

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 1, 2005 at 6:58 p.m. after a 6:30 p.m. caucus session.

Mayor Carter presiding.

Mayor Carter led the Pledge of Allegiance to the United States of America.

The following members of the Council answered roll call: YEA Commissioner Mark Donnell, YEA Commissioner Harold Gambill, YEA Commissioner Jerrold Hesse, YEA Commissioner David Schilling, YEA Mayor David E. Carter.

Mayor Carter seconded by Commissioner Gambill moved to approve the minutes of the regular meeting held on January 18, 2005.

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Schilling seconded by Commissioner Donnell moved to approve bills and payroll for the second half of January and the bills of the Mattoon HOME GRANT Housing Rehabilitation Project.

**Bills and Payroll for the second half of January**

**General Fund**

Payroll		\$ 212,028.65
Bills		\$ <u>42,314.33</u>
	Total	\$ 254,342.98

**Hotel Tax Fund**

Payroll		\$ 1,359.23
Bills		\$ <u>25,215.98</u>
	Total	\$ 26,575.21

**Festival Management Fund**

Bills		\$ <u>4,080.97</u>
	Total	\$ 4,080.97

**Insurance & Tort Judgment**

Bills		\$ <u>895.25</u>
	Total	\$ 895.25

**Midtown TIF Fund**

Bills		\$ <u>20,289.00</u>
	Total	\$ 20,289.00

**Water Fund**

Payroll		\$ 33,467.70
Bills		\$ <u>68,663.69</u>
	Total	\$ 102,131.39

**Sewer Fund**

Payroll		\$ 33,201.02
Bills		\$ <u>25,564.89</u>
	Total	\$ 58,765.91

**Cemetery Fund**

Payroll		\$ 2,100.94
Bills		\$ <u>335.41</u>

	Total	\$ 2,436.35
	<b><u>Motel Fuel Tax Fund</u></b>	
Bills		<u>\$ 4,708.55</u>
	Total	\$ 4,708.55
	<b><u>Health Insurance Fund</u></b>	
Bills		<u>\$ 36,094.97</u>
	Total	\$ 36,094.97

HOME GRANT Housing Rehabilitation Project

2225 Broadway	\$7,450.00	Finney Construction
1805 DeWitt	\$8,000.00	GEM Carpentry
715 N. 2 <sup>nd</sup> Division	\$6,200.00	Custom Windows & Siding

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Donnell moved to adopt Special Ordinance 2005-1063, repealing Special Ordinance No.70-434 that established a higher connection charge for tapping the Lake Land Boulevard sewer collection system south of Stinson Avenue now that the cost recovery period has expired for which Lake Land College and others were entitled to reimbursement for contributed capital for the sewer extension.

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CITY OF MATTOON, ILLINOIS

*SPECIAL ORDINANCE NO. 2005-1063*

**AN ORDINANCE REPEALING SPECIAL ORDINANCE NO. 70-434 THAT ESTABLISHED A HIGHER CONNECTION CHARGE FOR TAPPING THE LAKE LAND BOULEVARD SEWER COLLECTION SYSTEM NOW THAT THE COST RECOVERY PERIOD HAS EXPIRED FOR WHICH LAKE LAND COLLEGE AND OTHERS WERE ENTITLED TO REIMBURSEMENT FOR CONTRIBUTED CAPITAL FOR THE SEWER EXTENSION**

**WHEREAS**, Special Ordinance No. 70-414, adopted on the 7<sup>th</sup> day of July 1970, established sewer tap on fees higher than elsewhere in the City pursuant to an agreement that was formally executed on the 2<sup>nd</sup> day of May 1972 with the First National Bank Land Trust No. 68-30; and

**WHEREAS**, said Agreement with the Land Trust provided that the City would rebate one-third of the higher tap on fees to the First National Bank Land Trust No. 68-30 to reimburse Lake Land College and other private developers up to \$55,367.55 for contributed capital for a sewer extension constructed along Lake Land Boulevard from Stinson Avenue to the College; and

**WHEREAS**, said Agreement terminated May 2, 1999; and

**WHEREAS**, whereas it is now necessary to repeal Special Ordinance No. 70-434 so the connection charge for tapping the Lake Land Boulevard sewer collection system will be the same as the connection charge that prevails elsewhere in 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 facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** Special Ordinance No. 70-41 is hereby repealed.

**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 Gambill, seconded by Commissioner Donnell, adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 2, 2005

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Gambill seconded by Commissioner Schilling moved to adopt Special Ordinance 2005-1064, authorizing the sale of surplus real estate at Lake Paradise to the Wabash Fire Protection District.

