

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on May 17, 2005 at 7:03 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Terry Cook, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

City personnel 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, Community Coordinator Kyle Gill, Technology Coordinator Brian Johanpeter, City Librarian Jennifer Cisna, Tourism Director Beth Hettinger, and City Clerk Susan O'Brien.

Commissioner Schilling seconded by Commissioner Ervin moved to approve the minutes of the Special Meetings May 2 and 3, 2005, Regular Meeting May 3, 2005, and Special Meetings May 4 and 9, 2005.

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Ervin seconded by Commissioner Schilling moved to approve the department report of the Fire Department for the month of April.

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Schilling seconded by Commissioner Cook moved to approve the bills and payroll for the first half of May, 2005.

**Bills and Payroll first half of May, 2005**

**General Fund**

Payroll		\$	218,365.99
Bills		\$	112,038.43
	Total	\$	330,404.42

**Hotel Tax Fund**

Payroll		\$	1,343.23
Bills		\$	9,391.28
	Total	\$	10,734.51

**Festival Management**

Bills		\$	1,544.60
	Total	\$	807.50

**Insurance & Tort Judgment**

Bills		\$	132.19
	Total	\$	132.19

**Midtown TIF Fund**

Bills		\$	18.57
	Total	\$	18.57

**Capital Projects Fund**

Bills		\$	10,624.77
	Total	\$	10,624.77

**Water Fund**

Payroll		\$	28,929.11
Bills		\$	283,501.10
	Total	\$	312,430.21

**Sewer Fund**

Payroll		\$	32,934.76
Bills		\$	50,010.65
	Total	\$	82,945.41

**Cemetery Fund**

Payroll		\$	2,140.94
Bills		\$	101.91
	Total	\$	2,242.85

**Motor Fuel Tax Fund**

Bills		\$	2,105.05
	Total	\$	2,105.05

**Health Insurance Fund**

Bills		\$	34,609.63
	Total	\$	34,609.63

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Cook seconded by Commissioner Cline moved to adopt Resolution 2005-2583, authorizing the mayor and city clerk to sign a warranty deed conveying a 0.958 acre tract of land located on the bike path below the I-57 Interstate Bridge for \$500 to the Illinois Department of Transportation to enable the state to certify clear title to the interstate highway right-of-way.

**CORPORATE  
RESOLUTION  
2005-2583**

WHEREAS, the City of Mattoon, a municipal corporation is the fee owner of the following described property to wit: on FAI Route 57, Section 15-22VB-1, County of Coles, Parcel 5106017.

Part of the Northeast Quarter of the Northeast Quarter of Section 17, and part of the Northwest Quarter of the Northwest Quarter of Section 16, all being in Township 12 North, Range 8 East of the Third Principal Meridian,

situated in the County of Coles, in the State of Illinois, described as follows:

Commencing at a Survey Monument Vault at the northeast corner of said Section 17; thence south 0 degrees 19 minutes 00 seconds West (Bearings are Assumed) 567.05 feet along the east line of the Northeast Quarter of said Section 17, to the intersection with the northerly right of way line of the Abandoned CCC & STL Railroad, said point being the Point of Beginning; thence continuing South 0 degrees 19 minutes 00 seconds West 50.42 feet along said east line and said northerly right of way line; thence North 82 degrees 53 minutes 18 seconds East 267.74 feet along said northerly right of way line, said line being parallel with and 50.00 feet northerly of the centerline of the abandoned Railroad, to the easterly right of way line of FAI 57; thence South 17 degrees 39 minutes 20 seconds East 101.72 feet, to the southerly right of way line of the Abandoned Railroad; thence South 82 degrees 53 minutes 18 seconds West 402.68 feet along said southerly right of way line, said line being parallel with and 50.00 feet southerly of the centerline of the Abandoned Railroad, to the westerly right of way of FAI 57; thence North 10 degrees 29 minutes 17 seconds East 157.37 feet, to the northerly right of way line of the Abandoned Railroad; thence North 82 degrees 53 minutes 18 seconds East 75.26 feet along said northerly right of way line, said line being parallel with and 100.00 feet northerly of the centerline of the Abandoned Railroad, to the Point of Beginning, containing 0.958 of an acre, more or less.

And Whereas the State of Illinois desires to acquire the above described premises for use of the Department of Transportation for highway purposes has made an offer of \$500.00 for the above described property. It is the desire of this Corporation to sell the above –described premises.

Therefore it is hereby resolved that the City Clerk and Mayor of the Corporation be and they are hereby authorized and directed to sell the said Corporation interest in said tract of land for the above offer, and they are hereby further authorized and directed to execute and deliver such other instruments as may be necessary or convenient to consummate such sale. Said Conveyance shall be signed by the Mayor of the Corporation and attested by the City Clerk.

