

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 15, 2014.

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 Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Arts & Tourism Director Angelia Burgett, Police Chief Jeff Branson, Fire Chief Tony Nichols, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Owen moved to approve the consent agenda consisting of minutes of the regular meeting July 1, 2014; Fire Department Report for the month of June, 2014; bills & payroll for the first half of July, 2014.

Bills and Payroll for the first half of July, 2014

| | | | |
|---------|---|----|------------|
| | <u>General Fund</u> | | |
| Payroll | | \$ | 260,724.06 |
| Bills | | \$ | 424,220.94 |
| | Total | \$ | 684,945.00 |
| | <u>Arts Council</u> | | |
| Bills | | \$ | 793.79 |
| | Total | \$ | 793.79 |
| | <u>Hotel Tax Administration</u> | | |
| Payroll | | \$ | 3,252.99 |
| Bills | | \$ | 1,714.74 |
| | Total | \$ | 4,967.73 |
| | <u>Festival Mgmt Fund</u> | | |
| Bills | | \$ | 59,031.64 |
| | Total | \$ | 59,031.64 |
| | <u>Insurance & Tort Judgment</u> | | |
| Bills | | \$ | 48,137.55 |
| | Total | \$ | 48,137.55 |
| | <u>Midtown TIF Fund</u> | | |
| Bills | | \$ | 158.00 |
| | | \$ | 158.00 |
| | Total | | |

| | | |
|---------|------------------------------------|---------------|
| | <u>Water Fund</u> | |
| Payroll | \$ | 32,201.48 |
| Bills | \$ | 324,603.42 |
| | Total | \$ 356,804.90 |
| | <u>Capital Project Fund</u> | |
| Bills | \$ | 435.10 |
| | Total | \$ 435.10 |
| | <u>Sewer Fund</u> | |
| Payroll | \$ | 34,250.20 |
| Bills | \$ | 104,082.59 |
| | Total | \$ 138,332.79 |
| | <u>Heath Insurance Fund</u> | |
| Bills | \$ | 75,316.75 |
| | Total | \$ 75,316.76 |
| | <u>Motor Fuel</u> | |
| Bills | \$ | 2,206.89 |
| | Total | \$ 2,206.89 |
| | <u>Revolving Loan Fund</u> | |
| Bills | \$ | 23.80 |
| | \$ | 23.80 |

Mayor Gover opened the floor for discussion/comments which was followed with no response.

Mayor Gover declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the floor for Public comments. There were no Public comments.

NEW BUSINESS

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2014-1525, approving the appointment of Michael A. Johnson to regular employment status with the Mattoon Police Department due to the successful completion of his probationary period effective July 7, 2014.

Mayor Gover opened the floor for discussion/comments. Chief Branson stated Officer Johnson was doing an outstanding job.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2014-1526, awarding the bid of \$49,082.70 from Bartels Construction, Inc. for the 17th Street Concrete Project.

Mayor Gover opened the floor for discussion/comments which was followed with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2014-1527, ratifying the re-appointments of Mary Wetzel and Dean Willaredt to the Planning Commission with terms ending 08/17/2019.

Mayor Gover opened the floor for discussion/comments which was followed with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2014-1528, approving the Cost Sharing Policy for the Repair and/or Replacement of City-Owned Concrete Curb and Gutter.

Mayor Gover opened the floor for questions/discussion. Director Barber stated the policy would provide better answers for public inquiries.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Hall moved to adopt Special Ordinance No. 2014-1559, accepting the donation of real estate and authorizing the execution of a Development Agreement between the City of Mattoon, Richard Lumpkin, and The Lumpkin Family Foundation. [Heritage Park]

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2014-1559

AN ORDINANCE ACCEPTING THE DONATION OF REAL ESTATE AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MATTOON, RICHARD LUMPKIN, AND THE LUMPKIN FAMILY FOUNDATION

WHEREAS, the City of Mattoon owns and maintains certain public improvements in the downtown area such as parking lots, public buildings, and public use areas; and

WHEREAS, Richard Lumpkin wishes to donate certain real estate at the southwest corner of 17th Street and Broadway Avenue for the development of a public use area tentatively named Heritage Park; and

WHEREAS, The Lumpkin Family Foundation wishes to donate funding in an amount not to exceed \$800,000 for the design and construction of said public use area; and

WHEREAS, the terms and conditions of an agreement between the above parties are detailed in the attached Development Agreement.

