

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on April 5, 2022. Mayor Hall presided and called the meeting to order at 6:30 p.m.

Mayor Hall led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Jim Closson, YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner David Phipps, and YEA Mayor Rick Hall.

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, Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, and City Clerk Susan O'Brien.

## **CONSENT AGENDA**

Mayor Hall seconded by Commissioner Cox moved to approve the consent agenda consisting of Regular Meeting minutes of March 15, 2022; bills for last half of March and payroll for the last half of March, and first part of April, 2022; and Resolution No. 2022-3186, approving the continuance of a Local State of Emergency due to the Coronavirus (COVID – 19).

|         |       | <b><u>Bills for last half of March<br/>Payroll for last half of March<br/>and first half of April, 2022</u></b> |              |
|---------|-------|---|--------------|
|         |       | <b><u>General Fund</u></b>  |              |
| Payroll |       | \$  | 996,547.43   |
| Bills   |       | \$  | 155,091.46   |
|         | Total | \$  | 1,151,638.89 |
|         |       | <b><u>Hotel Tax Administration</u></b>  |              |
| Payroll |       | \$  | 5,466.68     |
| Bills   |       | \$  | 4,076.16     |
|         | Total | \$  | 9,542.84     |
|         |       | <b><u>Festival Mgmt Fund</u></b>  |              |
| Bills   |       | \$  | 21,411.43    |
|         | Total | \$  | 21,411.43    |
|         |       | <b><u>Insurance &amp; Tort Jdgmnt</u></b>   |              |
| Bills   |       | \$  | 11,680.42    |
|         | Total | \$  | 11,680.42    |
|         |       | <b><u>Capital Project Fund</u></b>  |              |
| Bills   |       | \$  | 35.00        |
|         | Total | \$  | 35.00        |
|         |       | <b><u>Water Fund</u></b>  |              |
| Payroll |       | \$  | 46,486.96    |
| Bills   |       | \$  | 43,413.42    |
|         | Total | \$  | 89,900.38    |
|         |       | <b><u>Sewer Fund</u></b>  |              |
| Payroll |       | \$  | 80,091.86    |
| Bills   |       | \$  | 230,552.88   |
|         | Total | \$  | 310,644.74   |

|                                     |       |    |                   |
|-------------------------------------|-------|----|-------------------|
| <b><u>Health Insurance Fund</u></b> |       |    |                   |
| Bills                               |       | \$ | <u>342,433.08</u> |
|                                     | Total | \$ | 342,433.08        |
| <b><u>Motor Fuel Tax Fund</u></b>   |       |    |                   |
| Bills                               |       | \$ | <u>16,377.19</u>  |
|                                     | Total | \$ | 16,377.19         |
| <b><u>Revolving Loan Fund</u></b>   |       |    |                   |
| Bills                               |       | \$ | <u>43.29</u>      |
|                                     | Total | \$ | 43.29             |

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2022-3186**

**DECLARATION OF LOCAL STATE OF EMERGENCY**

Pursuant to the authority vested in the office of Mayor by the Illinois Municipal Code Section 5/11-1-6, the Illinois Emergency Management Agency Act Section 3305/11 and Ordinance No. 2020-5430 of the City of Mattoon, I, Rick Hall, Mayor of the City of Mattoon do hereby declare that a Local State of Emergency exists as of this date, March 15, 2022, and shall continue until such time as provided in Ordinance No. 2020-5430.

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of COVID-19 to be a public health emergency of international concern and on March 11, 2020 declared a worldwide pandemic; and

**WHEREAS**, on January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States; and

**WHEREAS**, the Governor of the State of Illinois has issued a disaster proclamation on March 9, 2020 due to the impact of the COVID-19 virus and has activated the State Emergency Operations Center; and

**WHEREAS**, the State Emergency Management Agency has declared a public health emergency due to the impact of the COVID-19 virus; and

**WHEREAS**, the City Administration has coordinated its response with other Coles County governmental entities.

**The nature of the emergency is related to the COVID-19 virus which is causing or anticipated to cause widespread impacts on the health of members of the community.**

During the existence of the Local State of Emergency, the Mayor shall execute such authority as provided under the Illinois Municipal Code, the Illinois Emergency Management Agency Act and Ordinance No. 2020-5430.

This Declaration of Local State of Emergency shall be filed with the City Clerk as soon as practicable.

