

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on September 1, 2020.

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

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, Absent Commissioner Rick Hall, YEA Commissioner 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 – Audio, Public Works Director Dean Barber – Audio, Fire Chief Jeff Hilligoss, Police Chief Jason Taylor – Audio and City Clerk Susan O’Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Graven moved to approve the consent agenda consisting of minutes of the regular meeting August 18, 2020; bills and payroll for the last half of August, 2020.

**Bills & Payroll**  
**last half of August, 2020**

	<b><u>General Fund</u></b>		
Payroll		\$	252,033.04
Bills		\$	<u>120,011.62</u>
	Total	\$	372,044.66
	<b><u>Hotel Tax Administration</u></b>		
Payroll		\$	2,309.82
Bills		\$	<u>231.65</u>
	Total	\$	2,541.47
	<b><u>Festival Mgmt Fund</u></b>		
Bills		\$	<u>95.00</u>
	Total	\$	95.00
	<b><u>Mobile Equipment</u></b>		
Bills		\$	<u>64,452.33</u>
		\$	64,452.33
	<b><u>Insurance &amp; Tort Jdgmnt</u></b>		
Bills		\$	<u>2,874.98</u>
	Total	\$	2,874.98
	<b><u>Capital Project Fund</u></b>		
Bills		\$	<u>28,365.05</u>
	Total	\$	28,365.05
	<b><u>I-57 East TIF District</u></b>		
Bills		\$	<u>40,328.79</u>
	Total	\$	40,328.79

	<b><u>Broadway East Bus Dist</u></b>		
Bills		\$	2,003.64
		Total	\$ 2,003.64
	<b><u>Water Fund</u></b>		
Payroll		\$	45,294.56
Bills		\$	37,858.73
		Total	\$ 83,153.29
	<b><u>Sewer Fund</u></b>		
Payroll		\$	42,586.63
Bills		\$	23,891.97
		Total	\$ 66,478.60
	<b><u>Health Insurance Fund</u></b>		
Bills		\$	195,996.71
		Total	\$ 195,996.71
	<b><u>Motor Fuel Tax Fund</u></b>		
Bills		\$	33,007.71
		Total	\$ 33,007.71

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

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for Public communications. Mr. Robb Perry, attending virtually, had several questions on the bike trail, Public Works Building, wage freezes and consolidating services with Director Barber and Administrator Gill responding. Mr. Thomas White, 35 Apple Drive, inquired about leaf removal and use of the Yardwaste Facility for contractors working for Mattoon residents. Director Barber stated a permit could be purchased. Mr. James DiNaso provided his opinion on elected officials having benefits. Mayor Gover opened the floor for further communications with no response.

**NEW BUSINESS**

Commissioner Owen seconded by Commissioner Cox moved to adopt Ordinance No. 2020-5434, authorizing and providing for the City of Mattoon to execute, enter into and perform a loan agreement with the Illinois Environmental Protection Agency for the purpose of paying a part of the cost of constructing, improving and extending the City’s Sewer Facilities, and making certain covenants in providing for the operation of the city’s separate sewerage system.

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2020-5434**

**AN ORDINANCE AUTHORIZING THE CITY OF MATTOON,  
COLES COUNTY, ILLINOIS TO BORROW FUNDS FROM THE  
WATER POLLUTION CONTROL LOAN PROGRAM**

**WHEREAS**, the City of Mattoon, Coles County, Illinois operates its sewerage system (“the System”) in accordance with the provisions of the Illinois Municipal Code, 65 ILCS 5, Article 11, Division 141, and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively “the Act”); and

**WHEREAS**, the Mayor and City Council of the City of Mattoon (the “City Council”) have determined that it is advisable, necessary, and in the best interests of the public health, safety, and welfare of the City to improve the System by:

The construction of piping to connect certain Combined Sewer Overflow (CSO) locations on the north side of Mattoon to the CSO Satellite Treatment Facility located at 2521 North 6<sup>th</sup> Street.

together with any land, or land rights, or other services necessary, useful, or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by Crawford, Murphy & Tilly for the City of Mattoon; which project has a useful life of 50 years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$7,950,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

**WHEREAS**, the loan shall bear an interest rate as defined by 35 IL Admin Code 365, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq, at the time of the issuance of the loan; and

**WHEREAS**, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years which is within the period of the useful life of the Project; and

**WHEREAS**, the costs are expected to be paid from a loan to the City of Mattoon from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan is to be repaid from Sewer Revenues and the loan is authorized to be accepted at this time pursuant to the Act; and

**WHEREAS**, in accordance with the provisions of the Act, the City of Mattoon is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$8,000,000 to provide funds to pay the costs of the Project; and

**WHEREAS**, the loan to the City of Mattoon shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the City of Mattoon and the Illinois Environmental Protection Agency; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1. INCORPORATION OF PREAMBLES**

The City Council hereby finds that the recitals to this Ordinance are true, complete and correct and hereby incorporates them into this Ordinance.

