

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

QUORUM

At 7:00pm, a quorum being present, Mayor Gitz called the meeting to order.

RECORD

Present were Aldermen Dawson, Boldt, O'Neill, Wright, Bender, Varner, and Clark. Alderman Gaulrapp entered the meeting at 7:10pm.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Alderman Dawson.

APPROVAL OF AGENDA

Alderswoman Bender moved, seconded by Alderswoman O'Neill for approval of the agenda as presented. The motion carried.

PUBLIC COMMENTS

Charles Lueke read a letter in opposition to a sales tax increase.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on June 16, 2003 and special meeting on June 23, 2003 were presented for approval. Alderswoman Bender moved, seconded by Alderman Dawson for approval of the minutes. The motion carried.

CONSENT AGENDA

- A. Approval to receive and place on file:
 - 1. Police Department Monthly Activities for June 2003
 - 2. Zoning Administrator Quarterly Report
 - 3. Community Development Cash Receipts for June 2003
 - 4. Community Development Building Permits for June 2003
- B. Approval of Water & Sewer Disbursements for June 2003 - \$533,473.47
- C. Approval of Bills Payable for June, 2003
- D. Approval of Payroll for period ending June 28, 2003 - \$301, 227.84

Alderswoman Bender moved, seconded by Alderman Varner for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea. The motion carried.

2nd READING

ORDINANCE #2003-44

AN ORDINANCE TO ASCERTAIN THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN, AND MECHANIC EMPLOYED ON PUBLIC WORKS OF THE CITY OF FREEPORT

This ordinance was automatically laid over from the meeting of June 16, 2003. Alderswoman O'Neill moved, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Bender, and Clark voted

yea. Alderman Gaulrapp voted nay and Alderman Varner abstained. There were six yeas, one nay, and one abstention. The ordinance was approved.

2nd READING

ORDINANCE #2003-45

AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of June 16, 2003, when it was moved by Alderman Boldt, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea. The ordinance was approved

2nd READING

ORDINANCE #2003-46

AN ORDINANCE AUTHORIZING SALE OF REAL ESTATE TO RISSA VENTURE, LLC (4 E LINDEN)

This ordinance was laid over from the meeting of June 16, 2003, when it was moved by Alderman Gaulrapp, seconded by Alderman Varner for approval. Alderman Boldt moved, seconded by Alderman Dawson that this ordinance be amended to include wording that protects the city. On the roll call of yeas and nays to amend this ordinance, Aldermen Dawson, Boldt, O'Neill, Gaulrapp, and Varner voted yea. Aldermen Wright, Bender, and Clark voted nay. The amendment carried.

After much discussion, Alderman Gaulrapp moved, seconded by Alderman Clark that this ordinance be referred back to the Community Development Committee. The motion carried.

2nd READING

ORDINANCE #2003-50

APPROPRIATION ORDINANCE FISCAL YEAR 2003-2004 FOR THE CITY OF FREEPORT

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Boldt for approval. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Gaulrapp, Wright, and Clark voted yea. Aldermen Dawson, Bender, and Varner voted nay. There were five yeas and three nays. The motion carried.

2nd READING

ORDINANCE #2003-51

AN ORDINANCE AMENDING CHAPTER 889 (ELECTRICITY KILOWATT-HOURS USE TAX) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. Alderman Clark moved, seconded by Alderman Wright to amend this ordinance including the effective date of August 1, 2003. The motion carried.

Alderman Gaulrapp moved, seconded by Alderman Dawson to add a sunset clause for four years. After much discussion, Alderman Boldt moved, seconded by Alderman Wright to amend the amendment to a five-year sunset clause until July 31, 2008. On the roll call of yeas and nays to amend the amendment, Aldermen Boldt, O'Neill, Wright,

Gaulrapp, and Clark voted yea. Aldermen Dawson, Gaulrapp, Bender, and Varner voted nay. There were four yeas and four nays. Mayor Gitz voted yea. The motion carried.

#03-91

On the roll call of yeas and nays to add the 5-year sunset clause to the ordinance, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea. Alderwoman Bender voted nay. There were seven yeas and one nay. The motion carried.

