

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on December 6, 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 in person: 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, Public Works Director Dean Barber (6:31p.m.), Fire Chief Jeff Hilligoss, Police Chief Sam Gaines, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Hall seconded by Commissioner Closson moved to approve the consent agenda consisting of Regular Meeting minutes of November 15, 2022; bills and payroll for the last half of November, 2022; Resolution No. 2022-3219; and approving the continuance of a Local State of Emergency due to the Coronavirus (COVID – 19).

Bills and payroll for the last half of November, 2022

	<u>General Fund</u>		
Payroll		\$	362,990.87
Bills		\$	<u>914,865.12</u>
	Total	\$	1,277,855.99
	<u>Hotel Tax Administration</u>		
Payroll		\$	4,876.21
Bills		\$	<u>1,812.30</u>
	Total	\$	6,688.51
	<u>Festival MGMT Fund</u>		
Bills		\$	<u>11,695.61</u>
	Total	\$	11,695.61
	<u>Insurance & Tort Jdgmnt</u>		
Bills		\$	<u>1,598.00</u>
	Total	\$	1,598.00
	<u>Broadway East Bus. Dist.</u>		
Bills		\$	<u>297,034.12</u>
	Total	\$	297,034.12
	<u>Midtown TIF Fund</u>		
Bills		\$	<u>131,470.26</u>
	Total	\$	131,470.26
	<u>Capital Project Fund</u>		
Bills		\$	<u>19,125.54</u>
	Total	\$	19,125.54
	<u>East TIF Dist.</u>		

Bills		\$	20,253.14
	Total	\$	20,253.14
<u>South RT 45 TIF Dist</u>			
Bills		\$	10,432.09
	Total	\$	10,432.09
<u>Broadway East TIF Dist.</u>			
Bills		\$	48,587.20
	Total	\$	48,587.20
<u>Water Fund</u>			
Payroll		\$	45,517.27
Bills		\$	51,442.19
	Total	\$	96,959.46
<u>Sewer Fund</u>			
Payroll		\$	43,395.29
Bills		\$	720,826.01
	Total	\$	764,221.30
<u>Health Insurance Fund</u>			
Bills		\$	320,733.63
	Total	\$	320,733.63
<u>Motor Fuel Tax Fund</u>			
Bills		\$	157,375.46
	Total	\$	157,375.46

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3223

DECLARATION OF LOCAL STATE OF EMERGENCY

State of Illinois
County of Coles
City of Mattoon

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, December 6, 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 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

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meetings Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments. We would also ask you to state your name and address for the record as well as stand when speaking.

Mayor Hall opened the floor for Public comments. Mr. John Dhermy, 804 Lafayette Avenue, voiced his complaints about 712 Wabash and the Police Dept. Mayor Hall opened the floor for questions from online attendees with no response.

Mayor Hall announced the Audit Presentation was delayed to the next Council meeting.

NEW BUSINESS

Commissioner Graven seconded by Commissioner Cox moved to adopt Special Ordinance No. 2022-1843, levying taxes for all corporate purposes for the fiscal year beginning May 1, 2022 and ending April 30, 2023.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1843

AN ORDINANCE LEVYING TAXES FOR ALL CORPORATE PURPOSES FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, FOR THE FISCAL YEAR BEGINNING MAY 1, 2022 AND ENDING APRIL 30, 2023

BE IT ORDAINED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois:

Section 1. Assumed Equalized Assessed Valuation. The corporate authorities have assumed the Equalized Assessed Valuation (EAV) of property within the municipality will increase from \$213,136,699 to \$216,423,616, one and fifty-four one hundredths of a percent (1.54%) over the previous fiscal year.

Section 2. Tax Levy. The amount hereinafter set forth, or so much thereof as may be authorized by law, and the same are hereby levied upon all property subject to taxation within the municipality as that property is assessed and equalized for the current year, to defray expenses and liabilities for the City of Mattoon, Coles County, Illinois, for the fiscal year beginning May 1, 2022 and ending April 30, 2023. The total property tax levy extension is attached hereto and marked as “Exhibit A” and incorporated herein by reference.

