

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 17, 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, Absent Commissioner Randy Ervin, YEA Commissioner Rick Hall, YEA Commissioner Chris Rankin, and YEA Mayor Tim Gover.

Also physically present were City personnel: Acting City Attorney Jim Grant, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting July 3, 2012; Fire department report for the month of June, 2012; corrected bills for the last half of June, 2012 and bills and payroll for the first half of July, 2012.

**Corrected Bills from the last half of June, 2012**

**General Fund**

Bills		\$ 126,427.33
	Total	\$ 126,427.33

**Hotel Tax Administration**

Bills		\$ 15,573.48
	Total	\$ 15,573.48

**Festival Management**

Bills		\$ 1,840.93
	Total	\$ 1,840.93

**Insurance & Tort Judgment**

Bills		\$ 793.44
	Total	\$ 793.44

**Capital Project Fund**

Bills		\$ 9,318.16
	Total	\$ 9,318.16

**Midtown TIF Fund**

Bills		\$ 4,218.37
	Total	\$ 4,218.37

**Water Fund**

Bills		\$ 61,194.02
	Total	\$ 61,194.02

**Sewer Fund**

Bills		\$ 133,695.13
	Total	\$ 133,695.13

**Health Insurance Fund**

Bills		\$ 146,810.51
	Total	\$ 146,810.51

**Motor Fuel Tax Fund**

Bills		\$ 5,517.15
	Total	\$ 5,517.15

**Bills and Payroll for the first half of July, 2012**

**General Fund**

Payroll		\$ 266,341.87
Bills		\$ 123,773.99
	Total	\$ 390,115.86

**Hotel Tax Administration**

Payroll		\$ 2,877.41
Bills		\$ 916.41
	Total	\$ 3,793.82

**Festival Management**

Bills		\$ 7,587.64
	Total	\$ 62,030.00
		\$ 69,617.64

**Insurance & Tort Judgment**

Bills		\$ 139,235.28
	Total	\$ 44,513.64
		\$ 183,748.92

**Capital Project Fund**

Bills		\$ 8,666.01
	Total	\$ 8,666.01

**Midtown TIF Fund**

Bills		\$ 5,102.09
	Total	\$ 5,102.09

**Water Fund**

Payroll		\$ 23,722.82
Bills		\$ 43,931.81
	Total	\$ 67,654.63

**Sewer Fund**

Payroll		\$ 32,220.00
Bills		\$ 342,239.77
	Total	\$ 374,459.77

**Heath Insurance Fund**

Bills		\$ 133,393.48
	Total	\$ 133,393.48

**Motor Fuel Tax**

Bills		\$ 30,651.76
	Total	\$ 30,651.76

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, Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS:

Mayor Gover opened the floor for comments from the public with no public response.

Mayor Gover thanked the Rotary Club for cleaning up around the bandshell area, and expressed his appreciation for their and other organizations' service to the community. Mayor Gover thanked Attorney Grant for his service to the City.

NEW BUSINESS:

Commissioner Rankin seconded by Commissioner Becker moved to approve Council Decision Request 2012-1355, approving the July 2012-June 2013 NPDES Permit Fee in the amount of \$37,500 for the operation of the WWTP.

Mayor Gover opened the floor for discussion with no response.

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

Commissioner Hall seconded by Commissioner Becker moved to adopt Resolution No. 2012-2863, approving the agreement between the City of Mattoon and 750 Broadway LLC and Twin Star Corporation; and authorizing the Mayor and City Clerk to sign the agreement and partial release of mortgage.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2012-2863**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS AND 750 BROADWAY LLC AND TWIN STAR CORPORATION AND AUTHORIZING CERTAIN ACTIONS BY CITY OFFICIALS**

**WHEREAS**, the City of Mattoon ("City") previously approved a Revolving Loan Fund Agreement with 750 Broadway LLC through Resolution 2005-2594 where the City was granted liens and security interests to secure the payment of the amount of principal through a mortgage (Mortgage recorded at Office of the Recorder for Coles County #0676241) of property in Exhibit A; and

**WHEREAS**, 750 Broadway LLC, a limited liability company, is in need of a partial release of real estate in order to complete the sale of a portion of the property in Exhibit B; and,

**WHEREAS**, Twin Star Corporation, an Illinois Corporation, is owner of said parcel of property in Exhibit C located at 1300 Broadway Avenue East and is willing to demolish the structure upon execution of the Agreement.

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

**Section 1.** The City of Mattoon hereby agrees to execute the partial release in exchange for the commitment of Twin Star Corporation to demolish in its entirety the except for parking lots and concrete flooring of said structure within 18 months from the date of the execution of the Agreement between the City of Mattoon and 750 Broadway LLC and Twin Star Corporation.

**Section 2.** The City Council authorizes the Mayor and City Clerk to sign the Agreement and Partial Release of Mortgage (Exhibit D).

Upon motion by Commissioner Hall, seconded by Commissioner Becker, adopted this 17<sup>th</sup> day of July, 2012 by a roll call vote, as follows:

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

Approved this 17th day of June, 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/ James Grant  
James Grant, Acting City Attorney

Recorded in the Municipality's Records on July 17, 2012.

