

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
APRIL 4, 2005 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, Griswold, Boldt, Wright, Gaulrapp, and Bender.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Alderwoman Bender moved, seconded by Alderwoman Griswold to approve the agenda. The motion carried.

APPROVAL OF MINUTES

The Journal of the Minutes of the special meeting held on March 21, 2005 was presented for approval. Alderwoman Bender moved, seconded by Alderwoman Griswold 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 Cash Receipts for March 2005
 - 2. Community Development Building Permits for March 2005
 - 3. Community Development Report
 - 4. City of Freeport Audit for the 2003-04 Fiscal Year
- B. Approval of Water & Sewer Disbursements for March 2005 - \$430,987.30
- C. Approval of Bills Payable for March 2005-\$188,389.73
- D. Approval of Payroll for period ending March 25, 2005 - \$311,077.81

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

2nd READING

ORDINANCE #2005-08

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (AMENDMENT OF ZONING, STEPHENSON COUNTY HIGHWAY BUILDING)

This ordinance was laid over from the meeting of March 21, 2005, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. Alderman Clark moved, seconded by Alderman Gaulrapp to defer this ordinance back to the Community Development Committee in order to consider the zoning. The motion carried.

2nd READING

ORDINANCE #2005-09

AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT ANNEXING CERTAIN PROPERTY TO THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, ASSIGNING A ZONING CLASSIFICATION AND ASSIGNING AN ELECTION WARD TO THE PROPERTY (TRI COUNTY CHRISTIAN SCHOOL)

This ordinance was laid over from the meeting of March 21, 2005, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2005-10

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

This ordinance was laid over from the meeting of March 21, 2005, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2005-11

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 March 21, 2005, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender for approval. Alderman Wright suggested that this ordinance be considered after Resolution #R-2005-09. The Chair agreed.

2nd READING

ORDINANCE #2005-12

AN ORDINANCE AMENDING CHAPTER 480 OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of March 21, 2005, when it was moved by Alderman Boldt, seconded by Alderman Varner for approval. Alderman Boldt moved, seconded by Alderwoman Bender to amend this ordinance by not adding additional spaces 15-minute parking spaces in block 47 and block 55 and to only add the 30-minute parking zone section. The motion carried. On the roll call of yeas and nays to approve this ordinance, Alderman Varner, Clark, Griswold, Bolt, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

1st READING

ORDINANCE #2005-13

AN ORDINANCE TO AMEND AND ADJUST THE 2004-2005 APPROPRIATION ORDINANCE

Alderman Clark, Finance Chair, stated that the committee held a meeting on March 28, 2005. The committee recommended council approval subject to management clearing up errors and Alderman Clark so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

1st READING

ORDINANCE #2005-14

AN ORDINANCE AMENDING CHAPTER 844 OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This is a housekeeping ordinance requested by the City Clerk to bring renewal dates for Coin Operated Machine Licenses in line with other annual fees. 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.

APPOINTMENT

Effective immediately, Mayor Gitz hereby appoints Patrick McDermott to the Enterprise Zone Committee pursuant to the recently enacted Enterprise Zone reorganization. This appointment shall be effective until October 1, 2007.

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

RESOLUTION #R-2005-08

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

Alderman Clark moved, seconded by Alderwoman Bender that this resolution be referred back to Community Development Committee in order to consider the correct zoning. The motion carried.

RESOLUTION #R-2005-09

RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FREEPORT, AND THE COUNTY OF STEPHENSON, ILLINOIS

WHEREAS, on January 12, 2005, Stephenson County adopted Resolutions 05011084 and 05011085, which, among other matters, authorize the County to undertake a feasibility study to determine whether certain real estate located within the County, known as the Mill Race Crossing Project Area, will qualify as an economic development project area; and

WHEREAS, pursuant to the provisions of P.A. 93/959 amending Section 4 of the Act, before establishment of an economic development project area by County, County and City are required to enter into an intergovernmental agreement setting forth the agreements of the parties regarding certain conditions of the proposed economic development project area; and

WHEREAS, it is the intention and desire of the parties that this agreement constitute the intergovernmental agreement required by the Act; and

WHEREAS, the parties further intend and desire to set forth a framework for cooperation in respect of analyzing and planning for economic development projects in addition to those contemplated as of the date of this Agreement and the possible future amendment of the economic development project area to include additional territory as permitted by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor of the City of Freeport is authorized to execute an Intergovernmental Agreement between the City of Freeport and Stephenson as set forth herein and attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect immediately upon its adoption.

