

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on June 1, 2021. Mayor Hall presided and called the meeting to order at 6:30 p.m.

Mayor Hall led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Jim Closson, YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner David Phipps, and YEA Mayor Rick Hall.

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, Arts & Tourism Director Angelia Burgett- audio, Deputy Police Chief Ryan Hurst and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Graven moved to approve the consent agenda consisting of minutes of the Regular Meeting of May 18, 2021, bills and payrolls for the last half of May, 2021, Ordinance No. 2021-5442: Correcting Ordinance No. 2021-5440: Amending Chapters 50 and 51 of the Mattoon Code of Ordinances to update regulations applicable to water and sewer services due to a scrivener's error relating to tap fees, and Ordinance No. 2021-5443: Correcting Ordinance No. 2021-5441, Sections 51.098 & 50.096 of the municipal code due to a scrivener's error relating to the effective date.

Bills & Payrolls last half of May, 2021

	<u>General Fund</u>		
Payroll		\$	281,812.30
Bills		\$	91,980.44
	Total	\$	<u>373,792.74</u>
	<u>Hotel Tax Administration</u>		
Payroll		\$	3,471.83
Bills		\$	98.58
	Total	\$	<u>3,570.41</u>
	<u>Festival Management Fund</u>		
Bills		\$	254.00
	Total	\$	<u>254.00</u>
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	99,405.88
	Total	\$	<u>99,405.88</u>
	<u>Midtown TIF Fund</u>		
Bills		\$	65,566.98
	Total	\$	<u>65,566.98</u>
	<u>Capital Project Fund</u>		
Bills		\$	56,642.48
	Total	\$	<u>56,648.48</u>

	<u>I-57 East TIF District</u>		
Bills		\$	93.75
		Total	<u>\$ 93.75</u>
	<u>Water Fund</u>		
Payroll		\$	50,018.96
Bills		<u>\$</u>	<u>21,432.59</u>
		Total	\$ 71,451.55
	<u>Sewer Fund</u>		
Payroll		\$	41,437.95
Bills		<u>\$</u>	<u>203,047.10</u>
		Total	\$ 244,485.05
	<u>Health Insurance Fund</u>		
Bills		<u>\$</u>	<u>97,215.88</u>
		Total	\$ 97,215.88
	<u>Motor Fuel Tax Fund</u>		
Bills		<u>\$</u>	<u>11,848.82</u>
		Total	\$ 11,848.82

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2021-5442

AN ORDINANCE AMENDING CHAPTER 50, SECTIONS 95 THROUGH 103 AND CHAPTER 51 OF THE MATTOON CODE OF ORDINANCES TO UPDATE REGULATIONS APPLICABLE TO WATER AND SEWER SERVICES

WHEREAS, the City of Mattoon maintains customer service policies applicable to water and sewer accounts, and

WHEREAS, the City of Mattoon has determined the following policies need to be updated in order to align with current practices.

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

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. Chapter 50, Sections 95 through 103 are hereby repealed and replaced as follows:

RATES AND CHARGES; BILLINGS

§ 50.095 ANNUAL ESTIMATE.

The City's Public Works Director and/or Treasurer shall annually estimate the funds required for the next fiscal year operation and maintenance requirements and billing and collection expenses. The applicable amounts of moneys for depreciation and replacement reserves shall be included in the estimate as well as the applicable debt service requirements. This estimate shall be made in a form of a

recommendation to the City Council as an annual revision of the sewer charge rates consisting of the user charge, debt service charge and billing and collection charge.

§ 50.096 RATES FOR SEWER SERVICE.

(A) Effective May 1, 2015, the user charges shall be levied according to the following:

(1) Sewer service inside the city limits:

(a) A billing fee of \$1.87 per bill shall be charged for all users.

(b) A rate of \$6.67 per 100 cubic feet of potable water use shall be charged for domestic level users as defined in § 50.002.

(c) Users, other than domestic level users, shall be billed according to the following:

1. A user fee of \$4.58 per 100 cubic feet.

2. A debt service fee of \$2.09 per 100 cubic feet.

3. A surcharge of \$0.61 per pound of BOD in excess of 200 mg/l.

4. A surcharge of \$0.95 per pound of SS in excess of 250 mg/l.

(2) Sewer service outside the city limits:

(a) A billing fee of \$1.87 per bill shall be charged for all users.

(b) A rate of \$9.47 per 100 cubic feet of potable water use shall be charged for domestic level users as defined in § 50.002.

(c) Users, other than domestic level users, shall be billed according to the following:

1. A user fee of \$4.58 per 100 cubic feet.

2. A debt service fee of \$4.89 per 100 cubic feet.

3. A surcharge of \$0.61 per pound of BOD in excess of 200 mg/l.

4. A surcharge of \$0.95 per pound of SS in excess of 250 mg/l.

§ 50.097 [RESERVED].

§ 50.098 [RESERVED].

§ 50.099 EXPENDITURES.

Expenditures may be made by the City Treasurer upon authorization by the City Council from the accounts kept for the user charge system, debt service charge and billing and collection charge. Such expenditures shall be from a general revenue account although costed to specific revenue elements of the cumulative charges of the sewer bill.

(A) *Depreciation reserve expenditures.* Expenditures from the accrued depreciation reserve on facilities shall be limited to renewals to accommodate physical and/or functional wear and obsolescence of real or permanent properties, to the extent such is necessary over and above an ongoing maintenance program to maintain the anticipated useful life. Such expenditures might indirectly result in physical and/or functional betterments.

(B) *Replacement reserve expenditures.* Expenditures from the accrued replacement reserve on facilities shall be limited to renewals to accommodate wear of physical elements of limited life elements or part thereof (15 years or less) and/or movable property, which would result in an extended useful life or meet the anticipated useful life. Such expenditures might indirectly result in limited physical and/or functional betterment.

§ 50.100 RENEWALS.

Such renewals shall be capital expenditures which shall cause the annual estimate for accrued reserves from depreciation and replacement to be evaluated in terms of extended useful life as a result of preventative maintenance programs, or such renewals. The expenditures to overcome physical and/or functional obsolescence shall be capitalized against the element of the facility and costed to the fixed

assets group of accounts as an improvement to such element. Future estimates of accrued reserve requirements shall be evaluated and reflected in the depreciation and replacement reserve requirements.

§ 50.101 AUDIT.

An audit shall be performed annually as a separate report from the general city audit in terms of Federal Management Circular 73-2. Such audit shall be performed by a qualified auditor selected by and separate from the executive management of the sewer utility.

§ 50.102 FUNDING SYSTEM; BOND RESERVE CHARGE.

(A) The city shall annually, in its budgeting process, determine the amount of revenue to be raised with the other charges in order to adequately fund the sewer utility and comply with the applicable provisions of any bond ordinances. These bond reserve requirements are concurrent and are not limiting on the reserves of the user charge system created by federal law.

(B) The sewer bill moneys for the user charge system debt service charge and billing and collection charge shall fund the following user charge accounts and debt service accounts and shall satisfy the revenue bond accounts for any bond issues:

User Charge Fund Accounts

- User charge operation and maintenance
- User charge depreciation account
- User charge replacement account
- Debt service charge
- User charge billing charge
- User charge equity in utility

Revenue Bond Fund Accounts

- Sewerage fund
- Sewerage operation and maintenance account
- Sewerage contingent account
- Sewerage depreciation account
- Sewerage fund
- Sewerage operation and maintenance account
- Surplus account

(C) Standard fund account procedures shall be followed with entries made to record revenues and expenditures from the foregoing accounts, with the most stringent requirements of federal, state or local law applying and/or the more severe requirements of professional accounting practice.

