

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on June 5, 2018.

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

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Assistant Fire Chief Sean Junge, Police Chief Jason Taylor, and City Clerk Susan O'Brien.

**CONSENT AGENDA**

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting May 15, 2018; bills and payroll for the last of May, 2018; and

**Bills & Payroll**  
**last half of May, 2018**

|         |                                           |    |                   |
|---------|-------------------------------------------|----|-------------------|
|         | <b><u>General Fund</u></b>                |    |                   |
| Payroll |                                           | \$ | 584,966.15        |
| Bills   |                                           | \$ | <u>87,002.82</u>  |
|         | Total                                     | \$ | 671,968.97        |
|         | <b><u>Hotel Tax Administration</u></b>    |    |                   |
| Payroll |                                           | \$ | 6,069.27          |
| Bills   |                                           | \$ | <u>1,674.22</u>   |
|         | Total                                     | \$ | 7,743.49          |
|         | <b><u>Festival Mgmt Fund</u></b>          |    |                   |
| Bills   |                                           |    |                   |
|         | Total                                     | \$ | <u>11,102.22</u>  |
|         |                                           | \$ | 11,102.22         |
|         | <b><u>Insurance &amp; Tort Jdgmnt</u></b> |    |                   |
| Bills   |                                           |    |                   |
|         | Total                                     | \$ | <u>69,808.61</u>  |
|         |                                           | \$ | 69,808.61         |
|         | <b><u>Midtown TIF Fund</u></b>            |    |                   |
| Bills   |                                           | \$ | <u>117,693.17</u> |
|         | Total                                     | \$ | 117,693.17        |
|         | <b><u>Capital Project Fund</u></b>        |    |                   |
| Bills   |                                           | \$ | <u>23,196.66</u>  |
|         | Total                                     | \$ | 23,196.66         |

|         |                                     |    |                   |
|---------|-------------------------------------|----|-------------------|
|         | <b><u>Water Fund</u></b>            |    |                   |
| Payroll |                                     | \$ | 83,549.74         |
| Bills   |                                     | \$ | <u>40,771.24</u>  |
|         | Total                               | \$ | 124,320.98        |
|         | <b><u>Sewer Fund</u></b>            |    |                   |
| Payroll |                                     | \$ | 77,620.93         |
| Bills   |                                     | \$ | <u>431,876.58</u> |
|         | Total                               | \$ | 509,497.51        |
|         | <b><u>Health Insurance Fund</u></b> |    |                   |
| Bills   |                                     | \$ | <u>162,142.73</u> |
|         | Total                               | \$ | 162,142.73        |
|         | <b><u>Motor Fuel Tax Fund</u></b>   |    |                   |
| Bills   |                                     | \$ | <u>10,844.89</u>  |
|         | Total                               | \$ | 10,844.89         |

Mayor Gover declared the motion to approve consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

### **PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mayor Gover opened the floor for Public comments and questions. Ms. Kimberly Clark of 134 Woodlawn requested the Council reconsider the removal notice of her potbelly pig due to a dispute with her neighbors for two years and described a conflict within the code of ordinances. Ms. Marilyn Hall, neighbor of Ms. Clark, stated her concerns of the smell of the pig and requested the ordinance be followed. Mayor Gover would have someone look into the Public concern.

### **NEW BUSINESS**

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2018-3019: 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 of the City of Mattoon consistent with mandates of Illinois statute.

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## **CITY OF MATTOON, ILLINOIS**

### **RESOLUTION NO. 2018-3019**

#### **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 June 26, 1941, as amended, being Chapter 820 ILCS 130/1-12 Illinois Compiled Statutes, 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 CITY 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 June 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 2018, a copy of that determination being attached hereto as Exhibit “A” and incorporated herein by reference. The definition of any terms appearing in this Resolution which are also used in the 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 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 the City of Mattoon, Illinois 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 or file their names and addresses, 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 Index Division and the Department of Labor of the State of Illinois.