I, Rick Hall, whose name is signed to this instrument, being first duly sworn, signed and executed the instrument as the Declaration of Local State of Emergency, and that I signed willingly, and that I executed it as my free and voluntary act for the purposes therein expressed.

/s/Rick Hall  
Rick Hall, Mayor  
City of Mattoon, Coles County, Illinois

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

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

Mayor Hall opened the floor for Public comments. Mr. David Myers, 1217 Champaign Avenue, presented the Council with a petition against the current plan for playground equipment location in Cunningham Park. Mayor Hall spoke about the discussions and appreciated what Mr. Myers did. Mr. Harold Burwell, 724 S. 24<sup>th</sup> Street, inquired as to the City paying money toward the Sports Complex. Mayor Hall explained the future public hearing with facts, the actions on this agenda do not mean the City is spending money, would explain the items when acted upon and would not increase property taxes. Mayor Hall called for further questions in attendance and online with no response.

### **BUDGET HEARING PRESENTATION**

Mayor Hall opened the Public Hearing on the FY23 Budget at 6:38 p.m. in the City of Mattoon Council Chambers. Administrator Gill reviewed the proposed budget including General Fund overview, Budgeted Expenditures, Budgeted Revenues, Property Tax vs. Fire and Police Pensions, Motor Fuel Tax Fund, Hotel/Motel Tax Fund, Festival Management Fund, Mobile Equipment Fund, Home Rehab Grant Fund, Revolving Loan Fund, Capital Projects Fund, Midtown TIF, I-57 East TIF, I-57 East Business District, Broadway East TIF, Broadway East Business District, South Route 45 Business District; Water Fund, Sewer Fund, Health Insurance Fund, Health Insurance Overview, and Insurance & Tort Judgement Fund. The floor was opened for questions. Commissioner Graven inquired as to the mower expenditure with Administrator Gill noting the inclusion of a boom mower with a cost of \$150,000. Mayor Hall noted previous discussions on the budget and a good budget this year. With no further questions Mayor Hall closed the Public Hearing on the FY23 Budget at 6:57 p.m.

### **NEW BUSINESS**

Mayor Hall seconded by Commissioner Cox moved to approve Council Decision Request 2022-2231, ratifying the re-appointment of Joe Tilman to Electrical Commission with a term ending 04/30/2026.

Mayor Hall opened the floor for discussion with no response.

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

Mayor Hall seconded by Commissioner Graven moved to approve Council Decision Request 2022-2232, ratifying the re-appointment of John Hedges (II) as trustee to the Police Pension Board for a term ending 04/30/2024.

Mayor Hall opened the floor for comments. Mayor Hall noted the routine appointments to Boards.

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

Mayor Hall seconded by Commissioner Phipps moved to approve Council Decision Request 2022-2233, ratifying the re-appointments of Bernie deBuhr, Amanda Perdomo and Robert Shamdin to Revolving Loan Fund Committee with terms ending 04/30/2024.

Mayor Hall opened the floor for discussion. Commissioner Cox noted the voluntary service of all of the appointments while bringing their expertise to the Board; and expressed appreciation for their input and service.

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

Commissioner Phipps seconded by Commissioner Closson moved to approve Council Decision Request 2022-2234, awarding the bid from Howell Paving, Inc. in the amount of \$1,320,206.51 for the DeWitt Avenue Resurfacing Project from 14<sup>th</sup> Street to Logan Street.

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

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

Commissioner Phipps seconded by Commissioner Cox moved to approve Council Decision Request 2022-2235, awarding bid from Fuller-Wente in the amount of \$131,308.20 for the Logan Street Sidewalk Crossing Project.

Mayor Hall opened the floor for comments with no response.

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

Commissioner Phipps seconded by Commissioner Closson move to approve Council Decision Request 2022-2236, approving the cost proposal in the amount of \$35,000.00 from The Upchurch Group for the preparation of the Plans and Specifications of the Little Wabash Drainage Piping Project Phase 1; and authorizing the mayor to sign the Professional Services Agreement regarding the project.

Mayor Hall opened the floor for comments with no response.

