

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**JULY 21, 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 Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDA**

Alderswoman Bender moved, seconded by Alderman Gaulrapp for approval of the agenda as presented. The motion carried.

**PUBLIC COMMENTS**

Margaret Murphy Campbell and Marianne Garvens spoke in opposition to the sell of 4 E. Linden. Richard Kort spoke in support of the sell of 4 E. Linden.

Bob Philbrook stated that based on past employment with the Social Security Administration, he feels that the building would not move out of Freeport.

**APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting held on July 7, 2003 was presented for approval. Alderswoman Bender moved, seconded by Alderman Gaulrapp for approval of the minutes. The motion carried.

**CONSENT AGENDA**

- A. Approval to Receive and Place on File:
  - 1. Zoning Board of Appeals Reports
    - a. Variance, 3420 Katherine Dr
    - b. Variance, 1841 W Revere St
    - c. Variance, 565 N Turner Ave
    - d. Variance, 858 E Shawnee
  - 2. Planning Commission Reports
    - a. Special Use Permit, 219 E Stephenson
    - b. Special Use Permit, 1130 S Galena Ave
    - c. Withdrawal, 1022 Burke Dr
    - d. Preliminary and Final Plat, 2407 W Galena Ave
  - 3. Treasurer's Monthly Investment Report for period ending June 30, 2003
  - 4. Treasurer's Report for period ending June 30, 2003
  - 5. Treasurer's Tax Receipts for period ending June 30, 2003
- B. Approval of Water & Sewer Disbursements for July 2003 - \$88,414.97
- C. Approval of Bills Payable for June 2003 - \$253,321.81
- D. Approval of Payroll of Period ending July 12, 2003 - \$305,000.61

Alderman Bender requested that item C be removed from the Consent Agenda. Alderman Clark moved, seconded by Alderman Bender for approval of the consent agenda, with the exception of item C. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

Alderman Clark moved, seconded by Alderman Boldt for approval of item C. Alderman Bender expressed her concern with the bills being paid before the council approves them. She stated that would be voting "nay" until there is a procedure established that allows that council to approve the bills before checks are sent out. On the roll call of yeas and nays to approve item C, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Varner, Clark and Dawson voted yea. Alderman Bender voted nay. There were seven yeas and one nay. The motion carried.

**COMMUNICATIONS**

City Clerk, Latacia Ishmon read the following communication from Mayor Gitz:

**LINE ITEM VETO OF FY 2003-2004  
APPROPRIATION ORDINANCE 2003-50**

I object to the following line items in Appropriation Ordinance #2003-50 passed by the Freeport City Council on July 7, 2003 and I hereby make the following reductions:

- **The Ordinance contains the following:**
  - **01-31-599: Office of Management and Budget Contractual Services** – \$17,800. I object and veto \$3,250 to leave a remainder of \$14,550. This is a reduction of \$750 in the Finance Department Training Travel & Education and a reduction of \$2,500 for Other Technical Services.
  
- **The Ordinance contains the following:**
  - **01-44-799: Street Department Capital Machinery & Equipment** – \$19,000. I object and veto \$10,000 to leave a remainder of \$9,000. This is a reduction in the Street Department Buildings line item for improvements to buildings at the City yards.
  
- **The Ordinance contains the following:**
  - **01-51-499: Police Department Personnel Expenses** – \$3,318,578. I object and veto \$65,121 to leave a remainder of \$3,253,457. This is a reduction of 2 police officers and 1 records clerk.
  
- **The Ordinance contains the following:**
  - **01-51-599: Police Department Contractual Services** – \$203,290. I object and veto \$10,000 to leave a remainder of \$193,290. This is a reduction in the Police Department Training Travel and Education line item.

