

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
APRIL 19, 2004 AT 7:00PM
CITY COUNCIL CHAMBERS

QUORUM

At 7:05pm, a quorum being present, Mayor Gitz called the meeting to order.

RECORD

Present were Aldermen Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Deb Elzinga, Norma Davis, Pat Brown, and Roberto Collum expressed their appreciation of the city's support to the Neighborhood Housing Services.

Marg Blum spoke in support of the ordinance to increase the number of temporary liquor licenses issued from three to five.

PUBLIC HEARING

There was a public hearing regarding the 2004-05 Appropriation Ordinance. City Accountant, Duane Price, summarized the budget and answered all questions from the council. There being no further questions from the public, Alderwoman Bender moved, seconded by Alderman Wright that the public hearing be closed. The motion carried.

PRESENTATION

There was presentation from Black & Veatch regarding storm sewer rates.

PRESENTATION

There was a presentation from the Gift of Hope Organ and Tissue Donor Network encouraging everyone to become a donor. The organization would like to increase public awareness.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on April 5, 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. Police Department Monthly Activities for March 2004
2. Zoning Board of Appeals Report, 902 S Park Blvd
3. Zoning Board of Appeals Report, 1811 Valley View Dr
4. Zoning Board of Appeals Report, 203 E Jackson-Withdrawn

5. Treasurer's Monthly Investment Report for period ending March 31, 2004
6. Treasurer's Tax Receipts for period ending March 31, 2004
- B. Approval of Water & Sewer Disbursements for April 2004 - \$927,221.86
- C. Approval of Bills Payable for March 2004 - \$290,270.30
- D. Approval of Payroll of Period ending March 20, 2004 - \$298,201.91

Alderman Wright requested that a check issued to Lanpher & Associates be removed from the bills payable.

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

Alderman Wright requested that the city defer in making further payments to Lanpher & Associates until the Cable Franchise Agreement is resolved. Alderman Clark moved, seconded by Alderman Gaulrapp that further bills be referred to the Finance Committee for approval. The motion carried.

2nd READING

ORDINANCE #2004-17

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

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

2nd READING

ORDINANCE #2004-18

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

This ordinance was laid over from the meeting of April 5, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright. Alderman Bender requested an explanation of the Capital Improvement Fund. There was leave granted to hear from City Accountant, Duane Price. On the roll call of yeas and nays, Aldermen Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-19

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

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

2nd READING

ORDINANCE #2004-20

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

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

1ST READING

ORDINANCE #2004-21

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 902 S Park Blvd)

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

1ST READING

ORDINANCE #2004-22

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 1811 Valley View Dr)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on April 12, 2004. The Zoning Board denied this variance. Each alderman visited the residence, and concurred that allowing the fence to be built would be esthetic and enhance the neighborhood. 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 #2004-23

AN ORDINANCE AMENDING CHAPTER 1468 (SIGNS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on April 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 #2004-24

AN ORDINANCE AMENDING CHAPTER 806 (ALCHOLIC LIQUOR) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

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

1ST READING

ORDINANCE #2004-25

AN ORDINANCE AMENDING CHAPTER 608 (ALCHOLIC LIQUOR) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on April 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 #2004-26

AN ORDINANCE REPEALING AND REPLACING CHAPTER 612 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderswoman Bender, Public Safety Chair, stated that the committee held a special meeting on April 19, 2004 to finalize the ordinance. The committee voted unanimously to approve the ordinance as amended and Alderswoman Bender so moved, seconded by Alderman Dawson. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-27

AN ORDINANCE AMENDING CHAPTER 288 (OFFICERS AND EMPLOYEES GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderswoman Bender, Executive Committee Chair, stated that the committee held a meeting on April 5, 2004. The committee voted unanimously to approve this ordinance and Alderswoman Bender so moved, seconded by Alderman Clark. This ordinance was automatically laid over to the next regular meeting.

RESOLUTION #R-2004-31

RESOLUTION TO ADOPT CITY OF FREEPORT SPENDING PLAN

WHEREAS, on April 19, 2004, the City of Freeport adopted the FY 2004/2005 Appropriation Ordinance; and

WHEREAS, that Appropriation Ordinance was based upon an underlying budget document, which is shown in Attachment A; and

WHEREAS, although the City of Freeport has not formally adopted the Budget System pursuant to 65 ILCS 5/8-2-9.1 and 5/8-2-9.2 through 8-2-9.10, this City Council heavily relied and continues to rely upon the attached budget document as its spending plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the document attached hereto and made a part hereof as Attachment A, is hereby adopted as the spending plan for the City of Freeport and shall be accorded such recognition in the spending of the City funds.

BE IT FURTHER RESOLVED that the spending of contingency funds is intended to have prior City Council approval, with the exception that the Finance Director or his or her designee shall have the authority to expend contingency funds in accordance with Attachment B, as long as the Finance Committee of the City Council is given a monthly report of such expenditures.

