

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
APRIL 5, 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 Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright. Absent was Alderman Gaulrapp.

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.

PUBLIC COMMENTS

John Cook and Marianne Garvens opposed the reappointments of Clarence Wilson and Judy Barney to the Library Board.

DO THE RIGHT THING PRESENTATION

Officer Michelle Countryman acknowledged all the sponsors for the Do the Right Thing Program. Deputy Police Chief, Bob Smith then read the nominees for the month of March and announced the top winner.

PRESENTATION

Three students from Working Success, CareerTech, stated that their Community Service Day would be April 29, 2004. They requested suggestions from the council members.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on March 15, 2004 was presented for approval. Alderwoman Bender moved, seconded by Alderman Varner for approval of the minutes. The motion carried.

CONSENT AGENDA

- A. Approval to Receive and Place on File:
 - 1. Community Development Report
 - 2. Fire Department Monthly Activities for February 2004
 - 3. Community Development Cash Receipts for March 2004
 - 4. Community Development Building Permits for March 2004
 - 5. Audited Financial Statements for Illinois Funds for Fiscal Year 2003
 - 6. Treasurer's Monthly Investment Report for period ending February 29, 2004
 - 7. Treasurer's Report for period ending February 29, 2004
- B. Approval of Water & Sewer Disbursements for March, 2004 - \$689,566.33
- C. Approval of Bills Payable for March 2004 - \$290,270.30
- D. Approval of Payroll of Period ending March 20, 2004 - \$287,598.61

Alderwoman Bender moved, seconded by Alderwoman O'Neill for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark (abstained-item 3d), Dawson, Boldt, O'Neill, and Wright voted yea. The motion carried.

2nd READING

ORDINANCE #2004-07

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

Alderman Boldt moved, seconded by Alderwoman Bender that this ordinance be laid over to the May 3, 2004 council meeting. The motion carried.

2ND READING

ORDINANCE #2004-13

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (EDWIN ENTERPRISES, LLC PART OF LOT 1)

This ordinance was laid over from the meeting of March 15, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The ordinance was approved.

2ND READING

ORDINANCE #2004-15

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, CHAZ A. CANNOVA, 1726 S WEST AVE) – RECOMMENDATION DENIAL

This ordinance was laid over from the meeting of March 15, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender to concur with the denial recommendation of the Planning Commission. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The motion carried.

RESOLUTION #R-2004-24

RESOLUTION TO APPROVE THE PRELIMINARY PLAT FOR DEER CREEK SUBDIVISION SECTION 3

This resolution was laid over from the meeting of March 15, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderman Varner for approval. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The resolution was adopted.

1ST READING

ORDINANCE #2004-17

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 460 (OPERATION GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on March 15, 2004. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-18

AN ORDINANCE TO AMEND AND ADJUST THE 2003-2004 APPROPRIATION ORDINANCE

Alderman Clark, Finance Chair, stated that the committee held a meeting on March 29, 2004. The committee voted unanimously to approve this ordinance and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-19

APPROPRIATION ORDINANCE, FISCAL YEAR 2004-2005, FOR THE CITY OF FREEPORT, ILLINOIS

Alderman Clark, Finance Chair, stated that the committee held numerous meetings. The committee voted unanimously to approve this ordinance and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-20

ORDINANCE APPROVING MEMBERSHIP IN THE ILLINOIS MUNICIPAL LEAGUE RISK MANAGEMENT ASSOCIATION AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL COOPERATION CONTRACT

Alderman Clark, Finance Chair, stated that the committee held a meeting on March 29, 2004. The committee voted unanimously to approve this ordinance and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was laid over to the next regular meeting.

RESOLUTION #R-2004-27

RESOLUTION FOR THE MAY 1, 2004 CONTRACT FOR THE CITY'S HEALTHCARE COVERAGE

WHEREAS, pursuant to Resolution No. R-93-33 passed by this City Council on July 7, 1993, the City of Freeport established a self-funded medical plan to provide benefits at the lowest possible long term cost; and

WHEREAS, the City Administration concurs with the Healthcare Study Committee's recommendations; and

WHEREAS, the City Administration and the Finance Committee of the City Council have recommended that the City healthcare plan remain self-funded and that the City renew its contract with the Freeport Regional Health Plan for its TPA administration and Gerber Life as our reinsurance carrier on a 24/12 specific \$70,000 contract basis and 12/12 aggregate contract basis with a \$40,000 aggregating specific to contain its healthcare costs; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor is hereby authorized to execute an agreement with the Freeport Regional Health Plan for TPA administration and Gerber Life for reinsurance coverage, and that coverages and policies in relation thereto be consistent with the preamble hereto and the Mayor and City Clerk, on behalf of the City are hereby authorized to execute such documents as are necessary for the carrying out of this Resolution.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the Home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

Alderman Clark, Finance Chair, stated that the committee held a meeting on March 29, 2004. The committee voted unanimously to adopt this resolution. Alderman Clark stated that he would be abstaining due to a conflict of interest. Alderman Wright moved, seconded by Alderwoman Bender to adopt this resolution. On the roll call of yeas and nays, Aldermen Bender, Varner, Dawson, Boldt, O'Neill, and Wright voted yea. Alderman Clark abstained. There were six yeas and one abstention. The resolution was adopted.

