

CITY OF FREEPORT, ILLINOIS
TUESDAY EVENING
CITY COUNCIL MEETING
SEPTEMBER 7, 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, Varner, and Clark. Alderman Wright entered the meeting at 7:05pm.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Kim Grimes, spoke in support of the Hotel/Motel Tax increase.

PRESENTATION

There was a presentation by Jeff Todd, Stephenson County Health Administrator regarding Healthy Communities for the 21st Century.

HONORARY RESOLUTION #R-2004-67

A RESOLUTION HONORING STEPHENSON COUNTY HEALTH ADMINISTRATOR JEFF TODD AS AN OUTSTANDING PUBLIC SERVANT

Alderman Wright moved, seconded by Alderman Gaulrapp to adopt this resolution. The motion carried.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on August 16, 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. Community Development Cash Receipts for August 2004
 - 2. Police Department Monthly Activities for August 2004
 - 3. Community Development Report
 - 4. Community Development Building Permits for August 2004
- B. Approval of Water & Sewer Disbursements for August 2004 - \$165,031.47
- C. Approval of Bills Payable for August & September - \$501,732.66
- D. Approval of Payroll of Period ending August 21, 2004 - \$300,605.34

Alderwoman Bender moved, seconded by Alderman O'Neill 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.

2nd READING

ORDINANCE #2004-48

AN ORDINANCE AMENDING CHAPTER 240 (POLICE DEPARTMENT) AND CHAPTER 242 (FIRE DEPARTMENT) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of August 16, 2004, when it was moved by Alderwoman Bender, seconded by Alderwoman O'Neill for approval. 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.

2nd READING

ORDINANCE #2004-49

AN ORDINANCE AMENDING CHAPTER 595 (BOARD OF FIRE AND POLICE COMMISSIONERS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of August 16, 2004, when it was moved by Alderwoman Bender, seconded by Alderwoman O'Neill for approval. 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.

2nd READING

ORDINANCE #2004-50

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 1523 W Stover St)

This ordinance was laid over from the meeting of August 16, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. 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.

2nd READING

ORDINANCE #2004-51

AN ORDINANCE AMENDING CHAPTER 612 (ANIMALS) OF THE CODIFIED ORDINANCES OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of August 16, 2004, when it was moved by Alderman Dawson, seconded by Alderwoman Bender for approval. 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.

2nd READING

ORDINANCE #2004-52

AN ORDINANCE AMENDING CHAPTER 886 (HOTEL TAX) AND CHAPTER 286 (STEPHENSON COUNTY CONVENTIONS BUREAU) OF THE CODIFIED ORDINANCES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of August 16, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. Alderman Clark moved, seconded by Alderman Wright to amend this ordinance in order to add a semi colon on page four. 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.

1ST READING

ORDINANCE #2004-53

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION (LIMITED TAX) NOTES, SERIES 2004, TO FINANCE FACILITIES FOR THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, AND PROVIDING THE DETAILS OF SUCH NOTES, AND RELATED MATTERS

Alderman Clark, Finance Chair, stated that the committee held a meeting on September 7, 2004. The committee voted unanimously to approve this ordinance and Alderman Clark so moved, seconded by Alderman Boldt. Alderman Clark moved, seconded by Alderman Dawson 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.

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.

RESOLUTION #R-2004-58

RESOLUTION TO ENTER INTO AGREEMENT REGARDING STEPHENSON COUNTY VISITORS BUREAU

WHEREAS, the City, through Ordinance No. 2004-52 has imposed a tax upon gross rental receipts of all persons engaged within the City in the business of renting, leasing, or letting rooms in a hotel, pursuant to Illinois Statutes; and

WHEREAS, the Stephenson County Convention and Visitors Bureau (the "Bureau"), is an Illinois not-for-profit corporation, the objectives of which are to generate tourism; and

WHEREAS, the City has determined that the Bureau would properly promote tourism, conventions and other special events within the municipality, as required by the state law; and

WHEREAS, the agreement as shown in Attachment A hereto, places conditions, parameters and objective goals underwhich such monies can be expended by the Bureau.

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 Mayor to enter into a contract with the Stephenson County Convention and Visitors Bureau in substantially the same form as Attachment A.

Section 3. 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 4. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

This resolution was laid over from the meeting of August 16, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. On the roll call of yeas and nays to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2004-63

RESOLUTION TO ENTER INTO AGREEMENT WITH CIVIL CONTRUCTORS FOR SERVICES RELATED TO STORM SYSTEM IMPROVEMENTS

WHEREAS, on September 7, 2004 the Water & Sewer Commission of the City of Freeport, approved a bid from Civil Constructors for the construction of the first section of the Linden storm sewer improvements; and

WHEREAS, the cost of this service is reimbursable through the existing storm water fee; 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 Civil Constructors to conduct certain services in relation to the construction 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. It is intended that the sanitary sewer fund reserves be reimbursed to the Commission through the storm water fee.

Section 5. 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 6. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law. The City Clerk is directed to publish this Resolution in a newspaper of general circulation within the City.

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on September 7, 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 to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, and Clark voted yea. Alderman Varner abstained. There were seven yeas and one abstention. The resolution was adopted.

RESOLUTION #R-2004-64

RESOLUTION TO ENTER IN CONSULTING AGREEMENT FOR HUMAN RESOURCE SERVICES

WHEREAS, the City of Freeport is in need of a consultant to provide advice and assistance in handling day to day human resource issues, healthcare plan management and employee enrichment; and

WHEREAS, Tim Mickel is a fully qualified expert in the field of human resources and has been satisfactorily performing these services for over a year, under a Consulting Agreement with the City to provide Human Resource services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it authorize the Mayor to extend the Consulting Agreement with Tim Mickel for Human Resource services ~~for a period of one year~~ at the rate of \$3,120.00 per month, with terms hours and responsibilities in accordance with Attachment A.

