

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
November 7, 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 Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

Alderman Endress moved, seconded by Alderman Klemm to approve the agenda. The motion carried.

PUBLIC COMMENTS

Richard Kort spoke in support of the Flood Management Ordinance, but requested that it be laid over in order to obtain additional information.

John Cook spoke against increasing the levy for the Freeport Public Library.

Pat Leitzen Fye explained the ordinance and resolution for the expansion of the Enterprise Zone for Royster Clark.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting of October 17, 2005 was presented for approval. Alderman Endress moved, seconded by Alderwoman O'Neill 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. Treasurer's Monthly Investment Report for period ending September 30, 2005
 - 2. Planning Commission Report
 - 3. IDOT Motor Fuel Tax Audit for 2002-2004
 - 4. Community Development Building Permits for October 2005
 - 5. Community Development Cash Receipts
 - 6. Treasurer's Report for period ending September 30, 2005
 - 7. Fire Department Monthly Activity Report for October 2005
 - 8. Library Report for November 2005
- B. Approval of Water & Sewer Disbursements for October 2005 - \$283,126.03
- C. Approval of Bills Payable for October & November 2005 -\$708,510.11
- D. Approval of Payroll for period ending October 15, 2005 - \$319,850.77

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

2nd READING

ORDINANCE #2005-55

AN ORDINANCE AMENDING CHAPTER 1048 (SEWER RATES AND REVENUES) OF THE CODIFIED ORDINANCES

This ordinance was laid over from the meeting of October 3, 2005, when it was moved by Alderman Boldt, seconded by Alderman Endress for approval. There was leave to hear from Denise Blakely, from the Water & Sewer Department, who explained that the ordinance proposed is for a 22% increase in usage and that the base pay would remain the same.

Alderman Klemm moved, seconded by Alderman Endress to amend the ordinance to double the base pay and leave the usage as is. On the roll call of yeas and nays to accept the amendment. Aldermen Klemm, Threadgill, and Endress voted yea. Aldermen Bender, Toepfer, Boldt, and O'Neill voted nay. There were three yeas and four nays. The motion failed.

On the roll call of yeas and nays to approve this ordinance, Alderman Klemm, Toepfer, Endress, Boldt, and O'Neill voted yea. Aldermen Bender and Threadgill voted nay. There were five yeas and two nays. The ordinance was approved.

2nd READING

ORDINANCE #2005-56

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 757 N Hunt – Recommendation denial)

This ordinance was laid over from the meeting of October 17, 2005, when it was moved by Alderwoman Toepfer, seconded by Alderman Endress to concur with the denial recommendation of the Zoning Board of Appeals. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The motion carried.

2nd READING

ORDINANCE #2005-57

AN ORDINANCE AMENDING CHAPTER 280 (RESIDENTIAL HOUSING ADVISORY BOARD) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of October 17, 2005, when it was moved by Alderwoman Toepfer, seconded by Alderman Endress for approval. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2005-58

AN ORDINANCE AMENDING CHAPTER 1250 (RESIDENCE DISTRICTS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of October 17, 2005, when it was moved by Alderwoman Toepfer, seconded by Alderman Endress for approval. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The ordinance was approved.

1ST READING

ORDINANCE # 2005-59

AN ORDINANCE REPEALING AND REPLACING CHAPTER 1460 (FLOOD MANAGEMENT AREAS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Alderman Klemm moved, seconded by Alderman Endress that this ordinance be laid over to the next regular meeting. There will be a meeting on November 17, 2005 to provide further information on this ordinance.

2nd ORDINANCE

ORDINANCE #2005-60

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 17, 2005, when it was moved by Alderwoman O'Neill, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The ordinance was approved.

2nd ORDINANCE

ORDINANCE #2005-61

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 17, 2005, when it was moved by Alderwoman Toepfer, seconded by Alderman Endress for approval. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The ordinance was approved.

1st READING

ORDINANCE #2005-62

SPECIAL ORDINANCE FOR VARIATION, PERMIT, OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Amendment of Zoning, Barberry Circle)

Alderman Klemm, Community Development Chair, stated that the committee held a special meeting on November 7, 2005. The committee voted unanimously to approve this ordinance and Alderman Klemm so moved, seconded by Alderman Endress. Alderman Klemm moved, seconded by Alderman Endress to suspend the rules for immediate consideration. On the roll call of yeas and nays to suspend the rules, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The motion carried.

