

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on October 17, 2023. 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 in person: 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, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, Code Enforcement Manager Alex Benishek, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Cox moved to approve the consent agenda consisting of Regular Meeting minutes of October 3, 2023; bills and payroll for the last half of September 2023.

Bills and payroll for the first half of October, 2023

	<u>General Fund</u>		
Payroll		\$	296,390.57
Bills		\$	<u>2,087,968.47</u>
	Total	\$	2,384,359.04
	<u>Hotel Tax Administration</u>		
Payroll		\$	4,493.12
Bills		\$	<u>795.01</u>
	Total	\$	5,288.13
	<u>Festival Mgmt Fund</u>		
Bills		\$	<u>3,874.22</u>
	Total	\$	3,874.22
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	<u>13,511.46</u>
	Total	\$	13,511.46
	<u>Midtown Tif Fund</u>		
Bills		\$	<u>4,648.99</u>
	Total	\$	4,648.99
	<u>Capital Project Fund</u>		
Bills		\$	<u>15,750.00</u>
	Total	\$	15,750.00
	<u>Broadway East Bus Dist</u>		
Bills		\$	<u>2,126.42</u>
	Total	\$	2,126.42

Bills	<u>Remington Rd & I-57</u>		\$	113,142.20
		Total	\$	113,142.20
	<u>Water Fund</u>			
Payroll			\$	43,659.05
Bills			\$	57,220.56
		Total	\$	100,879.61
	<u>Sewer Fund</u>			
Payroll			\$	41,176.31
Bills			\$	65,726.85
		Total	\$	106,903.16
	<u>Health Insurance Fund</u>			
Bills			\$	90,261.16
		Total	\$	90,261.16
	<u>Motor Fuel Tax Fund</u>			
Bills			\$	5,568.45
		Total	\$	5,568.45

Mayor Hall declared the motion carried by the following omnibus 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 communications from the Public, both in attendance and on-line, with no response.

Acknowledging the retirement of Jason Cobb with more than 24 years of service with the City at the Police Department on October 23, 2023.

Mayor Hall presented Captain Jason Cobb with a retirement plaque acknowledging his more than 24 years of service with the City of Mattoon. Chief Gaines provided accolades to Captain Cobb. Commissioner Cox also thanked Captain Cobb’s family for their service as well.

NEW BUSINESS

Commissioner Graven seconded by Commissioner Cox moved to adopt Ordinance No. 2023-5473, authorizing the execution of an agreement with Mattoon Sports Complex, Inc., an Illinois Not-For-Profit Corporation, and authorizing certain other actions in connection with the development of the

economic development area and including the sports facility; and authorizing the mayor and city clerk to sign the Retailer's Occupation Taxes Rebate and Economic Incentive Agreement.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2023-5473

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MATTOON SPORTS COMPLEX INC., AN ILLINOIS NOT-FOR-PROFIT CORPORATION, AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH DEVELOPMENT OF THE ECONOMIC DEVELOPMENT AREA, INCLUDING A SPORTS FACILITY, IN THE CITY OF MATTOON, ILLINOIS.

WHEREAS, the City is authorized pursuant to the provisions of the Business District Development and Redevelopment Laws, 65 ILCS 5/11-74.3, et seq., as amended (the "**Business District Law**"), to designate a "business district" in certain "blighted areas" in accordance with the Business District Law, adopt a plan for the development of the business district, approve projects for the business district, and authorize the imposition of "Business District sales taxes" to fund costs of the business district projects.

WHEREAS, on September 20, 2022, the City Council of the City (the "**City Council**") adopted Ordinance No. 2022-5457 (1) establishing and designating the "Remington Road and I-57 Business District" (the "**Business District**") within a "blighted area" as described in the Business District Plan, (2) approving a Business District Plan entitled "Remington Road and I-57 Business District Plan" for the City (the "**Business District Plan**") that sets forth factors that qualify the business district as a "blighted area" as defined in the Business District Law, and (3) authorizing certain projects to be undertaken as authorized pursuant to the Business District Plan (the "**Business District Projects**").

