

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
JULY 18, 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, Clark, Boldt, O'Neill, Wright, and Klemm. Absent was Alderman Varner.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF THE AGENDA

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

PRESENTATIONS

A representative from the Stephenson County Health Department gave a presentation to the council.

APPROVAL OF MINUTES

The Journal of the Minutes of the special meeting held on July 5, 2005 was presented for approval. Alderwoman Bender moved, seconded by Alderman Klemm 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. Police Department Activities for June 2005
 - 2. Fire Department Activities for June 2005
 - 3. Treasurer's Tax Receipts for the period ending June 30, 2005
- B. Approval of Water & Sewer Disbursements for July 2005 - \$43,195.11
- C. Approval of Bills Payable for July 2005-\$489,012.43
- D. Approval of Payroll for period ending July 9, 2005 - \$316,010.44

Alderwoman Bender moved, seconded by Alderwoman O'Neill for approval of the consent agenda. The motion carried.

2nd READING

ORDINANCE # 2005-31

AN ORDINANCE AMENDING CHAPTER 1048 (SEWER RATES AND REVENUES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of July 18, 2005, when it was moved by Alderman Boldt, seconded by Alderman Klemm for approval. There was leave to hear from Executive Director of the Water & Sewer Department. She gave a brief explanation of the increase. There was also leave to hear from Craig Joesten, Finance Director, who gave a

financial analysis of the Sanitary Sewer Department. After much discussion, roll call was taken. On the roll call of yeas and nays, to approve this ordinance, Aldermen Boldt, O'Neill, Klemm, and Gaulrapp voted yea. Aldermen Bender, Clark, and Wright voted nay. The Chair voted yea. There were four yeas and three nays. The motion failed.

2nd READING

ORDINANCE #2005-32

AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of July 5, 2005, when it was moved by Alderman Klemm, seconded by Alderman Boldt. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2005-34

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 July 5, 2005, when it was moved by Alderwoman O'Neill, seconded by Alderman Wright for approval. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2005-35

AN ORDINANCE AMENDING CHAPTER 484 (LOADING ZONES; BUS AND TAXICAB STANDS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was laid over from the July 5, 2004, when it was moved by Alderwoman O'Neill, seconded by Alderman Varner for approval. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The ordinance was approved.

1st READING

ORDINANCE #2005-36

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 711-713 S Carroll Ave, Freeport)

Alderwoman Bender, stated that the committee held a meeting on June 11, 2005, the committee voted unanimously to approve this ordinance. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The ordinance was approved.

1st READING

ORDINANCE #2005-37

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (Variance, 23 Elizabeth Circle)

Alderwoman Bender, stated that the committee held a meeting on June 11, 2005, the committee voted unanimously to approve this ordinance. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The ordinance was approved.

1st READING

ORDINANCE #2005-38

AN ORDINANCE AMENDING CHAPTER 460 (OPEARTION GENERALLY) SECTION 460.03 YIELD INTERSECTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS TO ADD HARVEY AT HARRRISON

Alderswoman O'Neill, Public Works Chair, stated that the committee held a meeting on July 18, 2005. The committee voted unanimously to approve this ordinance and Alderswoman O'Neill so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-39

AN ORDINANCE AMENDING CHAPTER 612 (ANIMALS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Alderswoman O'Neill, Public Works Chair, stated that the committee held a meeting on July 18, 2005. The committee voted unanimously to approve this ordinance and Alderswoman O'Neill so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-40

AN ORDINANCE AMENDING CHAPTER 460 (OPERATION GENERALLY), SECTION 460.04, SPEED LIMITATIONS, OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderswoman O'Neill, Public Works Chair, stated that the committee held a meeting on July 18, 2005. The committee voted unanimously to approve this ordinance and Alderswoman O'Neill so moved, seconded by Alderman Klemm. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2005-41

AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderman Boldt, Finance Chair, stated that the committee held a special meeting on July 18, 2005. This ordinance is to add a Human Resource Manager. The committee voted to approve this ordinance and Alderman Boldt so moved, seconded by Alderswoman Bender. Alderman Boldt moved, seconded by Alderswoman Bender to suspend the rules for immediate consideration. On the roll call of yeas and nays to suspend the rules, Aldermen Bender, Boldt, and Klemm voted yea. Aldermen Clark, O'Neill, and Wright voted nay. The motion fails. This ordinance was automatically laid over to the next regular meeting.

