

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
MAY 3, 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 Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender. Alderman Varner entered the meeting at 7:20pm.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

James Kanter, George Beard, and Suzanne Cook spoke on the Animal Ordinance. John Cook spoke against the reappointment of Roger Schulz to the Library Board.

HONORARY RESOLUTION #R-2004-41

**HONORARY RESOLUTION TO RECOGNIZE SGT. LANDIS W. GARRISON
FOR HIS DEDICATION AND SERVICE ON BEHALF OF THE CITIZENS OF
FREEPORT AND THE UNITED STATES**

WHEREAS, Sgt. Landis W. Garrison served in the Freeport-based 333rd Military Police Unit of the Illinois National Guard, currently stationed in Iraq; and

WHEREAS, Sgt. Landis W. Garrison served as a volunteer firefighter with the Port Byron Fire Department and as a part-time police officer with the Hampton Police Department; and

WHEREAS, Sgt. Landis W. Garrison died April 29, 2004, from non-combat injuries; and

WHEREAS, Sgt. Landis W. Garrison honorably served the people of the United States of America in a combat zone which carried daily peril; and

WHEREAS, the loss of Sgt. Garrison is deeply felt by the entire 333rd family and the entire Freeport community; and

WHEREAS, the people of the City of Freeport wish to convey their deepest sympathy to the family and friends of Sgt. Landis W. Garrison,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND THE MAYOR OF THE CITY OF FREEPORT, ILLINOIS, that we hereby extend our sincere condolences to the family and friends of Sgt. Landis W. Garrison.

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

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on April 19, 2004 was presented for approval. Alderwoman Bender moved, seconded by Alderman Wright for approval of the minutes. The motion carried.

Also, the Journal of Minutes of the special meeting held on April 19, 2004 was presented for approval. Alderwoman Bender moved, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

CONSENT AGENDA

A. Approval to Receive and Place on File:

1. Treasurer's Report 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 - \$288,604.35

D. Approval of Payroll of Period ending April 17, 2004 - \$298,201.91

Alderwoman Bender moved, seconded by Alderman Gaulrapp for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner 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, Public Works Chair, stated that the committee held a special meeting on May 3, 2004. The committee voted unanimously to approve this ordinance. On the roll call of yeas and nays, Alderman Clark, Dawson, Boldt, O'Neill, Wright, Bender, and Varner voted yea. Alderman Gaulrapp voted nay. There were seven yeas and one nay. The motion carried.

2ND READING

ORDINANCE #2004-21

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderman Varner for denial. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The ordinance was denied.

2nd READING

ORDINANCE #2004-22

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-23

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. Alderman Gaulrapp moved, seconded by Alderwoman Bender to refer to the Community Development Committee. The motion carried.

2nd READING

ORDINANCE #2004-24

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderman Dawson for approval. On the roll call of yeas and nays, Aldermen Clark, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved. Alderman Dawson and Varner voted nay. There were six yeas and two nays. The ordinance was approved.

2nd READING

ORDINANCE #2004-25

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Clark, Boldt, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved. Alderman Dawson and Varner voted nay. There were six yeas and two nays. The ordinance was approved.

2nd READING

ORDINANCE #2004-26

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

This ordinance was laid over from the meeting of April 19, 2004, when it was moved by Alderwoman Bender, seconded by Alderman Dawson for approval. Alderman Dawson moved, seconded by Alderman Clark to accept following amendments:

Section 612.02(a)(1) ~~...or is then and there under the complete control of a competent person and obedient to that person's command.~~ Guide dogs for the blind and police-owned dogs are exempt from this section, providing that the dog is performing duties as expected.

Section 612.04(f) ... Individuals owning or fostering animals trained or to be trained for service to persons with disabilities are excepted. Any individual keeping a service animal must provide documentation of fostering and training from a certified training organization.

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

On the roll call of yeas and nays to approve the ordinance, Aldermen Clark, Dawson, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. Alderman Boldt voted nay. There were seven yeas and one nay. The ordinance was approved.

2nd READING

ORDINANCE #2004-27

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

This ordinance was laid over from the meeting on April 19, 2004, when it was moved by Alderwoman Bender, seconded by Alderman Clark for approval. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The ordinance was approved.

