

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 19, 2011.

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, YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Public Works Director Dean Barber, Fire Chief Tony Nichols, Police Chief Jeff Branson, and City Clerk Susan O'Brien.

Mayor Gover introduced family members in attendance.

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting July 5, 2011; Fire Department report for the month of June, 2011; bills and payroll for the first half of July, 2011 and HOME Rehab.

Bills and Payroll for the first half of July, 2011

General Fund

Payroll		\$ 246,899.48
Bills		<u>\$ 112,409.16</u>
	Total	\$ 359,308.64

Hotel Tax Fund

Payroll		\$ 2,300.40
Bills		<u>\$ 3,503.25</u>
	Total	\$ 5,803.65

Festival Management Fund

Bills		<u>\$ 56,155.49</u>
	Total	\$ 56,155.49

Insurance & Tort Judgment

Bills		<u>\$ 38,671.50</u>
	Total	\$ 38,671.50

Mid-town TIF Fund

Bills		<u>\$ 10.44</u>
	Total	\$ 10.44

Capital Project Fund

Bills		<u>\$ 25,432.28</u>
	Total	\$ 25,432.28

Water Fund

Payroll		\$ 26,846.10
Bills		<u>\$ 32,177.16</u>
	Total	\$ 59,023.26

Sewer Fund

Payroll		\$ 34,479.30
Bills		<u>\$ 70,614.79</u>

	Total	\$ 105,094.09
<u>Motor Fuel Tax Fund</u>		
Bills		\$ 29,660.91
	Total	\$ 29,660.91
<u>Health Insurance Fund</u>		
Bills		\$ 74,858.23
	Total	\$ 74,858.23

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 & COMMUNICATIONS

Mayor Gover opened the floor for other public discussion. There were no comments from the public.

Mayor Gover opened the public hearing at 6:33 p.m. in the City Hall Council Chambers on July 19, 2011 for the purpose of vacating a portion of Richmond Avenue and 16th Street and the entirety of Planters Street. Mayor Gover opened the floor for public questions. Mr. Francis Henning inquired as to the portion of Richmond Avenue to be vacated. Attorney & Treasurer Owen explained the one foot strip of the south section of Richmond Avenue at 16th Street, which is the northern boundary of the YMCA. With no further questions or comments Mayor Gover closed the public hearing at 6:34 p.m.

Police Chief Branson presented a retirement plaque to Lt. Scot Moran for more than 26 years of service with the City. Mayor Gover noted the attendance of other law enforcement agencies' officers at Lt. Moran's police department retirement celebration.

NEW BUSINESS:

Commissioner Rankin moved to adopt Special Ordinance 2011-1443, declaring Lot 37 in Lake Paradise Subdivision surplus real estate and authorizing the sale of the property by means of sealed bids. [2450 East Lake Paradise Road]

After discussion of previously declaring Lake Paradise Subdivision (Resolution 2006-2642), Commissioner Rankin withdrew his motion.

Commissioner Becker seconded by Commissioner Rankin moved to adopt Special Ordinance 2011-1444, vacating portions of Planters Avenue, Richmond Avenue and 16th Street in the City of Mattoon.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2011-1444

AN ORDINANCE VACATING A PORTIONS OF PLANTER AVENUE, RICHMOND AVENUE AND 16TH STREET IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS

WHEREAS, The City of Mattoon has heretofore presented a Petition to the City Clerk to vacate a portion of Planter Avenue, Richmond Avenue and 16th Street which Petition requests that said portions of Planter Avenue, Richmond Avenue and 16th Street be vacated by the City of Mattoon, Coles County, Illinois; and

WHEREAS, a copy of the plat of vacation is attached hereto and incorporated herein as Exhibit "A"; and,

WHEREAS, said Petition was recommended for approval at a meeting of the Mattoon Planning Commission held June 28, 2011; and,

WHEREAS, a Public Hearing on said vacation was held immediately prior to the presentation of this Special Ordinance; and,

WHEREAS, the City Council of the City of Mattoon, Coles County, Illinois, has determined that the public interest will be served by vacating said portions of Planter Avenue, Richmond Avenue and 16th Street so as to relieve the public from further burden and responsibility of maintaining the public right-of-way.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. That the portions of Planter Avenue, Richmond Avenue and 16th Street to be vacated is legally described as follows:

