

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on May 3, 2005 at 6:58 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, Deputy Police Chief David Griffith, Fire Chief Bruce Grafton, Utilities Superintendent Chris Hartbank, Streets Superintendent Mike Dow, Community Coordinator Kyle Gill, Technology Coordinator Brian Johanpeter, Chief Wastewater Operator Rick Pinnell, and City Clerk Susan O'Brien.

Mayor Carter seconded by Commissioner Gambill moved to approve the minutes and bills (included payroll for 04-08-05) for the fiscal year ended April 30, 2005.

Bills and Payroll for the last half of April

General Fund

Payroll	\$	224,267.88
Bills	\$	<u>193,178.60</u>
	Total	\$ 417,446.48

Hotel Tax Fund

Payroll	\$	1,447.23
Bills	\$	<u>16,909.82</u>
	Total	\$ 18,357.05

Festival Management

Bills	\$	<u>807.50</u>
	Total	\$ 807.50

Insurance & Tort Judgment

Bills	\$	<u>6,300.00</u>
	Total	\$ 6,300.00

Midtown TIF Fund

Bills	\$	<u>1,009.42</u>
	Total	\$ 1,009.42

Water Fund

Payroll	\$	35,484.43
Bills	\$	<u>88,593.46</u>
	Total	\$ 124,077.89

Sewer Fund

Payroll	\$	25,955.18
Bills	\$	<u>67,044.04</u>
	Total	\$ 92,999.22

Cemetery Fund

Payroll	\$	2,156.94
Bills	\$	<u>6,547.99</u>
	Total	\$ 8,704.93

Revolving Loan Fund

Bills	\$	<u>120.00</u>
	Total	\$ 120.00

Motor Fuel Tax Fund

Bills	\$	<u>844.85</u>
	Total	\$ 844.85

Health Insurance Fund

Bills	\$	<u>166,483.85</u>
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Total \$ 166,483.85

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.

There was a group photo session for historical archive of out-going council members, in-coming council members, and mayors consisting of Charles E. White, Roger Dettro, Wanda Ferguson, and David E. Carter, Jr.

The Oath of Office was administered to David Schilling and Randy Ervin by the City Clerk. The other new council members received their oaths on April 26, 2005.

There was a public presentation acknowledging and expressing gratitude to out-going members of the city council for their service to the city: Harold Gambill, Jerry Hesse, Mark Donnell and David Carter.

Fire Chief Bruce Grafton presented Mark Donnell with a Fire Department blanket/throw in recognition of his service to the City.

Outgoing Council left the meeting.

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

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2005-5202, amending the municipal code of ordinances to establish powers and duties of each departmental commissioner and correct inconsistency in the code to clarify that the mayor appoints the City Treasurer and City Clerk.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2005-5202

AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO ESTABLISH POWERS AND DUTIES OF EACH DEPARTMENTAL COMMISSIONER AND CORRECT INCONSISTENCY IN THE CODE TO CLARIFY THAT THE MAYOR APPOINTS THE CITY TREASURER AND CITY CLERK

WHEREAS, the City of Mattoon operates under a commission form of municipal government as provided in Illinois statutes, wherein the elected council members have individual administrative powers and duties as a commissioner in charge of a department of the municipality; and

WHEREAS, under the commission form of government, each commissioner has "superintendent" status over the department assigned to him and is vested with a measure of discretionary authority in his supervision of the activities of his respective departments; and

WHEREAS, the powers and duties of the departmental commissioners are traditionally reevaluated after the election of new members to the City Council to assign commissioners to supervise departments according to their qualifications, experience and their preferences; and

WHEREAS, previous ordinances of the city pertaining to the appointment of the City Treasurer and City Clerk do not conform to requirements of state statute which specifies that these positions are appointed by the mayor, rather than the Commissioner of Accounts and Finance or the City Administrator; and

WHEREAS, the time is now appropriate to organize the government of the newly elected commissioners.

