



## *City Council*

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

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### **MINUTES REGULAR MEETING Monday, May 5, 2008**

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#### **PUBLIC HEARING**

At 7:00 p.m. on Monday, May 5, 2008, in the City Council Chambers of City Hall a motion was made by Alderman Helms to open the public hearing to discuss Ordinance 2008-25, Appropriation Ordinance Fiscal Year 2008-2009 for the City of Freeport, Illinois, seconded by Alderwoman O'Neill. The ordinance and its attachments were made available to the public on the website and through City Clerk's office starting on April 4, 2008. The public hearing posting was published on April 25, 2008, in the Journal Standard.

Two individuals were signed up for public comments during the Public Hearing:

Marianne L. Garvens, 2532 E. River Road, Freeport spoke to the council about questions and information on Ordinance 2008-25. She stated that she felt the information presented by the Finance Department through the website was overly broad and excessively vague. She noted that she obtained a more detailed report from the Finance Department. Ms. Garvens referred to specific line items in which she had comments including no wage increases for employees versus a wage increase for elected officials, Northwest Illinois Development Alliance funding, contractual services for outside corporation counsel, NHS funding, and corporate reserve expenditure items.

Scott Townsend, 524 Delmar Drive, Freeport spoke to the council about ambulance billing and the transfer of funds from the fire improvement fund. Prior to the meeting, the council was given copies of a letter dated May 5, 2008, written by Joann M. Townsend, president of JMT Billing Service, Inc. and Scott Townsend, Secretary of JMT Billing Service, Inc. Mr. Townsend made reference to the reports prepared by JMT Billing attached to their letter in order to voice their concerns over a statement made by Finance Director Craig Joesten regarding the billing revenue of Andres Billing. He stated that of the \$353,300 currently in the Fire Capital Improvement Fund, JMT is responsible for nearly \$102,000 of that total. He stated that Andres Billing is responsible for \$234,000 through the 1<sup>st</sup> of April, 2008. He stated that he believes that Director Joesten's figures and comments are both incorrect and irresponsible. Mr. Townsend stated that the presentation was not an attempt to win back the billing service or criticize Andres Billing. He stated that JMT believes Andres Billing to be a very reputable and capable billing service. The council was also given a letter dated May 1, 2008, written by the International Association of Firefighters Local #441 and signed by forty-four members asking the council to secure and not transfer away any funds in the Freeport Fire Capital Improvement Fund.

A motion was made by Alderman Boldt to close the public hearing portion of the meeting, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

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**RECORD**

Present on roll call were Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8). Also present was Corporation Counsel Sarah Griffin and city department heads.

**PLEDGE OF ALLEGIANCE**

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

**PRESENTATIONS AND PROCLAMATIONS:**

- In recognition of National Volunteer Week for Auxiliary Police the Freeport Auxiliary Police were presented certificates by Chief of Police Jerry Whitmore and Lt. Jeff Davis.
- A proclamation was read declaring World Trade Week the week of May 11, 2008

**APPROVAL OF THE AGENDA**

A motion to approve the agenda as presented was made by Alderman Helms, seconded by Alderwoman Endress. Motion passed by voice vote without dissent.

**APPROVAL OF MINUTES**

A motion to approve the minutes from the regular meeting on Monday, April 21, 2008, was made by Alderman Endress, seconded by Alderwoman DeVine. On a roll call vote Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm voted aye. Motion passed 8-0.

**PUBLIC COMMENTS – AGENDA ITEMS**

Mayor George Gaulrapp asked for leave of council to allow public comments on agenda and non-agenda items and it was so allowed.

- Tom Tyke, told the council of winners in the area going downstate for the Special Olympics.
- Brian Borger, 1020 Bertram Drive, spoke to the council about the Lincoln – Douglas Sesquicentennial collector license plates selling for \$40.00 through May 12, 2008 and that may be displayed on vehicles from July 4, 2008 to September 1, 2008.
- Dan Fishburn, 1430 Sylvan Court, spoke to the council as an attorney for Eco Grove and Eco Grove Wind LLC and the Ordinance 2008-31B requesting the council to approve the enterprise zone to include the Commonwealth Edison substation stating that it is an integral part of the project.
- Steven Harrell, 585 N. Henderson, stated to the council that the east side has been victimized by contaminants and there are issues about HB Plastics and their inability to clean up their property located on Wyandotte Street.

