

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 15, 2005 at 7:03 p.m.

Mayor Carter presiding.

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.

Also in attendance were City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Fire Chief Bruce Grafton, Utilities Superintendent Chris Hartbank, Streets Superintendent Mike Dow, Community Coordinator Kyle Gill, Chief Wastewater Operator Rick Pinnell, and City Clerk Susan O'Brien.

Commissioner Schilling seconded by Commissioner Donnell moved to approve the minutes of the regular meeting March 1, 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 Donnell seconded by Commissioner Gambill moved to approve the Department Reports of the Fire Department for the month of February and Zoning Board of Appeals for January 4, January 18, and February 15, 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 Gambill moved to approve the bills & payroll for the first half of March, 2005.

Bills and Payroll for the first half of March

General Fund

Payroll		\$	210,696.70
Bills		\$	<u>58,491.95</u>
	Total	\$	269,188.65

Hotel Tax Fund

Payroll		\$	1,367.23
Bills		\$	<u>17,373.26</u>
	Total	\$	18,740.49

Festival Management Fund

Bills		\$	<u>37,685.00</u>
	Total	\$	37,685.00

Insurance & Tort Judgment

Bills		\$	<u>289,780.02</u>
	Total	\$	289,780.02

Midtown TIF

Bills		\$	<u>7,450.73</u>
	Total	\$	7,450.73

Capital Project

Bills		\$	<u>7,238.50</u>
	Total	\$	7,238.50

Water Fund

Payroll		\$	30,268.27
Bills		\$	<u>26,180.90</u>

	Total	\$ 56,449.17
<u>Sewer Fund</u>		
Payroll		\$ 37,051.99
Bills		<u>\$ 53,313.47</u>
	Total	\$ 90,365.46
<u>Cemetery Fund</u>		
Payroll		\$ 2,188.44
Bills		<u>\$ 74.53</u>
	Total	\$ 2,262.97
<u>Motel Fuel Tax Fund</u>		
Bills		<u>\$ 76,796.13</u>
	Total	\$ 76,796.13
<u>Health Insurance Fund</u>		
Bills		<u>\$ 84,676.15</u>
	Total	\$ 84,676.15

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 Donnell moved to approve expenditures for the Mattoon HOME GRANT Housing Rehabilitation Project.

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 Special Ordinance 2005-1069, granting a variance from 30% intensity of use requirements in the Zoning Ordinance to enable construction of an addition to a single family residential dwelling unit on Lot 6, Block 7, Replat of Willowshire Subdivision a/k/a 912 South 36th Street. (Gary & Karen Louthan, Applicants)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1069

AN ORDINANCE GRANTING A VARIANCE FROM THE THIRTY (30) PERCENT INTENSITY OF USE TO ENABLE CONSTRUCTION OF AN ADDITION TO THE HOUSE 912 SOUTH 36TH STREET

WHEREAS there has been filed a written Petition by Gary L. Louthan and Karen J. Louthan for a variance, respecting the property legally described as:

Lot Six (6) in Block Seven (7) of Willowshire Replat to City of Mattoon, Coles County, Illinois, commonly known as 912 South 36th Street, Mattoon, Illinois.

WHEREAS, said petition requests that a variance be granted pursuant to applicable ordinances of the municipality to allow an increase of lot intensity not to exceed thirty-five (35) percent for construction of an addition to the house; and

WHEREAS the zoning code allows thirty (30) percent lot intensity on an interior lot in R1 Single Family Residence Zoning District; and

WHEREAS the Board of Zoning Appeals held a properly noticed public hearing on March 1, 2005 regarding petitioners' request for said variance; 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 variance be granted; and

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that the recommended variance is in the public interest.

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

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted a variance from the thirty (30) percent intensity of use, but not to exceed thirty-five (35) percent, to enable construction of an addition to the house at 912 South 36th Street.

