

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 6, 2007 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner Cline, YEA Commissioner Randy Ervin, Absent Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Fire Chief Michael Chism, Police Chief Larry Metzelaars, and City Clerk Susan O'Brien.

CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting February 20, 2007; Police Department Report for the month of January; payroll and bills for the second half of February 2007; and HOME Rehab Expenditures.

Bills and Payroll for the second half of February 2007

General Fund

Payroll		\$ 249,248.41
Bills		\$ <u>89,828.83</u>
	Total	\$ 339,077.24

Hotel Tax Fund

Payroll		\$ 2,026.54
Bills		\$ <u>1,064.31</u>
	Total	\$ 3,090.85

Festival Management Fund

Bills		\$ <u>385.20</u>
	Total	\$ 385.20

Capital Project Fund

Bills		\$ <u>6,885.06</u>
	Total	\$ 6,885.06

Water Fund

Payroll		\$ 29,569.24
Bills		\$ <u>23,380.40</u>
	Total	\$ 52,949.64

Sewer Fund

Payroll		\$ 25,182.00
Bills		\$ <u>24,046.18</u>
	Total	\$ 49,228.18

Cemetery Fund

Payroll		\$ 3,097.97
Bills		\$ <u>1,792.28</u>
	Total	\$ 4,890.25

Health Insurance

Bills		\$ <u>26,316.31</u>
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Total \$ 26,316.31

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

There was no public discussion.

NEW BUSINESS

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2007-719, approving \$20,000 in grants by the Tourism Advisory Committee from hotel/motel tax funds to:

- § \$2,000 to the Mattoon Cobras for use in hosting the USSSA Mother's Day Softball Invitational World Series Qualifier on May 11, 12 & 13, 2007;
- § \$6,000 to the Mattoon Cobras for use in hosting World Series Qualifier on June 22, 23,& 24, 2007;
- § \$5,000 to the Mattoon American Legion Post 88 for use in hosting the Firecracker Classic Baseball Tournament July 2nd – July 8th, 2007;
- § \$5,000 to Eastern Illinois University for Illinois High School Association State Badminton Championships for Girls May 10-12, 2007;
- § \$2,000 to the Mattoon Jr. Baseball for use in hosting the George Foster Hitting Camp on April 21, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to approve Council Decision Request 2007-720, authorizing payment to Hance Utz & Associates in the amount of \$154,001.15 for Depot architectural services.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Resolution 2007-2684, authorizing the Mayor and City Clerk to sign an AmerenCIPS Request for Street Lighting Additions, Removals, and Replacement for the removal of an ornamental street light in Peterson Park. (LW 4524)

CITY OF MATTOON, ILLINOIS
RESOLUTION 2007-2684

AMEREN CIPS

REQUEST FOR STREET LIGHTING ADDITIONS,
REMOVALS AND REPLACEMENTS

Municipality: City of Mattoon
Address: 208 N 19th St.
Contract Person: Kurt Stretch
Telephone No: 235-5171

Mayor/President /s/ Charles E. White
 Clerk: /s/ Susan J. O'Brien

Date: 3/7/07
 Date: 3/7/07

Please make the following changes to street and traffic lighting facilities and adjust Ameren billing as shown below. The change in service is requested pursuant to the provisions of the Company's Rate 11- Street and Traffic Lighting Service and General Terms and Conditions.

Location Address (City to Supply Pole/Map # (Ameren to Supply)	Install Or Remove	Number Of Units	Size & type of Unit	Customer Or Company Owned	Monthly Price	Total	Install or Remove Billing Date (Ameren Use Only)
LW 4524 – Peterson Park	Remove	1	100 W HPS ornamental	Company	\$9.45	\$9.45	
						\$9.45	

Total adjustment to Monthly Billing – Subject to Ameren Verification
 (excluding applicable tax)

Remarks:

For Ameren Use Only

DWA/DOJM/JOB# _____	Completed By: _____ New Monthly Billing Total _____ By: _____
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Cc: Rates
 Public Affairs
 Operating Center

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Cline moved to adopt Special Ordinance 2007-1203, authorizing the Mayor and City Clerk to sign a quit claim deed to a parcel of property located behind the old K-Mart building. (*Commonly known as 100 Detro Drive*)

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2007-1203

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A QUIT CLAIM DEED TO A PARCEL OF PROPERTY LOCATED BEHIND THE OLD K-MART BUILDING.