APPOINTMENT

Effective immediately, Mayor Gaulrapp hereby appoints Jerry Whitmore as Chief of Police of the Freeport Police Department. This appointment shall be effective immediately.

Alderswoman Bender moved, seconded by Alderman Clark to accept this appointment. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The motion carried. Police Chief Whitmore was then sworn in.

APPOINTMENT

Effective immediately, Mayor Gaulrapp hereby appoints Jack Hooker to the Airport Commission. Mr. Hooker shall replace Steve Waters who resigned his position. This appointment shall be effective until November 30, 2005. Alderswoman Bender moved, seconded by Alderman Klemm to accept this appointment. The motion carried.

RESOLUTION #R-2005-40

RESOLUTION TO RATIFY ACCEPTANCE OF AWARD OF GRANT FUNDING FOR LAW ENFORCEMENT TECHNOLOGY FOR THE US DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services, has awarded the City of Freeport a Law Enforcement Technology Grant; and

WHEREAS, the City of Freeport will receive the amount of \$34,533.00; and

WHEREAS, the intended qualifying use for this grant is to purchase six (6) audio/visual recording systems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor of the City of Freeport has signed paperwork to accept the Law Enforcement Technology Grant and this City Council hereby formally ratifies such signature.

Alderman Bender moved, seconded by Alderman O'Neill to adopt this resolution. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The resolution was adopted.

RESOLUTION #R-2005-41

RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR THE LINCOLN DOUGLAS 5K AND FUN RUN

WHEREAS, on August 6, 2005, the Lincoln Douglas 5K and Fun Run Committee and the Family YMCA of Northwest Illinois are sponsoring the Lincoln Douglas 5K and Fun Run, which event constitutes an authorized special event; and

WHEREAS, the proposed route for the run will require the temporary closure of the following streets: Douglas Street from Van Buren to Adams Avenue, and Adams Avenue from Douglas Street to Stephenson Street; and

WHEREAS, Section 5/4-408 of the Illinois Highway Code (605 ILCS 5/4-408) authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes; and

WHEREAS, pursuant to Chapter 1030 of the Codified Ordinances of the City of Freeport, the special events permit application submitted by the Lincoln Douglas 5K and Fun Run Committee and the Family YMCA of Northwest Illinois has been reviewed and approved, subject to the required permit being issued by the Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS, that permission be requested of the Department of Transportation to close off Route 75 along Douglas and Adams from Van Buren to Stephenson. This closure shall be for the public purpose of holding a parade under the following conditions:

1. The approximate time period of all street closures shall be between 8:00 a.m. to 10:30 a.m. Saturday, August 6, 2005;

2. The traffic from the closed portion of highway shall be detoured over routes with an all-weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted from the State Highway;

3. The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic;

4. The City assumes full responsibility for the direction, protection, and regulations of the traffic during the time the detour is in effect;

5. Police officers or authorized flaggers shall be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour;

6. Emergency vehicles shall be permitted in emergency situations to pass through the closed area as is safe for all concerned;

7. The closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices;

8. All debris shall be removed by the City of Freeport prior to reopening the State Highway;

9. Such signs, flags, barricades, etc., shall be provided by the City of Freeport as may be approved by the Illinois Department of Transportation;

10. An occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above;

11. The Lincoln Douglas 5K and Fun Run Committee and the Family YMCA of Northwest Illinois shall provide proof of a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$100,000 per person and \$500,000 aggregate, under which the City of Freeport and the Illinois Department of Transportation and its officials, employees and agents shall be insured and protected from all claims arising from the requested highway closing.