	<i>Sewer Bill</i>	<i>Flow</i>	<i>BOD</i>	<i>SS</i>
	User charge	.7472	.1988	.2798
User charge	Bill collection surcharge	.1988	.2798	
	Debt service charge	0	0	0

§ 50.103 PERIODIC REVISION OF SEWER CHARGES.

The city shall revise the sewer charges periodically in accordance with the flow and strength of waste determined under § 50.119.

Section 3. Chapter 51 is hereby repealed and replaced as follows:

GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CUSTOMER. The person who has executed the paperwork necessary for water service with the City Finance Department.

CITY. The City of Mattoon, Illinois.

DEPARTMENT. The Water Department of the city.

TENANT. Any person occupying premises under lease, oral or written, from the property owner, and obtaining water service from the city.

§ 51.002 REMOVAL OF OR TAMPERING WITH CITY APPLIANCES AND EQUIPMENT; NEGLIGENCE.

(A) All meters, piping and other appliances and equipment furnished by and at the expense of the city, which may at any time be in said service line shall, unless otherwise expressly provided herein, be and remain the property of the city, and the customer shall protect such property from loss or damage and no one who is not an agent of the city shall be permitted to remove or tamper with such property.

(B) The customer shall be responsible for any damage to meter, meter housing, cover, transponder, transponder connections and the like, which may result from his or her negligent act, but specifically the following will be considered negligence on the part of the customer: the backing up into the meter of hot water from heating plant or water heater, thereby damaging parts in meter, the driving over, or location of driveway over meter setting, without properly reinforcing the area over meter setting, thereby damaging the meter setting, or the meter, or both; removal of or damaging the transponder or its wiring; and any other negligent act, whether by design, or accident. In case of such damage, the city will make the necessary repairs and charge same to customer, the costs of same to be collected from said customer in like manner as are water bills and subject to the penalty of suspended service, until paid.

§ 51.003 POTABLE WATER WELLS.

(A) *Use of groundwater as a potable water supply prohibited.* Except for such uses or methods in existence before the effective date of the ordinance codified herein, the use or attempt to use as a potable water supply groundwater from within the corporate limits of the city, as potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the City of Mattoon.

(B) Any person violating the provisions of this section shall be subject to a fine of up to \$750 for each violation.

(C) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **PERSON.** Any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

(2) **POTABLE WATER.** Any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

TERMS AND CONDITIONS OF SERVICE

§ 51.015 APPLICATION.

These terms and conditions shall apply to all services connected to the city's mains.

§ 51.016 PERMIT AND METER REQUIRED.

No person shall take any water from any main, hydrant or other portion of the city's water plant or distribution system except upon written application to the Public Works Director and the issuance by the Public Works Director of a permit in accordance with the rules and regulations of the city; and no permit,

other than a permit for a temporary water supply or service under rates applicable thereto, shall be issued for any water supply or service unless the same be measured through a meter in accordance with the rules and regulations of the city.

§ 51.017 APPLICATION FOR WATER PIPE CONNECTION; FORM.

(A) Each applicant for water supply or service shall file with the city an application therefor, in writing, setting forth the name of such applicant, the location of the premises for which such supply or service is sought, the name of the owner of the premises if other than applicant, the nature and size of such service and the extent of such supply and the proposed use thereof.

(B) The form of the application for water pipe connection shall be as follows:

Address _____

Application for service pipe connection to City of Mattoon.

I desire to make service pipe connections with ____ for a supply of water on the following premises, _____

Owned by _____

Address _____

Occupied by _____

Lot _____ Block _____ Street _____

I agree that the pipes and fixtures used shall be only such as are approved by the city and that same shall be placed in accordance with all applicable building code and public works regulations of the city. The pipes and fixtures are described as follows: _____ And should I ever desire changes of any kind made in my water service pipes or fixtures, before any such changes are made I agree to first make formal application to the city.

Signed _____

The above application is accepted _____

Superintendent

The work as per specifications herewith (Over) is completed and ready for your inspection.

Date _____ 20____ Plumber _____

On reverse side of card is location of service box, size of corporation cock, size and style of service pipe and remarks.

§ 51.018 ACCESS TO PREMISES.

The properly authorized agents of the city shall at all times have free access to the customer's premises for the purpose of inspection of the customer's installation and of examining, repairing or removing the city's meters or other property, and for such purpose the customer hereby authorizes and requests his or her landlord, if any, to permit such access to the premises. Should the city determine that any customer has blocked or otherwise prevented the city from accessing the water meter and that the city needs access to read the meter or disconnect water service, customer authorizes the city to remove any blockage to read the water meter or disconnect water service, including but not limited to, the towing of any vehicle blocking the water meter. Any costs associated with removing any blockage shall be paid by the customer.

§ 51.019 RELEASE OF CITY FROM LIABILITY.

The customer agrees that the city shall not be liable for damages resulting to the customer or to third persons from the use of water or the presence of the city's appliances in the customer's premises unless due to willful default or neglect on the part of the city. Whenever, upon application, the city turns on water service, it is assumed that the piping and fixtures of the customer are in condition to receive and hold water in such quantities and at such pressures as is usual and at such higher pressures during the period when fire pressure is being carried, and the city shall not be liable for accidents, breaks, leakage, or damage by reason of its service to the customer.

§ 51.020 SPECIAL PERMISSION REQUIRED TO SUPPLY OTHERS WITH WATER.

No customer shall supply water from the city's mains to any other person, except under purely temporary arrangement and then only by special permission from the Public Works Director.

§ 51.021 BILLING ADJUSTMENTS; LEAKS IN SERVICE LINES, FIXTURES OR HYDRANTS.

(A) The City Treasurer and Commissioner of Finance have the authority to order that a customer's service not be discontinued, to delay service disconnections, to accept partial payments, to adjust or waive fees, penalties and charges, and to make billing adjustments. The Treasurer's adjustment authority shall not exceed a value of \$500. Account adjustments valued between \$500.01 to \$1,000.00 require signature approval by the Commissioner of Finance. Adjustments valued in excess of \$1,000 require formal approval by the City Council.

(B) Upon discovery of a leak in service lines, fixtures, hydrants or valves on the customer's side of a water meter, written notice will be given by the Finance Department to the customer to make necessary repairs.

(C) If a leak occurs on a service line, fixture, hydrant or valve on the customer's side and if it can be reasonably determined that the customer could not have easily ascertained that such a leak existed, an adjustment may be made in the customer's water and sewer bill. Such adjustments shall be made in accordance with the following procedures.

(1) The average monthly water bill during the preceding 12 months shall be computed and deducted from the bill accumulated during the period of the concealed leakage.

(2) From the remainder, the customer shall be credited an amount equal to 50% of the remainder.

(3) The City Treasurer may require written evidence that repairs were made to the customer's service line or fixtures before approving an adjustment authorized by this section, if the Treasurer has reason to believe that the excess water consumption was not caused by estimated or erroneous meter readings.

(4) Billing adjustments are allowed only once per customer in a twelve-month rolling period.

(D) No further billing adjustment shall be made to sewer charges for any reason, including the filling of a swimming pool.

(E) No billing adjustments shall apply to leakage from any service line that is constructed of unapproved plastic materials. All plastic material used in service lines must meet city and state plumbing codes.

(F) Customers who have received a billing adjustment due to a high bill may enter into a payment arrangement with the City whereby the adjusted bill is paid off over time. All subsequent bills must be paid in a timely manner in order for the payment arrangement to remain in effect.

§ 51.022 CONTINUOUS SERVICE; DISCLAIMER.

