

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 3, 2012.

Mayor Gover presided and called the meeting to order at 6:30 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: Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover requested a moment of silence for attorney Jim Bennett's passing .

### CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting June 19 and bills and payroll for the last half of June, 2012.

#### **Bills and Payroll for the last half of June 2012**

<b><u>General Fund</u></b>		
Payroll		\$ 281,269.24
Bills		<u>\$ 108,078.34</u>
	Total	\$ 389,347.58
<b><u>Hotel Tax Administration</u></b>		
Payroll		\$ 3,133.71
Bills		<u>\$ 260.99</u>
	Total	\$ 3,133.71
<b><u>Festival Management</u></b>		
Bills		<u>\$ 25.00</u>
	Total	\$ 25.00
<b><u>Insurance &amp; Tort Judgment</u></b>		
Bills		<u>\$ 589.00</u>
	Total	\$ 589.00
<b><u>Capital Project Fund</u></b>		
Bills		<u>\$ 119,055.06</u>
	Total	\$ 119,055.06
<b><u>Midtown TIF Fund</u></b>		
Bills		<u>\$ 6,931.70</u>
	Total	\$ 6,931.70
<b><u>Water Fund</u></b>		
Payroll		\$ 47,107.64
Bills		<u>\$ 29,360.77</u>
	Total	\$ 76,468.41
<b><u>Sewer Fund</u></b>		
Payroll		\$ 51,084.62
Bills		<u>\$ 34,642.41</u>
	Total	\$ 85,727.03

**Health Insurance Fund**

Bills		\$ 185,651.56
	Total	\$ 185,651.56

**Motor Fuel Tax Fund**

Bills		\$ 28,300.49
	Total	\$ 28,300.49

Mayor Gover opened the floor for discussion with no responders.

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**

*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; and state your name for the record as well as stand when speaking.*

- Public comments/presentations and non-agenda items

Mayor Gover opened the floor for public comments and non-agenda items with no public responders.

Commissioner Ervin seconded by Commissioner Becker moved to adopt Resolution No. 2012-2862, obligating funds for the South Side Drainage Project Phase 2 Piping.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2012-2862**

**A RESOLUTION OBLIGATING FUNDS FOR THE SOUTH SIDE DRAINAGE PROJECT, PHASE 2 PIPING**

**WHEREAS**, the City of Mattoon is entering into a funding agreement with the Illinois Department of Natural Resources (DNR) for the construction of a project known as the South Side Drainage Project, Phase 2 Piping; and,

**WHEREAS**, the project construction budget is \$603,000.00 which includes the contractor's bid of \$574,400.50 and a construction contingency of approximately 5%; and,

**WHEREAS**, DNR is providing funding in the amount of \$526,657.00; and,

**WHEREAS**, DNR requires that the City certify, by resolution, that sufficient funds are available to finance the City's share of the construction costs.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois that \$76,343.00 are obligated from the Capital Improvement Fund for the construction of the South Side Drainage Project, Phase 2 Piping.

Upon motion by Commissioner Ervin, seconded by Commissioner Becker, adopted this 3<sup>rd</sup> day of July 2012, 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

ABSTAIN (Names): None

Approved this 3rd day of July, 2012.

/s/ Tim Gover  
Tim 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/ Jim Grant  
Jim Grant, Acting City Attorney

Recorded in the Municipality's Records on July 3, 2012.

Mayor Gover opened the floor for discussion or comments with no responders.

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 Ervin moved to approve Council Decision Request 2012-1345, approving the employment of replacement officer Chase Kull as probationary police officer, effective August 1, 2012.

Mayor Gover opened the floor for discussion. Commissioner Ervin stated Mr. Kull would be an excellent addition to our force. Mayor Gover acknowledged Mr. Kull's attendance at the meeting.

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 Mr. Kull. Chief Branson provided some credentials of Mr. Kull.

Commissioner Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1346, approving the plans and specifications for the Depot Parking Lot.

Mayor Gover opened the floor for discussion or comments with no responders.

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 Becker moved to approve Council Decision Request 2012-1347, approving a \$500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the East Central Illinois Antique Farm Equipment Club Summer Tractor Show to be held July 20-22, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion or comments with no responders.

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 approve Council Decision Request 2012-1348, approving a \$2,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Babe Ruth Baseball for hosting the 12-Year Olds State Tourney-Cal Ripken Baseball to be held July 12-16, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion or comments with no responders.

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 Rankin moved to approve Council Decision Request 2012-1349, approving a \$3,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Coles County Airport Authority for hosting Air Show '12 to be held August 25, 2012; and authorizing the Mayor to sign the agreement.

Mayor Gover opened the floor for discussion or comments with no responders.

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 Becker moved to approve Council Decision Request 2012-1350, approving a \$2,200 grant by the Tourism Advisory Committee from hotel/motel tax funds to Coles County Modified Midget Racing Association for hosting the 4<sup>th</sup> Annual Micro Sprint Super Nationals on August 10-11, 2012.

Mayor Gover opened the floor for discussion. Commissioner Hall noted all funds for the events are from tax funds from hotels, which are returned to the community for other events.

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 Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2012-1351, approving the plans and specifications for the WWTP Secondary Clarifier Rehabilitation.