**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) Community Development Building Permits for April 2008**
- 2) Community Development Cash and Miscellaneous Receipts for April 2008**

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**3) Community Development report for Zoning Board of Appeals and the  
Freeport Planning Commission meeting for May 15, 2008**

**B. Approval of Water and Sewer Disbursements as of May 5, 2008--- \$156,052.90**

**C. Approval of Payroll for period ending April 26, 2008 --- \$402,179.31**

**D. Approval of Bills Payable for 2008 (#78, 79, 80, 81) ---- \$188,687.99**

Motion to approve Consent Agenda items as presented – Boldt

Second – O’Neill

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O’Neill, Corbin and Klemm

Nays – None

Motion passed 8-0, the Consent Agenda was approved.

**COMMUNICATION/REPORTS TO COUNCIL**

A letter dated April 21, 2008, from George W. Mowry, Secretary of Walnut Hill Corporation regarding Sunday liquor sale hours was presented and read to council by the City Clerk Meg Zuravel.

**ORDINANCES –THIRD READING**

**3<sup>RD</sup> READING OF ORDINANCE #2008-24:**

**An Ordinance to Amend Chapter 650 (Minors), Section 650.08 (Curfew) of the Codified Ordinances of the City of Freeport** - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Helms. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting.

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O’Neill, Corbin and Klemm (8)

Nays – None

Ordinance 2008-24 was adopted 8-0.

**3<sup>RD</sup> READING OF ORDINANCE #2008-25:**

**Appropriation Ordinance, Fiscal Year 2008-2009, For the City of Freeport, Illinois** - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderman Boldt, seconded by Alderman Klemm. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting. Alderman Helms stated that he emailed fourteen questions to the administration. Accountant Duane Price and the department heads were called on to answer the questions. A discussion ensued as to the appropriation ordinance for Fiscal Year 2008-2009. A motion was made by Alderman Helms to layover the ordinance to the next meeting, seconded by Alderwoman O’Neill. On a roll call vote Alderman Boldt, Bush, DeVine, Endress, Helms, O’Neill, and Corbin voted aye. Alderman Klemm voted nay. The motion passed 7-1 to layover the ordinance.

**3<sup>RD</sup> READING OF ORDINANCE #2008-26:**

**An Ordinance Amending Chapter 806 “Alcoholic Liquor Sales” of the Codified Ordinances of the City of Freeport** - application for issuance or renewal licenses through the payment of checks, postal money orders, or cash - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Helms. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting.

Roll Call Vote – Ayes: Boldt, Endress, Helms, O’Neill, Corbin and Klemm (6)

Nays – Bush and DeVine (2)

Ordinance 2008-26 was adopted 6-2.

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**3<sup>RD</sup> READING OF ORDINANCE #2008-27:**

**An Ordinance Amending Chapter 608 “Alcoholic Liquor” of the Codified Ordinances of the City of Freeport** – permitted hours of sales changing from 12:00 noon to 9:00 a.m. on Sunday - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderman Boldt, seconded by Alderman Klemm. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting. Alderman Bush stated that he did not feel there was a good enough reason to change the times of liquor sales on Sunday. Alderman Klemm made a motion to amend the time from 9:00 am to 7:00 am, and this motion was not seconded. Alderman Corbin stated that constituents and churches were encouraged to phone their aldermen with about this ordinance and he had received over a period of four weeks three calls for and two calls against. Alderman Boldt stated that he had only received comments in support of the ordinance.

Roll Call Vote – Ayes: Boldt, Endress, Corbin and Klemm (4)

Nays – Bush, DeVine, Helms, and O’Neill (4)

Mayor George Gaulrapp voted aye.

Ordinance 2008-27 was adopted 5-4.

**3<sup>RD</sup> READING OF ORDINANCE #2008-28:**

**An Ordinance Amending Chapter 608 “Alcoholic Liquor” of the Codified Ordinances of the City of Freeport** – offenses by licensees regarding gates for B-2 license holders - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting.

Roll Call Vote – Ayes: Boldt, Endress, Helms, O’Neill, Corbin and Klemm (6)

Nays – Bush and DeVine (2)

Ordinance 2008-28 was adopted 6-2.

**3<sup>RD</sup> READING OF ORDINANCE #2008-29:**

**An Ordinance Amending Chapter 290 (Compensation and Benefits) Section 290.04 (Entrance Salary Rates) of the Codified Ordinances of the City of Freeport** - The first reading of this ordinance was held on April 7, 2008. A motion to approve was given by Alderwoman O’Neill, seconded by Alderman Endress. The second reading of this ordinance was held on April 21, 2008, and it was automatically laid over to tonight’s meeting.

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O’Neill, Corbin and Klemm (8)

Nays – None

Ordinance 2008-29 was adopted 8-0.

