

**CITY OF FREEPORT, ILLINOIS**  
**MONDAY EVENING**  
**CITY COUNCIL MEETING**  
**October 17, 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 Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill. Absent was Aldermen Klemm and Boldt.

**PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF THE AGENDA**

Alderwoman Bender moved, seconded by Alderwoman Toepfer to approve the agenda. The motion carried. On the roll call of yeas and nays,

**HONORARY RESOLUTION #R-2005-59**

**WHEREAS**, the City Council and the Mayor of the City of Freeport wish to recognize the heroism displayed by Kalah Jae Bardell; and

**WHEREAS**, on July 14, 2004, Kalah Jae Bardell was enjoying a night of swimming with her brother in the family pool; and

**WHEREAS**, Kalah's brother, Cameron, was attempting to fill his water pistol when he fell into the pool; and

**WHEREAS**, Kalah jumped into the pool, swam under her brother and boosted him up onto the deck; and

**WHEREAS**, Kalah's quick thinking and calm mind at the young age of six years old is to be recognized and commended,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF FREEPORT, ILLINOIS** that we hereby honor Kalah Jae Bardell and recognize her heroism.

Alderwoman Bender moved, seconded by Alderman Endress for approval. The motion carried.

**APPROVAL OF MINUTES**

The Journal of the Minutes of the regular meeting of October 3, 2005 and special meeting of October 7, 2005 was presented for approval. Alderwoman Bender moved, seconded by Alderwoman Toepfer to approve the minutes. On the roll call off yeas and nays, Aldermen Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill.

**CONSENT AGENDA**

Approval to Receive and Place on File:

- A. Approval to Receive and Place on File:
  - 1. Fire Department Monthly Activity for September 2005
  - 2. Community Development Cash Receipts for September 2005
  - 3. Community Development Building Permits for September 2005
  - 4. Police Department Activities for September 2005

- 5. Treasurer's Tax Receipts for the period ending September 2005
- B. Approval of Water & Sewer Disbursements for October 2005 - \$116,379.74
- C. Approval of Bills Payable for October 2005 -\$116,379.74
- D. Approval of Payroll for period ending October 1, 2005 - \$326,008.48

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

**2<sup>nd</sup> 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. Alderwoman Bender moved, seconded by Alderman Endress that this ordinance be laid over to the next regular meeting. On the roll call of yeas and nays, Alderman Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill voted yea. The motion carried.

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

**ORDINANCE #2005-56**

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

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to concur with the denial of the Zoning Board of Appeals and Alderwoman Toepfer so moved, seconded by Alderman Endress. This ordinance was laid over to the next regular meeting.

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

**ORDINANCE #2005-57**

**AN ORDINANCE AMENDING CHAPT ER280 (RESIDENTIAL HOUSING ADVISORY BOARD) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to approve this ordinance and Alderwoman Toepfer so moved, seconded by Alderman Endress. This ordinance was automatically laid over to the next regular meeting.

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

**ORDINANCE #2005-58**

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

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to approve this ordinance and Alderwoman Toepfer so moved, seconded by Alderman Endress. This ordinance was automatically \ laid over to the next regular meeting.

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

**ORDINANCE # 2005-59**

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

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to approve this ordinance and Alderwoman Toepfer so moved, seconded by Alderman Endress. This ordinance was

automatically laid over to the next regular meeting. There was leave granted for Community Development Director, Shelly Griswold to explain the details of this ordinance.

**1<sup>ST</sup> ORDINANCE**

**ORDINANCE #2005-60**

**AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Alderwoman O'Neill, Public Works Chair, stated that the committee held a meeting on October 17, 2005. The committee voted unanimously to approve this ordinance and Alderwoman O'Neill so moved, seconded by Alderman Wright. This ordinance was automatically laid over to the next regular meeting.

**1<sup>ST</sup> ORDINANCE**

**ORDINANCE #2005-61**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE JOINT CITY OF FREEPORT-COUNTY OF STEPHENSON CERTIFIED ENTERPRISE ZONE**

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to approve this ordinance and Alderwoman Toepfer so moved, seconded by Alderman Endress. Alderwoman Toepfer moved, seconded by Alderman Endress to suspend the rules for immediate consideration. On the roll call of yeas and nays, Aldermen Wright, Threadgill, Toepfer, and Endress voted yea. Aldermen Wright, Bender, and O'Neill voted nay. The motion failed. This ordinance was automatically laid over to the next regular meeting.

**APPOINTMENT**

Effective immediately, Mayor Gaulrapp hereby appoints Bobbi Yount to the Housing Authority Board. Ms. Yount will be replacing Barbara Burns. This appointment shall be effective until October 31, 2010.

