

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
JANUARY 6, 2003 AT 7:00PM
CITY COUNCIL CHAMBERS

QUORUM

At 7:15pm, a quorum being present, Mayor Gitz called the meeting to order.

RECORD

Present were Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Alderwoman Jones.

PUBLIC HEARING

There was a public hearing regarding the proposed ordinance for downtown parking. Public Works Director, Craig LeBaron answered all questions regarding the proposed changes. Mr. & Mrs. Wiegans, owners of Fawn's Niche objected to the removal of the parking space for the store. There was concern by some council members that business owners were not notified during the process. Leave was requested and granted to hear from Marg Blum, a member of the FDD Parking Subcommittee. She explained that there were public notices regarding the changes for the downtown parking subcommittee meetings. There being no other questions, Alderwoman Bender moved, seconded by Alderman Gaulrapp that the public hearing be closed. The motion carried.

DO THE RIGHT THING PRESENTATION

Michelle Countryman acknowledged all the sponsors for the Do the Right Thing Program. Police Chief, Jerry Whitmore then read the nominees for the month of December and announced the top winners.

PRESENTATION

Jim Bower made a presentation regarding the Brownfield's initiatives.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Alderwoman Jones.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on December 16, 2002, was presented for approval. Alderman Bush moved, seconded by Alderwoman Bender for approval of the minutes. The motion carried.

CONSENT AGENDA

A. Approval to Receive and Place on file:

1. Treasurer's Monthly Investment Report for period ending November 30, 2002
2. Police Department Activities for December 2002
3. Community Development Cash Receipts for December 2002

- 4. Community Development Building Permits for December 2002
- 5. Zoning Administrator 4th Quarter Report
- 6. Community Development Report
- B. Approval of Water & Sewer Disbursements for January 2002 - \$276,841.95
- C. Approval of Bills Payable for December 2002 & January 2003- \$827,155.50
- D. Approval of Payroll for Pay Period ending December 28, 2002 - \$282,638.18

Alderman Gaulrapp moved, seconded by Alderman Bush for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The motion carried.

COMMUNICATION

Pursuant to 65 ILCS 5/11-74.4-4(n), Chris Goley hereby discloses in writing that he has disposed of his interest in certain property located within Freeport’s redevelopment area under the Tax Increment Financing Act.

His former interest was in a building located at 6 East Main Street, Freeport, Illinois.

Although the business of which Chris Goley has more than a 50% interest in leases space in the above building, there is no written lease, and as such does not constitute an economic interest.

He understands that this disclosure must be acknowledged by the corporate authorities and entered upon the minute books.

Alderman Goley moved, seconded by Alderwoman Moore-Howard that this communication be received and placed on file. The motion carried.

2nd READING

ORDINANCE #2002-74

AN ORDINANCE AMENDING CHAPTER 288 (OFFICERS AND EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of December 16, 2002, when it was moved by Alderman Bush, seconded by Alderwoman Steele for approval. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2002-75

AN ORDINANCE REPEALING AND REPLACING SECTION 220.11 (COUNCIL AND COMMITTEES) OF CHAPTER 220 (COUNCIL) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of December 16, 2002, when it was moved by Alderman Bush, seconded by Alderwoman Steele for approval. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp,

Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2002-76

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$550,000 GENERAL OBLIGATION (LIMITED TAX) NTOES, SERIES 2002, TO FINANCE REDEVELOPMENT PROJECT COSTS FOR THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, AND PROVIDING THE DETAILS OF SUCH NOTES, AND RELATED MATTERS

This ordinance was laid over from the meeting of December 16, 2002, when it was moved by Alderman Bush, seconded by Alderman Jenkins for approval. On the roll call of yeas and nays, Aldermen Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. Alderwoman Jones abstained. There were thirteen yeas and one abstention. The ordinance was approved.

2nd READING

ORDINANCE #2002-78

HISTORIC PRESERVATION ORDINANCE OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of December 16, 2002, when it was moved by Alderman Steele, seconded by Alderwoman Moore-Howard for approval. Corporation Counsel explained that the ordinance was amended so that it can be inserted into the City's Codified Ordinances as a separate chapter. Alderman Boldt moved, seconded by Alderman Urban to accept the amendment. The motion carried. On the roll call of yeas and nays to approve the ordinance as amended, Aldermen Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. Alderwoman Jones abstained. There were thirteen yeas and one abstention. The ordinance was approved.

2nd READING

ORDINANCE #2002-79

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 480 (PARKING GENERALLY) AND CERTAIN SECTIONS OF CHAPTER 484 (LOADING ZONES; BUS AND TAXICAB STANDS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of December 16, 2002, when it was moved by Alderman Jenkins, seconded by Alderman Urban for approval. Alderman Jenkins moved, seconded by Alderman Gaulrapp that this ordinance be laid over. The motion carried.