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CITY OF MATTOON, ILLINOIS

***SPECIAL ORDINANCE NO. 2005-1064***

**AN ORDINANCE AUTHORIZING THE SALE OF SURPLUS REAL ESTATE AT LAKE PARADISE TO THE WABASH FIRE PROTECTION DISTRICT**

**WHEREAS**, state statute (65 ILCS 5/11-76-4.1) enables the 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**, the City of Mattoon was a party to a lease with the Wabash Fire Protection District (hereinafter, the "District") for 1.917 acres at Lake Paradise that expired October 4, 1996; and

**WHEREAS**, the Board of Trustees of the District desires to acquire a fee simple interest in said real estate; and

**WHEREAS**, by Resolution No. 2004-2572, adopted December 21, 2004, the City Council made a finding that the real estate now leased to the District is no longer necessary or required for the use of the municipality; and

**WHEREAS**, said resolution authorized the management staff to negotiate for a contract proposal to sell said real estate to the Wabash Fire Protection District at a price not less than 80% of the appraised value provided that any such proposal negotiated shall be subject to ratification by the City Council; and

**WHEREAS**, the appraised value of this real estate was determined to be \$16,500 by Stan Gordon of Gordon Appraisal Service, Inc.

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

**Section 1.** 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 the Wabash Fire Protection District subject to: a \$13,200 sale price; the District assuming financial responsibility for an ALTA title survey prepared by The Upchurch Group, all remaining costs of a \$16,500 title insurance policy issued by Crites Title Insurance

Company and recording fees.

**Section 2.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Part of the Southwest Quarter of Section 4, Township 11 North, Range 7 East of the Third Principal Meridian, more particularly described as follows:

Commencing at a PK nail at the Southeast corner of the Southwest Quarter of Section 4, Township 11 North, Range 7 East of the Third Principal Meridian, (recorded as Monument Record Book 1, Page 282), Coles County, Illinois; thence azimuth 0 degrees 21 minutes 25 seconds, (azimuths based on Illinois State Plane Coordinates East Zone), 1327.50 feet along the east line of the Southwest Quarter of said Section 4; thence azimuth 270 degrees 21 minutes 25 seconds, 40.00 feet to a point 0.16 feet east of an iron pin with #2645 cap and the Point of Beginning; thence continue azimuth 270 degrees 21 minutes 25 seconds, 100.39 feet to an iron pin with #3140 cap; thence azimuth 316 degrees 05 minutes 14 seconds, 211.12 feet to an iron pin with #3140 cap; thence azimuth 0 degrees 21 minutes 25 seconds, 230.83 feet to an iron pin with #3140 cap; thence azimuth 90 degrees 21 minutes 25 seconds, 247.76 feet to an iron pin with #3140 cap; thence azimuth 180 degrees 21 minutes 25 seconds, 382.00 feet to the Point of Beginning, containing 1.917 acres, more or less, all situated in Paradise 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 Gambill, seconded by Commissioner Schilling adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,  
Commissioner Hesse, Commissioner Schilling,  
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, 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 February 2, 2005

Advance Copy:

Bob Kepley, Trustee

Wabash Fire Protection District

4605 Dole Road, Mattoon, IL 61938

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Gambill moved to adopt Ordinance 2005-5198: Amending Section 150.70(B) of the Mattoon Code of Ordinances to exempt non-profit corporations from fees for building permits, plumbing permits, electrical permits, street cut permits and other permits for which revenue is reported in the General Fund.

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2005-5198**

**AN ORDINANCE AMENDING SECTION 150.70(B) OF THE MATTOON CODE OF ORDINANCES TO EXEMPT NON-PROFIT CORPORATIONS FROM FEES FROM BUILDING PERMITS, PLUMBING PERMITS, ELECTRICAL PERMITS, STREET CUT PERMITS AND OTHER PERMITS FOR WHICH REVENUE IS REPORTED IN THE GENERAL FUND**

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

**Section 1.** Section §150.70(B) of Chapter 150 (Building Regulations) of the Mattoon Code of Ordinances is hereby repealed and re-enacted as follows:

(B) Organizations or corporations that are designated not-for-profit by the Internal Revenue Service shall, upon application ~~approved by a majority vote of the full City Council~~, be entitled to a waiver of the entire building permit fee which would otherwise be assessed against a building project an exemption from fees for building permits, plumbing permits, electrical permits, street cut permits and other permits for which revenue is reported in the General Fund.

**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 Carter, seconded by Commissioner Gambill, adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,  
Commissioner Hesse, Commissioner Schilling,  
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 2, 2005

Mayor Carter opened the floor for discussion. No discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Mayor Carter seconded by Commissioner Schilling moved to adopt Ordinance 2005-5199, amending Section 32.05 of the Mattoon Code of Ordinances to codify a requirement that new regular and temporary employees of the municipality may be hired only by the affirmative vote of four (4) members of the City Council then holding office.

