



City Council

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

MINUTES REGULAR MEETING Monday, March 3, 2008

QUORUM

At 7:00 p.m. a quorum being present, the meeting was called to order by Mayor George Gaulrapp.

PLEDGE OF ALLEGIANCE

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

RECOGNITION

Mayor George Gaulrapp presented recognition awards to the IHSA Speech Finalists of the 2008 Sectional and State Qualifiers from Freeport High School and Aquin Catholic High School. Receiving recognition awards were Veronica Tolliver, Alex Sullins, Jerry Howard, Emily Beach, Erik Eiseman, Zach Masa-Myers, Mega Patel, Melissa Golz, Leslie Eiler, Rhiannon Petras, and Libby Brubaker from Freeport High School and Bobby Bauch of Aquin High School.

RECORD

Present were Aldermen Helms, Klemm, Bush, DeVine and Endress

Absent were Aldermen O'Neill, Corbin and Boldt with excused absences.

PRESENTATIONS

- Tim O'Toole of the newly opened Family Video thanked the City of Freeport for their warm welcome to a new business to the area.
- Joel Zirkle of Fehr-Graham & Associates spoke to the council regarding the possibility of changing the final remediation cap at the landfill. IEPA regulations require that a landfill cap must restrict migration to within 100 feet for 100 years. Fehr-Graham's models concluded that the phyto cap was not giving the end result that you would likely meet IEPA requirements. Based on the model, it was recommended that the city abandon plans for the phyto cap and install a conventional cap. Mr. Zirkle stated that Fehr-Graham & Associates does not have enough technical information that gives them a sufficient comfort level that they can in good conscience recommend going forward with this technology and they are heading towards capping the landfill with conventional cap versus the phyto cap. A conventional cap will help to move forward with the gas recovery project proposed by EcoEnergy.
- A presentation was given to the committee by Bryan Johnson, P.E., Director of Biofuels Development, on the EcoEnergy LLC proposal to install and operate a landfill gas collection system at the Freeport Landfill. The collection system would be installed at no cost to the City. A landfill gas collection system can significantly reduce the potential for landfill odors and gas subsurface migration and groundwater contamination. A Landfill Cap can seal in LFG gases. In addition, there is a significant reduction in Greenhouse Gas released to the atmosphere by venting the gas. EcoEnergy will pay the City for landfill gas that is used by the industry with no investment required by the City. Mr. Johnson

MINUTES
REGULAR MEETING
Monday March 3, 2008

stated that a LFG direct used option has been proposed to CJ Vitner Company finding that the company is a good candidate due to relatively large gas natural gas use for boiler and fryer operations.

APPROVAL OF THE AGENDA

Alderman Helms moved to approve the agenda as presented removing item 18, Resolution 2008-15 Supplemental Funding for NIDA, seconded by Alderman Endress. The agenda was approved 5-0.

APPROVAL OF MINUTES

Alderman Helms moved to approve the minutes of the Regular Meeting on Tuesday, February 19, 2008, seconded by Alderman Endress. On a roll call of ayes and nays, Alderman Helms, Klemm, Bush, DeVine and Endress voted aye (5). The minutes were approved 5-0.

PUBLIC COMMENTS

There was no one signed up for public comments on agenda items this evening.

CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda.

A. Approval to Receive and Place on File:

- 1) Treasurer's Investment Report for period ended January 31, 2008
- 2) Community Development Building Permits Issued for February 2008
- 3) Community Development Cash & Misc. Receipts for February 2008
- 4) United Water Monthly Report January/February 2008

B. Approval of Payroll for period ended February 16, 2008 --- \$399,582.81

C. Approval of Bills Payable for February 2008 (#62, 63, and 64) ---- \$341,423.31

D. Approval of Water and Sewer Disbursements as of February 26, 2008 ---- \$295,393.72

Motion to approve Consent Agenda items as presented – Helms

Second – Endress

Ayes – Helms, Klemm, Bush, DeVine, and Endress

Nays – 0

The Consent Agenda was approved.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2008-09:

An Ordinance Amending Chapter 893 (Motor Fuel Tax) of the Codified Ordinances of the City of Freeport to Extend Such Tax for a One Year Period of Time -

The first reading of this ordinance was held on February 19, 2008. A motion to approve was given by Alderman Helms, seconded by Alderwoman O'Neill and it was automatically laid over to tonight's meeting.

Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-09 was adopted 5-0.

MINUTES
REGULAR MEETING
Monday March 3, 2008

2ND READING OF ORDINANCE #2008-10:

An Ordinance Amending Chapter 889 (Electricity Kilowatt – Hours Use Tax) of the Codified Ordinances of the City of Freeport to Extend the Increase on Such Tax For a One Year Period of Time -

The first reading of this ordinance was held on February 19, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress and it was automatically laid over to tonight's meeting
Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-10 was adopted 5-0.

2ND READING OF ORDINANCE #2008-11:

An Ordinance Amending Chapter 1052 (Water and Sewer Capital Improvement Fund) of the Codified Ordinances of the City of Freeport, Illinois for a Period of One Year

First reading of this ordinance was held on February 19, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress and it was automatically laid over to tonight's meeting
Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-11 was adopted 5-0.