On the roll call of yeas and nays to approve the ordinance as amended, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Clark voted yea. Aldermen Bender and Varner voted nay. There were six yeas and two nays. The ordinance was approved.

2nd READING

ORDINANCE #2003-52

AN ORDINANCE REPEALING AND REPLACING CHAPTER 890 (NATURAL GAS AND ELECTRICITY GROSS RECEIPTS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Gaulrapp for approval. Alderman Clark moved, seconded Alderman Gaulrapp to amend this ordinance to include the effective date.

On the roll call of yeas and nays to approve this ordinance, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2003-53

AN ORDINANCE CREATING CHAPTER 883 (MOTOR FUEL TAX) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderwoman O'Neill for approval. Alderman Clark moved, seconded by Alderman Gaulrapp to amend the ordinance to include the effective date. The motion carried.

Alderman Gaulrapp moved, seconded by Alderman Dawson to amend the ordinance to include a 5-year sunset clause until December 31, 2008. On the roll call of yeas and nays to amend the ordinance, Aldermen Dawson, Gaulrapp, Bender, and Varner voted yea. Aldermen Boldt, O'Neill, Wright, and Clark voted nay. There were four yeas and four nays. Mayor Gitz voted yea. The motion carried.

On the roll call of yeas and nays to approve this ordinance, Aldermen Dawson, Bolt, O'Neill, Wright, Gaulrapp, and Clark voted nay. Aldermen Bender and Varner voted nay. There were six yeas and two nays. The ordinance was approved.

2nd READING

ORDINANCE #2003-54

AN ORDINANCE AMENDING CHAPTER 896 (RETAILERS' OCCUPATION TAX) AND CHAPTER 898 (SERVICE OCCUPATION TAX) AND INCREASING SUCH TAXATION BY AN ADDITION ONE-QUARTER PERCENT (1/4%)

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. Alderman Gaulrapp

moved, seconded by Alderman Dawson to amend the ordinance, including a sunset clause until December 31, 2008. The motion carried.

#03-92

On the roll call of yeas and nays, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Clark voted yea. Aldermen Bender and Varner voted nay. There were six yeas and two nays. The motion carried.

2nd READING

ORDINANCE #2003-55

AN ORDINANCE AMENDING CHAPTER 891 (TELECOMMUNICATIONS INFRASTRUCTURE MAINTENCE FEE) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. Alderman Gaulrapp moved, seconded by Alderman Dawson to amend the ordinance, including a sunset clause until December 31, 2008. The motion carried.

On the roll call of yeas and nays to approve this ordinance, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Clark voted yea. Aldermen Bender and Varner voted nay. There were six yeas and two nays. The motion carried.

RESOLUTION #R-2003-23

A RESOLUTION TO AUTHORIZE NOTICE TO INSIGHT COMMUNICATION MIDWEST, LLC TO INCREASE THE CABLE FRANCHISE FEE

This ordinance was laid over from the meeting of June 23, 2003, when it was moved by Alderman Clark, seconded by Alderman Gaulrapp for approval. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Clark voted yea. Aldermen Bender and Varner voted nay. There were six yeas and two nays. The motion carried.

RESOLUTION #R-2003-42

RESOLUTION TO CO-SPONSOR PRETZEL FESTIVAL WITH PRETZEL CITY USA

WHEREAS, Pretzel City USA has applied for a special event permit for its event, "Pretzel Festival"; and

WHEREAS, Pretzel City USA has requested that the City of Freeport co-sponsor this event; and

WHEREAS Pretzel Festival is scheduled for Saturday July 12th and Sunday July 13th, 2003, and will be located in Read Park; and

WHEREAS, Pretzel Festival expects to be a successful community-wide event; and

WHEREAS, the City Council finds that co-sponsoring Pretzel Festival will be of significant benefit to the Freeport community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the City of Freeport hereby agrees to co-sponsor this event, Pretzel Festival.

There were some questions from the council. Mayor Gitz explained that co-sponsoring the event waives the permit fee and Corporation Counsel explained the city's insurance liabilities.