Section 3. Maximum Rates for Certain Services. If the equalized assessed value of the municipality ends up lower or higher than the value anticipated by this ordinance, the Coles County Clerk is petitioned to levy the maximum property tax rate authorized by law for General Corporate, Police Protection and Fire Protection.

Section 4. Tax Abatement for General Obligation Bonds. Since alternative revenue sources will be sufficient to pay debt service on the City of Mattoon’s General Obligation Bonds, the 2022 tax levy (to be received in 2023) is hereby abated for the following General Obligation Bonds:

<u>Issue</u>	<u>Tax Levy Years</u>	<u>Bond Ordinance Number</u>
Series 2017A General Obligation Refunding Bonds	2017 thru 2027	Ordinance 2017-5397
Series 2017B General Obligation Refunding Bonds	2017 thru 2027	Ordinance 2017-5398
Series 2014 General Obligation Refunding Bonds	2014 thru 2024	Ordinance 2014-5368

The levy for paying principal and interest on these bonds shall only be abated for the 2022 tax levy. In all other respects, the ordinances that authorized the foregoing bonds shall continue in effect according to the express terms thereof.

Section 5. Amount to be Raised by Tax Levy. The amount to be levied for each purpose is placed in a separate column under the heading “Amount to be Raised by Tax Levy”, which appears over same being as follows, to wit:

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
General Fund			
General Government	2,340,997	2,340,997	-0-
Public Safety	14,787,330	10,186,451	4,600,879
Public Works	1,233,890	1,233,890	-0-
Health & Welfare	1,766,980	1,766,980	-0-
Culture & Recreation	1,289,423	1,289,423	-0-
Economic Development	50,000	50,000	-0-
Debt Service	500	500	-0-
Other Financing Uses	<u>1,399,761</u>	<u>1,399,761</u>	<u>-0-</u>
Total General Fund	\$ 22,868,881	\$ 18,268,002	\$ 4,600,879

Statutory Authority:

General Corporate Tax (65 ILCS 5/8-3-1): 0.25 Limit	-0-
Fire Protection (65 ILCS 5/11-7-1): 0.15 Limit	-0-
Police Protection (65 ILCS 5/11-1-3): 0.15 Limit	-0-
Parks (65 ILCS 5/11-98-1): 0.075 Limit	-0-
Firemen's Pension (40 ILCS 5/4-118) No Limit	2,633,005
Firemen's Pension (35 ILCS 200/18-185) No Limit	27,540
Policemen's Pension (40 ILCS 5/3-125) No Limit	<u>1,940,334</u>
	\$ 4,600,879

	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Other Governmental Funds:			
Library Fund	\$ 697,644	\$ 199,870	\$ 497,774
Motor Fuel Tax Fund	1,626,084	1,626,084	-0-
Hotel & Motel Tax Fund	351,856	351,856	-0-
Festival Management Fund	182,725	182,725	-0-
Mobile Equipment Fund	440,000	440,000	-0-
Insurance & Tort Judgment Fund	1,047,471	1,047,471	-0-
Home Rehab Grant Fund	500,000	500,000	-0-
Revolving Loan Fund	27,265	27,265	-0-
Midtown TIF Fund	1,323,503	1,323,503	-0-
East I-57 TIF Fund	177,316	177,316	-0-
East I-57 Business District Fund	31,030	31,030	-0-
South Route 45 TIF District Fund	71,536	71,536	-0-
South Route 45 Business District Fund	0	0	-0-
Broadway East TIF District Fund	194,600	194,600	-0-
Broadway East Business District Fund	363,748	363,748	-0-
Capital Improvement Fund	<u>1,667,108</u>	<u>1,667,108</u>	<u>-0-</u>
Total Other Governmental Funds	\$8,701,886	\$8,204,112	\$ 497,774

Statutory Authority:

Library (75 ILCS 5/3-1, 5/3-4, 5/3-7) 0.23 Limit	\$ 497,774
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	<u>Amount Budgeted</u>	<u>Amount To Be Received from Other Sources</u>	<u>Amount To Be Raised By Tax Levy</u>
Enterprise Funds:			
Water Fund	\$ 3,941,691	\$ 3,941,691	-0-
Sewer Fund	8,412,288	8,412,288	-0-
Total Enterprise Funds	\$ 12,353,979	\$ 12,353,979	-0-
 All Fund Totals	 \$ 43,924,746	 \$38,826,093	 \$5,098,653

Section 6. The City Clerk shall make and file with the Clerk of Coles County, on or before the last Tuesday in December, a duly certified copy of this ordinance.