The city shall not be responsible for any failure to supply water or for interruption of the supply, if such failure or interruption is without willful default or negligence on its part. This disclaimer of responsibility shall apply to any damage to boilers, water heaters, refrigerators or any other device.

§ 51.023 MULTIPLE SERVICE IN SAME PREMISES.

Where more than one customer is to have water service in the same building, the owner, or principal tenant, shall make application and be responsible for water used. In case it is desired to have separate meters for such services, the installation shall be made as for individual service, in accordance with regulations. The owner of such premises may make installation of check meters at his or her own expense, but the city assumes no responsibility for accuracy of same, nor for the collection of water bills thereunder.

§ 51.024 ASSIGNMENT.

The benefits and obligations of the agreement shall begin when the city commences to supply water service hereunder and shall inure to and be binding upon the successors, assigns, executors or

administrators as the case may be, of the original parties hereto, for the full term hereof, provided that no assignment thereof shall be made by the customer without first obtaining the city's written consent.

§ 51.025 SPECIAL AGREEMENTS.

In cases of unusual and out-of-ordinary installations requiring special provisions, the foregoing conditions of service will apply, but the city may impose such additional terms and conditions as may fit the individual installation.

§ 51.026 MODIFICATION OF AGREEMENT.

No agent has the power to amend, modify or alter an agreement or waive any of its conditions or to bind the city by making any promises or representations not contained herein.

INSTALLATION OF WATER SERVICE

§ 51.040 PERMITS AND INSPECTOR FEES.

The customer shall agree to secure and pay for all necessary municipal permits for the installation and operation of the piping and other equipment used in connection with water service to his or her premises.

§ 51.041 OWNER'S CONSENT TO OCCUPANCY.

In case the customer is not the owner of the premises or of intervening property between the customer's premises and the city's mains, the customer shall agree to obtain from the proper owner, or owners, the necessary consent to the connection of service, installation and maintenance in said premises and in or about such intervening property of all such piping or other equipment, as may be necessary or convenient for the supplying of water services hereunder.

§ 51.042 RIGHT OF CITY TO SPECIFY SIZES OF EQUIPMENT.

The city reserves the right to specify sizes of fixtures, piping and the like which shall be used by the customer in connecting the customer's equipment to the city's service mains.

§ 51.043 EQUIPMENT TO BE FURNISHED AND MAINTAINED BY CUSTOMER.

All piping and other equipment used in connection with water services in the customer's premises or connecting said premises with the city's service, furnished by the customer, shall be suitable for the purpose thereof and shall be maintained by the customer at all times in conformity with the requirements of the constituted authorities and with the rules and regulations of the city in force from time to time.

§ 51.044 MATERIALS FURNISHED BY CITY; CHARGES.

- (A) For water services of 2" or less the city will furnish the tapping saddle, corporation stop, meter yoke, water meter and transmitter, meter pit and lid. The city will furnish the equipment and labor to tap the water main. The customer shall furnish all remaining labor, equipment, and materials including the excavation and preparation of the water main for the tap, the installation of the service lines, and the customer's connection to the meter installation. The following charges shall apply:

<i>Tap</i>	<i>Fee</i>
For 3/4 inch line	\$650
For 1 inch line	\$950
For 1-1/2 inch line	\$2,800
For 2 inch line	\$3,150

(B) If larger than 2” service is desired, the hook-up shall be made by using a tapping sleeve and valve approved by the city, installed and supplied by the customer. If a 3 inch line/meter is desired, the City shall make a 4 inch tap which the customer can reduce to a 3 inch line/meter. For four- to eight-inch taps, the city will tap the main for the following charges:

<i>Tap</i>	<i>Fee</i>
For 4-inch line	\$1,300
For 6-inch line	\$1,300
For 8-inch line	\$1,300

(C) For larger than eight-inch taps, the owner will call in an outside firm which is approved by the city to tap the main at the owner's expense.

(D) All meters of 3” or larger and all compound meters, including the meter pit and lid, shall be provided by the customer and installed under the directions of the city.

(E) Buried water service lines shall be: Type K Copper, Polyethylene (SDR-9, CTS), AWWA C-900 PVC, or Class 52 Ductile Iron. A 12 gauge copper tracer wire shall be installed with plastic service lines. Three-inch or larger meters shall have valves on both sides to facilitate removal. Meter housings shall be approved by the plumbing inspector prior to installation, and in general shall be sized to permit easy removal of the meter. The city shall accept maintenance responsibility for all outdoor meter pit installations after completion. The customer shall have maintenance responsibility for indoor meter installations. The city will provide replacement meters and/or transmitters for indoor installations.

§ 51.045 METER LOCATIONS.

Meter pits for 2” and smaller meters shall be located near the property line between the city and the customer. The design details and locations for 3” and larger meters shall be submitted to the plumbing inspector for review and approval.

§ 51.046 [RESERVED]

§ 51.047 MAINTENANCE OF SERVICE LINES.

For buried meter pit locations, the city will maintain the service line from the water main to the meter pit. For indoor meter locations, the city will maintain the service line from the water main to the property line.

§ 51.048 [RESERVED]

§ 51.049 CROSS OR INTERCONNECTIONS.

The installation of water service from the mains of the city shall be separate and independent of any other water connection or service of any description. Cross connection from any other supply such as private wells, cisterns, or other water systems, whether operated by pumps or not, shall be absolutely prohibited, and the existence of such cross or interconnections shall be cause for immediate suspension of water service from the mains of the city, and no notice of such suspension is required. Only the definite destruction of such cross connections shall be considered in the resumption of service to premises affected.

§ 51.050 ABANDONED SERVICE CONNECTIONS.

All service connections to mains that may become useless due to laying larger or newer service lines shall be disconnected and shut off at corporation stop on main by the owner, or customer. In case the owner or customer making such new installation shall neglect or refuse to cut off and disconnect such

abandoned service connection, the city shall do such work and charge and collect from owner, or customer, the cost of the work subject to the provisions as is the collecting of regular bills.

§ 51.051 SEPARATE LINES TO PREMISES.

A separate service line is required for each customer. (Separate residences, commercial buildings, or industrial buildings may not share common service lines.)

In the case of a multi-tenant residential, commercial, or industrial building, the building or complex may be considered one customer. In the case of a mobile home park, the mobile home park may be considered one customer.

Service lines may not cross adjacent properties. Service lines may not be placed along the frontage of adjacent properties. All water lines that are placed along the frontage of adjacent properties are considered water mains, and are required to be designed and constructed to those standards. The minimum size for a new City water main is 6”.

§ 51.052 FIRE HYDRANTS.

(A) No person, save and except members of the Fire Department, private fire departments, or employees of the city shall open any fire hydrant on the mains of the city.

(B) No person, without lawful authority, shall take water from any public fire hydrant of the waterworks of this city, or shall remove the cover therefrom, or place any earth or other material therein, or in any other way insure, destroy, or damage any such hydrant or any pipe or main, or appliance thereunto belonging.

(C) No person shall in any manner obstruct the use of any fire hydrant or have or place any material or vehicle in front thereof, or within ten feet from either side thereof.

§ 51.053 PRIVATE FIRE PROTECTION.

The city shall be prepared to accept application for service to private fire hydrants, supply tanks, sprinkler systems and other appurtenances on the premises of customers. The applicant for this class of service shall submit plans of the installation in detail, showing layout of system, required sizes of service lines and such other information as will make clear the probable demands of the installations. The city will consent to such installation when the size and condition of its mains are adequate for the purpose, and the city will impose such conditions of service as may be necessary for individual installations. The city will not obligate itself to furnish continuous service, or go beyond diligent effort to supply service or particular pressures, any more than its general obligations to all other customers. Any such installations shall be made at the entire expense of the owner, and subject to the direction and supervision of the city. Such installations shall be exclusively for fire protection uses, and no connection for any other use shall be made thereon. The city shall have free access to the entire installation for inspection purposes and in case of violation of the terms of the installation, shall have the right to terminate service.

