



City Council

City Council Chambers ♦ 230 West Stephenson Street ♦ Freeport, IL 61032

MINUTES REGULAR MEETING Monday, November 5, 2007

QUORUM

At 7:05 p.m., a quorum being present, Mayor Gaulrapp called the meeting to order.

RECORD

Present: Aldermen Helms, O'Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress - 8

Absent: 0

PLEDGE OF ALLEGIANCE

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

PRESENTATIONS

- Recognition of Alexa Fontana, Aquin Catholic High School Golf State Qualifier, was presented by Mayor Gaulrapp and Corporate Counsel Sarah Griffin.
- Dr. Robert Geller, Medical Director of Health Department presented a summary of MRSA (Methicillin Resistant Staphylococcus Aureus). It is estimated that 30 percent of the population carries staphylococcus aureus, or commonly referred to as "staph," on the skin or in the nose. Methicillin or penicillin and cephalosporins are generally used to treat staph infections. About 1 percent of persons have a type of staph resistant to these antibiotics and this infection is called MRSA. What is needed to do to avoid contracting MRSA is to practice good hygiene. Keep your hands clean by washing thoroughly with soap and water or using an alcohol-based hand sanitizer. Keep cuts and scrapes clean and covered with a bandage until healed and avoid contact with other people's wounds or bandages. Avoid sharing personal items such as towels or razors, use a barrier (e.g. clothing or a towel) between your skin and shared equipment and wipe surfaces of equipment before and after use. Hand washing is the single most important behavior in preventing infectious disease.

APPROVAL OF THE AGENDA

A motion was made by Alderman Endress to approve the agenda for tonight's meeting, seconded by Alderwoman O'Neill. Motion passed 8-0.

APPROVAL OF MINUTES

A motion was made by Alderwoman O'Neill to approve the minutes from the Regular Meeting on October 15, 2007, seconded by Alderman Endress.

Ayes – Helms, O'Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays - 0

MINUTES

REGULAR MEETING

Monday, November 5, 2007

PRESENTATION

A presentation on Tyler's Justice Center for Children was given by Dawn Lucas, Program Coordinator. Copies of the Tyler's Justice Center for Children Annual Report for Fiscal Year 2006 were given as hand-outs and this non-profit children's advocacy center provides services for abused children and their non-offending family members in Jo Davies, Carroll and Stephenson counties. The Center, founded in July 2002, was established to ensure that not one child "slips through the cracks" of the system that was designed to protect them. Currently, the center is seeking funds to build a new facility in Stockton because they have outgrown their current facility and they are 50% on the way to raising the necessary funds. Mayor Gaulrapp asked what the people of Freeport could do to help support Tyler's Justice Center and Ms. Lucas encouraged participation in two upcoming events, one being the Celebrity Dinner and the other a Golf Outing at Eilerts scheduled in February 2008.

PUBLIC HEARING

A motion to open the Public Hearing was made by Alderman Helms, seconded by Alderwoman O'Neill. Motion passed 8-0.

The following was read to the public: Pursuant to 65 ILCS 5/11-76.2-1 - regarding proposal for the exchange of parking lots (public notification printed in Journal Standard on October 19, 2007):

Parking Lot #1 - located at the southeast corner of Stephenson Street and Adams Avenue with the legal description of Lot 10 and the Wly 40.33 feet of Lot 9 in Blk 44 of Carters Resubdivision of Original Town owned by the City of Freeport

Parking Lot #2 - located at the southwest corner of Main Street and Adams Avenue with the legal description of Lot 6 and the Ely 40.22 feet if Lot 7 in Blk 39 of Carter Resubdivision of Original Town (Except Part Taken for Hwy in Bk 12-120) owned by Newell Co.