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 Carter, seconded by Commissioner Schilling, adopted this 15th day of March, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Donnell, Commission Gambill,

Commissioner Hesse, Commissioner Schilling,

Mayor Carter

NAYS (Names): None

ABSENT (Names): None

Approved this 15th day of March, 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 O’Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality’s Records on March 16, 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 Gambill moved to adopt Special Ordinance 2005-1070, authorizing a special use permit for a church in Section 11, Township 12, Range 7 a/k/a 900 North 33rd Street. (Rev. Gerald L Swords for Fresh Start Church of Mattoon, Applicant)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1070

AN ORDINANCE, GRANTING A SPECIAL USE ALLOWING THE OPERATION OF A CHURCH, FOR RELIGIOUS, EDUCATIONAL AND RECREATIONAL ACTIVITIES, AT 900 NORTH 33rd STREET.

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 16, 2005.

Mayor Carter opened the floor for discussion. Coordinator Kyle Gill reported no objectors at the Zoning Board of Appeals meeting.

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 2005-1071, accepting a \$5,700 Section 319 conservation grant from the Illinois Environmental Protection Agency for propagating and planting aquatic plant seedlings to help stabilize shoreline and enhance water quality at Lake Paradise.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1071

AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY FOR A \$5,700 SECTION 319 CONSERVATION GRANT FOR PROPAGATING AND PLANTING AQUATIC PLANT SEEDLINGS TO HELP STABILIZE SHORELINE AND ENHANCE WATER QUALITY AT LAKE PARADISE

WHEREAS, Special Ordinance No. 2004-1021 adopted on February 3, 2004 authorized a \$300,000 grant agreement with the Illinois Environmental Protection Agency (IEPA) to assist with the cost of a \$815,000 "Clean Lakes Project" at Lake Paradise for sediment retention, wetland development, shoreline enhancement, septic system inspection, fish crib installation, an educational program and a post-restoration monitoring report; and

WHEREAS, Special Ordinance No. 2004-1036 adopted on July 7, 2004 authorized a second IEPA \$250,00 Section 319 grant agreement for a wetlands restoration component of the Clean Lakes Project; and

WHEREAS, now comes IEPA with a third grant offer for a \$5,700 Section 319 grant for propagating and planting aquatic plant seedlings to help stabilize shoreline and enhance water quality at Lake Paradise; and

WHEREAS, this grant will reduce the local matching share of the \$815,000 "Clean Lakes Project" to be expended over a term of eight years from \$515,000 to \$259,300; and,

WHEREAS, this grant requires execution of an agreement whereby the City must agree with terms and conditions of the grant.

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

Section 1. The mayor is authorized to sign grant agreement with the Illinois Environmental Protection Agency, a copy of which is attached hereto and incorporated herein by reference.

Section 2. The budget for the "Lake Paradise Phase II Implementation Project" is hereby amended by the addition of \$5,700 from IEPA Grant #25005 to supplement \$300,000 anticipated from IEPA Grant #23011, \$250,000 from IEPA Grant #3190120 and revenues received from supplying water from Lake Mattoon to Reliance Energy to underwrite the \$815,000 expenditures allocable to this project.

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 15th day of March, 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 15th day of March, 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 O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 16, 2005.

Mayor Carter opened the floor for discussion. Director Wortman discussed the grant money received, the effect on the north end and shallow parts, and revenues from Reliant Energy.

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 adopt Resolution 2005-2579, revising the prior appropriation of STU and Motor Fuel Tax Funds for the overlay of 9th Street, 27th Street, Richmond Avenue, DeWitt Avenue.