Section 7. If any section, subdivision or sentence of this ordinance shall for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining part of this ordinance.

Section 8. This ordinance shall be in full force and effect after its adoption, as provided by law.

Upon motion by Commissioner Graven, seconded by Commissioner Cox, adopted this 6th day of December, 2022, by a roll call vote, as follows:

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

Approved this 6th day of December, 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/ Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on 12-06, 2022.

Mayor Hall opened the floor for questions/comments. Director & Treasurer Wright reviewed the distributed worksheet on comparing levies and pension contributions. Commissioner Cox inquired when the City was last fiscally ahead with Director & Treasurer Wright stating ten years. Administrator Gill and Director & Treasurer Wright reviewed the contributions above the statutory minimum and the inability to previously fund the pensions at the full actuarial recommended levels. Commissioner Phipps questioned the EAV reported by the County Assessor with Director & Treasurer Wright noted the Assessor's numbers were from the end of September and reassessed values being reflected as unsure.

Mayor Hall noted Director & Treasurer Wright's conservative assessment. Director & Treasurer Wright noted her estimates had been very close in the past and noted this was a reasonable estimate.

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 moved to adopt Special Ordinance No. 2022-1844, granting a special use for the purposes of a solar farm located at 422 Progress Drive with a decommissioning bond to be filed with the State of Illinois and Department of Agriculture. Petitioners: Progress Solar 1, LLC and Progress Solar 2, LLC. Part of 06-0-00160-003 #4

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1844

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 1, L.L.C. and Progress Solar 2, L.L.C., requesting a Special Use of the parcel legally described as:

A Southeastern portion having access to Progress Drive of the Northeastern Quarter Section of Section 6, Township 12 North, Range 8 East, of the Third Principle Meridian, Coles County Illinois

Commonly known as 422 Progress Drive Mattoon, Illinois
PIN: Part of 06-0-00160-003

;and

WHEREAS, said site is zoned I (Industrial District); and

WHEREAS, the Planning Commission views solar farms similar to Public Utility substations and equipment storage to be permitted in all districts with a special use; and

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

WHEREAS, the property owner agree to have the property annexed if granted the right to construct said solar farm through the State of Illinois as a condition of the 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, and specifically finds that the solar farm is consistent with existing uses and zoning of nearby properties, does not diminish property values, promotes the health, safety, morals and general welfare of the public, provides significant gain the public with no hardship imposed on neighboring property owners, is suitable for the zoned purposes of the project site, and is consistent with the land development in the vicinity.

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 the lawful right to construct and operate a solar farm with the decommissioning bond filed with the Illinois Department of Agriculture.

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 Hall seconded by Commissioner Cox adopted this 6th day of December, 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 6th day of December, 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 December 6, 2022.

Mayor Hall opened the floor for questions/comments. Administrator Gill noted the Planning Commission had previously granted two special uses in 2018 and 2020 for the property, but the State hadn't granted new permits for solar projects. The State was now starting to grant these permits.

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 adopt Special Ordinance No. 2022-1845, granting a Special Use permit at 900 N. 33rd Street for the purpose of operating a Daycare Center. Petitioner: Angela Pearson

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2022-1845

AN ORDINANCE GRANTING A SPECIAL USE ALLOWING THE OPERATION OF A CHILD CARE CENTER AT 900 NORTH 33RD STREET

WHEREAS, there has been filed a written Petition by Angela Pearson for requesting a special use of the property legally described as:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION ELEVEN (11), TOWNSHIP TWELVE (12) NORTH RANGE SEVEN (7) EAST OF THE THIRD PRINCIPAL MERIDAN; THENCE NORTH 389 FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE EAST 160 FEET; THENCE NORTH 100 FEET; THENCE WEST 160 FEET; THENCE SOUTH 100 FEET TO THE PLACE OF BEGINNING, COLES COUNTY.