BE IT FURTHER RESOLVED that the City Clerk shall transmit an originally executed Agreement to Stephenson County and shall keep an originally executed Agreement in the City file.

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 Gaulrapp, Chair, stated that the committee voted unanimously to adopt this resolution and Alderman Gaulrapp so moved, seconded by Alderwoman Griswold.

There was leave granted to direct questions to Economic Development Director, Bob Skurla. He then answered all questions of the council. On the roll call of yeas and nays to adopt this resolution, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

Alderman Wright questioned the order in which ordinances and resolutions are approved for enterprise zone expansion. He then moved to reconsider. On the roll call of yeas and nay, Aldermen Clark, Boldt, Wright, and Bender voted yea. Aldermen Varner, Griswold, and Gaulrapp voted nay. The motion failed.

2nd READING

ORDINANCE #2005-11

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

On the roll call of yeas and nays to approve this ordinance, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The ordinance was approved.

RESOLUTION #R-2005-12

RESOLUTION TO AUTHORIZE JANE ADDAMS TRAIL JULY 1 – JUNE 30, 2004-05; 2005-06; 2006-07 THREE YEAR OPEATING BUDGET

WHEREAS, an Intergovernmental Agreement establishing the Jane Addams Trail Commission for the development and operation of the Trail has been approved and entered into by the City of Freeport, Stephenson County, the Freeport Park District, and the Village of Orangeville; and

WHEREAS, The City of Freeport is a Member of and sends representatives to the Jane Addams Trail Commission; and

WHEREAS, said Intergovernmental Agreement provides for the establishment of a Three-Year Budget for the operation of the Trail; and

WHEREAS, the Jane Addams Trail Commission has developed an Operating Budget for the Jane Addams Trail for the three-year fiscal period, July 1 to June 30 for FY 2004-05, 2005-06, and 2006-07; and

WHEREAS, the Jane Addams Trail Commission has submitted the FY 2004-05, 2005-06, and 2006-07 Operating Budget for the Jane Addams Trail to each of the governmental units represented on the commission for review and adoption; and

WHEREAS, the Public Works Committee of this City Council has reviewed said Operating Budget and has recommended adoption.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS hereby adopts the 2004-05, 2005-06, and 2006-07 three-year Operating Budget for the Jane Addams Trail.

The full council did not review the budget, therefore this resolution was laid over to the next regular meeting

There was leave granted to consider Resolutions #R-2005-13 - #R-2005-16 in one motion:

RESOLUTION #R-2005-13

RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR ANNUAL MEMORIAL DAY PARADE

WHEREAS, on May 30, 2005, the Allied Veterans Council is sponsoring its Annual Memorial Day 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: Locust from Main to Stephenson; Stephenson from Locust to State; State from Stephenson to Main; and Main from State to Locust; 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 Allied Veterans Council 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 Galena (Route 20) from East Main to West Stephenson 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 9:00 a.m. to 12:00 Noon on Monday, May 30, 2005;
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 Allied Veterans Council 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 Allied Veterans Council 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.

RESOLUTION #R-2005-14

RESOLUTION TO CO-SPONSOR MEMORIAL DAY PARADE WITH VETERANS COUNCIL AND FREEPORT SESQUICENTENNIAL COMMITTEE

WHEREAS, the Allied Veterans Council and Freeport Sesquicentennial Committee have applied for a special event permit for its event "Let Freedom Ring on Freeport's 150th Anniversary"; and

WHEREAS, the Allied Veterans Council and Freeport Sesquicentennial Committee have requested that the City of Freeport co-sponsor this event; and

WHEREAS, the annual parade is scheduled for Monday, May 30, 2005 from 9:00 a.m. to 12:00 p.m., and will be located in downtown Freeport; and

WHEREAS, Let Freedom Ring on Freeport's 150th Anniversary is expected to be a successful community-wide event; and

WHEREAS, the City Council finds that co-sponsoring this event will be of significant benefit to the Freeport community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the City of Freeport hereby agrees to co-sponsor this event, Let Freedom Ring on Freeport's 150th Anniversary.

