

CITY OF FREEPORT, ILLINOIS
TUESDAY EVENING
CITY COUNCIL MEETING
February 6, 2006 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 O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms. Absent was Alderwoman Toepfer.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Alderwoman O'Neill.

APPROVAL OF THE AGENDA

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

PUBLIC COMMENTS

Sol Détente, Brenda Boyton, James French spoke in opposition to Mill Race Crossing. George Baker spoke regarding Trim Rite's hiring practices.

PRESENTATION

There was a presentation by John Chadwick regarding NW Illinois Collaboration on Capital Plan for Road Construction.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting of January 17, 2006, was presented for approval. Alderwoman Bender moved, seconded by Alderman Helms 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 January 2006
 - 2. Library Report
- B. Approval of Water & Sewer Disbursements for January 2006 - \$405,590.72
- C. Approval of Bills Payable for January 2006-\$5306,335.04
- D. Approval of Payroll for period ending January 21, 2006- \$362,325.76

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

2nd READING

ORDINANCE #2006-03

AN ORDINANCE AMENDING CHAPTER 1475.08 (HISTORIC PRESERVATION MANDATORY REVIEW) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the meeting of January 17, 2006, when it was moved by Alderman Klemm, seconded by Alderman Boldt for approval. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2006-04

AN ORDINANCE TO ABATE THE 2005 REAL ESTATE TAX LEVY FOR THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2003

This ordinance was laid over from the meeting of January 17, 2006, when it was moved by Alderman Boldt, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Alderman O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The ordinance was approved.

EXECUTIVE SESSION

Pursuant to 5 ILCS 120/2(c) (5), Alderwoman Bender moved, seconded by Alderman Klemm to go into executive session to discuss the purchase or lease of real estate. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The motion carried. The council then convened in the mayor's office.

After reconvening in council chambers, Alderman Klemm moved, seconded by Alderman Helms to come out of executive session. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The motion carried.

2nd READING

ORDINANCE #2006-05

AN ORDINANCE AUTHORIZING CONDEMNATION OF CERTAIN PROPERTY FOR THE PURPOSES OF AIRPORT LAND ACQUISITION

This ordinance was laid over from the meeting of January 17, 2006, when it was moved by Alderman Klemm, seconded by Alderman Boldt for approval. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, and Endress voted yea. Alderman Helms voted nay. There were six yeas and one nay. The ordinance was approved.

1st READING

ORDINANCE #2006-06

AN ORDINANCE AMENDING CHAPTER 270 (HUMAN RELATIONS COMMISSION OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT)

Alderman Boldt, Finance Chair, stated that the committee of the whole held a meeting on January 17, 2006. This ordinance is to reduce the number of commissioners from nine to seven because of the difficulty in making a quorum. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman Bender. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2006-07

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

Alderman Klemm, Community Development Chair, stated that the committee of the whole held a meeting on January 17, 2006. Community Development Director, Shelly Griswold, explained changes in the proposed fence ordinance. The committee voted unanimously to approve this ordinance and Alderman Klemm so moved, seconded by Alderman Boldt. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2006-08

AN ORDINANCE AMENDING A REDEVELOPMENT AGREEMENT BY AND BETWEEN BW FREEPORT, LLC AND THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS

Alderman Klemm, Community Development Chair, stated that the committee of the whole held a meeting on January 17, 2006. Finance Director, Craig Joesten, requested an amendment to the redevelopment agreement changing the time frame for a national franchise restaurant to be operations from 60 days upon completion of Phase One construction to 18 months. The committee voted unanimously to approve this ordinance and Alderman Klemm so moved, seconded by Alderman Boldt. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2006-09

ORDINANCE APPROVING AMENDMENTS TO LOAN AGREEMENT BY AND BETWEEN CITY OF FREEPORT, ILLINOIS AND FREEPORT REGIONAL HEALTH CARE FOUNDATION

Alderman Boldt, Finance Chair, stated that the committee of the whole held a special meeting on January 30, 2006. Mike Clark, CFO for Freeport Health Network requested that the bond passed in 2001 be amended to change the project. 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.

