

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**November 21, 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 Bender, Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm.

**PLEDGE OF ALLEGIANCE**

At this time, the Pledge of Allegiance was led by Alderwoman Bender.

**APPROVAL OF THE AGENDA**

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

**PUBLIC COMMENTS**

Richard Kort spoke in support of the Flood Management Ordinance. Marianne Garvens stated that the council needed to receive more input from the public regarding the fence ordinance and more input from the landlords regarding the chronic nuisance ordinance. Robert Varner spoke in support of the appointment of Larry Williams to the Freeport Housing Authority.

**PROCLAMATION**

There was a proclamation for the Aquin High School football team, declaring November 25, 2005, as Blue and Gold Day.

**APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting of November 5, 2005, was presented for approval. Alderman Klemm moved, seconded by Alderwoman Toepfer to approve the minutes. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm voted yea. The motion carried.

**CONSENT AGENDA**

Approval to Receive and Place on File:

- A. Approval to Receive and Place on File:
  - 1. Treasurer's Report for ending October 31, 2005
  - 2. Police Department Activities for October 2005
- B. Approval of Water & Sewer Disbursements for November 2005 - \$246,639.98
- C. Approval of Bills Payable for November 2005 -\$432,200.58
- D. Approval of Payroll for period ending November 12, 2005 - \$315,194.94

Alderman Klemm moved, seconded by Alderwoman O'Neill for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm voted yea. The motion carried.

**2<sup>nd</sup> READING**

**ORDINANCE # 2005-59**

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

This ordinance was laid over from the meeting of November 5, 2005, when it was moved by Alderman Klemm, seconded by Alderman Endress for approval. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm. The ordinance was approved.

**2<sup>nd</sup> 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**

This ordinance was laid over from the meeting of November 5, 2005, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm voted yea. Alderman Bender voted nay. There were six yeas and one nay. The motion carried.

**2<sup>nd</sup> 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**

This ordinance was laid over from the meeting of November 5, 2005, when it was moved by Alderman Boldt, seconded by Alderman Klemm. On the roll call of yeas and nays, Aldermen Toepfer, Ender, Boldt, O'Neill, Boldt, and Klemm voted yea. Aldermen Bender and Threadgill voted nay. There were five yeas and two nays. The ordinance was approved.

**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.

This appointment was laid over from the meeting of November 5, 2005, when it was moved by Alderman Klemm moved, seconded by Alderwoman Threadgill to accept this appointment. On the roll call of yeas and nays, Aldermen Threadgill, Toepfer, Endress, Boldt, O'Neill, and Klemm voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The appointment was accepted.

**RESIGNATION**

Effective immediately, Shawn Boldt resigned as 6<sup>th</sup> ward alderman.

**APPOINTMENT**

Effective immediately, Mayor Gaulrapp hereby appoints Shawn Boldt as Alderman-at-Large. Mr. Boldt shall fill the vacancy created by the resignation of Dean Wright.

Alderwoman O'Neill moved, seconded by Alderman Klemm for approval. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, and Klemm voted yea. Alderman Boldt was then sworn it by the City Clerk.

**COMMITTEE APPOINTMENTS**

Alderman Klemm stated that the Executive Committee held a meeting on November 10, 2005. The committee approved the following committee appointments: Community Development-Tom Klemm, Chair, Cora Threadgill, Vice-Chair, Dennis Endress, and Vicki Toepfer; Public Works-Linda O'Neill, Chair, 6<sup>th</sup> Ward Alderman, Vice-Chair, Cora Threadgill, and Shawn Boldt; Public

Safety; Nickee Bender, Chair, Dennis Endress, Vice-Chair, 6<sup>th</sup> Ward Alderman, and Linda O'Neill; Finance-Shawn Boldt, Chair, Vicki Toepfer, Vice Chair, Tom Klemm, Nickee Bender.

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

**1<sup>st</sup> READING**

**ORDINANCE #2005-65**

**SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES (Zoning Amendment from R-1, One Family Resident District to R-2, One Family Resident District for Barberry Circle)**

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on November 10, 2005. This request had to be resubmitted because the wrong date was published. The committee voted unanimously to approve this ordinance and Alderman Klemm so moved, seconded by Alderwoman Threadgill. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The motion carried.

**1<sup>st</sup> READING**

**ORDINANCE #2005-66**

**AN ORDINANCE CREATING CHAPTER 659 (CHRONIC NUISANCES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on November 10, 2005. The committee voted unanimously to approve this ordinance and Alderman Klemm so moved, seconded by Alderman Endress. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> READING**

**ORDINANCE #2005-67**

**AN ORDINANCE CREATING CHAPTER 1270 (FENCES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on November 10, 2005. Alderman Klemm so moved, seconded by Alderman Endress to refer this ordinance back to committee.