Mayor Gover opened the floor for discussion with no response.

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

Commissioner Hall seconded by Commissioner Rankin moved to adopt Resolution No. 2012-2864, approving the agreement with Sontejroh Corporation – Quality Inn & Suites to allow payments in monthly installments of hotel/motel taxes in arrears to the City of Mattoon; and authorize the Mayor to sign the agreement.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2012-2864**

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MATTOON, ILLINOIS AND  
SONTEJROH CORP-QUALITY INN & SUITES AND AUTHORIZING CERTAIN ACTIONS BY CITY  
OFFICIALS**

**WHEREAS**, Sontejroh Corporation – Quality Inn & Suites (“Sontejroh”) is in arrears to the City of Mattoon (“City”) in the amount of \$39,474.10 for unpaid hotel/motel taxes; and

**WHEREAS**, Sontejroh has agreed to keep current and pay all new accrued Hotel/Motel taxes and,

**WHEREAS**, Sontejroh has agreed to send the City a copy of each monthly report sent to Illinois Department of Revenue which indicates its actual prior month's revenues.

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

**Section 1.** In order to collect back taxes owed to the City, the City hereby agrees to accept \$5,000 monthly toward the arrearage until the balance is paid in full and will release the lien on the property upon full payment of the arrearage.

**Section 2.** The City Council authorizes the Mayor to sign the Agreement Concerning Hotel/Motel Tax which is attached hereto.

Upon motion by Commissioner Hall seconded by Commissioner Rankin, adopted this 17th day of July, 2012 by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 17th 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/ James Grant  
James Grant, Acting City Attorney

Recorded in the Municipality's Records on July 17, 2012.

Mayor Gover opened the floor for discussion. Mr. Jerry Groniger voiced his concern over the possible default of repayment of back taxes. Commissioner Hall clarified the agreement and repayment plan.

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

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution No.2012 -2865, appointing Janett Winter-Black as City Attorney to fill the vacancy due to Preston Owen's resignation; and authorizing the execution of the legal services agreement for the city attorney position.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2012-2865**

**A RESOLUTION APPOINTING JANETT WINTER-BLACK TO THE OFFICE OF CITY ATTORNEY AND  
AUTHORIZING THE EXECUTION OF THE LEGAL SERVICES AGREEMENT FOR THE CITY ATTORNEY  
POSITION**

**WHEREAS**, the status of appointed officers of the municipality are traditionally re-evaluated after the election of new members to the City Council; and

**WHEREAS**, the resignation of J. Preston Owen has created a vacancy in the city attorney position; and,

**WHEREAS**, it is necessary to appoint an attorney to enable the business of the municipal corporation to continue.

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

**Section 1.** The Council hereby ratifies the mayor's appointment of Janett Winter-Black to the office of City Attorney effective July 18, 2012.

**Section 2.** The Council hereby authorizes the Mayor and City Clerk to execute the attached legal services agreement (Exhibit A).

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 17<sup>th</sup> day of July, 2012 by a roll call vote, as follows:

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

Approved this 17<sup>th</sup> 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/ James Grant  
James Grant, Acting City Attorney

Recorded in the Municipality's Records on July 17, 2012.

Mayor Gover opened the floor for discussion. Commissioner Hall commented on the four outstanding local attorney candidates. Mayor Gover noted Ms. Winter-Black's municipal experience when former City Attorney Owen was unavailable.

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

Mayor Gover congratulated Mrs. Winter-Black and Mrs. Torbeck-Baker.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2012-1494, granting a variance from building setback requirements to enable the reconstruction of a covered porch located at 801 Wabash Avenue. Rita James – Petitioner

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2012-1494**

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE THE RECONSTRUCTION OF A COVERED PORCH AT 801 WABASH AVENUE.**

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

Lot one (1), Block one-hundred sixty-three (163), Original Town of Mattoon, Coles County, Illinois; commonly known as 801 Wabash Avenue, Mattoon.

**WHEREAS**, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow the reconstruction of a covered porch, which reduces the front yard setback on South 8<sup>th</sup> Street; and

**WHEREAS** the zoning code requires a 10-foot front yard setback from South 8<sup>th</sup> Street on the corner lot of 801 Wabash which is currently zoned R3, Multiple Family Residential District; and

**WHEREAS** the Planning Commission held a properly noticed, public hearing on July 10<sup>th</sup> 2012 regarding the petitioner's request for said variance; and

**WHEREAS** the Planning Commission for the City of Mattoon, Coles County, Illinois, has recommended that the requested variance 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 variance of the front yard setback requirement to enable the reconstruction of a covered porch with a 1 foot setback from the east property line.

**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 17th day of July, 2012, by a roll call vote, as follows:

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

Approved this 17th 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 17, 2012.

Mayor Gover opened the floor for discussion. Commissioner Rankin requested clarification on the replacement of the porch. Coordinator Gill answered affirmatively. Mayor Gover noted the approval of the Planning Commission.