COMMONLY KNOWN AS: 900 NORTH 33RD, MATTOON ILLINOIS, COLES COUNTY (PIN 07-1-00385-000)

WHEREAS, said petition requests that a special use be granted pursuant to applicable ordinances of the municipality to allow the operation of a childcare center; and

WHEREAS, the zoning of the property is R1, Single Family Residential District, and childcare centers are allowed in R1, Single Family Residential Districts with a special use; and

WHEREAS, the Planning and Zoning Commission for the City of Mattoon, held a properly noticed public hearing on November 22, 2022, regarding petitioners' request for said special use; and

WHEREAS, the Planning and Zoning Commission for the City of Mattoon, has recommended that the requested special use permit 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 special use permit for the operation of a childcare center at 900 North 33rd Street.

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 permit for the operation of a childcare center.

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 6th day of December, 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 6th day of December, 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 December 6, 2022.

Mayor Hall opened the floor for comments. Administrator Gill noted Mrs. Pearson's successful two or three daycares in the past and the extension of one at 33rd and Moultrie, noted special uses at the location for churches and other daycares previously and no problems with parking. Commissioner Phipps inquired as to the vote at the Planning Commission with Administrator Gill stating unanimously approved.

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 Cox moved to adopt Special Ordinance No. 2022-1846, authorizing the sale of surplus real estate located south of the Yard Waste Facility to Portugal Properties, L.L.C., and authorizing the mayor and city clerk to sign all documents necessary to complete the transaction. (portion of 06-0-00662-000)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO 2022-1846

**A SPECIAL ORDINANCE AUTHORIZING THE SALE OF SURPLUS PROPERTY
OWNED BY THE CITY OF MATTOON EAST OF LOGAN STREET AND
SOUTH OF 317 DEWITT AVE EAST - A PORTION OF MATTOON'S YARD WASTE FACILITY
(PIN 06-0-00662-000)**

WHEREAS, the City of Mattoon owns a strip of real estate north of the former CCC & St. Louis Railroad right of way and east of Logan Street that is currently used as the Yard Waste Facility for the City of Mattoon; and

WHEREAS, a portion of the property has been fenced off and utilized by the property to the north, 317 DeWitt Ave. East, and not utilized by the City of Mattoon; and

WHEREAS, the City Council declared the property no longer necessary and authorized the solicitation of bids for the sale of the property on October 4, 2022, Special Ordinance 2022-1833; and

WHEREAS, Portugal Properties, L.L.C. has made the sole bid in the amount of \$2,500.00 to purchase the surplus property described as follows:

A part of the Northeast Quarter (NE ¼) of Sections Eighteen (18), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian being more particularly described as follows: Commencing at the northwest corner of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian; thence South 00 degrees 01 minute 55 seconds East along the west line of said Northeast Quarter (NE ¼) a distance of 1323.01 feet to a point 150 northerly of the north right of way line of the former CCC & St. L Railroad; thence North 81 degrees 56 minutes 07 seconds East parallel with said north right of way line a distance of 1072.56 feet to the point of beginning, thence North 81 degrees 56 minutes 07 seconds East a distance of 352.71 feet; thence South 00 degrees 19 minutes 04 seconds West a distance of 40.07 feet; thence South 94 degrees 24 minutes 43 seconds West a distance of 87.28 feet; thence South 87 degrees 50 minutes 47 seconds West a distance of 260.51 feet; thence North 05 degrees 11 minutes 06 seconds West a distance of 9.05 feet; to the point of beginning, containing 0.212 acres (9223.45 sf) more or less

; and

WHEREAS, it would be in the best interest of the City to sell this property to Portugal Properties, LLC and be placed on the property tax roll of the City of Mattoon.

NOW, THEREFORE, BE IT RESOLVED 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. The City Attorney is authorized to prepare closing documents in the standard form for real estate transactions and the Mayor and City Clerk are authorized to sign documents conveying by a Municipal Corporation Deed the real estate described in Section 3 of this ordinance to Portugal Properties, L.L.C. subject to a payment in the amount of \$2,500.00.

