

CITY OF FREEPORT, ILLINOIS
TUESDAY EVENING
CITY COUNCIL MEETING
SEPTEMBER 2, 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 Bender, Varner, Clark, O'Neill, and Wright. Absent were Alderman Dawson and Boldt. Alderman Gaulrapp entered the meeting at 7:15pm.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PRESENTATION

There was a presentation on Envirogen by Devin Moose and Doug Allen.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on August 18, 2003 was presented for approval. Alderwoman 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. Community Development Report
2. Community Development Cash Receipts for August 2003
3. Community Development Building Permits for August 2003

B. Approval of Water & Sewer Disbursements for September 2003 - \$255,253.14

C. Approval of Bills Payable for August 2003 - \$886,962.03

D. Approval of Payroll of Period ending August 23, 2003 - \$300,557.60

Alderwoman Bender requested that item C be removed from the Consent Agenda.

Alderman Gaulrapp moved, seconded by Alderman O'Neill for approval of the consent agenda, with the exception of item C. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Varner, Clark, Dawson, Boldt, and O'Neill voted yea.

Alderman Gaulrapp moved, seconded by Alderman Clark for approval of item C. On the roll call of yeas and nays, Aldermen Gaulrapp, Varner, Clark, O'Neill, and Wright voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The motion carried.

COMMUNICATION

The following letter was submitted by Alderman Boldt and read by City Clerk, Latacia Ishmon:

Thank you for the honor of being named the City representative for the CVB Board of Directors. However, I must resign this position due to a meeting time conflict with the Finance Committee. I am currently unable to devote the time necessary to be the type of representative that the CVB deserves.

Please consider this resignation effective immediately, and due to the important items currently on the CVB agenda please name my replacement as soon as possible. I have had discussions with Alderwoman O'Neill who has expressed an interest in replacing me on the Board. I feel that she would provide an outstanding point of view for the Board and be the type of liaison that they deserve.

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

2nd READING

ORDINANCE #2003-62

ORDINANCE MANDATING ANNUAL DISTRIBUTION OF SURPLUES TO AFFECTED TAXING DISTRICTS

This ordinance was laid over from the meeting of August 18, 2003, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2003-66

AN ORDINANCE AMENDING CHAPTER 1050 (STORM SEWERS) TO FORMALLY ADD SECTION 1050.08 (STORM WATER FEES) TO THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS (*As Amended*)

This ordinance was laid over from the meeting of August 18, 2003, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill for approval. Alderwoman O'Neill, Public Works Vice-Chair stated that the committee held a meeting on August 18, 2003. The sewer rate increases needed to cover the current sewer construction bond was review. They will be set at \$4.00 per household, \$20.00 for commercial, and \$40.00 for industrial. A sunset clause was proposed and set to end when the bond issue is paid off.

Alderwoman Bender moved, seconded by Alderman Gaulrapp accept the amending the ordinance to add a sunset clause stating, "This Ordinance is intended to remain effective concurrently with the Series 2003 General Obligation Bonds and to expire of its own accord at the time that Series is retired..." There was leave granted to hear from W&S Sewer Director, Alice Ohrtmann who answered all questions of the council. The amendment was accepted.

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

1ST READING

ORDINANCE #2003-67

AN ORDINANCE AMENDING CHAPTER 460 (OPERATION GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderwoman O'Neill, Public Works Vice-Chair stated that the committee held a meeting on August 18, 2003. The speed limit change to 20-mph for Burchard through the park from Empire to American was approved by the Park District. This makes sense due to the narrow street, the ball diamonds, and the new skate park traffic. The committee voted unanimously to approve this ordinance and Alderwoman O'Neill so moved, seconded by Alderwoman Bender. Alderman Gaulrapp moved, seconded by Alderwoman Bender to suspend the rules in order to consider this ordinance on first reading. On the roll call of yeas and nays to suspend the rules, Aldermen Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The motion carried. On the roll call of yeas and nays to approve the ordinance, Aldermen Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The ordinance was approved.

