

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
SEPTEMBER 19, 2005 AT 7:00PM
CITY COUNCIL CHAMBERS

QUORUM

At 7:00pm, a quorum being present, Mayor Gaulrapp called the meeting to order.

RECORD

Present were Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress. Absent were Alderman Varner and Toepfer.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Alderwoman Bender moved, seconded by Alderwoman O'Neill to approve the agenda. The motion carried.

PUBLIC COMMENTS

Harvey Grimes, Steve Barr, Dennis Jarrad spoke against increasing the hours of sale of liquor on Sundays. Barry Hudson spoke in support of increased hours.

PRESENTATIONS

Dr. Ron Fields gave a presentation on the Big Brothers/Big Sisters Program.

APPROVAL OF MINUTES

The Journal of the Minutes of the special meeting held on August 15, 2005 was presented for approval. Alderwoman Bender moved, seconded by Alderman Endress to approve the minutes. The motion carried.

CONSENT AGENDA

Approval to Receive and Place on File:

- A. Approval to Receive and Place on File:
 - 1. Fire Department Activities for August 2005
 - 2. Police Department Activities for August 2005
 - 3. Zoning Board of Appeals Reports
 - 4. Planning Commission Report
- B. Approval of Water & Sewer Disbursements for September 2005 - \$221,237.08
- C. Approval of Bills Payable for September 2005 -\$464,586.46
- D. Approval of Payroll for period ending September 3, 2005 - \$315,285.17

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

2nd READING

ORDINANCE #2005-47

AN ORDINANCE TO AMEND AND ADJUST THE 2005-2006 APPROPRIATION ORDINANCE

This ordinance was laid over from the meeting of September 6, 2005, when it was moved by Alderman Boldt, seconded by Alderwoman Bender for approval. On the roll call of yeas and

nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The ordinance was adopted.

1ST READING

ORDINANCE #2005-48

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 1027 W Lincoln Blvd)

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to concur with the denial recommendation of the Zoning Board of Appeals and Alderman Klemm so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-49

AN ORDINANCE AMENDING CHAPTER 608 (ALCOHOLIC LIQUOR) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted to approve this ordinance and Alderman Klemm so moved, seconded by Alderman Endress.

Alderwoman Bender moved, seconded by Alderman Klemm to amend the hours of closing on Sundays to 9:30 p.m. On the roll call of yeas, Aldermen Klemm, Bender, and Endress voted yea. Aldermen O'Neill, Wright voted nay. Alderman Boldt abstained. There were three yeas, two nays, and one abstention. The motion failed.

Alderman Wright moved, seconded by Alderman O'Neill to amend the hours of sale of liquor on Sundays for on site consumption from 12 noon to 11:00 p.m. and off premise consumption from 12 noon to 9:30 p.m. On the roll call of yeas and nays, Aldermen O'Neill and Wright voted yea. Aldermen Klemm, Bender, and Endress voted nay. Alderman Boldt abstained. There were two yeas, three nays, and one abstention. The motion failed.

Alderman Wright moved, seconded by Alderwoman O'Neill to suspend the rules for immediate consideration. Alderman O'Neill and Wright voted yea. Alderman Klemm, Bender, and Endress voted nay. Alderman Boldt voted nay. There were two yeas, three nays, and one abstention.

This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-50

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 1276 W Stover)

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to concur with the approval recommendation from the Zoning Board of Appeals and Alderman Klemm so moved, seconded by Alderman Endress. On the roll call of yeas and nays, Alderman O'Neill, Wright, Klemm, Bender, and Endress voted yea. The ordinance was approved.

1ST READING

ORDINANCE #2005-51

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 439 W Dewey St)

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to concur with the approval recommendation (with conditions) from the Zoning Board of Appeals and Alderman Klemm so moved, seconded by Alderman Endress. On the roll call of yeas and nays, Alderman O'Neill, Wright, Klemm, Bender, and Endress voted yea. The ordinance was approved.