Public Works Director Craig LeBaron submitted copies of the proposed exchange and explained that the legal description of parking lot #2 should read – Lot 6 of BLK 39 of Carter Resubdivision of Original Town (Except Part Taken for Hwy in Bk 12-120) owned by Newell Co. Director LeBaron explained that the main reason for the exchange is to accommodate increased staffing at Newell and the exchange would locate another city lot adjacent to property already owned by the City at 115 East Main Street.

Corporate Counsel Sarah Griffin advised the council that three items must be considered in the exchange; that the premises to be conveyed by the City under such exchange, in the opinion of the City Council, are no longer needed by the municipality for the public interest; that the premises to be received by the City under such exchange will prove useful to the City and will be for the public interest; and that the total value of the substitutional premises is approximately equal to or exceeds the value of the premises for which same are being exchanged, as determined by the corporate authorities, taking into consideration the long term best interest of the public.

Upon no public comments or questions, a motion was made by Alderman Corbin to close the public hearing, seconded by Alderman Endress. Motion approved 8-0.

MINUTES

REGULAR MEETING

Monday, November 5, 2007

PUBLIC COMMENTS

- Gary Fontana, 2819 Red Fox Lane, Freeport, spoke against the ordinance amending signs in historic district since the entire downtown area is in the historic district. He stated that he is the owner of two stores affected by the ordinance – Frank Jewelers and Stephens Market. Many times, signs placed in the windows are the life-blood of their marketing and by adding the sign regulations in the proposed ordinance; it would be detrimental to downtown merchants. The council should make the playing field even – if you are going to enforce it to downtown merchants you should also enforce it throughout the City. He asked the council to reconsider the sign ordinance the way it is written.
- Candy Allen-Smith, 24½ W. Stephenson Street, Freeport, spoke against the ordinance amending signs in the historic district. Ms. Allen-Smith stated that she is the owner of a new business in the downtown, Dragon Popcorn. She recently had to follow the current regulations put forth by the Historic Preservation District and there was an amount of confusion by the time you follow the rules and inspections. The City should make it easier for new businesses to come to Freeport, not harder to comply with the regulations. She asked the council not to add the regulations for signs as written in the proposed ordinance.
- Community Development Director Shelly Griswold read a letter submitted by George Mowery, owner of Walnut Hill Liquors asking the council to reconsider the proposed regulations for signs in the Historic District.
- Community Development Director Shelly Griswold read a letter submitted by Ron London asking the council to consider “grandfathering” in the current signs in the downtown area.
- Community Development Director Shelly Griswold read a letter submitted by Bruce Johnson asking the council to reconsider the ordinance amending signs in the historic district.

CONSENT AGENDA

A. Approval to Receive and Place on File:

- 1) Treasurer’s Report for period ended September 30, 2007
- 2) Treasurer’s Monthly Investment Report for period ended September 30, 2007
- 3) United Water and Commission capital and project activities for September/October 2007
- 4) Community Development Building Permits for October 2007
- 5) Community Development Cash Receipts for October 2007
- 6) Zoning Board of Appeals items for November 8, 2007

B. Approval of Water and Sewer Disbursements for month of October 2007 - \$187,350.20

C. Approval of Bills Payable for October 2007 (#31, #32, #33, #34, #35) ---- \$798,122.85

D. Approval of Payroll for period ended October 13, 2007 --- \$380,983.63

E. Approval of Payroll for period ended October 27, 2007 --- \$380,402.26

A motion to approve the Consent Agenda as submitted to the council was made by Alderman Helms, seconded by Alderman Endress.

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The Consent Agenda was approved.

ITEMS REMOVED FROM THE CONSENT AGENDA

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2007-75:

An Ordinance amending Section 1442.24 (Demolition Permits) of Chapter 1442 (Permits and Fees) regarding demolition of accessory buildings was presented for approval. The first reading of this ordinance was held on October 15, 2007. A motion to approve was given by Alderman Helms, seconded by Alderwoman O’Neill and the ordinance was automatically laid over to tonight’s meeting.