§ 51.054 INSTALLATIONS TO BE DONE BY LICENSED PLUMBERS.

The connecting and laying of service pipe lines and the installation of meters shall be done by a plumber licensed by the state, as provided by law and under the supervision of the city.

WATER METERS

§ 51.065 METERS FURNISHED BY CITY.

The water used shall be measured by a meter or meters to be furnished by the city and installed by the customer at a point most convenient for the city's service, and upon the registration of said meter or meters all bills shall be calculated. If more than one meter is installed on different classes of service, each meter shall be considered by itself in calculating the amount of any bills. When more than one meter is

installed hereunder, on the same class of service, the sum of the registration shall in all cases be taken as the total registration.

§ 51.066 TESTING OF METERS.

The city shall have the right to remove and test any meter at any time and to place another in its place. All meters before being placed in service shall be tested for accuracy within 2% either over or under absolute accuracy. Whenever the customer disputes the accuracy of the meter, he or she may request that it be tested. In making the test, the meter will be placed on test in its unchanged state after being removed from the customer's service. The customer, or his or her representative, shall be offered the opportunity to be present during the making of the test, and the meter test operator will explain the procedure. No charge will be made for the test, and affected billing for water will be adjusted according to the results of test.

§ 51.067 QUANTITY OF WATER USED RECORDED BY METER.

The quantity of water recorded by the meter shall be presumed to be the amount of water passing through the meter, which amount shall be conclusive as to both the customer and the city, except when the meter is found to be registering inaccurately, or has ceased to register. In such cases the quantity of water used will be determined by the average registration of the meter in a corresponding past period when practicable, or by the average registration of an accurate meter in a following period, whichever method is deemed representative by the city.

RATES AND CHARGES; BILLINGS

§ 51.080 REASONABLE RATES FOR USE OF WATER; ENFORCEMENT OF STATUTORY LIEN.

It is hereby declared that the business of supply and distribution of water is essential to the health, safety and industry of the city, and that for the purpose of maintaining such supply, reasonable rates for the use of water are established. The continuance of such water, supply and its distribution is dependent on the collection of such rates, and recognition of this is accorded by the creation of a lien by ILCS Ch. 65, Act 5, § 11-139-8.

§ 51.081 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVERAGE MONTHLY BILL. The total of the 12 previous months' water and sewer bills for any address, divided by 12. If the account is new, or has less than 12 months' previous consumption experience, the City Treasurer in his or her sole discretion shall use judgment to determine the average monthly bill taking into consideration the actual consumption history for the account and consumption by other customers with similar structures or similar uses.

COMMERCIAL ACCOUNT/INDUSTRIAL ACCOUNT. Any account not meeting the definition of a residential account.

RESIDENTIAL ACCOUNT. An account for water or sewer service to a structure having not more than four apartments or separate dwelling units; or, any account serving any single dwelling unit in a structure having more than four such dwelling units.

§ 51.082 APPLICATION FOR WATER SERVICE.

(A) An application for water or sewer service shall be made in person at the Finance Department Office between the hours of 8:00 a.m. and 4:30 p.m. Alternatively, application for service may be made on-line via the City's web site. An agreement must be signed by the applicant demonstrating that the applicant will be responsible for payment of bills when due and compliance with ordinances governing the municipal water and sewer systems. Applicants shall provide proper government-issued picture identification. In addition, homeowner applicants must provide proof of ownership. Applicants who are

not the owner of the property to which service is being requested must show a copy of a rental agreement, lease agreement or permission by the property owner to occupy the property. Applications for service received after 3:30 p.m. will normally be connected the next business day. Applications for new service received after 3:30 p.m. and requiring same day service will pay a \$50 "after hours" service fee. Any customer requesting a service connection on holidays or weekends will also be charged a \$50 "after hours" service fee.

(B) All persons desiring to connect to, or otherwise be a customer of, the waterworks system of the city shall, prior to being connected to said waterworks system execute a certain water service agreement in that form provided in division (C) of this section. The City Treasurer or his or her designee is hereby authorized to execute said water service agreement on behalf of the city. The original water service agreement shall be placed on file in the Finance Department

(C) The form of the water service agreement shall be as follows:

WATER SERVICE AGREEMENT

By this Water Service Agreement (hereinafter referred to as "Agreement") executed by and between the City of Mattoon, Illinois, a municipal corporation (hereinafter referred to as "City") and _____ (hereinafter referred to as "Customer") and in consideration of the terms, conditions, covenants and mutual benefits contained herein, it is hereby agreed that:

1. Customer is a tenant in or the owner of certain real estate legally described in the attached Exhibit "A" and desires that the City supply water service to said real estate. (A Customer requesting service for areas presently within the Mattoon City Limit Boundaries shall list the street address for the area to be served but is not required to attach a legal description.)

2. City is the owner and operator of a waterworks system as defined in ILCS Ch. 65, Act 5, § 11-139-1, and desires to supply water service to said real estate.

3. City shall supply water service to Customer in accordance with its rate schedule, rules and regulations, as amended from time to time by the City, governing the rate, use, maintenance, construction, and management of the City waterworks system.

4. Customer shall comply with all rate schedules, rules and regulations, as amended from time to time by the City, governing the rate, use, maintenance, construction, and management of the City waterworks system. A summary of some of the important regulations are listed below, Customers are directed to the City Code of Ordinances for a full listing of the rate schedules, rules and regulations.

(a) Water bills are due on the same day each month and it is not possible to change the due date.

(b) If the Mattoon Finance Department has not received the full amount due on the due date shown on the bill, a late fee 10% of the balance due will be added to the account.

(c) Late notices will be mailed to all accounts having an outstanding balance as of 4:30 p.m. on the due date as shown on the bill. The late notice shall state the full amount due, including any late fees, and shall state the date the service will be shut off for non-payment (disconnection date) if the full amount due is not received by 8:30 a.m. on the disconnection date. The disconnection date shall be at least 10 days after the due date as shown on the bill.

(d) If the Mattoon Finance Department has not received the payment by 8:30 a.m. on the disconnection date, the account will be charged a \$25 non-payment fee and may be subject to immediate disconnection.

(e) If service is disconnected for non-payment, all past due amounts and fees must be paid before service will be restored. The payment must be made by cash, money order or credit card, checks will not be accepted.

(f) If a bank returns a Customer's check or bank draft unpaid, for any reason, that Customer's service will be immediately disconnected without further notice to the Customer.

(g) A \$25 fee will be charged for all returned checks or bank drafts.

(h) If service is disconnected for a returned check or bank draft, all past due amounts on the account, including the returned check fee, must be paid before service will be restored. The payment must be made by cash, money order or credit card, checks will not be accepted.

(i) Deposits are required for all new water service accounts unless (1) Customer has a landlord or contractor agreement with the City; (2) Customer has current water service with the City and has made on time payments on that service for the last eighteen months; or (3) on receipt of a letter from another utility that provided service to the applicant and gives evidence of the applicant's good credit history.

(j) After completing 18 months of initial consecutive service with no late payments, deposit refunds will be credited to the Customer's account. If Customer has not made timely payments over the initial 18 months of service, the deposit shall be credited to Customer account upon 18 consecutive months of timely payments and application therefor.

(k) A fee of \$50 will be charged for any same day new service connection required after 3:00 p.m.

(l) Payments may be placed in the drop box located in the parking lot North of City Hall. This drop box is emptied at 8:30 a.m. and 2:30 p.m. daily.

