

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
JULY 19, 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, Clark, Dawson, Boldt, O'Neill, and Wright. Alderman Gaulrapp entered the meeting at 7:08pm. Absent was Alderman Varner.

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.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on July 6, 2004 was presented for approval. Alderwoman Bender moved, seconded by Alderwoman O'Neill for approval of the minutes. The motion carried.

CONSENT AGENDA

- A. Approval to Receive and Place on File:
 - 1. Planning Commission/Zoning Board of Appeals Reports
 - a. Change of Zoning from R-6 to P-1, west of Midwest Bank and south of Stephenson Rd
 - b. Change of Zoning from R-6 to R-3, east of Burke Drive and south of Loras Drive
 - c. Change of Zoning from M-1 to R-6, 15 Arcade Court, lots 11 & 12 & Special Use Permit, 15 Arcade Court, lots 11 & 12
 - d. Variance, 1250 W Stephenson St
 - 2. Police Department Activities for June 2004
 - 3. Fire Department Activities for June 2004
 - 4. Treasurer's Tax Receipts for period ending June 31, 2004
- B. Approval of Water & Sewer Disbursements for July 2004 - \$113,189.66
- C. Approval of Bills Payable for June 2004 - \$394,016.10
- D. Approval of Payroll of Period ending July 10, 2004 - \$298,589.59

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

2nd READING

ORDINANCE #2004-37

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 July 6, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. Alderwoman Bender moved that this ordinance be referred back to committee for further review. The motion failed for lack of a second. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted nay. The motion failed.

2nd READING

ORDINANCE #2004-38

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of July 6, 2004, when it was moved by Alderman Wright, seconded by Alderman Gaulrapp for approval. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-40

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BY AND BETWEEN BEIDER HOTEL MANAGEMENT AND INVESTMENTS, LLC AND THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS

This ordinance was laid over from the meeting of July 6, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. Alderman Clark moved, seconded by Alderman Wright to amend the ordinance to state an expiration date of December 31, 2029. There was also a technical amendment, changing the name of the developer to BW Freeport, LLC.

There was leave granted to hear from special counsel, Brian Baugh, who answered all questions from the council.

On the roll call of yeas and nays to amend the ordinance, Aldermen Gaulrapp, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The amendment was approved. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Clark, Boldt, O'Neill, and Wright voted yea. Aldermen Bender and Dawson voted nay. There were five yeas and two nays. The ordinance was approved.

1st READING

ORDINANCE #2004-41

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (AMENDMENT OF ZONING, TRACT I WEST OF MIDWEST BANK AND SOUTH OF STEPHENSON STREET AND TRACT II OF MIDWEST BANK AND WEST OF PARK CREST DRIVE)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 2004. The committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-42

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (AMENDMENT OF ZONING, ROSE MEADOWS OF FREEPORT)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 2004. The committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2004-43

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (AMENDMENT OF ZONING, LOTS 11 & 12, ARCADE COURT)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 2004. The committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Bender, Clark, Dawson, O'Neill, and Wright voted yea. Alderman Boldt abstained. There were six yeas and one abstention. The ordinance was approved.

1ST READING

ORDINANCE #2004-44

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (SPECIAL USE PERMIT, LOTS 11 & 12, ARCADE COURT)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 2004. The committee voted unanimously to concur with the Planning Commission and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Bender, Clark, Dawson, O'Neill, and Wright voted yea. Alderman Boldt abstained. There were six yeas and one abstention. The ordinance was approved.

1ST READING

ORDINANCE #2004-45

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 1250 W STEPHENSON ST)

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 2004. The committee voted unanimously to concur with the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The ordinance was approved.

1ST READING

ORDINANCE #2004-46

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

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on July 15, 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.

EXECUTIVE SESSION

Pursuant to 5 ILCS 120/2 (c) (4), Alderman Gaulrapp moved, seconded by Alderman Boldt to go into executive session in order to discuss the purchase or lease of real estate. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, 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 Gaulrapp moved, seconded by Alderwoman Bender to come out of executive session. On the roll call of yeas and nays, Aldermen Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The motion carried.