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

**RESOLUTION #R-2005-62**

**RESOLUTION TO AUTHORIZE JANE ADDAMS TRAIL JULY 1 – JUNE 20, 2005-06; 2006-07; 2007-08 THREE YEAR OPERATING BUDGET**

**WHEREAS**, an Intergovernmental Agreement establishing the Jane Addams Trail Commission for the development and operation of the Trail has been approved and entered into by the City of Freeport, Stephenson County, and Freeport Park District, and the Village of Orangeville

**WHEREAS**, the City of Freeport is a Member of and sends representatives to the Jane Addams Trail Commission; and

**WHEREAS**, said Intergovernmental Agreement provides for the establishment of a Three-Year Budget for the operation of the Trail; and

**WHEREAS**, the proposed Jane Addams Trail Commission has developed an Operating Budget of the Jane Addams Trail for the three-year fiscal period, July 1 to June 30 for FY 2005-06, 2006-07, and 2007-08; and

**WHEREAS**, the Jane Addams Trail Commission has submitted the FY the 2005-06, 2006-07, and 2007-08 Operating Budget for the Jane Addams Trail to each of the governmental units represented on the commission for review and adoption; and

**WHEREAS**, the Public Works Committee of this City Council has reviewed said Operating Budget and has recommended adoption.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** hereby adopts the 2005-06, 2006-07, and 2007-08 three-year Operating Budget for the Jane Addams Trail.

Alderwoman O'Neill, Community Development member stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to adopt this resolution and Alderwoman O'Neill so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill voted yea. The resolution was adopted.

**RESOLUTION #R-2005-63**

**A 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.

Alderman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. The committee voted unanimously to approve this ordinance and Alderwoman Toepfer so moved, seconded by Alderman Endress. Alderwoman Toepfer moved, seconded by Alderwoman O'Neill that this resolution be laid over in order to be considered with the ordinance. The motion carried.

### **COMMITTEE REPORTS**

Alderwoman O'Neill, Public Works Chair, stated that the committee held a meeting on October 17, 2005. The committee discussed allowing the Administration to choose a firm, not to exceed \$10,000 for a study in the Hunt Street Area. The monies will be allocated from the remaining bond funds. This study is to be done to find out if the work that has been done in that area has reduced the flooding issues. Alderwoman O'Neill moved, seconded by Alderwoman to approve this request. On the roll call of yeas and nays, Aldermen Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill voted yea. The motion carried.

The committee discussed using bond funds to pay for improved connections at Chicago and Linden and north of the Social Security Administration building. The estimated construction cost is \$151,542 and the engineering cost is \$18,500 for a total of \$170,042. The committee voted unanimously to approve these estimates and Alderwoman O'Neill so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill voted yea. The motion carried.

Alderwoman Toepfer, Community Development member, stated that the committee held a meeting on October 11, 2005. Freeport Economic Development requested partial funding in the amount of \$20,000 of the \$75,00 commitment from the city. The committee voted unanimously to approve this request and Alderwoman Toepfer so moved, seconded by Alderman Endress. On the roll call of yeas and nays, Aldermen Wright, Threadgill, Toepfer, Endress, and O'Neill voted yea. Alderwoman Bender voted nay. There were five yeas and one nay. The motion carried.

The committee received bids for removal of tanks from CMC Heartland from GTD, Inc of Illinois in the amount of \$13,000; Stenstrom Petroleum in the amount of \$11,981; and Environmental Contractors of IL in the amount of \$21,745. The committee voted unanimously to accept the low bid for Stenstrom and Alderwoman Toepfer so moved, seconded by Alderman Endress. On the roll call of yeas and nays, Aldermen Wright, Bender, Threadgill, Toepfer, Endress, and O'Neill voted yea. The motion carried.

### **DEPARTMENT HEAD REPORTS**

Police Chief, Jerry Whitmore, recognized the retirement of Sergeant Curt Witt and promotion of Jim Drehoble to Sergeant. He also announced that October 24 –28 is Red Ribbon Week.

Public Works Director, Craig LeBaron, stated that the Street Department has started leaf pick up, paving of streets, downtown sidewalk repairs.

Community Development Director, Shelly Griswold stated that there would be a public hearing for the CDAP Grant on October 27, 2005, at 5:30 p.m. Immediately following at 6:30 p.m., there will be an informational meeting with the Eastside residential meeting.

Director Griswold also announced that there would be a Special Planning Commission Meeting on October 24, 2005 and an Airport Commission Meeting on October 25, 2005. The groundbreaking for the Deacon Davis Basketball Court will be on October 26, 2005.

Corporation Counsel, Sarah Griffin, stated that under state law the city has to concur with the findings of the county for Mills Race Crossings. To date, the county has not asked the city for any monies. There will be a public hearing on November 3, 2005.

#### **MAYOR'S REPORT**

- o City Planning Session
- o Design Workshop for Rawleigh building
- o Water & Sewer Management
- o City Clean up at Union School
- o Transfer Station
- o Eastgate Project

#### **PUBLIC COMMENTS**

Pat Leitzen Fye stated that there would be a public hearing on October 25, 2005 at the Hanover Village Hall regarding the expansion of the Enterprise Zone for the Royster-Clark Nitrogen Corporation.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:10 p.m.

**LATACIA M. ISHMON, CMC**