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

1st READING

ORDINANCE #2005-63

AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2005, AND ENDING APRIL 30, 2006 FOR THE CITY OF FREEPORT, COUNTY OF STEPHENSON AND STATE OF ILLINOIS

Alderman Boldt, Finance Chair, stated that the committee held a meeting on October 24, 2005. Three options for the City of Freeport tax levy were proposed by the Administration for 2005. The Mayor's proposal was to levy the same dollar amount as last year for a total amount of \$2,346,688, which would place \$939,609 for the Corporate Fund (equivalent to a 2.9% increase). The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-64

AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2005, AND ENDING APRIL 30, 2006 FOR THE PUBLIC LIBRARY OF THE CITY OF FREEPORT, COUNTY OF STEPHENSON, AND STATE OF ILLINOIS

Alderman Boldt, Finance Chair, stated that the committee held a meeting on October 24, 2005. The library presented their budget and proposed tax levy for 2005. The committee voted

unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderman Klemm. This ordinance was automatically laid over to the next regular meeting.

APPOINTMENT

Effective immediately, Mayor Gaulrapp hereby appoints Larry Williams to the Housing Authority Board. Mr. Williams shall replace Nickee Bender. This appointment shall be effective until October 31, 2010.

Alderman Klemm moved, seconded by Alderwoman Threadgill to accept this appointment. Alderwoman O'Neill moved, seconded by Alderman Endress that this appointment be laid over to the next regular meeting in order to review Mr. William's resume. On the roll call of yeas and nays to lay this appointment over, Aldermen Bender, Toepfer, Endress, Boldt, and O'Neill voted yea. Aldermen Klemm and Threadgill voted nay. There were five yeas and two nays. The motion carried.

REAPPOINTMENT

Effective immediately, Mayor Gaulrapp hereby reappoints Bill Worster to the Planning Commission. The appointment will expire October 31, 2009.

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

RESOLUTION #R-2005-67

RESOLUTION OF SUPPORT FOR COMMUNITY DEVELOPMENT ASSISTANCE PROGRAM (CDAP) HOUSING REHABILITATION GRANT

WHEREAS, the City of Freeport, is applying to the State of Illinois for a Community Development Assistance Program (CDAP) Housing Rehabilitation grant;

WHEREAS, it is necessary that an application be made and agreements be entered into with the State of Illinois; and

WHEREAS, receipt of CDAP grant assistance is essential to allow the City of Freeport to undertake the project to fund the rehabilitation of housing units for occupancy by elderly, low income and disabled individuals in the city's third ward.

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. That the City of Freeport apply for a grant under the terms and conditions of the State of Illinois and shall enter into and agree to the understandings and assurances contained in said application.

Section 3. That the Mayor and City Clerk on behalf of the City of Freeport execute such documents and all other documents necessary for the carrying out of said application and acceptance of said grant.

Section 4. That the Mayor and City Clerk are authorized to provide such additional information as may be required to accomplish the obtaining of such grant.

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.

RESOLUTION #R-2005-68

RESOLUTION AUTHORIZING THE EXECUTION OF THE IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

WHEREAS, the City Council of the City of Freeport, a member in good standing of the Illinois Municipal League Risk Management Association and party to the IMLRMA Intergovernmental Cooperation Contract, has been fully apprised of the IMLRMA Minimum/Maximum Contribution Agreement which amends and supplements the IMLRMA Declarations pages dated 12/31/2005 to 12/31/2006 and all endorsements thereto; and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to continue making its IMLRMA contribution in accordance with the IMLRMA Minimum/Maximum Contribution Agreement which increases the annual premium from \$355,785.08 to \$363,408.50 by 2.1% and is the minimum contribution the City of Freeport would pay for year 2006. Notably, the maximum contribution the City of Freeport would pay for year 2006 would be \$495,589.00 depending upon the claim experience for that year; and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to make its IMLRMA contribution payment by the early renewal deadline of November 18, 2005 which reduces the annual premium by an additional 2% (\$7,416.50); and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it does hereby authorize the Mayor to execute the IMLRMA Minimum/Maximum Contribution Agreement for a one (1) year period beginning 12/31/2005 and ending 12/31/2006; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage and approval.

BE IT FURTHER RESOLVED that the City Clerk be directed to send a certified copy of this resolution to the Illinois Municipal League Risk Management Association for implementation.

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.

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

Alderman Boldt, Finance Chair, stated that the committee held a meeting on October 24, 2005. The insurance options for renewal of the property casualty/workers compensation insurance for the calendar year 2006 were presented. The City has opted for the min/max option for the past 9 years and saved a total of over \$131,000, and that same option is the one recommended to the Committee by the Administration. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman Toepfer. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The resolution was adopted.

RESOLUTION #R-2005-69

RESOLUTION TO AUTHORZIE MAYOR TO SIGN IDOT FORM FOR VEHICLE DISPOSITION

WHEREAS, in 1991 the City of Freeport purchased a bus with State of Illinois grant funds through grant CAP91-380-ILL; and

WHEREAS, such bus was being used by the Senior Center; and

WHEREAS, in September 2005 the bus caught fire, resulting in a total loss of the vehicle; and

WHEREAS, pursuant to the grant terms, in order to properly dispose of the bus, IDOT requires the City Council to grant authorization to the Mayor to sign FORM F-1 declaring the status of the vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it does hereby authorize the Mayor to execute FORM F-1 and to deliver such form to the Program Manager of the Division of Public Transportation of the Illinois Department of Transportation.

