

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on January 2, 2013.

Mayor Gover presided and called the meeting to order at 5:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Bob Becker, YEA Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, and YEA Mayor Tim Gover.

Also physically present were City personnel: Interim City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Fire Chief Tony Nichols, Deputy Police Chief Jason Taylor, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting December 18, 2012; and bills and payroll for the last half of December, 2012.

Bills and Payroll for the last half of December, 2012

General Fund

Payroll		\$ 241,823.05
Bills		<u>\$ 213,407.70</u>
	Total	\$ 455,230.75

Hotel Tax Administration

Payroll		\$ 1,810.91
Bills		<u>\$ 3,007.86</u>
	Total	\$ 4,818.77

Midtown TIF Fund

Bills		<u>\$ 2,633.40</u>
	Total	\$ 2,633.40

Capital Project Fund

Bills		<u>\$ 20,896.74</u>
	Total	\$ 20,896.74

Water Fund

Payroll		\$ 30,746.13
Bills		<u>\$ 19,900.58</u>
	Total	\$ 50,646.71

Sewer Fund

Payroll		\$ 30,981.11
Bills		<u>\$ 388,555.78</u>
	Total	\$ 419,536.89

Health Insurance Fund

Bills		<u>\$ 127,253.15</u>
	Total	\$ 127,253.15

Motor Fuel Tax

Bills		<u>\$ 2,870.44</u>
	Total	\$ 2,870.44

Mayor Gover opened the floor for discussion, with no further discussion following.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

- Public comments/presentations and non-agenda items

Mayor Gover opened the floor for public comments. There was no public discussion.

NEW BUSINESS

Mayor Gover seconded by Commissioner Ervin moved to adopt Special Ordinance No. 2013-1508, approving the rezoning of 4121 DeWitt Avenue from Residential (R-1) to Industrial (I). (Scott Kersten of Rural King – Petitioner)

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2013-1508**

ORDINANCE TO APPROVE PETITION FOR REZONING

WHEREAS, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by Scott Kersten, on behalf of Rural King, on the 3rd day of December, 2012 requesting that the City of Mattoon, Illinois rezone from R1, Single Family Residence District to I, Industrial District, the real estate described as follows:

PIN 07-1-00512-000, Commonly known as 4121 DeWitt Avenue, Mattoon

WHEREAS, a public hearing was held before the Planning Committee for the City of Mattoon on the 19th day of December, 2012 pursuant to published notice;

WHEREAS, said Mattoon Planning Commission considered said Petition for Rezoning on the 19th day of December, 2012 and recommended that said Petition for Rezoning be approved;

WHEREAS, the City Council believes that said Petition for Rezoning should be approved.

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

Section 1. It is hereby determined and found by the City Council of the City of Mattoon, Illinois and corporate authorities of said City of Mattoon that the Petition for Rezoning submitted by Scott Kersten, on behalf of Rural King, is in compliance with Ordinance No. 96-4835 and is hereby approved and that the premises described in said Petition for Rezoning shall henceforth be zoned as I, Industrial District.

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.

Upon motion by Mayor Gover, seconded by Commissioner Ervin, adopted this 2nd day of January, 2013, by a roll call vote as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,

Commissioner Hall, Commissioner Rankin,
Mayor Gover

NAYS (Names): None
ABSENT (Names): None

APPROVED this 2nd day of January, 2013.

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

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on January 2, 2013.

Mayor Gover opened the floor for discussion with no further discussion following.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Becker moved to adopt Special Ordinance No. 2013-1509, granting a variance from landscaping requirements along the rear and side property lines; and denying a variance from paved parking requirements to property located at 4121 DeWitt Avenue. (Scott Kersten of Rural King – Petitioner) (Gover)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2013-1509

AN ORDINANCE GRANTING A VARIANCE FROM LANDSCAPING REQUIREMENTS ALONG THE REAR AND SIDE PROPERTY LINES; AND DENYING A VARIANCE FROM THE PAVED PARKING REQUIREMENTS.