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

Commissioner Closson seconded by Commissioner Phipps move to adopt Special Ordinance No. 2022-1805, authorizing the sale of Lots 16 & 17 in Lake Paradise Subdivision to Judy Titko, current owner of a home on leased premises at Lots 16 & 17, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3361 Pana Lane)

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CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1805

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

**WHEREAS**, the City of Mattoon owns certain real estate parcels at Lake Paradise Subdivision including Lots 16 & 17; and

**WHEREAS**, State Statute 65 ILCS 5/11-76-4.1 enables municipalities to sell real estate, at a price of not less than 80% of the appraised value, if it is determined to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office; and

**WHEREAS**, Judy Titko owns a residence, and leases the real estate at Lots 16 & 17 of Lake Paradise Subdivision, also known as 3361 Pana Lane; and

**WHEREAS**, said real estate is further described on the attached sketch labeled Exhibit 'X' and the attached deed labeled Exhibit 'Y'; and

**WHEREAS**, Judy Titko wishes to purchase said real estate at the appraised value of \$19,278.00; and

**WHEREAS**, the City Council declared Lots 16 & 17 "no longer necessary or required for the use of the municipality" and "authorized management staff to negotiate contracts to sell said lots" by virtue of Resolution No. 2006-2642; and

**WHEREAS**, the City Council established certain Covenants, Restrictions, and Limitations for Lake Paradise Subdivision in a Declaration made May 16th, 2006 and caused said document to be recorded at the Coles County Clerk and Recorder's Office as Document No. 0690359, said covenants are attached as Exhibit 'Z'.

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

**Section 1.** The City Council determines that it would be inappropriate to offer this property to competitive bidding since the leasee has already invested in permanent improvements on the premises that cannot be conveniently separated.

**Section 2.** The Mayor and City Clerk are authorized to sign documents conveying, by Warranty Deed, attached as Exhibit 'Y', title to the real estate described in Section 3 of this ordinance to Judy Titko in exchange for payment in the amount of \$19,278.00.

**Section 3.** The real estate to be conveyed pursuant to this ordinance is legally described as:

Lots 16 & 17 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois, commonly known as 3361 Pana Lane, Mattoon, Illinois.

Excepting any interest or estate in the minerals underlying the surface of the land which may have been heretofore conveyed or reserved, and all rights and easements in favor of any such mineral interest or estate.

**Section 4.** The Covenants, Restrictions, and Limitations for Lake Paradise Subdivision, Paradise Township, Coles County, Illinois, attached as Exhibit ‘Z’, shall run with the land, as provided by law, and shall be binding on all parties and all persons claiming under them and for the benefit of, and limitations on, future owners in such subdivision.

**Section 5.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

**Section 6.** This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Closson, seconded by Commissioner Phipps, adopted this 5th day of April, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox, Commissioner Graven, Commissioner Phipps, Mayor Hall

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, 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 Jones  
Dan Jones, City Attorney

Recorded in the Municipality's Records on April 5, 2022  
Mayor Hall opened the floor for comments with no response.

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

Commissioner Closson seconded by Commissioner Graven moved to adopt Special Ordinance No. 2022-1806, authorizing the Release and Vacation of an easement located at 1020 North 13<sup>th</sup> Street to Howell Asphalt Company. (07-1-00432-000)

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**CITY OF MATTOON, ILLINOIS**

**SPECIAL ORDINANCE NO. 2022-1806**

**AN ORDINANCE RELEASING AND VACATING AN EASEMENT  
TO HOWELL ASPHALT COMPANY**

**WHEREAS**, Howell Asphalt Company owns certain real estate at 1020 North 13<sup>th</sup> Street; and

**WHEREAS**, the City of Mattoon purchased an Easement from Howell Asphalt Company in 2016 for the construction of Combined Sewer Overflow (CSO) Piping at 1020 North 13<sup>th</sup> Street; and

**WHEREAS**, said Easement was recorded at the Coles County Recorder's Office on September 26, 2016, as Document Number 201600766343, and is attached as Exhibit 'Y'; and

**WHEREAS**, said CSO Piping has not been constructed, and is currently being designed for construction at a different location, and said Easement is no longer required; and

**WHEREAS**, Howell Asphalt Company has agreed to purchase back said Easement at the original purchase price of \$4,320.00; and

**WHEREAS**, the Release of Easement form to release and vacate said Easement back to Howell Asphalt Company is attached as Exhibit 'X'; and

**WHEREAS**, a Location Map for said Easement is attached as Exhibit 'Z'.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, that the Release of Easement attached as Exhibit 'X' be approved in return for payment in the amount of \$4,320.00 from Howell Asphalt Company and that the Mayor and the City Clerk are hereby authorized to execute the necessary documents to complete the transaction.