WHEREAS, When the property now known as the Old K-Mart building was developed the developer wished to erect and dedicate to the City a water storage tank for the property; and

WHEREAS, the developer did erect and the City did accept and maintain the water storage tank located on a parcel of property known as the "flag lot"; and

WHEREAS, the property was never properly deeded to the City and the City has never had an ownership interest in the "flag lot"; and

WHEREAS, 100 Detro Drive Mattoon, LLC is in the process of redeveloping the property; and

WHEREAS, the City has removed the once existing water storage tank; and

WHEREAS, 100 Detro Drive Mattoon, LLC has asked the City to execute a Quit Claim Deed to the property in an effort to clear the defects of title; and

WHEREAS, the city attorney has prepared a Quit Claim Deed that is attached to the Special Ordinance and incorporated herein by this reference.

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 to prepare a quit claim deed and the mayor and city clerk are authorized to sign the quit claim deed to the real estate described in Section 2 of this ordinance to 100 Detro Drive Mattoon, LLC.

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

Commencing at an existing survey monument marking the Northwest corner of the Southwest Quarter (SW ¼) of Section Seventeen (17), Township Twelve (12) North, Range Eight (8) East of the Third (3rd) Principal Meridian, thence S 0°04'38"E, along the established west line of said Southwest Quarter (SW ¼), 388.49 feet actual (388.8 feet record) to a point on the South Right-of-Way line of Illinois Route #16; thence along said Right-of-Way line, along a curve to the right whose radius is 5250.03 feet actual (5271.30 feet record), 1524.81 feet acr to the point of intersection of said Right-of-Way and the Easterly Right-of-Way of the minor collector street (Detro Drive); thence S36°57'13"W, along the Easterly Right-of-Way of the minor collector Street (Detro Drive), 70.21 feet; thence S8°27'31"E, along said Easterly Right-of-Way, 602.3 feet to the point of beginning; thence N 89°41'00"E, 141.7 feet; thence N0°19'0"W, 23.18 feet to the back of the existing concrete curb; thence N89°41'00"E, along the back of the existing concrete curb, 77.43 feet; thence S0°19'00"E, 33.18 feet; thence S89°41'00"W, 217.71 feet to the Easterly Right-of-Way of the minor collector street (Detro Drive); thence N8°27'31"W, along the East Right-of-Way of the minor collector street (Detro Drive), 10.10 feet to the point of beginning, situated in Lafayette 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 Schilling, seconded by Commissioner Cline, adopted this 6th day of March, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner McKenzie

Approved this 6th day of March, 2007.

/s/ Charles E. White
Charles E.

White, Mayor
Coles County, Illinois

City of Mattoon,

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 March 7th, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1204, approving the contract between the City of Mattoon and D & D Properties for the purchase of land near the YMCA to be used for the construction of parking facilities in the amount of \$60,000, and authorizing the Mayor to sign all documents necessary to complete the transaction.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1204

**AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY FOR USE AS PARKING FACILITIES
AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN ALL DOCUMENTS NECESSARY FOR THE PURCHASE**

WHEREAS, The City has been working closely with the Mattoon Area Family YMCA to determine the best way of assisting the YMCA in reaching their goal of expanding and upgrading the YMCA's facilities while keeping the YMCA in the same location within the Mattoon City limits; and

WHEREAS, one of the main needs of the YMCA is for parking facilities off the property the YMCA currently leases from the City; and

