

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 21, 2010.

Acting Mayor Gover presided and called the meeting to order at 6:30 p.m.

Acting Mayor Gover led the Pledge of Allegiance.

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

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Tourism Director Angelia Burgett, and City Clerk Susan O'Brien.

Commissioner Hall seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting December 7, 2010; Financial reports for the month of November, 2010; bills and payroll for the first half of December, 2010.

### **Bills and Payroll for the first half of December, 2010**

#### **General Fund**

Payroll		\$ 248,099.30
Bills		<u>\$ 450,006.48</u>
	Total	\$ 698,105.78

#### **Hotel Tax Fund**

Payroll		\$ 2,125.65
Bills		<u>\$ 35,978.74</u>
	Total	\$ 38,104.39

#### **Festival Management**

Bills		<u>\$ 3,149.40</u>
	Total	\$ 3,149.40

#### **Insurance & Tort Judgment**

Bills		<u>\$ 219,303.65</u>
	Total	\$ 219,303.65

#### **Midtown TIF**

Bills		<u>\$ 6,110.00</u>
		\$ 6,110.00

#### **Capital Project Fund**

Bills		<u>\$ 70,799.78</u>
	Total	\$ 70,799.78

#### **Water Fund**

Payroll		\$ 29,353.70
Bills		<u>\$ 40,553.05</u>
	Total	\$ 69,906.75

#### **Sewer Fund**

Payroll		\$ 30,305.59
Bills		<u>\$ 379,589.99</u>
	Total	\$ 409,895.58

#### **Motor Fuel Tax Fund**

Bills		<u>\$ 23,932.90</u>
	Total	\$ 23,932.90

**Health Insurance**

Bills		\$	46,991.55
	Total	\$	46,991.55

Acting Mayor Gover opened the floor for discussion with no responders.

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

**PUBLIC COMMENTS/PRESENTATION AND NON-AGENDA ITEMS:**

Ms. Joyce St. Michael thanked the Council for placing a handicapped ramp at the Depot.

An unknown attendee requested nuisance notices to be mailed to landlords – not only at the cited property. Administrator McLaughlin stated the staff was addressing the request.

**NEW BUSINESS:**

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2010-1420, declaring Public Works vehicles and equipment surplus and authorizing its sale.

---

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE: 2010-1420**

**A SPECIAL ORDINANCE DECLARING TWO PUBLIC WORKS DEPARTMENT VEHICLES SURPLUS AND AUTHORIZING THE SALE BY PUBLIC WORKS SUPERINTENDENT**

**WHEREAS**, the Public Works Department currently owns four (4) vehicles and equipment being, (1) 1993 Dodge Pickup D200, (1) 1995 Ford F150 Truck, (1) 1970 International Winch Truck, and (1) 1973 Lowe V-Bottom Boat; and,

**WHEREAS**, Public Works Superintendent Tim Daily recommends these used vehicles and equipment be declared as surplus due to high mileage and increasing mechanical problems and be offered for sale to the highest bidder via EBAY.

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

**Section 1.** Vehicles and equipment identified on Exhibit A to this ordinance are hereby declared surplus to the needs of the Public Works Department.

**Section 2.** The City of Mattoon, Illinois does not express any warranty or imply any statement of condition of this surplus property. The Public Works Superintendent is hereby authorized to advertise these units for sale by the most advantageous means and to negotiate the conditions for their sale with any interested parties. The City of Mattoon shall reserve the right to accept or reject any and/or all offers for this property. Upon no offer for any of the items listed on Exhibit A, Public Works Superintendent is authorized to dispose by any means necessary.

**Section 3.** The Mayor, City Clerk and Public Works Superintendent are hereby authorized to administratively sell the property listed on Exhibit A to this ordinance to the highest bidder without further formal consideration or approval by the City Council.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 21st day of December, 2010, by a roll call vote, as follows:

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

Approved this 21<sup>st</sup> day of December 2010.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1172, approving the re-appointments of David Cox, Rich Fanelli, and Kenneth Wooddell to the Tourism Committee for three-year terms, expiring 09/01/2013.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded by Commissioner Rankin moved to adopt Resolution 2010-2824, approving the amended sub-subcontract agreement (10-451001-004-005b) for technical assistance services with the Coles County Regional Planning & Development Commission, regarding the EECBG (Energy Efficiency and Conservation Block Grant).