5. In the event that any part of the real estate identified in Exhibit "A" is at the time of the signing of this Agreement outside the corporate limits of the City and if at any time any part of the real estate becomes contiguous to the corporate boundaries of the City, the Customer shall execute the petition to annex. Customer shall execute the petition within 30 days of the receipt of a written request from the City to do so, and shall do any and all acts necessary to complete the petition. The City shall disconnect water service to the Customer if the Customer fails or otherwise refuses to execute such petition to annex, or otherwise fails to do any act necessary to annex said real estate into the corporate boundaries of the City.

Customer: _____ Date: _____

Water Service Billing Address: _____

City of Mattoon, Coles County, Illinois

By: _____

Title: _____

§ 51.083 TURNING ON.

No water from the city water system shall be turned on for service into any premises by any person other than the employee of the city assigned to that duty by his or her supervisor. Water turned on by unauthorized persons shall subject the customer to a fee of \$50 plus water and sewer usage.

§ 51.084 DEPOSIT.

A deposit of \$60 for residential service and \$100 for commercial service shall be made with each such application. This sum is to be retained by the city to ensure timely payment of all water and sewer bills. The City Treasurer may waive the deposit for customers who have a history of 18 most recent, consecutive months of timely payments with the city or on receipt of a letter from another utility that provided service to the applicant and gives evidence of the applicant's good credit history.

§ 51.085 ACCOUNTING FOR DEPOSITS; APPLICATION TO ACCOUNTS.

The Finance Department shall strictly account for all customer deposits. In the event any water or sewer account remains unpaid after service is disconnected, the deposit shall be credited to the customer's account to the extent of such delinquency.

§ 51.086 DEPOSIT REFUNDS OR CREDITS.

When service to the customer is discontinued permanently, the deposit, less any amount still due for water or sewer service, shall be refunded without interest. After completing 18 months of initial consecutive service with no late payments, the Finance Department will initiate deposit refunds that will be credited to customer accounts. If a customer has not made timely payments over the initial 18 months of service, the deposit shall be credited to customer accounts upon 18 consecutive months of timely payments and application therefor.

§ 51.087 MONTHLY PAYMENT.

Water and sewer usage shall be billed and paid for on a monthly basis.

§ 51.088 LATE FEE.

If the City Finance Department has not received the full amount due on the due date shown on the bill, a late fee of 10% of the balance due will be added to the account.

§ 51.089 LATE NOTICE.

Late notices will be mailed to all accounts having an outstanding balance as of 4:30 p.m. on the due date as shown on the bill. The late notice shall state the full amount due, including any late fees, and shall state the date the service will be shut off for non-payment (disconnection date) if the full amount due is not received by 8:30 a.m. on the disconnection date. The disconnection date shall be at least ten days after the due date as shown on the bill.

§ 51.090 NON-PAYMENT.

If the City Finance Department has not received the payment by 8:30 a.m. on the disconnection date, as defined in §51.089, the account will be charged a \$25 non-payment fee.

§ 51.091 DISCONNECTION FOR NON-PAYMENT.

It is the policy of the city to discontinue utility service to customers by reason of non-payment of bills, only after notice is given.

(A) The city's utility bills shall contain provisions to the effect that all bills are due and payable on or before the date set forth on the bill;

(B) For any bill that is not paid by the due date, a late notice will be mailed containing a disconnect date that will apply if the bill is not paid within ten days of the original due date. For bills that are not paid within ten days of the original due date, service may be discontinued for non-payment;

(C) The meter shall be read at the time of disconnection and any unauthorized use beyond said meter reading shall subject the customer to a fee of \$50 plus water and sewer usage.

§ 51.092 BAD CHECKS OR BANK DRAFTS.

Any customer who has a bank draft that is rejected or who has tendered a check to the city which is thereafter returned by the bank for any reason will be charged a \$25 service fee. Water service shall be immediately disconnected until the proper payment is made in full. A check may not be used to pay for a returned check.

§ 51.093 RECONNECTION.

Service reconnection shall not occur until full payment, by cash or credit card, is made to the Finance Department. Reconstructions will be processed in the order in which payments were received. Reconstructions will be made after all of the day's disconnections are complete and after the connection of any new applications. All attempts will be made to reconnect service on the same day. However, if any customer requires a reconnection after 4:30 p.m. that same day, such reconnection shall be subject to a fee of \$50 for "after hours" service.

§ 51.094 OBSTRUCTION OF METER.

A customer may be assessed a \$50 fee plus any towing and/or impounding fees that are incurred to enable access to a meter. The authority for the city to tow or impound vehicles obstructing meters is provided at § 51.18.

§ 51.095 PREFERRED LANDLORD AGREEMENTS.

By advance payment of a nonrefundable \$100 fee, a landlord with multiple rental properties may sign an agreement with the Finance Department to enable the landlord to make service connects and disconnects during times of tenant vacancies for properties listed in the agreement by a phone call to the Finance Department. The landlord accounts shall be protected by a password to identify the landlord, his

or her representative over the phone. As a term of such agreements, the landlord shall provide the city with the name of tenants. Landlords with past due account balances with the city shall be denied service until accounts have been paid in full. If a landlord declines this preferred service, he or she shall be required to follow the application and deposit rules for an individual applicant for water and sewer service.

§ 51.096 PREFERRED CONTRACTOR AGREEMENTS.

By advance payment of a nonrefundable \$100 fee, a contractor may sign an agreement with the Finance Department to enable the contractor to make service connects and disconnects during times for which they have taken out a plumbing permit by a phone call to the Finance Department. The contractor accounts shall be protected by a password to identify the contractor or his or her representative over the phone. Contractors with past due account balances with the city shall be denied service until accounts have been paid in full. If a contractor declines this preferred service, he or she shall be required to follow the application and deposit rules for an individual applicant for water and sewer service.

§ 51.097 [RESERVED]

§ 51.098 RATES FOR WATER SERVICE.

(A) Effective May 1, 2015, the user charge shall be levied according to the following:

(1) There shall be assessed a monthly meter charge according to the size of the meter installed for each customer's service, as follows:

(a) Residential:

1. For a 5/8-inch meter, the base fee shall be \$2.24.
2. For a 3/4-inch meter, the base fee shall be \$7.57.
3. For a one-inch meter, the base fee shall be \$11.36.

(b) Commercial-Industrial:

1. For a 5/8-inch meter, the base fee shall be \$7.57.
2. For a 3/4-inch meter, the base fee shall be \$11.36.
3. For a one-inch meter, the base fee shall be \$15.15.
4. For a 1-1/2-inch meter, the base fee shall be \$22.72.
5. For a two-inch meter, the base fee shall be \$30.29.
6. For a three-inch meter, the base fee shall be \$60.45.
7. For a four-inch meter, the base fee shall be \$90.59.
8. For a six-inch meter, the base fee shall be \$120.89.
9. For an eight-inch meter, the base fee shall be \$151.46.

(2) Where there is more than one meter installation for any customer, the minimum shall apply to each meter.

(3) In addition to the meter charge, the following schedule of rates shall be used to calculate the monthly billing for each customer:

(a) For treated water usage inside the city limits for billing period:

1. The first 2,000 cubic feet or less is \$4.15 per 100 cubic feet.
2. The next 298,000 cubic feet is \$3.31 per 100 cubic feet.
3. Usage over 300,000 cubic feet is \$2.62 per 100 cubic feet.

(b) For treated water usage outside city limits for each billing period:

1. The first 2,000 cubic feet or less is \$6.42 per 100 cubic feet.
2. The next 298,000 cubic feet is \$5.05 per 100 cubic feet.
3. Usage over 300,000 cubic feet is \$4.07 per 100 cubic feet.