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

A part of the Northeast Quarter (NE ¼) of Sections Eighteen (18), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian being more particularly described as follows: Commencing at the northwest corner of the Northeast Quarter (NE ¼) of Section Eighteen (18), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian; thence South 00 degrees 01 minute 55 seconds East along the west line of said Northeast Quarter (NE ¼) a distance of 1323.01 feet to a point 150 northerly of the north right of way line of the former CCC & St. L Railroad; thence North 81 degrees 56 minutes 07 seconds East parallel with said north right of way line a distance of 1072.56 feet to the point of beginning, thence North 81 degrees 56 minutes 07 seconds East a distance of 352.71 feet; thence South 00 degrees 19 minutes 04 seconds West a distance of 40.07 feet; thence South 94 degrees 24 minutes 43 seconds West a distance of 87.28 feet; thence South 87 degrees 50 minutes 47 seconds West a distance of 260.51 feet; thence North 05 degrees 11 minutes 06 seconds West a distance of 9.05 feet; to the point of beginning, containing 0.212 acres (9223.45 sf) more or less.

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

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

Upon motion by Commissioner Closson, seconded by Commissioner Cox adopted this 6th day of December, 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 6th day of December, 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 12-06, 2022.

Mayor Hall opened the floor for comments. Administrator Gill noted the portion of the Yardwaste facility, opposite side of the fence and the decision to sell the unused property. Mayor Hall inquired as to the use in the near future with Administrator Gill noting the portion would be with the property to the north.

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 Cox seconded by Commissioner Phipps moved to adopt Resolution No. 2022-3224, approving the update to the Mutual Aid Box Alarm System (MABAS) Intergovernmental Agreement 2022; and authorizing the mayor to sign the agreement.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3224

AN RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR PARTICIPATION IN THE MUTUAL AID BOX ALARM SYSTEM (MABAS MASTER AGREEMENT 2022)

WHEREAS, the Mutual Aid Box Alarm System (MABAS) was organized beginning in 1968 in the northwest and western suburbs of Chicago, Illinois to coordinate and automate fire department mutual aid, based roughly on the Chicago Fire Department's box alarm system of predetermined resources assigned to respond to a specific incident or area. Since 1968, MABAS has grown into a multi-state organization to coordinate responses to fires, emergency medical calls, hazardous material, technical rescue and other emergencies and disasters through prearranged mutual aid and dispatch agreements.

The system is designed to facilitate all levels of mutual aid from day-to-day automatic aid responses to major incidents and disasters requiring significant deployment of resources. MABAS member Units include the gambit from all-volunteer fire departments to major cities like Chicago, Milwaukee and St. Louis; and

WHEREAS, since the last revision of the master MABAS intergovernmental agreement in about 1988, MABAS has grown exponentially to its current composition of almost 1200 Illinois Units and 2200 total Units in Illinois and several adjoining States; and

WHEREAS, it is the express intent of member Units that the MABAS Agreement be in a form which can be adopted by Units in different States where Units may lawfully enter into agreements providing for their mutual aid and protection. Thus, even if the MABAS Agreement does not specifically cite the applicable current legal authority for a particular State and its member Units, the lack of such citation shall not be construed in any manner as an impediment to or prohibition of Units from other States from joining MABAS. It is also the express intent of the member Units that all Units adopt this same Intergovernmental Agreement without modification; and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves, with the State, with other States and their units of local government, and with the United States to obtain and share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or ordinance; and to further contract or otherwise associate with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the “Intergovernmental Cooperation Act”, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including units of local government from another state; and

WHEREAS, Section 5 of the “Intergovernmental Cooperation Act”, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and

WHEREAS, the Mayor and the City Council of the City of Mattoon have determined that it is in the best interests of this unit of local government and its residents to enter into a Mutual Aid Box Alarm System Agreement to secure to each the benefits of mutual aid in fire protection, firefighting, rescue, emergency medical services and other activities for the protection of life and property from an emergency or disaster and to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Mattoon, Coles County, Illinois as follows:

SECTION ONE: INCORPORATION OF RECITALS That the recitals set forth above are incorporated here by reference.