**ORDINANCES –SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE #2008-30:**

**An Ordinance Amending Chapter 290 Compensation** – Pay grade Police and Fire Administrative Aide – ordinance includes letters written to council by Chief of Police Jerry Whitmore and Fire Chief Kevin Countryman. The first reading of this ordinance was held on April 21, 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. The third reading will be held at the next meeting.

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**2<sup>ND</sup> READING OF ORDINANCE #2008-31:**

**An Ordinance Amending the Boundaries of the Joint City of Freeport – County of Stephenson Certified Enterprise Zone - Eco Grove Wind LLC and HB Plastics –**

The first reading of this ordinance was held on April 21, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to tonight's meeting. The applicant for Eco Grove Wind LLC is requesting that Ordinance 2008-31 be separated. Alderman Klemm made a motion to separate the ordinance, seconded by Alderman Endress. On a roll call vote, Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm voted aye (8). Motion passed 8-0.

**2<sup>ND</sup> READING OF ORDINANCE #2008-31A:**

**An Ordinance Amending the Boundaries of the Joint City of Freeport – County of Stephenson Certified Enterprise Zone - HB Plastics -** Corporation Counsel Sarah Griffin asked the council if they had received a copy of the legal description for HP Plastics. This ordinance was automatically laid over to the next regularly scheduled meeting.

**2<sup>ND</sup> READING OF ORDINANCE #2008-31B:**

**An Ordinance Amending the Boundaries of the Joint City of Freeport – County of Stephenson Certified Enterprise Zone – Eco Grove Wind LLC -** this ordinance was automatically laid over to the next regularly scheduled meeting.

**2<sup>ND</sup> READING OF ORDINANCE #2008-33:**

**Ordinance Amending Chapter 242 (Fire Department) of the Codified Ordinances of the City of Freeport** – creating a rule as the amount of revenue which may be transferred from the Fire Department Capital Fund to the General Fund - The first reading of this ordinance was held on April 21, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress and it was automatically laid over to tonight's meeting. This ordinance was automatically laid over to the next regularly scheduled meeting.

**ORDINANCES FIRST READING**

**1<sup>ST</sup> READING OF ORDINANCE #2008-34:**

**An Ordinance Amending Chapter 893 (Motor Fuel Tax) of the Codified Ordinances of the City of Freeport** – designation the Motor Fuel Tax Fund for the express purpose of capital equipment purchases for the Street Department and vehicle purchases for the Police Department was presented by Finance Director Craig Joesten. After clarification of the ordinance, Alderman Helms requested to have the last five years figures that were generated from this tax presented at the next council meeting. A motion was made by Alderman Klemm to move this ordinance forward, seconded by Alderman Endress and the ordinance was automatically laid over to the next scheduled meeting.

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**ACTION ITEMS**

**RE-APPOINTMENTS OF :**

- Roland Munda to Board of Fire and Police Commission effective through April 30, 2011
- Brian Borger to Board of Fire and Police Commission effective through April 30, 2011
- Michael Dore to Board of Fire and Police Commission effective through April 30, 2011

Alderman Klemm asked the administration to review the salary of the Board of Fire and Police Commission compensation. The appointments were motioned for acceptance by Alderman Klemm, seconded by Alderwoman O'Neill. Motion passed by voice vote without dissent.

**EXECUTIVE SESSION**

Pursuant to Illinois Open Meetings Act ILCS Chapter 5, Act 120, Section 2 (c) (2) – Update on Collective Bargaining and Pursuant to Illinois Open Meetings Act ILCS Chapter 5, Act 120, Section 2 (c) (11) – Pending Litigation

Alderman Endress motioned to enter an executive session, seconded by Alderman Boldt. A roll call vote was taken with Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm voting aye. There were no nay votes. Motion passed 8-0.

Alderwoman O'Neill motioned to return from the executive session, seconded by Alderman Klemm. A roll call vote was taken with Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm voting aye. There were no nay votes. Motion passed 8-0.

**PUBLIC COMMENTS**

With leave of the council requested by Alderwoman O'Neill due to the lateness of the hour, Tom Tyke was allowed to make an announcement regarding the Malcom Eaton Enterprises for their pork chop dinner scheduled for Sunday, May 18, 2008 from 11:00 am to 3:30 pm.

**RESOLUTIONS**

**RESOLUTION # R - 2008-35:**

**A Resolution to Reauthorize Public Sidewalk Program** – a motion was made by Alderman Endress to layover this resolution over due to the appropriation ordinance layover. This motion was seconded by Alderwoman O'Neill. Motion passed with voice vote without dissent.