1ST READING

ORDINANCE #2004-28

AN ORDINANCE AMENDING CHAPTER 650 (MINORS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Dawson, Public Safety Vice Chair, stated that the committee held a meeting on May 3, 2004. This change has been recommended to bring the city's curfew ordinance in compliance with the constitutional rights of minors. The committee voted unanimously to approve this ordinance and Alderman Dawson so moved, seconded by Alderwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-29

AN ORDINANCE AMENDING CHAPTER 242 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Alderman Dawson, Public Safety Vice Chair, stated that the committee held a meeting on May 3, 2004. This ordinance changes the minimum number of years from 5 to 7 that a Lieutenant must serve as a firefighter prior to the effective date of the promotional eligibility list. The committee voted unanimously to approve this ordinance and Alderman Dawson so moved, seconded by Alderwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

REAPPOINTMENT

Effectively immediately, Mayor Gitz, hereby reappoints Roger Schulz to the Library Board. This appointment shall be effective until May 31, 2007.

Alderman Gaulrapp moved, seconded by Alderwoman Bender that this reappointment be laid over to the next regular meeting. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Gaulrapp, Bender, and Varner voted yea. Aldermen Clark and Wright voted nay. There were five yeas and two nays. The motion carried.

REAPPOINTMENT

Effective immediately, Mayor Gitz, hereby reappoints Daniel Prather to the City of Freeport Liquor Commission. This reappointment will expire on May 31, 2005.

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

REAPPOINTMENT

Effective immediately, Mayor Gitz, hereby reappoints Mark Winter to the Planning Commission. This reappointment shall be effective until October 31, 2004.

Alderman Clark moved, seconded by Alderman Wright to accept this appointment. Alderman Dawson stated that Mr. Winter is involved with too many city projects and that his appointment would be a conflict of interest. On the roll call of yeas and nays, Aldermen Clark, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner vote yea. Alderman Dawson voted nay. There were seven yeas and one nay. The motion carried.

REAPPOINTMENT

Effective immediately, Mayor Gitz, hereby reappoints Thedford Jackson to the Library Board. This term will expire on May 31, 2007.

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

RESOLUTION #R-2004-37

RESOLUTION TO AUTHORIZE INTERGOVERNMENTAL AGREEMENT WITH FREEPORT HOUSING AUTHORITY FOR THE SUMMER OF 2004

WHEREAS, the Housing Authority of the City of Freeport is in need of additional law enforcement protection during the summer months; and

WHEREAS, the Housing Authority wishes to renew their agreement with the Freeport Police Department for call-back community policing at Parkside, Westview and Willow Apartments; and

WHEREAS, services of qualified community policing officers would be provided by the Freeport Police Department, during the period of May 9, 2004 through September 13, 2004; and

WHEREAS, the total hours of community policing during the above time frame would not exceed 1000 hours; and

WHEREAS, it is in the best interests of the residents of Parkside, Westview and Willow Apartments to provide additional public safety measures for these residents.

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

Section 1. That the Freeport Police Department renew the Intergovernmental Agreement with the Freeport Housing Authority, to provide additional law enforcement protection per the attached Agreement, marked as Exhibit A and made a part hereof.

Section 2. 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 3. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Section 4. 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.

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

RESOLUTION #R-2004-38

RESOLUTION TO ENTER INTO AN INTERAGENCY AGREEMENT WITH THE ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

WHEREAS, the Freeport Police Department has recognized that there is a reoccurring problem every summer during the months of May, June, July and August. During this period call levels rise dramatically on nights due to heat and alcohol consumption; and

WHEREAS, with the conclusion of school, juveniles are present on the streets much later at night than during the school year; and

WHEREAS, police calls during this period, over the last four years have averaged up to 1300 on the night shift. This peaks in mid-July averaging 1550 calls per month on nights and drops to an average of 1350 at the end of August; and

WHEREAS, police officers are spending more time going from call to call and not enforcing the curfew laws as strenuously as they can when not responding to the high influx of calls; and

WHEREAS, the Police Department proposes to hire back at overtime, two officers to enforce only curfew violations. This will occur 29 days during the summer months May, June, July and August coinciding with our peak calls during the week; and

WHEREAS, this action will have the effect of increasing arrests for curfew and thereby reducing the incidents of burglary to motor vehicles and damage to property; and

WHEREAS, in order to fund this action the Freeport Police Department wishes to enter into an agreement with the Illinois Criminal Justice Information Authority, to receive grant funds in the amount of \$7,526.00. These funds are available and do require a \$836.00 match from the City of Freeport.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that City of Freeport Police Department enter into an agreement with the Illinois Criminal Justice Information Authority to obtain grant funds in the amount of \$7,526.00, and that the City of Freeport match this grant in the amount of \$836.00.

