

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on January 21, 2020.

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, Absent 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, Arts & Tourism Director Angelia Burgett, Public Works Director Dean Barber, Police Chief Jason Taylor, Interim Fire Chief Kevin Schotts, 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 January 7, 2020; bills and payroll for the first half of January, 2020.

**Bills & Payroll**  
**first half of January, 2020**

|         |   |    |                   |
|---------|---|----|-------------------|
|         | <b><u>General Fund</u></b>                |    |                   |
| Payroll |   | \$ | 26,995.58         |
| Bills   |   | \$ | <u>184,235.71</u> |
|         | Total                                     | \$ | 211,231.29        |
|         | <b><u>Hotel Tax Administration</u></b>    |    |                   |
| Payroll |   | \$ | 3,435.42          |
| Bills   |   | \$ | <u>1,185.96</u>   |
|         | Total                                     | \$ | 4,621.38          |
|         | <b><u>Festival Mgt Fund</u></b>           |    |                   |
| Bills   |   | \$ | <u>2,592.60</u>   |
|         | Total                                     | \$ | 2,592.60          |
|         | <b><u>Insurance &amp; Tort Jdgmnt</u></b> |    |                   |
| Bills   |   | \$ | <u>74,757.22</u>  |
|         | Total                                     | \$ | 74,757.22         |
|         | <b><u>Midtown TIF Fund</u></b>            |    |                   |
| Bills   |   | \$ | <u>56,783.83</u>  |
|         | Total                                     | \$ | 56,783.83         |
|         | <b><u>Broadway East Bus Dist</u></b>      |    |                   |
| Bills   |   | \$ | <u>2,433.90</u>   |
|         | Total                                     | \$ | 2,433.90          |
|         | <b><u>Water Fund</u></b>                  |    |                   |
| Payroll |   | \$ | 42,545.45         |
| Bills   |   | \$ | <u>37,303.13</u>  |
|         | Total                                     | \$ | 79,848.58         |

|         |                                     |    |                   |
|---------|-------------------------------------|----|-------------------|
|         | <b><u>Sewer Fund</u></b>            |    |                   |
| Payroll |                                     | \$ | 39,910.65         |
| Bills   |                                     | \$ | <u>93,153.39</u>  |
|         | Total                               | \$ | 133,064.04        |
|         | <b><u>Health Insurance Fund</u></b> |    |                   |
| Bills   |                                     | \$ | <u>208,953.76</u> |
|         | Total                               | \$ | 208,953.76        |
|         | <b><u>Motor Fuel Tax Fund</u></b>   |    |                   |
| Bills   |                                     | \$ | <u>13,590.14</u>  |
|         | Total                               | \$ | 13,590.14         |

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

**PRESENTATIONS, PETITIONS AND COMMUNICATIONS**

Mr. Robb Perry of 1593 ECR 250N questioned the liquor control press release stating the incorrect numbers needed to be retracted, and stated all of his gaming funds needed to go to the State instead of the City. Mr. James DiNaso of 19 Tammydale Lane in Charleston reiterated his concerns of businesses and the need to re-evaluate the law. Administrator Gill explained the liquor licenses, gaming, restaurants and the requirement to sell food. Mr. Rex Dukeman [11549 ECR 600N] questioned whether the State supports what the City has ordained. Attorney Jones stated the liquor control act clearly allows the local bodies to make rules.

**NEW BUSINESS**

Commissioner Cox seconded by Commissioner Graven moved to adopt Special Ordinance No. 2020-1732, authorizing the purchase of the taxi cab building located at 1904 Broadway Avenue adjacent to Wolf Pocket Park from Jeremy and Faith Arthur.

**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2020-1732**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF THE BUILDING LOCATED AT 1904 BROADWAY AVENUE ADJACENT TO WOLF POCKET PARK**

**WHEREAS**, the City of Mattoon has developed the “Wolf Pocket Park” into a small green space area with a mural located between Western Avenue and Broadway Avenue along South 19<sup>th</sup> Street; and,

**WHEREAS**, the former bus stop and taxi cab station building is vacant and on property adjacent to the Wolf Pocket Park; and,

**WHEREAS**, Jeremy and Faith Arthur own the building located at 1904 Broadway Avenue; and,

**WHEREAS**, the City of Mattoon has made improvements to Wolf Pocket Park and to the Broadway

Parking Lot around the vacant building; and

**WHEREAS**, the City desires to purchase the building owned by the Arthurs to secure the future right of utilizing the property for expanded uses of the area; and,

**WHEREAS**, the City Council has long supported the redevelopment of the Midtown TIF and continues to make improvements in the redevelopment area for economic development, restoration and beautification of the Midtown.