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.

Alderman Clark, Finance Chair, stated that the committee held a special meeting on September 7, 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 to adopt this resolution, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2004-65

RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR FREEPORT HIGH SCHOOL HOMECOMING PARADE

WHEREAS, on September 29, 2004, the Freeport High School is sponsoring a Homecoming 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: Empire Street, from Park Boulevard to Locust Street; 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 Freeport High School 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 West Avenue (Route 26) at West Empire 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 5:30 p.m. to 6:30 p.m. Wednesday, September 29, 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 Freeport High School 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 Freeport High School 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.

Alderwoman Bender 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, Varner, and Clark voted yea. The resolution was adopted.

EXECUTIVE SESSION

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

RESOLUTION #r-2004-66

RESOLUTION TO RATIFY COLLECTIVE BARGAINING AGREEMENT WITH POLICEMEN'S BENEVOLENT LABOR COMMITTEE (PBLC)

WHEREAS, the City's bargaining team has in good faith negotiated a three-year collective bargaining agreement with the Policemen's Benevolent Labor Committee for the Police Benevolent & Protective Association, Unit No. 9 ("PBLC"), a copy of which agreement is available for public review in the City Clerk's Office; and

WHEREAS, the Union membership ratified the tentative Agreement on August 25, 2004, the City's bargaining team recommends ratification of the collective bargaining agreement by this City Council.

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

Section 1: The City Council formally ratifies the negotiated three-year collective bargaining agreement between the City of Freeport and PBLC.

Section 2: The Mayor of the City of Freeport and the City Clerk are authorized to execute said collective bargaining agreement on behalf of the City of Freeport, and to execute any other documents necessary to carry out the intent and purpose of said agreement and this Resolution.

Section 3: The City Clerk shall transmit a certified copy of this Resolution to the Policemen's Benevolent Labor Committee.

Section 4: 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 affect until its amendment or revocation, in whole or in part, by a subsequent ordinance or resolution of this City Council.

Section 5: 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.

Section 6: All Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 7: If any section, clause or provision of this Resolution be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the

Resolution as a whole or any part thereof, other than the part so declared to be invalid, and this City Council expressly declares that it would have enacted this Resolution even with the invalid portion deleted.

Alderwoman Bender moved, seconded by Alderman Dawson to adopt this resolution. 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.

1st READING

ORDINANCE #2004-54

AN ORDINANCE AUTHORIZING AN ADDITIONAL 60 DAYS FOR ACQUISITION OF CERTAIN PROPERTY FOR THE PURPOSES OF RELOCAITON OF FIRE STATION 3

Alderman Clark moved, seconded by Alderwoman Bender to approve this ordinance. Alderman Clark moved, seconded by Alderwoman Bender to suspend the rules for immediate consideration. 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.

APPOINTMENT

Pursuant to Section 288.04(b), James L. Gitz, hereby appoints Reggie Taylor as Community Development Director for an additional period of 30 days while the search for a Community Development Director is being conducted.

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

CONSIDERATION OF BIDS FOR JANITORIAL SERVICES

Alderman Clark, Finance Chair, stated that the committee held a meeting on August 23, 2004. Our current vendor chose not to bid for renewal of their contract. One bid was received from Crystal Image Cleaning at \$1,950 per month. Our current contract is \$1,512. The Water & Sewer Department currently use the proposed vendor and gave them a good reference. The committee voted unanimously to accept this bid and Alderman Clark 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 motion carried.

CONSIDERATION OF BIDS FOR FLOOR COVERING

Alderman Clark, Finance Chair, stated that the committee held a meeting on August 23, 2004. Due to a recent Department of Labor inspection, certain City Hall areas will need to have carpet replaced within 30 days. There was no action taken.

The committee held a special meeting on September 7, 2004. Bids were received from Rite-Way Furniture in the amount of \$7,500 with furniture removal and Lloyd Smith in the amount of \$11,500 without furniture removal. The committee voted unanimously to accept the low bid if necessary, but to contact the Department of Labor for other options and Alderman Clark so moved, seconded Alderman Boldt. On the roll call of yeas and nays,

Aldermen Boldt, O'Neill, Wright, Gaulrapp, Varner, and Clark voted yea. Aldermen Dawson and Bender voted nay. There were six yeas and two nays. The motion carried.

COMMITTEE REPORTS

FINANCE

Alderman Clark, Chair, stated that the committee held a meeting on August 23, 2004. The committee discussed library referendum issues. The committee voted unanimously to recommend release of legal correspondence to the public and Alderman Clark so moved, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

PUBLIC WORKS

Alderman Boldt, Chair, stated that the next meeting would be September 20, 2004, at 5:30pm, in City Council Chambers. At 6:30pm or immediately following the regular Public Works meeting, the Sub-Committee will meet.

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the committee would have a special meeting on September 13, 2004, at 7:30pm.

MAYOR'S REPORT

The mayor discussed the following items:

- IML Conference- September 16-20, 2004
- Thanked council for approval of Linden Street contract
- Leaves-RFPs
- Galena Ave update

NEW BUSINESS

Alderwoman Bender referred the State Street vacation to the Public Works Committee.

Alderman Clark referred the Greenfield, Sullivan, Stephenson intersection to the Public Works Committee.

PUBLIC COMMENTS

Carol Dickerson, Library Director, introduced herself to the council and public.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:25pm.

LATACIA M. ISHMON, CMC