

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
DECEMBER 6, 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 Varner, Clark, O'Neill, Wright, Gaulrapp, and Bender.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

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

PUBLIC HEARINGS

There was a public hearing on Ordinance #2004-70, An Ordinance of the City of Freeport, Stephenson County, Illinois, providing for the issuance of General Obligation refunding, Series 2004, and General Obligation refunding bonds, Series 2005, providing the details of such bonds and for a levy of taxes to pay the principal of and interest on such bonds, and related matters. Dan Forbes of Speer Financial explained the ordinance and answered all questions. There being no additional comments, Alderman Clark moved, seconded by Alderman Wright to close the public hearing. The motion carried.

There was also a public hearing on Resolution #R-2004-87, A Resolution of the City of Freeport, Stephenson County, Illinois authorizing the issuance and sale of an aggregate principal amount not to exceed \$6,100,000 of City of Freeport, Illinois Multifamily Housing Revenue Bonds (Lincoln Towers Freeport Project) Series 2004; authorizing the execution and delivery of the trust indenture, loan agreement and other documents related to the issuance and sale of the bonds; authorizing proper officers to do all other things deemed necessary or advisable in connection therewith and approving other actions in respect thereof. Mac McCartt answered all questions from the council. There being no additional comments, the hearing was closed.

PRESENTATION

Fire Chief, Jim Blackburn announced that he is resigning as Fire Chief and returning to the department as a firefighter. He stated that he would serve as Chief until a replacement is found, but no later than May 1, 2005.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on November 15, 2004 were presented for approval. Alderswoman O'Neill moved, seconded by Alderswoman Bender for approval. The motion carried.

CONSENT AGENDA

Approval to Receive and Place on File:

- A. Approval to Receive and Place on File:
 - 1. Community Development Building Permits for November 2004
 - 2. Community Development Cash Receipts for November 2004
 - 3. Community Development Report
 - 4. Monthly Investment Report for period ending for October 31, 2004
- B. Approval of Water & Sewer Disbursements for November 2004 - \$779,275.73
- C. Approval of Bills Payable for November 2004 - \$658,778.13
- D. Approval of Payroll for period ending November 27, 2004 - \$302,140.21

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

2nd READING

ORDINANCE #2004-56

AN ORDINANCE CHAPTER 290 (COMPENSATION AND BENEFITS) REGARDING CODE/NUISANCE INSPECTOR OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of November 15, 2004, when it was moved by Alderman Gaulrapp, seconded by Aldermoman Bender for approval. On the roll call of yeas and nays, Aldermen Varner, Clark, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-67

AN ORDINANCE TO ADOPT SCHEDULE OF AMBULANCE OF RATES IN ACCORDANCE WITH SECTION 242.46 OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of November 15, 2004, when it was moved by Aldermoman Bender, seconded by Aldermoman O'Neill for approval. On the roll call of yeas and nays, Aldermen Varner, Clark, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2004-69

AN ORDINANCE REPEALING AND REPLACING SECTION 440.05 (TOY VEHICLES ON ROADWAYS) AND SECTION 440.06 (RIDING SKATEBOARDS ON SIDEWALKS) OF CHAPTER 440, OBSTRUCTIONS AND SPECIAL USES OF PUBLIC WAYS, OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of November 15, 2004, when it was moved by Aldermoman Bender, seconded by Alderman Varner for approval. On the roll call of yeas and nays, Aldermen Varner, Clark, O'Neill, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

APPOINTMENT

Effective immediately, Mayor Gitz, hereby appoints Shelly Griswold as Alderman for the 5th Ward for the City of Freeport. Ms. Griswold will fill the vacancy created by the resignation of James Dawson.

Alderwoman Bender asked if all candidates were interviewed. Mayor Gitz stated that all candidates were interviewed except one due to a scheduling conflict. Alderwoman Bender responded that all candidates should have been interviewed.

Alderman Wright moved, seconded by Alderwoman O'Neill to accept this appointment. On the roll call of yeas and nays, Aldermen Varner, O'Neill, Wright, Gaulrapp, and Bender voted yea. Alderman Clark abstained. There were five yeas and one abstention. The motion carried.

Ms. Griswold was then sworn in as alderman by City Clerk Latacia Ishmon.

1st READING

ORDINANCE #2004-70

AN ORDINANCE OF THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING, SERIES 2004, AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005, PROVIDING THE DETAILS OF SUCH BONDS AND FOR A LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

Alderman Clark moved, seconded by Alderman Wright for approval of this ordinance. Alderman Clark moved, seconded by Alderman Wright to suspend the rules for immediate consideration. On the roll call of yeas and nays to suspend the rules, Aldermen Varner, Clark, Griswold, O'Neill, Wright, and Gaulrapp voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The motion carried.

On the roll call of yeas and nays to approve this ordinance, Aldermen Varner, Clark, Griswold, O'Neill, Wright, and Gaulrapp voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The motion carried.

RESOLUTION #R-2004-83

RESOLUTION AUTHORIZING THE EXECUTION OF DOCUMENTS AND INSTRUMENTS NECESSARY OR CONVENIENT TO CARRY OUT THE RESTRUCTURING TRANSACTION REGARDING THE GENERAL OBLIGATION FUNDING, SERIES 2004 AND GENERAL OBLIGATION REFUNDING BONDS, SERIES 2005

WHEREAS, the City of Freeport, Illinois (the "City"), is a municipality and a home rule unit of government, duly organized and validly existing under the laws and Constitution of the State of Illinois; and

WHEREAS, the Corporate Authorities have determined, in Ordinance No. 2004-70, that it is in the best interests of the City that General Obligation Refunding Bonds, Series 2004 (the "Series 2004 Bonds"), and General Obligation Refunding Bonds, Series 2005 (the "Series 2005 Bonds") be issued to refinance the General Obligation Series 2000 Bonds; and

WHEREAS, the Corporate Authorities have determined to undertake this restructuring only if certain minimum standards are met; and

WHEREAS, the Corporate Authorities have determined to limit authorization for the undertaking of such a transaction and the execution and delivery of related documents and the taking of such actions as may be necessary or convenient to further carry out the purposes of the Resolution, under these certain minimum standards.