§ 51.099 RATES FOR NON-METERED PRIVATE PROTECTION AND AUTOMATIC SPRINKLER SYSTEM.

Private fire protection service lines, connected to tank, hydrant, sprinkler system or other devices, shall be used exclusively for fire fighting purposes and no connection for other purposes shall be made on such lines. The monthly rates shall be as follows:

- (A) For four-inch line, \$60.00, per month.
- (B) For six-inch line, \$80.00, per month.
- (C) For eight-inch line, \$100.00, per month.

§ 51.100 SUFFICIENCY OF RATES.

If at any time the rates for water service fixed by this chapter are insufficient to provide the necessary funds required for the operating and maintenance of the water system, the City Council shall take the necessary steps to fix such rates as will produce adequate revenues for said purposes.

§ 51.101 MONTHLY BILLS.

Bills shall be rendered monthly for service hereunder, unless otherwise specified. The term (month) for billing purposes hereunder shall mean the period between any two consecutive regular readings, by the city of the meters at the premises, such readings to be taken as nearly as may be possible and practicable every 30 days.

§ 51.102 PAYMENTS BY MAIL.

If payment is made by mail, the stub of the bill must accompany the customer's check, and both must be received at the office of the Finance Department not later than the due date on the bill.

§ 51.103 LIABILITY OF CUSTOMER FOR PAYMENT OF BILLS.

Customers are liable for payment of all water used on premises, and for all other expense, properly charged to the service in accordance with the terms of this contract, and this liability shall continue until all charges are paid in full and until written notice has been received by the Finance Department that water service is no longer desired. Customers are liable for all water shown to have passed through meter, whether by use, wastage or leakage.

§ 51.104 ACCOUNTS SENT TO COLLECTIONS

Disconnected accounts with unpaid balances will receive two final billing notifications after which the account will be turned over to the city's collection agent.

Section 3. This ordinance shall be in full force and effect as of June 1, 2021 and upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 1st day of June, 2021, by a roll call by omnibus vote, as follows:

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

Approved this 1st day of June, 2021.

/s/ Rick Hall
Rick Hall, 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 June 1, 2021.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2021-5443

AN ORDINANCE MODIFYING THE WATER AND SEWER RATES FOR THE CITY OF MATTOON

WHEREAS, the City of Mattoon owns and maintains potable water and waste water systems including; Water Treatment, Water Distribution, Waste Water Collection, and Waste Water Treatment; and

WHEREAS, the City of Mattoon is responsible for establishing rates of service for the potable water and waste water systems sufficient to cover the cost of Operating Expenses, Debt Service, and Capital Reinvestment; and

WHEREAS, the City Mattoon wishes to increase the rates for potable water service and waste water service by approximately 1% effective June 01, 2021.

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. That Section 51.098 of the City of Mattoon Illinois Code of Ordinances be replaced in its entirety with the following:

51.098 RATES FOR WATER SERVICE

(A) Effective June 01, 2021 the rates for water service shall be:

(1) There shall be assessed a monthly meter charge according to the size of the meter for each service as follows:

(a) Residential

1. For a 5/8" meter, the base fee shall be \$2.26
2. For a 3/4" meter, the base fee shall be \$7.65
3. For a 1" meter, the base fee shall be \$11.47

(b) Commercial

1. For a 5/8" meter, the base fee shall be \$7.65
2. For a 3/4" meter, the base fee shall be \$11.47
3. For a 1" meter, the base fee shall be \$15.30
4. For a 1-1/2" meter, the base fee shall be \$22.95

5. For a 2" meter, the base fee shall be \$30.59
6. For a 3" meter, the base fee shall be \$61.05
7. For a 4" meter, the base fee shall be \$91.50
8. For a 6" meter, the base fee shall be \$122.10
9. For a 8" meter, the base fee shall be \$152.97

(2) Where there is more than one meter per customer, the monthly meter charge shall apply to each meter.

(3) In addition to the monthly meter charge, the following schedule of rates shall be used to calculate the monthly billing for each customer:

(a) For potable water usage inside the City Limits for each billing period:

1. The first 2,000 cubic feet (14,980 gal) or less shall be \$4.19 per 100 cubic feet.
2. The next 298,000 cubic feet (2,232,020 gal) shall be \$3.34 per 100 cubic feet.
3. Usage over 300,000 cubic feet (2,247,000 gal) shall be \$2.65 per 100 cubic feet.

(b) For potable water usage outside the City Limits for each billing period:

1. The first 2,000 cubic feet (14,980 gal) or less shall be \$6.48 per 100 cubic feet.
2. The next 298,000 cubic feet (2,232,020 gal) shall be \$5.10 per 100 cubic feet.
3. Usage over 300,000 cubic feet (2,247,000 gal) shall be \$4.11 per 100 cubic feet.

Section 3. That Section 50.096 of the City of Mattoon Illinois Code of Ordinances be replaced in its entirety with the following:

50.096 RATES FOR SEWER SERVICE

(A) Effective June 01, 2021 the rates for sewer service shall be:

(1) For sewer service inside the City Limits for each billing period:

- (a.) A billing fee of 1.89 per bill shall be charged for all users.
- (b.) A rate of \$6.74 per 100 cubic feet of potable water use shall be charged for all domestic level users as defined in Section 50.002.
- (c.) Users, other than domestic level users, shall be billed according to the following:
 1. A user fee of 4.63 per 100 cubic feet.
 2. A debt service fee of 2.11 per 100 cubic feet.
 3. A surcharge of 0.62 per pound of BOD in excess of 200 mg/l.
 4. A surcharge of 0.96 per pound of SS in excess of 250 mg/l.

(2) For sewer service outside the City Limits for each billing period:

- (a.) A billing fee of 1.89 per bill shall be charged for all users.
- (b.) A rate of \$9.56 per 100 cubic feet of potable water use shall be charged for all domestic level users as defined in Section 50.002.
- (c.) Users, other than domestic level users, shall be billed according to the following:
 1. A user fee of 4.63 per 100 cubic feet.
 2. A debt service fee of 4.93 per 100 cubic feet.
 3. A surcharge of 0.62 per pound of BOD in excess of 200 mg/l.
 4. A surcharge of 0.96 per pound of SS in excess of 250 mg/l.

Section 4. This ordinance shall be effective upon the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

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

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 1st day of June, 2021, by a roll call by omnibus vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall
NAYS (Names): None
ABSENT (Names): None

Approved this 1st day of June, 2021.

/s/ Rick Hall
Rick Hall, 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 June 1, 2021.

Mayor Hall declared the motion carried to approve the consent agenda by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meetings Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments. We would also ask you to state your name and address for the record as well as stand when speaking.

Mayor Hall opened the floor for Public comments/questions from those in physically in-person and virtually twice with no Public response.

NEW BUSINESS

Mayor Hall seconded by Commissioner Cox moved to approve Council Decision Request 2021-2149, ratifying the re-appointments of Clay Dean, Teresa Righter and Chris Pilson to the Mattoon Public Library Board for terms ending 06/30/24.