Upon motion by Commissioner Closson seconded by Commissioner Graven adopted this 5th day of April, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox  
Commissioner Graven, Commissioner Phipps, Mayor Hall  
NAYS (Names): None  
ABSENT (Names): None

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, 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 April 5, 2022.

Mayor Hall opened the floor for comments with no response.

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

Mayor Hall seconded by Commissioner Cox move to approve Council Decision Request 2022-2237, authorizing the employment of Hunter D. Laughhunn as a probationary patrol officer for the Mattoon Police Department effective May 22, 2022, contingent upon successful completion of background, physical and psychological exams.

Chief Gaines noted the new officer would attend Academy on May 22<sup>nd</sup>, lasting 14-weeks through August 26<sup>th</sup>; and provided a background of Mr. Laughhunn. Mr. Laughhunn thanked the City Council and Chief Gaines for the employment opportunity.

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

Mayor Hall seconded by Commissioner Graven move to adopt Special Ordinance No. 2022-1807, granting a variance located at 9106 County Highway 13, Mattoon, Illinois to allow construction of an agricultural accessory building that has a greater area than the primary residence. Petitioners Dalane Allenbaugh and Laurel Allenbaugh PIN 07-1-00099-002.

## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2022-1807**

#### **AN ORDINANCE GRANTING VARIANCE AT 9106 COUNTY HIGHWAY 13**

**WHEREAS**, there has been filed a written Petition from Dalane Allenbaugh and Laurel Allenbaugh requesting a variance to allow the construction of a machine shed at the parcel legally described as:

PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION FOUR (4), TOWNSHIP TWELVE (12) NORTH, RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 7, TOWNSHIP 12 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON AZIMUTH FROM ASSUMED NORTH 0°24'01", ALONG THE WEST LINE OF SAID QUARTER-QUARTER, 423.91 FEET TO THE POINT OF BEGINNING; THENCE AZIMUTH 90°09'38" 304.63 FEET; THENCE AZIMUTH 0°24'01" 293.33 FEET; THENCE AZIMUTH 270°09'38" 304.63 FEET TO SAID WEST LINE; THENCE AZIMUTH 180°24'01" 293.33 FEET TO THE POINT OF BEGINNING, SITUATED IN COLES COUNTY, ILLINOIS, AND CONTAINING 2.051 ACRES, PURSUANT TO PLAT OF SURVEY DATED APRIL 14, 2016, OF BRUCE A. FOLTZ, IPLS NO. 2945.

#### **SEC 4 TWP 12N RG 7E SW 1/4 SW 1/4 2016 SURVEY #0765620**

Commonly known as: 9106 County Highway 13

**WHEREAS**, said site(s) are zoned R-S, rural suburban; and

**WHEREAS**, the property is well suited for a variance; 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 a variance.

**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 variance to allow a machine shed larger than the home and be built past the front plane of the home.

**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 Hall, seconded by Commissioner Graven, adopted this 5th day of April, 2022, by a roll call vote, as follows:

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

NAYS (Names): None

ABSENT (Names): None

ABSTAIN (Names): Commissioner Phipps

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, 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 Jones  
Dan Jones, City Attorney

Recorded in the Municipality's Records on April 5th, 2022.

Mayor Hall opened the floor for comments. Administrator Gill noted the extra-territorial zoning which required a variance, described the location and no objections at the Planning Commission meeting who recommended the variance.

Mayor Hall declared the motion carried by the following vote: YEA Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, ABSTAIN Commissioner Phipps, YEA Mayor Hall.

Commissioner Cox seconded by Commissioner Phipps move to approve Council Decision Request 2022-2238, approving the appointment of Probationary Firefighter Jedidiah Donaldson to regular employment status with successful completion of his probationary period effective April 06, 2022.

Mayor Hall opened the floor for comments. Chief Hilligoss noted Firefighter Donaldson's paramedic certification and firefighting testing.

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

Mayor Hall seconded by Commissioner Graven move to adopt Resolution No. 2022-3187, approving a preliminary funding agreement between the City of Mattoon and AJM, L.L.C. relating to the proposed development of a Sports Complex and additional retail, restaurant and hotel developments on property located southwest of the Interstate 57 and Illinois Route 16 interchange; and authorizing the mayor to sign the funding agreement.

