

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**OCTOBER 4, 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 O'Neill, Wright, Gaulrapp, Bender, Clark, Dawson, and Boldt. Absent was Alderman Varner.

**PLEDGE OF ALLEGIANCE**

At this time, the Pledge of Allegiance was led by Alderman O'Neill.

**APPROVAL OF THE AGENDA**

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

**APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting held on September 20, 2004 was presented for approval. Alderman 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. Fire Department Monthly Activities for August 2004
  - 2. Community Development Cash Receipts for September 2004
  - 3. Community Development Building Permits for September 2004
- B. Approval of Water & Sewer Disbursements for September 2004 - \$252,824.51
- C. Approval of Bills Payable for September 2004- \$834,680.55
- D. Approval of Payroll of Period ending September 18, 2004 - \$467,164.95

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

**REAPPOINTMENT**

Pursuant to Section 288.04(b), Mayor James L. Gitz, hereby reappoints 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 Bender moved, seconded by Alderman Gaulrapp to accept this reappointment. On the roll call of yeas and nays, Aldermen O'Neill, Gaulrapp, Bender, Clark, Dawson, and Boldt voted yea. Alderman Wright voted nay. There were six yeas and one nay. The motion carried.

**REAPPOINTMENT**

Effective immediately, Mayor James L. Gitz, hereby reappoints Lloyd Smith to the Zoning Board of Appeals Committee. This appointment shall be effective until April 30, 2009,

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

**REAPPOINTMENT**

Effective immediately, Mayor James L. Gitz, hereby reappoints Bill Worster to the Planning Commission.

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

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

**ORDINANCE #R-2004-55**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 831 W Lincoln Blvd)**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 4, 2004. The committee voted unanimously to concur with the denial recommendation from the Zoning Board of Appeals and Alderman Gaulrapp so moved, seconded by Aldерwoman Bender. This ordinance was automatically laid over to the next regular meeting.

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

**ORDINANCE #2004-57**

**AN ORDINANCE AMENDING 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 September 27, 2004. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Aldерwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

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

**ORDINANCE #2004-58**

**AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Clark, Finance Chair, stated that the committee held a meeting on September 27, 2004. The committee voted unanimously to recommend a 4% increase for the non-bargaining employees and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

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

**ORDINANCE #2004-59**

**AN ORDINANCE REPEALING AND REPLACING SECTION 226.03(a) OF CHAPTER 226 (MAYOR) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

Alderman Clark, Finance Chair, stated the committee held meetings on September 27, and October 4, 2004. This ordinance determines the mayor's salary for two different forms of government: Aldermanic, Managerial in 2005, and Managerial in 2007. The committee voted unanimously to approve this ordinance and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

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

**ORDINANCE #2004-60**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE JOINT CITY OF FREEPORT, COUNTY OF STEPHENSON CERTIFIED ENTERPRISE ZONE**

Alderman Gaulrapp, Community Development Chair, stated that the committee held a meeting on October 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 #2004-61**

**AN ORDINANCE REPEALING AND REPLACING SECTION 230.03(a) OF CHAPTER 230 (CITY TREASURER), AND SECTION 228.03(a) OF CHAPTER 228 (CITY CLERK) OF THE CODIFIED ORDINANCES OF FREEPORT, ILLINOIS**

Alderman Clark, Finance Chair, stated that the committee held a meeting on September 27, 2004. The committee voted unanimously to recommend a 1% increase for the clerk and treasurer for the next four years and Alderman Clark so moved, seconded by Alderman Boldt.

**RESOLUTION #R-2004-61**

**RESOLUTION TO ENTER INTO AGREEMENT WITH FISCHER EXCAVATING FOR SERVICES RELATED TO STORM SEWER SYSTEM IMPROVEMENTS**

**WHEREAS**, on August 31, 2004 the Water & Sewer Commission of the City of Freeport, approved a bid from Fischer Excavating for the construction of the Homer District Phase II storm sewer improvements from the intersection of Broadway and Cherry to west of the intersection of Chestnut and Locust; and

**WHEREAS**, this work is required by the Compliance Commitment Agreement from the Illinois Environmental Protection Agency; 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 Fischer Excavating to conduct certain services in relation to the construction management 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.

Alderman Clark, Finance Chair, stated that the committee held a joint meeting with the Public Works Committee. The committee voted to adopt this resolution and Alderman Clark so moved, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen O'Neill, Wright, Clark, Dawson, and Boldt voted yea. Aldermen Gaulrapp and Bender voted nay. There were five yeas and two nays. The resolution was adopted.