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

**Section 1. Recitals.** 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.** The Mayor and City Clerk are authorized and directed to execute any and all documents necessary to affect the purchase of the building located at 1904 Broadway Avenue, Mattoon, Illinois from Jeremy and Faith Arthur.

**Section 3.** The terms of the purchase are hereby attached as “Commercial Real Estate Contract”.

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

Upon motion by Commissioner Cox, seconded by Commissioner Graven, adopted this 21st day of January, 2020, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Owen

Approved this 21st day of January, 2020.

/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 January 21, 2020.

Mayor Gover opened the floor for questions/comments. Administrator Gill noted the purchase was to be taken out of the TIF and demolition out of TIF and demo line items. Mayor Gover noted the \$10,000 included taxes.

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

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2020-3056, approving an Inter-governmental agreement between State of Illinois, Illinois Department of Transportation and City of Mattoon for the Coles Centre Phase 2 roadway construction providing a portion of the project funding through an \$855,250 Economic Development Program (EDP) Grant; and authorizing the mayor to sign the inter-governmental agreement.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2020-3056**

**A RESOLUTION APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE STATE OF ILLINOIS, ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MATTOON**

**WHEREAS**, the City of Mattoon is preparing to construct roadway extensions for Phase 2 of the Coles Centre Subdivision; and

**WHEREAS**, the State of Illinois acting through its Department of Transportation is providing a portion of the project funding in the form of a \$855,250 Economic Development Program (EDP) Grant; and

**WHEREAS**, the terms and conditions for said grant are detailed in the attached Intergovernmental Agreement between the State of Illinois, Department of Transportation and the City of Mattoon.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that the attached Intergovernmental Agreement between the State of Illinois, Department of Transportation and the City of Mattoon be approved.

Upon motion by Commissioner Graven, seconded by Commissioner Cox dated this 21<sup>st</sup> day of January, 2020 by a roll call vote, as follows:

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

Approved this 21<sup>st</sup> day of January, 2020.

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

Recorded in the Municipality's Records on January 21, 2020.

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

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

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2020-2006, approving the appointment of Officer Jose Aceves to regular employment status with the Mattoon Police Department after successful completion of his probationary period effective February 03, 2020.

Mayor Gover opened the floor for questions/comments. Chief Taylor stated Officer Aceves was doing well and a good addition to the Department.

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

Mayor Gover seconded by Commissioner Cox moved to approve Council Decision Request 2020-2007, authorizing the employment of Benjamin W. deBuhr as a probationary patrol officer for the Mattoon Police Department effective May 18, 2020, contingent upon successful completion of background, physical and psychological exams, which was not an addition but a replacement of Officer Dan St. John who retired September 19, 2019.

Mayor Gover opened the floor for questions/comments. Chief Taylor introduced Mr. deBuhr, his family and background.

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

Commissioner Graven seconded by Commissioner Hall moved to adopt Resolution No. 2020-3057, appropriating \$245,000 of Motor Fuel Tax Funds for the pavement removal and replacement of Marshall Avenue from 14th Street to 17<sup>th</sup> Street as well as the storm sewer, curb, gutter, sidewalk and driveway repairs; and authorizing the mayor to sign the agreement. [14-00266-03-PV]

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## **CITY OF MATTOON, ILLINOIS**

### **RESOLUTION NO. 2020-3057**

#### **A RESOLUTION APPROVING A FEDERAL FUNDING AGREEMENT FOR THE RECONSTRUCTION OF MARSHALL AVENUE FROM 14TH STREET TO 17TH STREET**