WHEREAS, the City retained PGAV Planners Inc. to prepare a plan for redevelopment known as the "Tax Increment Financing Redevelopment Plan & Redevelopment Project – Remington Road Redevelopment Project Area" (the "**TIF Redevelopment Plan**") for an area designated therein (the "**TIF Area**"), as legally described in the TIF Redevelopment Plan pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq., as amended (the "**TIF Act**"). The PGAV study sets forth factors that qualify the TIF Area as a "blighted area" as defined in the TIF Act.

WHEREAS, on October 3, 2023, the City Council adopted (1) Ordinance No. 2023-5470 approving the TIF Redevelopment Plan and Project pursuant to the TIF Redevelopment Plan (referred to herein as the "**TIF Projects**"), (2) Ordinance No. 2023-5471 designating the TIF Area as a "**TIF Area**," and (3) Ordinance No. 2023-5472, adopting tax increment financing within the TIF Area to provide funds to assist in the implementation of the TIF Projects.

WHEREAS, MSC Non-Profit desires to develop, and redevelop from time to time, within the "**Economic Development Area**" (as described on **Exhibit A** attached hereto) the following (collectively, the "**Economic Development Project**"):

(a) A "**Sports Facility**" to be implemented in multiple phases on approximately 100 acres located west of Interstate 57 and south of Charleston Avenue in the City. The first phase will consist of an indoor recreation space, seating for up to approximately 3,000 people, restrooms, concessions, locker rooms, and sports team meeting rooms. The subsequent phases are expected to include an outdoor athletic facility to be constructed adjacent to the first phase.

(b) Infrastructure and public improvements to serve and support the Sports Facility and the development of retail, commercial, hotel, and other development projects within the Economic Development Area.

Such development will require (initially and from time to time thereafter) funds for the cost of acquisition, financing, construction and operation of the Economic Development Project within the Economic Development Area (the “**Economic Development Project Costs**”).

WHEREAS, the City has determined that MSC Non-Profit possesses the experience and qualifications to undertake the Economic Development Project and MSC Non-Profit has determined that the Economic Development Project is not economically feasible using traditional development financing and is unwilling to undertake the Economic Development Project and pay Economic Development Project Costs unless the City agrees that the EDA Retail Sales Tax Revenues (as hereinafter defined) will be transferred to MSC Non-Profit to assist with financing of the Economic Development Project Costs.

WHEREAS, the City is authorized pursuant to Sections 65 ILCS 5/8-11-20 and 21, as amended, of the Illinois Municipal Code (the “**Illinois Economic Incentive Statutes**”), to enter into an economic incentive agreement relating to the development or redevelopment of real property within the corporate limits of the City pursuant to which the City agrees to share or rebate a portion of any retailers' occupation taxes received by the City that were generated by the development or redevelopment over a finite period of time.

WHEREAS, the City is further authorized pursuant to the Illinois Municipal Code, as amended (65 ILCS 5/8-1-2.5) (the “**Illinois Municipal Code**”), to appropriate and expend funds for economic development purposes, including, without limitation, the making of grants to any commercial enterprise that are deemed necessary or desirable for the promotion of economic development within the City.

WHEREAS, the City is desirous of having the Economic Development Project developed by MSC Non-Profit and has determined that it is in the best interests of and serves the public and charitable purposes of the City for the City to enter into an Economic Incentive Agreement with MSC Non-Profit, in substantially the form attached hereto as Exhibit B (the “**Economic Incentive Agreement**”), to implement the Economic Development Project.

WHEREAS, the City and MSC Non-Profit have determined that the Economic Development Project is expected to create or retain job opportunities within the City; that the Economic Development Project will serve to further the development of adjacent areas within the Economic Development Area and the City; that without the Economic Incentive Agreement the Economic Development Project would not be possible; and that the Economic Development Project will help to improve the health, safety, welfare, economic development and recreational needs of the citizens of the City and the surrounding areas. The City and MSC Non-Profit have further determined that the Economic Incentive Agreement will assist in the implementation of the Business District Plan and the TIF Redevelopment Plan.