BE IT FURTHER RESOLVED that a copy of this Resolution and proof of liability insurance provided by the Lincoln Douglas 5K and Fun Run Committee and the Family YMCA of Northwest Illinois shall be forwarded by the City Clerk to the Illinois Department of Transportation, District 2 Operations Office, 819 Depot Avenue, Dixon, Illinois 61021-3500, to serve as a formal request for the permission sought in this Resolution and to operate as part of the conditions of said permission.

Alderman O'Neill moved, seconded by Alderman Wright to adopt this resolution. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The resolution was adopted.

RESOLUTION #R-2005-42

RESOLUTION TO AMEND A TAX INCREMENT FINANCING DISTRICT FUND EXPENDITURE PLAN

WHEREAS, on September 4, 1994, the City Council of the City of Freeport approved Ordinances 94-64, 94-65, and 94-66, pursuant to 65 ILCS 5/74.4-1 creating a Tax Increment Redevelopment Area (TIF) and designating a Downtown Area TIF Redevelopment Plan and Project, and whereas since 2000, yearly Tax Increment Financing District Fund Expenditure Plans were approved by this Council; and

WHEREAS, under such plan incremental increases in taxes due to redevelopment are accumulated in a special fund for use in accordance with the goals and objectives of that plan; and

WHEREAS, the City Council's Community Development Committee and the City Council's Finance Committee have reviewed and recommended the attached amendment to the "Tax Increment Financing District Fund Expenditure Plan" in order that such special fund be allocated for expenditure in accordance with the State law and in accordance with the City Redevelopment Plan; and

WHEREAS, this City Council finds that its approval of the amended "Tax Increment Financing District Fund Expenditure Plan" is in the best interests of all citizens in this community.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the document attached hereto and made a part hereof as Exhibit A, captioned the "Tax Increment Financing District Fund Expenditure Plan", is hereby

adopted and approved; and the Mayor, the Finance Director, and any other City employee or official as may be deemed appropriate, are hereby authorized to implement this "Tax Increment Financing District Fund Expenditure Plan" and any other documents as may be necessary or appropriate so as to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the Home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

Alderman Bender stated that the committee held a meeting on June 11, 2005. The committee voted to adopt this resolution and Alderman Bender so moved, seconded by Alderman Klemm. On the roll call of yeas and nays, Aldermen Bender, Boldt, O'Neill, and Klemm voted yea. Aldermen Wright and Clark voted nay. There were four yeas and two nays. ~~The resolution was adopted.~~ The motion failed.

RESOLUTION #R-2005-43

RESOLUTION TO AUTHORIZE AND APPROVE FAÇADE IMPROVEMENT PROGRAM

WHEREAS, the City of Freeport in conjunction with Freeport Downtown Development has designed a program to provide owners of properties financial incentives to preserve, restore, and rehabilitate the exterior features of buildings located within the downtown Tax Increment Redevelopment (TIF) Area; and

WHEREAS, this program is consistent with the City's approved Tax Increment Financing District Fund Expenditure Plan, wherein the City committed \$60,000 for a Façade/Capital Improvement program; and

WHEREAS, the City Council's Community Development Committee has reviewed and recommended the attached "Façade Improvement Program", establishing guidelines and procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it does hereby approve the proposed Façade Improvement Program guidelines and procedures attached hereto and incorporated by reference as if fully set forth herein.

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

BE IT FURTHER RESOLVED 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.

Alderman Bender stated that the Community Development Committee held a meeting on June 11, 2005. The committee voted unanimously to adopt this resolution and Alderman Bender so moved, seconded by Alderman O'Neill. Alderman Clark moved, seconded by Alderman Klemm to amend the resolution putting \$50 application fee back in. On the roll call of yeas and nays to accept the amendment, Aldermen Clark, Boldt, O'Neill, Wright, and Klemm voted yea. Alderman Bender voted nay. There were five yeas and one nay. The motion carried.