**WHEREAS**, the City of Mattoon is preparing to reconstruct Marshall Avenue from 14th Street to 17th Street; and

**WHEREAS**, the estimated cost of said improvement is \$1,225,000; and

**WHEREAS**, the City of Mattoon has requested to use \$980,000 in Federal Funds for the project;  
and

**WHEREAS**, the remaining \$245,000 will be paid from City Motor Fuel Tax (MFT) Funds; and

**WHEREAS**, the Federal Funding Agreement is attached as Exhibit ‘X’; and

**WHEREAS**, the funding agency requires that the City formally specify the source of the matching funds for the project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that the Federal Funding Agreement attached as Exhibit ‘X’ be approved.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that \$245,000 in Motor Fuel Tax Funds be authorized for the construction of the improvements on Marshall Avenue from 14th Street to 17th Street.

Upon motion by Commissioner Graven, seconded by Commissioner Hall, adopted this 21<sup>st</sup> day of January, 2020, by a roll call vote as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Owen

APPROVED this 21<sup>th</sup> day of January, 2020.

/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/Daniel Jones  
Daniel Jones, City Attorney

Recorded in the Municipality’s Records on January 21, 2020.

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

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

Mayor Gover seconded by Commissioner Graven moved to adopt Resolution No. 2020-3058, approving the Master Contract between the Government Telecommunications Consortium (GovTC) and the County of Coles.

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**CITY OF MATTOON, ILLINOIS  
RESOLUTION NO. 2020-3058**

**A RESOLUTION APPROVING A MASTER CONTRACT BETWEEN GOVERNMENT  
TELECOMMUNICATIONS CONSORTIUM AND THE COUNTY OF COLES**

**WHEREAS**, the City of Mattoon (“*City*”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (“*Code*”); and

**WHEREAS**, Resolution No. 2018-3018 approved an Intergovernmental Agreement and Membership in the Government Telecommunications Consortium; and

**WHEREAS**, the creation of such consortium is authorized by Section 10 of Article VII of the Illinois Constitution of 1970 and Sections 3 of the Illinois Intergovernmental Cooperation Act; and

**WHEREAS**, the Intergovernmental Agreement provides in Article VII thereof for the creation of a Master Contract to engage a service provider to fulfill the obligations prescribed in Article VIII of the Intergovernmental Agreement; and

**WHEREAS**, the undersigned Members of the GovTC desire to engage the County of Coles as Service Provider according to the provisions of this Agreement and as authorized by the Intergovernmental Agreement.

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

**SECTION 1: RECITALS.** The Mayor and City Council find the foregoing recital are an accurate and complete reflection of the authority for, purpose and intent of this resolution and incorporate them as though restated herein.

**SECTION 2: MASTER CONTRACT.** That certain Master Contract between Government Telecommunications Consortium (GovTC) and the County of Coles, a true and complete copy of which is attached hereto as Exhibit A, is hereby approved. The Mayor and City Clerk are hereby authorized and directed to execute a counterpart of the contract.

**SECTION 3: SEVERABILITY.** If any section, subsection, sentence, clause, phrase of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 4: CONFLICT.** All prior Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION 5: EFFECTIVE DATE.** This Resolution shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

Upon motion by Mayor Gover, seconded by Commissioner Graven, adopted this 21st day of January, 2020, by a roll call vote as follows:

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

APPROVED this 21<sup>th</sup> day of January, 2020.

/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/Daniel Jones  
Daniel Jones, City Attorney

Recorded in the Municipality's Records on January 21, 2020.

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

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

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2020-2008, approving the fee proposal in the amount of \$50,000 from the Upchurch Group for the design of the Broadway Avenue Streetscaping Project from 17<sup>th</sup> Street to 16<sup>th</sup> Street; and authorizing the mayor to sign the professional services agreement.

