

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
JANUARY 20, 2004 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, Gaulrapp, Bender, Varner, and Clark.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

LaVerne Dole, former police officer and fireman, stated his desire to serve on the Board of Police and Fire Commissioners. He said that regardless of his past positions with the city, that he could be a bias member of the commission.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on January 5, 2004 was presented for approval. Alderman 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. Planning Commission Reports
 - a. Change of Zoning, Freeport Regional Network
 - b. Planned Unit Development, Parkview Home
 - c. Preliminary Plat of Cliffside Estates Plat 2
 - 2. Fire Department Monthly Activities, December 2003
 - 3. Police Department Monthly Activities, December 2003
 - 4. Treasurer's Tax Receipts for period ending December 31, 2003
- B. Approval of Water & Sewer Disbursements for January 2004 - \$323,477.63
- C. Approval of Bills Payable for December 2003 - \$1,462,515.95
- D. Approval of Payroll of Period ending January 10, 2004 - \$282,523.77

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

2nd READING

ORDINANCE #2004-02

AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (*Prohibited Parking Streets*)

This ordinance was laid over from the meeting of January 5, 2004, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-03

AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (*Fifteen-Minute Parking Zones*)

This ordinance was laid over from the meeting of January 5, 2004, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

1ST READING

ORDINANCE #2004-04

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (AMENDMENT OF ZONING, FREEPORT REGIONAL HEALTHCARE FOUNDATION)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on January 12, 2004. The committee voted unanimously to approve this ordinance and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. There was leave granted to hear from Community Development Director, Reggie Taylor. Mr. Taylor explained the reasoning for the request. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner voted yea. Alderman Clark abstained. There were seven yeas and one abstention.

1ST READING

ORDINANCE #2004-05

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (PLANNED UNIT DEVELOPMENT, 1234 S PARK BLVD)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on January 12, 2004. The committee voted unanimously to approve this ordinance and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-06

AN ORDINANCE AMENDING THE BOUNDARIES OF THE JOINT CITY OF FREEPORT-COUNTY OF STEPHENSON CERTIFIED ENTERPRISE ZONE (SIX LOCATIONS)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on January 12, 2004. The committee voted unanimously to approve this ordinance and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. There was leave granted to hear from Community Director, Reggie Taylor and Economic

Development Director, Bob Skurla. Corporation Counsel, Sarah Griffin asked Bob Skurla if the areas would qualify, as far job creation and contiguity, without Sections f and g. Bob Skurla stated that they would qualify.

This ordinance was automatically laid over to the next regular meeting.

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints Gary Quinn to the Board of Fire and Police Commissioners. This appointment shall be effective until April 20, 2007.

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

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints LaVerne Dole to the Board of Fire and Police Commissioners. Mr. Dole will replace Dick Weiss who resigned from the Board. This appointment shall be effective until April 20, 2004.

Alderman Boldt moved, seconded by Alderman Gaulrapp to lay this appointment over in order to get some more feedback. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. Alderman Dawson and O'Neill voted nay. There were six yeas and two nays. The motion carried. This appointment will be laid over to the next regular meeting.

APPOINTMENT

Effective immediately, Dwain Miller, hereby appoints Dwain Miller to the Airport Commission. This appointment shall be effective until November 30, 2009.

Alderman Boldt moved, seconded by Alderman Gaulrapp to accept this appointment. On the roll call of yeas and nays, Aldermen Boldt, Gaulrapp, and Varner voted yea. Aldermen Dawson, O'Neill, Wright, Bender, and Clark voted nay. There were three yeas and five nays. The motion was denied.

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints Mike Cassidy to the Library Board. Mr. Cassidy shall replace Carol Maglietta who has resigned. His term will expire on May 31, 2006.

Alderwoman Bender moved, seconded by Alderman Clark. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Bender, Varner, and Clark voted yea. Alderman Dawson voted nay. There were seven yeas and one nay. The appointment was accepted.

APPOINTMENT

Effective immediately, James L. Gitz, Becky Coon to the City of Freeport Human Relations Commission to fill a vacancy. This appointment will expire on December 31, 2004. Alderwoman Bender moved, seconded by Alderman Wright to accept this appointment. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The appointment was accepted.