RESOLUTION #R-2003-51

RESOLUTION TO CREATE A COMMUNITY TASK FORCE REGARDING HEALTH AND ENVIRONMENTAL ISSUES IN THE TAYLOR

WHEREAS, the area of the City of Freeport east of the Pecatonica River was home to many factories and industrial operations which may have caused or contributed to environmental pollution to the surrounding area; and

WHEREAS, at least two (2) manufacturing companies on the eastside of Freeport were the focus of environmental enforcement and cleanup actions by state and federal agencies within the last fifteen (15) years; and

WHEREAS, GDR International, Inc. recently conducted a preliminary soil investigation of five (5) residential properties on the eastside for the City of Freeport Weed & Seed Committee which indicated environmental soil contamination on these properties; and

WHEREAS, the GDR study has led to widespread concern about the health risk posed to eastside residents by alleged soil and water contamination; and

WHEREAS, it is in the interest of the entire Freeport community to see that the issues raised are thoroughly investigated and resolved,

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

Section 1: A community task force to be formally known as The Taylor Park Health and Environmental Task Force is hereby established.

Section 2: The Task Force shall be appointed by the Mayor and confirmed by the City Council. The Task Force shall have up to a maximum of fifteen (15) members selected from: residents involved in the issue, City and County officials, ~~the Freeport Weed & Seed Committee~~ Lana Varner, Weed & Seed Coordinator, Dorothy Fair, (Taylor Park resident), the County Health Department, FHN, f/k/a/ the Freeport Health Network, environmental professionals, and state and federal agencies (if available). The Task Force shall be co-chaired by Alderman Robert Varner and Stephenson County Health Director, Jeff Todd. Both the Mayor and the Stephenson County Board Chairman shall be ex-officio members of the Task Force.

Section 3: The mission of the Task Force shall include, but not be limited to the following:

- To evaluate the GDR report and determine what follow-up steps and investigations should be undertaken to identify health risks and/or the presence of soil and groundwater contamination.
 - To determine if there is a connection between the cancer morbidity and cancer mortality of eastside residents and environmental contamination.

- To determine what health and environmental studies of Freeport's eastside residents are recommended for further pursuit.
- To determine whether the surface soil of the eastside poses a health risk to residents and whether it is safe for eastside residents to maintain vegetable gardens and to ingest fruits and vegetables grown therein.
- To determine what steps should be taken to reduce the incidence of cancer and cancer mortality among Freeport's eastside residents.
- To make any other recommendations the Task Force deems appropriate and to determine what assistance local, state and federal agencies might make to their accomplishment.

Section 4: The Task Force shall report its preliminary findings to the Mayor and City Council no later than October 15, 2003 and its final conclusions by November 30, 2003.

Section 5: This Resolution shall be in full force and effect immediately upon its passage by the City Council and its approval by the Mayor.

Alderman Gaulrapp moved, that this resolution be laid over to the next regular meeting. There being no second, the motion failed. Alderman Varner moved, seconded by Alderman Clark that this resolution be adopted with an amendment removing Alderman Varner as co-chair and replacing him with Alderman Wright. There was leave granted to hear from Stephenson County Health Department Director, Jeff Todd, who suggested that the council not delay approval of this resolution.

Alderman Wright then moved, seconded by Alderman Varner that this resolution be tabled. On the roll call of yeas and nays to table this resolution, Alderman Wright voted yea. Aldermen Gaulrapp, Bender, Varner, Clark, and O'Neill voted nay. There was one yea and five nays. The motion failed.

After some discussion Alderman Varner withdrew his original motion to adopt this resolution and Alderman Clark withdrew his second. Alderman Gaulrapp moved, seconded by Alderwoman Bender that this resolution be laid over to the next regular meeting. The motion carried.