2ND READING OF ORDINANCE #2008-12:

An Ordinance Amending Chapter 220 "Council", Section 220.10 "Rules of Council", Subsection (10) "Order of Business"; Chapter 220 "Council", Section 220.11 "Council Committees" and Chapter 222 "Ordinances and Resolutions" of the Codified Ordinances of the City of Freeport

First reading of this ordinance was held on February 19, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress and it was automatically laid over to tonight's meeting
Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-12 was adopted 5-0.

2ND READING OF ORDINANCE #2008-13:

Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois, requesting a Variance to Section 1262.03 (h)(2) to allow an unpaved parking area at 1910 South Walnut, Freeport, Illinois – Freeport Raceway Park, Inc.

This ordinance was recommended to the City Council by the Zoning Board of Appeals on February 7, 2008, by unanimous vote based on conditions 1-6 listed on Exhibit B – Special Conditions or Provisions. The first reading of this ordinance at the City Council was held on February 19, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress and it was automatically laid over to tonight's meeting. An objection to this variance was filed with the Zoning Board of Appeals by Mr. John Zajicek, owner of Knollwood Estates and a copy of his letter was included with the ordinance.

Ayes – Helms, Klemm, Bush, DeVine and Endress with Mayor Gaulrapp voting under 220.10 (7) (c) and casting a vote of aye.

Nays – 0

Ordinance 2008-13 was adopted 6-0.

**MINUTES
REGULAR MEETING
Monday March 3, 2008**

2ND READING OF ORDINANCE #2008-14:

An Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois, requesting a Variance for the property located at 1003 South Saxby Avenue – fence around property

This ordinance was recommended to the City Council by the Zoning Board of Appeals on February 7, 2008, by unanimous vote. The first reading of this ordinance at the City Council was held on February 19, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress and it was automatically laid over to tonight's meeting

Ayes – Helms, Klemm, Bush, DeVine and Endress with Mayor Gaulrapp voting under 220.10 (7) (c) and casting a vote of aye.

Nays – 0

Ordinance 2008-14 was adopted 6-0.

2ND READING OF ORDINANCE #2008-15:

A Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois, requesting a zoning change from B1-1 (Restricted Retail Business) to B2-1 (General Retail Business District) for the property located at 1121 West Empire Street

This ordinance was recommended to the City Council by the Planning Commission by unanimous vote on February 7, 2008. The first reading of this ordinance at the City Council was held on February 19, 2008.

A motion to approve was given by Alderman Klemm, seconded by Alderman Endress and it was automatically laid over to tonight's meeting

Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-15 was adopted 5-0.

2ND READING OF ORDINANCE #2008-16:

An Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois, requesting a variance to allow an eleven foot front yard at 1121 West Empire Street

This ordinance was recommended to the City Council by the Zoning Board of Appeals by unanimous vote on February 7, 2008. The first reading of this ordinance at the City Council was held on February 19, 2008. A motion to approve was given by Alderwoman O'Neill, seconded by Alderman Klemm and it was requested to have it laid over to tonight's meeting to coincide with Ordinance 2008-15

Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

Ordinance 2008-16 was adopted 5-0.

ACTION ITEMS

APPOINTMENT

A motion was made by Alderman Klemm to accept the appointment of Gregory Shadle to the Water and Sewer Commission effective immediately and expiring on November 30, 2008. The motion was seconded by Alderman Helms. The motion passed 5-0.

RE-APPOINTMENT:

A motion was made by Alderman Klemm to accept the re-appointment of Bettye Corbin to the Water and Sewer Commission effective immediately and expiring on November 30, 2012. This motion was seconded by Alderman Endress. The motion passed 5-0.

MINUTES
REGULAR MEETING
Monday March 3, 2008

APPOINTMENT:

A motion was made by Alderman Endress to accept an appointment of Tom Klemm to the Building Commission effective immediately and expiring on April 30, 2011. This motion was seconded by Alderman Helms. The motion passed 5-0.

RE- APPOINTMENT:

A motion was made by Alderman Endress to accept a re-appointment of Terry Heilman to the Building Commission effective immediately and expiring on April 30, 2011. This motion was seconded by Alderman DeVine. The motion passed 5-0.