There was leave to hear from Police Chief Whitmore. Chief Whitmore explained that there would be 5-8 auxiliary policemen, as well as at least one Park District patrolman on duty at the event. He stated that the felt comfortable with these security measures.

#03-93

Alderwoman Bender moved, seconded by Alderman Boldt that this resolution be adopted. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2003-43

RESOLUTION TO CO-SPONSOR BLUES ON CHICAGO WITH FREEPORT DOWNTOWN DEVELOPMENT FOUNDATION

WHEREAS, the Freeport Downtown Development Foundation has applied for a special event permit for "Blues on Chicago"; and

WHEREAS, the Freeport Downtown Development Foundation has requested that the City of Freeport co-sponsor this event; and

WHEREAS, Blues on Chicago is scheduled for Friday July 18th, 2003, and will be located on Chicago Ave. between Stephenson St. and Main St.; and

WHEREAS, Blues on Chicago is expected to be a successful event, which will assist the Freeport Downtown Development Foundation in its efforts to benefit the community; and

WHEREAS, the City Council finds that co-sponsoring Blues on Chicago will be of significant benefit to the Freeport community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the City of Freeport hereby agrees to co-sponsor this event, Blues on Chicago.

There was leave to hear from FDD Director, Marty Vanags. He explained how liquor sales would be handled.

Alderwoman Bender moved, seconded by Alderwoman O'Neill that this resolution be adopted. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2003-44

RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR CRUISE NIGHT "2003"

WHEREAS, on August 2, 2003, the Tutty Baker Days Cruise Night Committee are sponsoring Cruise Night "2003", which event constitutes an authorized special event; and

WHEREAS, the proposed route for Cruise Night will require the temporary closure of the following streets: Douglas Street from Van Buren to State Avenue, State Avenue from Douglas to Main Street, Main Street from State Street to Van Buren Avenue, and Van Buren Avenue from Main to Douglas Street; and

WHEREAS, Section 5/4-408 of the Illinois Highway Code (605 ILCS 5/4-408) authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes; and

WHEREAS, pursuant to Chapter 1030 of the Codified Ordinances of the City of Freeport, the special events permit application submitted by the Tutty Baker Days Cruise

Night Committee has been reviewed and approved, subject to the required permit being issued by the Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS, that permission be requested of the Department of

#03-94

Transportation to close off Route 75 from Galena Avenue to State Avenue. This closure shall be for the public purpose of holding a Cruise Night under the following conditions:

1. The approximate time period of all street closures shall be between 4:00 p.m. to 10:00 p.m. on Saturday, August 2, 2003;
2. The 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;
3. The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic;
4. The City assumes full responsibility for the direction, protection, and regulations of the traffic during the time the detour is in effect;
5. Police officers or authorized flaggers shall 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;
6. Emergency vehicles shall be permitted in emergency situations to pass through the closed area as is safe for all concerned;
7. The closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices;
8. All debris shall be removed by the City of Freeport prior to reopening the State Highway;
9. Such signs, flags, barricades, etc., shall be provided by the City of Freeport as may be approved by the Illinois Department of Transportation;
10. An occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above;
11. The Tutty Baker Days Cruise Night Committee shall provide proof of comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate, under which the Illinois Department of Transportation and its officials, employees and agents shall be insured and protected from all claims arising from the requested highway closing.

BE IT FURTHER RESOLVED that a copy of this Resolution, proof of liability insurance and special event permit provided by Freeport Illinois Street Machines shall be forwarded by the City Clerk to the Illinois Department of Transportation, District 2 Operations Office, 819 Depot Avenue, Dixon, Illinois 61021-3500, to serve as a formal request for the permission sought in this Resolution and to operate as part of the conditions of said permission.