WHEREAS, there has been filed a written Petition by Scott Kersten, on behalf of Rural King, for a variance, respecting the property described as:

PIN 07-1-00512-000; commonly known as 4121 DeWitt Avenue, Mattoon.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow a rock lot and no landscaping with the construction of a new maintenance facility for Rural King at the above referenced property; and

WHEREAS, the zoning code requires a paved areas for off street parking and the landscaping ordinance requires landscaping along the front, side and rear of the property in I, Industrial Districts; and

WHEREAS, the Planning Commission held a properly noticed, public hearing on December 19th 2012 regarding petitioner's request for said variances; and

WHEREAS, the Planning Commission for the City of Mattoon, Coles County, Illinois, has recommended that a variance be granted from the landscaping requirements on the side and rear of the property; and

WHEREAS, the Planning Commission for the City of Mattoon, Coles County, Illinois, has recommended that a variance be denied from the paved parking requirement of the zoning ordinance; and

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommendations of the Planning Commission are in the best interest of the public.

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 described as aforesaid, be and the same is granted a variance from the landscaping ordinance and requiring landscaping only on the front of the property along DeWitt Avenue with the construction of a new maintenance facility.

Section 2. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property described as aforesaid, be and the same is denied a variance from the required paved off street parking requirement of the zoning ordinance with the construction of a new maintenance facility.

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 Mayor Gover, seconded by Commissioner Becker, adopted this 2nd day of January, 2013, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
Commissioner Hall, Commissioner Rankin,
Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of January, 2013.

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

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien , City Clerk

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on January 2, 2013.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired as to the Planning Commission vote. Administrator Gill noted the rezoning and landscaping requirements were unanimously approved, and the rock parking vote was 6-1 denying the paved parking variance.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Ervin moved to adopt Special Ordinance No. 2013-1510, approving the side letter agreement between the City of Mattoon and the Mattoon Firefighters Association Local 691 with regards to the manner in which the next promotional cycle is administered.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2013-1510**

**AN ORDINANCE APPROVING THE SIDE LETTER AGREEMENT BETWEEN THE CITY OF MATTOON AND
THE MATTOON FIREFIGHTERS ASSOCIATION LOCAL 691 IN REGARDS TO THE MANNER IN WHICH
THE NEXT PROMOTIONAL CYCLE IS ADMINISTERED.**

WHEREAS, the City of Mattoon (hereinafter "City") entered into a Collective Bargaining Agreement (hereinafter "Agreement") with the Mattoon Firefighters Association Local 691 (hereinafter "Firefighters") on October 4, 2011 which is effective until April 30, 2014; and,

WHEREAS, said Agreement lets the City and the Association make changes in the manner in which the next promotional cycle is administered; and,

WHEREAS, the parties have drafted a Side Letter Agreement to memorialize the terms of their agreement.

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

Section 1. The City Council hereby approves and ratifies the Side Letter Agreement hereto as Exhibit "A" and incorporated herein by this reference.

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.

Upon motion by Commissioner Hall, seconded by Commissioner Ervin, adopted this 2nd day of January, 2013, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
 Commissioner Hall, Commissioner Rankin,
 Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 2nd day of January, 2013.

/s/ Tim Gover
Tim Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien , City Clerk

APPROVED AS TO FORM:

/s/ Janett S. Winter-Black
Janett S. Winter-Black City Attorney

Recorded in the Municipality's Records on January 2, 2013.

Mayor Gover opened the floor for discussion with no further discussion following.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution No. 2013-2876, authorizing an updated Flexible Benefits Plan (FSA) administered by OptumHealth Financial Services.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2013-2876**

**A RESOLUTION AUTHORIZING A SUCCESSOR FLEXIBLE BENEFITS PLAN ADMINISTERED BY
OPTUMHEALTH FINANCIAL SERVICES**

WHEREAS, the City of Mattoon, Illinois (“City”) had established a Flexible Benefits Plan made available to all eligible employees and elected officials pursuant to Section 125 of the Internal Revenue Code permitting such Plans with OptumHealth Financial Services; and,

WHEREAS, OptumHealth Financial Services has prepared an updated Plan Document and Summary Plan Description for official adoption by the City for compliance with the IRS.

