

The City Council of the City of Mattoon held a Regular City Council meeting in the Council Chambers of City Hall on February 7, 2023. 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 Dave 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, Arts & Tourism Director Angelia Burgett, Community Development/Planning Manager Alex Benishek, Fire Chief Jeff Hillgoss, 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 Substitute Regular Meeting minutes of January 17, 2023; bills and payroll for the last half of January, 2023; Resolution No. 2023-3231; and approving the continuation of a Local State of Emergency due to the Coronavirus (COVID – 19).

| <u>Bills and payroll for the last half of January, 2023</u> | | |
|--|----|-------------------|
| <u>General Fund</u> | | |
| Payroll | \$ | 551,248.99 |
| Bills | \$ | <u>152,040.83</u> |
| Total | \$ | 703,289.82 |
| <u>Hotel Tax Administration</u> | | |
| Payroll | \$ | 8,792.42 |
| Bills | \$ | <u>2,897.62</u> |
| Total | \$ | 11,690.04 |
| <u>Festival Mgmt Fund</u> | | |
| Bills | \$ | <u>5,631.95</u> |
| Total | \$ | 5,631.95 |
| <u>Mobile Equipment Fund</u> | | |
| Bills | \$ | 30.00 |
| Total | \$ | 30.00 |
| <u>Insurance & Tort Jdgmnt</u> | | |
| Bills | \$ | 3,350.00 |
| Total | \$ | <u>3,350.00</u> |
| <u>Midtown TIF Fund</u> | | |
| Bills | \$ | <u>22,726.00</u> |
| Total | \$ | 22,726.00 |
| <u>Capital Project Fund</u> | | |
| Bills | \$ | <u>21,265.25</u> |
| Total | \$ | 21,265.25 |

| | | | |
|---------|-------------------------------------|----|-------------------|
| | <u>Water Fund</u> | | |
| Payroll | | \$ | 92,881.45 |
| Bills | | \$ | <u>57,762.25</u> |
| | Total | \$ | 150,643.70 |
| | <u>Sewer Fund</u> | | |
| Payroll | | \$ | 89,177.12 |
| Bills | | \$ | <u>247,475.03</u> |
| | Total | \$ | 336,652.15 |
| | <u>Health Insurance Fund</u> | | |
| Bills | | \$ | <u>270,186.01</u> |
| | Total | \$ | 270,186.01 |
| | <u>Motor Fuel Tax Fund</u> | | |
| Bills | | \$ | <u>22,619.14</u> |
| | Total | \$ | 22,619.14 |

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3231

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, February 7, 2023, 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 questions from the Public in attendance and online with no response.

NEW BUSINESS

Commissioner Cox seconded by Commissioner Phipps moved to adopt Resolution No. 2023-3232, giving notice to the Illinois Department of Transportation of the 4th of July parade to be sponsored by the City of Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3232

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Ave**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **9:00 AM** and **10:30 AM** on **July 04, 2023**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **4th of July Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **City of Mattoon** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorney's fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **City of Mattoon** regardless of whether or not such claim, damage or loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$1,000,000 per person and \$2,000,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

APPROVED, and ADOPTED by the City Council of the City of Mattoon this 7th day of February, 2023 A.D.

/s/Rick Hall
MAYOR

ATTEST:

/s/Susan J. O'Brien
MUNICIPAL CLERK

Mayor Hall opened the floor for questions/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 adopt Resolution No. 2023-3233, giving notice to the Illinois Department of Transportation of the Bagelfest parade to be sponsored by the City of Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3233

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Ave**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **10:30 AM** and **11:30 AM** on **July 22, 2023**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Bagelfest Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **City of Mattoon** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and

all claims, lawsuits, actions, costs and fees (including reasonable attorney's fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **City of Mattoon** regardless of whether or not such claim, damage or loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$1,000,000 per person and \$2,000,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

APPROVED, and ADOPTED by the City Council of the City of Mattoon this 7th day of February, **2023** A.D.