**1<sup>ST</sup> READING**

**ORDINANCE #2005-68**

**AN ORDINANCE AMENDING CHAPTER 220 (COUNCIL) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderman Boldt, Community Development Chair, stated that the committee held a meeting on November 10, 2005. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill. Alderman Boldt moved, seconded by Alderman Klemm to amend the ordinance by inserting subsection (b)(3), By simple majority vote of the quorum present, the Committee of the Whole may vote to place an item for action by the City Council on the Agenda of the City Council meeting that occurs on the same date as the meeting of the Committee of the Whole. On the roll call of yeas and nays to accept the amendment, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The motion carried. This ordinance was automatically laid over to the next regular meeting.

**RESOLUTION #R-2005-73**

**RESOLUTION TO AUTHORIZE AGREEMENT WITH FREEPORT AREA ECONOMIC DEVELOPMENT FOUNDATION**

**WHEREAS**, the FREEPORT AREA ECONOMIC DEVELOPMENT FOUNDATION, ("FAEDF") has been providing services to the City of Freeport in relation to economic development initiatives for several years; and

**WHEREAS**, FAEDF is a not-for-profit corporation, which has a mission of creating a public/private partnership to retain, expand and diversify the economic base of the Freeport/Stephenson County and northwest Illinois area; and

**WHEREAS**, the City is interested in formalizing its current arrangement with FAEDF, through a written agreement.

**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 the attached Agreement between the City of Freeport, Illinois and FAEDF.

**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 Klemm, Community Development Chair, stated that the committee held a meeting on November 14, 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 amend the resolution adding language that would allow FAEDF to have all remedies available under the Illinois law if they disagree with any action taken by the City pursuant to Paragraph 12 c. On the roll call of yeas and nays to amend the resolution, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The motion carried.

On the roll call of yeas and nays to adopt this resolution, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The resolution was adopted.

**RESOLUTION #R-2005-74**

**RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE**

Alderman O'Neill, Public Works Chair, stated that the committee held a meeting on November 21, 2005. The committee voted unanimously to adopt this resolution and Alderman O'Neill so moved, seconded by Alderman Klemm. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The resolution was adopted.

**RESOLUTION #R-2005-75**

**RESOLUTION TO SUPPORT THE CREATION OF A STEPHENSON COUNTY MILL RACE CROSSING ECONOMIC DEVELOPMENT PROJECT PLAN AREA**

**WHEREAS**, there has been proposed the creation of the "Mill Race Crossing Economic Development Project Area" (hereinafter referred to as the "Mill Race Crossing EDPA"), which is located within one and one-half (1½) miles of the boundaries of the City of Freeport; and

**WHEREAS**, the Illinois County Economic Development Project Area Property Tax Allocation Act, codified at 55 ILCS 85/1 *et seq.*, authorizes a County Board to create a Economic Development Project Area provided the provisions of said Act are first complied with; and

**WHEREAS**, on November 3, 2005 the Joint Review Board consisting of representatives of the affected jurisdictions within the proposed boundaries of the Mill Race Crossing EDPA, including Mayor George W. Gaulrapp as the representative of the City of Freeport, did meet and discuss the public record and numerous documents concerning the Mill Race Crossing EDPA, including the formal Mill Race Crossing EDPA Plan as prepared by Kane, McKenna and Associates, Inc.; and

**WHEREAS**, the Corporate Authorities believe it is in the best interests of the citizens of the City of Freeport to support the Stephenson County Board's creation of the Mill Race Crossing EDPA and its approval of the proposed Mill Race Crossing EDPA Plan.

**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 authorize the City Clerk at her earliest convenience to send a certified copy of this Resolution to the Stephenson County Board Chair at his/her office in the Stephenson County Courthouse.

**Section 3.** The Corporate Authorities hereby further authorize the Mayor, the City Clerk and any other City official or employee as may be necessary to take such other actions as may be necessary or convenient in order to implement the intent of this Resolution.

**Section 4.** 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 5.** This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Alderman Klemm, Community Development Chair, stated that the committee held a meeting on November 14, 2005. The committee voted unanimously to adopt this resolution and Alderman Klemm so moved, seconded by Alderman Endress. There was leave granted to hear from Economic Development Director, Bob Skurla. He explained that in adopting this resolution, the council is simply stating that the plan is in conformance with state law. He stated that the next hearing would be December 13, 2005, at 6:30 p.m. in the County Board Room.

Alderman Boldt moved, seconded by Alderwoman Bender that this resolution be laid over to the next regular meeting. On the roll call of yeas and nays, Aldermen Bender, Threadgill, Toepfer, Endress, O'Neill, Boldt, and Klemm voted yea. The motion carried.

**MAYOR'S REPORT**

- o City Planning Session-November 30, 2005
- o Uses for Carnegie Library building
- o Transfer station update
- o City Employee Holiday Party

As there was no other business to be transacted by the City Council, the meeting was adjourned at 7:55 p.m.

**LATACIA M. ISHMON, CMC**