

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**MAY 17, 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, and Clark. Alderman Varner entered the meeting at 7:15pm.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Cheryl Kneubuehl spoke as a representative of the Chamber of Commerce. She requested that the Sign Ordinance be referred back to the Community Development Committee for further review.

John Cook spoke against the library board appointments.

**HONORARY RESOLUTION #R-2004-45**

**RESOLUTION AUTHORIZING MAY AS ELECTRICAL SAFETY MONTH**

**WHEREAS**, hundreds of people die and thousands are injured each year in electrical accidents; and

**WHEREAS**, there are, on average, 910 civilian deaths related to electrical home structure fires; and

**WHEREAS**, nearly 3 people are electrocuted in the home and 5 more in the workplace each week; and

**WHEREAS**, property damage due to home fires caused by electrical distribution, appliances and equipment, and heating and air conditioning systems amounts to nearly \$1.7 billion annually; and

**WHEREAS**, following basic electrical safety precautions can help prevent injury or death to thousands of people each year; and

**WHEREAS**, citizens are encouraged to check their home and workplace for possible electrical hazards to help protect lives and property;

**WHEREAS**, citizens are encouraged to test their smoke detectors and ground fault circuit interrupters monthly and after every major electrical storm, and

**WHEREAS**, the efforts of the Electrical Safety Foundation International (ESFI) and the U.S. Consumer Product Safety Commission (CPSC) promote and educate the public about the importance of respecting electricity and practicing electrical safety in the home, school and workplace; and

**WHEREAS**, International Brotherhood of Electrical Workers, Local Union 364 is actively helping to move their effort forward in order to reduce the number of electrical injuries and death from electrical hazards,

**BE IF THEREFORE RESOLVED** by the Mayor and the City Council of the City of Freeport that we hereby endorse May 2004 as Electrical Safety Month in the City of Freeport. Further, we recognize the importance of establishing and practicing electrical safety habits in the home, school, and workplace to decrease electrical hazards, injuries and property damage, and to prevent deaths.

**BE IF THEREFORE RESOLVED** that the City of Freeport actively endorses activities during Electrical Safety Month, which highlight public awareness of electrical safety issues and we urge City residents to conduct electrical safety checks of their homes businesses.

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

### **APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting held on May 3, 2004 was presented for approval. Alderwoman 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. Police Department Monthly Activities for April 2004
  - 2. Community Development Cash Receipts for April 2004
  - 3. Community Development Building Permits for April 2004
  - 4. Zoning Board of Appeals Report, 326 E Pershing
  - 5. Planning Commission Report, 203 E Jackson St
- B. Approval of Water & Sewer Disbursements for May 2004 - \$996,410.41
- C. Approval of Bills Payable for April 2004 - \$408,823.26
- D. Approval of Payroll of Period ending May 1, 2004 - \$289,370.12

Alderwoman 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.

### **2<sup>nd</sup> READING**

#### **ORDINANCE #2004-28**

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

This ordinance was laid over from the meeting of May 3, 2004, when it was moved by Alderman Dawson, seconded by Alderwoman O'Neill. 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.

### **2<sup>nd</sup> READING**

#### **ORDINANCE #2004-29**

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

This ordinance was laid over from the meeting of May 3, 2004, when it was moved by Alderman Dawson so moved, seconded by Alderwoman O'Neill. 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.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-30**

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

Alderman Gaulrapp moved, seconded by Alderwoman Bender that this ordinance be referred to the Community Development Committee. The motion carried.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-31**

**AN ORDINANCE AMENDING CHAPTER 202 (CODIFIED ORDINANCES) TO INCREASE THE MAXIMUM ALLOWABLE FINE AND TO CREATE A SCHEDULE OF FINES FOR CERTAIN VIOLATIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on May 10, 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.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-32**

**AN ORDINANCE AMENDING CHAPTERS 14820, 1422,1424,1442, 1446, AND 1620 AND 1420 OF THE CITY CODE TO UPDATE NATIONAL BUILDING, PLUMBING, ELECTRICAL AND MECHANICAL CODES, FEES AND PROPERTY MAINTENANCE CODES IN ASSOCIATION THEREWITH**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting with the Building Commission on May 4, 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.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-33**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF THE CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 326 E PERSHING)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on May 10, 2004. The committee voted unanimously to approve this ordinance 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 ordinance was approved.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-34**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on May 17, 2004. This ordinance is to reinstate the aldermen's parking space. 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.