- **The Ordinance contains the following:**
  - **01-51-900: Police Department Inter-fund Transfers** – \$52,700. I object and veto \$50,000 to leave a remainder of \$2,700. This eliminates the \$50,000 transfer to the Capital Equipment Fund to pay for police cars. The police cars will be paid for by the transfer from the Motor Vehicle Fund.
- **The Ordinance contains the following:**
  - **01-52-499: Fire Department Personnel Expenses** – \$2,466,342. I object and veto \$40,000 to leave a remainder of \$2,426,342. The line items to be reduced for this reduction are still being reviewed. It may be the elimination of the Deputy Chief position, 1 firefighter, overtime or a combination of these items.
- **The Ordinance contains the following:**
  - **01-62-799: Management Information Systems Capital Machinery & Equipment** – \$9,500. I object and veto \$2,000 to leave a remainder of \$7,500. This is a reduction in the line item for computer equipment for the anticipated cost of a new server.
- **The Ordinance contains the following:**
  - **01-63-499: Interdepartmental Personnel Expenses** – \$2,876,570. I object and veto \$10,000 to leave a remainder of \$2,866,570. This reduction is a reduction in the Post-Employment Health Plan expense anticipated to be lower because of the reductions in personnel.
- **The Ordinance contains the following:**
  - **01-63-599: Interdepartmental Contractual Services** – \$336,350. I object and veto \$3,000 to leave a remainder of \$333,350. This is a reduction in the donation to the Stephenson County Senior Center for postage for their newsletter.
- **The Ordinance contains the following:**
  - **01-98-914: Transfer to Debt Service** – \$162,000. I object and veto \$50,000 to leave a remainder of \$112,000. This eliminates the anticipated \$50,000 debt service payment for the library portion of the bond issue. This payment will not need to be made in this fiscal year.

It is my specific intent that only the sums stated above be vetoed and that the remainder shall be effective, pursuant to 65 ILCS 5/3.1-40-45.

**Explanation:**

- I have chosen to line item veto the Appropriation Ordinance in lieu of a full veto of the Appropriation Ordinance because of the need for an effective

ordinance by July 30, 2003. Were it not for the legal issues potentially raised by a veto, I would ask for a further review of the entire Appropriation Ordinance and the restoration of certain programs and line items I deem important.

- The line item vetoes seek to compensate for the veto of the sales tax increase. While some of these reductions affect both the Police Department and Fire Department, I would point out that the Police Department will still have approximately the same manpower it had in 1997 when we took advantage of certain federal programs and increased our manpower.
- The reduction in these line items will result in an expense cut savings of \$243,371. This is slightly greater expense reduction than the expected revenue which would be generated by a one-fourth percent sales tax (\$225,000). The new administration operating budget will have a slightly better balance than the Finance Committee budget: (\$104,503) versus (\$122,874).
- A complete break out of the line items is attached as an exhibit. "Current Budget" means the budget approved by the City Council. "New Budget" means the budget with line item reductions. "Savings" is the amount of reduction in each category.
- I have stated my desire to have a balanced operating budget repeatedly. I acknowledge there is a difference of \$100,000 in this Appropriation Ordinance. I believe that \$100,000 within a \$12 million budget is within the range necessary to achieve a balanced budget. It is more acceptable to me than approving the sales tax proposal or making further cuts in areas that have already been reduced. We will seek to make up the difference by expense controls and a review of other financial options.
- Early indications in telecommunication tax collections are that this revenue source will potentially generate additional revenues beyond the original projections. If revenues come in above our projections by even \$10,000 per month, this budget will balance without other cost saving measures.
- I have asked the Finance Department and our Community Development Department to review their permit and fee schedules and to suggest changes that are line with other communities. These recommendations will be submitted to the City Council as soon as they are ready.
  - Long before this Council was seated, the Finance Department and I worked on a proposal to close the gap between expected revenues and expenses in the FY 2003/2004 budget. We proposed a 6% telecommunications tax and a 2% electrical tax. Had these proposals

been implemented by January 1, 2003, the City's deficit for **FY 2002/2003** (which ended April 30, 2003) would have been reduced by \$632,956.

The 6% telecommunications tax and 2% electrical tax would generate an estimated \$1,905,000 for FY 2003/2004. It is not the fault of this Council, but the lack of action one year ago resulted in a higher deficit and deeper cuts than would otherwise have been necessitated.

Alderman Clark moved, seconded by Alderman Gaulrapp that this communication be received and placed on file. The motion carried.