/s/Rick Hall
MAYOR

ATTEST:

/s/Susan J. O'Brien
MUNICIPAL CLERK

Mayor Hall opened the floor for questions/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 adopt Resolution No. 2023-3234, giving notice to the Illinois Department of Transportation of the Veterans Day parade to be sponsored by the City of Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3234

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Western Avenue to Broadway Ave**;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Western Avenue to Broadway Avenue** as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **10:15 AM** and **11:00 AM** on **November 11, 2023**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Veterans Day Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Western Avenue to Broadway Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **City of Mattoon** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorney's fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **City of**

Mattoon regardless of whether or not such claim, damage or loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$1,000,000 per person and \$2,000,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

APPROVED, and ADOPTED by the City Council of the City of Mattoon this 7th day of February, **2023** A.D.

/s/Rick Hall
MAYOR

ATTEST:

/s/Susan J. O'Brien
MUNICIPAL CLERK

Mayor Hall opened the floor for comments/questions 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 adopt Resolution No. 2023-3235, giving notice to the Illinois Department of Transportation of the Celebrate Downtown parade to be sponsored by the City of Mattoon.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2023-3235

WHEREAS, the **City of Mattoon** is sponsoring a **Parade** in the **City of Mattoon** which event constitutes a public purpose;

WHEREAS, this **Parade** will require the temporary closure of **US 45 / IL 121**, a State Highway in the **City of Mattoon** from **Broadway Avenue to Western Ave**;

WHEREAS, Section 4-408 of the Illinois Highway Code Authorizes the Illinois Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED by the **Council** of the **City of Mattoon** that permission to close off **US 45 / IL 121** from **Broadway Avenue to Western Avenue** as above designated, be requested of the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that this closure shall occur during the approximate time period between **7:00 PM** and **8:00 PM** on **December 01, 2023**.

BE IT FURTHER RESOLVED that this closure is for the public purpose of the **Celebrate Downtown Parade**.

BE IT FURTHER RESOLVED that traffic from the closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway. (The parking of vehicles shall be prohibited on the detour route to allow an uninterrupted flow of two-way traffic.)* The detour shall be as follows: **The parade will only be crossing the State route at an angle from Broadway Avenue to Western Avenue; therefore, a detour will not be necessary due to the ability to open the road to traffic as required.**

*To be used when appropriate.

BE IT FURTHER RESOLVED that the **City of Mattoon** assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED that the police officers or authorized flaggers shall at the expense of the **City of Mattoon** be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED that police officers, flaggers and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED that all debris shall be removed by the **City of Mattoon** prior to reopening the State Highway.

BE IT FURTHER RESOLVED that such signs, flags, barricades, etc., shall be used by the **City of Mattoon** as may be approved by the Illinois Department of Transportation. These items shall be provided by the **City of Mattoon**.

BE IT FURTHER RESOLVED that the closure and the detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for the traffic on intersecting highways pursuant to conditions noted above. (Note: This paragraph is applicable when the Resolution pertains to a Parade or when a detour is required)

BE IT FURTHER RESOLVED, that to the fullest extent permitted by law, the **City of Mattoon** shall be responsible for any and all injuries to persons or damages to property, and shall indemnify and hold harmless the Illinois Department of Transportation, its officers, employees and agents from any and all claims, lawsuits, actions, costs and fees (including reasonable attorney's fees and expenses) of every nature or description, arising out of, resulting from or connected with the exercise of authority granted by the Department which is the subject of this resolution. The obligation is binding upon the **City of Mattoon** regardless of whether or not such claim, damage or loss or expense is caused in part by the act, omission or negligence of the Department or its officers, employees or agents.

BE IT FURTHER RESOLVED that the **City of Mattoon** shall provide a comprehensive general liability insurance policy or an additional endorsement in the amount of \$1,000,000 per person and \$2,000,000 on aggregate which as the Illinois Department of Transportation and its officials, employees and agents as insureds and which protects them from all claims arising from the requested road closing. A copy of said policy or endorsement will be provided to the Department before the road is closed.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Transportation so serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

APPROVED, and ADOPTED by the City Council of the City of Mattoon this 7th day of February, **2023** A.D.

