

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on October 2, 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: City Attorney Janett Winter-Black, Finance Director/Treasurer Beth Wright, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, 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 September 18, 2012; Fire department report for the month of August, 2012; and bills and payroll for the last half of September, 2012.

Bills and Payroll for the last half of September, 2012

General Fund

Payroll		\$ 252,322.21
Bills		\$ 101,380.81
	Total	\$ 353,703.02

Hotel Tax Administration

Payroll		\$ 1,955.91
Bills		\$ 3,117.79
	Total	\$ 5,073.70

Festival Management

Bills		\$ 490.66
	Total	\$ 490.66

Insurance & Tort Judgment

Bills		\$ 2,776.52
	Total	\$ 2,776.52

Midtown TIF Fund

Bills		\$ 304.29
	Total	\$ 304.29

Capital Project Fund

Bills		\$ 293,029.25
	Total	\$ 293,029.25

Water Fund

Payroll		\$ 30,032.13
Bills		\$ 28,695.34
	Total	\$ 58,727.47

Sewer Fund

Payroll		\$	27,479.30
Bills		\$	<u>25,265.81</u>
	Total	\$	52,745.11

Heath Insurance Fund

Bills		\$	<u>62,243.63</u>
	Total	\$	62,243.63

Motor Fuel Tax

Bills		\$	<u>161,504.05</u>
	Total	\$	161,504.05

Revolving Loan Fund

Bills		\$	<u>270.00</u>
	Total	\$	270.00

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:

- Public comments/presentations and non-agenda items

Mayor Gover opened the floor for public comments or discussion. No attendee addressed the Council.

NEW BUSINESS:

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2012-1499, approving the appointment and contract with Kyle Gill as Interim City Administrator.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1499**

AN ORDINANCE APPROVING THE APPOINTMENT AND CONTRACT WITH KYLE GILL AS INTERIM CITY ADMINISTRATOR

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it is in the public interest and the interest of the citizens and taxpayers of the City of Mattoon that a City Administrator be employed to manage the business of Administrative affairs of the City of Mattoon consistent with Illinois statutes and the City of Mattoon Code of Ordinances: and,

WHEREAS, with the termination of contract with the previous city administrator, council has determined the need for a successor city administrator on an interim basis for the remainder of the mayor's term; and

WHEREAS, negotiations have taken place and an agreement has been reached between negotiators on behalf of the City of Mattoon and Kyle Gill as Interim City Administrator, subject to the approval of the City Council for the City of Mattoon.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mattoon, Coles County, Illinois, as follows:

Section 1. The City Council hereby approves the employment of and an employment agreement (“Agreement”) with Kyle Gill for the position of Interim City Administrator, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The Council hereby authorizes the Mayor and City Clerk to execute the attached “Agreement” and do all other things necessary to give effect thereto.

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 Hall, adopted this 2nd day of October, 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 2nd day of October, 2012.

/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 October 2, 2012.

Mayor Gover seconded by Commissioner Becker moved to amend the contract by eliminating the Termination section of Exhibit A. Mayor Gover explained the reason for the amendment.

Mayor Gover declared the motion to amend Exhibit A of Special Ordinance No. 2012-1499 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 the amended Exhibit A of Special Ordinance No. 2012-1499.

Mayor Gover declared the amended of Special Ordinance 2012-1499 carried by the following vote: YEA Commissioner Becker, YEA Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner Rankin, YEA Mayor Gover.

Congratulations were expressed to Interim Administrator Gill.

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance No. 2012-1500, authorizing the amended ordinance for the sale of Lots 50 & 51 and easement rights pertaining to Lot 61 in Lake Paradise Subdivision to Gordon and Lisa Reynolds, owners of a home on leased premises at Lots 50 & 51, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2984 E Lake Paradise Road) Mayor Gover opened the floor. Commissioner Hall questioned the easement on Lot 61. Commissioner Rankin and Director Barber explained the leech field and access area on Lot 61 as septic improvements.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1500**

**AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL
ESTATE OWNED BY THE MUNICIPALITY**

WHEREAS, State Statute 65 ILCS 5/11-76-4.1 enables corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, Gordon Monroe Reynolds and Lisa Dalene Reynolds, owners of a cabin located on premises leased from the municipality located at 2984 East Lake Paradise Road, also known as Lots 50 and 51 of Lake Paradise Subdivision, have requested to purchase the leased real estate at the appraised value of \$14,500.00; and