---

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2010-2824**

**RESOLUTION TO ENTER INTO A SUB-SUBCONTRACT AGREEMENT FOR  
TECHNICAL ASSISTANCE SERVICES WITH THE COLES COUNTY REGIONAL PLANNING AND  
DEVELOPMENT COMMISSION**

WHEREAS, the City of Mattoon has been awarded an Energy Efficiency and Conservation Block Grant; and

WHEREAS, the Illinois Association of Regional Planning and Development Commissions (ILARC) is the recipient of Grant No. 09-451001 from the Illinois Department of Commerce and Economic Opportunity (DCEO) (Master Grant), for support of the program entitled Energy Efficiency and Conservation Block Grant (EECBG); and

WHEREAS, said Master Grant approves collaborative effort by ILARC, the Commission and the City of Mattoon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mattoon, Illinois, that the City enter into

and execute said Sub-SubContract Agreement (10-451001-004-005b) with the Coles County Regional Planning and Development Commission. The Mayor is authorized to execute said Agreement.

Upon motion by Acting Mayor Gover seconded by Commissioner Rankin, adopted this 21st day of December, 2010, by a roll call vote, as follows:

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

Approved this 21<sup>st</sup> day of December, 2010.

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

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

APPROVED AS TO FORM:  
/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2010-1173, approving the re-appointments of Jeff Collings, Mark Cox, Mike Hamblen, and Merle Lowry to the Public Works Advisory Board for three year terms, expiring 12/31/2013.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded by Commissioner Rankin moved to adopt Special Ordinance 2010-1421, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2010 and ending April 30, 2011.

---

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2010-1421**

**AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2010 AND ENDING APRIL 30, 2011**

**BE IT ORDAINED** by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

**Section 1. Assumed Equalized Assessed Valuation.** The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$186,786,780 to \$193,697,891, three and seven-tenths percent (3.70%) over the previous fiscal year.

**Section 2. Tax Levy.** The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2010 and ending April 30, 2011. The total property tax levy extension is attached hereto and marked as "Exhibit A" and incorporated herein by reference.

**Section 3. Maximum Rates for Certain Services.** If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection and Fire Protection.

**Section 4. Tax Abatement for General Obligation Bonds.** Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon’s General Obligation Bonds, the 2010 tax levy (to be received in 2011) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>	<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2003 Water Refunding Bonds	2004 thru 2015	Special Ordinance 2003-928
Series 2003 Library Refunding Bonds	2004 thru 2013	Special Ordinance 2003-936
Series 2003A Pension Obligation Bonds	2004 thru 2013	Special Ordinance 2003-938
Series 2005A Sewer Refunding Bonds	2006 thru 2018	Special Ordinance 2004-1050
Series 2005B Police Refunding Bonds	2006 thru 2019	Special Ordinance 2004-1050
Series 2009A General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5275
Series 2009B General Obligation Bonds	2009 thru 2027	Special Ordinance 2009-5276

The levy for paying principal and interest on these bonds shall only be abated for the 2009 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

**Section 5. Amount to be Raised by Tax Levy.** The amount to be levied for each purpose is placed in a separate column under the heading “Amount to Raised by Tax Levy”, which appears over same being as follows, to wit:

	<u>Amount</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
<b>General Fund</b>			
General Government	951,946	467,701	484,245
Public Safety	8,970,345	6,263,119	2,707,226
Public Works	1,623,610	1,623,610	-0-
Health & Welfare	839,325	839,325	-0-
Culture & Recreation	899,563	754,291	145,272
Economic Development	60,000	60,000	-0-
Debt Service	484,588	484,588	-0-
Other Financing Uses	<u>1,159,610</u>	<u>1,159,610</u>	<u>-0-</u>
Total General Fund	\$ 14,988,987	\$ 11,652,244	\$ 3,336,743

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	484,245
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	290,547
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	290,547

Parks (65 ILCS 5/11-98-1): 0.075 Limit	145,272
Firemen's Pension (40 ILCS 5/4-118) No Limit	1,093,941
Firemen's Pension (35 ILCS 200/18-185) No Limit	67,483
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>964,708</u>
	\$ 3,336,743

	Amount	Amount To Be	Amount To
	<u>Budgeted</u>	Received from	Be Raised By
		<u>Other Sources</u>	<u>Tax Levy</u>

