<u>CITY OF FREEPORT, ILLINOIS</u> <u>MONDAY EVENING</u> <u>CITY COUNCIL MEETING</u> <u>FEBRUARY 2, 2004 AT 7:00PM</u> <u>CITY COUNCIL CHAMBERS</u>

QUORUM

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

RECORD

Present were Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson. Absent was Alderwoman O'Neill due an illness.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Scott Townsend, President of Firefighters #441, encouraged the council to vote "no" to the appointment of Laverne Dole to the Police and Fire Commission. He stated that no former police or firemen should serve on the commission because they are responsible for disciplinary actions and promotion.

DO THE RIGHT THING PRESENTATION

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

PRESENTATION

Dr. Fields, President of Highland Community College, did a presentation to the council regarding the college's referendum.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on January 20, 2004 was presented for approval. Alderman Gaulrapp moved, seconded by Alderwoman Bender for approval of the minutes. The motion carried.

CONSENT AGENDA

A. Approval to Receive and Place on File:

- 1. Community Development Cash Receipts for January 2004
- 2. Community Development Building Permits for January 204
- 3. Treasurer's Monthly Investment for period ending December 31, 2003
- B. Approval of Water & Sewer Disbursements for January 2004 \$246,363.83
- C. Approval of Bills Payable for January 2004 \$394,141.90
- D. Approval of Payroll of Period ending January 24, 2004 \$593,713.65

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

2nd READING

ORDINANCE #2004-05

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

This ordinance was laid over from the meeting of January 10, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-06

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

This ordinance was laid over from the meeting of January 10, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The ordinance was approved.

1st READING

ORDINANCE #2004-07

AN ORDINANCE AMENDING CHAPTER 1062 (CITY CEMETERY) OF THE CODIFED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on January 20, 2004. This ordinance was presented to adjust cemetery fees to be compatible with prevailing rates. Alderman Boldt moved to amend that an additional charge of \$25.00 only be applied when ground having is needed, instead of from November until March. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-08

AN ORDINANCE TO ABATE THE 2003 REAL ESTATE TAX LEVY FOR THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2000

Alderman Clark, Finance Chair, stated that the committee held a meeting on January 26, 2004. Finance Director, Duane Price, advised the committee members that the city needed to formally abate property taxes as a repayment source for the 2000 and 2003 GO Bonds. This is an annual process. Current source for repayment of said bonds are general Water & Sewer revenues, capitalized interest account, corporate fund, Rawleigh TIF, sewer fees, and storm water fees. The committee voted unanimously to recommend abatement of property taxes for both bonds and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

1ST READING <u>ORDINANCE #2004-09</u> AN ORDINANCE TO ABATE THE 2003 REAL ESTATE TAX LEVY OF THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2003 See Ordinance #2004-08

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints Laverne Dole to the Board of Fire and Police Commissioners. Mr. Dole will replace Dick Weis who resigned from the Board. This appointment shall be effective until April 30, 2004.

Mayor Gitz stepped down as Chair in order to make comments of support for this appointment. After much discussion, Alderman Gaulrapp moved, seconded by Alderman Clark to lay this appointment over until April 19, 2004. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints Scott Helms to the Airport Commission. Mr. Helm will fill a current vacancy. This appointment shall be effective until November 30, 2004. Alderman Clark moved, seconded by Alderwoman Bender to accept this appointment. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The appointment was accepted.

APPOINTMENTS

There was leave granted to hear appointments in one reading:

Effective immediately, James L. Gitz, hereby reappoints James S. Ryan, Jim Oberle, and Mark Winter to the Water & Sewer Commission. These appointments shall be effective until November 30, 2008, November 30, 2007, and November 30, 2008, respectively.

On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The appointments were 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.

This resolution was laid over from the meeting of January 20, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderman Varner for approval. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The resolution was approved.