REAPPOINTMENTS

There was leave granted to consider the following reappointments with one vote:

Human Relations Commission-Ronnie Bush, Bobbie Yount, and George Benson
Airport Commission-Jack Hooker

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

RESOLUTION #R-2006-08

RESOLUTION TO CONCUR WITH STEPHENSON COUNTY'S FINDINGS AS TO STEPHENSON COUNTY MILL RACE CROSSING

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.*, (hereinafter, the "Act") 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, on January 11, 2006 the Stephenson County Board passed "An Ordinance Approving An Economic Development Plan For The Stephenson County Mill Race Crossing

Economic Development Project Area,” also known as County Ordinance No. 06-01-251 (hereinafter, the “Ordinance”), and in Section 2 of which Ordinance the County Board made the following seven (7) Findings:

“(1) that the [Mill Race Crossing EDPA] Area consists of contiguous parcels of real property which comprise in the aggregate not less than one hundred (100) acres and are located wholly within the unincorporated area of the County; and

(2) that the [Mill Race Crossing Economic Development Project] Area is suitable for siting by commercial, manufacturing, industrial, research or transportation facilities, including but not limited to commercial business, offices, factories, mills, processing plants, industrial or commercial distribution centers, warehouses, repair, overhaul or service facilities, freight terminals, research facilities, test facilities or transportation facilities; and

(3) that the [Mill Race Crossing Economic Development] Project is reasonably expected to create or retain not less than five hundred (500) full-time equivalent jobs; and

(4) that private investment in an amount not less than ten million dollars (\$ 10,000,000.00) is reasonably expected to occur in the [Mill Race Crossing Economic Development] Area; and

(5) that the [Mill Race Crossing Economic Development] Project will encourage the increase of commerce and industry within the State of Illinois, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and

(6) that the [Mill Race Crossing Economic Development] Project will increase or maintain the property, sales and income tax bases of the County and the State of Illinois; and

(7) that the County has approved and entered into the Intergovernmental Agreement with the City of Freeport, as required by the Act” (hereinafter referred to as the “Findings”); and

WHEREAS, Section 4(f) of the Act provides, in pertinent part, as follows:

“Any ordinance adopted by Stephenson County that approves an economic development plan shall contain findings that

(i) the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs;

(ii) private investment in an amount not less than \$10,000,000 is reasonably expected to occur in the economic development area;

(iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and

(iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State.

Before the economic development project area is established by Stephenson County, the following additional conditions must be included in an intergovernmental agreement approved by both the Stephenson County Board and the corporate authorities of the City of Freeport:

(i) the corporate authorities of the City of Freeport must concur by resolution with the findings of Stephenson County;” and

WHEREAS, Section 4 of the “Intergovernmental Agreement Between The County Of Stephenson, Illinois and The City Of Freeport, Illinois” as approved originally by the City Council by Resolution in April of 2005 and then again by City Resolution No. R-2005-80 on December 20, 2005, and executed on January 11, 2006 by Stephenson County and the City of Freeport provides, in pertinent part, as follows:

“In connection therewith, and as required under Section 4(f) of the Act, County, must, by ordinance, make certain findings with respect to the establishment of the proposed Mill Race Crossing Project Area as an economic development project area (the “Requisite Finding”). . . . City shall either concur with the Requisite Findings by a resolution duly adopted by the corporate authorities of the City or deliver, in writing, a statement adopted by the corporate authorities to County as to specific reasons why City does not concur with the Requisite Findings; provided, that the City’s decision whether to concur shall be restricted to a good faith review of the Requisite Findings under the Act and the basis therefore,” and

WHEREAS, this City Council finds that the Intergovernmental Agreement contains all of the provisions as required by Section 4(f) of the Act; and

WHEREAS, the Corporate Authorities believe it is in the best interests of the citizens of the City of Freeport to concur in the Findings as made by the Stephenson County Board in the Ordinance.

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 do hereby agree and concur in each of the seven (7) Findings as made in Section 2 of Stephenson County Ordinance No. 06-02-251 as such pertain to the proposed Mill Race Crossing Economic Development Project Area and do 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 provision 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 of the whole held a meeting on January 17, 2006. The committee voted to adopt this resolution and Alderman Klemm so moved, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen O’Neill, Boldt, Klemm, Threadgill, Endress, and Helms voted yea. Alderwoman Bender voted nay. There were six yeas and one nay. The resolution was adopted.

