



## ***City Council***

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

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### **MINUTES REGULAR MEETING Monday, May 19, 2008**

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#### **QUORUM**

At 7:00 p.m. on Monday, May 19, 2008, in the City Council Chambers of City Hall with a quorum being present, the meeting was called to order by City Clerk Meg Zuravel.

#### **RECORD**

Present on roll call were Alderman Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8). Also present was Corporation Counsel Sarah Griffin and city department heads. Mayor George Gaulrapp was not present at the meeting.

#### **ELECTION OF MAYOR PRO-TEM**

A motion was made by Alderman Klemm, seconded by Alderman Endress to nominate Alderman Scott Helms as Mayor Pro-Tem. A motion was made by Alderwoman O'Neill, seconded by Alderman Corbin to nominate Alderman Shawn Boldt as Mayor Pro-Tem. Alderman Helms stated he wished to decline his nomination. Alderman Klemm withdrew his motion and this was seconded by Alderman Endress. On a roll call vote for Alderman Boldt as Mayor Pro-Tem; Aldermen Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt voted aye. Motion was approved 8-0.

#### **PLEDGE OF ALLEGIANCE**

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

#### **APPROVAL OF THE AGENDA**

Alderwoman O'Neill motioned to have the third reading of item number 12, Ordinance #2008-33, An Ordinance Amending Chapter 242 (Fire Department) moved forward on the council agenda to the first item on third readings, seconded by Alderman Corbin. Motion passed by voice vote without dissent. Due to out of town bond counsel being present, Corporation Counsel Sarah Griffin requested to have item number 17 moved forward to immediately following the consent agenda. It was motioned to approve the agenda as presented with two amendments by Alderman Helms, seconded by Alderman Endress. Motion passed by voice vote without dissent.

#### **PUBLIC HEARING**

Mayor Pro-Tem Shawn Bolt stated he hereby opens the Tax Equity and Fiscal Responsibility Act (TEFRA) hearing regarding authorization of the issuance of not to exceed \$8,000,000 Health Care Facilities Revenue Bonds (Freeport Regional Health Care Foundation Project) Series 2008. Because of the public hearing those in attendance were asked to complete an attendance sheet. There was no one signed up for public comments at this time. The city council members had no questions for the bond counsel representatives present at the meeting.

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**PRESENTATIONS/PROCLAMATIONS**

A proclamation was read proclaiming May 31, 2008, as Children's Miracle Network and this was presented to Mark McDonnell, manager of the Freeport Super Wal-Mart by Pro-Tem Mayor Shawn Boldt.

**APPROVAL OF MINUTES**

A motion to approve the minutes from the regular meeting on Monday, May 5, 2008, was made by Alderman Endress, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

**PUBLIC COMMENTS – AGENDA ITEMS**

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

**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 Schedule of Tax Receipts through April 2008
- 2) Treasurer's Monthly Investment Report period ending April 30, 2008
- 3) Treasurer's Report for April 2008
- 4) Freeport Police Department Activities Report – April 2008
- 5) Freeport Fire Department Activities Report – April 2008

B. Approval of Water and Sewer Disbursements as of May 19, 2008--- \$226,289.11

C. Approval of Payroll for period ending --- \$405,422.38

D. Approval of Bills Payable for 2008 (#82, 83, 84, and 85) ---- \$443,885.23

Motion to approve the Consent Agenda items as presented – Endress

Second – DeVine

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

Nays – None

Motion passed 8-0 and the Consent Agenda items were approved.

**1ST READING OF ORDINANCE #2008-38:**

**An Ordinance Authorizing the Issuance of Not To Exceed \$8,000,000 Health Care Facilities Revenue Bonds (Freeport Regional Health Care Foundation Project) Series 2008 and Authorizing the Execution of Documents in Connection Therewith** - This ordinance was presented by Finance Director Craig Joesten. Director Joesten stated that the city has \$10 million available and it was decided in the best interest of the city to allocated \$8,000,000 to be used by the Freeport Regional Health Care Foundation Project. He stated there is no cost to the City and no risk to the City. FHN receives a lower interest rate by using these bonds. The use of these bonds does not have an affect on the City's bond rating. A motion to move Ordinance 2008-38 forward was made by Alderman Klemm, seconded by Alderman Endress and the ordinance was automatically laid over to the next scheduled meeting.

**COMMUNICATIONS/REPORTS TO COUNCIL**

- Freeport Gasoline Tax Receipts was presented by Finance Director Craig Joesten.

