

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on July 21, 2009.

Mayor David W. Cline presided and called the meeting to order at 6:30 p.m.

Mayor Cline led the Pledge of Allegiance.

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

Also physically present were City personnel: Interim City Administrator John Kolata, Community Development Coordinator Kyle Gill, Police Chief David Griffith, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Water Treatment Plant Superintendent Jim Lang, and City Clerk Susan O'Brien. Ms. Janett Winter-Black was acting City Attorney.

Mayor Cline introduced Mr. John Kolata as Interim City Administrator.

Mayor Cline seconded by Commissioner Rankin moved to approve the consent agenda consisting of minutes of the regular meeting July 7, 2009 & special meeting July 13, 2009; payroll and bills for the first half of July, 2009; and revenue and finance reports.

### **Bills and payroll for the first of July, 2009**

<b><u>General Fund</u></b>		
Payroll		\$ 279,038.18
Bills		<u>\$ 100,073.80</u>
	Total	\$ 379,111.98
<b><u>Hotel Tax Fund</u></b>		
Payroll		\$ 2,397.58
Bills		<u>\$ 83.15</u>
	Total	\$ 2,480.73
<b><u>Festival Management</u></b>		
Bills		<u>\$ 330.00</u>
	Total	\$ 330.00
<b><u>Insurance &amp; Tort Judgment</u></b>		
Bills		<u>\$ 6,300.50</u>
	Total	\$ 6,300.50
<b><u>Capital Project</u></b>		
Bills		<u>\$ 502,284.36</u>
	Total	\$ 502,284.36
<b><u>Mall Business District</u></b>		
Bills		<u>\$ 25,250.00</u>
	Total	\$ 25,250.00
<b><u>Water Fund</u></b>		
Payroll		\$ 38,264.90
Bills		<u>\$ 76,896.23</u>
	Total	\$ 115,161.13
<b><u>Sewer Fund</u></b>		
Payroll		\$ 35,493.55
Bills		<u>\$ 341,098.40</u>
	Total	\$ 376,591.95
<b><u>Cemetery Fund</u></b>		
Payroll		\$ 4,820.39
Bills		<u>\$ 1,003.79</u>
	Total	\$ 5,824.18

**Health Insurance**

Bills		\$	65,551.59
	Total	\$	65,551.59

**Motor Fuel Fund**

Bills		\$	4,824.78
	Total	\$	4,824.78

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

Commissioner Hall commented on Bagelfest’s attendance of 7,500 attendees of Saturday’s concert, well-attended parade, good weather, and overall great weekend for Bagelfest.

Mrs. Jackie Record commented on a mural uncovered during the Depot renovation, and stated the renovation was progressing rapidly.

Mr. Mike Murray of the non-profit Coles County Health program presented information and requested moral and financial support regarding Coles Community Clinic, which would provide healthcare for the underserved in our county and would be located north of the Lifelinks Center. Dr. Robert Good of the Carle Foundation added the proposed clinic would partner with Community Health Center of Decatur.

There was no further non-agenda discussion.

Administrator Kolata reviewed the Council agenda items with Department Heads’ and Council’s comments.

Mayor Cline seconded by Commissioner Rankin moved to approve Council Decision Request 2009-991, approving the promotion of Troy Hooker to Lead Maintenance Worker - Water Distribution in the Public Works Department, effective July 22, 2009.

Mayor Cline called for comments. No additional comments.

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

Mayor Cline seconded by Commissioner Gover moved to adopt Special Ordinance 2009-1347, granting a special use for the selling of manufactured mobile homes located on individual lots of Lakeland Estates, presently zoned R3.

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2009-1347**

**AN ORDINANCE GRANTING A SPECIAL USE FOR THE SELLING OF MANUFACTURED MOBILE HOMES LOCATED ON INDIVIDUAL LOTS OF LAKELAND ESTATES, IN A R3, MULTIPLE FAMILY DISTRICT.**

**WHEREAS**, Larry Winkler, President of WINKLER INVESTMENTS, INC. the owner of the following described property:

The North 660 feet of the West 300 feet of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Two (2), Township Eleven (11) North, Range Seven (7) East of the Third Principal Meridian, Coles County, Illinois, containing 4.55 acres, more or less; AND

The South 702.5 feet of the North 1362.5 feet of the West 310 feet of the East Half (E1/2) of the Northeast Quarter (NE1/4) of Section Two (2), Township Eleven (11) North, Range Seven (7) East of the Third Principal Meridian, Coles County, Illinois, containing 5 acres, more or less.

The above description is not contiguous with existing survey monumentation on the ground. The parcel of land remaining within the existing survey monumentation on the ground is more particularly described as follows:

A part of the East One-half (E1/2) of the Northeast Quarter (NE1/4) of Section Two (2), Township Eleven (11) North, Range Seven (7) East of the Third Principal Meridian, described as follows:

Beginning at an existing concrete monument marking the Northwest Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Two (2); thence on an assumed azimuth 180°14'18" along the West line of the East Half (E1/2) of the Northeast Quarter (NE1/4) of said Section Two (2) a distance of 1324.39 feet (1362.5 feet recorded) to an existing iron pipe; thence azimuth 89°04'12" a distance of 309.83 feet (310 feet recorded) to an existing concrete monument; thence azimuth 0°14'07" a distance of 664.52 feet (702.5 feet recorded) to an iron pin tagged #1844; thence azimuth 269°02'50" a distance of 9.88 feet; thence azimuth 0°17'49" a distance of 655.09 feet (660 feet recorded) to an existing iron pin tagged #2645; thence azimuth 269°59'03" a distance of 300.53 feet (300 feet recorded) to the point of beginning containing 9.256 acres, all situated in Paradise Township, Coles County, Illinois.