RESOLUTIONS

RESOLUTION #R-2008-09:

A Resolution to Approve Amendments to the Final Plat for Deer Creek Subdivision Section 3
This resolution was presented at the council meeting on February 19, 2008, by Community Development Director Shelly Griswold. A motion was made by Alderman Helms, seconded by Alderman Boldt to have this resolution laid over to tonight's meeting to allow administration additional time to research original plat documents for sidewalks and street lights. The motion was unanimously approved by the council. On March 3, 2008, Community Development Director Shelly Griswold stated that an exhaustive search of city files was conducted and it is our opinion that a waiver of sidewalks and street lights was never filed with the plats as approved. An amendment to the annexation that was filed does make an exception to the requirement for sidewalks if the area is where the bike path will be installed. Director Griswold stated for the record that the Resolution contains the correct title, "Final Plat for Deer Creek Subdivision Section Three" and the plat filed by the developer is incorrect referring to Section Four and she will require the correction upon filing with the county. Director Griswold stated that during the Planning Commission meeting on February 7, 2008, it was recommended and approved the plats as presented with the condition that the developer install the bike path as noted on the original plat of the property and that ownership and maintenance of all storm sewers, storm sewer easements, and other storm water management facilities included on the plat remain the responsibility of the private property owner and not the City of Freeport. Alderman Helms made a motion to require street lights and sidewalk on the plat along Park Crest Drive and Navajo Drive. This motion was seconded by Alderman Klemm. A roll call vote was taken.

Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

The amendment to the resolution as approved 5-0.

Motion to approve resolution as amended – Helms

Second - Endress

Ayes – Helms, Klemm, Bush, DeVine and Endress

Nays – 0

The resolution as amended on March 3, 2008, was approved 5-0.

RESOLUTION #R-2008-16:

A Resolution to Request Temporary Closure of Streets for Annual Memorial Day Parade – Mayor George Gaulrapp presented the resolution that the requested street closure will be between 9:00 a.m. to noon on Monday, May 26, 2008 for the annual Memorial Day Parade.

Motion to approve resolution – Helms

Second – Endress

Resolution 2008-16 was adopted 5-0.

MINUTES
REGULAR MEETING
Monday March 3, 2008

RESOLUTION #R-2008-18:

A Resolution to Co-Sponsor Memorial Day Parade with Allied Veterans Council – Mayor George Gaulrapp presented this resolution asking the city to co-sponsor the Memorial Day Parade on May 26, 2008 with the Allied Veterans Council for the purpose of insurance.

Motion to approve resolution – Helms

Second – Endress

Resolution 2008-18 was adopted 5-0.

RESOLUTION #R-2008-17:

A Resolution to Designate the Freeport Carnegie Library a Local Historic Landmark - A motion was made by Alderman Helms to table this resolution, seconded by Alderman Klemm. Motion was approved on voice vote.

DEPARTMENT HEAD REPORTS

Community Development

- Consideration of revocation of 5311 grant provider status for Freeport City Service Cab Company – Community Development Director Shelly Griswold provided an update to the council regarding Freeport City Service Cab compliance review stating the vehicle in service report has not been received, the weekly trip manifest/vouchers were received last week for December 5, 2007 through December 12, 2007 only, the monthly operations reports have not been received, the first quarter reports have not been received, the second quarter reports have not been received, the FTA Drug/Alcohol report as not been received, the company disciplinary policy has not been received, the complaint resolution policy has not been received, the copies of insurance policies for business and vehicle have not been updated as requested, and the bi-weekly internal inspection reports have not been updated as requested. Mr. Franklin McGee was asked to address these missing reports and he stated to the council that bookkeeping required by the 5311 grant has required him to hire an additional clerical person and it is not worth the hassle and paperwork to remain as a 5311 provider. Mr. McGee stated that coupon vouchers for \$1.00 flooded the market and no one could keep up with the record-keeping required by the program. A motion was made by Alderman Helms to revoke the 5311 provider status from Freeport City Service Cab Company, seconded by Alderman Bush. On a roll call vote of ayes and nays, Alderman Helms, Klemm, Bush, DeVine and Endress voted aye. The motion was approved 5-0.
- Community Development Director Shelly Griswold referred to her letter dated February 29, 2008 as to the items on the Board of Zoning Appeals and Planning Commission meeting scheduled for March 6, 2008.
- A listing of the Freeport Beautification Association fifty small projects was included in the packet information this evening.

Finance

- Finance Director Craig Joesten read into the record a letter by Duane Price dated March 3, 2008 that the city has opened a new checking account with Midwest Bank. This account is for the revenue generated from the hotel/motel tax. This new account replaces the existing checking account with Fifth/Third Bank which has been closed.

**MINUTES
REGULAR MEETING
Monday March 3, 2008**

Public Works

- Public Works Director Craig LeBaron stated an information item on the required extra funding due to pot holes on the city streets, the progress on the Freeport Art Museum roof and the status of additional funding due to the snowplowing this year. Director LeBaron also provided an informational item on hanger rent at the airport.

MAYOR'S REPORT

Mayor George Gaulrapp congratulated the Freeport High School girl's basketball team for winning second place at the IHSA state finals in Bloomington, Illinois, on March 1, 2008. Their sportsmanship should be commended and the mayor was impressed with the fan support attending the game.

NEW BUSINESS

- Alderman Helms requested an economic return estimate for the Sesquicentennial Celebration of the Lincoln-Douglas Debate scheduled for Labor Day Weekend 2008 at the time when Resolution 2008-08 was approved. He requested to have this item followed up by the administration.
- Alderman Klemm suggested that the Health Care Committee meet before the council needs to vote on the insurance issue.

An adjournment of the meeting was made at 8:50 p.m.

Respectfully submitted,
Meg Zuravel, City Clerk