RESOLUTION #R-2003-52

RESOLUTION ATO REQUEST ASSISTANCE FROM STATE AND FEDERAL AGENCIES IN RELATION TO ENVIRONMENTAL ISSUES IN THE TAYLOR PARK AREA

WHEREAS, GDR International, Inc. recently conducted a preliminary soil investigation of five (5) residential properties on the eastside for the City of Freeport Weed & Seed Committee which indicated environmental soil contamination on these properties; and

WHEREAS, the GDR study has led to widespread concern about the health risk posed to eastside residents by alleged soil and water contamination; and

WHEREAS, it is in the interest of the entire Freeport community to see that the issues raised are thoroughly investigated and resolved; and

WHEREAS, both the Illinois Environmental Protection Agency (IEPA) and the U.S. Environmental Protection Agency (U.S.EPA) have programs to assist local communities with environmental assessment and environmental clean-ups; and

WHEREAS, the IEPA specifically has indicated a willingness to conduct further testing of certain properties contained within the GDR International, Inc. investigation.

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

Section 1: The City of Freeport formally requests environmental testing and assessment by the IEPA for the properties located in the GDR study and nearby industrial properties.

Section 2: In the event IEPA is unable to conduct environmental assessment at such locations, the City of Freeport formally requests environmental testing and assessment assistance from the U.S.EPA for the properties located in the GDR study and nearby industrial properties.

Section 3: In the event that direct assistance for environmental assessments is unavailable through either agency, the City Council endorses the use of grant fund resources to conduct the requested assessments.

Section 4: This Resolution shall be in full force and effect immediately upon its passage by the City Council and its approval by the Mayor.

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

RESOLUTION #R-2003-53

RESOLUTION TO ENTER INTO AGREEMENT WITH FEHR-GRAHAM & ASSOCIATES FOR SERVICES RELATED TO SPRING STREET STORM SEWER CONSTRUCTION MANAGEMENT *As Amended*

Alderwoman O'Neill, Public Works Vice-Chair, stated that the committee held a meeting on August 18, 2003. Denise Blakely apprised the committee of the proposal for the management contract for the Spring Street Sewer project. The committee voted unanimously to adopt this resolution and Alderwoman O'Neill so moved, seconded by Alderman Wright. There was leave granted to hear from W&S Director, Alice Ohrtmann who explained the purpose of the amendment. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The resolution was adopted.

RESOLUTION #R-2003-54

RESOLUTION TO CO-SPONSOR CAJUN ON CHICAGO WITH FREEPORT DOWNTOWN DEVELOPMENT

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

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

WHEREAS, Cajun on Chicago is scheduled for Friday, September 12, 2003, and will be located on Chicago Ave. between Stephenson St. and Main St.; and

WHEREAS, Cajun 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 Cajun 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, Cajun on Chicago.

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

RESOLUTION #R-2003-55

RESOLUTION TO AUTHORIZE CONTRACT WITH KANE, MCKENNA & ASSOCIATES IN RELATION TO CREATION OF TAX INCREMENT FINANCING DISTRICT IN THE LINCOLN BUSINESS PARK AREA

WHEREAS, on May 5, 2003, the City Council of the City of Freeport, passed a Resolution stating that the City will consider the use of Tax Increment Financing pursuant State of Illinois statutes for the Lincoln Business Park area and would take such actions as they deem appropriate and necessary to induce quality development of that Site and, within their sole discretion, adopt a Program to implement the same; and

WHEREAS, that Resolution was based on the premise that private entities will show their interest in investing private capital in the Site if, and only if, a program is adopted; and

WHEREAS, the City has been approached by private landowners in that area who are willing to pay the fees for consultants to pursue creating such a Tax Increment Financing District.

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

Section 1. The Mayor is hereby authorized to enter into an agreement with Kane, McKenna & Associates, Inc. in substantially the same form as that shown in Attachment A, in order to pursue the creation of a Tax Increment Financing District in the Lincoln Business Park area.

Section 2. The Mayor is hereby authorized to enter into an agreement with the Freeport Area Economic Development Foundation, William Oppold, John Zajicek, and David Tuehl for payment of services under such and agreement and payment of any necessary legal expenses in relation to same, and that the authorization in Section 1 above is contingent upon such agreement being executed.