WHEREAS, the City Council declared Lot 50 and Lot 51 “no longer necessary or required for the use of the municipality” and “authorized management staff to negotiate contracts to sell said lots” by virtue of Resolution No. 2006-2642; and

WHEREAS, the City Council declare has determined that the following provisions should be included in the deed of conveyance of Lot 50 and Lot 51 of Lake Paradise Subdivision, including a provision for certain easement rights and obligations as to Lot 61 of Lake Paradise Subdivision, and that such deed of conveyance should include the following language regarding the property sought to be conveyed:

“Lot 50 and Lot 51 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois;

Excepting any interest or Estate in the minerals underlying the surface of the land which may have been heretofore conveyed or reserved, and all rights and easements in favor of any such mineral interest or estate;

Together with the following Permanent Easement which shall inure to the benefit of and run with the land herein conveyed, as follows:

Grantor conveys to Grantees the non-exclusive right, easement and privilege to enter upon Lot 61, Lake Paradise Subdivision, Paradise Township, Coles County, Illinois for the purpose of constructing and maintaining a sanitary leach field serving the property located at Lot 50 and Lot 51 of Lake Paradise Subdivision, and further for the purpose of general pedestrian access Lake Paradise, to and from Lot 50 and Lot 51 of Lake Paradise Subdivision, and further for the purpose of constructing, maintaining and accessing a boat dock on the shoreline of Lot 61 at Lake Paradise Subdivision. No other permanent improvements other than as stated above shall be made to Lot 61 or the shoreline thereof, except as mentioned herein.

Grantor expressly reserves the right to grant and assign similar permanent easements for the use of said Lot 61 to other property owners of lands situated at Lake Paradise Subdivision, Paradise Township, Coles County, Illinois; ”.

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

Section 1. The City Council determines that it would be inappropriate to offer this property to competitive bidding since the leasee has already invested in permanent improvements on the premises that can not be conveniently separated.

Section 2. The City by its Mayor and City Clerk are hereby authorized to execute on behalf of the City the Purchase Agreement attached as Exhibit ‘A’ detailin g the terms of the property transfer.

Section 3. The Mayor and City Clerk are authorized to sign documents conveying, by Warranty Deed in the form of the Warranty Deed attached hereto as Exhibit ‘B’, title to the real estate described in Section 4 of this ordinance to Gordon Monroe Reynolds and Lisa Dalene Reynolds subject Buyers’ execution of said Purchase Agreement and making payment in the amount of \$14,500.00.

Section 4. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 50 and Lot 51 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois.

Excepting any interest or Estate in the minerals underlying the surface of the land which may have been heretofore conveyed or reserved, and all rights and easements in favor of any such mineral interest or estate;

Together with the following Permanent Easement which shall inure to the benefit of and run with the land herein conveyed, as follows:

Grantor conveys to Grantees the non-exclusive right, easement and privilege to enter upon Lot 61, Lake Paradise Subdivision, Paradise Township, Coles County, Illinois for the purpose of constructing and maintaining a sanitary leach field serving the property located at Lot 50 and Lot 51 of Lake Paradise Subdivision, and further for the purpose of general pedestrian access Lake Paradise, to and from Lot 50 and Lot 51 of Lake Paradise Subdivision, and further for the purpose of constructing, maintaining and accessing a boat dock on the shoreline of Lot 61 at Lake Paradise Subdivision. No other permanent improvements other than as stated above shall be made to Lot 61 or the shoreline thereof, except as mentioned herein.

Grantor expressly reserves the right to grant and assign similar permanent easements for the use of said Lot 61 to other property owners of lands situated at Lake Paradise Subdivision, Paradise Township, Coles County, Illinois;

Commonly known as 2984 E Lake Paradise Road; Mattoon, Illinois
PIN#: 10-0-00978-000

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 2nd day of October, 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 2nd day of October, 2012.

/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

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

Recorded in the Municipality's Records on October 2, 2012.