Alderman Clark moved, seconded by Alderman Varner that formal reading of the following communications be waived and that the communications be received and placed on file. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Varner, and Clark voted yea. Aldermen Gaulrapp, Bender, and Dawson voted nay. There were five yeas and three nays. The motion carried. The following communications were received and placed on file:

**VETO OF ORDINANCE 2003-53**  
**AN ORDINANCE CREATING CHAPTER 893**  
**(MOTOR FUEL TAX)**

Pursuant to the provisions of 65 ILCS 5/3.1-40-45 and Section 222.08 of the Codified Ordinances of the City of Freeport, I hereby veto Ordinance 2003-53. My objections to this ordinance are set forth below:

1. The purpose of the 2-cent per gallon gas tax is to provide a revenue source to replace aging City vehicles. The economy of this region and the entire State of Illinois is in a serious recession. More people are facing lay-offs and plant closures than at anytime in the last 20 years. Many members of the public are also driving aging vehicles and just getting by.

A difficult economy is not the time to put our needs ahead of our constituents. It is one thing to raise taxes to balance the budget at a time of declining State revenues. It is quite another thing to pass a new tax just for equipment needs. Freeport residents do not even get better streets as part of the bargain. The timing of this proposal is poor.

2. The 2-cent per gallon motor fuel tax is pictured as a consumer pass-through which will have minimum impact. The big distributors may or may not pass through the tax. However, some retail outlets are locally owned and already have difficulty competing because of their low volume. One of the unintended consequences of this tax could be the total demise of locally owned gas stations because of competitive pressures. This is not in our community's interest.
3. This tax will affect businesses, not just motorists. It is an added cost of doing business to every contractor, trucking company, and any business involved in transportation, directly or indirectly. The more fuel that a business uses, the more likely that they will move their base of operations (or at least their fuel acquisition) out of the City. This ordinance will create an incentive for every consumer and business to vote with their checkbook when they pass Winnebago

Corners (or any other discount center offering lower prices). Every sale made out of the City is lost revenue to the intended purpose.

4. A 2-cent per gallon fuel tax sets the City up as a “bad guy” every time fuel prices rise. While people are fueling up their vehicles, this tax will be a constant reminder that in addition to the cost of fuel, the State gas tax and the State sales tax, there is an additional 2-cent per gallon being paid to the City of Freeport. We risk being a “fall guy” for the practices of others. This tax will endear the City to no one.
5. The tax is presented as a funding source primarily for Public Works Department vehicle replacement. I oppose special revenue streams which favor one department over another. If we are going to create a funding source for the Capital Equipment Fund, there should be more discussion between the administration and the Council about how the fund will work and which departments will be funded through it.
6. The City established a Financial Task Force late last Fall to review the City's short term and long-term financial requirements. The Task Force was made up of a diverse group of professionals. The Task Force compared the City of Freeport's services and taxes to those of other communities. The Task Force's recommendations did not include either a vehicle tax or a gas tax for any purpose. While I am not bound by their recommendations, I believe that weight should be accorded to their recommendations. It also concerns me that this proposal has been adopted with minimum discussion at the Council level and little discussion with those directly affected.

**VETO OF ORDINANCE 2003-54**  
**AN ORDINANCE AMENDING CHAPTER 896 (RETAILERS' OCCUPATION TAX)**  
**& CHAPTER 898 (SERVICE OCCUPATION TAX) AND INCREASING SUCH**  
**TAXATION BY AN ADDITIONAL ONE-QUARTER PERCENT**

Pursuant to the provisions of 65 ILCS 5/3.1-40-45 and Section 222.08 of the Codified Ordinances of the City of Freeport, I hereby veto Ordinance 2003-54. My objections to this ordinance are set forth below:

1. The ordinance raises the general sales tax of the City by .25%. I have consistently taken the position that an increase in the general sales tax should be done by referendum. The action of the City Council depends upon the use of the City's home rule power to do what non-home rule municipalities can only do by referendum. I believe raising the general sales tax without voter approval is a serious mistake.
2. The sales tax increase is promoted as a way to balance the City's budget and fund long term needs. However, this increase would not take effect until January 1, 2004. It means that the City will only raise an estimated \$225,000 between January 1, 2004 and April 30, 2004 (the City's fiscal year). In future years, the sales tax increase will generate an estimated \$675,000 each year. This is on top of all other revenues. If the economy recovers, the sales tax increase will feed the appetite for additional City spending. There is a difference between closing a gap to balance our budget and creating a potential windfall.