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2005-5199**

**AN ORDINANCE AMENDING SECTION 32.05 OF THE MATTOON CODE OF ORDINANCES TO CLASSIFY EMPLOYEES BY TYPE OF EMPLOYMENT AND TO CODIFY A REQUIREMENT THAT NEW EMPLOYEES OF THE MUNICIPALITY MAY BE HIRED ONLY BY THE AFFIRMATIVE VOTE OF FOUR MEMBERS OF THE CITY COUNCIL THEN HOLDING OFFICE**

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

**Section 1.** Section §32.05 of Chapter 32 (Powers, Functions and Duties of the City Council) of the Mattoon Code of Ordinances is amended by the addition of the following subsections:

**(C) Classification of Employees**

(1) **Probationary Employees.** Except for police officers and firefighters, an employee is a "probationary employee" for his/her first six (6) months of employment. A police officer or firefighter is a probationary employee for his/her first twelve (12) months of employment.

(2) **Regular Full-Time Employees.** A person working the regularly scheduled number of hours is considered a regular full-time employee. Temporary employees are not considered regular full-time employees.

(3) **Regular Part-Time Employees.** A person working less than the regularly scheduled number of hours is considered a regular part-time employee.

(4) **Temporary Employees.** A person expected to be employed for a period of less than six (6) consecutive months or less than 1,000 hours in the next 12-month period is considered a temporary employee. Temporary employees may work the regularly scheduled number of hours (full-time) or less than the regularly scheduled number of hours (part-time).

(5) **Exempt Employees.** A person appointed to a management, supervisory or confidential position as defined by the Fair Labor Standards Act and/or the Illinois Labor Relations Board.

(6) **Nonexempt Employees.** A person appointed to a position that is not an exempt position.

**(D) Appointment Authority.** New probationary, regular full-time, regular part-time, temporary, exempt and nonexempt employees of the municipality may be hired only by the affirmative vote of four (4) members of the City Council then holding office.

**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 Carter, seconded by Commissioner Schilling, adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 2, 2005

Mayor Carter opened the floor for discussion. Council discussed the necessity for the ordinance. City Attorney Owen stated the ordinance could be changed anytime with a three-fifths vote. City Administrator Underkofler stated there was an extension to previously defined employees to include temporary employees.

Mayor Carter declared the motion carried by the following vote: NAY Commissioner Donnell, YEA Commissioner Gambill, NAY Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to adopt Ordinance 2005-5200, amending Schedule III of Chapter 74 of the Mattoon Code of Ordinances to remove stop signs on Western Avenue at 27<sup>th</sup> Street and Broadway Avenue at 12<sup>th</sup> Street.

**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2005-5200**

**AN ORDINANCE DIRECTING THE REMOVAL OF TRAFFIC CONTROL DEVICES WHERE NO LONGER WARRANTED**

**WHEREAS**, the City of Mattoon's Public Works Department and Police Department have completed traffic studies for each of the intersections in Table A, in accordance with City Ordinance No. 2003-5172; and,

**WHEREAS**, The intersections in Table A meet the criteria stated in City Ordinance No 2003-5172 for an all-way stop intersection, and the intersections in Table B fail to meet the criteria in City Ordinance No 2003-5172.

**Table A: Intersections that meet All-way Stop Criteria**

Dewitt Avenue	and	6th Street
Dewitt Avenue	and	Logan Street
Richmond Avenue	and	Logan Street
Richmond Avenue	and	14th Street
Richmond Avenue	and	15th Street

**Table B: Intersections that fail to meet All-way Stop criteria**

Western Avenue	and	27 <sup>th</sup> Street
Broadway Avenue	and	12 <sup>th</sup> Street

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

**Section 1.** The following sections of Schedule III of Chapter 74 of the City of Mattoon Code of Ordinances are hereby repealed:

(A) Where Stop Signs control the right of way at an Intersection.

2) The following intersections are all-way, four-way stop intersections:

Broadway Avenue	and	12th Street
Western Avenue	and	27th Street

**Section 2:** Schedule III of Chapter 74 of the City of Mattoon Code of Ordinances is hereby amended as follows:

4) The following intersections are two-way stop intersections:

12th Street	stops approaching	Broadway Avenue
27th Street	stops approaching	Western Avenue

**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 Hesse, seconded by Commissioner Gambill, adopted this 1st day of February, 2005, by a roll call vote, as follows:**

AYES (Names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 2, 2005

Mayor Carter opened the floor for discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling and YEA Mayor Carter.