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

Section 1. Section §33.015 of the Mattoon Code of Ordinances is repealed and reenacted as follows:

DEPARTMENT OF PUBLIC AFFAIRS

§ 33.015 POWERS AND DUTIES OF MAYOR AS THE COMMISSIONER

OF THE DEPARTMENT OF PUBLIC AFFAIRS

(A) The mayor shall be the president of the council and preside at its meetings. The mayor shall supervise all departments and report to the council for its action all matters requiring attention in any department. The mayor shall have and exercise all the powers and perform all the duties provided or prescribed by law or the ordinances of the city, not in conflict with the provisions of this chapter. The mayor shall be Commissioner of the Department of Public Affairs, and as such shall be the chief executive officer of the municipal corporation. The mayor shall sign all contracts on behalf of the city and shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the Council.

(B) The mayor shall grant all licenses or permits, unless otherwise provided by law or ordinance, and in the absence or inability of any of the Commissioners to act, shall exercise temporary supervision over the department assigned to said Commissioner. He or she shall have supervision of all purchases of all materials, apparatus and supplies of his or her department or the offices and departments assigned thereto.

(C) The mayor shall have general supervision and control of the Police Department and all officers and members thereof. The mayor shall see that all police officers are prompt and faithful in the discharge of their respective duties and from time to time shall take such measures as he or she may deem expedient for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

(D) The mayor shall have general supervision and control of the Community Development Department and its land use regulatory functions, including planning, zoning and building code enforcement. The mayor shall provide general supervision and control of the office of the City Clerk and all business regulatory functions of the municipality. The Public Library shall be under the supervision of the mayor in the manner and form prescribed by statute.

(E) The mayor appoints the City Attorney, Treasurer, City Clerk and City Administrator with the advice and consent of the city council. Except when another appointment authority is prescribed by statute or ordinance, the mayor appoints members of Boards, Commissions and Advisory Committees of the municipality with the advice and consent of the council. The mayor may appoint another commissioner or official to represent the city's interest in organizations of which the city is a member, subject to advice and consent of the council.

(F) All other officers or employees not by statute or ordinance apportioned or assigned to some other department are hereby assigned to the Department of Public Affairs and shall be under the control and supervision of the Mayor.

Section 2. Section §33.025 of the Mattoon Code of Ordinances is repealed and reenacted as follows

DEPARTMENT OF ACCOUNTS AND FINANCES

§ 33.025 POWERS AND DUTIES OF THE COMMISSIONER OF
ACCOUNTS AND FINANCES

(A) The Commissioner of Accounts and Finances shall have charge of and supervision over all accounts and records of the city, and of all officers, boards or departments required to keep or make accounts, records or reports. Said Commissioner shall inspect or cause to be inspected all records or accounts required to be kept in any of the offices or departments of the City and shall cause proper accounts and records to be kept and proper reports to be made. The Commissioner shall audit or cause to be audited at frequent intervals the accounts of every officer or employee who does or may receive or disburse money. The Commissioner shall examine or cause to be examined and report to the Council upon all bills, accounts, payrolls and claims before they are acted upon or allowed, unless otherwise provided by law.

(B) The Commissioner of Accounts and Finances shall procure, from all persons or corporations operating public service utilities on, in or about the city, and cause to be placed on file, such reports as they are by law or ordinance or otherwise required to make to the city, or any of its officers, and shall procure copies of such reports as are made to the state or any public office or department, and shall cause same to be placed on file, and shall collect, or cause to be collected, all license fees, franchise taxes, rentals or other monies which may be due or become due to the city; the

Commissioner shall report to the Council any failure to make reports or pay money due to the city, which such recommendations in relation thereto as the Commissioner may deem proper. The Commissioner shall, whenever the city has authority so to do, cause to be examined the accounts and records of any person or corporation operating a public service utility in the city, and shall report to the Council any refusal to permit such examination.