Commonly known as 4808 Paradise Road, Mattoon,

has filed a petition with the City Clerk's Office of the City of Mattoon, requesting that said premises to be granted a special use for the lawful right to sell manufactured mobile homes, located on individual lots of said premises in accordance with the State of Illinois; and

**WHEREAS**, said premises is zoned R3, Multiple Family District which does not allow the sales of manufactured mobile homes; and

**WHEREAS**, the mobile home park owns homes inside the park and from time to time will sell a home; and

**WHEREAS**, both the Planning Commission for the City of Mattoon, Coles County, Illinois, and the Zoning Board of Appeals for the City of Mattoon, Coles County, Illinois, have recommended that the requested special use permit be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve a special use permit for the selling of manufactured mobile homes, located on individual lots of Lakeland Estates.

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

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a special use permit for lawful right to sell mobile homes, located on individual lots.

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

**Section 3.** This ordinance shall be effective upon its approval as provided by law.

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

Upon motion by Mayor Cline, seconded by Commissioner Gover, adopted this 21st day of July, 2009, by a roll call vote, as follows:

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

NAYS (Names): None  
ABSENT (Names): Commissioner Ervin

Approved this 21st day of July, 2009.

/s/David W. Cline  
David W. Cline, 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 July 22, 2009.

Mayor Cline called for comments. No additional comments.

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

Mayor Cline seconded by Commissioner Hall moved to approve Council Decision Request 2009-992, ratifying the replacement of Ivan Croy with Rick Otto on the Zoning Board of Appeals as nominated by Mayor Cline for a term of five years, expiring 04/30/2014.

Mayor Cline called for comments. No additional comments.

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

Commissioner Hall seconded by Commissioner Rankin moved to adopt Special Ordinance 2009-1348, authorizing the Mayor and City Clerk to sign an agreement with Coles County Airport Authority, terminating a previous lease agreement and dedicating a portion of its water system.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2009 - 1348**

**A SPECIAL ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK  
TO SIGN AN AGREEMENT WITH COLES COUNTY AIRPORT AUTHORITY**

**WHEREAS**, the Coles County Airport Authority and City entered into a Lease Agreement on the 24<sup>th</sup> day of July 2001 for the property known as the airport fire station; and,

**WHEREAS**, the City desires to terminate said Lease Agreement earlier than the timeframe allowed in said Lease Agreement; and,

**WHEREAS**, the Authority desires to dedicate to City a portion of its water system; and,

**WHEREAS**, the Authority and City wish now to jointly terminate said Lease Agreement and make arrangements for the Authority to dedicate part of its water system to City and they desire to memorialize the terms of said termination by a new Agreement.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, A MUNICIPAL CORPORATION**, 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 Special Ordinance.

**Section 2.** The Mayor and City Clerk are authorized and directed to sign the attached Agreement with Coles County Airport Authority.

**Section 3.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Upon motion by Commissioner Hall, seconded by Commissioner Rankin, adopted this 21<sup>st</sup> day of July, 2009, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Ervin

Approved this 21<sup>st</sup> day of July, 2009.

/s/ David W. Cline  
David W. Cline, 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 July 22, 2009.

Mayor Cline called for comments. No additional comments.

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

Commissioner Gover seconded by Commissioner Hall moved to approve Council Decision Request 2009-993, authorizing the Mayor to sign Change Order #5 with Grunloh Construction in the amount of \$6,157.22 for the Depot Project, regarding molding for the windows.

Mayor Cline called for comments. Mayor Cline stated the historical portion of the window molding was to be replaced.

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

Commissioner Rankin seconded by Commissioner Gover moved to approve Council Decision Request 2009-994, awarding the bid for the tuckpointing of the Public Works Building located at 216 N. 12<sup>th</sup> Street; and authorizing the Mayor to sign a contract with C and S Masonry from Winchester, Illinois in the amount of \$11,379.00.

Mayor Cline called for comments. Administrator Kolata inquired if references were checked with Mayor Cline answering affirmatively.

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

Commissioner Rankin seconded by Commissioner Hall moved to approve Council Decision Request 2009-995, approving the request for proposals and authorizing the solicitation of competitive bids for skate park equipment.

Mayor Cline called for comments. No additional comments.

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

Mayor Cline seconded by Commissioner Gover moved to recess to closed session at 7:02 p.m. pursuant to the Illinois Open Meetings Act the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); and discussion of minutes of meeting lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)).

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

Council reconvened at 7:34 p.m.