ATTEST:

/s/ Susan J. O'Brien  
City Clerk

/s/ Charles E. White  
Mayor

I, Susan J. O'Brien, City Clerk of the City of Mattoon a Corporation duly authorized under the laws of the City of Mattoon and duly authorized to do business in the State of Illinois, does hereby certify that the foregoing is a true and correct copy of a resolution passed by the Board of Directors of said Corporation at a meeting of said Board held on the 17<sup>th</sup> day of May, 2005. I further certify that a quorum of the said Board of Directors of said Corporation at a meeting of said Board held on the 17<sup>th</sup> day of May, 2005. I further certify that a quorum of the said Board of Directors was present at said meeting in accordance with requirements of the laws of the State of Illinois and by the by-laws of said Corporation; and that said meeting in all manner was called and conducted in accordance with the requirements of the law of the State of Illinois and the by-laws of said Corporation.

Given under my hand and seal this 18<sup>th</sup> day of May, 2005.

/s/ Susan J. O'Brien  
City Clerk

Mayor White opened the floor for discussion. No discussion.

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

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2005-2588, establishing the prevailing rate of wages in the Coles County area as determined by the Illinois Department of Labor as the wages that must pay and apply to public works construction of the municipality consistent with mandates of Illinois statute.

### **RESOLUTION NO. 2005-2588**

**RESOLUTION ESTABLISHING THE PREVAILING RATE OF WAGES IN THE COLES COUNTY AREA AS DETERMINED BY THE ILLINOIS DEPARTMENT OF LABOR AS THE WAGES THAT MUST APPLY TO PUBLIC WORKS CONSTRUCTION OF THE CITY OF MATTOON CONSISTENT WITH MANDATES OF ILLINOIS STATUTE,**

WHEREAS, the State of Illinois has enacted “An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, County, City or any public body or any political subdivision or by anyone under contract for public works,” approved May 26, 1941, as amended, being Section 820 ILCS 130/0.01 et seq., commonly referred to as The Prevailing Wage Act, and

WHEREAS, the aforesaid Act requires that the City Council of the City of Mattoon, Illinois investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workers in the locality of said City of Mattoon, Illinois employed in performing construction of public works, for said City of Mattoon, Illinois.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MATTOON, COUNTY OF COLES, AND STATE OF ILLINOIS:

SECTION 1: To the extent and as required by “An Act regulating wages of laborers, mechanics and other workers employed in any public works by State, County, City or any public body or any political subdivision or by anyone under contract for public works,” approved May 26, 1941, as amended, the general prevailing rate of wages in this locality for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the City of Mattoon, Illinois is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Coles County area as determined by the Department of Labor of the State of Illinois as of June, 2005, a copy of that determination being attached hereto and incorporated herein by reference. The definition of any terms appearing in this Resolution which are also used in aforesaid Act shall be the same as in said Act.

SECTION 2: Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the City of Mattoon, Illinois to the extent required herein by the aforesaid Act.

SECTION 3: The City Clerk shall publicly post or keep available for inspection by any interested party in the main office of this City this determination of such prevailing rate of wage.

SECTION 4: The City Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and address,

requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 5: The City Clerk shall promptly file a certified copy of this Resolution with both the Secretary of State and the Department of Labor of the State of Illinois.

SECTION 6: The City Clerk shall cause to be published in a newspaper of general circulation within the area a copy of this Resolution, and such publication shall constitute notice that the determination is effective and that this is the determination of this public body.

PRESENTED this 17th day of May, 2005.

PASSED this 17th day of May, 2005.

APPROVED this 17th day of May, 2005.

/s/ Charles E. White

MAYOR

ATTEST:

/s/ Susan J. O'Brien  
CITY CLERK

Published this 17<sup>th</sup> day of May, 2005.

Mayor White opened the floor for discussion. No discussion.

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

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2005-2595, approving an update to the Occupational Safety and Health Manual adding a safety rule requiring use of seat belts and approving bloodborne pathogen safety procedures.

CITY OF MATTOON, ILLINOIS

*RESOLUTION NO. 2005-2595*

**A RESOLUTION APPROVING AN UPDATE TO THE OCCUPATIONAL  
SAFETY AND HEALTH MANUAL**

**WHEREAS**, at a meeting held April 28, 2005, the Safety Committee considered and recommended updates to the Occupational Safety and Health Manual that change or supplement the manual approved by prior resolutions of the City Council.