RESOLUTOIN #R-2004-28
RESOLUTION TO ESTABLISH LOADING ZONE FOR PERSONS WITH DISABLIITESS WITH DISABLITIES

WHEREAS, on November 4, 1996, this City Council enacted Ordinance No. 96-76 to establish loading zones for persons with disabilities on any public street located within the City of Freeport, Illinois; and

WHEREAS, an applicant has submitted an application pursuant to the provisions of Ordinance No. 96-76, to establish a disabilities loading zone at 209 West Jackson Street which application has been reviewed by the Public Works Director, in consultation with the Police Chief and the Corporation Counsel, and has been determined to meet the criteria set forth in said Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that a loading zone for persons with disabilities shall be established pursuant to the provisions of Ordinance No. 96-76 at the following location within the City of Freeport, Illinois, as follows:

East side of High Avenue beginning 116 feet south of the South line of South Galena Avenue, Said Loading Zone shall be 11 feet in length.

BE IT FURTHER RESOLVED that said loading zone shall be reviewed annually to determine whether the applicant continues to meet the qualifications set forth in Ordinance No. 96-76 for establishing said loading zone.

BE IT FURTHER RESOLVED that the Public Works Department shall properly designate such loading zone by appropriate signs or curb markings.

BE IT FURTHER RESOLVED that 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 specifically, but not limited to Resolution 2001-21.

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on March 15, 2004. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The resolution was adopted.

RESOLUTION #R-2004-29
RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR FREEPORT HIGH SCHOOL PROM GRAND MARCH

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

RESOLUTION #R-2004-30
RESOLUTION AUTHORIZING APPLICATION FOR PUBLIC TRANSPORTATION FINANCIAL ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT ACT OF 1964, AS AMENDED

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311), makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311).

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

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal transit Act of 1964, as amended (49 U.S.C. § 5311), for the purpose of off-setting a portion of the Public Transportation Program operating deficits of The City Council of the City of Freeport.

Section 2. That while participating in said operating assistance program the City of Freeport will provide all required local matching funds.

Section 3. That the Mayor of the City of Freeport is hereby authorized and directed to execute and file on behalf of the City of Freeport such application.

Section 4. That the Mayor of the City of Freeport is authorized and directed to furnish such additional information as may be required by the Division of Public Transportation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That the Mayor of the City of Freeport is hereby authorized and directed to execute and file on behalf of the City of Freeport all required Grant Agreements with the Illinois Department of Transportation, in order to obtain grant assistance under the provisions of the Section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311).

Section 6. That the Mayor of the City of Freeport is hereby authorized to provide such information and to file such documents as may be required to perform the Grant Agreement and to receive the grant.

BE IT FURTHER RESOVED that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

There was leave granted to hear from Community Development Director, Reggie Taylor, who explained the deadline for submitting the grant. Alderman Clark moved, seconded by Alderman Wright to adopt this resolution. On the roll call of yeas and nays, Aldermen Bender, Varner, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The resolution was adopted.

REAPPOINTMENT

Effective immediately, James L. Gitz, hereby reappoints Judith Barney to the Library Board. This reappointment shall be effective until May 31, 2006.

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

REAPPOINTMENT

Effective immediately, James L. Gitz, hereby reappoints Clarence Wilson to the Library Board. This reappointment shall be effective until May 31, 2005.

The acceptance of this reappointment failed due to lack of motion.

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints Mark McLeroy to the Housing Authority Board. This appointment shall be effective until October 31, 2008.

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

APPOINTMENT

Effective immediately, James L. Gitz, hereby appoints James Philips to the City of Freeport Human Relations Commission. This appointment will expire on December 31, 2005.

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

EXECUTIVE SESSION

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

COMMITTEE REPORTS

FINANCE

Alderman Clark, Chair, stated that the next meeting would be on April 26, 2004, in City Council Chambers.

PUBLIC SAFETY

Alderwoman Bender, Chair, stated that the next meeting would be on April 5, 2004 regarding the dog ordinance.

MAYOR'S REPORT

The mayor discussed the following items:

- Update on construction on Walnut and Galena US 20 project moving forward
- Taylor Park Task Force meeting will be Apr 6, 2004 at 10:00am
- Presentation on Walking Tour of Downtown on April 17, 2004

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:05pm.

LATACIA M. ISHMON, CITY CLERK