**RESOLUTION # R - 2008-36:**

**Supplemental Resolution for Freeport Albertus Airport Glide slope and MALSR Project (Federal Project No. 3-17-0045-B18, Illinois Project No FEP-3132)** - request for additional funds of \$3,356.00 for grading improvements in the glide slope critical area was presented by Public Works Director Craig LeBaron.

Motion to approve resolution – Helms

Second – Corbin

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)

Nays – None

Motion passed 8-0, Resolution #R-2008-36 was adopted.

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**RESOLUTION # R - 2008-37:**

**Resolution to Ratify Collective Bargaining Agreement with Council 31 of the American Federation of State, County and Municipal Employees (AFSCME)** – three year collective bargaining agreement was presented by Corporation Counsel Sarah Griffin.

Motion to approve resolution – Helms

Second – Endress

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O’Neill, Corbin and Klemm

Nays – None

Motion passed 8-0, Resolution # R-2008-37 was adopted.

**DEPARTMENT HEAD REPORTS**

Finance – Finance Director Craig Joesten spoke about two issues presented during the public comments section of the meeting. Director Joesten presented his information on the gross cash receipts and billing services for the ambulance receipts and presented a spreadsheet to the council from 1998 to 2008. Finance Director Craig Joesten also presented a summary of the Dental/Vision coverage enhancements. He stated that much discussion has been had relating to the referenced. The City Council has suggested the use of \$45,000 to work with as it relates to these suggested benefits. Since the City is self insured it is very difficult to guarantee that any additional coverage components will not exceed the allocation of funds. To stay within budget constraints there are two scenarios: 1) Increase the maximum annual dental per individual from \$500/year to \$600/year or 2) Provide vision coverage with a maximum individual limit for a two year period of \$250 subject to a \$50.00 deductible used for exams, frames, and corrective lenses. Finance Director Craig Joesten stated that although the first year could exceed the \$45,000, the limit to be used over two years levels it out so the combined cost would not exceed the suggested spending limit. The administration suggests the council adopt alternative #2.

Motion to accept option 2 as presented – Boldt

Second – Helms

Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O’Neill, and Klemm (7)

Nays – Corbin

Motion passed 7-1

Public Works

Public Works Director Craig LeBaron stated that the hot mix/cold patch bids will be coming in on May 13, 2008 and will be presented at the next council meeting. He also gave an update on the Gladewood/Krape Park bridge that remains closed and is currently being inspected by structural engineers.

Water and Sewer

Water & Sewer Project Director Denise Ihrig stated the department will start hydrant flushing taking into consideration flood levels in certain areas. The revised storm water ordinance and storm water and erosion sediment control design manual were presented to the Water and Sewer Commission and this will be brought to council in July 2008.

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**MAYOR'S REPORT**

State of the City is scheduled for Tuesday, May 13, 2008 starting at 6:00 p.m. at Jeannette Lloyd Theater at FHS Junior High School. There are a number of programs available for those interested in helping with the Freeport Beautification Association in preparation for the 150<sup>th</sup> anniversary of the Lincoln-Douglas Debate scheduled for Labor Day Weekend 2008.

**NEW BUSINESS**

- Alderman Bush stated that there are quite a few tarps on roofs that he would like to notify the Community Development Department.
- Alderman Helms asked about the Freeport Raceway Park resurfacing project and it was stated that they have until May 28 to finish the project. He also asked about the radar trailer that was placed on Westwood Avenue and Chief of Police Jerry Whitmore said he is currently investigating and should have information next week. Alderman Helms asked about the ditch on Hance Drive and Finance Director Craig Joesten stated that they will work on the outflow pipe due to erosion, in addition to the Stephenson County coming in to cut back the growth and possibly spray growth inhibitors. In addition the scrub saplings will be removed and a possible engineering design review.
- Alderwoman O'Neill asked about spring leaf pickup and Public Works Director Craig LeBaron stated that the city only provides fall leaf pick-up which took 6-8 weeks to complete in the fall. This has never been done in the spring and our staff and trucks are utilized doing other projects. Leaf and branch clean-up should be handled by the resident by signing up for landscape waste pick-up from the haulers or by them taking it the transfer station (call first 815-233-0742).

**PUBLIC COMMENTS - AGENDA OR NON- AGENDA ITEMS**

Scott Townsend spoke to the council about comments printed in the newspaper and the council passage of the vision coverage passed this evening. He also stated the figures he submitted to the council from JMT Billing Service were more realistic and the \$400,000 figure given to the council by the Finance Director is overstated.

An adjournment of the meeting was given at 9:45 p.m.

Respectfully submitted,  
Meg Zuravel, City Clerk