WHEREAS, the City Attorney has negotiated a contract with D & D Properties for the purchase of land near the YMCA to be used for the construction of parking facilities; and

WHEREAS, the terms of said contract are that the City will pay \$60,000.00 for one-half of an acre of land located at the corner of 15th Street and Richmond Avenue in Mattoon and the approximately 10,000 sq. ft. building located on that land; and

WHEREAS, D & D Properties has signed the contract, which is attached to this Special Ordinance and incorporated by this reference; and

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 the contract with D & D Properties and any documents necessary to close the purchase of the real estate described in Section 2 of this ordinance.

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

TRACT I:

LOTS ONE (1) AND TWO (2) IN BLOCK ONE HUNDRED NINE (109) IN THE ORIGINAL TOWN, NOW CITY OF MATTOON, COLES COUNTY, ILLINOIS.

TRACT II:

BEGINNING AT A POINT IN THE WEST LINE OF FIFTEENTH (15TH) STREET IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS THAT IS DISTANT NORTHERLY 32.7 FEET AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE PRESENT EASTBOUND MAIN TRACK OF THE CLEVELAND, CINCINNATI, CHICAGO AND ST. LOUIS RAILWAY COMPANY, THENCE MEASURE WESTERLY ALONG A LINE THAT IS PARALLEL WITH AND DISTANT NORTHERLY 32.7 FEET AS MEASURED AT RIGHT ANGLES TO THE CENTER LINE OF SAID MAIN TRACK A DISTANCE OF 100 FEET TO A POINT, THENCE MEASURE NORTHERLY PARALLEL WITH THE WESTERLY LINE OF FIFTEENTH (15TH) STREET A DISTANCE OF 105 FEET TO A POINT, THENCE MEASURE EASTERLY PARALLEL WITH THE CENTER LINE OF SAID MAIN TRACK A DISTANCE OF 100 FEET TO A POINT, THENCE MEASURE SOUTHERLY ALONG THE WESTERLY LINE OF FIFTEENTH (15TH) STREET A DISTANCE OF 105 FEET TO THE POINT OF BEGINNING, SAID PREMISES BEING A PART OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION THIRTEEN (13), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, 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 Schilling, seconded by Commissioner Ervin, adopted this 6th day of March, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner McKenzie

Approved this 6th day of March, 2007.

/s/ Charles E. White
Charles E.

City of Mattoon,

White, Mayor
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 March 7th, 2007.

Mayor White opened the floor for discussion. Mr. Herb Meeker of the Mattoon Journal Gazette inquired whether the purchased land in both ordinances was to be used for YMCA parking and public parking. Attorney/Treasurer Owen stated the property was purchased through the ordinances. Mr. Chris Rankin inquired as to the status of the land south of the YMCA. Administrator Gilmore and Attorney/Treasurer Owen responded with no response from Mr. Whitworth to the City's response. Mr. Meeker inquired as to the driveway and demolition of the old warehouse. Attorney/Treasurer Owen responded with the driveway was on part of the City's property, and the Council would receive a request to demolish the building in the future. Mayor White stated the transactions had been in the process for over a year.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance: 2007-1205, approving the contract between the City of Mattoon and Gene Bauer Properties for the purchase of land near the YMCA to be used for the construction of parking facilities in the amount of \$60,000, and authorizing the Mayor to sign all documents necessary to complete the transaction.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2007-1205

**AN ORDINANCE AUTHORIZING THE PURCHASE OF PROPERTY FOR USE AS PARKING FACILITIES
AND AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN ALL DOCUMENTS NECESSARY FOR THE PURCHASE**

WHEREAS, The City has been working closely with the Mattoon Area Family YMCA to determine the best way of assisting the YMCA in reaching their goal of expanding and upgrading the YMCA's facilities while keeping the YMCA in the same location within the Mattoon City limits; and