**Other Governmental Funds:**

Library Fund	\$ 486,032	\$ 40,527	\$ 445,505
Motor Fuel Tax Fund	706,600	706,600	-0-
Hotel & Motel Tax Fund	226,534	226,534	-0-
Festival Management Fund	146,650	146,650	-0-
Insurance & Tort Judgment Fund:	831,013	831,013	-0-
Home Rehabilitation Grant Fund	168,500	168,500	-0-
Revolving Loan Fund	153,100	153,100	-0-
Midtown TIF Fund	341,100	341,100	-0-
East I-57 TIF Fund	800	800	-0-
South Route 45 TIF District Fund	240	240	-0-
South Route 45 Business District Fund	35,000	35,000	-0-
Broadway East TIF District Fund	5,000	5,000	-0-
Broadway East Business District Fund	323,309	323,309	-0-
Capital Improvement Fund	<u>\$8,493,598</u>	<u>\$8,493,598</u>	<u>-0-</u>
Total Other Governmental Funds	\$11,917,476	\$11,471,971	\$ 445,505

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 445,505
--	------------

	Amount	Amount To Be	Amount To
	<u>Budgeted</u>	Received from	Be Raised By
		<u>Other Sources</u>	<u>Tax Levy</u>

**Enterprise Funds:**

Water Fund	\$ 4,753,472	\$ 4,753,472	-0-
Sewer Fund	<u>5,123,299</u>	<u>5,123,299</u>	-0-
Total Enterprise Funds	\$ 9,876,771	\$ 9,876,771	-0-

<b>All Fund Totals</b>	<b>\$ 36,783,234</b>	<b>\$33,000,986</b>	<b>\$3,782,248</b>
------------------------	----------------------	---------------------	--------------------

**Section 6.** The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

**Section 7.** If any section, subdivision or sentence of this ordinance shall for any reason be held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

**Section 8.** This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Acting Mayor Gover, seconded by Commissioner Rankin, adopted this 21st day of December, 2010, by a roll call vote, as follows:

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

Approved this 21st day of December, 2010.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 22, 2010.

Attorney & Treasurer Owen noted an anticipated 3.7% increase based on current EAV.

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

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2010-1422, authorizing the employment of Dean Barber as Public Works Director with an annual compensation of \$85,000, effective January 24, 2011.

---

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2010-1422**

**AN ORDINANCE RATIFYING THE APPOINTMENT OF  
DEAN BARBER TO THE PUBLIC WORKS DIRECTOR POSITION**

**BE IT ORDAINED** by the City Council of the City of Mattoon as follows:

Section 1. The City Council hereby ratifies the City Administrator's appointment of Dean Barber to the position of Public Works Director.

Section 2. The City Council hereby approves an Employment Agreement with Dean Barber for the position of Public Works Director, a copy of which is attached hereto and incorporated herein by reference.

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 Commissioner Rankin, seconded by Commissioner Hall, adopted this 21<sup>st</sup> day of December, 2010, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 21<sup>st</sup> day of December, 2010.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/ J. Preston Owen  
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Resolution 2010-2825, authorizing the Acting Mayor to sign the Memorandum of Understanding between the City of Mattoon and the Coles County Court, allowing the use of City Hall for conducting court matters in the case of an emergency or disaster.

---

## CITY OF MATTOON, ILLINOIS

### RESOLUTION NO. 2010-2825

#### A RESOLUTION APPROVING AN AGREEMENT WITH COLES COUNTY CIRCUIT COURT FOR EMERGENCY USE OF CITY HALL TO CONDUCT COURT PROCEEDINGS AND OPERATIONS

**WHEREAS**, the Coles County Circuit Court was mandated to prepare an emergency and disaster plan; and,

**WHEREAS**, the Coles County Circuit Court desires to use City Hall in the event an emergency or disaster results in the inability for the Court to conduct necessary legal proceedings in the Coles County Courthouse; and,

**WHEREAS**, the City Council for the City of Mattoon deems that it is in the public interest that an agreement be reached with the Coles County Circuit Court for the use of City Hall during emergency times.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois:

**Section 1.** That the "Memorandum of Understanding" attached hereto and marked as Exhibit "A" be and is hereby approved; and,

**Section 2.** That the Mayor Pro-Tem and City Clerk be and are hereby authorized to execute Exhibit "A" and any and all other documents necessary to give effect thereto.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 21<sup>st</sup> day of December, 2010, by a roll call vote, as follows:

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

Approved this 21st day of December, 2010.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/ J. Preston Owen  
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1174, approving a \$3,500 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Jr. Wrestling Club for hosting their tournament on January 9, 2011; and authorizing the Acting Mayor to sign the agreement.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Hall seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1175, approving a \$2,000 grant by the Tourism Advisory Committee from hotel/motel tax funds to the Mattoon Jr. Wrestling Club for hosting their tournament on February 27, 2011; and authorizing the Acting Mayor to sign the agreement.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Consideration of Council Decision Request 2010-1176: Approving a Memorandum of Understanding with the Mattoon Area YMCA to provide \$25,000 from hotel/motel tax funds each year over the next ten years beginning fiscal year 2010-11 for the promotion of winter sports tourism was postponed until the January 4, 2011 Council meeting.