**SECTION 6:** The City Clerk shall cause a notice to be published in a newspaper of general circulation within the area that the determination of prevailing wages has been made. Said notice shall conform substantially to the notice attached hereto. Such publication shall constitute notice that this is the determination of the City of Mattoon, Illinois and is effective.

Upon motion by Commissioner Graven seconded by Commissioner Cox adopted this 5<sup>th</sup> day of June, 2018, by a roll call vote, as follows:

AYES (Names):           Commissioner Cox, Commissioner Graven,  
                                  Commissioner Hall, Commissioner Owen,  
                                  Mayor Gover

NAYS (Names):           None

ABSENT (Names):       None

Approved this 5<sup>th</sup> day of June, 2018.

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

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

APPROVED AS TO FORM:  
/s/Daniel C. Jones  
Daniel C. Jones City Attorney

Recorded in the Municipality's Records on June 5, 2018.  
Published this 6th day of June, 2018.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2018-1675, declaring personal property owned by the municipality surplus and authorizing the sale or disposal of the property.

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**CITY OF MATTOON, ILLINOIS  
SPECIAL ORDINANCE NO. 2018-1675**

**A SPECIAL ORDINANCE DECLARING PERSONAL PROPERTY OWNED BY THE  
MUNICIPALITY SURPLUS AND AUTHORIZING THE SALE OR DISPOSAL OF THE  
PROPERTY**

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

**Section 1.** Supplies and equipment identified on Exhibit A to this ordinance are no longer necessary or useful to, or for the best interest of, the City of Mattoon, and are hereby declared surplus to the needs of the City of Mattoon.

**Section 2.** The City of Mattoon, Illinois does not express any warranty or imply any statement of condition of this surplus property. The Department Heads are hereby authorized to administratively sell by the most advantageous means and to negotiate the conditions for the sale, recycle, or other disposition of the property without further formal consideration or approval by the City Council. The City of Mattoon shall reserve the right to accept or reject any and/or all offers for this property.

**Section 3.** The Mayor and City Clerk are authorized and directed to execute any documents necessary to complete the sale or disposal of the property.

**Section 4.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 5.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 5<sup>th</sup> day of June, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of June, 2018.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/Daniel C. Jones  
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on June 5, 2018.

Mayor Gover stated most items were computer items which were obsolete. Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Owen moved to approve Council Decision Request 2018-1854, ratifying the re-appointment of Clay Dean and the appointments of Teresa Righter and Chris Pilson to the Mattoon Public Library Board for terms ending 06/30/21.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Graven moved to adopt Special Ordinance No. 2018-1676, granting a rezoning from RSC-4 (Rural Suburban/Commercial) to C3 (Service Commercial District), special use and annexation of 43 acres located at 1021 N. 33<sup>rd</sup> Street for the purpose of constructing a solar farm. Serenity Solar, LLC and Marilyn Degler McClean are the Petitioners

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**CITY OF MATTOON**  
**SPECIAL ORDINANCE NO. 2018 -1676**  
**AN ORDINANCE GRANTING REZONING AT 1021 N. 33<sup>RD</sup> STREET FROM RS/C-4 TO C-3,**  
**SPECIAL USE & ANNEXATION TO ALLOW CONSTRUCTION OF A SOLAR FARM.**

**WHEREAS**, there has been filed a written Petition for Serenity Solar L.L.C. requesting Rezoning, Special Use, and Annexation of the 43 +/- acre parcel legally described as:

43 1/2 acres of even width off the North side of the North Half of the Southeast Quarter of Section 10; and the South 36.5 acres of the North Half of the Southeast Quarter of Section 10;

and the Southeast Quarter of the Southeast Quarter of Section 10;

All situated in Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois,

EXCEPT from all of the above the following 8 tracts of land:

Tract 1: The South 58 1/2 rods of the East 28 rods and 6 inches of the Southeast Quarter of the Southeast Quarter of said Section 10;

Tract 2: Beginning at a point 780 feet West and 30 feet North of the Southeast corner of said Section 10; thence North 325 feet with the East line of Section 10; thence West 300 feet with the South line of Section 10; thence South 325 feet with the East line of Section 10; thence East 300 feet to the point of beginning.