Alderman Bender moved, seconded by Alderman Varner that this resolution be adopted. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2003-45
RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR 5K RUN

WHEREAS, on August 2, 2003, the Lincoln Douglas 5K and Fun Run Committee and the Family YMCA of Northwest Illinois are sponsoring the Lincoln Douglas 5K and Fun Run, which event constitutes an authorized special event; and

WHEREAS, the proposed route for the run will require the temporary closure of the following streets: Douglas Street from Van Buren to Adams Avenue and Adams Avenue from Douglas to Stephenson Street; and

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WHEREAS, Section 5/4-408 of the Illinois Highway Code (605 ILCS 5/4-408) authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes; and

WHEREAS, pursuant to Chapter 1030 of the Codified Ordinances of the City of Freeport, the special events permit application submitted by the Tutty Baker Days Cruise Night Committee has been reviewed and approved, subject to the required permit being issued by the Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS, that permission be requested of the Department of Transportation to close off Route 75 along Douglas and Adams from Van Buren to Stephenson Street. This closure shall be for the public purpose of holding a 5K Fun Run under the following conditions:

1. The approximate time period of all street closures shall be between 8:00 a.m. to 12:00 p.m. on Saturday, August 2, 2003;
2. The 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;
3. The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic;
4. The City assumes full responsibility for the direction, protection, and regulations of the traffic during the time the detour is in effect;
5. Police officers or authorized flaggers shall 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;
6. Emergency vehicles shall be permitted in emergency situations to pass through the closed area as is safe for all concerned;
7. The closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices;
8. All debris shall be removed by the City of Freeport prior to reopening the State Highway;
9. Such signs, flags, barricades, etc., shall be provided by the City of Freeport as may be approved by the Illinois Department of Transportation;
10. An occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above;
11. The Family YMCA of Northwest Illinois shall provide proof of comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate, under which the Illinois Department of Transportation and its officials, employees and agents shall be insured and protected from all claims arising from the requested highway closing.

BE IT FURTHER RESOLVED that a copy of this Resolution, proof of liability insurance and special event permit provided by Freeport Illinois Street Machines shall be forwarded by the City Clerk to the Illinois Department of Transportation, District 2 Operations Office, 819 Depot Avenue, Dixon, Illinois 61021-3500, to serve as a formal

request for the permission sought in this Resolution and to operate as part of the conditions of said permission.

Alderman Bender moved, seconded by Alderman O'Neill that this resolution be adopted. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

#03-96

APPOINTMENTS

There was leave granted to hear all appointments and have one vote.

Effective immediately, Mayor Jim Gitz hereby appoints Richard L. Frost to the Airport Commission. Mr. Frost shall replace Paul Whitaker who resigned from the board due to moving from the area. This appointment shall be effective until November 30, 2007.

Effective immediately, Mayor Jim Gitz hereby appoints Nickee Bender to the Board of Commissioner of the City Housing Authority of the City of Freeport. Ms. Bender will replace Gwendolyn Robinson who resigned from the position. This appointment will expire on October 31, 2005.

Effective immediately, Mayor Jim Gitz hereby appoints Dean Wright to the City of Freeport/Stephenson County Intergovernmental Commission a/k/a the Stephenson County Regional Collaboration Effort.

Alderman Clark moved, seconded by Alderman Gaulrapp that these appointments be accepted. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

COMMITTEE REPORTS

FINANCE

Alderman Clark, Chair, stated that the next meeting would be July 28, 2003, at 5:00pm, in City Council Chambers.

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the next meeting would be July 14, 2003, at 5:30pm, in City Council Chambers.

PUBLIC WORKS

Alderman Boldt, Chair, stated that the next meeting would be July 21, 2003, at 5:30pm, in City Council Chambers.

PUBLIC SAFETY

Alderman Bender, Chair, stated that the next meeting would be August 8, 2003, at 5:00pm.

DEPARTMENT HEAD REPORTS

Public Works Director, Craig LeBaron, reported that the Street Department is working on cleaning up all storm damage. They are currently working from east from west because

the east side was hit the hardest. The Landfill has also extended its hours from 7:00am to 2:30pm, for tree and limb drop-off.

MAYOR'S COMMENTS

Mayor Gitz stated that that tentative bond closing date is set for August 11, 2003.

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As there was no other business to be transacted by the City Council, the meeting was adjourned at 10:00pm.

LATACIA M. ISHMON, CITY CLERK