(C) The Commissioner of Accounts and Finances, with approval of the Council, shall have control and supervision over all matters of bonds and insurance purchased or to be purchased, including any renewals or re-issuance thereof, in all departments of the city with the advice and consent of the Council.

(D) The Commissioner of Accounts and Finances shall be the Vice President of the Council, and in case of a vacancy in the office of mayor or the absence or inability of the mayor to act, shall perform the duties of the mayor.

(E) The Commissioner of Accounts and Finances shall have charge of all accounts, collections and disbursements of all departments and all bills for city salaries, and all demands coming from the judicial branch of the city government, and shall approve same if just and correct.

(F) The Commissioner of Accounts and Finances shall have charge of city beautification, the environmental committee and compliance with the nuisance ordinance.

(G) The Commissioner of Accounts and Finances shall have charge of and supervision of organizational technology for the municipality.

(H) The Commissioner of Accounts and Finances shall, upon application, be entitled to such assistance from other departments as may be necessary for any purpose pertaining to his or her department, and the Commissioner shall have control and supervision over all employees or officers as may be assigned to the Commissioner's department.

Section 3. Section §33.035 of the Mattoon Code of Ordinances is repealed and reenacted as follows

DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENT

§ 33.035 POWERS AND DUTIES OF THE COMMISSIONER OF STREETS AND PUBLIC IMPROVEMENT

(A) The Commissioner of Streets and Public Improvement, who ex officio shall be commissioner of public works, shall have authority over and charge of the cleaning, sprinkling and repair of streets, alleys, and public places, except as otherwise provided herein, and the entire erection, making and reconstruction of all street improvements, paving, curbing, sidewalks, bridges, viaducts, subways and all public improvements and the repair thereof (including the improvement and repair of water and sewer mains), unless otherwise provided by law or by ordinance.

(B) The Commissioner of Streets and Public Improvement have charge of and supervision of all right-of-way owned by the city together with the care and maintenance of trees, other landscape and street furniture within the right-of-way.

(C) The Commissioner of Streets and Public Improvement shall approve the estimates of the Public Works Director, which may be made from time to time, of the cost of such work, as the same progresses, and shall recommend to the Council the acceptance of the work done or improvement made, when completed according to contract, and perform such other duties as may be required by ordinance or resolution.

(D) The Commissioner of Streets and Public Improvement shall have charge of, and have the control, management and direction of lighting of streets, alleys, parking lots, public grounds, bridges, viaducts, subways and buildings not otherwise assigned by law and this chapter. The Commissioner shall have charge of, control and management of the connection of all electric wiring to and with the wires of any public utility corporation, or person rendering service under any franchise, grant or contract; and to issue permits for the same.

(E) The Commissioner of Streets and Public Improvement shall have charge of the location of the excavations to be made in paved streets or alleys or other places for the purpose of repairing, tapping, inspecting or otherwise, but the issuing of permits for said excavations shall be by the Community Development Department, provided the written consent of the

Street Superintendent is first had and obtained. The Commissioner shall have charge of keeping open all catch basins and of making ordinary repairs thereon.

(F) The Commissioner of Streets and Public Improvement shall have charge and control of the inspections made upon matters pertaining to the Commissioner's department and collect for same according to law. The Commissioner shall have supervision of the purchasing of all material, apparatus and supplies to the Commissioner's department, and of the offices and departments assigned thereto. The Commissioner shall, upon application, be entitled to such assistance from any other department as may be necessary for any purpose pertaining to the Commissioner's department and the Commissioner shall have control and supervision over all employees or officers as may be assigned to the Commissioner's department.

(G) The Commissioner of Streets and Public Improvement shall have supervision of the purchase of material and supplies for construction or repair work or for use in the Commissioner's department or the offices and departments assigned thereto, the Superintendent of Streets and all employees, all sidewalk work, all officers and employees employed in connection with the work of the department, are apportioned and assigned to the Commissioner of Streets and Public Improvement and shall be under the supervision and direction of the Commissioner thereof.