Commissioner Rankin seconded by Commissioner Hall moved to adopt Resolution 2010-2826, approving the sale of certain property located on Richmond Avenue between 10<sup>th</sup> & 11<sup>th</sup> Street to Habitat for Humanity.

---

**CITY OF MATTOON, ILLINOIS**  
**RESOLUTION NO. 2010-2826**

**A RESOLUTION APPROVING THE SALE OF A CERTAIN PARCEL**  
**OF LAND ON RICHMOND AVENUE**

**WHEREAS**, the City of Mattoon owns a parcel of property located on Richmond Avenue between 10<sup>th</sup> and 11<sup>th</sup> Streets; and,

**WHEREAS**, this property has remained vacant for a number of years and the City has not used this property; and,

**WHEREAS**, by Special Ordinance 2010–1404 passed on a October 19, 2010 the City Council declared this parcel as surplus and directed sealed bids to be taken; and,

**WHEREAS**, on December 7, 2010 sealed bids were accepted; and,

**WHEREAS**, the highest and best bid was submitted by Coles County Habitat for Humanity in the amount of \$1.00; and,

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

**Section 1.** The City Attorney is authorized to prepare closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to Coles County Habitat for Humanity, subject to a payment of \$1.00 plus all associated closing costs. The purchase price will be due at closing.

**Section 2.** The real estate to be conveyed pursuant to this ordinance is legally described as:  
Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) in Block Eighty-Eight (88) of the original town, now City of Mattoon, Mattoon Township, Coles County, Illinois.

**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 Commissioner Rankin, seconded by Commissioner Hall, adopted this 21<sup>st</sup> day of December, 2010, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 21<sup>st</sup> day of December, 2010.

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

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

APPROVED AS TO FORM:  
/s/ J. Preston Owen  
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1177, approving the proposal in the amount of \$17,500 from Hance Design Group for the design and engineering, preparation of drawing and bidding documents, assisting in the bids and awarding of the contract and the construction phase management of the Depot Parking Lot Project; and authorizing the Acting Mayor to sign the document.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Hall moved to adopt Resolution 2010-2827, granting the acceptance of a replacement letter of credit for the remaining public improvements for the final subdivision plat of Coles Centre Subdivision.

---

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2010-2827**

**A RESOLUTION GRANTING THE ACCEPTANCE OF A REPLACEMENT LETTER OF CREDIT FOR THE REMAINING PUBLIC IMPROVEMENTS FOR THE FINAL SUBDIVISION PLAT OF COLES CENTRE SUBDIVISION**

**WHEREAS**, Coles Centre L.L.C. as owner and Agracel Inc. as acting managing partner of the following described property:

A part of Section 16, Township 12 North, Range 8 East, of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

COMMENCING at the Northeast corner of the Southeast Quarter of said Section 16, being an iron pin; Thence, S 00° 46' 14" W, all bearings are referenced to the Illinois State Plane Coordinate System, East Zone Datum 1983, along the East line of the Southeast Quarter of said Section 16, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 16, a distance of 1331.09, to a point; Thence, S 88° 45' 56" W, along the North line of the Southeast Quarter of the Southeast Quarter of said Section 16, to the West Right-of-Way line of Lerna Road, a distance of 1339.95 feet, to the POINT OF BEGINNING, being a point; Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, to the South line of said Section 16, a distance of 1332.88 feet, to an iron pin; Thence, S 88° 39' 33" W, along the South line of said Section 16, a distance of 1855.50 feet, to an iron pin; Thence, N 00° 17' 37" E, to the South line of the North Half of the Southwest Quarter of said Section 16, a distance of 1336.49 feet, to an iron pin; Thence, S 88° 45' 56" W, along the South line of the North Half of the Southwest Quarter of said Section 16, to the East Right-of-Way line of F.A.I. Route 04, a distance of 1720.98 feet, to an iron pin; Thence, N 04° 55' 25" E, along the East Right-of-Way line of F.A.I. Route 04, a distance of 234.86 feet, to an iron pin; Thence, N 17° 41' 38" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 317.84 feet, to an iron pin; Thence, N 48° 25' 01" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 404.60 feet, to an iron pin; Thence, N 23° 47' 19" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 352.33 feet, to an iron pin; Thence, N 73° 32' 46" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 286.40 feet, to an iron pin; Thence, N 86° 54' 14" E, continuing along the East Right-of-Way line of F.A.I. Route 04, a distance of 500.62 feet, to an iron pin; Thence, N 86° 19' 58" E, continuing along the East Right-of-Way line of F.A.I. Route 04, to the South Right-of-Way line of F.A.I. Route 17, a distance of 250.45 feet, to an iron pin; Thence, N 89° 45' 57" E, along the South Right-of-Way line of F.A.I. Route 17, to the West Right-of-Way line of Lerna Road, a distance of 1923.02 feet, to an iron pin; Thence, S 31° 40' 02" E, along the West Right-of-Way line of Lerna Road, a distance of 114.27 feet, to an iron pin; Thence, S 00° 00' 24" W, along the West Right-of-Way line of Lerna Road, a distance of 1085.61 feet, to the POINT OF BEGINNING and containing 147.94 acres, more or less.