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

**Section 1.** Safety Rules of the Occupational Safety and Health Manual are hereby amended by the addition of the following rule:

24. Except for exceptions authorized by law, a driver or passenger in a motor vehicle used for the business of the municipality shall wear seat belts as required by Illinois statute (625 ILCS 5/12-603.1). This rule shall not apply to a driver or passenger frequently stopping and leaving the vehicle or delivering property from the vehicle, if the speed of the vehicle between stops does not exceed 15 miles per hour or to a driver operating a motor vehicle in reverse. A driver shall not be disciplined for the failure of a passenger to comply with this rule, unless a departmental standard operating guide or policy prescribes a stricter rule. A Fire Department SOG, for example, prescribes that a driver is responsible for passenger compliance with this rule.

**Section 2.** The mayor and city clerk are authorized to sign a document indicating the Council's approval of "Bloodborne Pathogen Safety Procedures", a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 17th day of May, 2005, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Cook,  
Commissioner Ervin, Commissioner Schilling,  
Mayor White

NAYS (Names): None

ABSENT (Names): None

APPROVED this 17<sup>th</sup> day of June, 2005.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

/s/ J. Preston Owen

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on 18<sup>th</sup> day of May, 2005

Mayor White opened the floor for discussion. No discussion.

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

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2005-442, approving a home occupation permit at 600 South 6<sup>th</sup> Street for sale of mail-order weapons by Raymond McKibben, who may become a licensed dealer at this location if the use is in compliance with the zoning code, pending approval of his license by the State and approval by Federal government.

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Schilling seconded by Commissioner Cook moved to approve Council Decision Request 2005-443, rejecting bids received to install fencing around the carbon silo and sodium permanganate water treatment facilities at Lake Paradise and authorizing the work to be done by employees of the municipality.

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Cook seconded by Commissioner Cline moved to approve Council Decision Request 2005-444, approving the appointment of temporary seasonal employees in the Public Works Department.

Mayor White opened the floor for discussion. No discussion.

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

Commissioner Cook seconded by Commissioner Schilling moved to approve Council Decision Request 2005-445, approving the appointment of Teri Whitley of Lake Land College to a 15-month engineering internship in the Public Works Department.

Mayor White opened the floor for discussion. Director Wortman announced that Ms. Whitley would not be able to serve all 15 months, but another student would be able to serve the remaining months.

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

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2005-446, approving a \$2,000 grant of hotel/motel tax funds to Mattoon Junior Baseball, Inc. to host its seventh annual invitational baseball tournament as recommended by the Tourism Advisory Committee.

Mayor White opened the floor for discussion. No discussion.

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

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2005-447, authorizing an application for a grant up to \$50,000 from the Illinois Law Enforcement Alarm System to be used for the acquisition of up to eight mobile digital computers for police squad cars.

Mayor White opened the floor for discussion. Council discussed the possibility of receiving the grant. Chief Metzelaars believed the City could receive the grant. Coordinator Johanpeter stated the grant would cover expenses that were not previously funded.

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

Mayor White opened the floor for public discussion. Mrs. Jackie Record, representative of the Mattoon Historical Society, updated the Council on H.R. 3 and the Depot project. Council discussed the timeline for passage. Mr. Herb Meeker of the Journal Gazette commented on his publishing of the City phone numbers and was suggesting other communities publish their phone numbers.

Mayor White seconded by Commissioner Schilling moved to recess to closed session at 7:15 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)) and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2 (c)(11)), consisting of: a request for an "Administrative Override" for an out-of-network health care provider; status of negotiations for a potential settlement of the city's claims for defective filter painting incidental to the new water plant construction project; status of negotiations for a potential settlement of the city's claims for defective radio-read water meters; appointment of a replacement water treatment plant operator; and review Performance Appraisals of Management & Supervisory Employees (Susan O'Brien, City Clerk and Brian Johanpeter, Technology Coordinator).

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

Council reconvened from closed session at 9:48 p.m.

Commissioner Schilling seconded by Commissioner Cline moved to approve Council Decision Request 2005-448, approving the appointment of Heather McFarland as a Plant Operator I at the Water Treatment Plant, effective May 23, 2005.

Mayor White opened the floor for discussion. No discussion.

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

Mayor White seconded by Commissioner Schilling moved to adjourn at 9:49 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner

Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

/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 June 1, 2005 at 2:03 p.m.

Mayor White presiding.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Terry Cook, YEA Commissioner Randy Ervin, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

City personnel also in attendance were City Administrator Richard Underkofler, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, and City Clerk Susan O'Brien.

Mayor White seconded by Commissioner Cook moved to recess to closed session at 2:04 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5ILCS 120 (2)(c)(1)) consisting of the reorganization of functions under the supervision of the Commissioner of Streets and Public Improvement.

Council reconvened from closed session at 3:22 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourn at 3:23 p.m.

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

/s/ Susan J. O'Brien  
City Clerk