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

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

Commissioner Graven seconded by Commissioner Hall moved to adopt Resolution No. 2020-3059, approving the Funding of the City's portion of the DeWitt Avenue Resurfacing in the amount of \$273,100. [19-00316-00-RS]

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FAP 320 (IL 121)  
Section: (56CS,34CS,19)RS-1  
CITY Section: 19-00316-00-RS  
Coles County  
Job No.: C-97-099-12  
Agreement No.: JN 719 007  
Contract No.: 74575

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2020-3059**



**A RESOLUTION AUTHORIZING THE FUNDING OF THE DEWITT AVENUE  
RESURFACING PROJECT**

**WHEREAS**, the CITY OF MATTOON intends to enter into an AGREEMENT with the STATE OF ILLINOIS, acting by and through its DEPARTMENT OF TRANSPORTATION, for the improvement of FAP 320 (IL 121), State Section (56CS,34CS,19)RS-1, CITY Section 19-00316-00-RS, from 0.2 miles west of TR 300E east to west of its intersection with 19th Street in Mattoon; and

**WHEREAS**, in compliance with the aforementioned AGREEMENT, it is necessary for the CITY OF MATTOON to appropriate sufficient funds to pay its share of the cost of said improvement.

**NOW, THEREFORE, BE IT RESOLVED**, that there is hereby appropriated the sum of TWO HUNDRED SEVENTY THREE THOUSAND ONE HUNDRED DOLLARS (\$273,100) or so much thereof as may be necessary, from any money now or hereafter allotted to the CITY OF MATTOON to pay its share of the cost of this improvement as provided in the AGREEMENT; and

**BE IT FURTHER RESOLVED**, that upon award of the contract for this improvement, the CITY OF MATTOON will pay to the DEPARTMENT OF TRANSPORTATION of the STATE OF ILLINOIS in a lump sum from any funds allotted to the CITY OF MATTOON, an amount equal to 50% of its obligation incurred under this AGREEMENT, and will pay to the said DEPARTMENT the remainder of the obligation (including any non-participating costs on FA Projects) in a lump sum, upon completion of the project based upon final costs.

**BE IT FURTHER RESOLVED** that the CITY OF MATTOON agrees to pass a supplemental resolution to provide necessary funds for its share of the cost of this improvement if the amount appropriated herein proves to be insufficient to cover said cost.

Upon motion by Commissioner Graven, seconded by Commissioner Hall, adopted this 21st day of January, 2020, by a roll call vote, as follows:

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

Approved this 21st day of January, 2020.

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

Recorded in the Municipality's Records on January 21, 2020.

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

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

Commissioner Graven seconded by Commissioner Cox moved to adopt Resolution No. 2020-3060, authorizing the use of Motor Fuel Tax Funds for the DeWitt Avenue Resurfacing in the amount of \$273,100 for reconstructing the existing ADA sidewalk ramps and the HMA resurfacing of the existing side street returns of 43<sup>rd</sup> Street to 19<sup>th</sup> Street. [19-00316-00-RS]

(IDOT)

**Resolution for Maintenance  
Under the Illinois Highway Code**

|                 |                   |                |
|-----------------|-------------------|----------------|
| Resolution Type | Resolution Number | Section Number |
| Original        | 2020-3060         | 19-00316-00-RS |

BE IT RESOLVED, by the Council of the City of \_\_\_\_\_  
Governing Body Type Local Public Agency Type

of MATTOON Illinois that the following described street(s)/road(s)/structure be  
Name of Local Public Agency

improved under the Illinois Highway Code. Work shall be done by Contract.  
Contract or Day Labor

**For Roadway/Street Improvements:**

| Name of Street(s)/Road(s) | Length (miles) | Route       | From        | To |
|---------------------------|----------------|-------------|-------------|----|
| DEWITT AVE (IL-121)       | FAP-320        | 43RD STREET | 19TH STREET |    |

**For Structures:**

| Name of Street(s)/Road(s) | Existing Structure No. | Route | Location | Feature Crossed |
|---------------------------|------------------------|-------|----------|-----------------|
|                           |                        |       |          |                 |

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of

CITY COST PARTICIPATION IN THE IDOT RESURFACING PROJECT. CITY COSTS INCLUDE RECONSTRUCTION OF EXISTING ADA SIDEWALK RAMPS AND THE HMA RESURFACING OF THE EXISTING SIDESTREET RETURNS.

2. That there is hereby appropriated the sum of TWO HUNDRED SEVENTY-THREE THOUSAND, ONE HUNDRED

\_\_\_\_\_ Dollars (                   \$273,100.00 )

for the improvement of said section from the Local Public Agency’s allotment of Motor Fuel Tax funds.  
 BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit four (4) certified originals of this resolution to the district office of the Department of Transportation.