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION 2022-3187**

**A RESOLUTION APPROVING A PRELIMINARY FUNDING AGREEMENT BETWEEN THE CITY OF MATTOON AND AJM, LLC RELATING TO THE PROPOSED DEVELOPMENT OF A SPORTS COMPLEX AND ADDITIONAL RETAIL, RESTAURANT AND HOTEL DEVELOPMENTS ON PROPERTY LOCATED SOUTHWEST OF THE INTERSTATE 57 AND ILLINOIS ROUTE 16 INTERCHANGE**

**WHEREAS**, the City of Mattoon (the “City”) finds that there is a spirit of mutual cooperation between the City and AJM, LLC (together with related entities, the “Company”) to explore certain agreements relating to the development of a sports complex and additional retail, restaurant and hotel development on approximately 95 acres of property located southwest of the Interstate 57/Illinois Route 16 interchange (the “Project”), and

**WHEREAS**, the Company has advised the City that the Project will not be financially feasible without certain economic development incentives, and

**WHEREAS**, the City is willing to consider the use of economic development incentives to pay a portion of the costs of the Project, if the Company advances funds to pay the City’s costs of exploring such incentives, and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, the Mayor is hereby authorized to sign the Preliminary Funding Agreement, a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 5th day of April, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Mayor Hall  
NAYS (Names): Commissioner Closson, Commissioner Phipps  
ABSENT (Names): None

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, 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 April 5th, 2022.

Mayor Hall opened the floor for comments. Commissioner Phipps voiced concern over the language involving paying for the cost, no public meeting on it, independent work on the City’s behalf, two financing options with no private ownership, no incentives for the project, conflict of interest with attorneys paid by AJM, and decision on attorneys. Mayor Hall explained there would be no public meeting until facts were gathered which the fact gathering would be

reimbursed by AJM L.L.C.; and the attorneys were selected based on experience and recommendations. Attorney Jones stated the contract would be between the City and the legal contractor – not AJM. Administrator Gill noted Thompson Coburn checked for conflicts of interest and disclosed they had worked with IRR on other projects but had not been a client.

Commissioner Phipps seconded by Commissioner Closson moved to table Resolution No. 2022-3187.

Mayor Hall declared the motion to table Resolution NO. 2022-3187 failed by the following vote: YEA Commissioner Closson, NAY Commissioner Cox, NAY Commissioner Graven, YEA Commissioner Phipps, NAY Mayor Hall.

Mayor Hall declared the original motion carried by the following vote: NAY Commissioner Closson, YEA Commissioner Cox, YEA Commissioner Graven, NAY Commissioner Phipps, YEA Mayor Hall.

Mayor Hall seconded by Commissioner Cox move to approve Council Decision Request 2022-2239, approving the proposal to engage Applied Economics to prepare an analysis of the economic and revenue impacts of the proposed Sports Complex in Mattoon; and authorizing the mayor to sign the proposal.

Mayor Hall opened the floor for discussion. Commissioner Closson requested to have input with the research questions; inquired as to the data based on the October 21<sup>st</sup> press conference and timeframe of analysis; and voiced concern over unknowns. Mayor Hall explained the research questions were used all over the United States by the firm in order to establish the economic impact to the City and County which would take three weeks to complete the study; and noted the opportunity for the City with a positive impact on the community. Commissioner Cox commented the opportunity has not been available in the past and to do our due diligence to see if this could expand our economic development and support a local partner of the community. Mayor Hall explained the potential increase in the number of visitors and direct revenues. Commissioner Closson inquired as to the estimated timeframe for information. Administrator Gill stated in three months we would know more information. Commissioner Phipps stated that the City does not have its own independent study. Mayor Hall stated their track record had no failures and their analysis is incentive-based, and the fee is totally reimbursed by AJM L.L.C. with Administrator Gill adding the \$5,600 fee. Commissioner Closson requested to know if he would have input on their studies and obtain data for the last couple of years. Mayor Hall stated the City could hire someone to answer additional questions.

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

Mayor Hall seconded by Commissioner Graven move to adopt Resolution No. 2022-3188, approving the letter of engagement for special legal services provided by Thompson Coburn, L.L.P. relating to the proposed development of a Sports Complex and additional retail, restaurant and hotel developments on property located southwest of the Interstate 57 and Illinois Route 16 interchange; and authorizing the mayor to sign the document and all related documents to further the endeavor.