(H) The Commissioner of Streets and Public Improvement shall have charge of and supervision over the placement, installation, repair and maintenance of traffic signs and traffic control lights.

(I) Except for water, sewer, cemetery, park and lake operations, the Commissioner of Streets and Public Improvement shall have general supervision and control over sanitation, construction inspection and equipment maintenance functions.

Section 4. Section §33.045 of the Mattoon Code of Ordinances is repealed and reenacted as follows:

DEPARTMENT OF PUBLIC PROPERTY

§ 33.045 POWERS AND DUTIES OF THE COMMISSIONER OF PUBLIC PROPERTY

(A) The Commissioner of Public Property shall have charge of and supervision and control over the Water and Sewer Treatment Plants, the Lake Mattoon and Lake Paradise Water Reservoirs and all officers, employees, property, apparatus and equipment used or capable of being used therewith.

(B) The Commissioner of Public Property shall have charge of and supervision and control over all buildings and grounds owned by the city.

(C) The Commissioner of Public Property shall have general supervision and control of all public parks, playgrounds, and pleasure grounds within or belonging to the city, and all animals, birds, livestock, plants, trees and shrubbery contained therein or kept or used in connection with parks.

(D) The Commissioner of Public Property shall have charge of and supervision over the improvement, maintenance and care of Dodge Grove Cemetery.

(E) The Commissioner of Public Property shall, upon application, be entitled to such assistance from other departments as may be necessary for any purpose pertaining to the Commissioner's department and the Commissioner shall have control and supervision over all employees or officers as may be assigned to the Commissioner's department.

Section 5. Section § 33.055 of the Mattoon Code of Ordinances is repealed and reenacted as follows

DEPARTMENT OF PUBLIC HEALTH AND SAFETY

§ 33.055 POWERS AND DUTIES OF THE COMMISSIONER OF PUBLIC HEALTH AND SAFETY

(A) The Commissioner of Public Health and Safety shall have general supervision and control of the Fire Department and all fire fighters, officers and employees therein and supervision over all Fire Stations, property and apparatus used in or by the Fire Department.

(B) The Commissioner of Public Health & Safety shall have charge of and supervision over the Tourism Department,

including operations of the Hotel/Motel Tax Fund and Festival Management Fund.

(C) The Commissioner of Public Health & Safety shall have charge and supervision of the Mattoon Arts Council.

Section 6. Section §31.20(F)(3) of the Mattoon Code of Ordinances is repealed and reenacted as follows:

(3) Except for the City Attorney, Treasurer and City Clerk, the City Administrator shall have the power to appoint and remove all city employees with the advice and consent of the City Council. All decisions to appoint and remove employees shall be consistent with the policies established by the City Council, applicable statutes of the State of Illinois and the United States of America, valid labor agreements, and consistent with the principals of good municipal administration and due process of law.

Section 7. Section §31.21(B) of the Mattoon Code of Ordinances is repealed and reenacted as follows:

(B) Appointment. The mayor with the advice and consent of the City Council shall appoint and evaluate the performance of the City Treasurer. The person appointed by the mayor to the position of City Treasurer shall be nominated solely on the basis of his or her training, executive and administrative qualifications and experience in the financial administration of a municipal government. His or her qualifications and experience shall be consistent with a job description adopted by the City Council.

Section 8. Section §31.22(B) of the Mattoon Code of Ordinances is repealed and reenacted as follows:

(B) Appointment. The mayor with the advice and consent of the City Council shall appoint and evaluate the performance of the City Clerk. The person appointed by the mayor to the position of City Clerk shall be nominated solely on the basis of his or her training, administrative qualifications and experience in personnel administration. His or her qualifications and experience shall be consistent with a job description adopted by the City Council.