WHEREAS, pursuant to the provisions of Illinois Law the City receives the following “Retailer’s Occupation Taxes” from taxable transactions within the Economic Development Area and revenues from such taxes are subject to rebate by the City to the Developer under the Illinois Economic Incentive Statutes and the Illinois Municipal Code (the “**Mattoon Retailer’s Occupation Taxes**”):

- a. Pursuant to the Retailers' Occupation Tax Act (35 ILCS 120), as amended, and the State Finance Act (30 ILCS 105), as amended, the City receives a portion of the State Retailer’s Occupation Taxes at the rate of 1% on “general merchandise” and on “qualifying food, drugs, and medical appliances”

(the “local portion” of the State Retailer’s Occupation Taxes) that are transferred by the State Department of Revenue to the City.

- b. Pursuant to the provisions of Sections 8-11-1.3 of the "Illinois Municipal Code" (65 ILCS 5/8-11-1.3) the City has imposed and receives a 0.50% non-home rule local option retailer’s occupation tax on “general merchandise” (excluding “qualifying food, drugs, and medical appliances”).

WHEREAS, in order to stimulate and induce the development of the Economic Development Project, the City is desirous of entering into the Economic Incentive Agreement with MSC Non-Profit to pledge the Mattoon Retailer’s Occupation Taxes generated within the Economic Development Area (the “**EDA Retail Sales Taxes**”) and received by the City throughout the term of the Economic Incentive Agreement (collectively, the “**EDA Retail Sales Tax Revenues**”) for funding the Economic Development Project Costs, in accordance with the terms and provisions of the Illinois Economic Incentive Statutes and the Illinois Municipal Code.

WHEREAS, the City and MSC Non-Profit have each determined that it is in their best interests to enter into the Economic Incentive Agreement (in substantially the form attached hereto as Exhibit B) to implement the development of the Economic Development Project by MSC Non-Profit, and that the Economic Development Project would not be possible without the Economic Incentive Agreement.

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

Section 1. Illinois Economic Incentive Statutes Findings. The City Council hereby makes the following findings related to the Economic Development Area:

- a. That the Economic Development Area is vacant and has remained vacant for at least one year and to the extent any portion of the real property that is included in the Economic Development Area is currently developed, any buildings on the property have been significantly unoccupied or underutilized for a period of at least one year.
- b. That the Economic Development Project is expected to create or retain job opportunities within the City.
- c. That the development of the Economic Development Area and the Economic Development Project will serve to further the development of adjacent areas.
- d. That without the Economic Incentive Agreement, the development of the Economic Development Area, including the Economic Development Project, would not be possible.
- e. That MSC Non-Profit meets high standards of creditworthiness and financial strength as demonstrated by a letter from a financial institution with assets of \$10,000,000 or more attesting to the financial strength of MSC Non-Profit.
- f. That the development of the Economic Development Area, including the Economic Development Project, will strengthen the commercial sector of the City.
- g. That the development of the Economic Development Area, including the Economic Development Project, will enhance the tax base of the City.
- h. The development of the Economic Development Area, including the Economic Development Project, is made in the best interest of the City.

Section 2. Authorization of Documents. The City is hereby authorized to enter into the Economic Incentive Agreement, in substantially the form attached hereto as Exhibit B and presented to the City Council at this meeting (copies of which document shall be filed in the records of the City), with such changes therein as shall be approved by the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof. The City is further authorized to enter into various certificates, documents and agreements as may be required relating to proceedings of the City related to implementation of the Economic Incentive Agreement and the collection, administration, deposit and application of the EDA Retail Sales Taxes, opinions of the City Attorney, and such other documents, agreements, certificates and opinions, as customary or required in connection with MSC Non-Profit's acquisition. financing, construction and operation of the Economic Development Project.