3. A sales tax increase is generally pictured as a tax on consumer goods. However, the sales tax proposal will also affect the cost of gasoline, restaurant food, beverages, and every item subject to a local sales tax. **In the case of restaurants, people already pay a 6.75% sales tax plus a 2% food and beverage tax for a total of 8.75% on every purchase. This ordinance will effectively raise the total restaurant tax to a total of 9%.** That increase hits non-residents, but it also hits many of our own residents, including seniors. The sales tax increase would mean 9 cents of every dollar spent in our food and beverage establishments would go to taxes. That is a very high tax rate.
4. The City and the Economic Development Foundation are actively engaged in attempting to secure additional retail anchors to grow our retail base. Little thought has been given regarding the impact of the projected sales tax increase on this effort. Before such a proposal is approved, I think we should have sound information about the potential impact of a sales tax increase on future retail expansion.

I am also concerned that an increase in the sales tax will make Freeport less competitive with surrounding communities, including Monroe in regard to the purchase of "big ticket items." By big-ticket items, I am referring to purchases that total more than a thousand dollars, i.e., furniture, washers, air conditioners, etc. At that point the sales tax rate may be significant when comparing retailers.

5. Periodically, the Freeport Area Economic Development Foundation has discussed the idea of raising the sales tax as a way to relieve some of the burden of Freeport's relatively high property taxes. This is a worthy discussion to have. However, the Council's decision to raise the sales tax at this time means that any discussion of a sales tax in lieu of property tax swap is unlikely to be considered. This proposal keeps the present property tax rates in place and adds an additional sales tax on top of it.
6. The City established a Financial Task Force late last Fall to review the City's short term and long-term financial requirements. The Task Force was made up of a diverse group of professionals. The Task Force compared the City of Freeport's services and taxes to those of other communities. The Task Force's recommendations did not include an increase in the sales tax rate. While I am not bound by their recommendation, I believe that weight should be accorded to the Task Force's work.

#### **1<sup>st</sup> READING**

#### **ORDINANCE #2003-46**

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

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee heard from State Representative Jim Sacia. Mr. Sacia stated the difficulties that can occur with delay GSA work. His experience came from his employment with the FBI and should not be connected with his position as a State Representative.

Rial Chaplin, developer of the proposed site, stated that the 4 E Linden site was chosen over other properties shown. Site plans were provided and topography was discussed.

A spokesperson from the Senior Center asked that the city consider the aging population of the city when a decision is made.

Marty Vanags, FDD Director, stated that he was not informed of the proposed site until recently and would like to hold public meetings to discuss other plans. Mr. Vanags provided the committee with a three-page memo.

After much discussion, the committee voted unanimously to approve this ordinance and Alderman Gaulrapp so moved, seconded by Alderman Dawson. Alderman Wright moved, seconded by Alderwoman Bender to table this ordinance. On the roll call of yeas and nays, Alderman O'Neill, Wright, Bender, and Clark voted yea. Aldermen Boldt, Gaulrapp, Varner, and Dawson voted nay. There were four yeas and four nays. Mayor Gitz then voted nay. The motion was denied.