Mayor Cline seconded by Commissioner Gover moved to approve Special Ordinance 2009-1349, approving employment contracts with City Clerk, City Attorney & Treasurer, Director of Information Technology, Community Development Coordinator, Police Chief, Deputy Police Chiefs, Public Works Director, Public Works Superintendent, Transportation Manager, Water & Wastewater Plant Superintendents, Parks Superintendent, and Tourism Director.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009-1349**

**AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENTS OF  
JEFFREY M. BRANSON, ANGELIA D. BURGETT, TIM DAILY, KYLE GILL, DAVID L. GRIFFITH, CHRIS  
HARTBANK, BRIAN P. JOHANPETER, JIM LANG, SUSAN O'BRIEN, J. PRESTON OWEN, RICK PINNELL,  
KURT STRETCH, ADAM J. WEINSTOCK, AND DAVID WORTMAN FOR MANAGERIAL POSITIONS**

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

**Section 1.** The City Council hereby approves an Employment Agreements with:

Jeffrey M. Branson for the position of Deputy Police Chief; and  
Angelia Burgett for the position of Tourism Director, and  
Tim Daily for the position of Transportation Manager, and  
Kyle Gill for the position of Community Development Coordinator, and  
David Griffith for the position of Police Chief, and  
Chris Hartbank for the position of Public Works Superintendent, and  
Brian Johanpeter for the position of Information Technology Director, and  
Jim Lang for the position of Water Treatment Plant Superintendent, and  
Susan O'Brien for the position of City Clerk, and  
J. Preston Owen for the position of City Attorney & Treasurer, and  
Rick Pinnell for the position of Waste Water Treatment Plant Superintendent, and  
Kurt Stretch for the position of Parks Superintendent, and  
Adam J. Weinstock for the position of Deputy Police Chief, and  
David Wortman for the position of Public Works Director,

a copy of which is attached hereto and incorporated herein by reference.

**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 Cline, seconded by Commissioner Gover, adopted this 21<sup>st</sup> day of July, 2009, by a roll call vote, as follows:

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

Approved this 21<sup>st</sup> day of July, 2009.

/s/ David W. Cline  
David W. Cline, 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 July 22, 2009.

Mayor Cline called for comments. No additional comments.

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

Commissioner Gover seconded by Commissioner Rankin moved to adopt Special Ordinance 2009-1350, establishing the 2009/2010 Compensation Plan for management employees of the municipality.

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**CITY OF MATTOON, ILLINOIS**  
**SPECIAL ORDINANCE NO. 2009 - 1350**

**AN ORDINANCE ESTABLISHING THE 2009 - 2010 COMPENSATION PLAN FOR THE MANAGEMENT EMPLOYEES OF THE MUNICIPALITY**

**WHEREAS**, negotiations have resulted in ratified agreements with the three collective bargaining agents that represent employees of the municipality that provide an average of three percent (3%) pay increases at the beginning of each fiscal year beginning May 1, 2006 and ending April 30, 2010; and,

**WHEREAS**, each of these collective bargaining agreements provide that City Council will amend its ordinances consistent with terms of the collective bargaining agreements; and,

**WHEREAS**, the Council has previously passed a Special Ordinance giving the non-union and non-management employees of the City a three percent (3%) pay increase as of May 1, 2009.

**WHEREAS**, the time is now appropriate to also establish rates of pay for the management employees effective with the fiscal year that begins May 1, 2009.

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

**Section 1.** Management employees assigned to positions identified on the Schedule of Confidential & FLSA Exempt Supervisory & Management Positions (with the exception of the City Attorney and Treasurer and the Public Works Director) shall receive a salary increase of 3% as outlined in Appendix A effective May 1, 2009.

**Section 2.** To the extent this ordinance conflicts with prior ordinances establishing a compensation plan for the City's employees, the prior ordinances shall control except where specifically amended by this ordinance.

**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 Gover, seconded by Commissioner Rankin, adopted this 21st day of July, 2009, by a roll call vote, as follows:

AYES (Names): Commissioner Gover, Commissioner Rankin,  
Mayor Cline

NAYS (Names): Commissioner Hall

ABSENT (Names): Commissioner Ervin

Approved this 21st day of July, 2009.

s/ David W. Cline  
David W. Cline, 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 July 22, 2009.

Mayor Cline called for comments. Commissioner Hall stated his concerns for an "arbitrary increase" for management personnel.

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

Mayor Cline seconded by Commissioner Hall moved to approve Council Decision Request 2009-996, authorizing the release of all Executive Session minutes from May 3, 1991 through June 30, 2009, except for May 3, 16, 23, 1991; September 5, 2006; November 7, 2006; December 5, 19, 2006; January 15, 2008; February 19, 2008; February 17, 2009; April 9, 21, 2009; May 5, 19, 2009; June 2, 9, 16, 24, 30, 2009; and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: July 3, 17, 2007; August 7, 21, 2007; September 18, 2007; October 2, 16, 2007; November 6, 13, 2007.

Mayor Cline called for comments. No additional comments.

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

Commissioner Hall seconded by Commissioner Gover moved to adjourn at 7:38 p.m.

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

/s/ Susan J. O'Brien  
City Clerk