RICHMOND AVENUE

A part of Richmond Avenue in the Original Town of Mattoon, Coles County, Illinois more particularly described as follows:

Beginning at an iron pin with #3140 cap at the northeast corner of Lot 1 of Block 110 in the Original Town of Mattoon; thence on an assumed azimuth 270 degrees 01 minute 16 seconds along the south right-of-way line of Richmond Avenue 231.51 feet to a drill hole in concrete; thence azimuth 0 degrees 22 minutes 33 seconds 1.00 foot; thence azimuth 90 degrees 01 minute 16 seconds parallel with the south right-of-way line of Richmond Avenue 231.51 feet to the extended west right-of-way line of 16th Street; thence azimuth 180 degrees 10 minutes 46 seconds along the extended west right-of-way line of 16th Street, 1.00 foot to the Point of Beginning, and is as shown on the plat attached hereto and made a part hereof.

16TH STREET

A part of 16th Street in the Original Town of Mattoon, Coles County, Illinois more particularly described as follows:

Beginning at an iron pin with #3140 cap at the northeast corner of Lot 1 of Block 110 in the Original Town of Mattoon; thence on an assumed azimuth 180 degrees 10 minutes 46 seconds along the west right-of-way line of 16th Street 287.66 feet; thence azimuth 180 degrees 14 minutes 30 seconds continuing along said west right-of-way line of 16th Street 43.26 feet to an iron pin with #3140 cap; thence azimuth 90 degrees 18 minutes 32 seconds 1.00 foot; thence azimuth 0 degrees 14 minutes 30 seconds parallel with the west right-of-way line of 16th Street 43.26 feet; thence azimuth 0 degrees 10 minutes 46 seconds continuing parallel with said west right-of-way line of 16th Street 288.67 feet to a point 1.00 foot northerly of the extended south right-of-way line of Richmond Avenue and 1.00 foot easterly of the extended west right-of-way line of 16th Street; thence azimuth 270 degrees 01 minute 16 seconds 1.00 foot to the extended west right-of-way line of 16th Street; thence azimuth 180 degrees 10 minutes 46 seconds along the extended west right-of-way line of 16th Street 1.00 foot to the Point of Beginning, and is as shown on the plat attached hereto and made a part hereof.

PLANTERS STREET

All that part of Planters Street lying within Block 110 in the Original Town of Mattoon, Coles County, Illinois, except that part previously vacated by special ordinance No. 155 City of Mattoon 7-6-48, and is as shown on the plat attached hereto and made a part hereof.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 3. 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 Commissioner Becker, seconded by Commissioner Rankin, adopted this 19th day of July, 2011, 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 19th day of July, 2011.

/s/ Timothy D. Gover
Timothy D. 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/ J. Preston Owen
J. Preston Owen
City Attorney

Effective Date: 7-19-2011

Recorded in the Municipality's Records on July 19, 2011.

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 Ervin seconded by Commissioner Becker moved to adopt Special Ordinance 2011-1445, authorizing the sale of the surplus real estate owned by the City of Mattoon to the Mattoon Area Young Christian Men's Association (YMCA).

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2011 - 1445

**AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY
TO THE MATTOON AREA FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION**

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 property being sold is land currently leased to the Mattoon Area Family Young Men's Christian Association and is described in the plat of survey and the attached plat of vacation, which are attached hereto and incorporated herein as Exhibits "A" and "B"; and,

WHEREAS, the parcel is zoned partially C- 3, Service Commercial and partially C-4 General Commercial; and,

WHEREAS, the City Council hereby makes a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, the Mattoon Area Family Young Men's Christian Association has made an offer to purchase the property for \$175,000.00; and

WHEREAS, the Mattoon Area Family Young Men's Christian Association currently leases the property from the City of Mattoon and the Lease contains a provision allowing the YMCA to purchase the property during the term of the lease; and

WHEREAS, Stan Gordon of Gordon Appraisal Service, Inc., a State Certified General Real Estate Appraiser, determined \$195,000.00 was the fair market value of the real estate as of June 21, 2011 and the appraisal is available in the Mattoon City Clerk's office for inspection.