**1<sup>ST</sup> READING**

**ORDINANCE #2004-35**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 218 OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT AND IMPLEMENTING THE PROVISIONS OF THE STATE OFFICIALS AND EMPLOYEES ETHICS ACT (5 ILCS 420/1-1 ET. EQ) IN THE CITY FREEPORT, ILLINOIS**

Alderman Bender, Executive Chair, stated that the committee held a meeting on May 13, 2004. This ordinance is required to be passed by May 17, 2004. It will be referred to the Executive Committee for further review. The committee voted unanimously to approve this ordinance and Alderwoman Bender so moved, seconded by Alderman Clark. Alderwoman Bender moved, seconded by Alderman Clark to suspend the rules in order to consider this ordinance at this meeting. On the roll call of yeas and nays to suspend the rules, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried. On the roll call of yeas and nays to approve this ordinance, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

**REAPPOINTMENT**

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

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

**REAPPOINTMENT**

Effective immediately, Mayor James L. Gitz hereby reappoints Arnetta McGee to the Library Board. This appointment shall expire on May 31, 2007.

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

**RESOLUTION #R-2004-42**

**RESOLUTION FOR GALENA AVENUE LIGHTING TO COINCIDE WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION CONSTRUCTION ALONG GALENA AVENUE FROM CLARK STREET TO JACKSON STREET**

**WHEREAS**, the City of Freeport is cooperating with the State of Illinois for a construction project along South Galena Avenue from Clark Street to South Street, known as The Galena Avenue project; and

**WHEREAS**, the City is willing to cooperate with IDOT in this project for the improvement of this corridor within the City; and

**WHEREAS**, the City has shown and interest in the improvement of the Downtown Lighting portion of this project from Clark Street to Jackson Street; and

**WHEREAS**, the City wishes to coordinate this lighting project to be in phase with the IDOT project as proposed; and

**WHEREAS**, this improvement will enhance the appearance and function of this corridor in the Downtown area;

**NOW, THEREFORE**, be it resolved by the City Council of the City of Freeport, Illinois that there is hereby appropriated the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), or so much thereof as may be necessary, from any money

now or hereafter allotted to the City under the provisions of the Motor Fuel Tax Law, to pay its share of the costs for engineering and construction of this improvement.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the State of Illinois Department of Transportation, Division of Highways, District Engineer.

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on May 17, 2004. The committee voted unanimously to adopt this resolution and Alderman Boldt 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 adopted.

**RESOLUTION #R-2004-43**  
**RESOLUTION TO REAUTHORIZE SIDEWALK PROGRAM**

**WHEREAS**, Freeport has more than 50 miles of publicly used sidewalks in a state of disrepair and disintegration; and

**WHEREAS**, previous programs to remove disintegrated sidewalks by the Street Department and others, have proved insufficient to address the deteriorated condition of sidewalks throughout older neighborhoods; and

**WHEREAS**, in several previous years the City Council has adopted several resolutions to continue and reauthorize a Public Sidewalk Program; and

**WHEREAS**, the Mayor and the City Council have determined that it is in the best interests of the health, safety and welfare of Freeport to continue this program; and

**WHEREAS**, there are ever-growing numbers of pedestrians who frequently use sidewalks and who are endangered by sidewalks in a condition of disrepair.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that it does hereby approve Exhibit A to this Resolution, and further hereby authorizes the Mayor, the City Clerk and other City officials and employees, as may be necessary, to execute the provisions of this Resolution and create any other documents that prove necessary to implement the attached Exhibit A and this Resolution.

**BE IT FURTHER RESOLVED:**

A. That this Resolution shall be in full force and effect immediately upon its passage by the City Council and its approval by the Mayor, and it shall remain in full force and effect until its amendment or revocation, in whole or in part, by a subsequent ordinance or resolution of this City Council; and

B. 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

C. That all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict; and

D. That if any section, clause or provision of this Resolution be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this resolution as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Resolution even with the invalid portion deleted.

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on May 17, 2004. The committee voted unanimously to adopt this resolution and Alderman Boldt 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 adopted.