I, Susan J. O'Brien City Clerk in and for said City  
Name of Clerk Local Public Agency Type Local Public Agency Type

of MATTOON in the State aforesaid, and keeper of the records and  
Name of Local Public Agency

files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by

Council of MATTOON at a meeting held on  
Governing Body Type Name of Local Public Agency

01/21/2020.

Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 21<sup>st</sup> day of January, 2020.

(SEAL)

Clerk Signature

Date

**Approved**

Regional Engineer

Department of Transportation

Date

Mayor Gover opened the floor for questions/comments. Commissioner Cox stated this was a well-needed project.

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

Commissioner Graven seconded by Commissioner Cox moved to adopt Ordinance No. 2020-5425, amending Chapter 99 Streets and Sidewalks of the municipal code to modify Section 99.12 Encroachments Onto or Over Public Right-of-Way for the City of Mattoon. [19-00316-00-RS]

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2020-5425**

**AN ORDINANCE REGULATING ENCROACHMENT ON PUBLIC RIGHT-OF-WAY IN THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**

**WHEREAS**, the City of Mattoon owns and maintains a municipal street system; and

**WHEREAS**, the current regulations regarding encroachments onto or over the public street right-of-ways is contained in Section 99.12 of the City of Mattoon, Illinois Code of Ordinances; and

**WHEREAS**, the City Council of the City of Mattoon wishes to modify said regulations, and

**NOW, THEREFORE, BE IT ORDAINED** by the City of Mattoon, Coles County, Illinois that the City of Mattoon, Illinois Code of Ordinances be amending by replacing Section 99.12 in its entirety with the following:

**Section 1. Recitals.** 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. Amendments.** Section 99.12 in its entirety is hereby amended as follows:

**SECTION 99.12 ENCROACHMENTS ONTO OR OVER PUBLIC RIGHT-OF-WAY**

(A) Definitions

(1) Public right-of-way is defined as those areas existing or acquired by dedication or by fee simple for street and/or highway purposes; as well as, those areas acquired by permanent easement and temporary easement during the time the easement is in effect.

(2) Encroachment is defined as any building, fence, sign, or any other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located or maintained, in, on, under or over any portion of the public right-of-way.

(3) Permissible encroachments are defined as any existing awning, marquee or sign advertising activity on the property, or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is sidewalk extending to the building line and which does not impair the free and safe flow of pedestrian traffic or traffic on the street and/or highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported by poles constructed outside the public right-of-way line and not confined by adjacent buildings.

(B) It shall be unlawful for any person, firm or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment (herein above defined), except as provided in Section (A)(3), within the limits of the public right-of-way.

(C) Any person, firm or corporation violating this ordinance shall be fined not less than \$10 nor more than \$500 for each offense and separate offense shall be deemed committed each and every day during which a violation continues or exists.

**Section 3.** This ordinance shall be published one time within ten days after its passage in a newspaper having a general circulation in the City of Mattoon, Coles County, Illinois, and shall be in full force and effect after its passage, approval and publication as provided by law

Upon motion by Commissioner Graven, seconded by Commissioner Cox, adopted this 21 day of January, 2020, by a roll call vote as follows:

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

NAYS (Names): None  
ABSENT (Names): Commissioner Owen

APPROVED this 21st day of January, 2020.

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

Recorded in the Municipality's Records on January 21, 2020.

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

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

Commissioner Graven seconded by Commissioner Hall moved to adopt Resolution No. 2020-3061, approving the Cost Participation Agreement between the State of Illinois, Illinois Department of Transportation and City of Mattoon for the DeWitt Avenue Resurfacing Project; and authorizing the mayor and city clerk to sign the agreement. [19-00316-00-RS]

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## CITY OF MATTOON, ILLINOIS

### RESOLUTION NO. 2020-3061

#### A RESOLUTION APPROVING A COST PARTICIPATION AGREEMENT BETWEEN THE STATE OF ILLINOIS, ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MATTOON