Tract 3: Beginning at the Southeast corner of Section 10, measure North along the East side of section 10, a distance of 30.0 feet; thence measure West, a distance of 462.7 feet parallel to the South line of said section 10 to a point for a place of beginning; thence West parallel to the South line of said Section 10, a distance of 150.00 feet; thence North parallel to the East line of said Section, a distance of 117.0 feet; thence deflecting 32°44' right, a distance of 68.6 feet; thence East parallel to the South line of said section 10, a distance of 110.2 feet; thence South, a distance of 175.3 feet to the place of beginning.

Tract 4: Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10; thence North 355 feet; thence East 240 feet; thence South 355 feet; thence West 240 feet to the place of beginning.

Tract 5: Beginning at a point 355 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10; thence North 150 feet; thence East 170 feet; thence South 150 feet; thence West 170 feet to the place of beginning.

Tract 6: Part of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, more particularly described as follows: Commencing at a concrete nail and id disk marking the Southeast corner of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian; thence azimuth 271°57'52" along the South line of said section 10, a distance of 1,079.47 feet to an existing survey marker; thence azimuth 359°58'05", a distance of 354.89 feet to an existing survey marker and the point of beginning; thence azimuth 271°57'52", a distance of 71.21 feet to an existing survey marker; thence azimuth 0°04'28", a distance of 150.36 feet to an existing survey marker; thence azimuth 91°57'52', a distance of 70.93 feet to a survey marker set; thence azimuth 179°58'05", a distance of 150.36 feet to the point of beginning, situated in Mattoon Township, Coles County, Illinois.

Tract 7: Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

Commencing at the Southeast corner of the said Southeast Quarter of the Southeast Quarter of Section 10; thence along the East line of the said Southeast Quarter of the Southeast Quarter of Section 10, North 00°00'42" East, 965.06 feet to the Northeast corner of a tract of land now or formerly owned by J.D. McDowell and the point of beginning; thence along the North line of the said tract and the extension thereof, North 88°23'333" West, 481.10 feet; thence North 0°00'42" East, 142.00 feet; thence South 88°23'33" East, 481.10 feet to the East line of the said Southeast Quarter of the Southeast Quarter of Section 10, South 0°00'42", 142.00 feet to the point of beginning.

Tract 8: That part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, described as follows: Beginning at a point on the East line of the Southeast Quarter of said section 10 lying 1107.06 feet North of the Southeast corner of said Section 10; thence North 88°26'22" West, 482.20 feet; thence North 0°23'46" East, 170.00 feet; thence South 88°26'22" East, 483.20 feet to a point on the East line of the Southeast Quarter of said Section 10; thence South 0°23'46" West, 170.00 feet along said East line to the point of beginning.

**WHEREAS**, said site is zoned RS, & partly C-4, commercial, which does not allow the construction of said development; and

**WHEREAS**, the property is well suited for a solar farm; and

**WHEREAS**, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the request be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve rezoning to C-3 to allow the construction of said solar farm.

**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 follows:

43 1/2 acres of even width off the North side of the North Half of the Southeast Quarter of Section 10; and the South 36.5 acres of the North Half of the Southeast Quarter of Section 10;

and the Southeast Quarter of the Southeast Quarter of Section 10;

All situated in Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois,

EXCEPT from all of the above the following 8 tracts of land:

Tract 1: The South 58 1/2 rods of the East 28 rods and 6 inches of the Southeast Quarter of the Southeast Quarter of said Section 10;

Tract 2: Beginning at a point 780 feet West and 30 feet North of the Southeast corner of said Section 10; thence North 325 feet with the East line of Section 10; thence West 300 feet with the South line of Section 10; thence South 325 feet with the East line of Section 10; thence East 300 feet to the point of beginning.

