

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on June 3, 2025. 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 Erica Butler, YEA Commissioner Jim Closson, YEA Commissioner Dave Cox, YEA Commissioner David Phipps and YEA Mayor Rick Hall.

Also physically present were City personnel: City Manager Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Public Works Director David Clark, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, Code Enforcement 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 May 20, 2025 and Special Meeting minutes of May 28, 2025, bills and payroll for the last half of May 2025.

<u>Bills and payroll for the last half of May, 2025</u>			
<u>General Fund</u>			
Payroll		\$	367,695.17
Bills		\$	150,344.77
	Total	\$	517,605.09
<u>Hotel Tax Administration</u>			
Payroll		\$	5,569.32
Bills		\$	403.09
	Total	\$	5,972.41
Bills			
<u>Mobile Equipment Fund</u>			
	Total	\$	20,000.00
Bills			
<u>Insurance & Tort Jdgmnt</u>			
	Total	\$	2,296.00
Bills			
<u>Capital Project Fund</u>			
	Total	\$	9,032.18
Payroll		\$	56,331.08
Bills		\$	44,726.03
	Total	\$	101,057.11
<u>Sewer Fund</u>			
Payroll		\$	47,543.62
Bills		\$	56,783.89
	Total	\$	104,327.51
<u>Health Insurance Fund</u>			

Bills		\$	434,354.73
	Total	\$	434,354.73
<u>Motor Fuel Tax Fund</u>			
Bills		\$	15,762.30
	Total	\$	15,762.30

Mayor Hall declared the motion carried by the following omnibus vote: YEA Commissioner Butler, YEA Commissioner Closson, YEA Commissioner Cox, 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 comments from the Public both physically present in person and online with no response.

Director Benishek introduced Mr. John Tiedt of Retail Strategies and explained a potential solution for attracting big retail outside of the Emerald Acres area to consider in the future, after speaking with several prospects. Mr. Tiedt, Director of Community Partnerships, presented his retail recruitment services including the three steps in their process – 1. Data – collecting mobile data, peer analysis to measure similar communities, prospects and site criteria; 2. Real Estate Analysis – property inventory with major potential focus sectors; 3. Labor – their partnership and efforts with real estate professionals, daily outreach to retailers, landowners, conference representation, deliverables: market analysis, retail recruitment, and marketing guide. The Council had several questions regarding Retail Strategies including their success rate and return on investment with Mr. Tiedt answering all questions of the Council. Mr. Tiedt stayed until after the meeting to answer further questions.

NEW BUSINESS

Commissioner Phipps seconded by Commissioner Butler moved to adopt Ordinance No. 2025-5496, amending Chapter 36 of the municipal code to establish Section 36.09 Municipal Grocery Retailers' and Services Occupation Tax in the City of Mattoon, Illinois, County of Coles.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2025-5496

AN ORDINANCE IMPLEMENTING A MUNICIPAL GROCERY RETAILERS' OCCUPATION TAX AND A MUNICIPAL GROCERY SERVICE OCCUPATION TAX FOR THE CITY OF MATTOON, ILLINOIS

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of Mattoon is a non-home rule Illinois municipality pursuant to the Constitution of the State of Illinois of 1970, as amended; and

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) provides that, beginning on January 1, 2026, all Illinois municipalities may impose a tax “upon all persons engaged in the business of selling groceries at retail in the municipality” (the “Municipal Grocery Tax”) (65 ILCS 5/8-11-24); and

WHEREAS, the Municipal Grocery Retailers’ Occupation Tax may be imposed “at the rate of 1% of the gross receipts from these sales” (65 ILCS 5/8-11-24); and

WHEREAS, any Municipal Grocery Retailers’ Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) requires any municipality imposing a Municipal Grocery Retailers’ Occupation Tax under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) to also impose a Service Occupation Tax at the same rate, “upon all persons engaged, in the municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries” as “an incident to a sale of service” (the “Municipal Grocery Service Occupation Tax”) (65 ILCS 5/8-11-24); and

WHEREAS, any Municipal Grocery Service Occupation Tax shall be administered, collected and enforced by the Illinois Department of Revenue; and

WHEREAS, the City Council of the City of Mattoon believe that it is appropriate, necessary and in the best interests of the City and its residents, that the City levy a Municipal Grocery Retailers’ Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24); and

WHEREAS, the City Council of the City of Mattoon believe that it is appropriate, necessary and in the best interests of the City and its residents, that the City levy a Municipal Grocery Service Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

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

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

Section 2. Adoption of Tax. Chapter 36 Taxation of the Municipal Code of the City of Mattoon shall be amended with the addition of Chapter 36.09 Municipal Grocery Retailers’ Occupation Tax shall be enacted as follows:

MUNICIPAL GROCERY RETAILERS’ AND SERVICES OCCUPATION TAX

§36.09 IMPOSITION OF TAXES BY GROCERY RETAILERS; Rate.

(A) A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this Ordinance is in effect.

(1) The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

(B) COLLECTION OF TAX BY GROCERY SERVICES.

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 36.09 (A), above.

(1) The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Both of the taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

Section 3. Clerk to file Ordinance with Illinois Department of Revenue. As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before October 1, 2025.

