

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

Mayor Pro-Tem Owen presided and called the meeting to order at 6:30 p.m.

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

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

CONSENT AGENDA

Mayor Pro-Tem Owen seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting July 7 and special meeting July 10, 2020; bills and payroll for the first half of July, 2020.

Bills & Payroll
first half of July, 2020

	<u>General Fund</u>		
Payroll		\$	257,412.79
Bills		\$	198,021.10
	Total	\$	455,433.89
	<u>Hotel Tax Administration</u>		
Payroll		\$	3,015.26
Bills		\$	827.77
	Total	\$	3,843.03
	<u>Insurance & Tort Jgmt</u>		
Bills		\$	47,292.50
	Total	\$	47,292.50
	<u>Midtown TIF Fund</u>		
Bills		\$	16,000.00
	Total	\$	16,000.00
	<u>I-57 East TIF Dist.</u>		
Bills		\$	27,420.00
	Total	\$	27,420.00
	<u>Broadway East Bus Dist</u>		
Bills		\$	1,222.08
	Total	\$	1,222.08
	<u>Water Fund</u>		
Payroll		\$	48,095.92
Bills		\$	36,052.48
	Total	\$	84,148.40

	<u>Sewer Fund</u>		
Payroll		\$	43,787.94
Bills		\$	<u>250,947.35</u>
	Total	\$	294,735.29
	<u>Health Insurance Fund</u>		
Bills		\$	<u>102,047.33</u>
	Total	\$	102,047.33
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>26,761.05</u>
	Total	\$	26,761.05

Mayor Pro-Tem Owen opened the floor for comments with no response.

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

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Pro-Tem Owen opened the floor for Public questions with no response.

Mrs. Laura Ferry of First Mid Insurance and Mr. Michael White of Activate Clinics presented an opportunity for the City’s medical insurance by participating in an Activate Clinic which provides primary and preventative care with no insurance billed or filed, generic prescriptions and lab services for a per member per month fee. Mayor Pro-Tem Owen opened the floor for questions of the Council who inquired as to the commitment, other groups, base-line model, home location, references, 4-5 month buildout and appreciation of all the work.

NEW BUSINESS

Commissioner Cox seconded by Commissioner Graven moved to approve Council Decision Request 2020-2058, approving payment in the amount of \$37,500.00 for the annual NPDES permit fees for the operation of the Waste Water Treatment Plant.

Mayor Pro-Tem Owen opened the floor for comments/questions with no response.

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

Mayor Pro-Tem Owen seconded by Commissioner Hall moved to adopt Special Ordinance No. 2020-1745, granting a Special Use Permit at 422 Progress Drive for the purpose of constructing a solar farm. Progress Solar, L.L.C. – Petitioner

SPECIAL ORDINANCE NO. 2020-1745

**AN ORDINANCE GRANTING A SPECIAL USE AT 422 PROGRESS DRIVE TO ALLOW
CONSTRUCTION OF A SOLAR FARM**

WHEREAS, there has been filed a written Petition by Progress Solar L.L.C. for requesting a special use of the property legally described as:

**A SOUTHEASTERN PORTION HAVING ACCESS TO PROGRESS DRIVE OF THE
NORTHEAST QUARTER SECTION OF SECTION 6, TOWNSHIP 12 NORTH, RANGE 8
EAST, OF THE THIRD PRINCIPAL MERIDIAN, COLES COUNTY ILLINOIS**

Commonly known as 422 Progress Drive, Mattoon, Illinois

WHEREAS, said site is zoned I (Industrial), which requires a special use for a Utilities Company

WHEREAS, the property is well suited for a Utilities Company; and

WHEREAS, the Planning Commission held a public hearing for the City of Mattoon, Coles County, Illinois, and has recommended that the requested special use 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 said special use at 422 Progress Drive. Mattoon IL 61938.

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 a special use allowing for lawful right to operate a solar farm with a condition of providing the City of Mattoon a 5-year decommissioning bond from the solar farm with an update every 5 years thereafter.

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

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

Upon motion by Mayor Pro-Tem Owen, seconded by Commissioner Hall, adopted this 21st day of July, 2020, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
 Commissioner Hall, Mayor Pro-Tem Owen

NAYS (Names): None

ABSENT (Names): Mayor Gover

Approved this 21st day of July, 2020.

/s/J. Preston Owen
~~Timothy D. Gover, Mayor~~
J. Preston Owen, Mayor Pro-Tem
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

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

/s/Dan Jones
Dan Jones, City Attorney

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

Mayor Pro-Tem Owen opened the floor for questions/comments. Administrator Gill noted these two properties had special uses two years ago, are renewing the special use and have applied with the State for a solar permit.