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

Section 1. The City hereby adopts the updated City of Mattoon, Illinois Flexible Benefit Plan (the “Plan ”), attached hereto as Appendix A, and the City of Mattoon, Illinois Flexible Benefit Plan Summary Plan Description, attached hereto as Appendix B; and that such resolution has not been modified or rescinded as of the date hereof.

Section 2. The form of amended Cafeteria Plan including a Dependent Care Flexible Spending Account and Health Flexible Spending Account effective January 01, 2013, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

Section 3. The City Clerk shall be the Administrator for this Flexible Benefit Plan; shall receive necessary reports, notices, etc. from OptumHealth Financial Services; shall cast, on behalf of the Employer, any required votes under the OptumHealth Financial Services, and is authorized to administer the Plan and execute all necessary agreements with the OptumHealth Financial Services incidental to the administration of the Plan.

Section 4. The Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

Section 5. The duly authorized agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Cafeteria Plan delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

Section 6. The Mayor is authorized to sign the Plan attached hereto as Appendix A and Summary Plan Description attached hereto as Appendix B with the OptumHealth Financial Services.

Section 7. The undersigned further certifies that attached hereto as Exhibit A and Exhibit B are true copies of City of Mattoon, Illinois Flexible Benefit Plan as amended and restated and the Summary Plan Description approved and adopted in the foregoing resolution.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 2nd day of January, 2013, by a roll call vote, as follows:

AYES (Names): Commissioner Becker, Commissioner Ervin,
 Commissioner Hall, Commissioner Rankin,
 Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 2nd day of January, 2013.

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

ATTEST:

/s/ Susan J. O'Brien
Susan J. O'Brien , City Clerk

APPROVED AS TO FORM:

/s/ Janett S. Winter-Black
Janett S. Winter-Black, City Attorney

Recorded in the Municipality's Records on Jan 2, 2013.

Mayor Gover opened the floor for discussion. Commissioner Hall inquired to the changes with Clerk O'Brien stating the \$2,500 maximum health election was the change. The IRS requires formal approval of changes.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Rankin moved to approve Council Decision Request 2013-1383, authorizing the purchase of one 2013 Ford Explorer Police Interceptor squad car from Pilson Auto Center of Mattoon for the Mattoon Police Department. The vehicle will be purchased with restricted DUI funds, not from general revenues.

Mayor Gover opened the floor for comments or questions, and no further discussion followed.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2013-1384, authorizing the promotion of Samuel D. Gaines to rank of Sergeant in the Mattoon Police Department effective January 3, 2013.

Mayor Gover opened the floor for discussion. Commissioner Ervin noted the respect of Officer Gaines and well-deserved promotion. Mayor Gover noted his position in the Detection section. Deputy Chief Taylor noted his lead in productivity.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Mayor Gover congratulated Sgt. Gaines on his promotion.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT – noted work on Rural King variances, compliance plan review and comments on first draft, Homefield Energy opt-out card issues, small commercial remodeling and nuisances. Mayor Gover opened the floor for questions. Council noted their concerns over opt-out card issues with Administrator Gill to contact Homefield Energy.

CITY ATTORNEY – noted the review of documents and progress of Young Radiator property. Mayor Gover opened the floor for questions with no responders.

CITY CLERK – noted receipt of 1 Mayor and 10 Commissioner petitions for the April 9, 2013 election; and noted renewals of liquor licenses, insurance, FSAs, and 457 documents. Mayor Gover opened the floor for questions with no responders.

FINANCE – noted work with the auditors, results of issues, budget progress, and various reports. Mayor Gover opened the floor for questions with no responders.

FIRE – noted work on grants, continued installation of mobile data computers, in-home ambulance billing implementation in February. Mayor Gover opened the floor for questions with no responders.

POLICE – noted increase in December investigations and Facebook page initiative for the Police Department. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL:

Commissioners Becker, Ervin, Hall, and Rankin had no further comments.

Commissioner Hall seconded by Commissioner Ervin moved to adjourned at 5:44 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

/s/ Susan J. O'Brien
City Clerk