Section 3. 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 4. 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 Clark, Finance Chair, stated that the committee held a meeting on August 25, 2003. Economic Development, Bob Skurla, made a presentation for a proposed TIF District for the Lincoln Business Park. He handed out a study from Kane, McKenna and Associates for a plat for the same. Fastenall and Anderson Machine and Welding. The proposed TIF is for the balance of the business park. Freeport Area Economic Development Foundation, Jon Zajeck, Bill Oppold, and David Tuehl will split the cost (estimated cost is not to exceed \$30,000) of the TIF development consultant agreement. It is expected that they will recapture their cost if and when they negotiate a redevelopment agreement. The committee voted unanimously to adopt this resolution and Alderman Clark so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The resolution was adopted.

APPOINTMENT

Effective immediately, James Gitz hereby appoints Connie Witte to the Historic Preservation Commission. Ms. Witte shall replace Chris Goley who resigned from the position.

Alderman Wright moved, seconded by Alderwoman Bender that this appointment be accepted. On the roll call of yeas and nays, Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The motion carried.

APPOINTMENT

Effective immediately, James Gitz hereby appoints Ronnie Bush to the Human Relations Commission. This appointment shall be effective until December 31, 2005.

Alderwoman Bender moved, seconded by Alderman Varner that this appointment be accepted. On the roll call of yeas and nays, Gaulrapp, Bender, Varner, Clark, O'Neill, and Wright voted yea. The motion carried.

REAPPOINTMENTS

Effective immediately, James Gitz hereby reappoints Sally Spudich to the Planning Commission. This appointment will expire on October 31, 2004.

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

REAPPOINTMENTS

Effective immediately, James Gitz hereby reappoints Quincy Carter to the Human Relations Commission. This term will expire on December 31, 2006.

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

COMMITTEE REPORTS

PUBLIC WORKS

Alderwoman O'Neill, Vice-Chair, stated that the committee held a meeting on August 18, 2003. Public Works Director, Craig LeBaron requested to go out for bids on a 5-yard dump truck (\$70,000), a tandem dump truck (\$90,000), and a lawn tractor for the cemetery (\$10,000). He stated that the money is already included in the budget. Alderman Wright suggested that the committee go and tour all equipment. Alderman Boldt suggested that the Finance Committee be included in the purchase decision, as no plan is in place for managing the new Capital Equipment fund. Director LeBaron stated that regardless of those items, the trucks need to be in place for the winter and the bid process needs to be started. The bid will state that the committee may reject any and all bids for any reason. The committee voted unanimously to allow the equipment to be put out for bids.

The question of whether or not the committee is serious about pursuing rates at the cemetery was discussed. Currently, the city collects less than the State is willing to pay.

The committee felt that the fee structure should be reviewed. Director LeBaron will bring information to the next meeting.

The committee discussed a vacant position at the Street Department. Director LeBaron asked if the position should be filled. The committee voted unanimously and the Finance Committee concurred not to fill the position.

Director LeBaron discussed vacation of Fairview Road between the new Subway and Anne's Garden Center property. This has been part of the development plan for this area and is the final step. The property will be split down the middle.

The committee request to remove two trees at the intersection of American and Burchard has been approved by the Park District. The City has them on the removal list.

Alderman Wright reported that at the Freeport Downtown Development, it was decided to create a proposal for the City Lights building, Rawleigh Complex, and Carnegie Library. Alderman Wright asked if the city should be serious about marketing these properties. He further stated that if the city owns property then the city should get serious about marketing and developing them. The mayor discussed the importance of the Rawleigh development not getting derailed by other issues. The property with the next most promise is the City Lights building being used as an intergenerational facility. Director LeBaron stated that per Jerry Estees, the building needs immediate removal of an a/c unit on the roof, and back wall repair before the back end collapses.

Tim Mellantine presented photos and measurements of a sign that is located on his property and is causing confusion with turning lanes in his area. He suggested moving the sign one property to the East, where it was formerly located. Director LeBaron stated that it was moved to its current position because the former position caused problems because there was not enough distance between it and the Stephenson & West intersection. This was laid over to the next meeting. Public Works Director will re-evaluate and report at the next meeting.