RESOLUTION #R-2006-09
RESOLUTION TO SUPPORT THE CONTINUED PROCESSING OF UNITED STATES MAIL AT THE ROCKFORD, ILLINOIS PROCESSING AND DISTRIBUTION CENTER AND TO OPPOSE ANY EFFORT TO TRANSFER SAID PROCESSING OPERATIONS TO THE PALATINE, ILLINOIS, SORTING CENTER

WHEREAS, United States Mail deposited into a Government receptacle within the borders of the City of Freeport has traditionally been sent to the Rockford, Illinois Processing and Distribution Center for processing and delivery to the addressee; and

WHEREAS, the Rockford, Illinois Processing and Distribution Center has continually been ranked as a leader in productivity and efficiency when compared to all other processing facilities in northern Illinois and across the nation; and

WHEREAS, last month the United States Postal Service announced plans to conduct an "Area Mail Processing" feasibility study to determine whether to reroute all outgoing mail from the Freeport area through the Palatine Sorting Center which is located near the City of Chicago rather than through the Rockford, Illinois Processing and Distribution Center; and

WHEREAS, shifting the processing of mail from the Rockford, Illinois Processing and Distribution Center to a less efficient facility such as the Palatine Sorting Center will jeopardize the efficient service the citizens of the City of Freeport have received from the Rockford, Illinois Processing and Distribution Center and thus will adversely affect the citizens, businesses and governmental operations in the Freeport area that each depend on timely mail delivery by delaying the delivery of local mail to Freeport citizens and businesses by several additional days; and

WHEREAS, United States Congressman Donald A. Manzullo has sought the input from local governments, such as the City of Freeport, on the proposed shifting of mail processing operations from the Rockford, Illinois Processing and Distribution Center to the Palatine Sorting Center; and

WHEREAS, the Corporate Authorities believe it is in the best interests of the citizens of the City of Freeport to support the continued mail processing operations at the Rockford, Illinois Processing and Distribution Center and to oppose any shifting of such processing operations to the Palatine Sorting Center.

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 United States Congressman Donald A. Manzullo at his Rockford office located at 415 South Mulford Road, Rockford, IL 61108.

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 appear at any hearing as may be held and to testify against the proposed shift of mail processing operations from the Rockford, Illinois Processing and Distribution Center to the Palatine Sorting Center and further 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 Boldt moved, seconded by Alderwoman O'Neill to accept this resolution. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The resolution was adopted.

COMMITTEE REPORTS

PUBLIC WORKS

Alderman Boldt, Finance Chair, stated that the committee held a meeting on February 6, 2006. Water & Sewer Director, Denise Ihrig, explained that the remaining bond funds were needed to complete Linden Street project, Homer Phase 2 Alternate 1. The Water & Sewer Commission recommended accepting the low bid from Civil Constructors for the Linden Street project in the amount of \$137,500 and the low bid for the Homer Phase 2 project from Fischer in the amount of \$238,039. The committee voted unanimously to accept these bids and Alderman Boldt so moved, seconded by Alderwoman O'Neill. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The motion carried.

PUBLIC SAFETY

Alderman Boldt, Finance Chair, stated the committee held a meeting on February 6, 2006. Bids were received on January 9, 2006 for four squad cars. Bids were received from Sawicki Motors in the amount of \$\$79,309.80, the Bocker Group in the amount of \$74,540.00, and Miles Chevrolet (Dakota), in the amount of \$67,590.32. Chief Whitmore recommended the low bid be accepted from Miles Chevrolet and the committee concurred. Alderman Boldt moved to accept the low bid from Miles Chevrolet, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen O'Neill, Boldt, Klemm, Bender, Threadgill, Endress, and Helms voted yea. The motion carried.

MAYOR'S REPORT

The mayor reported the different issues in which he has been involved.

NEW BUSINESS

Alderman Boldt reported that there would be a special committee of the whole meeting on February 27, 2006 to review the budget.

PUBLIC COMMENTS

Lee Butler requested an update on the boat launch. Sol Détente spoke in opposition to Mill Race Crossing. Wendy Pearson stated that this month is Black History Month and that there would be a program held on February 18,2006 at the Junior High School.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 9:00 p.m.

LATACIA M. ISHMON, CMC