Mayor Hall opened the floor for comments with no response.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Closson seconded by Commissioner Phipps moved to approve Council Decision Request 2021-2150, authorizing the employment of Christopher Phillips as a Waste Water Treatment Plant Operator II at \$37,606.40 base pay effective June 09, 2021.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Closson seconded by Commissioner Cox moved to adopt Special Ordinance No. 2021-1780, authorizing the promotion of Ethan Ervin to the Waste Water Treatment Plant Superintendent at a base pay of \$80,000 effective June 07, 2021; and approving the WWTP Superintendent management contract.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2021-1780

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF
ETHAN ERVIN FOR THE POSITION OF WASTE WATER TREATMENT PLANT
SUPERINTENDENT**

WHEREAS, the Waste Water Treatment Plant Superintendent position is currently vacant and the City wishes to fill the vacancy; and,

WHEREAS, Ethan Ervin has been performing the duties of the Wastewater Superintendent on an interim basis since January 01, 2021; and,

WHEREAS, the City of Mattoon enters into employment agreements with members of its managements team; and,

WHEREAS, the City is naming Ethan Ervin as the Wastewater Superintendent, effective June 07, 2021; and,

WHEREAS, the parties wish to memorialize the terms of Ethan Ervin's employment with the City.

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

Section 1. Ethan Ervin is hereby named as the Waste Water Treatment Plan Superintendent, effective June 07, 2021.

Section 2. The City Council hereby approves an Employment Agreement with Ethan Ervin for the position of Waste Water Treatment Plant Superintendent, a copy of which is attached hereto and incorporated herein by reference.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Closson, seconded by Commissioner Cox, adopted this 1st day of June 2021, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall
NAYS (Names): None
ABSENT (Names): None

Approved this 1st day of June, 2021.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

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

Recorded in the Municipality's Records on June 1, 2021.

Mayor Hall opened the floor for comments. Director Barber provided accolades for Mr. Ervin with Commissioner Cox reiterating.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Phipps seconded by Commissioner Graven moved to approve Council Decision Request 2021-2151, awarding the bid in the amount of \$133,268 to Fuller-Wente, Inc. for the 2021 Fire Hydrant Replacement Contract.

Mayor Hall opened the floor for comments. Commissioner Closson inquired about the 12 hydrants with Director Barber explaining 10-12 hydrants each year depending upon costs.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Cox seconded by Commissioner Phipps moved to rescind Council Decision Request 2021-2146 and approve Council Decision Request 2021-2152, approving a \$15,000 grant by the Tourism Advisory Committee from FY21/22 hotel/motel tax funds to the Mattoon Babe Ruth Baseball in support of the Mattoon Babe Ruth Ohio Valley 11-year-olds tournament to be held on July 22-26, 2021; and authorizing the mayor to sign the agreement.

Mayor Hall opened the floor for discussion. Commissioner Graven questioned the increase from \$10,000 to \$15,000 with Administrator Gill noting the typo.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Commissioner Cox seconded by Commissioner Closson moved to approve Council Decision Request 2021-2153, approving \$4,569.95 grant by the Tourism Advisory Committee from FY21/22 hotel/motel tax funds to Lake Mattoon Sailing Association in support of the Lake Mattoon Y Flyer Riviera Regatta to be held June 11-13, 2021; and authorizing the mayor to sign the agreement.

Mayor Hall opened the floor for discussion. Administrator Gill noted the cancellation of the event last year which was normally a well-attended event. Commissioner Cox reiterated the attendance of the event and added the great reputation and tradition for Mattoon.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Mayor Hall seconded by Commissioner Cox moved to adopt Special Ordinance No. 2021-1781, granting a special use located at 121 South 17th Street allowing for a vocational and trade school. Petitioner: Mattoon CUSD#2.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2021-1781

AN ORDINANCE GRANTING SPECIAL USE AT 121 S. 17th STREET TO ALLOW FOR A VOCATIONAL AND TRADE SCHOOL

WHEREAS, there has been filed a written Petition for Mattoon CUSD #2 requesting a Special Use, and Annexation of the parcel(s) legally described as

ORIGINAL TOWN OF MATTOON BLK 141, LOTS 5, 6, 7, 8, 9 & 10 NW 1/4 & SW 1/4 SEC 13 T12N R07E

(07-1-04249-000; 07-1-04250-000; 07-1-04251-000; 07-1-04252-000; 07-1-04253-000)

WHEREAS, said site(s) are zoned C-3, commercial, which does allow the operation of said development; and

WHEREAS, the property is well suited for a vocational and trade school; and

WHEREAS, the Planning Commission held a public hearing on May 25, 2021 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 a special use to allow the operation of said vocational and trade school.

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, be and the same is granted a special use allowing for lawful right to operate a vocational and trade school.

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

Section 3. This special 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 Hall, seconded by Commissioner Cox, adopted this 1st day of June, 2021, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commission Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of June, 2021.

/s/Rick Hall
Rick Hall, 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 June 1, 2021.

Mayor Hall opened the floor for discussion. Administrator Gill noted there were no objectors at the Planning Commission, discussion held on the parking was resolved and was passed unanimously. Commissioner Cox inquired as to the timeframe and complimented the project. Mr. Tim Condron, Superintendent of Schools, addressed the timeframe. Commissioner Graven reiterated the compliments and requested the School to be mindful of the other businesses in the downtown area.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Mayor Hall seconded by Commissioner Graven moved to adopt Special Ordinance No. 2021-1782, approving the Final Subdivision Plat of the Cross County Mall Subdivision; and authorizing the mayor and city clerk to sign said plat.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2021-1782

**AN ORDINANCE APPROVING THE FINAL SUBDIVISION PLAT OF
CROSS COUNTY MALL SUBDIVISION**

WHEREAS, Rural King, owner of the following described property:

PARCEL 1 (06-0-00643-000):

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE.1/4) OF SECTION EIGHTEEN (18), TOWNSHIP TWELVE (12) NORTH, RANGE EIGHT (8) EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTH 87 DEGREES 12 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE.1/4), 100.00 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 00 DEGREES 08 MINUTES EAST PARALLEL TO THE EAST LINE OF THE SAID SOUTHEAST QUARTER (SE.1/4), 128.30 FEET, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF F.A. ROUTE 17; THENCE SOUTH 65 DEGREES 38 MINUTES WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE, 205.51 FEET; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2,310.70 FEET TO A POINT LOCATED SOUTH 73 DEGREES 58 MINUTES 34 SECONDS WEST, A DISTANCE OF 667.07 FEET FROM THE BEGINNING OF SAID CURVE; THENCE NORTH 00 DEGREES 02 MINUTES EAST, A DISTANCE OF 356.90 FEET; THENCE NORTH 87 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE.1/4), 828.90 FEET TO THE PLACE OF BEGINNING, COLES COUNTY, ILLINOIS.

EXCEPTING ANY INTEREST OR ESTATE IN THE MINERALS UNDERLYING THE SURFACE OF THE LAND WHICH MAY HAVE BEEN HERETOFORE CONVEYED OR RESERVED, AND ALL RIGHTS AND EASEMENTS IN FAVOR OF ANY SUCH MINERAL INTEREST OR ESTATE.