Tract 3: Beginning at the Southeast corner of Section 10, measure North along the East side of section 10, a distance of 30.0 feet; thence measure West, a distance of 462.7 feet parallel to the South line of said section 10 to a point for a place of beginning; thence West parallel to the South line of said Section 10, a distance of 150.00 feet; thence North parallel to the East line of said Section, a distance of 117.0 feet; thence deflecting 32°44' right, a distance of 68.6 feet; thence East parallel to the South line of said section 10, a distance of 110.2 feet; thence South, a distance of 175.3 feet to the place of beginning.

Tract 4: Beginning at the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10; thence North 355 feet; thence East 240 feet; thence South 355 feet; thence West 240 feet to the place of beginning.

Tract 5: Beginning at a point 355 feet North of the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 10; thence North 150 feet; thence East 170 feet; thence South 150 feet; thence West 170 feet to the place of beginning.

Tract 6: Part of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, more particularly described as follows: Commencing at a concrete nail and id disk marking the Southeast corner of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian; thence azimuth 271°57'52" along the South line of said section 10, a distance of 1,079.47 feet to an existing survey marker; thence azimuth 359°58'05", a distance of 354.89 feet to an existing survey marker and the point of beginning; thence azimuth 271°57'52", a distance of 71.21 feet to an existing survey marker; thence azimuth 0°04'28", a distance of 150.36 feet to an existing survey marker; thence azimuth 91°57'52', a distance of 70.93 feet to a survey marker set; thence azimuth 179°58'05", a distance of 150.36 feet to the point of beginning, situated in Mattoon Township, Coles County, Illinois.

Tract 7: Part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, being more particularly described as follows:

Commencing at the Southeast corner of the said Southeast Quarter of the Southeast Quarter of Section 10; thence along the East line of the said Southeast Quarter of the Southeast Quarter of Section 10, North 00°00'42" East, 965.06 feet to the Northeast corner of a tract of land now or formerly owned by J.D. McDowell and the point of beginning; thence along the North line of the said tract and the extension thereof, North 88°23'333" West, 481.10 feet; thence North 0°00'42" East, 142.00 feet; thence South 88°23'33" East, 481.10 feet to the East line of the said Southeast Quarter of the Southeast Quarter of Section 10, South 0°00'42", 142.00 feet to the point of beginning.

Tract 8: That part of the Southeast Quarter of the Southeast Quarter of Section 10, Township 12 North, Range 7 East of the Third Principal Meridian, Coles County, Illinois, described as follows: Beginning at a point on the East line of the Southeast Quarter of said section 10 lying 1107.06 feet North of the Southeast corner of said Section 10; thence North 88°26'22" West, 482.20 feet; thence North 0°23'46" East, 170.00 feet; thence South 88°26'22" East, 483.20 feet to a point on the East line of the Southeast Quarter of said Section 10; thence South 0°23'46" West, 170.00 feet along said East line to the point of beginning.

be and the same is granted the following:

- a. Rezoning of the 43 +/- acre parcel, PIN # 07-1-00296-000 to C-3 Commercial.
- b. Special use for said Solar Farm
- c. Annexation into the corporate limits of The City of Mattoon

**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 record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Graven, adopted this 5th day of June, 2018, by a roll call vote, as follows:



AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of June, 2018..

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

ATTEST:

APPROVED AS TO FORM:

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

/s/Dan C. Jones  
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on June 5, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Mr. Matt McGovern of Cypress Creek and other representatives explained the fit for and value to the community by providing low-cost clean energy in Illinois. Commissioner Hall inquired as to the personnel investment with Mr. McGovern stating 25 construction crew with no utilities and no regular personnel on site, but there would be site vegetation work which would cost Serenity \$25,000 a year for those efforts. Mayor Gover opened the floor for additional questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Owen moved to adopt Special Ordinance No. 2018-1677, granting a rezoning from ARG (Agricultural) to C3 (Service Commercial District), special use and annexation of 1104-1120 Old State Road for the purpose of a Go-Kart Track. Zax Trax, L.L.C. – Petitioner