**WHEREAS**, Coles Centre L.L.C. presented a plat of Coles Centre Subdivision, which plat was approved January 20<sup>th</sup>, 2009, by the CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, by Special Ordinance 2009-1316; and

**WHEREAS**, Coles Centre L.L.C. as owner and Agracel Inc. as acting managing partner has requested the acceptance of a replacement Letter of Credit for the remaining public improvements covered by the Letter of Credit 09-01, ending January 20<sup>th</sup>, 2011; and

**WHEREAS**, Coles Centre Hospitality purchased approximately 23 acres from Coles Centre LLC for a proposed construction of a hotel and convention center; and

**WHEREAS**, Phases I and II of the construction of the public improvements have been completed and Phase III is to coincide with the construction of the hotel and convention center.

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

**Section 1.** Pursuant to enabling authority, that the Letter of Credit for Coles Centre Subdivision, be replace with a reduced Letter of Credit for the remaining public improvements.

Upon motion by Commissioner Rankin, seconded by Commissioner Hall, adopted this 21st day of December, 2010, by a roll call vote, as follows:

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

Approved this 21<sup>st</sup> day of December, 2010.

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

ATTEST: APPROVED AS TO FORM

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

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 22, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2010-1178, authorizing the purchase in an amount of \$67,000 for a replacement used bucket truck for the Public Works Department.

Acting Mayor Gover opened the floor for discussion with no responders.

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

**DEPARTMENT REPORTS:**

CITY ADMINISTRATOR – congratulated Mr. Barber on his employment; updated the Council on EECBG, town hall meeting on South Side Drainage Project, meetings with two unions involving multi-year contracts, FY12 budget meeting with Treasurer Owen, Coles County Council on Aging Christmas dinner, and interviews for the IT Assistant. Commissioner Hall and Administrator McLaughlin discussed repairs to various water main breaks.

CITY CLERK – noted upcoming liquor license renewals due on the 30<sup>th</sup>.

ATTORNEY & TREASURER - noted the IMRF ERI payment of \$1.5 million, and the borrowing for the payment and energy savings project.

COMMUNITY DEVELOPMENT – noted Electrical contractor's renewing licenses and Curry's Construction's contact to clean Richmond Avenue due to YMCA Parking Lot construction.

FIRE - updated the Council on Operation Sleighride, weekly training, and assistance with safety at the interstate collision sites due to white out conditions. Discussion was held on the performance of the new command vehicle in assisting

stranded motorists. Acting Mayor Gover commended the Fire and Police Departments in their efforts with the aftermath of the accidents.

POLICE – Administrator McLaughlin reported for the Police Department and noted the floors were in the process of being repaired, and 100 citations for nuisance violations were issued.

**COMMENTS BY THE COUNCIL**

Commissioner Ervin - absent

Commissioner Hall – nothing at this time

Commissioner Rankin – nothing at this time

Acting Mayor Gover opened the floor for public comments. Mr. Terry Tomer requested the Department Heads to speak louder while giving their reports.

Acting Mayor Gover wished everyone a Merry Christmas and New Year and thanked those in attendance.

Commissioner Rankin seconded by Commissioner Hall moved to adjourned 6:53 p.m.

Acting Mayor Gover opened the floor for discussion with no responders.

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

/s/ Susan J. O'Brien  
City Clerk