1ST READING

ORDINANCE #2005-52

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (404 W Homer)

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to concur with the denial recommendation from the Zoning Board of Appeals. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-53

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Special Use Permit, 1220 W Galena Ave)

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The Community Development Committee voted unanimously to concur with the approval recommendation from the Zoning Board of Appeals and Alderman Klemm so moved, seconded by Alderman Endress. Alderman Bender questioned the proximity of the locations to churches and parks. Corporation Counsel explained that the Police Department would verify if the establishment is 1,000 feet from a church or school. She stated that the council is to consider the Special Use Permit only. On the roll call of yeas and nays, Alderman Boldt, Klemm, and Endress voted yea. Aldermen O'Neill, Wright, and Bender voted nay. There were three yeas and three nays. The motion failed.

1ST READING

ORDINANCE #2005-54

AN ORDINANCE GRANTING A VARIANCE TO CHAPTER 692, SECTION 692.01 (DISCHARGING FIREARMS AND OTHER WEAPONS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderwoman O'Neill, Public Works Chair, stated that the committee held a meeting on September 19, 2005. The committee voted unanimously to approve this ordinance and Alderwoman O'Neill so moved, seconded by Alderman Wright for approval.

Alderman Klemm moved, seconded by Alderman Boldt to suspend the rules for immediate consideration. On the roll call of yeas and nays to suspend the rules, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The motion carried.

On the roll call of yeas and nays to approve this ordinance, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The ordinance was approved.

APPOINTMENT

Effective immediately, Mayor Gaulrapp hereby appoints Ronald Jeffrey to the Planning Commission. This appointment shall be effective until October 31, 2009.

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

APPOINTMENT

Effective immediately, Mayor Gaulrapp hereby appoints William Smull to the Board of Commissioners of the Housing Authority of the City of Freeport. Mr. Smull will be replacing Mark McLeRoy who has resigned his position. This appointment will expire on October 31, 2008.

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

APPOINTMENTS

There was leave granted to consider the Americans with Disabilities Act Compliance Commission appointees with one vote. Effective immediately, Mayor Gaulrapp hereby appoints Jackie Nieman, Connie Kraft, Linda O'Neill, Dr. John Barrett, Grace Irene Meyers, Barbara Carlisle, and Kay Woods to this commission.

Alderman Klemm moved, seconded by Alderwoman Bender to accept these appointments.

RESOLUTION #R-2005-58

RESOLUTION NAMING A PREFERRED DEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF FREEPORT, ILLINOIS (EASTGATE HOUSING DEVELOPMENT PROJECT)

WHEREAS, on February 2, 2004 the City Council of the City of Freeport, passed an Inducement Resolution for the creation of a TIF District to be known as the Eastgate Housing Development Project, under the Tax Increment Financing Laws of the State of Illinois; and

WHEREAS, the City of Freeport, in conjunction with the Freeport Area Economic Development Foundation ("FAEDF") sent out Request for Proposals to determine interest in such a development project; and

WHEREAS, pursuant to the Requests for Proposals, a project review team was set up consisting of the Mayor Gaulrapp, Tom Klemm, representing the City Council as Chair of the Community Development Committee, Bob Skurla representing the Freeport Area Economic Development Foundation, Corporation Counsel, Sarah Griffin, and Public Works Director, Craig LeBaron; and

WHEREAS, Lakeshore Investors LLC responded to the Request for Proposals showing they have over forty (40) years combined experience in the Midwest Real Estate market, with a concentration in northern Illinois; and

WHEREAS, the project review team recommends Lakeshore Investors, Inc. as the preferred developer.

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 name Lakeshore Investors as the preferred developer of the Eastgate Housing Development Project, if and when such a project is created pursuant to a Tax Increment Financing District; and hereby grant such preferred developer exclusivity for a period of one hundred-eighty (180) days from the effective date of this ordinance to develop a project proposal to present to City Council.

Section 3. The City Council finds that costs incurred from the passage of this Resolution in relation to this project or the redevelopment agreement will be recoverable through the Redevelopment Agreement if so agreed to between the parties and recoverable under applicable law.

Section 4. That this Resolution is a declaration of official intent under Treas. Reg. 1.150-2 and under the Illinois Tax Increment Allocation Redevelopment Act, as amended.

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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Alderman Boldt.

Alderman Klemm moved, seconded by Alderman Endress to amend this resolution to grant the developer exclusivity for period of 180 days. On the roll call of yeas and nays to approve the amendment, Aldermen Boldt, O'Neill, Wright, Klemm, and Endress voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The resolution was adopted.

