

ORDINANCE NUMBER 2024- 38

**AN ORDINANCE OF THE CITY OF MT. VERNON ILLINOIS TO AMEND PRIOR ORDINANCE  
NUMBER 2022-02**

**WHEREAS**, the City of Mt. Vernon, Jefferson County, Illinois, operates its public sewerage system (“the System”) and in accordance with the provisions of Article VII, Section 6 of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively “the Act”); and

**WHEREAS** the Mayor and City Council of the City of Mt. Vernon (the “Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Project Description: Mount Vernon’s project includes several different parts located in the Midtown area, as well as large diameter sewers immediately upstream of the wastewater treatment facility. The first portion includes the replacement of Cured-in-Place-Pipe (CIPP) lining of parallel pipes conveying wastewater to the influent boxes at the wastewater treatment facility (WWTF). The final selection of replacement versus repair by CIPP will be based on existing conditions of the sewers and the best BID price that would be advantageous to the community. Repairs include approximately 5,000 linear feet of 24-inch diameter sanitary sewers from Opdyke Avenue/Gee Street intersection south to the WWTF, and Forest/Shawnee intersection east to the influent boxes at the WWTF; 1,730 linear feet of 30-inch diameter sanitary sewers from Evansville Western Railroad south to the influent boxes parallel to the 24-inch pipe, and Forest/Shawnee Street intersection east, parallel to the 24-inch pipe all discharging to existing influent boxes at the WWTF; additionally considered are 225 linear feet of 33-inch diameter sewers and 225 linear feet of 36-inch diameter sewers from the influent boxes to the headworks at the WWTF.

The second portion of the project includes replacement of the existing 6-inch diameter force main from Wagner Lift Station with approximately 2,900 linear feet of 8-inch diameter PVC force main. At the lift station variable frequency drives (VFD’s) will be installed along with SCADA Control modifications for the existing submersible pumps. In addition, there will be replacement of 2,600 linear feet of existing 14-inch ductile iron force main and 1,000 linear feet of 30-inch diameter concrete pipe with 4,000 liner feet of 18-inch PVC force main and 740 linear feet of 8-inch diameter PVC gravity sewer. Finally, the Midtown area will receive sanitary sewer repairs including spot repairs, CIPP improvements and some sanitary sewer replacements;

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and

specifications prepared by the consulting engineers of the City of Mt. Vernon, which Project has a useful life of 50 years; and

**WHEREAS**, the final cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$5,447, 717.51, and there are insufficient funds on hand and lawfully available to pay these costs; and

**WHEREAS**, the Mayor and City Council of the City of Mt. Vernon passed Ordinance Number 2022-02 on January 18, 2022, authorizing the City of Mt. Vernon to borrow up to \$4,500,000.00 for costs associated with the Project, which amount was amended by Ordinance Number 2022-12 passed by the Mayor and City Council of the City of Mt Vernon on April 18, 2022 to increase the amount borrowed up to \$5,100,000.00 for costs associated with the Project; and

**WHEREAS**, the final costs associated with the Project are higher than expected and more than the amount previously authorized; and

**WHEREAS**, in accordance with the provisions of the Act, the City of Mt. Vernon is authorized to borrow additional funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$5,447,717.51 to cover the increased costs of the Project;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Mt. Vernon, Jefferson County, Illinois, as follows:

#### **SECTION 1. INCORPORATION OF PREAMBLES**

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

#### **SECTION 2. AMENDMENTS TO PRIOR ORDINANCE**

Ordinance Number 2022-02 is hereby amended and Ordinance Number 2022-12 is superseded as follows:

All references in Ordinance Number 2022-02 to the estimated Project costs and authorized loan amount of \$4,500,000.00 are amended to \$5,447,717.51.

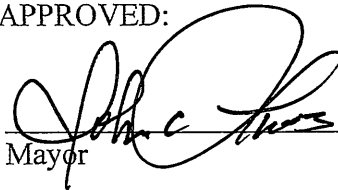
**SECTION 3. REPEALER**

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

PASSED by the City Council of the City of Mt. Vernon, Illinois this 4th day of November, 2024.

APPROVED by the Mayor of the City of Mt. Vernon, Illinois this 4th day of November, 2024.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
City Clerk, by Deputy City Clerk

AYES: 3  
NAYS: 0  
ABSENT: 2

PUBLISHED in the Mt. Vernon Sentinel on 11/9, 2024.

RECORDED in the Records of the City of Mt. Vernon in the Office of the City Clerk on Nov. 5, 2024, 2024.