RESOLUTION #R-2004-12

RESOLUTION TO AUTHORIZE AN AGREEMENT FOR SERVICES RELATED TO CREATION OF A TIF DISTRICT TO BE KNOWN AS 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 <u>acquisition</u>, 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 <u>acquisition and</u> 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 Clark, Finance Chair, stated that the committee held a special meeting on February 2, 2004. RFP's were received for a TIF consultant ranging from \$21,500 to \$55,000. The committee was concerned with the gap, therefore there will be personal interviews conducted by the Mayor, Bob Skurla, and the Finance Chair. They will bring a recommendation to the council for approval.

RESOLUTION #R-2004-13

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

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

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

WHEREAS, the complete renovation of the Stephenson Hotel and the addition of a restaurant and convention center by an experienced developer and operator would

help stabilize our downtown and add to our City's economic base in a very significant way; and

WHEREAS, it is not in the public interest for the Stephenson Hotel to cease operations, with a consequent loss of employment, loss of contribution to the tax base, and loss of convenience to downtown employers; and

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

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

Section 1. The City Council conceptually approves of the idea of renovating the Stephenson Hotel and supporting the project with the Tax Increment Financing (TIF) increment created by the project itself. However, the City Council reserves the right of final approval or disapproval of this project.

<u>Section 2.</u> The Mayor and administrative staff are hereby authorized and directed to negotiate with the Developer to reduce the terms of this Resolution to a Redevelopment Agreement, which shall be subject to final approval by the Council.

<u>Section 3.</u> It is intended that at such time as the City Council is satisfied that the project demonstrates an incremental tax increase sufficient to support a Redevelopment Agreement with the Developer that such agreement will be looked upon favorably by this Council to the extent of financing so demonstrated.

Section 4. It is further intended that the City costs attendant to a Redevelopment Agreement with the Developer shall be built into and recoverable through the agreement itself and that a financial guarantee of the Developer be included in any Redevelopment Agreement, in order to protect and limit the financial liability of the City.

Section 5. 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.

<u>Section 6.</u> 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 January 26, 2004. Daniel Beider and Kelly Rubin, the proposed developers for the new Stephenson Hotel made a presentation to the committee regarding their proposed renovation and new conference center. The project is expected to cost between \$3-\$4 million and be completed within two to three years. Committee and attendees discussed numerous aspects of the project with the developers. The key issue was the acknowledgment from Mr. Beider and Ms. Rubin that appropriate personal and corporate guarantees (legally binding on parties with adequate financial strength) would be provided in order to minimize the city's financial risk. The guarantees may be further supported with some amount of money being placed in escrow. The details of such arrangements would have to be worked out with attorneys and made part of the development agreement before the committee would recommend any final action to the council. At the suggestion of the Mayor, committee members did agree to consider a recommending approval of "resolution of support for the concept".

The committee held a special meeting on February 2, 2004. 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 Boldt, Wright, Gaulrapp, Varner, and Clark voted yea. Aldermen Bender and Dawson voted yea. There were five yeas and two nays. The motion carried.

RESOLUTION #R-2004-14

RESOLUTION TO AUTHORIZE AN AGREEMENT WITH THE STEPHENSON COUNTY HEALTH DEPARTMENT FOR TOBACCO COMPLAINCE CHECKS

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 encourages and authorizes units of local government such as the Counties and Municipalities to enter into contracts "to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or by ordinance"; and

WHEREAS, the Intergovernmental Cooperation Act, as enacted by the State of Illinois, Section 3.01 (5 ILCS 220/3) provides as follows: "Any power or powers, privileges or authority exercised or which may be exercised by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State"; and

WHEREAS, the City of Freeport Police Department and the Stephenson County Health Department have been jointly cooperating with regard to training and conducting tobacco compliance checks for a number of years; and

WHEREAS, the City of Freeport Police Department and the Stephenson County Health Department wish to continue this ongoing cooperative effort.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor of the City of Freeport, Illinois, is hereby authorized to execute the attached Agreement.