On the roll call of yeas and nays to adopt this resolution, Aldermen Boldt, O'Neill, Wright, Klemm, and Endress voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The resolution was adopted.

RESOLUTION #R-2005-59

RESOLUTION NAMING A PREFERRED DEVELOPER FOR THE REDEVELOPMENT OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF FREEPORT, ILLINOIS (RAWLEIGH COMPLEX)

WHEREAS, on in 1994 the City Council of the City of Freeport, created a Tax Increment Financing ("TIF") District known as the Downtown TIF District; and

WHEREAS, the City of Freeport, in conjunction with the Freeport Area Economic Development Foundation (“FAEDF”) sent out Request for Proposals to determine interest in such a development project; and

WHEREAS, pursuant to the Requests for Proposals, a project review team was set up consisting of the Mayor Gaulrapp, Tom Klemm, representing the City Council as Chair of the Community Development Committee, Bob Skurla representing the Freeport Area Economic Development Foundation, Matt Arn, representing Freeport Downtown Development Foundation, Corporation Counsel, Sarah Griffin, and Public Works Director, Craig LeBaron; and

WHEREAS, Lakeshore Investors LLC responded to the Request for Proposals showing they have over forty (40) years combined experience in the Midwest Real Estate market, with a concentration in northern Illinois; and

WHEREAS, the project review team recommends Lakeshore Investors, Inc. as the preferred developer.

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 name Lakeshore Investors as the preferred developer of the Rawleigh Complex, if and when such a project is created pursuant to a Tax Increment Financing District; and hereby grant such preferred developer exclusivity for a period of one hundred-twenty (120) days from the effective date of this ordinance to develop a project proposal to present to City Council.

Section 3. The City Council finds that costs incurred from the passage of this Resolution in relation to this project or the redevelopment agreement will be recoverable through the Redevelopment Agreement if so agreed to between the parties and recoverable under applicable law.

Section 4. That this Resolution is a declaration of official intent under Treas. Reg. 1.150-2 and under the Illinois Tax Increment Allocation Redevelopment Act, as amended.

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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Alderman Wright.

Alderman Klemm moved, seconded by Alderman Endress to amend this resolution to grant the developer exclusivity for period of 120 days. On the roll call of yeas and nays to approve the amendment, Aldermen Boldt, O’Neill, Wright, Klemm, and Endress voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The resolution was adopted.

On the roll call of yeas and nays to adopt this resolution, Aldermen Boldt, O'Neill, Wright, Klemm, and Endress voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The resolution was adopted.

RESOLUTION #R-2005-60

RESOLUTION TO APPROVE THE PRELIMINARY PLAT FOR SHOPKO SUBDIVISION

WHEREAS, Section 1224.03 of Chapter 1224 (Subdivision Regulations) of the Codified Ordinances of the City of Freeport and Section 205/2 of the Illinois Plat Act (765 ILCS 205/2) and Section 5/11-15-1 of the Illinois Municipal Code (65 ILCS 5/11-15/1) all authorize a city council to approve preliminary and final plats for all subdivisions located inside of the corporate boundaries of the city or within one-and-a-half miles outside of the corporate boundaries of the city; and

WHEREAS, at a meeting held on September 8, 2005, and subsequent to a public hearing, the Freeport Planning Commission by a majority vote recommended that this City Council approve the Preliminary Plat for Shopko Subdivision, which is located within the city limits of the City of Freeport, Illinois.

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

Section 1: That the Preliminary Plat for Shopko Subdivision, a copy of which is attached hereto and made part hereof and marked as "Exhibit A", is hereby accepted.

Section 2: That this approval is tentative only, involving merely the general acceptability of the layout as submitted, and shall be valid for a maximum period of one (1) year, unless the developer applies for, and this City Council grants, an extension thereof.

Section 3: This Resolution shall be effective immediately upon its passage by the City Council and its approval by the Mayor.

Section 4: 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

Section 5: That all Resolutions or motions or parts of resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 6: 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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Boldt. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The resolution was adopted.