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that

Section 1. The donation of real estate by Richard Lumpkin and the Development Agreement, in substantially the form thereof presented before the meeting of the City Council at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the

Development Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality, Mr. Richard Lumpkin and the Lumpkin Family Foundation, the appropriate officers, agents, attorneys and employees of the Municipality are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Development Agreement, desirable or necessary to implement and otherwise give full effect to the Development Agreement. Upon full execution thereof, the Development Agreement shall be attached to this ordinance as EXHIBIT "A".

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 Cox, seconded by Commissioner Hall, adopted this 15th day of July, 2014, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 15th day of July, 2014.

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

ATTEST:

APPROVE AS TO FORM:

/s/ Susan J. O'Brien
City Clerk

/s/ Janett Winter-Black
City Attorney

Recorded in the Municipality's Records on July 15, 2014.

Mayor Gover opened the floor for comments/discussion which was followed with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to approve Council Decision Request 2014-1529, waiving the formal bidding requirement and accepting the price quote in the amount of \$56,638.51 from Ameren Illinois for the burial of power lines near the Heritage Park Project.

Mayor Gover noted Ameren was the only organization which could bury the power lines. Mayor Gover opened the floor for questions which was followed with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Hall moved approve Council Decision Request 2014-1530, waiving the formal bidding requirement and accepting the price quote in the amount of \$30,680.00 from Gardner Excavating to perform the directional boring for the burial of power lines near the Heritage Park Project.

Mayor Gover opened the floor for discussion/comments. Commissioner Hall inquired where Gardner Excavating was located. Director Barber stated Mattoon. Commissioner Owen inquired whether prevailing wage was a part of the quote with Director Barber answering affirmatively.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Owen moved to approve Council Decision Request 2014-1531, waiving the formal bidding requirement and accepting the price quote in the amount of \$6,655.00 from Commercial Electric to assemble the electrical conduit for the burial of power lines near the Heritage Park Project.

Mayor Gover opened the floor for comments/discussion which was followed with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/ COMMUNITY DEVELOPMENT noted a meeting with the USDA representatives promoting economic development grants for small local businesses, speaking at Kiwanis meeting, collaboration with City Attorney regarding a cellular tower agreement, and business as usual. Commissioner Hall inquired about the USDA contact with Administrator Gill noting the USDA made the contact. Mayor Gover noted the representatives were USDA State Director and Area Director. Mayor Gover opened the floor for further inquiries with no response.

CITY ATTORNEY noted work on the cellular tower agreement and various communications with Mr. Lumpkin and attorneys regarding the Development Agreement. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual as well as various reports, gaming licenses, and preparation for the auditors. Mayor Gover opened the floor for questions with no response.

FINANCE announced receipt of the first installment of property taxes which was over \$600,000; reviewed the June Financial Report; and noted preparation for the auditors who were to arrive on Monday. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS expounded on the patching and resurfacing projects throughout town. Mayor Gover opened the floor for questions. Commissioner Hall inquired whether the City could contact IDOT about the road conditions on Route 16 between Mattoon and Charleston. Director Barber would check IDOT's five-year capital improvement plan and make a pavement request.

FIRE noted preparation for Bagelfest and attendance of a class on dealing with spontaneous emergency volunteers. Mayor Gover opened the floor for questions with no response.

POLICE updated the Council on the increased enforcement of texting/cell phone violations, noting an increase over the months with the first half of July at 52 citations/warnings. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM noted Bagelfest week and expectation of great weather; speech at Charleston Rotary, tonight's Miss Bagelfest pageant, and have the State travel-related services report for the next meeting. Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioner Cox extended appreciation for the efforts of all staff in preparation for Bagelfest. Commissioner Graven thanked Chief Branson for the increased patrol of cell phone violators. Commissioner Hall echoed Commissioner Cox's comment. Commissioner Owen had no further comment.

Mayor Gover seconded by Commissioner Cox moved to recess to closed session at 6:51 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion minutes of meetings lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)); the purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired (5ILCS/20 (2)(C)(5)); and the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the City (5ILCS/20 (2)(C)(1)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:27 p.m.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2014-1532, approving the release of all Executive Session minutes from October 14, 2009 through May 20, 2014, except for October 14, 20, 2009; May 18, 2010; August 16, 2011; October 18, 2011; January 10, 2012; February 01, 2012; May 01, 15, 29, 2012; June 12, 2012; July 2, 2013; February 27, 2014; March 18, 2014; April 1, 15, 24, 2014; and May 6, 20, 2014; and approving the destruction of Executive Session verbatim records which have been approved for release in written form as follows: September 7, 2010; July 3, 17, 2012; November 20, 2012; December 4, 2012.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to adjourned at 7:28 p.m.

Mayor Gover declared the motion carried by the Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/ Susan J O'Brien
City Clerk