Alderman Gaulrapp moved, seconded by Alderman Clark to suspend the rules for immediate consideration. On the roll call of yeas and nays, Boldt, O'Neill, Gaulrapp, Varner, and Clark voted nay. Aldermen Wright, Bender, and Dawson voted nay. There were five yeas and three nays. The motion failed. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-56**

**AN ORDINANCE AMENDING CHAPTER 806 (ALCOHOLIC LIQUOR SALES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Gaulrapp, stated that the meeting held a meeting on July 14, 2003. Freeport Park District has asked for a permit to allow alcohol on the golf course. The committee addressed enforcement issues. Jeff Hartman said that the people would be asked to provide ID and the beverages would be in specially marked coolers/cans. Alcoholic beverages purchased outside of the Golf Course would not be allowed. Rangers would also patrol the course. The plea was made to issue this permit to keep the Freeport Golf Course competitive with the surrounding courses. Alderman Gaulrapp stated that he was not in favor of alcohol on the course, but would rather have golfers staying within the city rather than drinking on the roads coming back from other courses. The committee voted unanimously to approve this ordinance and Alderman Dawson so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-57**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 3420 KATHERINE DR)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee voted to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-58**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 1841 W REVERE ST)**



Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee voted unanimously to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-59**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 565 N TURNER)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee voted unanimously to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-60**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 219 E STEPHENSON ST)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee voted unanimously to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2003-61**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (SPECIAL USE PERMIT, 1130 S GALENA AVE)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. The committee voted unanimously to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

**RESOLUTION #R-2003-46**

**RESOLUTION FOR THE AGREEMENT BETWEEN CITY OF FREEPORT AND ILLINOIS DEPARTMENT FOR REHABILITATION OF ADAMS AVENUE**

**WHEREAS**, the City of Freeport is entering into and agreement with the State of Illinois for the rehabilitation of Adams Avenue from Jackson Street to Float Avenue as Section 03-00139-00-RS; and

**WHEREAS**, this agreement has a cost sharing formula of 80% Federal and 20% Local Funds; and

**WHEREAS**, the City is also responsible for the costs of engineering to be performed by a Consulting Engineer.

**NOW, THEREFORE**, be it resolved by the City Council of the City of Freeport, Illinois that there is hereby appropriated the sum of SIXTY THOUSAND DOLLARS (\$60,000.00), or so much thereof as may be necessary, from any money now or hereafter allotted to the City under the provisions of the Motor Fuel Tax Law, to pay its share of the cost of this portion of the improvement as provided in the agreement.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the State of Illinois Department of Transportation, Division of Highways, District Engineer, Local Road Engineer, 819 Depot Ave., Dixon, IL 61021.

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on July 21, 2003. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman O'Neill.

Alderwoman Bender asked if bids were requested for the engineering fees. There was leave granted to hear from Public Works Director, Craig LeBaron. Director LeBaron explained that these services are defined according to the Illinois State Statutes. He stated that Fehr-Graham has done the engineering for the LAPP Program for the last few years and that they have a good working relationship with IDOT. He further explained that the process is more controlled by IDOT rather than the city. Alderwoman Bender requested the IDOT requirements in writing.

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

**RESOLUTION #R-2003-47**

**RESOLUTION TO APPROVE THE PRELIMINARY PLAT FOR COUNTRYSIDE SUBDIVISION**

**WHEREAS**, Section 1224.03 of Chapter 1224 (Subdivision Regulations) of the Codified Ordinances of the City of Freeport and Section 205/2 of the Illinois Plat Act (765 ILCS 205/2) and Section 5/11-15-1 of the Illinois Municipal Code (65 ILCS 5/11-15/1) all authorize a city council to approve preliminary and final plats for all subdivisions located inside of the corporate boundaries of the city or within one-and-a-half miles outside of the corporate boundaries of the city; and

**WHEREAS**, at a meeting held on July 10, 2003, and subsequent to a public hearing, the Freeport Planning Commission by a majority vote recommended that this City Council approve the Preliminary Plat for Countryside Subdivision which is located within the extra-territorial jurisdiction of the City of Freeport, Illinois.

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

**Section 1:** That the Preliminary Plat for Countryside Subdivision, a copy of which is attached hereto and made part hereof and marked as "Exhibit A", is hereby accepted.

**Section 2:** That this approval is tentative only, involving merely the general acceptability of the layout as submitted, and shall be valid for a maximum period of one (1) year, unless the developer applies for, and this City Council, grants an extension thereof.

**Section 3:** This Resolution shall be effective immediately upon its passage by the City Council and its approval by the Mayor.