## **SECTION 2. DETERMINATION TO BORROW FUNDS**

It is necessary and in the best interests of the City to construct the Project for the public health, safety, and welfare of the City, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Mattoon in an aggregate amount (which can include construction period interest financed over the term of the loan) not to exceed \$8,000,000.

## **SECTION 3. PUBLICATION**

This Ordinance, together with a Notice in statutory form (attached hereto as Exhibit A), shall be published once within ten days after passage in the Journal Gazette Times Courier, a newspaper published and of general circulation in the City of Mattoon, and if no petition, signed by electors numbering 10% or more the registered voters in the City of Mattoon (i.e. 1086 or more electors) asking that the question of improving the System as provided in this Ordinance and entering into the Loan Agreement therefore be submitted to the electors of the City of Mattoon, is filed with the City Clerk within 30 days after the date of publication of this Ordinance and Notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the City Clerk to any individual requesting one.

## **SECTION 4. ADDITIONAL ORDINANCES**

If no petition meeting the requirements of the Act and other applicable laws is filed during the 30 day petition period, then the City Council may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, and prescribing all the details of the Loan Agreement and providing for the collection, segregation, and distribution of the Sewer Revenues of the System, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or the purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Mattoon may not adopt additional ordinances or amendments which provide for an substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference, or priority of any other ordinance with the Ordinance, or otherwise alter or impair the obligation of the City of Mattoon to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

## **SECTION 5. LOAN NOT INDEBTEDNESS OF THE CITY OF MATTOON**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Mattoon pursuant to the Ordinance is to solely from the revenue derived from the Sewer System, and the loan does not constitute an indebtedness of the City of Mattoon within the meaning of any constitutional or statutory limitation.

**SECTION 6. APPLICATION FOR LOAN**

The Public Works Director is hereby authorized to make application to the Illinois Environment Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Illinois Admin Code 365.

**SECTION 7. ACCEPTANCE OF THE LOAN AGREEMENT**

The City Council hereby authorizes acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The City Council further agrees that the loan funds awarded shall be used solely for the purposes of the Project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

**SECTION 8. OUTSTANDING BONDS**

The City of Mattoon has outstanding bonds, payable from revenues of the System, that are senior to the loan authorized by this Ordinance, and the City of Mattoon agrees to establish an account, coverage, and reserves equivalent to the account, coverage, and reserves as the senior lien holders in accordance with 35 Illinois Admin Code 365.350(a)(10)(C).

**SECTION 9. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT**

The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The City Council may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

**SECTION 10. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

**SECTION 11. REPEALER**

All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Upon motion by Commissioner Owen, seconded by Commissioner Cox, adopted this 1st day of September, 2020, by a roll call vote, as follows:

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

Approved this 1st day of September, 2020.

/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 September 1, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Director Barber explained the project consisting of extending the piping, work paid from the Sewer Fund revenues and the loan with the final loan agreement to include an actual bid price prior to entering into the loan.

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

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2020-2066, authorizing the employment of Rolando Monte de Oca as a probationary patrol officer for the Mattoon Police Department effective September 13, 2020, contingent upon successful completion of background, physical and psychological exams.

Mayor Gover opened the floor for questions/comments/discussion. Chief Taylor provided a background of Mr. Monte de Oca including his education from E.I.U. and interest in crime scene investigation.

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

Commissioner Graven seconded by Commissioner Owen moved to approve Council Decision Request 2020-2067, awarding the bid of \$109,174.00 from Bartels Construction for the DeWitt Avenue Patching project. [19-00314-00-PP]

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, Absent Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2020-2068, ratifying the re-appointments of Bernie deBuhr, Jr., Amanda Perdomo, and Robert Shamdin to the Revolving Loan Fund Committee for terms expiring 04/30/2022.

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill noted the irregular meetings of the Committee and a meeting to review an application tomorrow.

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

Commissioner Owen seconded by Commissioner Cox moved to adopt Special Ordinance 2020-1749, authorizing participation in and receiving reimbursement of funding pursuant to the Local CURE Program. [20-494603]

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2020-1749**

**AN ORDINANCE PERTAINING TO THE LOCAL CURE PROGRAM IN  
ORDER TO PARTICIPATE IN AND RECEIVE FUNDING PURSUANT TO  
THE LOCAL CURE PROGRAM**

**WHEREAS**, the City of Mattoon, Coles County, Illinois, is an Illinois municipality, eligible for reimbursement of funds through the Local Coronavirus Urgent Remediation Emergency Support Program (Local CURE Program), 20 ILCS 605/605-1045; and

**WHEREAS**, the Local CURE Program is funded from financial assistance the State of Illinois received through the U.S. Department of the Treasury's Coronavirus Relief Fund (CFDA No. 21.019) authorized under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief and Economic Security Act, P.L. 116-136 ("CARES Act"); and

**WHEREAS**, as a Local Government recipient of financial support through the Local CURE Program, the City is required to utilize the financial support received from the Illinois Department of Commerce and Economic Opportunity (the "Department") for the specific purposes and in compliance with the terms and certifications of the Local CURE Program; and

**WHEREAS**, the corporate authorities of the City have determined that it is advisable, necessary and in the best interest of the City to enter into the attached Local CURE Program Financial Support Conditions and Certification in order to participate in and receive the funding pursuant to the Local CURE Program.