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2018-1677**

**AN ORDINANCE GRANTING REZONING AT 1104-1120 OLD STATE ROAD FROM RS TO C-3, SPECIAL USE & ANNEXATION TO ALLOW CONSTRUCTION OF A GO-KART TRACK.**

**WHEREAS**, there has been filed a written Petition for Zax Trax L.L.C. requesting rezoning, Special Use, and Annexation of the 8 acre parcel legally described as

ALL THAT PART OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST, LYING NORTH OF THE OLD STATE ROAD, EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 330 FEET, THENCE AZIMUTH 270 DEGREES 27 MINUTES, 13 SECONDS, 660.0 FEET, THENCE AZIMUTH 00 DEGREES 39 MINUTES 39 SECONDS, 330.0 FEET, THENCE AZIMUTH 90 DEGREES 27 MINUTES 13 SECONDS ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 660 FEET TO THE PLACE OF BEGINNING; AND

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 330 FEET TO THE PLACE OF BEGINNING, THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 415.56 FEET TO THE CENTER LINE OF THE OLD STATE ROAD, THENCE ON AZIMUTH 252 DEGREES 14 MINUTES 41 SECONDS ALONG THE CENTER LINE OF THE OLD STATE ROAD, 695.62 FEET, THENCE AZIMUTH 00 DEGREES 39 MINUTES 39 SECONDS, 632.94 FEET, THENCE AZIMUTH 90 DEGREES 27 MINUTES 13 SECONDS, 660.0 FEET TO THE PLACE OF BEGINNING; AND

THE WEST 250 FEET OF EVEN WIDTH OF THE EAST 910 FEET OF EVEN WIDTH OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), LYING NORTH OF THE CENTER LINE OF THE OLD STATE ROAD (COUNTY HIGHWAY NO. 7), MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A BRASS PLATE IN THE CENTER LINE OF SOUTH NINTH STREET MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST ALONG THE ESTABLISHED FENCE LINE AND NORTH LINE OF SAID QUARTER-QUARTER A DISTANCE OF 660.0 FEET TO THE PLACE OF BEGINNING. THENCE NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST A DISTANCE OF 250.0 FEET, THENCE SOUTH 00 DEGREES 17 MINUTES 51 SECONDS WEST A DISTANCE OF 1014.95 FEET, THENCE NORTH 69 DEGREES 04 MINUTES 01 SECONDS EAST ALONG THE CENTER LINE OF OLD STATE ROAD (COUNTY HIGHWAY NO. 7) A DISTANCE OF 268.20 FEET, THENCE NORTH 00 DEGREES 17 MINUTES 51 SECONDS EAST A DISTANCE OF 917.15 FEET TO THE PLACE OF BEGINNING; AND

COMMENCING AT A BRASS MONUMENT IN THE CENTER LINE OF SOUTH NINTH STREET MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE AZIMUTH 270 DEGREES 28 MINUTES 09 SECONDS 909.80 FEET (910.00 FEET RECORD) ALONG THE NORTH LINE OF SAID QUARTER-QUARTER SECTION TO THE POINT OF BEGINNING, THENCE AZIMUTH 189 DEGREES 17 MINUTES 51 SECONDS, 1015.03 FEET (1014.95 FEET RECORD), THENCE AZIMUTH 249 DEGREES 04 MINUTES 54 SECONDS 94.46 FEET ALONG THE CENTER LINE OF OLD STATE ROAD (COUNTY HIGHWAY NO. 7), THENCE AZIMUTH 00 DEGREES 17 MINUTES 51 SECONDS , 1049.48 FEET, THENCE AZIMUTH 90 DEGREES 28 MINUTES 09 SECONDS, 88.06 FEET ALONG THE NORTH LINE OF SAID QUARTER-QUARTER TO THE POINT OF BEGINNING, ALL SITUATED IN THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, MATTOON TOWNSHIP, COLES COUNTY ILLINOIS.