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The ordinance was adopted.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE #2007-77:

An Ordinance amending Chapter 220 of the Codified Ordinances of the City of Freeport to modify the meeting times from 7:00 p.m. to 5:15 p.m., or shortly thereafter as the City Council Committee of the Whole completes its meeting. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 1, 2007, on a motion by Alderman Boldt and a second by Alderman Corbin. At the council meeting on October 15, 2007, a motion was made by Alderman Helms, seconded by Alderman Bush to lay over the ordinance to tonight’s meeting on a voice vote 7-0. Alderman Boldt stated that upon further review of this ordinance, he would ask the council not to go forward with this ordinance. The council concurred with Alderman Boldt and the motion was abandoned.

1ST READING OF ORDINANCE #2007-78:

An Ordinance amending Chapter 659 Chronic Nuisances of the Codified Ordinance of the City of Freeport – regarding violation of Chapter 670 (Peace Disturbances) Subsection 670.05 –Noise. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 15, 2007, on a motion by Alderman Bush and a second by Alderman Corbin.

Motion to approve ordinance – Helms

Second – O’Neill

Ordinance #2007-78 will be automatically laid over to November 19, 2007.

1ST READING OF ORDINANCE #2007-79:

An Ordinance amending Chapter 1252 (Business Districts) of the Codified Ordinances of the City of Freeport, Illinois regarding zoning of repair shops. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 15, 2007, on a motion by Alderman Klemm, seconded by Alderman Endress.

Motion to approve ordinance – Helms

Second – Endress

Ordinance #2007-79 will be automatically laid over to November 19, 2007.

MINUTES

REGULAR MEETING

Monday, November 5, 2007

1ST READING OF ORDINANCE #2007 -80:

An Ordinance amending Chapter 1475 (Historic Preservation) Section 1475.03 (Historic Preservation Commission), Section 1475.13 (Application Review), and Section 1475.14 (Certificate of Appropriateness) of the Codified Ordinances of the City of Freeport – regarding signs in historic districts. This ordinance was recommended to the City Council by the Committee of the Whole by majority vote of 5-2 on October 15, 2007, on a motion by Alderman Corbin, seconded by Alderwoman O’Neill. A motion was made by Alderman Corbin to send this ordinance back to Historic Preservation for amendment of the wording for signs in historic districts, seconded by Alderman Boldt. Motion passed 8-0. The council was asked to send an e-mail to Community Director Shelly Griswold regarding their input as to remove the wording, “signs visible from the exterior of the building.”

1ST READING OF ORDINANCE #2007-81:

An Ordinance to authorize right of way of easement to Freeport Park District for Public Recreational Path. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 15, 2007, on a motion by Alderwoman O’Neill, seconded by Alderman Bush.

Motion to approve ordinance – Helms

Second – Endress

Ordinance #2007-81 will be automatically laid over to November 19, 2007.

1ST READING OF ORDINANCE #2007-82:

An Ordinance authorizing sale of real estate 522 West Homer Street, Freeport, Illinois to Keith Huenfeld. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 15, 2007 on a motion by Alderwoman O’Neill, seconded by Alderman Corbin.

Motion to approve – Helms, Second – O’Neill

A Motion suspending the rules and authorize approval of this ordinance at tonight’s meeting was made by Alderwoman O’Neill.

Second – Helms

Roll Call vote for suspension of rules:

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays - 0

Roll Call vote for approval of Ordinance:

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The ordinance was adopted.

1ST READING OF ORDINANCE #2007-83:

An Ordinance authorizing sale of real estate 526 West Homer Street, Freeport, Illinois to Keith Huenfeld. This ordinance was recommended to the City Council by the Committee of the Whole by unanimous vote on October 15, 2007 on a motion by Alderwoman O’Neill, seconded by Alderman Corbin.

Motion to approve – Helms, Second – O’Neill

A Motion suspending the rules and authorize approval of this ordinance at tonight’s meeting was made by Alderwoman O’Neill.