Mayor Gover opened the floor for discussion or comments with no responders.

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 2012-1352, authorizing the purchase of two 2013 Ford Interceptor squad cars in the amount of \$49,268 for the Mattoon Police Department.

Mayor Gover opened the floor for discussion. Mr. Jerry Groniger requested the Council to wait on purchasing the vehicles until later in the fiscal year. Chief Branson noted the actual payment for the vehicles would be at least three months and expounded on the need for authorization at this time. Mayor Gover noted the mileage of the vehicles. Commissioner Rankin noted the purchase would be \$10,000 under budget.

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 2012-1353, approving the bid of \$49,135 from Tom Bushur Concrete Construction for replacement of the Police Department west parking lot.

Mayor Gover opened the floor for discussion. Commissioner Rankin noted the bid was over the amount budgeted for the parking lot and Chief Branson trimmed the project to be under budget. Chief Branson noted items removed to lower the expenses and requested an amendment to the amount of \$46,000.

Commissioner Rankin seconded by Commissioner Ervin moved to amend the motion to authorize the amount of \$46,000.

Mayor Gover declared the motion to amend the bid to \$46,000. 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 the amended motion.

Mayor declared the amended 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 Special Ordinance No. 2012-1493, granting an intensity of use variance for 421 Broadway Avenue to enable the construction of a deck. Mark Nelson – Petitioner

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2012-1493**

**AN ORDINANCE GRANTING A VARIANCE FROM THE INTENSITY OF USE OF THE PROPERTY AT 421 BROADWAY AVENUE**

**WHEREAS**, there has been filed a written Petition by Mark Nelson for a variance, respecting the property legally described as:

Lot 6, Block 6 of the Lumpkin Heights Addition; Also known as: 421 Broadway Ave. Mattoon, Illinois

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the construction of a deck in which the intensity of use of the lot would be increased from 35% to 40%; and

**WHEREAS**, the Planning Commission for the City of Mattoon held a properly noticed, public hearing on June 26, 2012 regarding petitioners' request for said variance; and

**WHEREAS**, the Planning Commission for the City of Mattoon has recommended that the requested variances be granted; and

**WHEREAS**, the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

**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 in which the intensity of use of the lot would be increased from 35% to 40% to allow the construction of a deck to the south side of the house.

**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 Hall, adopted this 3rd day of July, 2012, 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 3rd day of July, 2012.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/ Jim Grant  
Jim Grant, Acting City Attorney

Recorded in the Municipality's Records on July 3, 2012.

Mayor Gover opened the floor for discussion or comments with no responders.

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 Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1354, awarding the bids of \$25,040 from Charles Heuerman Trucking for furnish seal coat aggregate, and \$137,685 from Earl Walker Company for Bituminous Materials and Spread Seal Coat Aggregate for the 2012 Oil & Chip program. (12-00000-00-GM)

Mayor Gover opened the floor for discussion. Commissioner Ervin inquired as to a start date. Director Barber did not have a set date but projected the end of August.

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.

#### DEPARTMENT REPORTS:

CITY CLERK – noted business as usual with liquor license renewals, taxi cab license renewals, foia requests, and preparation of council packets. Mayor Gover opened the floor for questions with no further discussion.

PUBLIC WORKS – updated Council on the electrical aggregation process and noted the upcoming interviews could be open for the Council to attend and choices of consultants. Mayor Gover opened the floor for questions. Mr. Jerry Groniger inquired as to the potential consultants. Director Barber provided the following consultants to be interviewed: 1. Good Energy, 2. SIMEC, 3. Independent Energy Consultants.

COMMUNITY DEVELOPMENT – updated the Council on the issuance of an occupancy permit to Hibbett Sports, preliminary plans for two projects, meeting with a developer for possible locations, communications with TIF inquiries, and the comprehensive plan. Mayor Gover opened the floor for questions with no further discussion.

FIRE – noted the State Fire Marshal's precautionary request this 4<sup>th</sup> of July due to drought conditions and Coles County's emergency ban on open burning, and noted the two cooling centers as the Public Library and Cross County Mall. Mayor Gover opened the floor for questions with no further discussion.

POLICE – noted business as usual. Mayor Gover opened the floor for questions with no further discussion.

#### COMMENTS BY THE COUNCIL

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

Commissioner Rankin – noted the eternal flame in front of City Hall had been replaced and the Knights of Columbus were replacing the marker. Director Barber confirmed the K of C's activities.

Ms. Mary Anderson inquired whether there would be fireworks tomorrow evening. Mayor Gover stated there would be fireworks unless there was heavy rain. Chief Nichols noted the grounds at the Airport had been watered for the past week in preparation for the fireworks display and Mattoon/Charleston/Lincoln Fire Protection would be on hand for the event. Mayor Gover added that he and Charleston Mayor John Inyart would make the determination tomorrow night.

Mayor Gover seconded by Commissioner Becker moved to recess to closed session at 7:03 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); and the purchase or lease of real estate property (5 ILCS 120(2)(c)(5)).

Mayor Gover opened the floor for discussion or comments with no responders.

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.

Council reconvened at 7:34 p.m.

Commissioner Hall seconded by Commissioner Becker moved to adjourn at 7:34 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