Exhibit A

**NOTICE OF INTENT TO BORROW FUNDS  
AND RIGHT TO FILE PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 2024-38, adopted on November 4, 2024 the City of Mt. Vernon, Jefferson County, Illinois, intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$5,447,717.51 and bearing annual interest at an amount not to exceed the maximum rate authorized by law at the time of execution of the Loan Agreement, for the purpose of paying the cost of certain improvement to the sewerage system of the City of Mt. Vernon. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 889 or more electors of the City of Mt. Vernon, Jefferson County, Illinois (being equal to 10% of the registered voters in the City of Mt. Vernon, Jefferson County, Illinois requesting that the question of improving the sewerage system and entering into the Loan Agreement is submitted to the City of Mt. Vernon, Jefferson County, Illinois Clerk within 30 days after the publication of this Notice, the question of improving the sewerage system of the City of Mt. Vernon, Jefferson County, Illinois as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the City of Mt. Vernon, Jefferson County, Illinois at the next election to be held under the consolidated election law on April 1, 2025. A petition form is available from the office of the City of Mt. Vernon, Jefferson County, Illinois Clerk.

Ordinance Number 2024-38 and Ordinance 2022-2 are as follows: **(insert each ordinance)**

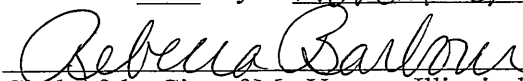


Clerk of the City of Mt. Vernon, Illinois, by Deputy City Clerk

**CERTIFICATION**

I, Rebecca Barbour, Deputy City Clerk, on behalf of Mary Jo Pemberton, who I certify is the duly elected, qualified and acting Clerk of the City of Mt. Vernon, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number 2024-38, is a true, complete and correct copy of an ordinance otherwise identified as An Ordinance of the City of Mt. Vernon Illinois To Amend Prior Ordinance 2022-02, passed by the City Council of the City of Mt. Vernon Illinois on the 4<sup>th</sup> day of November, 2024 and approved by the Mayor of the City of Mt. Vernon Illinois on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Mt. Vernon, Illinois.

Dated this 5<sup>th</sup> day of November, 2024.



Clerk of the City of Mt. Vernon, Illinois, by Deputy City Clerk

# Affidavit of Publication

STATE OF ILLINOIS } SS

COUNTIES OF MARION & JEFFERSON }

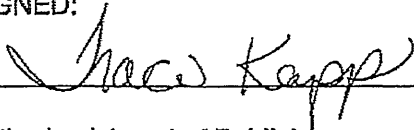
Scott Hoskins, being duly sworn, says:

That he is the publisher of the Centralia & Mt. Vernon Morning Sentinels, daily newspapers of general circulation, printed and published in Centralia & Mt. Vernon, Marion & Jefferson Counties, Illinois; that the publications, a copy of which is attached hereto, was published in the said newspapers on the following:

11/9/2024

That said newspapers were regularly issued and circulated on those dates.

SIGNED:



Authorized Agent of Publisher

Subscribed to and sworn before me this 11th day of November, 2024.

Ordinance 2024 - 38

HOWARD, LEGGANS, PIERCY & HOWARD  
PO BOX 747  
MT VERNON, IL 62864



ORDINANCE NO. 2022- 2

AN ORDINANCE AUTHORIZING THE CITY OF MT. VERNON ILLINOIS TO  
BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN  
PROGRAM

WHEREAS, the City of Mt. Vernon, Jefferson County, Illinois, operates its public sewerage system (“the System”) and in accordance with the provisions of Article VII, Section 6 of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively “the Act”); and

WHEREAS, the Mayor and City Council of the City of Mt. Vernon (the “Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Project Description: Mount Vernon’s project includes several different parts located in the Midtown area, as well as large diameter sewers immediately upstream of the wastewater treatment facility. The first portion includes the replacement of Cured-in-Place-Pipe (CIPP) lining of parallel pipes conveying wastewater to the influent boxes at the wastewater treatment facility (WWTF). The final selection of replacement versus repair by CIPP will be based on existing conditions of the sewers and the best BID price that would be advantageous to the community. Repairs include approximately 5,000 linear feet of 24-inch diameter sanitary sewers from Opdyke Avenue/Gee Street intersection south to the WWTF, and Forest/Shawnee intersection east to the influent boxes at the WWTF; 1,730 linear feet of 30-inch diameter sanitary sewers from Evansville Western Railroad south to the influent boxes parallel to the 24-inch pipe, and Forest/Shawnee Street intersection east, parallel to the 24-inch pipe all discharging to existing influent boxes at the WWTF; additionally considered are 225 linear feet of 33-inch diameter sewers and 225 linear feet of 36-inch diameter sewers from the influent boxes to the headworks at the WWTF.