1ST READING

ORDINANCE #2004-47

AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSES OF REDEVELOPMENT

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on July 19, 2004. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill. Alderman Boldt moved, seconded by Alderwoman O'Neill 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 Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The motion carried. On the roll call of yeas and nays to approve this ordinance, Aldermen Gaulrapp, Bender, Clark, Dawson, Boldt, O'Neill, and Wright voted yea. The ordinance was approved.

APPOINTMENT

Effective immediately, Mayor Gitz hereby appoints Barbara Green to the Library Board. This appointment shall be effective until May 31, 2005.

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

APPOINTMENT

Pursuant to Section 288.04 (b), being an interim period after a vacancy has occurred in the position of Community Development Director, Mayor Gitz hereby appoints Reggie Taylor as Community Development Director for an interim period for 60 days.

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

RESOLUTION #R-2004-51

RESOLUTION TO APPROVE FINAL PLAT FOR ROSE MEADOWS

WHEREAS, Section 5/11-15-1 of the Illinois Municipal Code (65 ILCS 5/11-15-1), authorizes a city to enact an ordinance mandating that the city council approve all plats of subdivisions to be located inside city's corporate boundaries or within a one-and-a-half mile area extending from said corporate boundaries provided that the city has also enacted a Subdivision ordinance; and

WHEREAS, the City of Freeport has enacted such a Subdivision Ordinance, known as Chapter 1224 of the Codified Ordinances of the City of Freeport; and

WHEREAS, Section 1224.05(d)(6) of Chapter 1224 of the Freeport Codified Ordinances provides that all Subdivision plats "shall be submitted to the City Council for

approval and for acceptance of all streets, alleys, ways, easements, parks or other areas preserved for, or dedicated to, the public, by resolution"; and

WHEREAS, on June 21, 2004, this City Council approved the preliminary plat for Rose Meadows, located in Freeport, Illinois; and

WHEREAS, the final plat for said Rose Meadows, a copy of which is attached hereto as "Exhibit A", and made a part hereof, substantially conforms to the preliminary plat as approved; and

WHEREAS, at a regular meeting held July 8, 2004, and subsequent to a public hearing, the Freeport Planning Commission unanimously recommended that the City Council approve the final plat for Rose Meadows.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Final Plat for Rose Meadows as set forth in Exhibit A, is hereby approved; and the City of Freeport hereby accepts all streets, alleys, ways, easements, parks or other areas preserved for, or dedicated to, the public, as shown on Exhibit A, said dedication conditional upon full performance in compliance with plat requirements and applicable provisions of City Ordinances.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to attach a copy of this Resolution to a copy of the plat, for the purpose of recording the plat by the subdivider with the County Recorder; and upon said recording of the plat, the subdivider shall file a certified, reproducible copy of the plat with the Community Development Office.

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

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

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the next meeting would be August 9, 2004 at 5:30pm, in City Council Chambers.

FINANCE

Alderman Clark, Chair, stated that the next meeting would be July 26, 2004 at 5:30pm, in City Council Chambers. Agenda items will be Vision 20/20 presentation, hotel/motel tax, and elected officials salaries.

PUBLIC WORKS

Alderman Boldt, Chair, stated that there would be a special meeting on August 2, 2004, in City Council Chambers.

EXECUTIVE

Alderwoman Bender, Chair, stated that the committee held a meeting on July 8, 2004. *Record of this meeting is on file in the Clerk's Office.*

MAYOR'S REPORT

The mayor discussed the following items:

- Stephenson Hotel Agreement
- IEPA testing and grants for east side
- Gas stations removed on Stephenson & Clark-Pilot Grant
- Housing study info for Eastgate

NEW BUSINESS

Alderman Wright referred review and possible reorganization of the Community Development Department and the Land Use Plan to the Community Development Committee and Police and Fire Chief Appointments to the Public Safety Committee.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:45pm.

LATACIA M. ISHMON, CITY CLERK