BE IT FURTHER RESOLVED that the Mayor and the Chief of Police of the City of Freeport are hereby authorized and directed to execute all documents necessary to enter into this Agreement a copy of which is attached as Exhibit A.

Alderman Dawson, Public Safety Vice-Chair, stated that the committee held a meeting on May 3, 2004. The committee voted unanimously to adopt this resolution and Alderman Dawson so moved, seconded by Alderman Clark. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The resolution was adopted.

RESOLUTION #R-2004-39

RESOLUTION TO ADOPT COBRA RATES EFFECTIVE JUNE 1, 2004

WHEREAS, pursuant to Section 54.4980b-8 of the Consolidated Omnibus Budget Reconciliation act of 199 (COBRA), the City of Freeport is allowed to establish COBRA rates at a maximum of once every 12 months; and

WHEREAS, the Finance Committee concurs with the administrative staff recommendation to adopt single, single plus one and family COBRA rates for the City's healthcare continuation coverage for terminated employees effective June 1, 2004 which were determined through costs in an actuarially accepted manner as provided by the Northern Illinois Heath Plan and Boyd Consulting Group.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor is hereby authorized to amend the adopted COBRA rates for continuing healthcare coverage for the new plan design within the regulations set forth in the COBRA regulation monthly premiums for single coverage of \$446.54, single plus one dependent coverage of \$888.57 and family coverage of \$1,206.00 as recommended by Boyd Consulting Group and as stated on Exhibit A attached.

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 April 26, 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 Alderman Gaulrapp to adopt this resolution. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. Alderman Clark abstained. There were seven yeas and one abstention. The motion carried.

RESOLUTION #R-2004-40
RESOLUTION TO ENTER INTO AGREEMENT WITH FEHR-GRAHAM & ASSOCIATES FOR SERVICES RELATED TO STORM SEWER SYSTEM IMPROVEMENTS

WHEREAS, on April 29, 2004 the Water & Sewer Commission of the City of Freeport, approved a proposal from Fehr-Graham & Associates to design storm sewer improvements for Phase II of the Homer District Stormsewer project from the intersection of Broadway and Cherry to Read Park; and

WHEREAS, the cost of these fees is payable through the 2003 bond issue; and

WHEREAS, the Corporate Authorities believe it is in the best interests of the citizens to cause such work to be completed.

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

Section 1. The foregoing recitals shall be and are hereby incorporated in this Section 1 as if said recitals were fully set forth.

Section 2. The Corporate Authorities hereby authorize the Executive Director of the Water & Sewer Commission to enter into a contract with Fehr-Graham & Associates to conduct certain services in relation to the design of the storm sewer system improvements, as shown in Exhibit A.

Section 3. The Corporate Authorities hereby further authorize the Executive Director to negotiate and enter into such other contract(s) as necessary in order to complete such work.

Section 4. 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 5. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Alderman Boldt, Public Works Chair, stated that that committee held a special meeting on May 3, 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 Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The resolution was adopted.

EXECUTIVE SESSION

Alderman Bender moved, seconded by Alderman Clark to go into executive session according to according to 5 ILCS 120/2 (c)(1) in order to discuss litigation. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The motion carried.

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

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that there would be a joint meeting with the Building Commission on May 4, 2004 at 5:30pm, in City Council Chambers. Also, the next regular meeting would be May 11, 2004 at 5:00pm.

FINANCE

Alderman Clark, Chair, stated the committee held a meeting on April 26, 2004. The committee voted unanimously to approve payment to Lanpher & Associates and Alderman Clark so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Clark, Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. The motion carried.

MAYOR'S REPORT

The mayor discussed the following items:

- Region Vision meeting with surrounding counties on May 4, 2004
- Update on US 2 between Hwy 26 & Springfield
- Town meetings
- Thanks for attendance to FACC Luncheon

NEW BUSINESS

Alderman Boldt requested an update on the ethics ordinance. Mayor Gitz stated that it would be presented to the Executive Committee before the next regular council meeting.

PUBLIC COMMENTS

Pat Leitzen Fye thanked the council for the passage of Ordinance #2004-24. She also announced the upcoming FDD events.

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