RESOLUTION 2005-2579

Resolution for Improvement by Municipality Under
The Illinois Highway Code

BE IT RESOLVED, by the Council of the City of Mattoon Illinois that the following described street(s) be improved under the Illinois Highway Code:

Name of Thoroughfare	Route	From	To
43 rd Street	FAU7681	Railroad South of IL 121	Southern City limits
27 th Street	FAU7686	Marshall Avenue	Essex Avenue
9 th Street	FAU7698	Charleston Avenue	Southern City limits
Richmond Avenue	FAU 7669	12 th Street	21 st Street
DeWitt Avenue	FAU 7666	10 th Street	14 th Street

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Bituminous surfacing or resurfacing and patching with adjustment of manhole lids and water valves, crack routing and sealing, aggregate shoulders, pavement markings, and traffic control and shall be constructed varying length wide and be designated as Section 05-00128-00-RS.
2. That there is hereby appropriated the sum of One Hundred Five Thousand Dollars (\$105,000.00) for the improvement of said section from the municipality's allotment of Motor Fuel Tax funds.
3. That work shall be done by contract; and,

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

I, City Clerk in and for the City of Mattoon, County of Coles, hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the Council at a meeting on March 15, 2005. IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

16th day of March, 2005.

/s/ Susan J. O'Brien
City Clerk

Mayor Carter opened the floor for discussion. Commissioner Hesse and Director Wortman discussed the appropriation of \$100,000 MFT as matching funds with work to commence this summer after the bridge project is complete and before school starts, the determination of which street to be paved, and discussions with school representatives.

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 Resolution 2005-2581, authorizing an extension of a 1985 water service agreement with R. R. Donnelley & Sons Company until May 15, 2005 when water rates shall increase to rates established for all other water customers located outside the city limits.

CITY OF MATTOON, ILLINOIS
RESOLUTION 2005-2581

A RESOLUTION AUTHORIZING AN EXTENSION OF A 1985 WATER SERVICE AGREEMENT WITH R.R. DONNELLEY & SONS COMPANY UNTIL MAY 15, 2005 WHEN WATER RATES SHALL INCREASE TO RATES ESTABLISHED FOR ALL OTHER COMMERCIAL WATER CUSTOMERS LOCATED OUTSIDE THE CITY LIMITS

WHEREAS, by Resolution 85-1543 adopted September 3, 1985 the City Council ratified an Agreement to furnish treated water to R. R. Donnelley & Sons Company, a copy of which is attached and incorporated herein by reference; and,

WHEREAS, the Agreement provided for an initial schedule of water rates based upon a minimum charge and monthly consumption; and

WHEREAS, the Agreement provided that subsequent rates would increase or decrease depending upon water rate ordinance of the City; and

WHEREAS, Donnelley's water rates were increased over the term of the Agreement, but not by the amount prescribed by the water rate ordinances of the City; and

WHEREAS, the term of this Agreement was for 19.5 years expiring on March 19, 2005; and

WHEREAS, a majority of City Council deems it to be in the public interest for water rate of this customer to be equivalent to rates established by ordinance for all other commercial water customers located outside the City limits.

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

Section 1. The findings made in the prefatory portion of this Resolution are hereby adopted.

Section 2. An extension of a 1985 water service agreement with R. R. Donnelley & Sons Company is hereby approved until May 15, 2005 when water rates shall increase to rates established for all other commercial water customers located outside the city limits.

Upon motion by Commissioner Gambill, seconded by Commissioner Donnell, adopted this 15th day of March, 2005, by a roll call vote, as follow:

AYES: Commissioner Donnell, Commissioner Gambill,
Commissioner Hesse, Commissioner Schilling
NAYS Mayor Carter
ABSENT None

Approved this 15th Day of March, 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 3/16/2005

Mayor Carter opened the floor for discussion. Mayor Carter elaborated on his discontentment with extending the water service agreement and would not support subsidizing the rates. Commissioner Donnell explained the reasons R. R. Donnelley & Sons Company gave for the request and the creation of more jobs. AFSCME Local #3821 President Tim Spidle noted the lack of adjustments for citizens requesting billing adjustments. Commissioner Schilling stated the City had assistance programs and would set up payment plans, and protected other rate payers.

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

Commissioner Hesse seconded by Commissioner Donnell moved to approve Council Decision Request 2005-415, authorizing a \$100,880 expenditure with Landmark Ford of Springfield to replace four marked police patrol vehicles and one unmarked command vehicle at prices established by the state joint purchase agreement.