1st READING

ORDINANCE #2003-01

AN ORDINANCE AUTHORIZING ACQUISITION OF PROPERTY COMMONLY KNOWN AS CMC HEARTLAND AND PROPERTY DIRECTLY TO ITS SOUTH

Alderman Bush, Finance Chair, stated that the committee held a special meeting on January 6, 3002. The committee voted unanimously to approve this ordinance and Alderman Bush so moved, seconded by Alderman Goley. This ordinance was automatically laid over to the next regular meeting.

RESOLUTION #R-2002-76

RESOLUTION TO APPROVE CONCEPT OF REDEVELOPMENT AGREEMENT IN RELATION TO EXPANSION AND RENOVATION OF STEPHENSON HOTEL

WHEREAS, the Stephenson Hotel is located within the downtown TIF District which was created in 1994; and

WHEREAS, the owner of the Stephenson Hotel proposes a renovation and expansion project for the hotel which would include a banquet facility and convention center; and

WHEREAS, the City Council of the City of Freeport believes that it is worthwhile to promote tourism as a means of economic stimulation; and

WHEREAS, the City Council of the City of Freeport is willing to commit funding to this project if it can be demonstrably supported through the tax increment created from the project itself.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The City Council conceptually approves of the Stephenson Hotel TIF project.

Section 2. It is intended that at such time as the City Council is satisfied that the project demonstrates an incremental tax increase sufficient to support a Redevelopment Agreement with the Developer that such agreement will be looked upon favorably by this Council to the extent of financing so demonstrated.

Section 3. It is intended that the City costs attendant to a Redevelopment Agreement with the Developer shall be built into and recoverable through the agreement itself.

Section 4. If any section, paragraph, clause or provisions of the Resolution shall be held invalid, said invalidity shall not affect any other provision of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law. The City Clerk is directed to publish this Resolution in a newspaper of general circulation within the City.

This resolution was laid over from the meeting of December 16, 2002, when it was moved by Alderwoman Steele, seconded by Alderwoman Veer for approval. Alderman Boldt moved, seconded by Alderwoman Boldt that this resolution be sent back to committee. On the roll call of yeas and nays, Aldermen Jones, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, and Veer voted yea. Aldermen Boldt and Toepfer abstained. There were twelve yeas and two nays. The motion carried.

RESOLUTION #R-2002-77

RESOLUTION TO ESTABLISH COMMERCIAL LOADING ZONES

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that commercial loading zones shall be established pursuant to the provisions of Sections 484.01 and 484.02 at the following locations within the City of Freeport, Illinois, as follows:

On the following streets within the City, motor vehicle parking spaces shall be marked at the head of each space by a metal post or pipe implanted in the sidewalk at

the curb. No vehicle shall be parked in a space designated as a Commercial Zone except for the express purpose as described in Section 484.06(a):

Exchange, south side, second, third, fourth, fifth, and sixth spaces west of State;

Exchange, south side, first, second, third, and fourth spaces west of Chicago;

Exchange, south side, fourth space east of Galena;

Exchange, north side, first and second spaces east of Galena;

Stephenson, south side, fifth space east of VanBuren;

Stephenson, north side, fifth space east of Chicago;

Main, north side, mid-block between State and Chicago;

Main, north side, mid-block between Chicago and VanBuren;

Main, south side, second space east of Galena;

Spring, north side, second space west of Chicago;

Chicago, east side, mid-block between Main and Stephenson, north of alley.

BE IT FURTHER RESOLVED that said loading zone may be renewed annually, unless revoked and further limited by action of this City Council.

BE IT FURTHER RESOLVED that the Public Works Department shall properly designate such loading zones by appropriate signs or curb markings.

BE IT FURTHER RESOLVED that this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970; and all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Alderman Goley moved, seconded by Alderman Jenkins that this resolution be laid over so that it can be voted on when the ordinance is presented. The motion carried.

RESOLUTION #R-2003-01

RESOLUTION TO INDUCE REDEVELOPMENT OF PROPERTY COMMONLY KNOWN AS 700 SEAGA DRIVE

WHEREAS, on September 16, 2002, the City Council of the City of Freeport passed an Inducement Resolution for the Creation of a TIF District to be known as the Lamm Road Industrial Corridor under the Industrial Job Recovery Law; and

WHEREAS, on October 29, 2002, the Mayor formally advised Steven Chesney, President of Seaga Manufacturing, Inc. of the City's action and its willingness to enter into a redevelopment agreement with Lakeview Holdings, Inc., owner of 700 Seaga Drive, Freeport, Illinois, the location of Seaga's manufacturing facility, for reimbursement of certain eligible costs under the Industrial Job Recovery Law (65 ILCS 5/11-74.6-1 et seq.); and

WHEREAS, the City recognizes that it is in the best interest for the redevelopment of this property to proceed while it is undertaking all procedures required by law to adopt and implement the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated in this Section 1 as if said recitals were fully set forth herein.