Section 9. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 10. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cline moved to adopt Resolution 2005-2585, assigning members of the City Council to departments for the administration of the municipal government.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2585**

**A RESOLUTION ASSIGNING MEMBERS OF THE CITY COUNCIL TO DEPARTMENTS FOR THE ADMINISTRATION
OF THE MUNICIPAL GOVERNMENT**

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

BE IT RESOLVED that the powers and duties of the Commissioners assigned to the following Departments were established by Ordinance 2005-5202, adopted this same date for the administration of the municipal government of the City of Mattoon, Coles County, Illinois:

- (A) Department of Public Affairs,
- (B) Department of Accounts and Finances,
- (C) Department of Streets and Public Improvement,
- (D) Department of Public Property
- (E) Department of Public Health and Safety.

BE IT FURTHER RESOLVED that the following members of the City Council are assigned to the foregoing Departments:

- (A) Charles E. White to the Department of Public Affairs.
- (B) David Cline to the Department of Accounts and Finances.
- (C) Terry Cook to the Department of Streets and Public Improvement.
- (D) David R. Schilling to the Department of Public Property.
- (E) Randy Ervin to the Department of Public Health and Safety.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 3rd 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 3rd day of May, 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

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 introduced each commissioner and duties as follows: Commissioner David Cline – Finance and Accounts and Mayor Pro-Tem; Commissioner Randy Ervin-Public Health & Safety: Fire Department, Tourism, and Arts Council; Commissioner David Schilling-Public Property: Water/Sewer Plants, Parks, and Dodge Grove; and Commissioner Terry Cook-Streets and Alleys.

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2005-2586, appointing Susan J. O'Brien to the office of City Clerk and J. Preston Owen to the offices of City Attorney and City Treasurer.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2586

A RESOLUTION APPOINTING SUSAN J. O'BRIEN TO THE OFFICE OF CITY CLERK AND J. PRESTON OWEN TO THE OFFICES OF CITY ATTORNEY AND CITY TREASURER

WHEREAS, the status of appointed officers of the municipality are traditionally reevaluated after the election of new members to the City Council; and

WHEREAS, it is necessary to appoint a municipal clerk, attorney and treasurer at the first regular or special meeting of a newly elected City Council to enable the business of the municipal corporation to continue without interruption.

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

Section 1. The Council hereby ratifies the mayor's appointment of Susan J. O'Brien to the office of City Clerk.

Section 2. The Council hereby ratifies the mayor's appointment of J. Preston Owen to the offices of City Attorney and City Treasurer.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cook moved to adopt Resolution 2005-2587, providing that all incumbent officers, employees and members of Boards, Commissions and Advisory Committees of the municipality, whose offices or positions have not been filled by appointment for a subsequent term of office, will continue in the performance of their duties pending a six-month review of the municipal organization by the newly elected City Council.

CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2587

A RESOLUTION MAKING HOLDOVER APPOINTMENTS FOR INCUMBENT OFFICERS, EMPLOYEES, MEMBERS OF BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

WHEREAS, the status of officers, employees and persons appointed to Boards, Commissions and Advisory Committees of the municipality are traditionally reevaluated after the election of new members to the City Council; and

WHEREAS, the City Council desires to ask such persons to continue to serve until the newly elected members of the Council have completed a review of the municipal organization and its operations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS that all incumbent officers, employees and members of Boards, Commissions and Advisory Committees of the municipality, whose offices or positions have not been filled by appointment for a subsequent term of office, will continue in the performance of their duties pending a six-month review of the municipal organization and its operations by the newly elected City Council.

Upon motion by Mayor White, seconded by Commissioner Cook, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cline moved to adopt Ordinance: 2005-5203, amending the municipal code of ordinances to enable the City Treasurer to deposit funds in investment accounts managed by the Illinois State Treasurer.