**WHEREAS**, the State of Illinois acting through its Department of Transportation is preparing to construct improvements to Dewitt Avenue (IL-121) from 43<sup>rd</sup> Street to 19<sup>th</sup> Street in Mattoon; and

**WHEREAS**, said improvements include milling and hot-mix-asphalt resurfacing of the City of Mattoon's side street returns, and the reconstruction of the City of Mattoon's sidewalk ramps at each intersection; and

**WHEREAS**, the City of Mattoon is required to participate in the cost of said improvements at the side street intersections and wishes to enter into the attached cost participation agreement with the State of Illinois, Department of Transportation.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council for the City of Mattoon, Coles County, Illinois, that the attached cost participation agreement between the State of Illinois, Department of Transportation and the City of Mattoon be approved.

Upon motion by Commissioner Graven, seconded by Commissioner Hall, adopted this 21 day of January, 2020, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): Commissioner Owen

ABSTAIN (Names): None

Approved this 21st day of January, 2020.

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

Recorded in the Municipality's Records on January 21, 2020.

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

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

#### DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted projects for Council, preparation of budget, LSC closing and working with Chamber Director Ed Dowd on a job fair for those effected; and updated Council on the economic development of Lerna Road and Route 16 construction. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted continuation of processing nuisance properties – 1320 Washington, and an action on uncollected tax filed within the next week or so. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted business as usual with foias, insurance issues and budget. Mayor Gover opened the floor for questions with no response.

FINANCE distributed and reviewed the December Financial Report, noted the comparative basis and cash position. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS updated Council on the projects out for bid including Marshall Avenue, Broadway Streetscaping, IDOT project and demolition of the taxicab stand after the closing. Mayor Gover opened the floor for questions with no response.

FIRE noted the steep learning curve, meeting with all firefighters, an airport training exercise this Spring, and meetings with Charleston fire chief, Coles County Deputy and EMA. Mayor Gover opened the floor for questions with no response.

POLICE noted all is well. Mayor Gover opened the floor for questions with no response.

ARTS AND TOURISM reminded everyone of the Annual Quilt Show, preparation of budgets, summer activities and schedule for grant requests. Mayor Gover opened the floor for questions with no response.

#### COMMENTS BY THE COUNCIL

Commissioner Cox acknowledged LSC announcement to close and after-the-fact notice to the City, thanked Director Dowd and Coles Together for reaching out and Mattoon in Motion for the workforce development community. Mayor Gover added many groups worked together to resolve the employment of LSC employees. Commissioner Hall also acknowledged LSC closure adding not LSC's only plant to close and help provided to its employees. Commissioner Graven had no further comments.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:04 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the minutes of meetings lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)).

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

Council reconvened at 7:18 p.m.

Administrator Gill and Commissioner Hall discussed testing by the Illinois Fire Chiefs Association for a regular fire chief. Council and Administrator Gill discussed the process of evaluations, liquor ordinance, and changing of the regular council meeting time to 6:00 p.m.

Mayor Gover seconded by Commissioner Hall moved to approve Council Decision Request 2020-2009, approving the release of all Executive Session minutes from October 14, 2009 through December 31, 2019, except for October 14, 20, 2009; May 18, 2010; February 01, 2012; July 2, 2013; February 27, 2014; April 1, 2014; January 6, 2015; February 17, 2015; May 19, 2015; February 02, 2016; September 20, 2016; June 15, 2017; December 19, 2017; January 02, 16, 2018; February 06, 2018; March 06, 20, 2018; April 03, 17, 2018; May 01, 15, 2018; June 05, 19, 2018; July 03, 11, 2018; August 07, 2018; October 02, 2018; November 06, 2018; December 18, 2018; January 15, 2019; February 14, 2019; March 19, 2019; April 02, 16, 2019; May 07, 21, 2019; June 18, 2019; July 02, 2019; August 20, 2019; October 15, 2019; November 05, 19, 2019; December 17, 2019; and to approve the destruction of Executive Session verbatim records which have been approved for release in written form as follows: March 18, 2014; April 15, 24, 2014; May 06, 20, 2014; September 16, 2014; and October 17, 2017.

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

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 7:32 p.m.

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

/s/Susan J. O'Brien  
City Clerk