Section 2. That the Corporate Authorities hereby authorize the negotiation of a redevelopment agreement for the rehabilitation of the property commonly known as 700 Seaga Drive, Freeport, Illinois, and that any costs incurred or to be incurred as of the

date of this Resolution by the owner or developer of said property, shall be considered reimbursable costs of the developer to the extent such costs do not exceed \$175,000.00 and qualify as reimbursable project costs under the Industrial Job Recovery Law.

Section 3. That the Corporate Authorities hereby agree to reimburse the Developer from incremental taxes derived from the Developer’s Project, Developer’s eligible attorneys fees in conjunction with the project, any and all costs advanced by the Developer at the direction of City in connection with the City’s adoption of the Act and \$5,000 of the legal fees for outside legal counsel incurred by the City in connection with the adoption of the Act and the negotiation of a redevelopment agreement.

Section 4. If any section, paragraph, clause or provisions of this Resolution shall be held invalid, said invalidity shall not effect any other provision of this Resolution.

Section 5. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law. The City Clerk is directed to publish this Resolution in a newspaper of general circulation within the City.

Alderman Boldt, Community Development Vice-Chair, stated that the committee held a special meeting on January 6, 2003. Corporation Counsel outlined the inducement resolution needed for the development of 700 Seaga Drive. There is no financial contribution from the city. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderman Dawson. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The resolution was adopted.

RESOLUTION #2003-02

RESOLUTION TO AUTHORIZE AGREEMENT BETWEEN MIDWEST TRANSPORTATION AND DEVELOPMENT CORPORATION AND THE CITY OF FREEPORT

WHEREAS, an important economic growth strategy for the City of Freeport is to make Freeport a destination point for leisure travelers by giving people an opportunity to become acquainted with the City; and

WHEREAS, an important component to the redevelopment strategy for a number of brownfield sites including the Rawleigh complex and adjacent area is to tap into the City’s historic rail roots; and

WHEREAS, a number of communities in the Midwest are using rail excursion trips as a important economic growth tool; and

WHEREAS, Dan Behr, President of the Midwest Transportation and Development Corporation is a premier expert in planning and conducting train excursion trips; and

WHEREAS, the City has obtained a grant from HUD to cover the planning and feasibility costs for this project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor is authorized to execute, and the City Clerk to attest, the attached scope of work with Midwest Transportation and Development Corporation for professional services related to planning and conducting rail excursion trips not to exceed \$10,000 and shall have the authority to refine such scope of work with revisions that do not substantively change the intent of the attached scope of work.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute commitments for expenditures and enter into scopes of work for professional services

related to brownfield projects, which expenditures are reimbursed solely by any and all brownfield grants the City has obtained or will obtain.

BE IT FURTHER RESOLVED that this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970.

BE IT FURTHER RESOLVED that if any section, clause or provision of this Resolution be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part so declared to be invalid, and this City Council expressly declares that it would have enacted this Resolution even with the invalid portion deleted.

Alderman Boldt, Community Development Vice-Chair, stated that the committee held a special meeting on January 6, 2003. Jim Bower briefed the committee on the proposal for Midwest Rail and the city to enter into an agreement to be funded by HUD, without city funds. This will allow the start negotiating with Dan Behr for a passenger train excursion service between Freeport, Galena, and Dubuque. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman Steele. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The resolution was adopted.

RESOLUTION #R-2003-03

RESOLUTION IN SUPPORT OF AN INTERSTATE US 20 BETWEEN FREEPORT & GALENA

WHEREAS, the Illinois Department of Transportation (IDOT) has submitted the Environmental Impact Statement (EIS) on a 4-Lane U.S. 20 between Freeport and Galena (the "Highway") to the Federal Highway Administration for approval; and

WHEREAS, the EIS is the result of nine (9) years of extensive study of the Highway's environmental impact on the region; and

WHEREAS, the EIS documents show that the present Highway has a fatality and accident rate greatly in excess of the State average; and

WHEREAS, the current Highway contains numerous safety hazards, including limited or blocked sight distance, steep grades, inadequate shoulder widths, and extensive no-passing zones that will only increase the safety risk as traffic continues to increase; and

WHEREAS, a well-planned 4-Lane Highway is vital to economic development not only within the northwest region of Illinois, but between the entire corridor between I-90 in Rockford and I-35 in Iowa; and

WHEREAS, the United States Congress will be adopting a new surface transportation plan for the United States in 2003 and funding for Illinois projects will be an important goal of the State of Illinois and its Congressional delegation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that we support the construction of a new 4-Lane U.S. 20 Highway between Freeport, Illinois and Galena, Illinois on an expedited schedule to link I-90 in Rockford, Illinois and I-35 in Iowa.