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

Mayor Pro-Tem Owen seconded by Commissioner Cox moved to adopt Special Ordinance No. 2020-1746, granting a Special Use Permit at 1021 N. 33rd Street for the purpose of constructing a solar farm. Serenity Solar, L.L.C. and Marilyn Degler McClean – Petitioners

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2020-1746

AN ORDINANCE GRANTING A SPECIAL USE AT 1021 N. 33RD STREET TO ALLOW CONSTRUCTION OF A SOLAR FARM.

WHEREAS, there has been filed a written Petition for Serenity Solar L.L.C. requesting a Special Use 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 C-3, commercial, which does allow the construction of said development with a special use; and

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

WHEREAS, the property had previously been granted the same special use; 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 the special use 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.

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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 Special Use for said Solar Farm allowing for lawful right to operate a solar farm with a condition of a decommissioning bond provided by the operator, and updated every 5 years.

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

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

Upon motion by Mayor Pro-Tem Owen, seconded by Commissioner Cox, adopted this 21st day of July, 2020, by a roll call vote, as follows:

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

Approved this 21st day of July, 2020.

/s/J. Preston Owen
~~Timothy D. Gover, Mayor~~
J. Preston Owen, Mayor Pro-Tem
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 July 21, 2020.

Mayor Pro-Tem Owen opened the floor for questions/comments with no response.

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

Mayor Pro-Tem Owen seconded by Commissioner Hall moved to adopt Resolution No. 2020-3098, approving the continuance of a Local State of Emergency (Coronavirus COVID-19).

Mayor Pro-Tem Owen opened the floor for comments/questions with no response.

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

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted union negotiations, meeting with Mrs. Ferry about Activate; otherwise, business as usual. Mayor Pro-Tem Owen opened the floor for questions with no response.

CITY ATTORNEY had nothing new to report. Mayor Pro-Tem Owen opened the floor for questions with no response.

CITY CLERK noted continued preparation for the audits; and offered special thanks to Chief Hilligoss and Director & Treasurer Wright for their assistance with the Fire Pension Audit; otherwise, business as usual. Mayor Pro-Tem Owen opened the floor for questions with no response.

FINANCE distributed and reviewed the June 2020 Financial Report including the revenues, expenditures, cash position which was up from \$17.5 million in May to \$17.9 million in June; and updated the major source of revenue. The unrestricted cash was approximately \$4.9 million compared to \$4.3 million last month. Director & Treasurer Wright reported four ongoing/upcoming audits: 1. City, 2. Fire Pension, 3. Police Pension, and 4. Motor Fuel Tax. Mayor Pro-Tem Owen opened the floor for questions with no response.

PUBLIC WORKS updated Council on the progress on Marshall Avenue, Storm Sewer and Champaign Avenue sidewalks. Mayor Pro-Tem Owen opened the floor for questions with no response.

FIRE noted assisting the City Clerk with the upcoming Fire Pension audit, setting up a filing system, service calls, training hours, and a mobile driving simulator for training. Mayor Pro-Tem Owen opened the floor for questions with no response.

POLICE noted all was well and the Activate Clinic is worth looking into. Mayor Pro-Tem Owen opened the floor for questions with no response.

ARTS AND TOURISM Commissioner Hall had nothing to report.

COMMENTS BY THE COUNCIL

Commissioner Hall reported Mattoon in Motion was awarded about \$50,000 in a COVID19 relief fund for child, senior, mental health and daycare. Commissioners Cox and Graven had no further comments.

Mayor Pro-Tem Owen seconded by Commissioner Hall moved to recess to closed session at 7:11 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 120 (2)(C)(2)); litigation which is affecting the City and an action is probable or imminent (5ILCS 120 (2)(C)(11)); and 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 Pro-Tem Owen declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Mayor Pro-Tem Owen, Absent Mayor Gover.

Council reconvened at 7:57 p.m.

Administrator Gill discussed the refinancing of Vitality Spa RLF loan. Council discussed Vitality's request, their loan and Downtown Diner's TIF grant. Administrator Gill discussed an I.T. assistant with the Council discussing options.

Mayor Pro-Tem Owen seconded by Commissioner Cox moved to approve Council Decision Request 2020-2059: Authorizing the release of minutes from October 14, 2009 through December 31, 2019, except for May 18, 2010; February 01, 2012; July 2, 2013; 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; January 21, 2020; and to approve the destruction of Executive Session verbatim records which have been approved for release in written form as follows: October 14, 20, 2009; February 27, 2014; April 1, 2014; January 6, 2015; February 17, 2015; May 19, 2015.

Mayor Pro-Tem Owen opened the floor for comments with no response.

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

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 8:09 p.m.

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

/s/Susan J. O'Brien
City Clerk