**RESOLUTION #R-2004-62**

**RESOLUTION TO ENTER INTO AGREEMENT WITH FEHR-GRAHAM & ASSOCIATES FOR SERVICES RELATED TO STORM SYSTEM IMPROVEMENTS**

**WHEREAS**, on August 31, 2004 the Water & Sewer Commission of the City of Freeport, approved a proposal from Fehr-Graham & Associates to provide construction management services for the construction of the Homer District Phase II storm sewer improvements from the intersection of Broadway and Cherry to west of the intersection of Chestnut and Locust; and

**WHEREAS**, this work is required by the Compliance Commitment Agreement from the Illinois Environmental Protection Agency; 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 Fehr-Graham & Associates to conduct certain services in relation to the construction management 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.

Alderman Clark, Finance Chair, stated that the committee held a joint meeting with the Public Works Committee. The committee voted to adopt this resolution and Alderman Clark so moved, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen O'Neill, Wright, Clark, Dawson, and Boldt voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The resolution was adopted.

**RESOLUTION #R-2004-68**

**RESOLUTION TO APPROVE FINAL PLAT FOR DEER CREEK SUBDIVISION SECTION**

**3**

**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 April 5, 2004, this City Council approved the preliminary plat for Deer Creek Subdivision Section 3, located in the City of Freeport, Illinois; and

**WHEREAS**, the final plat for said Deer Creek Subdivision Section 3, 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 September 13, 2004, and subsequent to a public hearing, the Freeport Planning Commission unanimously recommended that the City Council approve the final plat for Deer Creek Subdivision Section 3 with the following condition:

That the developer install the bike path as noted on the original plat of the property.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the Final Plat for Deer Creek Subdivision Section 3 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 developer installing bike path as noted and 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 October 4, 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 O'Neill, Wright, Gaulrapp, Bender, Clark, Dawson, and Bender voted yea. The resolution was adopted.

**RESOLUTION #R-2004-71**

**RESOLUTION TO AUTHORIZE POST EMPLOYMENT HEALTH PLAN FOR PUBLIC EMPLOYEES PROGRAM**

**WHEREAS**, a Post Employment Health Plan for Public Employees has been established for eligible non-bargaining public employees, pursuant to section 501(c)(9) of the Internal Revenue Code permitting such plans; and

**WHEREAS**, the Employer wishes to contribute, on behalf of the eligible non-bargaining employees, portions of its employees' salary and/or accumulated compensated absences to meet its employees' post employment health care needs and expenses.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** to hereby amend the PEHP Program on behalf of the eligible non-bargaining employees of the City of Freeport in accordance with Attachment A.

**BE IT FURTHER RESOLVED** the Mayor of the City of Freeport and the City Clerk are authorized to execute, on behalf of the eligible non-bargaining employees of the City of Freeport, any necessary amendments to our participation agreement with PEBSCO, and other such agreements and contracts as are necessary to amend the program.

**BE IT FURTHER RESOLVED** 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

**BE IT FURTHER RESOLVED** all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict; and

**BE IT FURTHER RESOLVED** 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.

Alderman Clark, Finance Chair, stated that the committee held a meeting on September 27, 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 O'Neill, Wright, Gaulrapp, Bender, Clark, Dawson, and Boldt voted yea. The resolution was adopted.

**RESOLUTION #R-2004-72**

**RESOLUTION TO AUTHORIZE AGREEMENT WITH UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, A DELAWARE LIMITED LIABILITY COMPANY, D/B/A US CELLULAR**

**WHEREAS**, the City of Freeport is the owner of a certain parcel of land located at 1600 Burchard Avenue, commonly known as the Burchard Water Tower site; and

**WHEREAS**, the City has negotiated a one year option with United States Cellular Operating Company of Chicago, a Delaware limited liability company, d/b/a *U. S. Cellular®* (hereinafter known as USC) in the amount of \$1,600 in order for USC to go upon the property and to determine the suitability of the parcel for tenant's use as a cell tower; and

**WHEREAS**, upon the determination of such suitability, USC may execute the option for a five (5) year lease period, all in accordance with Attachment A.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the Mayor of the City of Freeport, Illinois, is hereby authorized to execute an agreement between the City of Freeport, Illinois and United States Cellular Operating Company of Chicago, a Delaware limited liability company, d/b/a *U. S. Cellular®*, substantially in the same form as that shown in Attachment A and incorporated herein by reference.