CITY OF MATTOON, ILLINOIS
ORDINANCE NO. 2005-5203

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF ORDINANCES TO ENABLE THE CITY TREASURER TO DEPOSIT FUNDS IN INVESTMENT ACCOUNTS MANAGED BY THE ILLINOIS STATE TREASURER

WHEREAS, Illinois statutes (65 ILCS 5/3.1-35-50) prescribe that the municipal treasurer may be required to keep all funds and money in

the treasurer's custody belonging to the municipality in places of deposit designated by ordinance; and

WHEREAS, Section §35.04 of the City of Mattoon Code of Ordinances specifies requirements for deposits of funds and money in the treasurer's custody; and

WHEREAS, the city treasurer desires enabling authority to deposit money of the municipality in investment accounts managed by the Illinois State Treasurer.

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

Section 1. Section §35.04 of the Mattoon Code of Ordinances is hereby amended by the addition of the following paragraph:

(F) In addition to depositories defined by this section, the municipal treasurer may deposit funds and money of the City of Mattoon in investment accounts managed by the Illinois State Treasurer.

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 White, seconded by Commissioner Cline, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cook moved to adopt Resolution 2005-2589, authorizing the Mayor, City Treasurer and City Clerk to sign checks by stamped signature.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2589**

**A RESOLUTION AUTHORIZING THE MAYOR, TREASURER AND CITY CLERK TO SIGN CHECKS BY
STAMPED SIGNATURE**

**BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS THAT
THE MAYOR, CITY TREASURER AND CITY CLERK ARE HEREBY AUTHORIZED TO SIGN CHECKS ISSUED BY
THE CITY OF MATTOON BY STAMPING THEREON FACISIMILE SIGNATURES, WHICH FACISIMILE SIGNATURES
OF SAID OFFICIALS ARE STAMPED BELOW:**

Mayor

City Treasurer

City Clerk

BE IT FURTHER RESOLVED THAT AT LEAST ONE SIGNATURE ON EVERY CHECK ISSUED BY THE CITY OF MATTOON SHALL BEAR AN ORIGINAL SIGNATURE OF THE CITY TREASURER OR CITY CLERK.

Upon motion by Mayor White, seconded by Commissioner Cook, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cook seconded by Commissioner Ervin moved to adopt Resolution 2005-2590, appropriating \$300,000 of motor fuel tax funds for street maintenance uses.

RESOLUTION 2005-2590

RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

BE IT RESOLVED, by the Council of the City of Mattoon, Illinois, that there is hereby appropriated the sum of \$300,000.00 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2005 to December 31, 2005.

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon a practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balance remaining in the account (s) for this period; and

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of Transportation, at Paris, Illinois.

I Susan J. O'Brien 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 May 3, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th 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.

Commissioner Cook seconded by Commissioner Schilling moved to adopt Resolution 2005-2591, appropriating \$30,000 of motor fuel tax funds for improving handicap ramps on 9th Street sidewalks from Marshall Avenue to the South City Limits.

RESOLUTION 2005-2591

**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
South 9 th Street	FAU 7698	South City Limits	Marshall Ave.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of P.C.C. Sidewalks 4" (all Handicap Ramps) and shall be constructed 5 feet wide and designated as Section 05-00130-00-SW.
2. That there is hereby appropriated the sum of Thirty Thousand Dollars (\$30,000.00) 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, Susan J. O'Brien 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 May 3, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th 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.

Commissioner Cook seconded by Commissioner Cline moved to adopt Resolution 2005-2592, appropriating \$23,000 of motor fuel tax funds for resurfacing and striping Western Avenue in front of Riddle Elementary School.

**RESOLUTION 2005-2592
RESOLUTION FOR IMPROVEMENTS 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
Western Ave.	FAU 7670	43 rd St.	34 th St.

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of bituminous resurfacing and striping and shall be constructed 24 feet wide and be designated as Section 05-00131-00 RS.
2. That there is hereby appropriated the sum of Twenty Three Thousand Dollars (\$23,000) 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, Susan J. O'Brien 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 May 3, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of May, 2005.