Commissioner Hesse stated that the police department would be patrolling the area to regulate traffic. Commissioner Donnell requested that Public Works Director Wortman address the necessity for the pedestrian crossing at 33<sup>rd</sup> and Western this summer.

Commissioner Donnell seconded by Commissioner Schilling moved to adopt Resolution 2005-2574, authorizing a lease agreement with Mattoon Pride Softball, Inc. for use of real estate owned by the municipality, the former Big Four right-of-way east of the T-Ball Complex site, to construct a recreational center and gymnasium.

CITY OF MATTOON, ILLINOIS

**RESOLUTION NO. 2005-2574**

**A RESOLUTION AUTHORIZING A LEASE AGREEMENT WITH MATTOON PRIDE SOFTBALL, INC. FOR USE OF REAL ESTATE OWNED BY THE MUNICIPALITY TO CONSTRUCT A RECREATIONAL CENTER AND GYMNASIUM**

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, that the mayor and city clerk are authorized to sign a lease agreement with Mattoon Pride Softball, Inc., a copy of which is attached and incorporated herein by reference.

Upon motion by Commissioner Donnell, seconded by Commissioner Schilling, adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,  
Commissioner Hesse, Commissioner Schilling,  
Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, 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 February 2, 2005

Mayor Carter opened the floor for discussion. No Discussion.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Gambill moved to approve Council Decision Request 2005-407, reappointments of Merle Lowry, Jeff Collings, Mark Cox and Mike Hamblen to three-year terms on the Public Works Advisory Board expiring December 31, 2007.

Mayor Carter opened the floor for discussion. Council discussed the appointments to the Public Works Advisory Board, concluding with their appropriateness on the board.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Commissioner Schilling, YEA Mayor Carter.

Commissioner Hesse seconded by Commissioner Donnell moved to approve Special Ordinance 2005-1065, authorizing the City Attorney to withdraw the City of Mattoon from a class action lawsuit pending against Ford Motor Company arising from claims related to Crown Victoria Police Squad Cars presently in use by the Mattoon Police Department.

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CITY OF MATTOON, ILLINOIS

***SPECIAL ORDINANCE NO. 2005-1065***

*Substitute for Council Decision Request 2005-405*

**AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO WITHDRAW THE CITY OF MATTOON FROM A**

**CLASS ACTION LAWSUIT PENDING AGAINST FORD MOTOR COMPANY ARISING FROM CLAIMS RELATED TO CROWN VICTORIA POLICE CARS PRESENTLY IN USE BY THE MATOON POLICE DEPARTMENT**

**WHEREAS**, several police agencies have filed a class action lawsuit pending in the circuit court of St. Clair County, Illinois (St. Clair County and City of Centerville, individually and on behalf of all others similarly situated v. Ford Motor Company – 2003 L 115) seeking damages from Ford Motor Company related to product liability claims; and

**WHEREAS**, the claims allege that Ford Crown Victoria police vehicles have a safety deficiency related to rear impact collisions; and

**WHEREAS**, the Mattoon Police Department presently uses vehicles, which are the subject of this lawsuit, but Mattoon's vehicles have been altered to mitigate the alleged safety deficiency by Pilson Auto Center as directed by Ford Motor Company; and

**WHEREAS**, it has been reported that Ford Motor Company has instructed its dealers NOT to sell police vehicles to agencies involved in the class action lawsuit; and

**WHEREAS**, the Police Chief desires to acquire new Ford police vehicles at prices established by joint purchase agreement with the State of Illinois to replace vehicles that are the subject of this lawsuit.

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

**Section 1.** The City Attorney is authorized and directed to withdraw the City of Mattoon from a class action lawsuit pending against Ford Motor Company arising from claims related to Crown Victoria Police Squad Cars presently in use by the Mattoon Police Department.

**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 Hesse, seconded by Commissioner Donnell, adopted this 1st day of February, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commissioner Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 1st day of February, 2005.

/s/ David E. Carter

David E. Carter, 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 February 2, 2005

Mayor Carter opened the floor for discussion. Attorney Owen explained the status of the lawsuit as in appeals by St. Claire County. Commissioner Hesse noted that cars setting stationary which were hit from behind at 70 miles per hour could explode, and that scenario did not characterize the operations of City squad cars.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Carter.

Mayor Carter opened the floor for public discussion. No public discussion was addressed.

Mayor Carter seconded by Commissioner Donnell moved to adjourn at 7:12 p.m.

Mayor Carter declared the motion carried by the following vote: YEA Commissioner Donnell, YEA Commissioner Gambill, YEA Commissioner Hesse, YEA Mayor Carter.

/s/ Susan J. O'Brien  
City Clerk