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 22, 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 Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

RESOLUTION #R-2004-32
RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR ANNUAL MEMORIAL DAY PARADE

WHEREAS, on May 31, 2004, the Allied Veterans Council is sponsoring its Annual Memorial Day Parade, which event constitutes an authorized special event; and

WHEREAS, the proposed route of this parade will require the temporary closure of the following streets: Walnut from Jackson to Stephenson; Stephenson from Walnut to State; State from Stephenson to Main; and Main from State to Walnut; and

WHEREAS, Section 5/4-408 of the Illinois Highway Code (605 ILCS 5/4-408) authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes; and

WHEREAS, pursuant to Chapter 1030 of the Codified Ordinances of the City of Freeport, the special events permit application submitted by the Allied Veterans Council has been reviewed and approved, subject to the required permit being issued by the Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS, that permission be requested of the Department of Transportation to close off South Galena (Route 20) from East Main to West Stephenson Street. This closure shall be for the public purpose of holding a parade under the following conditions:

1. The approximate time period of all street closures shall be between 9:00 a.m. to 12:00 Noon on Monday, May 31, 2004;
2. The traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway;
3. The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic;
4. The City assumes full responsibility for the direction, protection, and regulations of the traffic during the time the detour is in effect;
5. Police officers or authorized flaggers shall be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour;
6. Emergency vehicles shall be permitted in emergency situations to pass through the closed area as is safe for all concerned;
7. The closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices;
8. All debris shall be removed by the City of Freeport prior to reopening the State Highway;
9. Such signs, flags, barricades, etc., shall be provided by the City of Freeport as may be approved by the Illinois Department of Transportation;
10. An occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above;
11. The Allied Veterans Council shall provide proof of a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate, under which the City of Freeport and the Illinois Department of Transportation and its officials, employees and agents shall be insured and protected from all claims arising from the requested highway closing.

BE IT FURTHER RESOLVED that a copy of this Resolution and proof of liability insurance provided by the Allied Veterans Council shall be forwarded by the City Clerk to the Illinois Department of Transportation, District 2 Operations Office, 819 Depot

Avenue, Dixon, Illinois 61021-3500, to serve as a formal request for the permission sought in this Resolution and to operate as part of the conditions of said permission.

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

RESOLUTION #R-2004-33
RESOLUTION AUTHORIZING GRANT CLOSEOUT AGREEMENT FOR 2003 EDI-SPECIAL PROJECT GRANT NO. B-03-SP-IL-0222

WHEREAS, the City of Freeport, entered into a Grant Agreement with the U.S. Department of Housing and Urban Development (“HUD”) dated July 17, 2003 in relation to Project No. B-03-SP-IL-0222; and

WHEREAS, all funds have now been expended under such Grant Agreement; and

WHEREAS, the attached agreement constitutes completion of such Project activities and financial closeout of project costs.

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

Section 1. The City enter into the attached “Grant Closeout Agreement for 2003 EDI-SPECIAL PROJECT GRANT NO. B-03-SP-IL-0222”.

Section 2. The Mayor and City Clerk on behalf of the City execute such documents and all other documents necessary for the carrying out of said agreement.

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on April 12, 2004. 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 Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

EXECUTIVE SESSION

Alderman Clark moved, seconded by Alderwoman Bender 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 Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

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

RESOLUTION #R-2004-34
RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF STEPHENSON AND THE CITY OF FREEPORT FOR THE TRANSFER OF TITLE OF THE RAWLEIGH COMPLEX

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on April 19, 2004. The committee voted unanimously to adopt this resolution conditional upon exhibits being approved by Corporation Counsel and Alderman Boldt so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

RESOLUTION #R-2004-36

A RESOLUTION RESERVING VOLUME CAP ALLOCATION

Alderman Clark, Finance Chair, stated that this item did not come out of committee, but would need action by May 1, 2004. Alderman Clark moved, seconded by Alderman Gaulrapp to adopt this resolution. The Mayor explained the purpose of this resolution. On the roll call of yeas and nays, Aldermen Varner, Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

APPOINTMENT

Effective immediately, Mayor James Gitz, hereby appoints Mark Podemski to the City of Freeport Human Relations Commission. This appointment will expire on December 31, 2004.

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

REAPPOINTMENT

Effective immediately, Mayor James Gitz, hereby reappoints Douglas Cross to the Police Pension Board. This reappointment shall be effective until April 31, 2006.

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

REAPPOINTMENT

Effective immediately, Mayor James Gitz, hereby reappoints Kelvin McIlwain to the Zoning Board of Appeals. This reappointment shall be effective until June 30, 2006.

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

COMMITTEE REPORTS

CONSIDERATION OF BIDS

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on April 19, 2004. Bids for materials for the Street Department were received and opened on April 5, 2004. Bids were received from Civil, ConMat, and Fischer. IDOT recommended approval of all three bids. The committee voted unanimously to concur with IDOT and Alderman Boldt so moved, seconded by Alderman O'Neill. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. Alderman Varner abstained. There were six yeas and one abstention. The motion carried.

FINANCE

Alderman Clark, Chair, stated that the next meeting would be April 26, 2004, at 5:00pm. He also stated that the regular meeting time would be changed to 5:30pm after proper notice has been given.

MAYOR'S REPORT

The mayor discussed the following items:

- Mayor's Hunger Luncheon on May 3, 2004

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:10pm.

LATACIA M. ISHMON, CITY CLERK