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

Section 1. Approval of Restructuring Transaction. That the City hereby approves the issuance of not less than \$6,000,000.00 of the General Obligation Refunding Bond, Series 2004, only to be issued if the net present value of the total savings is equal to or more than 3% of the bonds issued and the issuance of not less than \$3,000,000.00 of the

General Obligation Refunding Bond, Series 2005, only to be issued if the net present value of the total savings is equal to or more than 3% of the bonds issued.

Section 2. Power to Approve Form of Transaction and Related Documents. That the Mayor of the City is authorized to approve the form of the restructuring transaction and the forms of documents (including any amendments) as may be necessary or convenient to carry out or assist in carrying out a restructuring transaction described in Section 1.

Section 3. Execution and Delivery of Documents. That the Mayor of the City and the City Clerk of the City (collectively, the "Authorized Signatories") are hereby authorized to execute and attest such documents (including but not limited to indenture amendments), agreements, assignments, certificates, contracts, instruments, releases, financing statements, letters of instruction, written requests and other papers, whether or not mentioned herein, as may be necessary or convenient to carry out or assist in carrying out the purposes of this Resolution.

Section 4. Effective Date. That this Resolution shall be in full force and effect from and upon its adoption.

Section 5. Severability. That if any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall no affect any of the remaining provisions of this Resolution.

Alderman Clark, Finance Chair, stated that the committee held a meeting on November 29, 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 Varner, Clark, Griswold, O'Neill, Wright, and Gaulrapp voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The resolution was adopted.

RESOLUTION #R-2004-84

RESOLUTION TO AUTHORIZE EXTENSION OF LOAN WITH MIDWEST BANK IN RELATION TO AIRPORT HANGERS AND HVAC SYSTEM

WHEREAS, on November 6, 2001, the City of Freeport entered into a loan agreement with Midwest Bank in the amount of \$1,193,789.57 for the purposes of hangars at the Freeport Albertus Airport and the HVAC system at City Hall; and

WHEREAS, such loan agreement had fixed interest for a period of 3 years which has now expired; and

WHEREAS, the principal amount due is currently \$888,249.24; and

WHEREAS, the City is interested in entering into an agreement to reset the interest rate at 3.92% fixed for 7 years.

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 loan documents with Midwest Bank in the principal amount of \$888,249.24 with a fixed interest rate for 7 years of 3.92%.

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 Clark, Finance Chair, stated that the committee held a meeting on November 29, 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 Varner, Clark, Griswold, O'Neill, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

EXECUTIVE SESSION

Alderman Clark moved, seconded by Alderwoman Bender to go into executive session pursuant to 5 ILCS 120/2 (c)(1) in order to discuss personnel. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

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

RESOLUTION #R-2004-85

RESOLUTION AUTORIZING AGREEMENT FOR SEPARATION WITH REGGIE TAYLOR

WHEREAS, on November 1, 2004, Raymond Miller was appointed as Community Development Director for the City of Freeport; and

WHEREAS, Reggie A. Taylor, who had been acting as interim Community Development Director has left employment with the City; and

WHEREAS, the City of Freeport seeks to transition Mr. Taylor into further career opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT AS FOLLOWS:

Section 1. That the Mayor of the City of Freeport is hereby authorized to negotiate an agreement with Reggie A. Taylor resolving all issues between Mr. Taylor and the City of Freeport.

Section 2. That the Mayor is authorized to sign any documents to effectuate such agreement.

Section 3. That this Resolution shall be in full force and effect from the date of its passage and approval in the manner provided by law.

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

RESOLUTION #R-2004-86

AN INDUCEMENT/REIMBURSEMENT RESOLUTION OF THE CITY OF FREEPORT, ILLINOIS IN CONNECTION WITH INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR A SENIOR HOUSING PROJECT

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

APPOINTMENT

Effective immediately, Mayor Gitz hereby appoints John Ginger to the Airport Commission. This appointment shall be effective until November 30, 2009.

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

REAPPOINTMENT

Effective immediately, Mayor Gitz hereby appoints Laurence Gebler to the Airport Commission. This appointment shall be effective until November 30, 2009. Alderwoman Bender moved, seconded by Alderwoman O'Neill to accept this appointment. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

APPOINTMENT

Effective immediately, Mayor Gitz hereby appoints Shawn Shianna, M.D. to the Library Board. This appointment shall be effective until May 31, 2007. Alderwoman Bender moved, seconded by Alderman Varner to accept this appointment. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, O'Neill, Wright, Gaulrapp, and Bender voted yea. The motion carried.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the next meeting would be December 13, 2004, at 5:30pm, in City Council Chambers.

MAYOR'S REPORT

The mayor then discussed the following items:

- Phase I Environmental for Taylor Park area
- Update on Stephenson Street Gas Station
- CMC Heartland annexation
- Possible retail development
- Revolving Loan fund approval for downtown store

NEW BUSINESS

Alderman Clark referred to the Executive Committee the Ethics ordinance.

PUBLIC COMMENTS

Richard Kort welcomed Shelly Griswold to the council.

DeEsta Munz encouraged the council to restore the Germania Club and shared her displeasure with the relocation of the Chamber of Commerce.

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

LATACIA M. ISHMON, CMC