Second – Helms

Roll Call vote for suspension of rules:

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays - 0

MINUTES

REGULAR MEETING

Monday, November 5, 2007

Roll Call vote for approval of Ordinance:

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The ordinance was adopted.

ACTION ITEMS

Refer Ordinance to Committee which authorizes a deed for exchange of Parking Lot #1 - located at the southeast corner of Stephenson Street and Adams Avenue owned by the City of Freeport with Parking Lot #2 - located at the southwest corner of Main Street and Adams Avenue owned by Newell Co., and includes findings that:

- that the premises to be conveyed by the City under such exchange, in the opinion of the City Council are no longer needed by the municipality for the public interest;
- that the premises to be received by the City under such exchange will prove useful to the City and will be for the public interest; and
- that the total value of the substitutional premises is approximately equal to or exceeds the value of the premises for which same are being exchanged, as determined by the corporate authorities, taking into consideration the long term best interest of the public.

Motion to refer to the exchange of the above mentioned parking lots to committee – Corbin

Second – Helms

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The ordinance will be sent to Committee of the Whole meeting on November 19, 2007.

Reappointment - A motion was made by Alderman Corbin to accept the reappointment of Deborah Harms to the Housing Authority Board, seconded by Alderman Klemm.

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The re-appointment was approved.

RESOLUTIONS

RESOLUTION #R-2007-95:

Resolution authorizing the execution of the IMLRMA Minimum/Maximum Contribution Agreement for Calendar Year 2008. This resolution was recommended to the City Council by the Committee of the Whole by unanimous vote, on a motion by Alderman Klemm, seconded by Alderman Endress. 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 IMLMA Minimum/Maximum Contribution Agreement which increases the annual premium from \$406,792.12 to \$470,554.84 by 15.7% and is the minimum contribution the City of Freeport would pay for 2008. Notably, the maximum contribution the City of Freeport would pay for year 2008 would be \$640,398.00 depending upon the claim experience for that year. The City Council finds it to be in the best interest of the municipality to make its IMLRMA contribution payment by the early renewal deadline of November 16, 2007, which reduces the annual premium by an additional 2% (\$9,603.16) and it is so resolved by the City Council to authorize the Mayor to execute the IMLRMA Minimum/Maximum Contribution Agreement for one (1) year period beginning 12/31/2007 and ending 12/31/2008.

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The resolution was adopted.

MINUTES

REGULAR MEETING

Monday, November 5, 2007

RESOLUTION #R-2007-96:

Resolution to Request Assistance from State and Federal Agencies in Relation to Environmental Issues along Galena Avenue corridor commonly known as the IOCO. Mayor Gaulrapp presented that this resolution will request assistance from the Illinois Environmental Protection Agency in an effort to identify environmental conditions to the property located at 901 S. Galena Avenue. It also resolve to assist the IEPA in any manner that will provide for the timely and comprehensive environmental investigation of the property.

Motion to approve resolution – Bush

Second - Endress

Ayes – Helms, O’Neill, Corbin, Klemm, Boldt, Bush, DeVine, Endress – 8

Nays – 0

The resolution was adopted.

DEPARTMENT HEAD REPORTS

Water and Sewer Project Manager Denise Ihrig referred to the Water and Sewer report included in the packets and asked the council to refer any questions to her if necessary

Police Chief Jerry Whitmore reported on the following:

- Congratulated Matt Summers on his chili recipe that won the Chili cook-off contest beating out the Fire Department and City Hall’s chili.
- Thank you to the Auxiliary Police who volunteered over 60 hours between the Jingle Bell Run and Halloween evening.