/s/ Susan J. O'Brien
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.

Commissioner Cook seconded by Commissioner Cline moved to adopt Resolution 2005-2593, appropriating \$30,000 of motor fuel tax funds for repair and replacement of sidewalks at various locations within the City.

**RESOLUTION 2005-2593
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
Various Locations	N/A	N/A	N/A

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of P.C.C. Sidewalks 5 inch, (at various locations within the City) and shall be constructed 5 feet wide and be designated as Section 05-00133-00-SW.
2. That there is hereby appropriated the sum of Thirty Thousand Dollars (\$30,000.00) 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, Susan J. O'Brien 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 May 3, 2005.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 4th day of May, 2005.

/s/ Susan J. O'Brien
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 2005-2594, authorizing subordination of a \$300,000 loan from the Revolving Loan Fund to a \$200,000 Line of Credit from the First National Bank to 750 Broadway Limited Liability Corporation for purposes of renovation and modification of the former Blaw-Knox real estate.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2005-2594**

A RESOLUTION AUTHORIZING SUBORDINATION OF A \$300,000 LOAN FROM THE REVOLVING LOAN FUND TO A \$200,000 LINE OF CREDIT FROM THE FIRST NATIONAL BANK TO 750 BROADWAY LLC FOR PURPOSES OF RENOVATION AND MODIFICATION OF THE FORMER BLAW-KNOX REAL ESTATE

WHEREAS, the City Council approved terms for a \$300,000 loan from the Revolving Loan Fund to 750 Broadway L.L.C. to acquire the former Blaw-Knox premises and improvements by Special Ordinance 2004-1058 adopted and approved December 7, 2004; and,

WHEREAS, The First National Bank is willing to extend a \$200,00 Revolving Line of Credit to enable 750 Broadway LLC to remodel, renovate and modify of the former Blaw-Knox real estate subject to the City's consent to subordinating its mortgage interest in the property to the Bank.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS THAT THE MAYOR AND CITY CLERK ARE AUTHORIZED AND DIRECTED TO SIGN DOCUMENTS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE TITLED "SUBORDINATION OF MORTGAGE").

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Special Ordinance 2005-1077, approving terms for a loan up to \$45,000 from the Revolving Loan Fund to the City's General Fund to underwrite costs for extending water and sewer to serve a health care facility to be located near the intersection of Lerna Road and Thomason Road.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1077

AN ORDINANCE APPROVING TERMS FOR A LOAN UP TO \$45,000 FROM THE REVOLVING LOAN FUND TO THE CITY'S GENERAL FUND TO UNDERWRITE COSTS FOR EXTENDING WATER AND SEWER TO SERVE A HEALTH CARE FACILITY TO BE LOCATED NEAR THE INTERSECTION OF LERNA ROAD AND THOMASON ROAD

WHEREAS, the City of Mattoon has a Community Development Assistance Program (CDAP) Revolving Loan (RLF) Program, and,

WHEREAS, the City of Mattoon has requested RLF funds as a loan to the City's General Fund in the amount of up to forty-five thousand dollars (\$45,000) to underwrite costs for extending water and sewer to serve a health care facility to be located near the intersection of Lerna Road and Thomason Road south of Carle Clinic, and,

WHEREAS, the Mattoon Revolving Loan (RLF) Committee has reviewed said RLF request and recommends City Council approval in accordance with applicable Federal, State and Local guidelines,

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

Section 1. That the City Council hereby approves the City of Mattoon loan request in the amount of forty-five thousand dollars (\$45,000) for an interest rate of 0% for a term of ten (10) years, reserving an option to prepay this loan from connection charges to be derived from future taps of the sewer main by future lot owners along Thomason Drive.

Section 2. The Municipal Clerk is hereby directed to file a certified copy of this ordinance in the City Revolving Loan File.

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 Mayor White, seconded by Commissioner Schilling adopted this 3rd 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 3rd day of May, 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 May 4th, 2005.