PIN 07-1-00985-000

**WHEREAS**, said site is zoned RS, which does not allow the construction of said development; and

**WHEREAS**, the property is well suited for a go-kart track; and

**WHEREAS**, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the request be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve rezoning to C-3 to allow the construction of said development.

**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 follows:

ALL THAT PART OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST, LYING NORTH OF THE OLD STATE ROAD, EXCEPT THE FOLLOWING DESCRIBED TRACTS OF LAND:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS

ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 330 FEET, THENCE AZIMUTH 270 DEGREES 27 MINUTES, 13 SECONDS, 660.0 FEET, THENCE AZIMUTH 00 DEGREES 39 MINUTES 39 SECONDS, 330.0 FEET, THENCE AZIMUTH 90 DEGREES 27 MINUTES 13 SECONDS ALONG THE NORTH LINE OF THE SAID NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4), 660 FEET TO THE PLACE OF BEGINNING; AND

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 330 FEET TO THE PLACE OF BEGINNING, THENCE ON AZIMUTH 180 DEGREES 39 MINUTES 39 SECONDS ALONG THE CENTER LINE OF THE PUBLIC ROAD KNOWN AS NINTH STREET, 415.56 FEET TO THE CENTER LINE OF THE OLD STATE ROAD, THENCE ON AZIMUTH 252 DEGREES 14 MINUTES 41 SECONDS ALONG THE CENTER LINE OF THE OLD STATE ROAD, 695.62 FEET, THENCE AZIMUTH 00 DEGREES 39 MINUTES 39 SECONDS, 632.94 FEET, THENCE AZIMUTH 90 DEGREES 27 MINUTES 13 SECONDS, 660.0 FEET TO THE PLACE OF BEGINNING; AND

THE WEST 250 FEET OF EVEN WIDTH OF THE EAST 910 FEET OF EVEN WIDTH OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), LYING NORTH OF THE CENTER LINE OF THE OLD STATE ROAD (COUNTY HIGHWAY NO. 7), MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A BRASS PLATE IN THE CENTER LINE OF SOUTH NINTH STREET MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25), THENCE NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST ALONG THE ESTABLISHED FENCE LINE AND NORTH LINE OF SAID QUARTER-QUARTER A DISTANCE OF 660.0 FEET TO THE PLACE OF BEGINNING. THENCE NORTH 89 DEGREES 32 MINUTES 47 SECONDS WEST A DISTANCE OF 250.0 FEET, THENCE SOUTH 00 DEGREES 17 MINUTES 51 SECONDS WEST A DISTANCE OF 1014.95 FEET, THENCE NORTH 69 DEGREES 04 MINUTES 01 SECONDS EAST ALONG THE CENTER LINE OF OLD STATE ROAD (COUNTY HIGHWAY NO. 7) A DISTANCE OF 268.20 FEET, THENCE NORTH 00 DEGREES 17 MINUTES 51 SECONDS EAST A DISTANCE OF 917.15 FEET TO THE PLACE OF BEGINNING; AND

COMMENCING AT A BRASS MONUMENT IN THE CENTER LINE OF SOUTH NINTH STREET MARKING THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SAID SECTION TWENTY-FIVE (25),

TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE AZIMUTH 270 DEGREES 28 MINUTES 09 SECONDS 909.80 FEET (910.00 FEET RECORD) ALONG THE NORTH LINE OF SAID QUARTER-QUARTER SECTION TO THE POINT OF BEGINNING, THENCE AZIMUTH 189 DEGREES 17 MINUTES 51 SECONDS, 1015.03 FEET (1014.95 FEET RECORD), THENCE AZIMUTH 249 DEGREES 04 MINUTES 54 SECONDS 94.46 FEET ALONG THE CENTER LINE OF OLD STATE ROAD (COUNTY HIGHWAY NO. 7), THENCE AZIMUTH 00 DEGREES 17 MINUTES 51 SECONDS , 1049.48 FEET, THENCE AZIMUTH 90 DEGREES 28 MINUTES 09 SECONDS, 88.06 FEET ALONG THE NORTH LINE OF SAID QUARTER-QUARTER TO THE POINT OF BEGINNING, ALL SITUATED IN THE NORTHWEST QUARTER (NW.1/4) OF THE NORTHEAST QUARTER (NE.1/4) OF SECTION TWENTY-FIVE (25), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, MATTOON TOWNSHIP, COLES COUNTY ILLINOIS.