RESOLUTION #R-2005-15

RESOLUTION TO CO-SPONSOR MARTIN LUTHER KING CENTER'S PARADE

WHEREAS, the Martin Luther King Center has applied for a special event permit for its event "MLK Children's Parade"; and

WHEREAS, the Martin Luther King Center has requested that the City of Freeport co-sponsor this event; and

WHEREAS, the children's parade is scheduled for Saturday, April 9, 2005 from 10:00 a.m. to 12:00 p.m., and will be located in downtown Freeport; and

WHEREAS, the MLK Children's Parade is expected to be a successful community-wide event; and

WHEREAS, the City Council finds that co-sponsoring this event will be of significant benefit to the Freeport community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the City of Freeport hereby agrees to co-sponsor this event, MLK Children's Parade.

RESOLUTION #R-2005-16

RESOLUTION TO CO-SPONSOR ON CHICAGO EVENTS WITH FREEPORT DOWNTOWN DEVELOPMENT FOUNDATION

WHEREAS, the Freeport Downtown Development Foundation has applied for a special events permit for its "On Chicago" music series; and

WHEREAS, the Freeport Downtown Development Foundation has requested that the City of Freeport co-sponsor this event; and

WHEREAS, the “On Chicago” series are music events scheduled for five Fridays during the summer of 2005 (May 13; June 10; July 8; August 12; September 9) and will be located on Chicago Ave. between Stephenson St. and Main St.; and

WHEREAS, “On Chicago” is expected to be a successful series of events which will assist the Freeport Downtown Development Foundation in its efforts to benefit the community; and

WHEREAS, the City Council finds that co-sponsoring “On Chicago” will be of significant benefit to the Freeport community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the City of Freeport hereby agrees to co-sponsor this event, “On Chicago”.

Alderman Clark moved, seconded by Alderman Varner to approve Resolutions #R-2005-13-#R-2005-16. On the roll call of yeas and nays to adopt these resolutions, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The motion carried.

RESOLUTION #R-2005-17

RESOLUTION TO AUTHORIZE ALLEY REPAIR AND POTHOLE PATCHING PROGRAM

WHEREAS, Freeport has more than nine miles of publicly used alleyways, many of which are in a state of disrepair and disintegration; and

WHEREAS, there is no program in place to ensure the condition and repair of those alleyways; and

WHEREAS, the deterioration and decay of these alleyways and the rebuilding of the City’s infrastructure would be greatly enhanced with a specific program in place to address such needs; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interests of the health, safety and welfare of Freeport to adopt such a program.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it does hereby approve Exhibit A to this Resolution, and further hereby authorizes the Mayor, the City Clerk and other City officials and employees, as may be necessary, to execute the provisions of this Resolution and create any other documents that prove necessary to implement the attached Exhibit A and this Resolution.

BE IT FURTHER RESOLVED that 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 effect until its amendment or revocation, in whole or in part, by a subsequent ordinance or resolution of this City Council; and

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 Boldt, Public Works Chair, stated that the committee held a special meeting on April 4, 2005. This program is being put in place for the specific purpose of repairing deteriorating alley. Motor Fuel Tax monies will fund the program. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderman Varner. On the roll call of yeas and nays, Aldermen Varner, Clark, Griswold, Boldt, Wright, Gaulrapp, and Bender voted yea. The resolution was adopted.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated the committee would be having a joint meeting with the Planning Commission regarding the Land Use Plan on April 7, 2005, at 6:30pm, in City Council Chambers.

POLICE DEPARTMENT

Chief Whitmore reminded the public about the Noise ordinance. He also cautioned parents to be aware of where children are riding their bikes.

FIRE DEPARTMENT

Chief Blackbourn reminded the public to change all smoke detector batteries.

MAYOR'S REPORT

The mayor then discussed the following items:

- Water & Sewer Projects
- Purpose of Intergovernmental Agreement
- Transitional issues

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:30pm.

LATACIA M. ISHMON, CMC