Request 2020-2018, waiving the formal bidding requirement and authorizing payment in the amount of \$30,546.38 to Curry Construction for emergency repairs to the 24” forcemain at the Riley Creek Sanitary Pump Station.

Mayor Gover opened the floor for questions/comments/discussion. Director Barber explained the break in the original pipeline and the assistance needed to resolve the break.

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 preparation of budgets and negotiations. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted business as usual. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual and 38 early voters. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the January Financial Report including updated projections due to healthcare costs, deficit at end of year, just under \$17 million in cash, preparation of five-year projections for budget and Census message printed on water billings. Commissioner Hall noted Director & Treasurer Wright always provided a five-year projection with the budget. Mayor Gover opened the floor for questions with no response.

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

FIRE noted provided information to Rob Stroud for the newspaper today and many buildings without 4” address lettering. Commissioner Hall noted the Fire Department’s purchase of the numbers for those in need.

POLICE noted nothing new, business as usual. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced Bagelfest main stage acts set this week, availability of Gardenfest applications, upcoming Quilt workshop and Women's Suffrage 100th Year Gallery Exhibit in the Lone Elm Room on March 1, 2020. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Cox thanked Mr. Dowd for his comments and work with Mattoon in Motion and Elevate; and stated there was no personal bias or discrimination against any business in town by the Council. Commissioner Graven reiterated the Women's Suffrage Exhibit on March 1st and continuing through December. Commissioners Hall and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:18 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