/s/Rick Hall

MAYOR

ATTEST:

/s/Susan J. O'Brien

MUNICIPAL CLERK

Mayor Hall opened the floor for comments/questions. Commissioner Cox thanked Director Burgett, her staff and volunteers for their efforts with the parades.

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. 2023-1849, authorizing the sale of Lots 49 and 59 in Lake Paradise Subdivision to Phillip Goben, owner of a home on leased premises at Lots 49 and 59, Lake Paradise Subdivision, and authorizing the mayor to sign all documents necessary to complete the transaction. (Commonly known as 3009 East Lake Paradise)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2023-1849

**AN ORDINANCE AUTHORIZING THE SALE OF
SURPLUS REAL ESTATE**

WHEREAS, the City of Mattoon owns certain real estate parcels at Lake Paradise Subdivision including Lots 49 & 59; 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, Phillip Goben owns a residence, and leases the real estate at Lots 49 & 59 of Lake Paradise Subdivision, also known as 3009 East Lake Paradise Road; and

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

WHEREAS, Phillip Goben wishes to purchase said real estate at the appraised value of \$11,863.00; and

WHEREAS, the City Council declared Lots 49 & 59 “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 16, 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 Phillip Goben in exchange for payment in the amount of \$11,863.00.

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

Lots 49 & 59 of Lake Paradise Subdivision, Paradise Township, Coles County, Illinois, commonly known as 3009 East Lake Paradise Road, 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 Graven, adopted this 7th day of February, 2023, 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 7th day of February, 2023.

/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 02-07, 2023.

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 Cox moved to adopt Special Ordinance No. 2023-1850, authorizing the approval of a water main easement for the Lake Mattoon Public Water District, and the mayor and city clerk to sign the easement.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2023-1850

AN ORDINANCE AUTHORIZING THE APPROVAL OF A WATER MAIN EASEMENT FOR THE LAKE MATTOON PUBLIC WATER DISTRICT

WHEREAS, the City of Mattoon owns certain real estate near the northwest corner of Lake Mattoon shown on the attached Location Map labeled Exhibit 'X'; and

WHEREAS, said real estate is legally described as:

Eleven and Three-Fourths (11-3/4) acres of even width off of the East side of the Northwest Quarter of the Southwest Quarter of Section Nineteen (19), Township Eleven (11) North, Range Seven (7) East of the Third Principal Meridian.

; and

WHEREAS, the Lake Mattoon Public Water District is in need of an easement for the construction and maintenance of a water main across said real estate; and

WHEREAS, said Water Main Easement is further described in the document attached as Exhibit 'Y'; and

WHEREAS, it has been determined that it is in the best interest of the City of Mattoon, and the surrounding area at Lake Mattoon, to approve said Water Main Easement for the Lake Mattoon Public Water District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, that

Section 1. The Water Main Easement attached as Exhibit ‘Y’ for the Lake Mattoon Public Water District is approved, and the Mayor and City Clerk are authorized to sign the document.

Section 2. The easement to be conveyed pursuant to this ordinance is legally described as:
Said Permanent easement being 20 feet, located along the West side of Clear Creek Drive, and lying 10 feet either side of the proposed water main as constructed. Containing approximately 19,994 square feet or 0.46 acres more or less.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Closson, seconded by Commissioner Cox, adopted this 7th day of February, 2023, 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 7th day of February, 2023.

/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 02-07, 2023.

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 Closson moved to approve Council Decision Request 2023-2322, approving the appointment of Officer Travis Schumacher to regular employment status with the Mattoon Police Department after successful completion of his probationary period effective 02/12/2023.

Mayor Hall opened the floor for comments. Chief Gaines noted Officer Schumacher performed the job well as expected.

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 2023-2323, approving the appointment of Firefighter James Hefley to regular employment status with the Mattoon Fire Department after successful completion of his probationary period effective 02/05/2023.

Mayor Hall opened the floor for comments. Chief Hilligoss provided Firefighter Hefley's background over the past year with the Fire Department, noting he had met requirements and was enrolled in the paramedic class at Lake Land College.