**RESOLUTION #R-2004-44**

**RESOLUTION TO AUTHORIZE REIMBURSEMENT FOR MARKET SURVEY AND FINANCIAL FEASIBILITY STUDY AND NAMING A PREFERRED DEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF FREEPORT, ILLINOIS (EASTGATE HOUSING DEVELOPMENT PROJECT)**

**WHEREAS**, on February 2, 2004 the City Council of the City of Freeport, passed an Inducement Resolution for the creation of a TIF District to be known as the Eastgate Housing Development Project, under the Tax Increment Financing Laws of the State of Illinois; and

**WHEREAS**, the Freeport Area Economic Development Foundation ("FAEDF") sent out Request for Proposals to determine interest in such a development project; and

**WHEREAS**, Residential Homes of America, Inc. ("RHA") responded to the Request for Proposals showing they have been creating residential communities in various locations for over fifteen years and RHA has developed and constructed seventeen projects totaling over 2,500 residential units, generated more than \$450 million of developed property and is known for their quality construction and sensitivity to local concerns; and

**WHEREAS**, the Corporate Authorities recognize the need for a full market survey and a financial feasibility study in order to determine viability prior to proceeding further with such a TIF District; and

**WHEREAS**, the cost of each of these analyses is reimbursable through the tax increment of the Tax Increment Financing District if such a district is created; and

**WHEREAS**, the City has agreed to reimburse RHA for a full market survey to be conducted by Tracy, Cross and Associates, provided the results are shared with the City, such reimbursement to be made through the tax increment of the Tax Increment Financing District if such a district is created and only if such district is created; and

**WHEREAS**, FAEDF has agreed to enter into a contract with Kane, McKenna and Associates, Inc. to conduct a financial feasibility study, with the intent that FAEDF will be reimbursed for such study through the tax increment of the Tax Increment Financing District if such a district is created.

**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 name RHA as the preferred developer of the Eastgate Housing Development Project, if and when such a project is created pursuant to a Tax Increment Financing District.

**Section 3.** The Corporate Authorities hereby agree to reimburse the FAEDF for costs paid to RHA for a full market survey to be conducted by Tracy, Cross and Associates, and for costs paid to Kane, McKenna and Associates, Inc., to conduct certain services in relation to a financial feasibility study for a TIF District, as approved in Resolution 2004-11 through the tax increment, if the Tax Increment Financing District is created.

**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 Clark, Finance Chair, stated that the committee held a meeting on May 13, 2004. The committee voted unanimously to adopt this resolution and Alderman Clark so moved. There was leave to hear from RHA representatives. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea.

Alderman Bender voted nay. There were seven yeas and one nay. The motion carried.

**COMMITTEE REPORTS**

**FINANCE**

Alderman Clark, Chair, stated that interviews were conducting on May 14, 2004 to select TIF Legal Counsel. The committee agreed to recommend the firm of Storino Ramello & Durkin subject to a reference check and final negotiations on price 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.

**PUBLIC WORKS**

Alderman Boldt, Chair, stated that that there was a bid opening for mowers on May 17, 2004. Bids were received as follows:

<u>Mower with 60" deck</u>		<u>Mower with 48" deck</u>
Leverton	\$8,9989.00	\$8,742.00
Lawn & Leisure	\$7,969.00	\$7,599.00

The committee voted unanimously to accept the low bid from Lawn & Leisure for both tractors and Alderman Boldt so moved, seconded by Alderman O'Neill. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

**DEPARTMENT HEADS**

Fire Chief Jim Blackburn gave an update on the sale of the ladder truck. He also announced that there would be an Open House at Fire Station #3 on May 31, 2004, from 1:00pm to 4:00pm.

**MAYOR'S REPORT**

The mayor discussed the following items:

- Glide slope for airport officially approved by FEA
- Cemetery appearance update
- Administrative Adjudication for grass hearings, etc
- FDDF applications for façade improvement grants
- Regular meetings of 333<sup>rd</sup> Military Unit

**PUBLIC COMMENTS**

RHA thanked the City Council for the vote and stated that they were excited about moving forward.

A representative from the International Brotherhood of Electrical Works thanked the City Council for the Honorary Resolution.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:55pm.

**LATACIA M. ISHMON, CITY CLERK**