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

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No.2012-1495, granting a special use for the Creative Teaching Center to house a church office, pastoral counseling, and bible teachings on property located at 817 Dakota. Ronald & Karen Sutliff – Petitioners

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2012-1495**

**AN ORDINANCE GRANTING A SPECIAL USE FOR CREATIVE TEACHING CENTER TO HOUSE A CHURCH OFFICE, PASTORAL COUNSELING, AND VARIOUS SMALL BIBLE TEACHINGS AT 817 DAKOTA AVENUE.**

**WHEREAS** there has been filed a written Petition by Ron and Karen Sutliff requesting a special use be granted for Creative Teaching Center to house a church office, pastoral counseling, and various small bible teachings located on the property legally described as:

Lot (3), Block (B) of Landon Court Addition to the City of Mattoon, Coles County, Illinois; commonly known as 817 Dakota Avenue, Mattoon;and

**WHEREAS**, said premises is zoned R1, Single Family Residential District which only allows single family dwellings unless a special use is granted; and

**WHEREAS**, the property is well suited for the use of a church office, pastoral counseling and small bible teachings; and

**WHEREAS**, the Planning Commission held a properly noticed, public hearing on July 10<sup>th</sup> 2012 regarding the petitioner's request and has recommended that the requested special use permit be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve a special use permit for, Creative Teaching Center, to house the church office, pastoral counseling, and various small bible teachings located at 817 Dakota Avenue.

**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 special use permit for, Creative Teaching Center, to house the church office, pastoral counseling and various small bible teachings with the following conditions.

- a. The use shall not require a change in the character or exterior appearance of the principal structure;
- b. The special use shall not create a nuisance factor or otherwise interfere with neighbors' enjoyment of their property;
- c. The special use shall not have an adverse effect on the value of surrounding properties nor impede their proper development.
- d. The special use shall not have business hours before 8:00am nor after 8:00pm and shall not make or cause to make any loud or unusual noise as will disturb the peace and quiet of the surrounding neighborhood.
- e. The special use shall not provide for more than 8 students or patrons at a time for any of the uses described above;
- f. No signs are permitted other than architectural signs in accordance with 160.07 Residential Regulations, (C), (2) of the City of Mattoon Code of Ordinances.
- h. The special use permit is not transferable to another entity or to another parcel of land.

**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.

**Section 4.** The City Clerk shall make and file a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 17th day of July, 2012, by a roll call vote, as follows:

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

Approved this 17th 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 17, 2012.

Mayor Gover opened the floor for discussion with no responders.

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

Mayor Gover seconded by Commissioner Becker moved to approve Council Decision Request 2012-1356, ratifying the re-appointments of Rick Otto and Mike Sullivan to the Planning Commission for terms ending 08/17/2017.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Becker seconded by Commissioner Rankin moved to approve Council Decision Request 2012-1357, awarding the bid of \$78,488.30 from Bartels Construction, Inc. for the Broadway Avenue Sidewalks Project.

Mayor Gover opened the floor for discussion with no responders.

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

DEPARTMENT REPORTS:

CITY CLERK – noted business as usual.

PUBLIC WORKS – updated the Council on the electrical aggregation process including the committee's selection of Good Energy to provide consultation. Mayor Gover opened the floor for questions with no replies. Commissioner Becker provided clarification of small business. Director Barber explained the opt-out process which actually includes an option of paying \$25 to opt out and be reinstated during the contract. Director Barber continued to update the Council with Public Works ongoing projects. Mayor Gover opened the floor for questions with no responders.

COMMUNITY DEVELOPMENT – noted the demolition by Chris Overton at 1005 Lake Land Blvd, steady construction, plans for Circle K, Steering Advisory Committee meeting for Comprehensive Plan and Planning Commission, nuisances and otherwise business as usual. Mayor Gover opened the floor for questions with no responders.

FIRE – noted the Fire Department's upcoming presence at Bagelfest. Mayor Gover opened the floor for questions with no responses.

POLICE – noted Tom Bushur Concrete's work on the Police Department Parking Lot project starting Sunday; thanked Director Barber for his assistance with the project; noted the Police Department's upcoming presence at Bagelfest, acknowledged auxiliary police's donation of time at the Bagelfest; and noted business as usual. Mayor Gover opened the floor for questions with no replies.

Mayor Gover opened the floor for comments from Attorney Grant, who had no further comment.

COMMENTS BY THE COUNCIL:

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

Mayor Gover explained actions to be taken after executive session.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:02 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 minutes of meeting lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2) (c)(21)).

Mayor Gover opened the floor for discussion with no responders.

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

Council reconvened at 7:11 p.m.

Mayor Gover seconded by Commissioner Becker moved to approve Council Decision Request 2012-1358, authorizing the release of all Executive Session minutes from October 14, 2009 through June 30, 2012, except for October 14, 20, 2009; May 18, 2010; September 7, 2010; August 16, 2011; October 18, 2011; January 10, 2012; February 01, 2012; March 06, 2012; April 17, 2012; May 01, 15, 29, 2012; June 12, 19, 2012 and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: July 6, 20, 2010; August 17, 2010; October 19, 2010; December 7, 2010.

Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Hall seconded by Commissioner Rankin moved to adjourn at 7:12 p.m.

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

/s/ Susan J. O'Brien  
City Clerk