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

**Section 1.** The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

**Section 2.** The Financial Support Conditions and Certification in substantially the form of the exhibit attached hereto is hereby incorporated herein by reference, authorized and approved.

**Section 3.** The Mayor is hereby authorized to execute and deliver and the City Clerk is hereby authorized to attest to said execution of said certification in substantially the form of the exhibit appended hereto as so authorized and approved for and on behalf of the City.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**Section 5. REPEAL OF CONFLICTING PROVISIONS.** All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

**Section 6. EFFECTIVE DATE.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Owen, seconded by Commissioner Cox, adopted this 1st day of September, 2020, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,

Commissioner Owen, Mayor Gover

NAYS (Names): None

ABSENT (Names): Commissioner Hall

Approved this 1st day of September, 2020.

/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 September 1, 2020.

Mayor Gover opened the floor for questions/comments/discussion. Director & Treasurer Wright noted the accumulation of COVID-19 costs which were under \$15,000 so far, but would apply for the full reimbursement.

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2020-2069, authorizing a three-year term engagement with Dimond Brothers to serve as the City of Mattoon's "broker of record" for property, casualty and workers compensation, property and casualty insurance; and authorizing the mayor to sign the Insurance Services Agreement.

Mayor Gover opened the floor for questions/comments/discussion. Administrator Gill explained the City had been with Arthur Gallagher for years and the local Dimond Brothers' bid. Mr. Greg Smith of Dimond Brothers was excited to work with the City and would save the City money according to Administrator Gill.



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

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2020-3101, approving the continuance of a Local State of Emergency due to the virus (Coronavirus COVID-19).

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2020-3101**

**DECLARATION OF LOCAL STATE OF EMERGENCY**

State of Illinois  
County of Coles  
City of Mattoon

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance No. 2020-5430 of the City of Mattoon, I, Timothy D. Gover, the Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, September 01, 2020, and shall continue until such time as provided in Ordinance No. 2020-5430.

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

**WHEREAS**, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

**WHEREAS**, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

**WHEREAS**, the City Administration has coordinated its response with other Coles County governmental entities.

**The nature of the emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community.**

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance No. 2020-5430.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Timothy D. Gover, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

/s/ Timothy D. Gover

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

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

**DEPARTMENT REPORTS:**

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted business as usual while working with the Departments and unions on negotiations; received a packet which had a petition with signatures from Mrs. Wendi Hiles to have something to improve the properties in her neighborhood; and announced an abandoned property grant up to \$175,000 through Coles County Regional Planning. Commissioner Cox inquired as to grant property recipients process with Administrator Gill explained the priority list. Commissioner Graven inquired as to the N. 33<sup>rd</sup> Street property owner. Administrator Gill explained communication with the owner and the inability to evict occupants due to COVID-19. Attorney Jones noted the hearing on Friday. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY added the City is looking at other alternatives to stop the cycle and reported on the Quakenbush property process. Mayor Gover opened the floor for questions with no questions.

CITY CLERK noted business as usual in addition to finishing up with the auditors, preparing the work comp estimate, and upcoming health insurance renewal meeting. Mayor Gover opened the floor for questions with no response.

FINANCE announced the Annual Treasurer's Report was published last Thursday; reviewed the cash basis report which was down \$8,225 in overall cash and revenue tracking sheet remarking on the utility tax, video gaming tax and unrestricted cash reduction. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the bike trail, Coles Centre, Marshall Avenue, Champaign Avenue and sidewalks on the west side of town. Mayor Gover opened the floor for questions with no response.

FIRE reported on the number of calls, training at O'Hare Airport, inspection follow-ups, daily training and walkthroughs, portable radios to be received Thursday, and Ladder 24 update on expenses. Director & Treasurer Wright noted there were one or two more payments on the truck. Mayor Gover opened the floor for questions with no response.

POLICE thanked Council for the new hire; explained the permission to invade and clean the property located at N. 33<sup>rd</sup> Street; and announced the return to full-time by Captain Ray Hall after an

illness. Mayor Gover remarked on the good news. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM announced a small ceremony at the renovated tank in Peterson Park which received funds from Tourism, Mattoon Arts Council's work with the Quilters and hosting a virtual event with Quilting contest; and reported on the economic impact for Coles County from last year with a 4.3% increase and a hope to return to normalcy next year. Mayor Gover opened the floor for comments. Mayor Gover announced his participation in the ceremony for the renovated tank in Peterson Park.

#### COMMENTS BY THE COUNCIL

Commissioner Owen congratulated the return of Captain Ray Hall. Commissioners Cox and Graven had no further comments.

Mayor Gover seconded by Commissioner Graven moved to recess to closed session at 7:24 p.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 120 (2)(C)(2)); and litigation which 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 votes; YEA Commissioner Cox, YEA Commissioner Graven, Absent Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 8:12 p.m.

Commissioner Cox seconded by Commissioner Graven moved to adjourned at 8:12 p.m.

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

/s/Susan J. O'Brien  
City Clerk