Mayor Carter opened the floor for discussion. Mayor Carter inquired about following the purchasing plan. Commissioner Hesse answered affirmatively.

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 Schilling moved to approve Council Decision Request 2005-416, approving the appointment of Scott L. Robison to an entry-level police officer position effective March 16, 2005 as recommended by the Board of Fire & Police Commissioners.

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 Schilling moved to approve Council Decision Request 2005-417, approving the appointment of Jeffrey D. Standard to an entry-level police officer position effective March 21, 2005 as recommended by the Board of Fire & Police Commissioners.

Mayor Carter opened the floor for discussion. Council with input from Chief Metzelaars discussed the need for more manpower, the process started last August, the testing of candidates, and the staffing levels.

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 Schilling moved to approve Council Decision Request 2005-418, approving the promotion of Eric Finley, Brian Jacobs and Adam Weinstock to Lieutenant positions and Jason Cobb, Ronald Bateman and Tim St. John to Sergeant positions in the Police Department effective March 28, 2005 as recommended by the Board of Fire & Police Commissioners.

Mayor Carter opened the floor for discussion. Mayor Carter clarified the need for three more police officers. Commissioner Hesse confirmed that number.

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 Council Decision Request 2005-419, reporting

proposals received and authorizing the mayor to accept a proposal from Maximus, Inc. for the appraisal of property owned by the municipality to establish limits of property insurance coverage and to acquire a software license for updating asset values.

Mayor Carter opened the floor for discussion. Commissioner Hesse and Mayor Carter inquired as to the fiscal note and insurer suggestion. Administrator Underkofler answered with a fiscal note of \$15,700 first year and that the property insurance provider suggested the utilization of appraisals.

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 opened the floor for public discussion regarding the Lake Paradise lease agreements. City Administrator Underkofler read with the consent of Lake Paradise representative Jeff Eaton the summary of the topic as follows:

“5. Proceed with plans to offer 50-year leases of land on the East side of Lake Paradise that is not necessary for public recreational use. Lease rates will be based upon (a) representative appraised values, but not less than current lease revenue; plus (b) an amount necessary to recover the Water Fund’s \$93,000 costs for the subdivision plat over a term of 10 years and (c) an annual assessment up to \$100 for maintaining roads, maintaining common areas, correcting drainage conditions, abatement of nuisances, disposal of garbage or debris or for other purposes necessary to maintain desirable living conditions. Offer a discount lease rate for incumbent low-income lessees that would accelerate to the market rate on assignment to a successor lessee.

6. Provide an option for Lake Paradise lessees to pre-pay rent for the entire 50-year term of the lease based upon the appraised value of the parcel in lieu of an annual rent increase based upon the CPI. Restrict proceeds from such pre-payments for upgrading subdivision roads.

The Public Works Advisory Board approved subcommittee recommendations for changes to earlier drafts of this lease at a meeting held February 22, 2005. A revised form of the lease that contained changes recommended by the Public Works Advisory Board, as well as some changes desired by Preston Owen, was completed and sent to Jeff Eaton of the Homeowners Association for review on March 3rd.

On final review of the lease, Preston noted the economic return on these leases would be less for those given an option to pre-pay the rent compared to those who would be paying rent on an annual basis adjusted by changes in a consumer price index and that it would be inequitable to charge different lease amounts based solely on the ability to pre-pay the lease. Preston changed the language of Article 1 (d) (2) where different terms are prescribed for prepaying a lease. The change eliminated language suggested in earlier versions of this lease for homeowners to secure and pay for another parcel-specific appraisal if they desire to prepay rent.