SECTION TWO: APPROVAL OF AGREEMENT That the Mutual Aid Box Alarm System Master Agreement, (Approved by the MABAS Executive Board October 19, 2022) is hereby approved, and the Mayor and the City Clerk be and are hereby authorized and directed to execute the Mutual Aid Box Alarm System Master Agreement, a copy of which is attached hereto as Exhibit A and made a part hereof.

SECTION THREE: REPEALER All prior ordinances, resolutions or motions, or parts of ordinances, resolutions, or motions in conflict with any of the provisions of this Resolution shall be, and the same are hereby repealed to the extent of the conflict.

SECTION FOUR: SEVERABILITY This Resolution and every provision thereof shall be considered severable. If any section, paragraph, clause, or provision of this Resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this Resolution.

SECTION FIVE: EFFECTIVE DATE This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Upon motion by Commissioner Cox, seconded by Commissioner Phipps, adopted this 6th day of December, 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 6th day of December, 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 December 6, 2022.

Mayor Hall opened the floor for comments. Chief Hilligoss noted the updating resolution was for MABAS requirements and changes regarding bordering towns on the State line and recoup of federal funds when deployed out of the State.

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 moved to adopt Resolution No. 2022-3225, accepting the \$100,000 grant from the Lumpkin Family Foundation for tree planting from 2023 to

2027; and authorizing the matching City funds in the amount of \$5,000 per year for a period of 5 years from 2023 to 2027 for a total of \$25,000.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2022-3225

A RESOLUTION ACCEPTING A \$100,000.00 GRANT FROM THE LUMPKIN FAMILY FOUNDATION FOR TREE PLANTING FROM 2023 TO 2027 AND AUTHORIZING CITY MATCHING FUNDS

WHEREAS, the City of Mattoon maintains the trees along City Streets and in City owned public spaces; and

WHEREAS, the City of Mattoon and the Mattoon Tree Commission have implemented an annual tree planting program to preserve and improve the City's tree inventory; and

WHEREAS, the Lumpkin Family Foundation has awarded a grant to the City of Mattoon in the amount of \$20,000 per year for a period of 5 years from 2023 to 2027 for a total of \$100,000.00; and

WHEREAS, the Lumpkin Family Foundation has requested that the City of Mattoon contribute \$5,000.00 per year for a period of 5 years from 2023 to 2027 for a total of \$25,000.00; and

WHEREAS, the City of Mattoon wishes to authorize their contribution from the Capital Projects Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that the Tree Planting Grant from the Lumpkin Family Foundation in the amount of \$20,000 per year for a period of 5 years from 2023 to 2027 be approved and that the mayor be authorized to sign the grant agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council for the City of Mattoon, Coles County, Illinois, that \$5,000.00 per year for a period of 5 years from 2023 to 2027 in matching funds be authorized from the City's Capital Projects Fund.

Upon motion by Commissioner Closson, seconded by Commissioner Phipps, adopted this 6th day of December, 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 6th day of December, 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 December 6, 2022.

Mayor Hall opened the floor for questions. Director Barber noted the Lumpkin Family approached the City three years ago for tree planting, and would have the planting of 50 trees per year for the next five years.

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 2022-2309, authorizing the employment of Todd Wright to the Public Works Department Labor Pool as a Maintenance Worker III position effective December 12, 2022, pending drug testing and background checks.

Mayor Hall opened the floor for comments. Director Barber noted the successful hiring recently and provided a background of Mr. Wright. Mayor Hall noted the hirings were for replacement employees, not new positions.

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 Cox seconded by Commissioner Graven moved to approve Council Decision Request 2022-2310, approving the appointment of John Coin to the Mattoon Arts Council (MAC) with a term ending September 30, 2023.

Mayor Hall opened the floor for comments. Commissioner Cox stated Mr. Coin's expertise, background and was highly recommended.

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 Closson moved to approve Council Decision Request 2022-2311, authorizing the employment of Trevor L. Nicholson as a probationary patrol officer with the Mattoon Police Department effective 01/08/2023 contingent on passage of all background, physical and psychological exams.

Mayor Hall opened the floor for comments. Chief Gaines provided a background of Mr. Nicholson, noted his Academy date of January 8th for 16 weeks followed by four months of dual patrol, and was a replacement for Captain Jason Cobb who would be retiring. Mr. Nicholson introduced his attendees of the meeting and excitement to work for Mattoon.