WHEREAS, one of the main needs of the YMCA is for parking facilities off the property the YMCA currently leases from the City; and

WHEREAS, the City Attorney has negotiated a contract with Gene Bauer for the purchase of land near the YMCA to be used for the construction of parking facilities; and

WHEREAS, the terms of said contract are that the City will pay \$60,000.00 for three-quarters of an acre of land located east of the YMCA between 15th Street and 16th Street in Mattoon; and

WHEREAS, Gene Bauer Properties has signed the contract, which is attached to this Special Ordinance and incorporated by this reference; and

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 the contract with Gene Bauer and any documents necessary to close the purchase of the real estate described in Section 2 of this ordinance.

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

Tract #1

Commencing at the Southwest corner of Lot Six (6) in Block One Hundred Nine (109) of the Original Town, now City of Mattoon; thence Southerly along the East right of way line of Sixteenth (16th) Street a distance of 52.35 feet to the place of beginning; thence continuing Southerly along the East right of way line of Sixteenth (16th) Street a distance of 51.83 feet; thence deflecting 105 degrees 16 minutes 00 seconds to the left a distance of 210.00 feet parallel with and 50 feet north of the centerline of the Eastbound Conrail track; thence deflecting 90 degrees 00 minutes and 00 seconds to the left a distance of 50.00 feet; thence deflecting 90 degrees 00 minutes 00 seconds to the left a distance of 196.35 feet to the place of beginning; situated in Coles County, Illinois.

Tract #2

A part of a strip of land running generally from East to West heretofore used as a railroad right-of-way, first acquired and used as such by the Terre Haute and Alton Railroad Company, thereafter by the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, and last so owned and used by Consolidated Rail Corporation as a portion of its Davis-Lennox Main Line, identified as Line Code 8405 in the records of the United States Railway Association, generally described as: The North nine (9) feet of the West two hundred ten (210) feet of that portion of said railroad right-of-way lying between North 15th Street and North 16th Street in the City of Mattoon; and more particularly described as a strip of land nine (9) feet in width beginning on the West at the East right-of-way line of Sixteenth (16th) Street and running in a Northeasterly direction parallel to, of even length with, and immediately adjacent to the South of a line 210 feet in length described as follows: Commencing at the Southwest corner of Lot Six (6) in Block One Hundred Nine (109) of the original town of Mattoon; thence Southerly along the East right-of-way line of Sixteenth (16th) Street a distance of 104.18 feet to the point of beginning; thence deflecting 105 degrees 16 minutes 00 seconds to the left a distance of 210 feet parallel with and fifty feet North of the center line of the abandoned Eastbound Conrail track; situated in the City of Mattoon, Coles County, Illinois.

Tract #3 - Railroad Property

A part of a strip of land running generally from East to West heretofore used as a railroad right-of-way, first acquired and used as such by the Terre Haute and Alton Railroad Company, thereafter by the Cleveland, Cincinnati, Chicago and St. Louis Railroad Company, and last so owned and used by Consolidated Rail Corporation as a portion of its Davis-Lennox Main Line, identified as Line Code 8405 in the records of the United States Railway Association, described as: that portion of said railroad right-of-way lying between North 15th Street and North 16th Street in the City of Mattoon, Illinois, except the North nine (9) feet of the West two hundred ten (210) feet thereof; situated in the City of Mattoon, 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 Schilling, seconded by Commissioner Ervin, adopted this 6th day of March, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner Schilling, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner McKenzie

Approved this 6th day of March, 2007.

/s/ Charles E. White
Charles E.

White, Mayor
Coles County, Illinois

City of Mattoon,

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 March 7, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White announced no closed session, and acknowledged Jackie Record, recipient of the Mattoon Chamber of

Commerce Citizen of the Year Award.

Mayor White seconded by Commissioner Schilling moved to adjourn at 7:09 p.m.

Mayor White opened the floor for public discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, Absent Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk