

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on November 16, 2010.

Acting Mayor Gover presided and called the meeting to order at 6:30 p.m.

Acting Mayor Gover led the Pledge of Allegiance.

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

Also physically present were City personnel: City Administrator Sue McLaughlin, Attorney & Treasurer J. Preston Owen, Community Development Coordinator Kyle Gill, Police Chief Jeff Branson, Information Technology Director Brian Johanpeter, Public Works Assistant Superintendent Brandon Burkybile, and City Clerk Susan O'Brien.

Commissioner Hall seconded by Commissioner Ervin moved to approve the consent agenda consisting of minutes of the special meeting October 30, 2010 and regular meeting November 2, 2010; Fire department report and Finance report for the month of October, 2010; bills and payroll for the first half of November, 2010.

Bills and Payroll for the first half of November, 2010

General Fund

| | | |
|---------|-------|---------------------|
| Payroll | | \$ 238,077.80 |
| Bills | | <u>\$ 60,287.29</u> |
| | Total | \$ 298,365.09 |

Hotel Tax Fund

| | | |
|---------|-------|--------------------|
| Payroll | | \$ 1,666.65 |
| Bills | | <u>\$ 1,634.76</u> |
| | Total | \$ 3,301.41 |

Festival Management

| | | |
|-------|-------|------------------|
| Bills | | <u>\$ 123.08</u> |
| | Total | \$ 123.08 |

Insurance & Tort Judgment

| | | |
|-------|-------|--------------------|
| Bills | | <u>\$ 9,823.39</u> |
| | Total | \$ 9,823.39 |

Midtown TIF District

| | | |
|-------|-------|--------------------|
| Bills | | <u>\$ 2,722.76</u> |
| | Total | \$ 2,722.76 |

Revolving Loan Fund

| | | |
|-------|-------|-----------------|
| Bills | | <u>\$ 90.00</u> |
| | Total | \$ 90.00 |

Capital Project

| | | |
|-------|-------|----------------------|
| Bills | | <u>\$ 168,900.76</u> |
| | Total | \$ 168,900.76 |

Water Fund

| | | |
|---------|-------|----------------------|
| Payroll | | \$ 26,402.32 |
| Bills | | <u>\$ 280,548.81</u> |
| | Total | \$ 306,951.13 |

Sewer Fund

| | | |
|---------|-------|---------------------|
| Payroll | | \$ 27,041.21 |
| Bills | | <u>\$ 13,375.01</u> |
| | Total | \$ 40,416.22 |

Motor Fuel Tax Fund

| | | |
|-------|-------|-------------|
| Bills | | \$ 2,065.67 |
| | Total | \$ 2,065.67 |

Health Insurance

| | | |
|-------|-------|--------------|
| Bills | | \$ 40,976.22 |
| | Total | \$ 40,976.22 |

Acting Mayor Gover opened the floor for discussion with no responders.

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

PUBLIC COMMENTS/PRESENTATION AND NON-AGENDA ITEMS:

Mr. Doug Brown, Wildlife Biologist with the Illinois Department of National Resources, and Mr. Ron Boeser, local nuisance trapper, discussed with the Council and other attendees concerns over the recent sightings of coyotes in the City limits, offered information on coyotes and their habitats. Both gentlemen agreed to remove the current coyotes would enable other unwanted creatures to take their place. Citizens were encouraged to take additional questions to Mr. Brown and Mr. Boeser outside of regular meeting.

UNFINISHED BUSINESS:

Mayor Gover seconded by Commissioner Hall moved to remove from the table Special Ordinance 2010-1406.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded by Commissioner Ervin moved to adopt Special Ordinance 2010-1406, approving a variance from parking requirements in the zoning ordinance at 2916 Marshall Avenue. (United Graphics) Midwest Property Management, LLC, PMC Property Management, LLC, and First Trust & Savings Bank –Applicants.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1406**

AN ORDINANCE APPROVING A VARIANCE FROM THE PARKING REQUIREMENTS, OF THE ZONING ORDINANCE OF THE MUNICIPALITY, ON REAL ESTATE KNOWN AS 2916 MARSHALL AVENUE.

WHEREAS, there has been filed a written Petition by Midwest Property Management, LLC, PMC Property Management, LLC, and First Trust & Savings Bank, for a variance, respecting the property legally described as:

- Lot 3 and Lot 2, except the North 10 feet, and the West 1/3 of Lots 1 and 4 all in Bloct 163 of Noyes’ Addition to the City of Mattoon, Coles County, IL.
- And;
- Lot 1 and Lot 3 and Lot 4 in Block 164 in Noyes’ Addition to the City of Mattoon, Coles County, IL.

WHEREAS, said petition requests a variance be granted from the parking requirements, and believe a variance would not be detriment to the general public interests or to the premises; and

WHEREAS, the Planning Commission held a public hearing on said petition on October 26th, 2010; and

WHEREAS, said Petition was considered by the Planning Commission on October 26th, 2010; and was recommended that the Petition be allowed, and that a variance be granted from the parking requirements of the zoning ordinance.

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

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A variance is hereby granted from the parking requirements of the Zoning Ordinance of the City of Mattoon, to allow 90 parking spaces to be provided on the above described properties.

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 Acting Mayor Gover, seconded by Commissioner Ervin, adopted this 16th day of November, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner Rankin, Acting Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of November, 2010.

/s/ Tim Gover
Tim Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion. Coordinator Gill briefly reviewed our current parking ordinance, other cities' regulations, and the need to review the City's ordinance. Council, Administrator McLaughlin, Assistant Superintendent Burkybile, and Mr. John Wurtsbaugh of United Graphics discussed the effect of semi-trucks and necessary upgrades on the City street west of United Graphics.

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

NEW BUSINESS:

Commissioner Rankin seconded by Commissioner Ervin moved to approve Council Decision Request 2010-1162, approving Change Order No. 1 in the amount of \$15,700 for the removal of unsuitable material and placement of rock sub-base for the YMCA Parking Lot.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance 2010-1410, authorizing the sale of Lot 67 in Lake Paradise Subdivision to Dolores Brumleve, current owner of a home on leased premises at Lot 67, Lake Paradise Subdivision, and authorizing the Acting Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2153 Primrose Lane)

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1410**

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 67 IN LAKE PARADISE SUBDIVISION TO DOLORES BRUMLEVE, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 67, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2153 PRIMROSE LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Dolores Brumleve has made an offer to purchase the property for \$10,500.00; and

WHEREAS, Dolores Brumleve owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$10,500.00 was the fair market value of the real estate as of November 2, 2010, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

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 closing documents and the Acting Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to Dolores Brumleve, subject to a payment of \$10,500.00 plus associated costs. The purchase price will be due at closing.

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

Lot 67 in Lake Paradise Subdivision, Unincorporated 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 Rankin, seconded by Commissioner Ervin, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Rankin seconded by Commissioner Hall moved to adopt Special Ordinance 2010-1411, authorizing the sale of Lots 16 & 17 in Lake Paradise Subdivision to Judy Titko, current owner of a home on leased premises at Lots 16 & 17, Lake Paradise Subdivision, and authorizing the Acting Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3361 Pana Lane)

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1411**

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOTS 16 AND 17 IN LAKE PARADISE SUBDIVISION TO JUDY TITKO, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOTS 16 & 17, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 3361 PANA LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Judy Titko has made an offer to purchase the property for \$19,000.00; and

WHEREAS, Judy Titko owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$19,000.00 was the fair market value of the real estate as of November 2, 2010, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

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 closing documents and the Mayor and City Clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 2 of this ordinance to Judy Titko, subject to a payment of \$19,000.00, plus associated costs. The purchase price will be due at closing.

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

Lots 16 and 17 in Lake Paradise Subdivision, Unincorporated 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 Rankin, seconded by Commissioner Hall, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Ervin seconded by Commissioner Rankin moved to adopt Special Ordinance 2010-1412, ratifying the employment agreement with Brandon Burkybile for the Assistant Public Works Superintendent position.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1412

AN ORDINANCE RATIFYING THE EMPLOYMENT AGREEMENT OF
BRANDON BURKYBILE FOR A MANAGERIAL POSITION

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

Section 1. The City Council hereby approves an Employment Agreement with: Brandon Burkybile for the position of Assistant Public Works Superintendent, a copy of which is attached hereto and incorporated herein by reference.

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

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

Upon motion by Commissioner Ervin, seconded by Commissioner Rankin, adopted this 16th day of November 2010, by a roll call vote, as follows:

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

ABSENT (Names): None

Approved this 16th day of November, 2010.

/s/ Tim Gover
Tim Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Commissioner Ervin seconded by Commissioner Rankin moved to approve Council Decision Request 2010-1163, approving the South Side Drainage Project's Construction schedule and inspection plan, Agreement to provide "as built" plans upon completion, Permanent Easement authorization statement, a revised Emergency Action Plan and an updated Operation & Maintenance Plan.

Acting Mayor Gover opened the floor for discussion. Administrator McLaughlin noted the documents were subject to Illinois Department of Natural Resources' approval and permit with an informational town hall meeting inviting residents and businesses to attend in the near future.

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

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance 2010-1413, authorizing the granting of a permanent easement to the Illinois Department of Natural Resources for part of the property to be used for the South Side Drainage Project.

**CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1413**

**AN ORDINANCE AUTHORIZING THE GRANTING OF A PERMANENT EASEMENT TO THE ILLINOIS
DEPARTMENT OF NATURAL RESOURCES FOR PART OF THE PROPERTY TO BE USED FOR THE
SOUTHSIDE DRAINAGE PROJECT**

WHEREAS, for the last fifty years the City of Mattoon has had issues with flooding on the southern boundary of the City; and

WHEREAS, for the last five years the City has been working with the Illinois Department of Natural Resources (DNR) for the construction of water detention facilities on the south side of the City; and

WHEREAS, as part of the issuance of the permits for the project DNR has requested a Permanent Easement granting them access to the property for inspections of the water detention facilities constructed on the property ; and

WHEREAS, the City believes it is in its best interest to work with the DNR and to give them access to the property to insure the permanent integrity of the water detention facilities constructed by the City; and,

WHEREAS, The City Attorney has drafted a Permanent Easement that is attached hereto and incorporated herein as Exhibit "A."

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 Permanent Easement attached hereto as Exhibit “A” and are directed to file the same with the Office of the Coles County Clerk and Recorder.

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 Commissioner Rankin, seconded by Commissioner Ervin, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion. Administrator McLaughlin stated the easement was to allow access for inspections by the IDNR.

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

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Resolution 2010-2819, establishing a Deferred Compensation Plan (IAFF-FC) to be administered by Nationwide Retirement Solutions.

Name of Employer: City of Mattoon, Illinois
Title of Program Coordinator: City Clerk

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2010-2819**

**A RESOLUTION ESTABLISHING A DEFERRED COMPENSATION PLAN TO BE
ADMINISTERED BY NATIONWIDE RETIREMENT SOLUTIONS, INC.**

WHEREAS, the City of Mattoon, Illinois (“City”) has considered the establishment of a Deferred Compensation Plan to be made available to all eligible employees and elected officials pursuant to Section 457 of the Internal Revenue Code permitting such Plans; and,

WHEREAS, Nationwide Retirement Solutions provides plan administration services and sponsor investment options for deferred compensation plans established by public employers for their employees; and,

WHEREAS, a number of six or more firefighters have requested to enroll in the IAFF-Frontline Plan Program; and,

WHEREAS, by adoption of the Nationwide Program, all regulatory, operational, and administrative responsibilities are hereby assumed by Nationwide on behalf of the City; and,

WHEREAS, Nationwide as Plan Administrator, agrees to hold harmless and indemnify the City, its appointed and elected officials and participating employees from any loss resulting from City of Agent's failure to perform its duties and services pursuant to the Nationwide Program; and,

WHEREAS, the Employer has determined that the establishment of a deferred compensation plan administered by the Nationwide Retirement Solutions, Inc. serves its objectives to provide retirement security for its employees, attract and retain competent personnel, and that some or all of the funds held under such plan shall be invested in the Nationwide Life Insurance Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

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

Section 1. The City hereby adopts the Nationwide Retirement Solutions, Inc. Deferred Compensation Plan for Public Employees (the "Plan"), attached hereto as Appendix A.

Section 2. The City hereby executes the Plan, attached hereto as Appendix A, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the Nationwide Life Insurance Company.

Section 3. The assets of the Plan shall be held in trust, with the City serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

Section 4. The Plan will NOT permit loans by participants or their beneficiaries until the Internal Revenue Service has promulgated regulations specifically allowing public sector employers to implement a loan program from 457 plan assets held in trust.

Section 5. The City hereby agrees to serve as trustee under the Plan.

Section 6. The City Clerk shall be the coordinator for this Deferred Compensation Plan; shall receive necessary reports, notices, etc. from Nationwide Retirement Solutions, Inc. or the Nationwide Life Insurance Company; shall cast, on behalf of the Employer, any required votes under the Nationwide Life Insurance Company, and is authorized to administer the Plan and execute all necessary agreements with the Nationwide Retirement Solutions, Inc. incidental to the administration of the Plan.

Section 7. The Acting Mayor is authorized to sign the Deferred Compensation Plan Administrative Agreement with the Nationwide Retirement Solutions, Inc., attached hereto as Appendix B.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on December 17, 2010.

I, Susan J. O'Brien, Clerk of the City of Mattoon, Illinois, do hereby certify that the foregoing resolution, was duly adopted, passed and approved by the City Council of the City of Mattoon, Illinois at a regular meeting thereof assembled on the 16th day of November 2010.

/s/Susan J. O'Brien
City Clerk

Acting Mayor Gover opened the floor for discussion. Clerk O'Brien explained the Firefighters' initiative in establishing the plan with no cost to the City.

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

Commissioner Rankin seconded by Commissioner Ervin moved to adopt Special Ordinance 2010-1414, granting a rezoning of 2100-2120 Western Avenue and 2101-2121 Prairie Avenue from Residential (R) to C-3 Service Commercial. (Community Unit #2 School District and Commercial Refrigeration, Applicants)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2010-1414

ORDINANCE TO APPROVE PETITION FOR REZONING

WHEREAS, a Petition for Rezoning was filed with the City Clerk for the City of Mattoon by Mattoon Community School District # 2 and Commercial Refrigeration of Central Illinois, Inc., on the 13th day of October, 2010 requesting that the City of Mattoon, Illinois rezone from R3 Multiple Family District (RS) to C3 Service Commercial District the real estate described as follows:

All of Block 87 of Noyes Addition to the City of Mattoon

Also known as, 2100-2120 Western Ave. and 2101-2121 Prairie Ave.

WHEREAS, a public hearing was held before the Planning Commission of the City of Mattoon on the 9th day of November, 2010 pursuant to published notice;

WHEREAS, said Mattoon Planning Commission considered said Petition for Rezoning and recommended the Petition for Rezoning be approved;

WHEREAS the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve the rezoning of the premises described in this ordinance.

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

Section 1. Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be rezoned from R3, Multiple Family District to C3, Service Commercial District.

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

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

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

Upon motion by Commissioner Rankin, seconded by Commissioner Ervin, adopted this 16th day of November, 2010, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,
Commissioner Rankin, Acting Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 16th day of November, 2010.

/s/ Tim Gover
Tim Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion. Commissioner Ervin, Mr. Bill Daniell, and Superintendent Larry Lilly spoke in favor of the rezoning to provide economic development.

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

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance 2010-1415, approving a variance to allow the overnight stay of domestic animals accustomed to the use of a pet store located on real estate known as Mattoon MarketPlace.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2010-1415

AN ORDINANCE APPROVING A VARIANCE TO ALLOW THE OVERNIGHT STAY OF DOMESTIC ANIMALS ACCUSTOMED TO THE USE OF A PET STORE, LOCATED ON REAL ESTATE KNOWN AS MATTOON MARKETPLACE.

WHEREAS, there has been filed a written Petition by Timothy E. Fears, 100 DETTRO DRIVE MATTOON LLC, for a variance, respecting the property legally described as:

Lots 1,2,3,4,5 and Outlot A of Mattoon Marketplace, being Lot 1 of the replat of Outlot 1 of McFall/Swords Commercial Residential Development and part of Section 17, T-12-N, R-8-E, 3rd PM, Lafayette Township, Coles County, Illinois,

and

Lot 2 of the Re-Plat of Outlot 1 of McFall/Swords Commercial/Residential Development, Lafayette Township, Coles County, Illinois

and

Lot 10 in Block 1 in McFall/Swords Commercial/Residential Development, Phase I, Lafayette Township, Coles County, Illinois.

Commonly known as Mattoon Marketplace Shopping Center, Mattoon, Illinois

WHEREAS, said petition requests a variance be granted to allow the overnight stay of domestic animals accustomed to the use of a pet store located in a C5, Shopping Center District, and believe a variance would not be detrimental to the general public interests or to the premises; and

WHEREAS, the Planning Commission held a public hearing on said petition on November 9th, 2010; and

WHEREAS, said Petition was considered by the Planning Commission on November 9th, 2010; and was recommended that the Petition be allowed, and that a variance be granted to allow the overnight stay of domestic animals accustomed to the use of a pet store in a C5, Shopping Center District.

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

Section 1. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. A variance is hereby granted to allow the overnight stay of domestic animals accustomed to the use of a pet store in a C5, Shopping Center District, on the above described properties.

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 Acting Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Tim Gover
Tim Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion. Coordinator Gill explained the stipulations in C5 and the expansion location on the east side of the marketplace.

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

Acting Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2010-1164, approving a salary range and to seek external recruitment for an Information Technology Assistant, due to the resignation of Hans Warner.

Acting Mayor Gover opened the floor for discussion with no responders.

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

Acting Mayor Gover seconded Commissioner Hall moved to adopt Resolution 2010-2820, authorizing an \$8,000 maximum agreement with the Coles County Regional Planning & Development Commission for Technical Assistance for services to be rendered from December 1, 2010 to November 30, 2011 on a time and expense basis and authorizing the Acting Mayor to sign all documents.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2010-2820**

**RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT FOR
TECHNICAL ASSISTANCE SERVICES WITH THE COLES COUNTY REGIONAL PLANNING AND
DEVELOPMENT COMMISSION**

WHEREAS, the **City of Mattoon** has selected the Coles County Regional Planning and Development Commission to provide certain Technical Assistance Services to the **City**; and

WHEREAS, the **City Council** has examined the proposed contract agreement a copy of which is attached hereto and incorporated by reference and entitled "Technical Assistance Agreement" Between the **City of Mattoon IL** and the Coles County Regional Planning and Development Commission," and finds said contract agreement to be acceptable,

NOW, THEREFORE, BE IT RESOLVED by the **City Council** of the **City of Mattoon**, Illinois, that the **City** enter into and execute said Contract Agreement with the Coles County Regional Planning and Development Commission. The **Mayor** is authorized to execute said Agreement.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:
/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:
/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion. Acting Mayor Gover and Administrator McLaughlin noted the reduction in the maximum from last year.

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

Acting Mayor Gover seconded by Commissioner Hall moved to adopt Resolution 2010-2821, authorizing a \$2,100 agreement with the Coles County Regional Planning & Development Commission for administration of the Mattoon Revolving Loan Fund for services to be rendered from December 1, 2010 to November 30, 2011 on a time and expense basis and authorizing the Acting Mayor to sign all documents.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2010-2821**

**RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT
FOR REVOLVING LOAN FUND ADMINISTRATION & COORDINATION SERVICES WITH THE COLES
COUNTY REGIONAL PLANNING & DEVELOPMENT COMMISSION**

WHEREAS, the **City of Mattoon** operates a State of Illinois capitalized Revolving Loan Fund, and;

WHEREAS, the Coles County Regional Planning and Development Commission has been deemed by the **City Council** as qualified to administer said Revolving Loan Fund, said Commission furnishing a proposed contract agreement for Revolving Loan Fund administration services to the **City**, and

WHEREAS, The **City Council** has examined the proposed contract agreement, entitled "Contract Agreement for Administration and Coordination Services for State Capitalized Revolving Loan Fund," and finds the agreement to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the **Mayor** and **City Council** of the **City of Mattoon, Coles County**, Illinois that the **City** enter into and execute this Contract Agreement for Administrative Services with the Coles County Regional Planning and Development Commission. The **Mayor** is authorized to execute said AGREEMENT.

Upon motion by Acting Mayor Gover, seconded by Commissioner Hall, adopted this 16th day of November, 2010, by a roll call vote, as follows:

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

Approved this 16th day of November, 2010.

/s/ Timothy D. Gover
Timothy D. Gover, Acting Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney & Treasurer

Recorded in the Municipality's Records on November 17, 2010.

Acting Mayor Gover opened the floor for discussion with no responders.

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

COMMUNICATIONS - COUNCIL AND CITY STAFF

DEPARTMENT REPORTS:

CITY ADMINISTRATOR – updated the Council on beginning the budget process, grant work on energy efficiency Ike funding, Mattoon Lightworks Display, storage issues, and public works director interviews in the near future.

ATTORNEY & TREASURER – updated the Council on budget preparations and TIF reports.

CITY CLERK – noted nothing new to report.

PUBLIC WORKS – Administrator McLaughlin updated the Council on the YMCA Parking Lot, sidewalk repair along Broadway, Mattoon Lake dam resolution, and water main breaks and replacement of hydrants.

COMMUNITY DEVELOPMENT – updated the Council on the removing of the house at 2708 Richmond, demolition process of the garment factory, United Graphics plan review, and garment factory issues. Administrator McLaughlin noted the possible asbestos and ballast lighting issues.

FIRE – updated the Council on fire and haz mat training, inspections at the Villa Nova, tours of Lake Land College, and distribution of food baskets for the needy.

POLICE – updated the Council on Broadway parking issues, one light-duty officer, and all squad cars are in operation.

COMMENTS BY THE COUNCIL

Commissioner Ervin – noted a request from a citizen for additional handicapped parking spaces on Broadway Avenue. Council and Administrator McLaughlin discussed the issue.

Commissioner Hall-noted his attendance at the Veterans’ Day Parade.

Commissioner Rankin – commended the City staff on the former Central School rezoning and parking variance.

Acting Mayor Gover – thanked all who attended the meeting.

Commissioner Hall seconded by Commissioner Ervin moved to adjourned at 7:45 p.m.

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

/s/ Susan J. O’Brien
City Clerk