Community Development Director Shelly Griswold reported on the following:

- Thank you to all who supported and worked at the Downtown Development Chili Friday
- Tuesday will be a ribbon cutting for a new store in the downtown – Sally’s Cookie Jar
- Zoning Board will meet on November 8 - items were contained in the Consent Agenda.
- Next Tuesday, November 13th there will be a Ribbon Cutting for the Citizen’s Plaza at Forest Road and Kiwanis Drive.
- Property Maintenance Task Force has asked Alderwoman Linda O’Neill to chair and the meeting that was to meet on November 12 has been rescheduled for a date to be announced.

Public Works Director Craig LeBaron reported on the following:

- There was a meeting of the Illinois Environmental Protection Agency and United States Environmental Protection Agency regarding Tutty’s Crossing and the make up of soil in that area. The results were good and bad; good that the battery contamination was the same as previously found, bad that it was not high enough so the USEPA does not have to help with disposal of the soil.
- The Public Works Department is reviewing the tipping fees
- The Rawleigh Collaboration Team sent out a request for qualifications and received back 10 out of 60 for structural engineers interested in the rehabilitation of the Rawleigh Complex.
- Leave pick-up would be moving along better if Mother Nature dropped more leaves – not many coming down until just recently.

MINUTES

REGULAR MEETING

Monday, November 5, 2007

MAYOR'S REPORT

- Mayor Gaulrapp referred to his November 5, 2007 memorandum highlights the various projects underway in the City. In particular, he noted thank you to Public Works Director for the work on the West Avenue TIFF map, the international council of shopping centers show was effective in drawing interest for Freeport, Tutty's Crossing soil removal, Albertus Airport MOU, the Lincoln Douglas debate square progress and noting a press conference at the airport on November 19 with U.S. presidential candidate, Barack Obama, Senator Dick Durbin, and the Governors' Office.
- Mayor Gaulrapp announced that the FHS athletes will be recognized at the City Council Meeting on November 15, 2007
- Mayor Gaulrapp recognized the veterans in the audience and on the City Council, thanking them for their service to our Country.

NEW BUSINESS

- Alderman Helms noted that there would be a Neighborhood Meeting on November 14, 2007, at Schwarz Funeral Home regarding public safety.
- Alderwoman O'Neill noted the improved agenda format.
- Alderman Corbin recommended that the council look in to combining the Committee of the Whole meeting and the City Council meeting and felt that it would not inhibit due process.
- Alderman Klemm gave a thank you to Denise Ihrig and welcomed her back. Also asked about the off-street parking.
- Alderman Bush talked about the 10 most wanted property list and where the City is with them. He has some concern about some houses that have not come down. He also stated the Aldermen Retreat is in the process of being scheduled with Mr. Feaver. Alderman Bush brought up the dissatisfaction among his constituents regarding the Crain Company on Hancock Street and the excessive dust. Director Griswold asked to be called when excessive dust is in the air caused from this company.
- Director Joesten asked the council when looking at items for the retreat to consider Finance issues facing the City especially the cost of closing the landfill in excess of \$2 million, bridges showing wear and tear and the cost to rehab, installing for the waste water treatment phosphorous treatment cost of \$8 to \$12 million.
- Alderwoman DeVine stated the City and the County will be competing against each other for canned good collection on November 17 at Sullivan's Foods, urging council for their support. She has also been asked what the City is doing about Reverend Collins and if it is considered a criminal matter. Chief Whitmore said that a complaint has not been filed with his office about Reverend Collins.
- Alderman Endress noted that the College Bowling Tournament hosted by the Four Seasons brought many teams and athletes to area hotels and businesses. Also, there were five bowlers on collegiate teams who bowled for Freeport High School. He noted a how a neighborhood watch helped a situation with a stolen vehicle.
- City Clerk Meg Zuravel reminded department heads about the Lantern Festival scheduled for Saturday, November 10, 2007 between the hours of 5:00 p.m. to 7:30 p.m. which includes events in the public parking lot by the post office and a parade.

PUBLIC COMMENTS

Tom Tyke spoke to the council and thanked them for all their work.

Adjournment of the meeting at 8:55 p.m.