Section 3. Execution of Documents. The Mayor, City Administrator, Finance Director, City Clerk and other appropriate officers of the City are hereby authorized and directed to execute and deliver, on behalf of the City, the Economic Incentive Agreement and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 4. Further Authority. The officers, agents and employees of the City, including the Mayor, City Administrator, Finance Director and City Clerk, and other appropriate officers of the City are authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance, and to carry out, comply with and perform the duties of the City with respect to the Economic Incentive Agreement and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 5. Severance. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this ordinance.

Section 6. Publication. The City Clerk is hereby directed to cause this ordinance to be published in pamphlet form.

Section 7. Effective Date. This ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

Upon motion by Commissioner Graven, seconded by Commissioner Cox, adopted this 17th day of October, 2023, 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 17th day of October, 2023.

/s/Rick Hall
Rick Hall, Mayor
City of Mattoon, 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 _____ 10-17 _____, 2023.

Mayor Hall opened the floor for comments. Administrator Gill noted this agreement was similar to setting up the TIF and Business Districts, set up the development area which was same as the TIF District, provides 1 ½% of sales tax on new development in that area for the bonds; however, there would be some tweaks when the bonding occurs, but no monetary changes. Additional incentives for Phase 2 would be in the future and an explanation of the incentives were discussed. Mr. John Hansen of IRR reiterated there would be additional items before securing the bonds. Mayor Hall opened the floor for additional questions 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 Graven seconded by Commissioner Cox moved to adopt Resolution No. 2023-3264, authorizing an agreement between the City of Mattoon and Clear Water Service Corporation to provide water to Cooks Mills; and authorizing the mayor and city clerk to sign the agreement.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3264

A RESOLUTION AUTHORIZING A WATER SUPPLY AGREEMENT FOR COOKS MILLS WITH CLEAR WATER SERVICE CORPORATION

WHEREAS, the City of Mattoon owns a potable water treatment and distribution system; and

WHEREAS, the City of Mattoon and Cooks Mills Water Association had an agreement to connect to said system and purchase potable water with Resolution No. 2012-2873; and

WHEREAS, Cooks Mills Water Association was acquired by Clear Water Service Corporation; and

WHEREAS, the City of Mattoon and Clear Water Service Corporation have negotiated a Water Supply Agreement which addresses the costs of design, construction, and maintenance of said connection as well as the cost of the potable water being purchased; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the Water Supply Agreement with the Cooks Mills Water Association, attached as Exhibit 'A', be approved.

Upon motion by Commissioner Graven _____, seconded by Commissioner Cox _____, adopted this _____ 17th _____ day of _____ October _____, 2023, 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 17th day of October, 2023.

/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 10-17, 2023.

Mayor Hall opened the floor for comments/questions. Director & Treasurer Wright explained a prior agreement with Cooks Mills Water Association, which had expired, and the Clear Water Agreement's term coincided with a separate Clear Water Agreement and included a change from inside Mattoon rates to outside Mattoon rates.

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 approve Council Decision Request 2023-2422, awarding the October 2023-April 2024 Water Treatment Plant chemical bids to:

USALCO	for	Alum	@	\$.2640 /pound
Brenntag Mid-South	for	Ammonium Sulfate	@	\$.6420/pound
Airgas Mid-America	for	Carbon Dioxide	@	\$.1100 /pound
Polydyne, Inc.	for	Cationic Polymer	@	\$1.0900 /pound
Brenntag Mid-South	for	Chlorine	@	\$.9835/pound
Water Solutions Unlimited	for	Fluoride	@	\$.3900/pound
Water Solutions Unlimited	for	Sodium Permanganate	@	\$1.3400/pound; and
Water Solutions Unlimited	for	Phosphate Blend	@	\$1.0400/pound.

Mayor Hall opened the floor for comments. Director Barber expounded on the bids for all chemicals except for Lime and Powdered Activated Carbon, which were quoted separately due to a higher quality and better quote from certain vendors. Commissioner Closson inquired as to soften pricing with Director Barber noting a 16% increase over a couple of years ago.