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**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2022-3188**

**A RESOLUTION APPROVING A LETTER OF ENGAGEMENT FOR LEGAL SERVICE PROVIDED BY THOMPSON COBURN, LLP RELATING TO THE PROPOSED DEVELOPMENT OF A SPORTS COMPLEX AND ADDITIONAL RETAIL, RESTAURANT AND HOTEL DEVELOPMENTS ON PROPERTY LOCATED SOUTHWEST OF THE INTERSTATE 57 AND ILLINOIS ROUTE 16 INTERCHANGE**

**WHEREAS**, the City of Mattoon (the “City”) finds that there is a spirit of mutual cooperation between the City and AJM, LLC (together with related entities, the “Company”) to explore certain agreements relating to the development of a sports complex and additional retail, restaurant and hotel development on approximately 95 acres of property located southwest of the Interstate 57/Illinois Route 16 interchange (the “Project”), and

**WHEREAS**, the Company has advised the City that the Project will not be financially feasible without certain economic development incentives, and

**WHEREAS**, The City is willing to consider the use of economic development incentives to pay a portion of the costs of the Project, and

**WHEREAS**, the City finds a need to hire special legal counsel for the City, who will be working with various City officials and other community leaders involved in the development of the project, and

**WHEREAS**, the City has had discussions with different legal counsels and recommend Thompson Coburn, LLP to represent the City of Mattoon in these matters, and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, the Mayor is hereby authorized to engage the services of the firm of Thompson Coburn, LLP to represent and counsel the City in these matters, furthermore the Mayor shall execute the attached engagement letter and other documents as need to move forward with this endeavor.

Upon motion by Mayor Hall, seconded by Commissioner Graven, adopted this 5th day of April, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven, Mayor Hall  
NAYS (Names): Commissioner Closson, Commissioner Phipps  
ABSENT (Names): None

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:  
/s/Susan J. O'Brien /s/Daniel C. Jones  
Susan J. O'Brien, City Clerk Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on April 5th, 2022.

Mayor Hall opened the floor for discussion. Commissioner Phipps inquired if the bond fee was included with Mayor Hall answering negatively.

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

Mayor Hall seconded by Commissioner Cox move to adopt Ordinance No. 2022-5449, amending the municipal code Title XI, Chapter 120 Production and Distribution of Cannabis to remove certain location restrictions for cannabis businesses.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2022-5449**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 120 BY REMOVING CERTAIN LOCATION RESTRICTIONS ON CANNABIS BUSINESSES**

**WHEREAS**, the City of Mattoon, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

**WHEREAS**, pursuant to the Act, the City may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and

**WHEREAS**, the City initiated amendments to Title XI, Chapter 120 “PRODUCTION AND DISTRIBUTION OF CANNABIS” to review and consider additional amendments to further regulate adult-use cannabis facilities within the City of Mattoon; and

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing as required by law, on March 22, 2022, in regards to the proposed amendments to Title XI, Chapter 120 “PRODUCTION AND DISTRIBUTION OF CANNABIS” of the City Code of Ordinances pertaining to adult-use cannabis; and

**WHEREAS**, the Planning and Zoning Commission recommended approval of the proposed amendments to Title XI, Chapter 120 “PRODUCTION AND DISTRIBUTION OF CANNABIS” on March 22, 2022.

**WHEREAS**, the City in order to protect the public health, safety and welfare of its residents believes it is now necessary to amend Title XI of the City Code of Ordinances to remove certain location restrictions on adult-use cannabis businesses in Title XI, Chapter 120 “PRODUCTION AND DISTRIBUTION OF CANNABIS”.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS**, 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. Amendment.** Section 120.08 of the City of Mattoon Code of Ordinances is hereby amended as follows (additions in **bold and underline**; deletions in **bold and strikethrough**):  
120.08 - Special requirements for dispensing organizations or Adult-Use dispensing organizations. Maximum 2 of each in the City of Mattoon.