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

RESOLUTION #R-2005-44

RESOLUTION AUTHORIZING AGREEMENT FOR ENGINEERING SERVICES AND LAND ACQUISITION SERVICES FOR ALBERTUS GRANT FROM IDOT

WHEREAS, the City of Freeport, Albertus Airport, was selected as part of the State/Local Airport Improvement Program; and

WHEREAS, the Airport Participation Agreement with IDOT requires the City enter into a contract approved by IDOT or the FAA in connection with this Project, using a consulting engineer who is prequalified in accordance with IDOT procedures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the Mayor of the City of Freeport is hereby authorized and directed to sign, execute and seek IDOT approval on behalf of the City of Freeport, the attached "Agreement for Architectural, Engineering, and Planning Services for Airports" with CRAWFORD, MURPHY & TILLY, INC.

BE IT FURTHER RESOLVED that this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois constitution of 1970; and all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Alderman Clark requested that this resolution be laid over to the next regular meeting because all council members had not received the attachments.

RESOLUTION #R-2005-45

RESOLUTION AUTHORIZING APPLICATION FOR PUBLIC TRANSPORTATION FINANCIAL ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT ACT OF 1964, AS AMENDED

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311), makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311).

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

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal transit Act of 1964, as amended (49 U.S.C. § 5311), for the purpose of offsetting a portion of the Public Transportation Program operating deficits of The City Council of the City of Freeport.

Section 2. That while participating in said operating assistance program the City of Freeport will provide all required local matching funds.

Section 3. That the Mayor of the City of Freeport is hereby authorized and directed to execute and file on behalf of the City of Freeport such application.

Section 4. That the Mayor of the City of Freeport is authorized and directed to furnish such additional information as may be required by the Division of Public Transportation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That the Mayor of the City of Freeport is hereby authorized and directed to execute and file on behalf of the City of Freeport all required Grant Agreements with the Illinois Department of Transportation, in order to obtain grant assistance under the provisions of the Section 5311 of the Federal Transit Act of 1964, as amended (49 U.S.C. § 5311).

Section 6. That the Mayor of the City of Freeport is hereby authorized to provide such information and to file such documents as may be required to perform the Grant Agreement and to receive the grant.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

Alderman Bender moved, seconded by Alderman Klemm to adopt this resolution. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The resolution was adopted.

RESOLUTION #R-2005-46

RESOLUTION FOR INTERGOVERNMENTAL AGREEMENT BETWEEN CITY OF FREEPORT AND THE ILLINOIS DEPARTMENT OF TRANSPORTATION FOR LOCAL AGENCY MAINTENANCE OF STATE HIGHWAYS WITHIN THE CITY OF FREEPORT

WHEREAS, the City of Freeport is willing to enter into and intergovernmental agreement with the State of Illinois Department of Transportation for the maintenance of State highways located within the City of Freeport; and

WHEREAS, the term of this agreement is July 1, 2005 through June 30, 2015; and

WHEREAS, the City of Freeport has entered into this agreement several times previous to this; and

WHEREAS, the State is offering to compensate the City of Freeport as shown in attached Agreement a total of \$508,277.38 over the term of this agreement;

NOW, THEREFORE, be it resolved by the City Council of the City of Freeport, Illinois that the Mayor is hereby authorized to sign this agreement.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the State of Illinois Department of Transportation, Division of Highways, District Engineer.

Alderman O'Neill, Public Works Chair, stated that the committee held a meeting on July 18, 2005. The committee voted unanimously to adopt this resolution and Alderman O'Neill so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Bender, Clark, Boldt, O'Neill, Wright, and Klemm voted yea. The resolution was adopted.

DEPARTMENT HEAD REPORTS

Police Chief, Jerry Whitmore thanked the council for approval of his appointment. He also announced that Albert Marney was promoted to Corporal.

Carol Dickerson, Library Director, announced that the library received \$481,000 from the Francis Woodhouse estate. The monies will be evenly divided between the library and the Library Foundation.

#05-74

MAYOR'S REPORT

- IDOT training session on July 26, 2005 at Faith for Miracle
- Patriotic Celebration in Park on July 23
- 4th and 5th Ward positions

PUBLIC COMMENTS

Lee Butler stated his support for a boat ramp at Tutty's Crossing.

Jim Bangs stated that since Greenfield to Kiwanis is not a residential area and has no sidewalks, there is not reason to reduce the speed limit to 30 mph.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:38 p.m.

LATACIA M. ISHMON, CMC