RESOLUTION #R-2004-08

RESOLUTION TO AUTHORIZE AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF AN ENTERPRISE ZONE (SIX LOCATIONS)

WHEREAS, the Intergovernmental Agreement for the Operation of an Enterprise Zone, (hereinafter referred to as the "Agreement") between the City of Freeport, a Municipal Corporation and a home rule unit of local government of the State of Illinois, (hereinafter referred to as the "City"), and the County of Stephenson, a body politic and corporate and a unit of government of the State of Illinois, (hereinafter referred to as the "County"), was executed on December 18, 1989; and

WHEREAS, Section 3 of the Agreement includes a Description of the Zone; and

WHEREAS, the City and County wish to add 165.62 acres (more or less) to the City of Freeport-Stephenson County Enterprise Zone; and

WHEREAS, the expansion of the Enterprise Zone will allow and assist:

(A) Freeport Business Park in establishing an industrial park which will in the immediate future see the construction by Fastenal Corporation of a 6000SF facility which will create 6 full time jobs and the construction of a 10,000SF facility which will create 7 full time jobs by adding 28.9 acres mol;

(B) Kohl's Illinois, Inc. in constructing a 65,000SF retail store which will create 90 jobs by adding 50 acres mol;

(C) Berner Foods in constructing a 35,000SF facility which will retain 130 jobs and create 30 new jobs by adding 28.39 acres mol;

(D) Downtown Kent by assisting Kent Cheese Factory in a \$200,000.00 rehabilitation of that facility which will create between 5 and 7 jobs, and by assisting Kent Bank in creating 1 to 2 jobs by adding 28 acres mol;

(E) Component Systems, Inc. in constructing a 10,000SF addition which will retain 120 jobs and create 20 new jobs by adding 8.26 acres mol;

(F) Amcore Bank in constructing a \$1M facility which will retain 6 full time jobs and create 11 new full time jobs by adding 1.61 acres mol;

(G) Security First Title (commonly known as the old Midwest Bank) in a \$250,000 rehabilitation of that facility which will retain 25 jobs and create 5 new jobs by adding 0.46 acres mol;

(H) Gary Vehmeier DBA Rafters Restaurant in constructing a 40,000SF retail store which will create 125 new jobs by adding 20 acres mol; and

WHEREAS, the State of Illinois' Department of Commerce and Economic Opportunity (hereinafter referred to as "DCEO") requires that the Section 3 of the Agreement must be amended to include the descriptions of the 165.62 acres more or less be added to the City of Freeport-Stephenson County Enterprise Zone in addition to both the City and the County adopting ordinances amending the boundaries of the joint City of Freeport-County of Stephenson Certified Enterprise Zone.

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

1. Section 3 of the Agreement is hereby amended to add the proposed expansion of the Enterprise Zone as described on the attached maps, which are marked as "Exhibit A" through "Exhibit H".
2. All Resolutions or motions in conflict with the Resolution are repealed insofar as they conflict.

3. If any section, clause or provision of this Resolution be declared by a Court of competent jurisdiction to be invalid, said decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part declared invalid, and this City Council hereby 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 January 12, 2004. The committee voted unanimously to adopt this resolution and Alderman Gaulrapp so moved, seconded by Alderman Varner. Alderman Gaulrapp moved, seconded by Alderman Varner that this resolution to be laid over in order to be considered with the accompanying ordinance.

RESOLUTION #R-2004-09

RESOLUTION TO AUTHORIZE THE PRELIMINARY PLAT FOR CLIFFSIDE ESTATES PLAT 2

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 January 20, 2004, and subsequent to a public hearing, the Freeport Planning Commission by a majority vote recommended that this City Council approve the Preliminary Plat for Cliffside Estates Plat 2, 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 Cliffside Estates Plat 2, a copy of which is attached hereto and made part hereof and marked as "Exhibit A", is hereby accepted, including a waiver of curbs, gutters, sidewalks, street lights, storm sewers, and sewer and water requirements.