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 Graven moved to approve Council Decision Request 2023-2423, waiving the formal bidding requirement and approving the price quote in the amount of \$36,482.00 (\$1.45/pound) from Donau Carbon for our Water Treatment Plant Powdered Activated Carbon and Lime.

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.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR reviewed attendance at the Chicago ICSC trade show by Mayor Hall, Manager Benishek and himself; noted meetings for the Property/Casualty insurance with trends higher this year, and Class E meeting this morning. Mayor Hall opened the floor for questions with no response.

CITY ATTORNEY updated Council on the former Brown Shoe Factory demolition where the salvage process was slow, project manager did not appear in Court, Judge rescheduled hearing until November 13th. Commissioner Closson, Chief Gaines, Commissioner Graven, Chief Hilligoss, Administrator Gill and Attorney Jones discussed the current access to the open building and encouragement to have the property owners find the resolution to the issue. Mayor Hall opened the floor for questions with no response.

CITY CLERK noted a meeting with our health insurance broker who had an interesting proposal for a fully-insured insurance consideration, a meeting with another provider tomorrow for more information, gearing up for the various Employee benefits' open enrollments, and preparing paperwork for upcoming retirements; otherwise, business as usual. Mayor Hall opened the floor for questions with no response.

FINANCE distributed and reviewed September Financial Report, General Fund revenues/expenditures, Revenue Tracking Report, unrestricted cash, property tax distribution received of \$4.22 million with a levy of \$5.256 million, and receipt of the Fire Pension Municipal Compliance Report which with the Police Pension recommended \$5.6 million for both funds resulting in an increase of approximately \$244,000 over last year and uses the entire levy to fund pensions. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS updated Council on the Todd Fuller Bike Trail Extension, NeCo Asphalt repairs to Bike Trail, Roadway plans for Sports Complex submitted to IDOT for review which takes 6-8 weeks, then would be ready to go out for bids. Mayor Hall inquired about Bike Path with Director Barber stated mostly complete while waiting for right-of-way to be signed over from Rural King.

FIRE reported on calls for service, inspections and follow-ups, Fire Prevention Week continuation, fire alarm drills finished and night drill training. Mayor Hall opened the floor for questions with no response.

POLICE reported on calls for service, quarterly training night shoot, testing for new hire list with 10 applicants passing the physical with no hires – only establishing list. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM elaborated on the hosting of Ms. Temple Grandin, Holiday Arts Sale on November 25 and 26, Lightworks with a large walkthrough interest, and the Jones' family sponsoring the Santa House. Mayor Hall described Ms. Temple Grandin's event as quite an interesting speaker who was so outward about autistic life. Director Burgett commented on the different approach into how people learn differently – creatively. Mayor Hall opened the floor for questions with no response.

COMMUNITY DEVELOPMENT updated Council on the two trail systems at Lake Paradise, work on maps and signage, discovery of an illegal hunting blind, housing survey by Lake Land College students, Mr. Yoder purchasing the former Memorial Hospital building and its renovations, reviewing a pet ordinance, mandatory DCEO training, OSLAD grant revisions, Celebrate Downtown meeting, Trunk or Treat event, and a successful ICSC Expo. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

The Council congratulated Capt. Cobb on his retirement. Commissioner Closson commented on the season closure of the campground, Manager Benishek and IDNR addressing complaints about illegal hunting, and the sidewalk to the City Hall elevator needed repair. Chief Gaines stated the Police Department would handle the illegal hunting blind. Commissioners Cox, Graven and Phipps had no further comments. Mayor Hall commented on the Class E students and their great job, a big improvement on Broadway with the concrete wall completion, positive comments and talk about Mattoon at the ICSC Chicago Expo, and Mattoon Dunkin Donuts to be opened in two weeks per its manager.

Commissioner Phipps seconded by Commissioner Cox moved to adjourn at 7:09 p.m.

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.

/s/Susan J. O'Brien
City Clerk