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 Closson moved to approve Council Decision Request 2023-2324, authorizing the employment of Anthony J. Nichols as a probationary firefighter for the Mattoon Fire Department effective February 09, 2023, contingent upon successful completion of background, physical and psychological exams.

Mayor Hall opened the floor for comments. Chief Hilligoss announced that Mr. Nichols had passed all requirements, was the 3rd generation of firefighters and would be attending the Academy after six shifts.

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.

Firefighter Nichols thanked Council for the opportunity to serve.

Commissioner Graven seconded by Commissioner Cox moved to approve Council Decision Request 2023-2325, approving the water and sewer billing adjustment in the amount of \$2,954.98 on behalf of Maranatha Baptist Church located at 3522 Powell Lane.

Mayor Hall opened the floor for comments/questions. Commissioner Graven noted there would be a few more in the future due to the Christmas freeze.

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 noted preparation of budgets including review of revenues and expenditures, Department Heads submitting their budgets and preparation of meetings with Department Heads; and reminded Council of the upcoming Chamber Annual Dinner. Mayor Hall opened the floor for questions with no response.

CITY ATTORNEY updated Council on the Robb Perry liquor license decision where the Illinois Liquor Commission upheld former Mayor Gover's decision to revoke his liquor license and Mr. Perry's 35 days to appeal to the Circuit Court, and the Quakenbush hearing where Judge Bovard provided Mr. Quakenbush an outline of expected improvements by April 13th. Commissioner Cox inquired as to the

finer with the property remaining the same. Attorney Jones explained the City's option to fine Mr. Quakenbush up to \$750/day or Mr. Quakenbush could clean up the property to have the fines abated. Mayor Hall opened the floor for further questions with no response.

CITY CLERK noted preparation of the Department budget and the work comp audit; otherwise, business as usual. Mayor Hall opened the floor for questions with no response.

FINANCE announced the budget was coming together; distributed and reviewed the Revenue Tracking Report, unrestricted cash and no receipt of sales tax dollars. Mayor Hall opened the floor for questions with no response.

PUBLIC WORKS announced permission to bid on the bike trail for March 29th, completion of the Upchurch Streetscape plans while working toward the bidding process, and street sweeping commencement with 50 degree temperatures. Mayor Hall opened the floor for questions.

FIRE reported on calls for service, inspections and follow-ups, training; thanked Council for approving both Firefighter Hefley and Nichols; and announced new testing on April 29 for a hiring list, CAD training and an AFG grant for a new truck. Commissioner Graven asked for a firefighter count with Chief Hilligoss stating 25 until February 15th when Firefighter Herschberger was transferring to Urbana. Mayor Hall opened the floor for questions with no response.

POLICE reported on calls for service and 69 arrests; and reviewed the Police Year-End Report. Mayor Hall opened the floor for questions with no response.

ARTS AND TOURISM announced with the \$30,000 grant received a workshop series with community and student components including creatives: Mary Fons, Craig Titley, Christina Delay and Dr. Temple Grandin; and notified Council of upcoming events with Artworks, Lightworks, Heritage Park events and Bagel Bites. Mayor Hall opened the floor for questions with no response.

COMMUNITY DEVELOPMENT announced several zoning requests including an unmanned fueling station, the use of Image Trend Software to monitor activities, the housing subdivision complete, Land Bank Authority, full partnership with a \$30,000 IDHA grant, and completion of Move-to-Mattoon with all five families to move to Mattoon in July. Mayor Hall opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Council congratulated Officer Schumacher, Firefighter Hefley and Firefighter Nichols. Commissioner Closson noted an advertisement for the Parks open position and additional projects planned for the Dog Park. Commissioners Cox, Graven and Phipps had no further comments. Mayor Hall updated Council on activities with the Housing Committee, sports complex, TIF funding for sports complex, grants, an IML meeting, and liquor ordinance revisions.

Commissioner Cox seconded by Commissioner Phipps moved to adjourn at 7:00 p.m.

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.

/s/Susan J. O'Brien
City Clerk