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 January 12, 2004. The committee voted unanimously to concur with the

Planning Commission and Alderman Gaulrapp so moved, seconded by Alderman Dawson. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2004-10

RESOLUTION TO AUTHORIZE AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF AN ENTERPRISE ZONE (OPPOLD)

WHEREAS, the Intergovernmental Agreement for the Operation of an Enterprise Zone, (hereinafter referred to as the "Agreement") between the City of Freeport, a Municipal Corporation and a home rule unit of local government of the State of Illinois, (hereinafter referred to as the "City"), and the County of Stephenson, a body politic and corporate and a unit of government of the State of Illinois, (hereinafter referred to as the "County"), was executed on December 18, 1989; and

WHEREAS, Section 3 of the Agreement includes a Description of the Zone; and

WHEREAS, the City and County wish to add 45.97 acres (more or less) to the City of Freeport-Stephenson County Enterprise Zone; and

WHEREAS, the expansion of the Enterprise Zone will allow and assist Solace Transfer, Inc. and William A. Oppold to construct an office building which will create 6 new full-time jobs and a possible future building expansion to construct a truck maintenance and service facility creating several other full-time jobs; and

WHEREAS, the State of Illinois' Department of Commerce and Economic Opportunity (hereinafter referred to as "DCEO") requires that the Section 3 of the Agreement must be amended to include the description of the 45.97 acres more or less be added to the City of Freeport-Stephenson County Enterprise Zone in addition to both the City and the County adopting ordinances amending the boundaries of the joint City of Freeport-County of Stephenson Certified Enterprise Zone.

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

1. Section 3 of the Agreement is hereby amended to add the proposed expansion of the Enterprise Zone as described on the attached map, which is marked as "Exhibit A" and incorporated by reference herein.
2. All Resolutions or motions in conflict with the Resolution are repealed insofar as they conflict.

If any section, clause or provision of this Resolution be declared by a Court of competent jurisdiction to be invalid, said decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part declared invalid, and this City Council hereby 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 January 12, 2004. The ordinance for this property was passed in February 2003. This resolution also needed to accompany the ordinance in order to finalize the process. The committee voted unanimously to adopt this resolution and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was approved.

RESOLUTION #R-2004-11

RESOLUTION AUTHORIZING A FEASIBILITY STUDY CONCERNING THE REDEVELOPMENT OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF FREEPORT, ILLINOIS (EASTGATE HOUSING DEVELOPMENT PROJECT)

WHEREAS, the City of Freeport, Stephenson County, Illinois (the “City”) is a duly organized and existing home rule municipality created under the provisions of the laws of the State of Illinois; and

WHEREAS, the City is authorized to take certain actions pertaining to redevelopment activities; and

WHEREAS, the Mayor and the City Council (the “Corporate Authorities”) found that it was in the best interests of the City that certain property generally described in Exhibit A attached hereto and made a part hereof (the “Site) be revitalized and redeveloped; and

WHEREAS, in order to redevelop the Site, it may be necessary to undertake certain public improvements and to pay certain site acquisition, preparation, renovation and related costs; and

WHEREAS, the Site has not been subject to growth and development through investment by private enterprise and it is not reasonably anticipated to be developed without certain public assistance by the City; and

WHEREAS, the City is desirous of having the Site redeveloped, and the City believes that it is not economically feasible to do so without public intervention, given the impediments to development which characterize the Site; and

WHEREAS, State statutes provide for a Tax Increment Finance (TIF) District to provide such assistance and intervention and a redevelopment plan and overview of TIF is described in Exhibit B attached hereto and made a part hereof; and

WHEREAS, the Corporate Authorities have reviewed the conditions of the Site and have reason to believe that the cost of the necessary public improvements, site acquisition and preparation costs, and certain other costs to be incurred may qualify for Tax Increment Financing pursuant to State of Illinois statute (the “Program”), provided the Corporate Authorities, within their sole discretion, approve a formal agreement which provides for such Program; and

WHEREAS, the Corporate Authorities reasonably believe that private entities will show their interest in investing private capital in the Site if, and only if, a program is adopted.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, AS FOLLOWS:

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

SECTION TWO: The Corporate Authorities will consider the use of Tax Increment Financing pursuant to State of Illinois statutes for the Site and may take such actions as they deem appropriate and necessary to induce quality development of the Site and, within their sole discretion, adopt a Program to implement the same.

SECTION THREE: All undertakings of the City set forth herein are specifically contingent upon the ability of the City to determine, within its discretion, that the development/redevelopment project includes costs that would qualify for Tax Increment Financing.

SECTION FOUR: An Interested Parties Registry shall be established, pursuant to 65 ILCS 5/11-74.4-4.2, which shall be governed as follows:

1. Registration for shall be maintained by the City Clerk.
2. Parties interested in registering pursuant to this section shall completely fill out said form and file same with the City Clerk.
3. Each registration will be effective for three years from the date of issue; notice of renewal shall be mailed by the City Clerk to the name of organization or individual and address listed on said completed registration form not more than 90 days nor less than 30 days prior to the registration expiration. All registrations will be given an

expiration date corresponding to the next end of quarter according to the City's fiscal year.