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

Section 1. Recitals. 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. The City Attorney is authorized to prepare closing documents in the standard form for real estate transactions and the Mayor and City Clerk are authorized to sign documents conveying by a Warranty Deed fee simple title to the real estate described in Section 3 of this ordinance to the Mattoon Area Family Young Men's Christian Association subject to a payment in the amount of \$175,000.00 and the payment of the cost of the survey and title work. All leases and any other agreements between the City and the Mattoon Area Family Young Men's Christian Association regarding the property shall terminate effective on the closing on the real estate transaction with the City and Mattoon and Mattoon Area Family Young Men's Christian Association to execute a release in a proper form.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Part of Block 110 in the Original Town of Mattoon and part of the former St. Louis, Alton and Terre Haute Railroad right-of-way, all located in the City of Mattoon, Coles County, Illinois, more particularly described as follows:

Beginning at an iron pin with #3140 cap at the northeast corner of Lot 1 of Block 110 in the Original Town of Mattoon; thence on an assumed azimuth 180 degrees 10 minutes 46 seconds along the west right-of-way line of 16th Street 287.66 feet; thence azimuth 180 degrees 14 minutes 30 seconds continuing along the said west right-of-way line of 16th Street 43.26 feet to an iron pin with #3140 cap; thence azimuth 270 degrees 18 minutes 32 seconds along a line parallel with and 30.00 feet perpendicular distance southerly of the south wall of the YMCA Building 295.28 feet to an iron pin with #3140 cap; thence azimuth 0 degrees 17 minutes 06 seconds 146.01 feet to an iron pin with #3140 cap; thence azimuth 90 degrees 17 minutes 44 seconds 62.92 feet to an iron pin with #3140 cap; thence azimuth 0 degrees 22 minutes 33 seconds 183.73 feet to a drill hole in concrete on the south right-of-way line of Richmond Avenue; thence azimuth 90 degrees 01 minute 16 seconds along the south right-of-way line of Richmond Avenue 231.51 feet to the Point of Beginning containing 1.970 acres, more or less, and is as shown on the plat attached hereto and made a part hereof.

And

A part of Richmond Avenue in the Original Town of Mattoon, Coles County, Illinois more particularly described as follows:

Beginning at an iron pin with #3140 cap at the northeast corner of Lot 1 of Block 110 in the Original Town of Mattoon; thence on an assumed azimuth 270 degrees 01 minute 16 seconds along the south right-of-way line of Richmond Avenue 231.51 feet to a drill hole in concrete; thence azimuth 0 degrees 22 minutes 33 seconds 1.00 foot; thence azimuth 90 degrees 01 minute 16 seconds parallel with the south right-of-way line of Richmond Avenue 231.51 feet to the extended west right-of-way line of 16th Street; thence azimuth 180 degrees 10 minutes 46 seconds along the extended west right-of-way line of 16th Street, 1.00 foot to the Point of Beginning, and is as shown on the plat attached hereto and made a part hereof.

And

A part of 16th Street in the Original Town of Mattoon, Coles County, Illinois more particularly described as follows:

Beginning at an iron pin with #3140 cap at the northeast corner of Lot 1 of Block 110 in the Original Town of Mattoon; thence on an assumed azimuth 180 degrees 10 minutes 46 seconds along the west right-of-way line of 16th Street 287.66 feet; thence azimuth 180 degrees 14 minutes 30 seconds continuing along said west right-of-way line of 16th Street 43.26 feet to an iron pin with #3140 cap; thence azimuth 90 degrees 18 minutes 32 seconds 1.00 foot; thence azimuth 0 degrees 14 minutes 30 seconds parallel with the west right-of-way line of 16th Street 43.26 feet; thence azimuth 0 degrees 10 minutes 46 seconds continuing parallel with said west right-of-way line of 16th Street 288.67 feet to a point 1.00 foot northerly of the extended south right-of-way line of Richmond Avenue and 1.00 foot easterly of the extended west right-of-way line of 16th Street; thence azimuth 270 degrees 01 minute 16 seconds 1.00 foot to the extended west right-of-way line of 16th Street; thence azimuth 180 degrees 10 minutes 46 seconds along the extended west right-of-way line of 16th Street 1.00 foot to the Point of Beginning, and is as shown on the plat attached hereto and made a part hereof

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 Ervin, seconded by Commissioner Becker, adopted this 19th day of July, 2011, 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 19th day of July, 2011.

/s/ Timothy D. Gover
Timothy D. 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/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 07-19, 2011.