PIN 07-1-00985-000

be and the same is granted the following:

- a. Rezoning of the 8 acre parcel, PIN # 07-1-00985-000 to C-3 Commercial.
- b. Special use for said Go-Kart Track
- c. Annexation into the corporate limits of The City of Mattoon

**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 record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Owen, adopted this 5th day of June, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of June, 2018.

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

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ Dan C. Jones

Dan C. Jones, City Attorney

Recorded in the Municipality's Records on June 5, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Mr. Dan Haifly and son, Zack, owners of Zax Trax, L.L.C. addressed their plans and the concern of the noise level, which small Honda engines and the planting of trees should reduce the noise level. Mayor Gover opened the floor for additional questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Cox moved to adopt Special Ordinance No. 2018-1678, granting the rezoning from C3 (Service Commercial District) to C4 (General Commercial District) of 4814 Paradise Road for the purpose of a school bus barn. Barak Properties, L.L.C. Series 4 – Petitioner

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2018-1678**

**AN ORDINANCE GRANTING REZONING AT 4814 PARADISE ROAD FROM C-3 TO C-4, TO ALLOW CONSTRUCTION OF A SCHOOL BUS BARN.**

**WHEREAS**, there has been filed a written Petition for Mattoon CUSD #2 requesting rezoning of the two parcels legally described as:

**PT NE1/4 NE1/4 SEC 02 T11N R07E**

**WHEREAS**, said site is zoned C-3, commercial, which does not allow the construction of said bus barn; and

**WHEREAS**, the property is well suited for a bus barn; and

**WHEREAS**, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the request be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve rezoning to C-4 to allow the construction of said development.

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

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted the following:

- a. Rezoning of the two parcels, PIN # 10-0-00037-000 & 10-0-00028-000, to C-4 Commercial.

**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 record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 5th day of June, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Hall,  
Commissioner Graven, Commissioner Owen,  
Mayor Gover  
NAYS (Names): None  
ABSENT (Names): None

Approved this 5th day of June, 2018.

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

ATTEST:

APPROVED AS TO FORM:

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

/s/Dan C. Jones  
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on June 5, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Mr. Kent Metzger from the School District described the plans of the property and answered questions from the Council pertaining to the egress, fuel tanks, and fuel usage. Mayor Gover opened the floor for further questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Special Ordinance No. 2018-1679, granting a rezoning from C3 (Service Commercial District) to C4 (General Commercial District) of 4112 Lake Land Boulevard for the purpose of the operation of ILMO Wholesale Welding Supply Company. Roy Schmidt Motors Holdings, L.L.C. – Petitioner

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2018-1679**

**AN ORDINANCE GRANTING REZONING AT 4112 LAKE LAND BLVD. FROM C-3 TO C-4 TO ALLOW CONSTRUCTION OF A WHOLESALE WELDING SUPPLY.**

**WHEREAS**, there has been filed a written Petition for ILMO Supply requesting rezoning of the parcel legally described as:

**PT OF SEC 36 #681624**

**WHEREAS**, said site is zoned C-3, commercial, which does not allow the construction of said wholesale distributor; and

**WHEREAS**, the property is well suited for said development; and

**WHEREAS**, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the request be granted; and

**WHEREAS** the City Council for the City of Mattoon, Coles County, Illinois, deems that it would be in the public interest to approve rezoning to C-4 to allow the construction of said development.

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

**Section 1.** Pursuant to enabling authority provided at Section §159.05 of the Mattoon Code of Ordinances, the property legally described as aforesaid, be and the same is granted the following:

- a. Rezoning of the parcel, PIN # 07-1-01425-000, to C-4 Commercial.