The second portion of the project includes replacement of the existing 6-inch diameter force main from Wagner Lift Station with approximately 2,900 linear feet of 8-inch diameter PVC force main. At the lift station variable frequency drives (VFD’s) will be installed along with SCADA Control modifications for the existing submersible pumps. In addition, there will be replacement of 2,600 linear feet of existing 14-inch ductile iron force main and 1,000 linear feet of 30-inch diameter concrete pipe with 4,000 liner feet of 18-inch PVC force main and 740 linear feet of 8-inch diameter PVC gravity sewer.

Finally, the Midtown area will receive sanitary sewer repairs including spot repairs, CIPP improvements and some sanitary sewer replacements;

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation ("the Project"), all in accordance with the plans and specifications prepared by the consulting engineers of the City of Mt. Vernon, which Project has a useful life of 50 years; and

**WHEREAS**, the estimated cost of construction and installing the Project, including engineering, legal, financial, and other related expenses is \$4,500,000.00 and there are insufficient funds on hand and lawfully available to pay these costs; and

**WHEREAS**, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

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

**WHEREAS**, the costs are expected to be paid for with a loan to the City of Mt. Vernon from the Water Pollution Control Loan Program through the Illinois Environmental Agency, with the loan to be repaid from revenues of the system received from the 2% increase in sewer rates enacted by Ordinance 2016-27 and revenues received from the 1% increase in the Mt. Vernon Home Rule Municipal Retailers and Service Occupation Tax enacted by Ordinance 2017-42, collectively hereinafter called "Dedicated Revenues" and the loan is authorized to be accepted at this time pursuant to the Act; and

**WHEREAS**, in accordance with the provisions of the Act, the City of Mt. Vernon is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregated principal amount of \$4,500,000.00 to provide funds to pay the costs of the Project; and

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

**NOW THEREFORE, BE IT ORDAINED** by the Corporate Authorities of the City of Mt. Vernon, Illinois, as follows:

## **SECTION 1. INCORPORATION OF PREAMBLES**

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

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

It is necessary and in the best interests of the City of Mt. Vernon to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continue to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Mt. Vernon in the aggregated principal amount (which includes construction period interest financed over the term of the loan) not to exceed \$4,500,000.00.

## **SECTION 3. ADDITIONAL ORDINANCES**

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the Dedicated Revenues as described above, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional Ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

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

## **SECTION 4. LOAN NOT INDEBTEDNESS OF CITY OF MT. VERNON**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Mt. Vernon pursuant to this Ordinance is to be solely from the Dedicated Revenues, and the loan does not constitute an indebtedness of the City of Mt. Vernon within the meaning of any constitutional or statutory limitation.

## **SECTION 5. APPLICATION FOR LOAN**

The City Manager of the City of Mt. Vernon is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662. The loan funds shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the loan Agreement.

## **SECTION 6. ACCEPTANCE OF LOAN AGREEMENT**

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

## **SECTION 7. OUTSTANDING BONDS**

The City of Mt. Vernon has outstanding indebtedness, payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the City of Mt. Vernon establishes an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) as the senior lien holders in accordance with 35 Ill. Adm. Code 662.350(a)(9)(C)(PWS).

## **SECTION 8. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT**

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

**SECTION 9. SEVERABILITY**

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

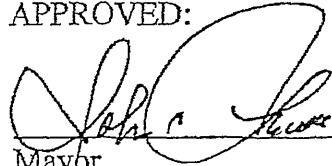
**SECTION 10. REPEALER**

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

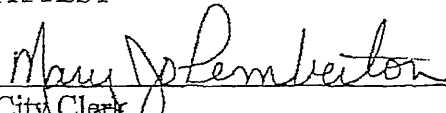
PASSED by the City Council of the City of Mt. Vernon, Illinois this 18<sup>th</sup> day of January, 2022.

APPROVED by the Mayor of the City of Mt. Vernon, Illinois this 18<sup>th</sup> day of January, 2022.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
City Clerk

AYES: 5

NAYS: 0

ABSENT: 0

PUBLISHED in the Mt. Vernon Sentinel on January 22, 2022.

RECORDED in the Records of the City of Mt. Vernon in the Office of the City Clerk on January 19, 2022.

**CERTIFICATION**

I, Mary Jo Pemberton, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Mt. Vernon, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number 2022- 2, is a true, complete and correct copy of an ordinance otherwise identified as An Ordinance Authorizing the City of Mt. Vernon Illinois To Borrow Funds from the Water Pollution Control Loan Program, passed by the City Council of the City of Mt. Vernon Illinois on the 18<sup>th</sup> day of January, 2022 and approved by the Mayor of the City of Mt. Vernon Illinois on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Mt. Vernon, Illinois.

Dated this 19<sup>th</sup> day of January, 2022.

Mary Jo Pemberton  
Clerk of the City of Mt. Vernon, Illinois