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 Special Ordinance No. 2012-1501, granting a variance from building setback requirements to enable the construction of a garage located at 2420 Shelby Avenue. Charles Neff – Petitioner

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2012-1501**

**AN ORDINANCE GRANTING A VARIANCE FROM BUILDING SET BACK REQUIREMENTS TO ENABLE
CONSTRUCTION OF A NEW GARAGE LOCATED AT 2420 SHELBY AVENUE.**

WHEREAS there has been filed a written Petition by Charles Neff for a variance, respecting the property legally described as:

The West 1/3 of Lot three (3), Block thirty-four (34) of Noyes Addition to the City of Mattoon, Coles County, Illinois; commonly known as 2420 Shelby Avenue, Mattoon.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow construction of a new garage, which will reduce the front yard setback on North 25th Street; and

WHEREAS the zoning code requires a 10-foot front yard setback from North 25th Street on the corner lot of 2420 Shelby which is currently zoned R1, Single Family Residence Zoning District; and

WHEREAS the Planning Commission held a properly noticed, public hearing on September 25th 2012 regarding 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 of 5 feet from the west property line to enable construction of a new garage.

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 2nd day of October, 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 2nd day of October, 2012.

/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 October 2, 2012.

Mayor Gover opened the floor for discussion 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 Rankin seconded by Commissioner Becker moved to approve Council Decision Request 2012-1372, awarding the 2012 Water Treatment Plant chemical bids as listed:

General Chemical	Alum	\$.22/pound;
Brenntag MS	Ammonium Sulfate	\$.36/pound;
Continental Carbonic Products, Inc.	Carbon Dioxide	\$.053/pound;
Polydyne, Inc.	Cationic Polymer	\$.52/pound;
Brenntag MS	Chlorine	\$.2125/pound;
Brenntag MS	Fluoride	\$.39/pound;
Hickman Williams & Co.	Lime	\$169.00/ton;
Brenntag MS	Permanganate	\$.94/pound;
Hawkins, Inc.	Phosphate blend	\$.56/pound; and
Norit	Powdered Activated Carbon	\$.59/pound.

Mayor Gover opened the floor for questions 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 Ervin moved to approve Council Decision Request 2012-1373, approving the proposal in the amount of \$54,000 from Upchurch Group for the preparation of bid documents for the South Side Drainage Project, Railroad Ditch and 9th Street Drainage Improvements.

Mayor Gover opened the floor for questions or comments with no response from the attendees.

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 ATTORNEY – had nothing to report.

CITY CLERK – announced Voters registration on Saturday from 9 - noon; and voting starts Oct 15th for the general election. Mayor Gover opened the floor for questions with no responders.

FINANCE – noted the auditors' invoice for field work with a review to be conducted on Thursday; and the need for an auditing RFP in the Spring. Mayor Gover opened the floor for questions with no responders.

PUBLIC WORKS – provided updates on the Depot, Request for Qualifications (RFQ) for design engineering services for the Combined Sewer Overflow (CSO) Satellite Treatment Facility, Depot platforms, and Dial-a-Ride bus terminal and the Greyhound bus terminal. Mayor Gover opened the floor for questions. Commissioner Hall questioned the painting at the Depot with Director Barber stating Tourism Director Angelia Burgett's initiative for bidding the painting project. Commissioner Hall requested a completion date for the Depot Parking Lot with Director Barber responding as to the contract requirement deadline at end of year but expected to be completed by Thanksgiving with the exception of lighting. Mayor Gover inquired about the landscaping with Director Barber confirming next Spring.

COMMUNITY DEVELOPMENT – noted completion of plan reviews, an updated Top 10 or 12 lists of structures for next meeting, and nuisances. Mayor Gover opened the floor for questions with no responses.

FIRE – noted Fire Prevention Month and week; fire standby at MHS homecoming; EMS standby for fire test at Lake Land College, fire drills, pre-plan walkthroughs for hotels, and fire inspection at Fellowship Center. Mayor Gover opened the floor for questions. Mayor Gover noted his shadowing of the Fire Department experience.

POLICE – Deputy Chief Taylor acknowledged his return from the FBI Academy training. Mayor Gover congratulated his success.

COMMENTS BY THE COUNCIL

Commissioners Becker and Ervin had no comments. Commissioners Hall and Rankin expressed looking forward to working with Kyle Gill as Interim Administrator and congratulated Mr. Gill and Mr. Taylor for their achievements.

Mayor Gover thanked the attendees of the meeting.

Commissioner Hall seconded by Commissioner Becker moved to adjourn at 6:53 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