PARCEL 2 (06-0-00646-000):

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 12 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTH 00 DEGREES 08 MINUTES EAST ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, 116.90 FEET TO THE NORTH LINE OF THE RIGHT-OF-WAY LINE OF F.A. ROUTE 17; THENCE SOUTH 89 DEGREES 52 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE, 63.99 FEET; THENCE SOUTH 65 DEGREES 38 MINUTES WEST ALONG SAID RIGHT-OF-WAY LINE, 39.25 FEET; THENCE NORTH 00 DEGREES 08 MINUTES WEST PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER, 128.3 FEET; THENCE SOUTH 87 DEGREES 12 MINUTES 30 SECONDS WEST A DISTANCE OF 828.9 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES WEST A DISTANCE OF 356.9 FEET, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF F.A. ROUTE 17; THENCE ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 2310.7 FEET TO A POINT LOCATED SOUTH 83 DEGREES 37 MINUTES 08 SECONDS WEST, 100.51 FEET FROM THE BEGINNING

OF THE SAID CURVE; THENCE NORTH 00 DEGREES 02 MINUTES EAST A DISTANCE OF 363.20 FEET, SAID POINT BEING 611.9 FEET EAST OF THE NORTHWEST CORNER OF THE EAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH 87 DEGREES 12 MINUTES 30 SECONDS EAST ALONG THE NORTH LINE OF THE SAID SOUTHEAST QUARTER, 14.16 FEET; THENCE NORTH 00 DEGREES 28 MINUTES WEST A DISTANCE OF 1223 FEET, DESCRIBED (1224.58 FEET ACTUAL), SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF CONRAIL (PENN CENTRAL RAILROAD); THENCE NORTH 81 DEGREES 52 MINUTES EAST ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, 1023.80 FEET, DESCRIBED (1023.04 FEET ACTUAL), SAID POINT MARKED BY CIPS PROPERTY CORNER MARKER; THENCE SOUTH 00 DEGREES 28 MINUTES EAST A DISTANCE OF 1322.00 FEET, DESCRIBED (1319.90 FEET ACTUAL) TO THE PLACE OF BEGINNING, ALL SITUATED IN COLES COUNTY, ILLINOIS.

EXCEPT ANY INTEREST IN THE COAL, OIL, GAS AND OTHER MINERALS UNDERLYING THE LAND WHICH HAVE BEEN HERETOFORE CONVEYED OR RESERVED IN PRIOR CONVEYANCES, AND ALL RIGHTS AND EASEMENTS IN FAVOR OF THE ESTATE OF SAID COAL, OIL, GAS AND OTHER MINERALS, IF ANY.

has caused said premises to be surveyed and subdivided into 4 lots shown on the plat submitted to the City Council for approval in accordance with the Statute of the State of Illinois in such made and provided; and

WHEREAS, said plat of the subdivision to be known as Cross County Mall Subdivision, City of Mattoon, Coles County , Illinois has been submitted to the City Council of the City of Mattoon for approval in the manner as by law required, which plat is attached hereto as Exhibit “A” and made a part hereof by reference thereto; and

WHEREAS, it appears from an examination of said plat that the same is in due form as required by law and complies with all rules, regulations, and requirements relative to subdivisions and zoning in the City of Mattoon, Illinois, and that by said plat should be approved; and

WHEREAS, the Planning Commission of the City of Mattoon on May 25, 2021 recommended said plat be approved.

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, that the plat, of **Cross County Mall Subdivision**, to the City of Mattoon, Coles County, Illinois, be hereby approved and certificate of such approval be endorsed upon said plat signed by the Mayor and the City Clerk in the manner as provided by law.

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 file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 1st day of June, 2021, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,
Commissioner Graven, Commissioner Phipps,
Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of June, 2021.

/s/Rick Hall
Rick Hall, 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 June 1, 2021.

Mayor Hall opened the floor for comments. Administrator Gill described Rural King's purchase of the properties and subdivision of the other lots on a separate parcel.

Mayor Hall seconded by Commissioner Closson moved to adopt Resolution No. 2021-3144, approving the continuance of a Local State of Emergency due to the Coronavirus (COVID – 19).

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2021-3144

DECLARATION OF LOCAL STATE OF EMERGENCY

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, Rick Hall, Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, June 01, 2021, 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, Rick Hall, 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/Rick Hall
Rick Hall, Mayor
City of Mattoon, Coles County, Illinois

Mayor Hall opened the floor for comments. Mayor Hall noted the resolution at every meeting.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted meetings with other Department Heads, agenda items, union contract negotiations with PBPA, Everside meeting with need to arrange a site visit for Council members, information gathering for the June 22nd special meeting, appraisal for 2200 Western Avenue and meeting with the Mayor and development ideas to spur development. Commissioner Phipps inquired as to the emergency ordinance with Administrator Gill explaining the cleaning and signage requirements prior to June 11th when the Governor is expected to lift the cleaning and signage requirements. Mayor Hall opened the floor for further questions with no response.

CITY ATTORNEY noted business as usual with City Court and nuisance properties with Judge Bauer trying to move the cases forward. Commissioner Graven inquired as to the 300 Moultrie property with Attorney Jones acknowledging a hearing with a trial in the next month. Commissioner Phipps requested a listing of all nuisance properties with Administrator Gill would obtain one from the Police Department and forward to Council. Mayor Hall opened the floor for further questions with no response.

CITY CLERK noted the processing of additional summer help; distributed liquor license renewals; attended an insurance meeting with broker; otherwise, business as usual.

FINANCE announced prep work for the audit while waiting on the engagement letter from Doehring Winders & Company with field work in August, preparing the Treasurer's Report; and distributed and reviewed the Revenue Tracking Report and unrestricted cash. Commissioner Graven inquired as to the extra fees for a Single Audit with Director & Treasurer Wright answering with an unknown cost. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS updated Council on the progress of Todd Fuller and Carl Bartels Streetscaping Project and Marshall Avenue. Mayor Hall inquired as to the alley on the south side Mattoon appliance center with Director Barber explaining the separate project with a sewer replacement and other projects and years to be completed. Commissioner Phipps inquired as to beautifying the City before big events including Route 16. Director Barber explained the landscaping improvements and mowing three days before the weekends. Administrator Gill explained the solicitation of bids for repairs to the Rotary Bandshell by Superintendent Stretch. Mayor Hall explained the Rotary Club's involvement with Route 16 cleanup, planting of 50 trees this year. Commissioner Cox explained an '86 MHS graduate seeking a project to give back to the community and looking for ideas for mid-July. Commissioner Closson inquired as to the patching of alleys with Director Barber noting the work from south to north on alleyways. Mayor Hall opened the floor for questions with no response.

FIRE updated Council on calls for service, inspections' reports, training, relationship with First Class Auto Service, ropes & knots training, hose testing, fire extinguisher demo at Odd Fellow, and Commissioner Cox to meet with the shifts next week. Mayor Hall opened the floor for questions with no response.

POLICE updated Council on calls for service, 40 arrests, highlighted one arrest, and grants to help school district to secure buildings. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM announced hosting the first School District music workshop for students on June 16-18 performance in Heritage Park, Friday Farmers Market, music in Heritage Park, movies in the (Lytle) Park. Mayor Hall inquired as to mural stats and estimated dates. Director Burgett announced the start date for the mural as next week, recording the history on progress, paneled artwork, July 5th completion date, and Hans Warner of K.C. Summers and Technology Director Johanpeter would create a time lapse recording of the progress. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Closson announced a couple of meetings with Superintendent Stretch and Cemetery Sexton Rob Newlin and complimented the staff. Commissioners Cox, Graven and Phipps had no further comments. Mayor Hall noted speaking with people developing projects, preparing for the

planning meeting on June 22nd, the need to address complaints of motorized bicycles – pedal-assisted bikes, welcomed input from community. Deputy Chief Hurst noted the enforcement of traffic codes with regular citations. Mayor Hall opened the floor for questions with no response.

Mayor Hall seconded by Commissioner Phipps moved to recess to closed session at 7:14 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the appointment, compensation, discipline, performance, or dismissal of specific employees of the City or legal counsel for the City. (5ILCS 120 (2)(C)(1)); litigation which is affecting the City and an action is probable or imminent (5ILCS 120 (2)(C)(11)); and 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)).

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

Council reconvened at 7:38 p.m.

Commissioner Cox seconded by Commissioner Closson moved to adjourn at 7:38 p.m.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox NAY Commissioner Graven, YEA Commissioner Phipps, YEA Mayor Hall.

/s/Susan J. O'Brien
City Clerk