RESOLUTION #R-2005-61

RESOLUTION TO APPROVE FINAL PLAT FOR SHOPKO SUBDIVISION

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 September 19, 2005, this City Council approved the preliminary plat for Shopko Subdivision, located within the city limits of City of Freeport, Illinois; and

WHEREAS, the final plat for said Shopko Subdivision, 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 8, 2005, and subsequent to a public hearing, the Freeport Planning Commission unanimously recommended that the City Council approve the final plat for Shopko Subdivision.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Final Plat for Shopko Subdivision as set forth in Exhibit A, is hereby approved pending final design and site location of utilities and compliance with Section 1224.10 of the Codified Ordinances of the City of Freeport regarding performance bonds.

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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Boldt. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yeas. The resolution was adopted.

RESOLUTION #R-2005-62

RESOLUTION TO APPROVE THE PRELIMINARY PLAT FOR PARK CREST SUBDIVISION

WHEREAS, Section 1224.03 of Chapter 1224 (Subdivision Regulations) of the Codified Ordinances of the City of Freeport and Section 205/2 of the Illinois Plat Act (765 ILCS 205/2) and Section 5/11-15-1 of the Illinois Municipal Code (65 ILCS 5/11-15/1) all authorize a city council to approve preliminary and final plats for all subdivisions located inside of the corporate boundaries of the city or within one-and-a-half miles outside of the corporate boundaries of the city; and

WHEREAS, at a meeting held on September 8, 2005, and subsequent to a public hearing, the Freeport Planning Commission by a majority vote recommended that this City Council approve the Preliminary Plat for Park Crest Subdivision, which is located within the city limits of the City of Freeport, Illinois.

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

Section 1: That the Preliminary Plat for Park Crest Subdivision, a copy of which is attached hereto and made part hereof and marked as "Exhibit A", is hereby accepted.

Section 2: That this approval is tentative only, involving merely the general acceptability of the layout as submitted, and shall be valid for a maximum period of one (1) year, unless the developer applies for, and this City Council grants, an extension thereof.

Section 3: This Resolution shall be effective immediately upon its passage by the City Council and its approval by the Mayor.

Section 4: 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

Section 5: That all Resolutions or motions or parts of resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 6: 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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Endress. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The resolution was adopted.

RESOLUTION #R-2005-63

RESOLUTION TO APPROVE FINAL PLAT FOR PARK CREST SUBDIVISION

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 September 19, 2005, this City Council approved the preliminary plat for Park Crest Subdivision, located within the city limits of City of Freeport, Illinois; and

WHEREAS, the final plat for said Park Crest Subdivision, 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 8, 2005, and subsequent to a public hearing, the Freeport Planning Commission unanimously recommended that the City Council approve the final plat for Park Crest Subdivision.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Final Plat for Park Crest Subdivision as set forth in Exhibit A, is hereby approved pending final design and site location of utilities and compliance with Section 1224.10 of the Codified Ordinances of the City of Freeport regarding performance bonds.

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 Klemm, Community Development Chair, stated that the committee held a meeting on September 12, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Endress. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The resolution was adopted.

There was leave granted to consider Resolutions #R-2005-64, 65, and 66 in one vote:

RESOLUTION #R-2005-64

RESOLUTION TO REDUCE THE PERFORMANCE BOND FOR INDIAN SPRINGS FOR PLAT 1

WHEREAS, Lynn Meyer, owner, presently has posted with the City of Freeport a performance bond in the amount of \$54,824.00 relating to the development of Indian Springs Subdivision Plat 1; and

WHEREAS, Lynn Meyer, owner, has requested a reduction in the amount of said performance bond posted with the City and attached as Exhibit A; and

WHEREAS, the Director of Public Works has reviewed and recommends approval of this request, as set forth in the report attached hereto as Exhibit B.

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

Section 1: The City of Freeport hereby releases to Lynn Meyer, owner, the amount of \$40,275.22 and hereby retains \$14,548.78 of the performance bond presently posted with the City of Freeport. The retained amount shall constitute a performance bond in the amount of \$14,548.78 for completion of sidewalks and to ensure proper construction in compliance with Section 1224.10 of the Codified Ordinances of the City of Freeport, Illinois.

Section 2: 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.

Section 3: 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.

Section 4: All Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 5: 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.

RESOLUTION #R-2005-65

RESOLUTION TO REDUCE THE PERFORMANCE BOND FOR INDIAN SPRINGS FOR PLAT 2

WHEREAS, Lynn Meyer, owner, presently has posted with the City of Freeport a performance bond in the amount of \$27,720.00 relating to the development of Indian Springs Subdivision Plat 2; and

WHEREAS, Lynn Meyer, owner, has requested a reduction in the amount of said performance bond posted with the City and attached as Exhibit A; and

WHEREAS, the Director of Public Works has reviewed and recommends approval of this request, as set forth in the report attached hereto as Exhibit B.