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 Becker seconded by Commissioner Ervin moved to adopt Special Ordinance 2011-1446, approving a Cross Easement Agreement between the City of Mattoon and Mattoon Area Young Christian Men's Association (YMCA) for the use of walking, parking, and driving areas.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2011-1446

AN ORDINANCE AUTHORIZING A CROSS EASEMENT AGREEMENT BETWEEN THE CITY OF MATTOON AND MATTOON AREA FAMILY YOUNG MEN'S CHRISTIAN ASSOCIATION.

WHEREAS, the City of Mattoon (City) has constructed a parking lot between Broadway Avenue and the new Mattoon Area Family Young Men's Christian Association (YMCA) building for the general public use, including the use by the YMCA, and has constructed a detention area to the west of the new YMCA building; and,

WHEREAS, the YMCA has constructed a new building on the property it is purchasing from the City; and,

WHEREAS, the City and YMCA desire to memorialize their agreement for the use of the parking facilities and other uses for both parcels, and;

WHEREAS, the form of the Cross Easement Agreement is attached hereto as Exhibit "A" and incorporated in this Special Ordinance by this reference.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION, as follows:

Section 1. The Mayor and City Clerk are hereby authorized to execute the Cross Easement Agreement.

Section 2. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Becker, seconded by Commissioner Ervin, adopted this 19th day of July, 2011, 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 19th day of July, 2011.

/s/ Timothy D. Gover
Timothy D. 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/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on August 2, 2011.

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.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR- reported to the Council on Police mediation and upcoming AFSCME negotiations, "Our Town" spot on WCIA, TIF activities, IML work including speaker and moderator at the Annual Conference, and research for labor negotiations. Administrator McLaughlin opened the floor for questions with no responders.

ATTORNEY & TREASURER- reported preparations for audit.

CITY CLERK- noted work on reports and business as usual.

PUBLIC WORKS- presented a status report on the Southside Drainage Project, YMCA Parking Lot, Spillway Repairs, upcoming Progress Square plans, and YMCA/Depot storm alley pipe. Mayor Gover opened the floor for questions with no responders.

COMMUNITY DEVELOPMENT-updated the Council on nuisance enforcement, three variance requests, and other basic permits. Commissioner Ervin inquired on the Red Roof Inn and Farm on the corner of Old State Road/Route 45. Coordinator Gill stated a notice was sent to owner of Red Roof Inn and the Farm was outside the City limits. Mayor Gover opened the floor for additional questions without responders.

FIRE-reported on training, fire extinguisher demonstrations, daycare tours, extrication training, airport coverage, Zoll monitor representative visit, Bagelfest preparations, standby efforts at Mattoon Junior Football League, and nuisance enforcements. Mayor Gover opened the floor for questions with no responders.

POLICE-reported on assistance with other government agencies, thanked Lake Land College for their assistance during the busy weekend, preparation for Bagelfest, and noted a blood drive on August 3rd. Mayor Gover opened the floor for questions with no responders.

COMMENTS BY THE COUNCIL

Commissioners Becker, Ervin, Hall, and Rankin had no comments. Mayor Gover opened the floor for any questions of the Council or management staff with no responders.

Mayor Gover seconded by Commissioner Hall moved to recess at 6:51 p.m. to closed session pursuant to the Illinois Open Meetings Act for the purpose of the discussion of 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); setting of a price for sale or lease of property owned by City (5 ILCS 120(2)(c)(6); purchase or lease of real property (5 ILCS 120(2)(c)(5)), and collective bargaining negotiating matters (5 ILCS 120/2(c)(2)).

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.

Council reconvened at 8:16 p.m.

Mayor Gover seconded by Commissioner Ervin moved to approve Council Decision Request 2011-1232, approving the release of all Executive Session minutes from May 3, 1991 through June 30, 2011, except for May 3, 16, 23, 1991; October 14, 20, 2009; May 18, 2010; September 7, 2010; January 18, 2011; February 22, 2011; April 12, 2011; May 3, 17, 2011; June 7, 2011 and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: July 7, 13, 21, 2009; August 4, 24, 2009; September 2, 14, 15, 28, 29, 30, 2009; October 6, 2009; November 17, 20, 23, 2009; December 7, 8, 14, 15, 21, 2009.

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 Hall seconded by Commissioner Rankin moved to adjourn at 8:17 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