FINANCE

Alderman Clark, Chair, stated that the committee held a meeting on August 25, 2003. Adam Simon of Ansel, Glinch & Diamond made a presentation to committee members regarding Special Service Areas. SSAs are very flexible, but subject to objections from taxpayers within the defined area. They only affect commercial properties within the district. Each property owner gets on vote regardless of the number of properties they may own.

FDD is requesting the city to set up a SSA for the downtown area to fund FDD operations and infrastructure improvements in downtown Freeport. They are requesting a \$150,000 assessment at this time. The committee members were provided a written handout, which includes details of the requested assessments. The plan includes additional one and half full time employees. The Administrative assistant would go from part-time to full time and a full time maintenance person would be hired. For critics, Marty compares the SSA to the typical CAM expense most would pay on any other non-downtown location. Julie Taulman reminded committee members that the original plan for FDD was to get them off of the TIF as a funding source after three years. FDD is requesting approval of TIF expenditure to hire Adam's firm to begin formal process to gain public approval for the project. It must be in place by December 15, 2003 in order to receive monies in 2004. The requested assessment would actually be for 2003. The

Council would have to pass the proposal then have at least one public hearing. The public must be given 60 days to contest. Bob Skurla expressed his support for the proposal, indicating that this sends the correct message to prospective investors looking at Freeport. There will be a special meeting on September 8, 2003 in order to discuss this issue.

The Affirmative Action Policy was laid over from a prior meeting. The proposed ordinance is based on a Champaign ordinance. Ronnie Bush made this proposal based on the lack of minorities on the job site for the new library. Mr. Bush advised committee members that he wanted to change references in the ordinance from minorities to African-Americans and other minorities. Rev. Peter Williams addressed the committee regarding FAMUCs efforts in training African Americans. Additionally, he commented on institutional racism and the need for proactive response from organizations that give out contracts. The mayor opposes the ordinance. He agrees with the intent, but feels this is the wrong tool. It tries to solve too many problems that are not solvable. The committee referred this issue to the Human Relations Commission to make recommendations to the Community Development Committee and/or Finance Committee.

Alderman Boldt asked for guidance for Public Works in how to administer capital equipment purchasing going forward. The Public Works committee approved going out for bids for two trucks and a tractor for the cemetery. Alderman Wright recommended that the Public Works committee and Administration recommend an overall purchasing plan and then send back to the Finance Committee to determine a method of funding.

Interim Finance Director, Duane Price, advised the committee of the following eight new accounts opened at US Bank for receipts of bond money: 2003 Bond Construction, 2003 Cost of Issuance Fund, 2003 Capitalized Interest Fund, 2003 Bond & Interest Fund, 2003 Bond Construction Fund, 2003 Bond & Interest Fund, 2003 Bond Construction Fund, and 2003 Bond & Interest Fund.

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the next meeting would be September 9, 2003, in Council Chambers.

DEPARTMENT HEAD REPORTS

Fire Chief, Jim Blackbourn, announced that there would be a Commemorative Ceremony on September 11, 2003 at 9:00am, outside the Stephenson County Courthouse. This will be co-hosted by Stephenson County and the City of Freeport. Also, on September 13, 2003, there will be a Blood Drive held at St. John from 9:00am to 1:00pm. Red Cross, Freeport Fire Department, Freeport Police Department, and Highland Community College are sponsoring this event.

NEW BUSINESS

Alderman Bender, Executive Chair, announced that there would be a meeting on September 10, 2003, at 5:00pm, in City Council Chambers.

PUBLIC COMMENTS

Lana Varner, Weed & Seed Coordinator, invited all to attend an informal meeting on September 15, 2003 at 5:30pm in order to discuss the soil samplings from the Taylor Park area. The IEPA and the Illinois State Health Department will be present.]

Alderman Gaulrapp requested that the Public Works meeting be rescheduled so that committee members may attend this meeting. The meeting was tentatively rescheduled for September 16, 2003 at 5:30pm.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:50pm.

LATACIA M. ISHMON, CITY CLERK