Today (March 11th), David Wortman updated and delivered a spreadsheet to Jeff Eaton presenting comparative information pertaining to these leases. A column was added to enable a comparison of the estimated fair market value of the leasehold interest compared to the pre-paid rent value computed by the anticipated lease revenue over the same term assuming a 2% annual rent increase and a 3.5% discount rate. The difference is material. For example,

- The least expensive lease prepayment would be \$4,767 @ 85% of the leasehold interest compared to \$7,506 @ net present value discounted by 3.5%.
- The most expensive lease prepayment would be \$18,283 @ 85% of the leasehold interest compared to \$28,767 @ net present value discounted by 3.5%.

The form and terms of the lease should be adopted at this meeting so new leases can be offered before expiration of the current leases on March 31st.

P.S. Annual rent payments shown on the spreadsheet exhibit would remain the same as the current rent (“old annual rent”) for low-income lessees where we’ve added new area to the parcel. The rent would increase to the rate shown on the spreadsheet on assignment to a successor lessee.”

Administrator Underkofler reviewed the alternative motions, and stated the City couldn’t offer a long-term lease until the final plat was approved. Mr. Jeff Eaton requested the Council to consider alternative #2 to allow for the appraisals and recording to be completed. Ms. Marie Miles voiced disagreement with the fair market appraisals, stating the appraisals were 60% over the fair market value. Mr. Doug Nevius requested a fair lease, vocalized of the inaccuracy of appraisals and little work the City has provided to maintain the roads and mowing.

Commissioner Gambill seconded by Commissioner Donnell moved to approve Council Decision Request 2005-420, establishing the form

and terms for Lake Paradise lease agreements recommended by the City Attorney & Treasurer, but with an amendment that would authorize leases for a one-year term leaving the pre-payment option to a decision of the subsequent City Council after the final subdivision plat is approved by Coles County.

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 opened the floor for public discussion. Journal Gazette reporter Herb Meeker inquired as to whether the April 5th Council meeting would be changed due to the election. Administrator Underkofler stated there would be no change. Commissioner Schilling announced the results would be presented in the Council Chambers after the Council meeting. Mr. Tim Spidle directly asked Commissioner Hesse about ethics; and if Commissioner Hesse was re-elected, would he use the City's equipment? Mayor Carter interrupted and stated he would not allow personal attacks and closed public discussion without allowing Commissioner Hesse to respond.

Mayor Carter seconded by Commissioner Schilling moved to recess to closed session at 7:46 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1), the setting of a price for sale or lease of property owned by the municipality (5 ILCS 120(2)(6), litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)): Step 3 Grievance brought by AFSCME Local 3831 seeking sick leave accrual of 100 hours per year for Wastewater Treatment Plant Operators who are assigned to work 10-hour shifts over a 40-hour work week; and disposition of non-performing leases at Lake Paradise.

Council reconvened from closed session at 8:30 p.m.

Mayor Carter seconded by Commissioner Gambill moved to deny grievance by AFSCME on sick days (sick leave accrual of 100 hours per year for Wastewater Treatment Plant Operators who are assigned to work 10-hour shifts over a 40 hour work week).

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 Mayor Carter ratifying the decision of a departmental director to discharge an employee for violation of personnel policies.

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 adjourn at 8:32 p.m.

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.

/s/Susan J. O'Brien
City Clerk

The City Council of the City of Mattoon held a special meeting in the Council Chambers at City Hall on March 22, 2005 at 5:06 p.m.

Mayor Carter presiding.

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

Also in attendance were City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Police Chief Larry Metzelaars, and City Clerk Susan O'Brien.

Mayor Carter seconded by Commissioner Schilling moved to approve Council Decision Request 2005-421, approving the appointment of John W. Hedges III and Jeffrey P. Wines to entry level police officer positions effective March 23, 2005 and March 24, 2005 respectively as recommended by the Board of Fire & Police Commissioners.

Mayor Carter opened the floor for discussion. Police candidate list and number of sworn officers were discussed.

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

AFSCME grievance was postponed due to lack of attendance by AFSCME representatives.

Mayor Carter seconded by Commissioner Gambill moved to adjourn at 5:09 p.m.

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

/s/ Susan J. O'Brien
City Clerk