**Section 4:** 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

**Section 5:** That all Resolutions or motions or parts of resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

**Section 6:** 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 Gaulrapp, Community Development Chair, stated that the committee held a meeting on July 14, 2003. Alderman Dawson was concerned that there were no sidewalks in place. It was explained that the property is basically the subdividing of two lots that are off of the major street and sidewalks would not be appropriate in this location. The committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays to adopt this resolution, Aldermen Bolt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The resolution was adopted.

**RESOLUTION #R-2003-48**

**RESOLUTION TO APPROVE THE FINAL PLAT FOR COUNTRYSIDE SUBDIVISION**

**WHEREAS**, Section 5/11-15-1 of the Illinois Municipal Code (65 ILCS 5/11-15-1), authorizes a city to enact an ordinance mandating that the city council approve all plats of subdivisions to be located inside city's corporate boundaries or within a one-and-a-half mile area extending from said corporate boundaries provided that the city has also enacted a Subdivision ordinance; and

**WHEREAS**, the City of Freeport has enacted such a Subdivision Ordinance, known as Chapter 1224 of the Codified Ordinances of the City of Freeport; and

**WHEREAS**, Section 1224.05(d)(6) of Chapter 1224 of the Freeport Codified Ordinances provides that all Subdivision plats "shall be submitted to the City Council for approval and for acceptance of all streets, alleys, ways, easements, parks or other areas preserved for, or dedicated to, the public, by resolution"; and

**WHEREAS**, on July 21, 2003, this City Council approved the preliminary plat for Countryside Subdivision, located in Harlem Township; and

**WHEREAS**, the final plat for said Countryside Subdivision a copy of which is attached hereto as "Exhibit A", and made a part hereof, substantially conforms to the preliminary plat as approved; and

**WHEREAS**, at a regular meeting held July 10, 2003, and subsequent to a public hearing, the Freeport Planning Commission unanimously recommended that the City Council approve the final plat for Countryside Subdivision.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the Final Plat of Countryside Subdivision as set forth in Exhibit A, is hereby approved; and the City of Freeport hereby accepts all streets, alleys, ways, easements, parks or other areas preserved for, or dedicated to, the public, as shown on Exhibit A, said dedication conditional upon full performance in compliance with plat requirements and applicable provisions of City Ordinances.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to attach a copy of this Resolution to a copy of the plat, for the purpose of recording the plat by the subdivider with the County Recorder; and upon said recording of the plat, the subdivider shall file a certified, reproducible copy of the plat with the Community Development Office.

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

Alderman Gaulrapp, Community Development Chair, stated that the committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp moved,

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

**RE-APPOINTMENTS**

There was leave granted to vote on the following reappointments in one motion.

Effective immediately, James L. Gitz, hereby reappoints Richard Wolfe to the Police Pension Board. This appointment shall be effective until April 30, 2005.

Effective immediately, James L. Gitz, hereby reappoints Doug Cross to the Police Pension Board. This appointment shall be effective until April 30, 2004.

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

**EXECUTIVE SESSION**

Alderman Clark moved, seconded by Alderwoman Bender moved to go into executive session in order to review executive minutes and to discuss purchase or lease of real estate. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea.

The council then convened into the Mayor's Office for executive session. After reconvening in Council Chambers, Alderman Clark moved, seconded by Alderman Wright to come out of executive session. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea.

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

**CONSIDERATION OF BIDS FOR SPRING STREET**

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on July 21, 2003. The committee voted unanimously to accept the low bid from Civil Construction in the amount of \$3,013,000.80. This amount is 21% under the expected engineering costs. Alderman Boldt moved, seconded by Alderwoman O'Neill that this bid be accepted. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Clark, and Dawson voted yea. Alderman Varner abstained. There were seven yeas and one abstention. The motion carried.

There was also a separate proposal for the reconstruction of the sidewalk, curb, and gutter. The committee voted unanimously to accept the low bid for Civil Construction in the amount of \$133,755.00 and Alderman Boldt so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Gaulrapp, Bender, Clark, and Dawson voted yea. Alderman Varner abstained. There were seven yeas and one abstention. The motion carried.

