

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
OCTOBER 18, 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 Wright, Gaulrapp, Bender, Clark, Dawson, Boldt, and O'Neill. Absent was Alderman Varner.

PLEDGE OF ALLEGIANCE

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

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 October 4, 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. A. Approval to Receive and Place on File:
 1. Fire Department Monthly Activities for September 2004
 2. Police Department Monthly Activities for September 2004
 3. Monthly Investment Report for period ending August 31, 2004
 4. Treasurer's Report for September 2004
 5. Schedule of Tax Receipts – October 7, 2004
 6. Planning Commission Report, Preliminary Plat of Countryside Estates
 7. Planning Commission Report, Special Use Permit, 2430 Oriole Dr.
 8. Zoning Board of Appeals, Variance, 858 E Shawnee
- B. Approval of Water & Sewer Disbursements for October 2004 - \$510,059.15
- C. Approval of Bills Payable for October - \$496,074.23
- D. Approval of Payroll for period ending October 2, 2004

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

2nd READING

ORDINANCE #R-2004-55

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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderman Bender to concur with the denial recommendation from the Zoning Board of Appeals. After much discussion, Alderman Boldt

moved, seconded by Alderwoman O'Neill to close the debate. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Clark, Dawson, Boldt, and O'Neill voted yea.

On the roll call of yeas and nays to concur with the Zoning Board of Appeals, Aldermen Gaulrapp, Bender, and Dawson voted yea. Aldermen Wright, Clark, Boldt, and O'Neill voted nay. Mayor Gitz voted yea. There were four yeas and four nays. The motion failed.

Corporation Counsel explained that a majority of all persons holding office is needed to pass any ordinance, which would be five persons.

Alderman Clark moved, seconded by Alderman Boldt to grant the variance. On the roll call of yeas and nays, Aldermen Wright, Clark, Boldt, and O'Neill voted yea. Aldermen Gaulrapp, Bender, and Dawson voted nay. Mayor Gitz voted nay. There were four yeas and four nays. The motion failed.

Alderman Gaulrapp moved that this ordinance be laid over in order to be heard by the full council. The chair ruled this motion out of order.

Alderman Boldt asked about a motion to reconsider. Mayor Gitz explained that a motion to reconsider could be made by either side because of the tie, but that it would have to be made at the next council meeting.

Corporation Counsel explained that since all motions failed, the fence is not in compliance with city ordinances.

Alderman Boldt asked why the chair had to cast a vote. Mayor Gitz explained that the law specifically states that the chair has the ability to vote when there are four votes and when the term corporate authority is used. He stated that there has been some litigation regarding this issue.

2nd READING

ORDINANCE #2004-57

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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill for approval. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Clark, Dawson, Boldt, and O'Neill voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-58

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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Clark, Dawson, Boldt, and O'Neill voted yea. The ordinance was approved.

2nd 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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Clark, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Clark, Dawson, Boldt, and O'Neill voted yea. Alderwoman Bender voted nay. The ordinance was approved.

2nd READING

ORDINANCE #2004-60

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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Dawson, Boldt, and O'Neill voted yea. Alderman Clark abstained. There were six yeas and one abstention. The ordinance was approved.

2nd 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

This ordinance was laid over from the meeting of October 4, 2004, when it was moved by Alderman Clark, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen Wright, Gaulrapp, Bender, Clark, Dawson, Boldt, and O'Neill voted yea. The ordinance was approved.

RESOLUTION #R-2004-73

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

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

RESOLUTION #R-2004-74

PRELIMINARY PLAT FOR COUNTRYSIDE ESTATES

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

RESOLUTION #R-2004-75

RESOLUTION TO ENTER INTO AGREEMENT WITH KAMPEN FARMS FOR SERVICES RELATED TO LAND APPLICATION AND/OR ON-FARM LANDSCAPE WASTE COMPOSTING

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

RESOLUTION #R-2004-76

RESOLUTION COMMITTING FUNDS TO TAYLOR PARK NORTH CDAP PROJECT

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

RESOLUTION #R-2004-77

RESOLUTION COMMITTING TO HUNT STREET AREA IMPROVEMENTS

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

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

1ST READING

ORDINANCE #2004-62

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 858 E Shawnee St)

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

APPOINTMENT

Effective immediately, Mayor James Gitz hereby appoints Roland Munda to The Fire & Police Commission.

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

MAYOR'S REPORT

The mayor then gave his report to the council.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 10:00pm.

LATACIA M. ISHMON, CMC