- (a) Location. No ~~dispensing organization or~~ Adult-Use dispensing organizations shall be located within ~~1,500~~ **2,500** feet of the property line of a pre-existing **dispensary or 1000 feet of a public or private preschool or elementary or secondary school. or 500 feet from a day care center, day care home, place of worship, park, group day care home, or part day care facility.** It may not be located in a house, apartment, condominium, the offices of a physician, or an area zoned for residential use. These requirements shall not be subject to variance. Such distances shall be measured linearly and shall be the shortest distance between the closest points of the property lines of the places. If a boundary line measured touches upon any portion of a parcel or lot, the parcel or lot shall be within the area being identified by the City Zoning Official. ~~Additionally, dispensing organizations or Adult-Use dispensing shall be a minimum of 1,500 feet from all other dispensing organizations or Adult-Use dispensing organizations as measured from the parcel boundaries.~~ It is further required they must be a standalone business, no gaming or alcohol consumption or sale on the premises.

**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. The City Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Hall, seconded by Commissioner Cox, adopted this 5th day of April, 2022, by a roll call vote, as follows:

AYES (Names): Commissioner Closson, Commissioner Cox,  
Commissioner Phipps, Mayor Hall

NAYS (Names): Commissioner Graven

ABSENT (Names): None

Approved this 5th day of April, 2022.

/s/Rick Hall  
Rick Hall, 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 April 5th, 2022.

Administrator Gill noted the original ordinance took a stricter stance than the State which had no restrictions on location, the Planning Commission recommended to reduce limits. Commissioner Graven opposed the changes to locations near public schools.

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

### **DEPARTMENT REPORTS:**

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted business as usual with negotiations and budget; updated Council on Community Development with site plans for Dunkin Donuts, inspections at Ginger Ale, Dunham Sports, Garden Inn hotel and convention center; and reported on permits, zoning hearing for extra-territorial property, cannabis ordinance, and Truth and Grace gymnasium, and reviewed elevator licenses at City Hall and the Depot. Mayor Hall opened the floor for questions with no response.

CITY ATTORNEY noted business as usual with assisting Staff on projects and documents. Mayor Hall opened the floor for questions with no response.

CITY CLERK noted business as usual with insurance issues, new hire and retirement processing and various reports. Mayor Hall opened the floor for questions with no response.

FINANCE announced amendments to the FY22 Budget, Fire Department backpay from the Clerk's Office, ARPA reporting, Revenue Tracking Report, cash position and unrestricted cash. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS noted much action on the agenda, schedule for projects on DeWitt and Logan, and thanked Attorney Jones for the assistance with the real estate transaction. Mayor Hall opened the floor for questions. Mayor Hall inquired as to the start date for the DeWitt project with Director Barber stating mid-May after IDOT bids at beginning of May and preconstruction conference after the IDOT bidding.

FIRE updated Council on the calls for service, inspections and follow-ups and training. Mayor Hall opened the floor for questions. Commissioner Cox inquired as to the start of ambulance rotation with Chief Hilligoss stating April 20<sup>th</sup> as first rotation.

POLICE updated Council on calls for service and arrests with expectations of an increase during Summer. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM announced the May 14<sup>th</sup> Artworks event with 31 paid artisans with the Gardenfest at Lytle Park and Car Show in Peterson Park; and noted Lightworks' purchases, Bagelfest entertainment with new sponsors and vendors including a new event of weightlifting in the Bandshell. Mayor Hall opened the floor for questions with no response.

### **COMMENTS BY THE COUNCIL**

Commissioner Closson commented on the start of new hire of Lakes Maintenance Work – John Wurtsbaugh and returning Steve Fryer who partnered with the Friends of Lake Mattoon to clean up area, scheduled a fishing derby, painted Marina; and had mapping meetings with Mattoon in Motion – Park Committee with cleanups, fundraiser for the Dog Park and hire employees. Mayor Hall and Commissioners Cox, Graven and Phipps had no further comments.

Mayor Hall seconded by Commissioner Cox moved to recess to closed session at 7:53 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of the appointment, compensation, discipline, performance, or dismissal of specific employees of the

City or legal counsel for the City under (5ILCS 120 (2)(C)(1)); 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 under (5ILCS 120 (2)(C)(2)); and setting of a price for sale or lease of property owned by the City of Mattoon under (5ILCS 120 (2)(C)(6)).

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

Council reconvened at 8:29 p.m.

Administrator Gill requested Council to contact him with comments on health insurance premiums increasing to 25% for employees due to contract settlements and retirees to 55%. Commissioner Cox noted earlier communications with retirees in the past. Administrator Gill requested Council to contact him on the renting of Peterson House. Council discussed the Peterson House and use by City employees.

Council adjourned at 8:36 p.m.

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

/s/Susan J. O'Brien  
City Clerk