BE IT FURTHER RESOLVED that the City Council urges the Federal Highway Administration and IDOT to complete all required steps for formal approval of the required EIS within the next two (2) months (or as soon as possible).

BE IT FURTHER RESOLVED that the City Council urges the Governor and our state and federal officials to prioritize the U.S. 20 project as a major State of Illinois priority for federal and state funding during the forthcoming session of the Illinois General Assembly and the Congressional rewrite of TEA-21.

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to take all necessary steps to carry out the objectives of this Resolution and expedite construction of the Highway.

BE IT FURTHER RESOLVED that copies of this Resolution in support be forwarded to the Governor, the IDOT Secretary of Transportation (when selected), state and federal legislators, and other officials who impact transportation funding.

Alderman Boldt, Community Development Vice-Chair, stated that the committee held a special meeting on January 6, 2003. Mayor Gitz presented this resolution in supporting the expansion of Highway 20. The resolution simply encourages the governor and federal officials to make Highway 20 a top priority. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman Toepfer. On the roll call of yeas and nays, Aldermen Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, Bush, Moore-Howard, Goley, Toepfer, and Veer voted yea. The resolution was adopted.

RESOLUTION #R-2003-04

RESOLUTION TO RECOGNIZE 74TH DISTRICT REPRESENTATIVE I. RONALD LAWFER FOR HIS DEDICATION AND SERVICE

WHEREAS, I. Ronald "Ron" Lawfer has been our elected State Representative of the 74th District since 1993; and

WHEREAS, Ron Lawfer was a hard working member of the State of Illinois Administration; served as Spokesperson of the Agriculture Committee; and served legislatively on the Committees on Aging; Appropriations-Elementary & Secondary Education; Counties & Townships; Environment & Energy; Tourism; and Committee of the Whole during his tenure on the Legislature; and

WHEREAS, Ron Lawfer is renown for his dedication to the Northwest Illinois region, and has specifically assisted the City of Freeport by assisting with finding funding for the water and sewer line extension north of the City to the bypass, appropriations sponsorship for US 20, the \$1 million dollar library appropriation, funding for the Van Buren Street Bridge, and the pending \$500,000 DCCA funding for the retail shopping center infrastructure; and

WHEREAS, Ron Lawfer's accomplishments include the "Master Farmer" award from *Prairie Farmer* magazine in 1986; and

WHEREAS, the people of Freeport have benefited from Mr. Lawfer's life long service, dedication and commitment to the people of the City of Freeport, Stephenson County, Northwest Illinois and as a soldier in the U. S. Army.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that we hereby honor Ron Lawfer for his service to the people of Freeport and Stephenson County and extend our best wishes to

Representative Lawfer, his wife, Pat, and his children for their continued health and success. We extend our thank you to them for their decades of service.

Alderwoman Steele moved, seconded by Alderman Goley to adopt this resolution. The motion carried.

FINANCE COMMITTEE

Alderman Bush, Chair, stated that the next meeting would be January 14, 2003, at 5:00pm, in City Council Chambers.

COMMUNITY DEVELOPMENT COMMITTEE

Alderwoman Steele, Chair, stated that the next meeting would be January 16, 2003, at 5:30pm, in City Council Chambers.

TECHNOLOGY COMMITTEE

Alderman Gaulrapp, Chair, stated that there would not be a meeting on January 7, 2003, due to lack of agenda. He stated that the next meeting would be February 4, 2003.

PUBLIC WORKS COMMITTEE

Alderman Jenkins, Chair, stated that the next meeting would be January 13, 2003, at 7:00pm, in City Council Chambers.

PUBLIC SAFETY COMMITTEE

Alderman Dawson, Chair, stated that the next meeting would be January 15, 2003, at 6:00pm, in City Council Chambers.

NEW BUSINESS

The aldermen made comments. There was no new business presented that required action from the council.

PUBLIC COMMENTS

Gary Bush read a letter to request the council to ban smoking in the City of Freeport.

Debbie Doelker expressed her concerns regarding the city's water.

DeEsta Munz apologized to the council for her remarks against the Stephenson Hotel project at the last meeting. She stated that she met with Doug and Sherry Winter and also apologized to them.

Richard Core stated that he was in support of using rail excursion services in Freeport.

Mayor Gitz then addressed city issues.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:15pm.

LATACIA M. ISHMON, CITY CLERK