Alderman Boldt, Finance Chair, stated that the committee held a meeting on October 24, 2005. A bus purchased with state grant funds in 1991 has caught fire and has been totaled. In accordance with the terms of the grant, a resolution must be approved by the City Council authorizing the Mayor to sign form F-1 to authorize disposal. Insurance did cover the loss, but the proceeds must be returned to IDOT who in turn will allow us to spend the money on 5311 expenditures. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderman Klemm. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The resolution was adopted.

RESOLUTION #R-2005-70

RESOLUTION TO COMMIT FUNDING FOR PECATONICA PRAIRIE PATH

Alderman Boldt, Finance Chair, stated that the committee held a meeting on October 24, 2005. Public Works Director, Craig LeBaron presented a resolution to commit funds to the Pecatonica Prairie Path. The City's obligation for one-third of the Stephenson County portion of the project will be 200,000 over the next 5 years at 40,000 per year. The other 2/3 will be split between the County and the Park District. The amount for this fiscal year has already been appropriated. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderman Klemm. On the roll call of yeas and nays to approve the ordinance, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The resolution was adopted.

RESOLUTION #R-2005-71

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 813 acres mol to the City of Freeport-Stephenson County Enterprise Zone; and

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

- A) Royster-Clark Nitrogen Corporation, in the construction of a facility for a coal gasification operation to produce anhydrous ammonia and diesel fuel at a cost of up to \$450 million with an initial job creation of 100 new permanent full-time jobs in addition to 1,200 temporary construction jobs. Royster Clark plant is located at 16675 Highway 20, Menominee Township in unincorporated Jo Daviess County; this project is an expansion (733.7 acres) of the existing facility.

- B) The annexation of a 5-acre farmette located at 3652 E. Lamm Road owned by Scott and Paula Jones. This parcel is completely surrounded by the Mill Race Industrial Park; annexation would incorporate this property into the whole development area.
- C) The annexation of 74.53 acres of residentially zoned property owned by Timothy and Sharon Streight located within the Village of Hanover, Illinois.

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 813 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", "Exhibit B", and "Exhibit C", 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.

This ordinance was laid over from the meeting of October 17, 2005, when it was moved by Alderwoman Toepfer, seconded by Alderman Endress for approval. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The ordinance was approved.

RESOLUTION #R-2005-72

RESOLUTION OF ACCEPTANCE OF FIREFIGHTERS GRANT PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY

WHEREAS, the City of Freeport Fire Department is currently using an obsolete Self-Contained Breathing Apparatus (SCBA) air compressor and cylinder filling station; and

WHEREAS, there is a significant safety factor when refilling SCBA cylinders and medical oxygen cylinders; and

WHEREAS, receipt of the Firefighters Grant Program of the Department of Homeland Security assistance in the amount of \$54,618, with a local match of \$6,069 is essential to allow the City of Freeport Fire Department to replace obsolete equipment to comply with NFPA (National Fire Protection Association) standards.

Alderwoman Bender, Public Safety Chair, stated that the committee held a meeting on November 7, 2005. The committee voted unanimously to adopt this resolution and Alderwoman Bender so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The resolution was adopted.

COMMITTEE REPORTS

Alderwoman O'Neill, Public Works Chair, stated that the committee received bids for canopy removal on August 15, 2005. The committee voted unanimously to accept the low bid from Civil Constructors in the amount of \$28, 1503.00 for the removal of canopy along Exchange Street between VanBuren and Chicago and Alderwoman O'Neill so moved, seconded by Alderwoman

Bender. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The motion carried.

Alderman Klemm, Community Development Chair, stated that the committee received bids for sanitary sewer service for the Transfer Station from Civil Constructors in the amount of \$23,962.00 and GO Excavating in the amount of \$19,806.00. The committee voted unanimously to accept the low bid from GO Excavating and Alderman Klemm so moved, seconded by Alderman Endress. On the roll call of yeas and nays, Aldermen Klemm, Bender, Threadgill, Toepfer, Endress, Boldt, and O'Neill voted yea. The motion carried.

MAYOR'S REPORT

- Airport Grant in the amount of \$873,000
- Applying for Brownfields Grant for CMC Heartland cleanup
- Rawleigh Complex meeting November 15, 2005 at 5:30 p.m. at library
- Executive Session Meeting November 10, 2005
- City Planning Meeting on December 1, 2005
- City Christmas Party December 2, 2005
- Update on transfer station

PUBLIC COMMENTS

John Cook spoke in reference to Ordinance #2004-53. He requested that the Executive committee review the actions of Corporation Counsel in regards to this ordinance.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:20 p.m.

LATACIA M. ISHMON, CMC