**BE IT FURTHER RESOLVED** 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 all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Alderman Boldt, Public Works Chair, stated that the committee held a special meeting on October 4, 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 O'Neill, Wright, Gaulrapp, Bender, Clark, Dawson, and Boldt voted yea. The resolution was adopted.

**RESOLUTION #R-2004-73**

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF AN ENTERPRISE ZONE**

**WHEREAS**, the Intergovernmental Agreement for the Operation of an Enterprise Zone (hereinafter referred to as the "Agreement") between the City of Freeport, a Municipal Corporation and a home rule unit of local government of the State of Illinois, (hereinafter referred to as the "City") and the County of Stephenson, a body politic and corporate and a unit of government of the State of Illinois, (hereinafter, the "County"), was executed on December 18, 1989; and

**WHEREAS**, Section 3 of the Agreement includes a Description of the Zone; and

**WHEREAS**, the City and County wish to add 36.61 acres mol. to the City of Freeport-Stephenson County Enterprise Zone; and

**WHEREAS**, the expansion of the Enterprise Zone will allow and assist:

- (A) A Escrow Co., Inc. in investing \$500,000 in rehabilitation costs and with the creation of 50 jobs and the retention of 50 existing jobs by adding 3.2 acres mol. which acreage is included in expansion (C) below;
- (B) Torkelson Cheese Co. in constructing a \$1 million facility which will retain 6 full-time jobs and create 11 new full-time jobs by adding 8.3 acres mol.;
- (C) The City of Freeport in the creation and/or retention of jobs and the stimulation of neighborhood residential and commercial revitalization in a downtown area of 27.12 acres contiguous to the west of the existing Enterprise Zone in downtown Freeport. Some specific projects in this area are:
  - a. The reuse of the vacant building that was the City of Freeport library;
  - b. The rehabilitation of the building owned by Neighborhood Housing Services of Freeport, NFP;
  - c. The \$6 million investment in rehabilitation of the Met Life building which will allow the retention of 480 jobs and the ability to accommodate 120 new workers;
  - d. The rehabilitation of the HVAC system in the historic Masonic Temple;
  - e. The rehabilitation of the long vacant Odd Fellows Hall;
  - f. The renovation of the Fitness Lifestyles of Freeport building (commonly known as the old YWCA);
  - g. The renovation of the CGU/Western States Insurance building (cost: \$750,000 to \$1.2 million), which will allow the creation of 40 new jobs.
- (D) The Freeport Area Economic Development Association in the construction of a 4,500 sq. ft. building to house a tourist center at a cost of \$650,000 by adding 1.189 acres.

**WHEREAS**, the State of Illinois Department of Commerce and Economic Opportunity (hereinafter referred to as "DCEO") requires that Section 3 of the Agreement must be amended to include the description of the 36.61 acres mol. to be added to the City of Freeport-Stephenson County Enterprise Zone in addition to both the City and the County adopting ordinances amending the boundaries of the joint City of Freeport-County of Stephenson Certified Enterprise Zone.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that Section 3 of the Agreement is hereby amended to add the proposed expansion of the Enterprise Zone as described on the attached maps, which are marked as "Exhibit A" through "Exhibit D", attached hereto and incorporated by reference herein.

**BE IT FURTHER RESOLVED** that all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict; and

**BE IT FURTHER RESOLVED** 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.

Alderman Gaulrapp, Community Development Chair, stated that the committee held a special meeting on October 4, 2004. The committee voted unanimously to adopt this resolution and Alderman Gaulrapp so moved, seconded by Alderwoman Bender. Alderman Gaulrapp moved, seconded by Alderwoman Bender to lay this resolution over in order for it to be considered with the ordinance. The motion carried.

#### **EXECUTIVE SESSION**

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

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

#### **FIRE DEPARTMENT**

Chief Jim Blackburn stated that October 4, 2004 marks the beginning of the 93<sup>rd</sup> Annual Fire Prevention Week. He urged citizens to make sure all fire alarms are working properly. The Fire Department is also available to assist in installing fire alarms, if necessary.

#### **MAYOR'S REPORT**

The mayor discussed the following items:

- FYI-request for downtown grocery store coming before the Revolving Loan Committee
- Finance agenda-5-year capital program
- PW-bond funds for improvements-meeting with FDD on Oct 5, 2004
- Rawleigh building improvements
- Appreciation to council for approval of Homer Street project
- Garbage contract
- Gas Station demolition
- Sound system

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:00pm.

**LATACIA M. ISHMON, CMC**