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

Alderwoman Bender, Public Safety Chair, stated that the committee held a meeting on February 2, 2004. The Health Department gets a grant and the Police Department does the training and the tobacco compliance checks. The committee voted unanimously to adopt this resolution and Alderwoman Bender so moved, seconded by Alderman Dawson. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The resolution was adopted.

EXECUTIVE SESSION

Alderman Clark moved, seconded by Alderman Varner to go into executive session according to according to 5 ILCS 120/2 (c)(5) in order to discuss the purchase or lease of real estate. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

The council then convened in the mayor's office. After reconvening in Council Chambers, Alderman Clark moved, seconded by Alderwoman Bender to come out of executive session. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

COMMITTEE REPORTS

FINANCE

Alderman Clark, Chair, stated that the committee held a meeting on January 26, 2004. Attorney John Lanpher updated the committee on the status of the ongoing negotiations with Insight Communications. Greg Dunham and Dan Rowe from Lindgren, Callihan, and Van Osdel presented the city's final audit and gave a brief summary. The management letter is still critical of our lack of proper segregation of duties, but acknowledges that staff size is a contributing issue. Dunham highlighted changes in auditing and accounting guidelines as a result of Sarbanes Oxely (legislation in response to the recent corporate scandals) and new expectations on council members to exercise due diligence in minimizing the risk of fraud. The committee members agreed to hold a special meeting with the auditors to discuss this issue.

The administration presented a proposal for the engagement of a Hearing Officer for the upcoming siting hearing for the propose transfer station. After some discussion, the committee concurred and Alderman Clark so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

The mayor updated committee members on the political challenges and opportunities regarding federal funding for Highway 20. He requested council support for engaging Patty Daley as a lobbyist on this issue. He also indicated that a contingent of community leaders should attend a meeting in Washington DC to move this issue along. The committee voted unanimously to recommend approval of hiring Patty Daley (\$5,000) and to have an alderman selected by the Mayor to be a part of the Washington DC contingent and Alderman Clark so moved, seconded by Alderman Gaulrapp. On the roll call of yeas and nays, Aldermen Boldt, Wright, Gaulrapp, Bender, Varner, Clark, and Dawson voted yea. The motion carried.

PUBLIC SAFETY

Alderwoman Bender, Chair, stated that the committee held a meeting on February 2, 2004. The committee discussed micro chipping dogs and increasing the fines for dogs at large. There will be a public hearing on February 9, 2004. The ordinance will be presented at the next council meeting, with the second reading being waived.

PUBLIC WORKS

Alderman Boldt, Chair, stated that the committee held a meeting on January 20, 2004. The committee authorized Public Works, Craig LeBaron to bid out 2004 MFT Materials.

The Groundwater Ordinance was presented as FYI. It will be formally presented at next meeting, after W&S has acted upon it.

Formal authorization was needed to go out for bids on paint machine. Alderman Boldt inquired about the budget and cash on hand from the fuel charge. Tom Dole answered that there was still money left in the budget. Alderman Boldt wanted clarification from Duane Price, and will present that info at the next meeting. The committee voted to go out for bids with the committees right to deny any and all bids if the financial information is not accurate.

Alice Ohrtman apprised the committee of the progress on all sewer projects and presented a spreadsheet outlining the expenditures and budget for the remainder of the bond money.

MAYOR'S REPORT

The mayor discussed the following items:

- Administration is working on budget -hope to present a balanced one Open House on February 14, 2004
- IDOT- paperwork on Galena Ave & State St reconstruction
- Corridor Improvement Grant
- Transfer Station Hearing February 26, 2004 at 9:00am

NEW BUSINESS

Alderman Wright announced that the Environmental Task Force would be meeting on February 3, 2004, at 10:00am at the New Second Baptist Church.

Alderwoman Bender stated that there would be an Executive Committee meeting on February 10, 2003 at 7:00pm.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:50pm.

LATACIA M. ISHMON, CITY CLERK