Mayor White opened the floor for discussion. Mr. Herb Meeker of the Journal Gazette requested a brief summary of the Gowin's project on dementia. Mrs. Gowin described the facility as a 24-unit facility for Alzheimer's and dementia patients; homes for niches or pods; outlay of building; an underserved population; and thanked the City for its support.

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 Cline moved to adopt Special Ordinance 2005-1078, approving terms for a \$195,000 loan from the Revolving Loan Fund to Jason and Theresa Gowin to assist with the acquisition of real estate and equipment to establish a health care facility for persons with dementia.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2005-1078

AN ORDINANCE APPROVING AN INTEREST RATE AND TERMS FOR A \$195,000 LOAN FROM THE REVOLVING LOAN FUND TO JASON AND THERESA GOWIN TO ASSIST WITH THE ACQUISITION OF REAL ESTATE AND EQUIPMENT TO ESTABLISH A HEALTH CARE FACILITY FOR PERSONS WITH DEMENTIA

WHEREAS, the City of Mattoon has a Community Development Assistance Program (CDAP) Revolving Loan (RLF) Program, and,

WHEREAS, Jason and Theresa Gowin have submitted a Revolving Loan Fund (RLF) Application for RLF funds in the amount of one hundred ninety five thousand dollars (\$195,000) for the acquisition of real estate and equipment, and,

WHEREAS, the Mattoon Revolving Loan (RLF) Committee has reviewed said RLF Application and recommends City Council approval in accordance with applicable Federal, State and Local guidelines,

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

Section 1. That the City Council hereby approves the Jason and Theresa Gowin RLF loan request in the amount of one hundred ninety five thousand dollars (\$195,000) for a fixed annual interest rate of 2.87% for a term of twenty (20) years for the acquisition of real estate and for a term of seven (7) years for the purchase of equipment.

Section 2. The Municipal Clerk is hereby directed to file a certified copy of this ordinance in the City Revolving Loan File.

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 Mayor White seconded by Commissioner Cline adopted this 3rd 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 3rd day of May, 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 May 4th, 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 Cook moved to approve Council Decision Request 2005-437, appointing Jon Spitz to the Police Pension Board replacing Charles White for a term expiring April 30, 2006 and reappointing Lew Stiff to a term on the Police Pension Board expiring April 30, 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 Cook, YEA Commissioner Ervin, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Cook seconded by Commissioner Schilling moved to approve Council Decision Request 2005-438, reporting bids received and authorizing a \$17,209.59 contract with Bartels Construction for improving handicap ramps on 9th Street sidewalks from Marshall Avenue to the South to City Limits.

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 Ervin moved to approve Council Decision Request 2005-439, reporting bids received and authorizing the mayor to sign a \$37,787 contract with Moore Builders to build a 60 x 40 metal building at Dodge Grove Cemetery.

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 Cline moved to approve Council Decision Request 2005-440, reporting bids received and authorizing procurements valued at \$72,385 for water treatment plant chemicals.

Ulrich Chemical for hydrofluosilicic acid @ \$0.12 per lb., sodium permanganate @ \$0.68 per lb and liquid chlorine @ \$0.285 per lb;
General Allied Chemical for liquid aluminum sulfate @ \$0.0747 per lb;
Brenntag Mid South for aqua ammonia @ \$0.15 per lb; and
Sal Chemical for polymer @ \$0.57 per lb.

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 Ervin moved to approve Council Decision Request 2005-441, authorizing an extension on bids received for the repair and re-painting of filters at the Water Treatment Plant in favor negotiating a potential settlement of the city's claim against the engineer and construction contractor responsible for the new plant construction project.

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 introduced his family members who were in attendance.

Mayor White seconded by Commissioner Cook moved to recess to closed session at 7:30 p.m. for an executive meeting 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)).

Council reconvened from closed session at 8:15 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourned at 8:16 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