## COMMITTEE REPORTS

### **PUBLIC WORKS**

Alderman Boldt, Chair, stated that the committee held a special meeting on July 21, 2003. Mayor Gitz has responded to questions submitted regarding the Carnegie library building. They will be attached to the minutes of this meeting.

The committee discussed parking and accident problems on the corner of American and Burchard. Alderman Wright stated that the two large trees are an obstruction and suggested that they be removed. Director LeBaron was asked to negotiate the removal of the trees subject to approval of the Park District. The committee also discussed changing the speed limit in that area to 20 miles per hour and creating parking on the west side of Burchard and American similar to the east side to eliminate parking issues in that area. The committee also discussed Tutty Crossing, replacement of trees in the right of ways, W&S fee increase, tree removal update, and accident problems at the corner of Stephenson & Greenfield.

Alderman Boldt referred explanation of the denial of the Stop Sign request at the corner of Canyon and Appaloosa to the Police Chief and Public Works Director.

Alderman Clark stated that he was concerned about the speed limit issue and requested that the committee review the traffic study report.

### **COMMUNITY DEVELOPMENT**

Alderman Gaulrapp, Chair, stated that the committee held a meeting on July 14, 2003. The committee discussed the Landfill Property Maintenance Agreement. No action was taken. Interim Community Development Director, Reggie Taylor provided the committee with fees and maintenance work that would need to be done at the landfill to keep it in good standing. Any further action would need to go through the bid process. Director Taylor will find out what duties the city's current employees could do.

A front yard variance was presented to the committee. After much discussion, the committee agreed to consult with Corporation Counsel to set up perimeters for future requests. The committee also reviewed permit and license fees and new annual fees for the airport and landfill.

There was then leave granted to hear from Rial Chaplin, developer for the proposed 4 E. Linden site. Mr. Chaplin answered all questions from the council regarding this proposed site.

### **PUBLIC SAFETY**

Alderwoman Bender stated that the next meeting would be August 4, 2003 at 5:30pm.

### **FINANCE**

Alderman Clark stated that the meeting of July 28, 2003 would be cancelled due to lack of quorum. The meeting is rescheduled for August 4, 2003 at 4:00pm.

### **DEPARTMENT HEAD REPORTS**

Police Chief Whitmore stated that he sent an officer to evaluate the corner the Canyon and Appaloosa and that the officer observed approximately eight cars within a 1 ¼ hour time frame. He also spoke with a resident (a retired police officer), who felt that there

is not a need for a stop sign in this location. He stated that State law already requires individuals to stop at a t-intersection.

Alderwoman Bender requested that the intersection of Arapaho and Canyon be referred to the Community Development Committee.

### **MAYOR'S COMMENTS**

Mayor Gitz discussed the following:

- Developing a process for redevelopment
- Discussing the role of the Teng Report
- Blues on Chicago

### **NEW BUSINESS**

Alderman Boldt requested that the Executive Committee address the issue of items approved out of committee before the Council Meeting. He asked if those should be voted on the night of the council meeting or the following meeting. Alderman Clark stated that the timing and delivery of packets also needs to be finalized. Alderman Gitz stated that the Executive Committee should also address the format in which amendments should be presented.

Alderman Wright stated that there are a lot of expired terms on the city's boards and commissions. He requested that these appointments/reappointments be taken care of in August. Mayor Gitz responded that he needs input from the council for recommendations for individuals to be placed on the city's boards or commissions.

Alderwoman Bender referred the bills payable issue to the Finance Committee.

### **PUBLIC COMMENTS**

Deb Doelker stated that there has been two accidents on Woodside Dr and encouraged the city increase speeding tickets fees and develop a slogan in order to deter speeding.

Don Powers stated that the Mayor's veto puts the Police Department in a worse situation than previously.

Marty Vanags thanked everyone for their compliments on "Blues on Chicago" and announced that FDD would also be sponsoring "Jazz on Chicago" on August 15, 2003.

Marianne Garvens stated that in her opinion, posting notices of meetings on Fridays violates the Open Meetings Act and suggested that postings be moved so that they are visible to the public.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:48pm.

**LATACIA M. ISHMON, CITY CLERK**