**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 record a duly certified copy of this ordinance with the Clerk and Recorder's Office of Coles County, Illinois.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 5th day of June, 2018, by a roll call vote, as follows:

AYES (Names):        Commissioner Cox, Commissioner Graven,  
                                 Commissioner Hall, Commissioner Owen,  
                                 Mayor Gover

NAYS (Names):        None

ABSENT (Names):     None

Approved this 5th day of June, 2018.

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



ATTEST:

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

APPROVED AS TO FORM:

/s/Dan C. Jones  
Dan C. Jones, City Attorney

Recorded in the Municipality's Records on June 5, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Mayor Gover noted ILMO was moving from their current location at 14<sup>th</sup> and Richmond to Lake Land Boulevard. Commissioner Graven inquired as to the use of their current site. Attorney E. Lee Waite, representing the Petitioner, stated the intent was to sell the current site, but no decision had been made. Mayor Gover opened the floor for further questions with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall stated the Council would not be considering Ordinance No. 2018-5406 at this time and requested additional written input from the stakeholders. Commissioner Owen suggested conducting a meeting with the stakeholders to discuss the regulations. Commissioner Hall stated all concerned parties had been contacted, but not a group. Mayor Gover stated the Council would be considering the regulations at a future date.

#### **DEPARTMENT REPORTS:**

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT stated attendance at Planning Commission meeting involving the four petitions and preparation of the ambulance regulation ordinance; and updated Council on Community Development which had several little projects occurring. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted busy as usual and the ongoing saga of the fire truck lawsuit, awaiting a document from Pierce which will be brought before Council upon receipt, and explained the Pierce lawsuit for those in attendance. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual including new summer hires, insurance, liquor license renewals, and FOIAs. Mayor Gover opened the floor for questions with no response.

FINANCE updated Council on the passage of the State's FY19 budget and the impact on the City's tax receipts. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the parking lot located at 19<sup>th</sup> and Broadway, Marshall Avenue's bid award by the State, and Street crew's relocation of a water pipe at 12<sup>th</sup> Street and Marshall in preparation for the reconstruction. Director Barber announced Bill Dewey's Fit-2-Serve selling produce on Fridays at Progress Square and opened to other vendors where space allows. Commissioner Owen inquired as to the partnership with the CUSD #2 and City involving the purchase of gasoline with CUSD #2 moving their tanks to south Lake Land Boulevard. Director Barber announced plans to set up tanks at the new Public Works Building and have City departments obtain fuel by the time the School District moves to south Lake Land Boulevard. Mayor Gover inquired as to the working with the School

District to purchase fuel with Director Barber noting the City would be negotiating its own pricing. Mayor Gover opened the floor for further questions with no response.

FIRE noted work on ambulance ordinance, conducting annual fire hydrant inspections at BCBS, helicopter company prepared meal for firefighters, fire extinguisher training at Coles Moultrie, show and tell for children at Cracker Barrel, and annual pump testing at Airport; otherwise, business as usual. Mayor Gover opened the floor for questions with no response.

POLICE announced 2,053 calls since the last Council meeting with 63 suspects arrested and an armed robbery with gunshots and four in custody, the need to call in night shift early as well as Lake Land College to assist; and resolved the public nuisance issue behind Brian's Place. Chief Taylor also commended Detectives Mike Johnson and Alex Hesse for their efforts going above and beyond. Mayor Gover opened the floor for questions with Commissioner Cox remarking on the large number of calls.

ARTS AND TOURISM Commissioner Hall noted the number of baseball and softball tournaments, Bagelfest, Artworks and fireworks preparation in progress.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:02 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2)(C)(2)); the appointment, compensation, discipline, performance, or dismissal of specific employees of the City or legal counsel for the City. (5ILCS/20 (2)(C)(1)); and litigation that is affecting the City and an action is probable or imminent (5ILCS/20 (2)(C)(11)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Council reconvened at 7:45 p.m.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:45 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien  
City Clerk