Section 4. Effective Date. The taxes imposed by this Ordinance shall take effect on January 1, 2026 following the adoption and filing of this Ordinance with the Department of Revenue, if filed on or before the preceding October 1st.

Section 5. Repeal of Conflicting Provisions. All ordinances, resolutions and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 6. Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 7. Headings/Captions. The headings/captions identifying the various sections and subsections of this Ordinance are for reference only and do not define, modify, expand or limit any of the terms or provisions of the Ordinance.

Section 8. Publication. The Clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

Upon motion by Commissioner Phipps, seconded by Commissioner Butler, adopted this 3rd day of June, 2025, by a roll call vote, as follows:

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

Approved this this 3rd day of June, 2025.

/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/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 06-03, 2025.

Mayor Hall opened the floor for discussion. Manager Gill explained that starting January 1, 2026, the State was removing the grocery tax and gave the option for the municipalities to adopt the 1% tax, approximately \$500,000 in revenues, not a new tax – only a State tax being eliminated and City adopting.

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

Commissioner Butler seconded by Commissioner Cox moved to adopt Special Ordinance No. 2025-1964, granting a Special Use for a Tier II Short-Term Rental located at 3421 Western Avenue. Petitioners: Michael & Angela French 07-1-01661-000

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2025-1964

AN ORDINANCE GRANTING A SPECIAL USE FOR A TIER II SHORT-TERM RENTAL IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS

WHEREAS, Michael and Angela French presented a Petition to the City Clerk for a Special Use Permit, which Petition requests that a new property be utilized for a Short-Term Rental, which is a Special Use pursuant to City Ordinance sections 159.45 and 159.46; and,

WHEREAS, petitioner is the owner of the property commonly described as 3421 Western Avenue Pin Number: 07-1-01661-000: Legal Description: HENRICHS SUBD LOT 4 & E 12 FT LOT 5 PT OF SE ¼ SEC 15 T12N R07E; and,

WHEREAS, a Public Hearing on said Special Use for a ‘Short-Term Rental’ was held before the Mattoon Planning and Zoning Commission on May 27, 2025; and,

WHEREAS, said Petition was recommended for approval by the Mattoon Planning and Zoning Commission at said Public Hearing on May 27, 2025; and,

WHEREAS, the City Council of the City of Mattoon, Coles County, Illinois, has determined, that the public interest will be served by allowing for such a Special Use.

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

Section 1. Pursuant to enabling authority provided at Section §159.45 and 159.46 of the Mattoon Code of Ordinances, the property as legally described above, shall be granted a Special Use Permit for a ‘Tier II Short-Term Rental’.

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 immediately.

Upon motion by Commissioner Butler, seconded by Commissioner Cox, adopted this 3rd day of June, 2025, by a roll call vote, as follows:

AYES (Names): Commissioner Butler, Commissioner Closson,

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

Approved this this 3rd day of June, 2025.

/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/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 06-03, 2025.

Mayor Hall opened the floor for comments/questions. Director Benishek noted the special use was passed unanimously at the Planning Commission, reviewed the property, well-maintained, local manager, and a week or two before ready, represented a solid Tier II style rental, no objectors in attendance with one telephone caller who left no name, no written objection petition received. The Council and Manager Gill inquired about Mr. French's plans, manager, furnished house, and whole house being rented. Mr. French answered their questions with Director Benishek stating Tier II involves the entire property to the renter.

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

Mayor Hall seconded by Commissioner Phipps moved to approve Council Decision Request 2025-2602, ratifying the re-appointments of Greg Ray, Harold Pettigrew and appointment of Christina Krost to the Mattoon Public Library Board for terms ending 06/30/28, and the appointment of Jamie Golladay for an unexpired term ending 06-30-2027.

Mayor Hall noted he knew the appointees and received the names from Library Director Carl Walworth who had spoken with each appointee.

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

Commissioner Cox seconded by Commissioner Phipps moved to approve Council Decision Request 2025-2603, approving the plans and specifications of the 2025 Oil & Chip contract and authorizing the solicitation for bids of the 2025 MFT General Street Maintenance Program. [25-00000-01-GM]

Mayor Hall opened the floor for comments. Director Clark noted the oil and chip program was similar to last year and would encompass the southeast and north quadrants of the City.

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

Commissioner Closson seconded by Commissioner Butler moved to approve Council Decision Request 2025-2604, approving the final 2024 MFT Street Maintenance Expenditure Statement in the amount of \$1,203,995.06; and authorizing the mayor to sign the Municipal Maintenance Expenditure Statement. [24-00000-00-GM] [BLR 14222]

Mayor Hall opened the floor for comments/questions. Director Clark stated the expenditures were from last year plus four months after changing the year to match our fiscal year and included all of the oil and chip, pavement markings and materials. Commissioner Closson inquired whether MFT to be used to repair sidewalks with Director Clark answering affirmatively.

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

COMMENTS BY THE COUNCIL

Commissioner Phipps expressed his appreciation of Mr. Tiedt's attendance and Mr. French's attendance. Manager Gill noted he would be attending the ILCMA Conference in Champaign on Wednesday and Thursday. Mayor Hall announced Council photos to be taken at the next Council meeting and distribution of nametags to Council today.

Commissioner Cox seconded by Commissioner Closson moved to adjourn at 7:16 p.m.

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

/s/Susan J. O'Brien
City Clerk