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.

The Council extended congratulations to Officer Nicholson.

Commissioner Cox seconded by Commissioner Phipps moved to approve Council Decision Request 2022-2312, approving the appointment of Firefighter Richard Herschberger to regular employment status with successful completion of his probationary period effective December 17, 2022.

Mayor Hall opened the floor for comments. Chief Hilligoss provided a background, accomplishments, attitude, and great work ethic of Firefighter Herschberger.

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.

The Council extended congratulations to Firefighter Herschberger.

Commissioner Closson seconded by Commissioner Graven moved to approve Council Decision Request 2022-2313, waiving the formal bidding requirement; and approving the price quote in the amount of \$1.49/pound from Water Solutions Unlimited for Powdered Activated Carbon for Water Treatment.

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 Cox seconded by Commissioner Phipps moved to approve Council Decision Request 2022-2314, approving a \$6,000 grant by the Tourism Advisory Committee from FY22/23 hotel/motel tax funds to the Mattoon Youth Wrestling Club in support of the Mattoon Invitational Wrestling Tournament to be held on January 08, 2023; and authorizing the mayor to sign the agreement.

Mayor Hall opened the floor for comments. Administrator Gill noted the event brought 500-700 wrestlers and was well received. Commissioner Cox added the event had been hosted by Mattoon for the last twelve years. Administrator Gill noted the overnight stays.

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 moved to approve Council Decision Request 2022-2315, ratifying the re-appointments of Jeff Collings, Mark Cox and Kirk Miller to the Public Works Advisory Board with terms to expire on 12/31/2025.

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.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT noted interest arbitration with the Fire union, a meeting with Mayor Hall and Attorney Jones with the Liquor Control Commission on a liquor hearing, interviews for the administrative assistant in the Clerk's Office, economic development permits, demolitions, and development brokers interested in four different businesses on the east side of town. Mayor Hall opened the floor for questions with no response.

CITY ATTORNEY explained the remote Illinois Liquor Control meeting with a hearing to be conducted in February and the Quakenbush lawsuit with a continuance to January 27, 2023. Mayor Hall opened the floor for questions with no response.

CITY CLERK noted processing insurance renewals and answering insurance election questions. Mayor Hall opened the floor for questions with no response.

FINANCE announced the final installment of property taxes received on November 23rd with a total of 99.665% received, explained the TIF funds distributed to other taxing bodies, processing the next to last principal payment on the 2014 Sewer Bonds, reviewed the Revenue Tracking Report and unrestricted cash. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS announced preparing for the Little Wabash Drainage Project grant with Grant Writer Carnes, and the progress of the design work for next year. Mayor Hall opened the floor for questions with no response.

FIRE reported on calls for service, inspections and follow-ups, training and day-to-day issues. Mayor Hall opened the floor for questions with no response.

POLICE reported on the calls for service and arrests.

ARTS AND TOURISM Commissioner Cox reported on Lightworks, a 30+ waiting list for sponsors, Mattoon Arts Council event of Secret Santa shows, Director Burgett attending the Business Navigation Alliance, preparing 2023 Calendar of Events, Bagel bites and Arts Council workshops; and recognized Celebrate Downtown Christmas' volunteers over the years and their work. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

All of Council congratulated Officer Nicholson and Firefighter Herschberger. Commissioner Closson reported on a meeting with Director Barber on Capital Improvement Projects for the next three years. Commissioner Cox noted attendance of a Library fundraiser event and the great Library the City has. Commissioner Graven remarked on the Fire Department at Holey Moley. Commissioner Phipps complimented the Artisan Show at the Mall which had a good showing. Mayor Hall reported on his attendance of a ribbon-cutting ceremony for the Hilton Garden Inn, a visit to Bimbo Bakery and their donation to the Sports Complex; acknowledged Holey Moley's opening and the Mattoon In Motion's housing group, the City's list of houses to be demolished costing around \$10,000 each with the courts causing extensive delays, and the former Brown Shoe Factory building in the process of being demolished.

Commissioner Cox seconded by Commissioner Phipps moved to adjourn at 7:14 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