SECTION FIVE: That the City of Freeport hereby determines it is necessary and in the best interest of the City of Freeport to obtain private development and that the City will 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, with the anticipation that City shall be reimbursed for same through a redevelopment agreement.

SECTION SIX: This Resolution is declaration of official intent under Treas. Reg. Section 1.103-18.

SECTION SEVEN: The Director of Community Development is hereby appointed as the municipal officer who can be contacted for additional information about the proposed redevelopment project area and who should receive all comments and suggestions regarding the redevelopment of the area to be studied. In this instance, the project individual is Reggie Taylor, Director of Community Development, telephone number: 815/235-8221, 230 W. Stephenson St., Freeport, Illinois 61032.

SECTION EIGHT: There is no anticipated City purpose that would result in the displacement of residents from 10 or more inhabited residential units, thus 65 ILCS 5/11-74.4-4.1 is not triggered, however there are more than 75 residential units located at the Site, thus 65 ILCS 5/11-74.4-6 is triggered.

SECTION NINE: 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 TEN: 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 Gaulrapp, Community Development Chair, stated that the committee held a joint meeting with the Finance Committee on January 12, 2004. Economic Development Director, Bob Skurla, gave an overhead presentation of the Eastgate Housing Development project. Questions from the aldermen ranged from the impact on the city's resources, i.e. Freeport Fire/Police, City Hall Departments, School District #145, cost of the project in it's entirety, cost to the developer, impact on the TIF, and number of acres used. The committee voted unanimously to adopt this Inducement Resolution

Alderman Clark, Finance Chair, state that the committee held a joint meeting with the Community Development Committee on January 12, 2004. The committee voted unanimously to adopt this resolution and Alderman Clark so moved, seconded by Alderman Boldt. On the roll call of yeas and nays, Alderman Dawson, Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea. Alderwoman Bender voted nay. There were seven yeas and one nay. The resolution was adopted.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the committee held a meeting January 12, 2003. The committee discussed an engineering agreement for specifications to remove downtown canopies. After reviewing the report from Fehr-Graham, the committee voted unanimously to accept the contract.

Alderman Varner suggested that the committee review the report from Rockford, IL on their sign ordinance and that this issue be placed on February's agenda.

FINANCE

Alderman Clark, Chair, stated that the next meeting would be January 26, 2004, at 5:00pm, in the City Council Chambers. There will be a presentation by the auditors, a report from John Lanpher regarding the cable negotiations, and Stephenson Hotel.

PUBLIC SAFETY

Alderman Bender, Chair, stated that the committee held a meeting on January 5, 2004. Police Chief Whitmore explained the department's main expenditures in their Capital Improvement Plan: four vehicles per year, squad car computers, new roof, off site evidence storage, card lock system, resurfacing police parking lot. This discussion was for informational purposes only.

Fire Chief Blackburn explained the department's main expenditures in their Capital Improvement Plan: relocation of Fire Station #3, heart monitor, ambulance, radio system upgrade, fire engine, and new vehicle for the chief. There was no action taken.

Chief Whitmore explained that the Governor had took away funding for a previously applied for IVPA grant, but that the grant is now on the governor's desk to be signed. There will be another resolution presented to the committee for approval.

The committee went into executive session to discuss the lease or purchase of real estate.

Chief presented a memo regarding an agreement to between the City and Stephenson County Health Department regarding a Tobacco Compliance Grant. This issue was laid over to the next regular meeting.

PUBLIC WORKS

Alderman Boldt, Chair, stated that the next meeting would be January 20, 2004, at 5:30pm, in City Council Chambers.

MAYOR'S REPORT

The mayor discussed the following items:

- Proposed retail development
- Orally assured \$500,000 infrastructure grant
- Meeting with Vandewelle regarding Rawleigh Reuse and strategies

NEW BUSINESS

Alderman Dawson requested that discussions be allowed after appointments.

Alderman Wright announced that the Environmental Task Force would be meeting on January 23, 2004, at Fehr-Graham.

Alderman referred parking for aldermen to the Public Works Department.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:15pm.

LATACIA M. ISHMON, CITY CLERK