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

Section 1: The City of Freeport hereby releases to Lynn Meyer, owner, the amount of \$ 27,482.40 and hereby retains \$ 237.60 of the performance bond presently posted with the City of Freeport. The retained amount shall constitute a performance bond in the amount of \$ 237.60 for completion of sidewalks and street lights and to ensure proper construction in compliance with Section 1224.10 of the Codified Ordinances of the City of Freeport, Illinois.

Section 2: 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.

Section 3: 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.

Section 4: All Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 5: 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.

RESOLUTION #R-2005-66

RESOLUTION TO REDUCE THE PERFORMANCE BOND FOR INDIAN SPRINGS FOR PLAT 3

WHEREAS, Lynn Meyer, owner, presently has posted with the City of Freeport a performance bond in the amount of \$15,153.60 relating to the development of Indian Springs Subdivision Plat 3; and

WHEREAS, Lynn Meyer, owner, has requested a reduction in the amount of said performance bond posted with the City and attached as Exhibit A; and

WHEREAS, the Director of Public Works has reviewed and recommends approval of this request, as set forth in the report attached hereto as Exhibit B.

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

Section 1: The City of Freeport hereby releases to Lynn Meyer, owner, the amount of \$11,869.83 and hereby retains \$3,203.77 of the performance bond presently posted with the City of Freeport. The retained amount shall constitute a performance bond in the amount of \$3,203.77 for completion of sidewalks and street lights and to ensure proper construction in compliance with Section 1224.10 of the Codified Ordinances of the City of Freeport, Illinois.

Section 2: 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.

Section 3: 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.

Section 4: All Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Section 5: 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 O'Neill, Public Works Chair, stated that the committee held a meeting on September 19, 2005. The committee voted unanimously to adopt these resolutions and Alderwoman O'Neill so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The resolution was adopted.

COMMITTEE REPORTS

CONSIDERATION OF BIDS FOR SIDEWALK REMOVAL AND REPLACEMENT BIDS

Alderwoman O'Neill, Public Works Chair stated that the committee received and opened bids on September 13, 2005. Bids were received for sidewalk replacement, crushed agg., saw cutting, and sidewalk removal from Civil in the amount of \$121,355.00 Stenstrum in the amount of \$109,220.80, M&M in the amount of \$120,034.01, and Harn in the amount of \$99,972.10. Alderwoman O'Neill moved, seconded by Alderman Wright to approve the low bid from Harn Construction. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The motion carried.

Harn Construction was not the low bid for sidewalk removal, but the recommendation is being made to approve their bid of \$2 per square feet since they are doing the rest of the work. It is a possibility that the Street Department will be able to remove the sidewalk. Alderwoman O'Neill moved, seconded by Alderman Wright to accept the bid from Harn for sidewalk removal. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The motion carried.

CONSIDERATION OF DEMOLITION BIDS

Alderwoman O'Neill, Community Development Chair, stated that bids were received on September 19, 2005. The bids were as follows:

Address	Alber & Son Trucking	Go Excacating, Inc.
603 South Adams Ave	\$2,500.00	\$3,500.00
506-11 East Madison Street	\$2,650.00	\$3,500.00

The committee voted unanimously to approve the low bid from Alber & Son Trucking and Alderwoman O'Neill so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Boldt, O'Neill, Wright, Klemm, Bender, and Endress voted yea. The motion carried.

DEPARTMENT HEAD REPORTS

Community Development Director, Shelly Griswold, stated that there would a Group Work Camp held on June 18-24, 2005, which consists of 250-400 youth volunteers. They provide home repairs for the elderly or low income. Applications are available at Embury United Methodist Church. She also gave a quarterly report from the Airport Commission.

Police Chief Whitmore and Fire Chief Kevin Countryman thanked the police officers and firemen that have returned from New Orleans.

MAYOR'S REPORT

- Driver's License station will be relocated
- NHS building new home on Carroll Street
- Patriot Celebration on September 24, 2005
- Vision 2020

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:04 p.m.

LATACIA M. ISHMON, CMC