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**COMMUNICATIONS/REPORTS TO COUNCIL (CONT.)**

- Fire Capital Improvement Fund Cash Balances was presented by Finance Director Craig Joesten.
- The council was presented a Summer Youth Program by James Rhyne of the Boys and Girls Club of Freeport and Stephenson County explaining the program and information included in the packets. The goal of the program is to provide structured activities for the youth in the city. The budget for the program for two sites located at Lincoln-Douglas School and the Boys and Girls Club of Freeport and Stephenson County is projected to be \$20,280. The cost to the Freeport Park District is projected to be \$3,780.00 through swimming passes, and youth amenities at Krape Park. Freeport School district will allow the use of one of their buildings and will provide hot lunches for the youth. Freeport Housing Authority will provide vans for transportation and supervision at Lincoln Douglas School by Mr. Jeffrey Burris, Sr. The Freeport Boys and Girls Club will oversee the programs at the King Campus. Both of these organizations will work in cooperation to oversight for the entire operation. The program is scheduled from 1:00 pm to 5:00 pm. on Monday through Friday.
- The Board of Zoning Appeals and Planning Commission for June 5, 2008 memo was presented by Community Development Director Shelly Griswold.

**ORDINANCES –THIRD READING**

As motioned and approved by council, the following item was moved forward on the agenda tonight:

**3<sup>RD</sup> READING OF ORDINANCE #2008-33:**

**Ordinance Amending Chapter 242 (Fire Department) of the Codified Ordinances of the City of Freeport** – this ordinance creates 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. The second reading of this ordinance was held on May 5, 2008, and it was automatically laid over to tonight’s meeting.

Alderwoman O’Neill presented an amendment to the ordinance wording in regard to Section 242.53 from “any further funds may be deposited to the General Fund of the City for general expenditures” to “any further funds may be deposited to the General Fund of the City *at the discretion of the City Council.*” Alderwoman O’Neill motioned for approval of the amendment and this motion was seconded by Alderman Bush. Discussion continued on whether it was necessary to include this wording because council has approval on the use of funds. Alderwoman O’Neill stated that council is given the budget to review and approval but this amendment gives a reassurance or a check and balance so that the money is monitored more closely by the council. Alderwoman O’Neill made a motion to call the question and end the debate, seconded by Alderman Helms. On a roll call vote to call the question and end the debate Aldermen Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt voted aye. On a roll call vote for the amended wording Aldermen Bush, DeVine, O’Neill, Corbin, and Boldt voted aye. Alderman Endress, Helms, and Klemm voted nay. Motion passed 5-3.

Roll call vote for Ordinance 2008-33 as amended – Ayes: Bush, DeVine, O’Neill, Corbin, and Boldt (5).

Nays: Endress, Helms and Klemm (3)

Ordinance 2008-33 was adopted 5-3.

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**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 May 5, 2008. The third reading of this ordinance was held on May 5, 2008. A motion was given by Alderman Helms to lay over the ordinance to the next council meeting. This motion was seconded by Alderwoman O’Neill and a roll call vote was taken. Motion passed 7-1.

Alderman Bush made a motion “to amend the Appropriation Ordinance Exhibit A regarding the interdepartmental expenses to increase line item 01-63-599 from \$476,500 to \$496,500 for the summer children’s programs as outlined in the communication we received this evening. This would mean the total Interdepartmental Expenses will increase from \$5,201,076 to \$5,221,076.” This motion was seconded by Alderman Klemm. On a roll call vote of the amendment Alderman Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm and Boldt voted aye. There were no nay votes. Motioned passed 8-0.

Alderman Klemm made a motion “to amend the Appropriation Ordinance Exhibit A regarding Building Departmental Expenses to increase the demolition line item 01-53-599 from \$120,200 to \$245,200. This would mean the total Building Department Expenses will increase from \$252,975 to \$377,975.” This motion was seconded by Alderman Endress. On a roll call vote of the amendment Alderman Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm and Boldt voted aye. There were no nay votes. Motioned passed 8-0.

Both amendments together would increase the Total General Fund Corporate Fund Expenses will increase from \$16,350,069 to \$16,495,069 for the Appropriation Ordinance for Fiscal Year 2008-2009.

On a roll call vote to adopt Ordinance 2008-25 as amended – Ayes: Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt (8).

Nays – None (0)

Ordinance 2008-25 was adopted 8-0.

**3<sup>RD</sup> READING OF ORDINANCE #2008-30:**

**An Ordinance Amending Chapter 290 Compensation – Pay grade Police and Fire Administrative Aide** – This ordinance included 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. The second reading of this ordinance was held on May 5, 2008, and it was automatically laid over to tonight’s meeting.

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

Nays – None

Ordinance 2008-30 was adopted 8-0.

**3<sup>RD</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** - The first reading of this ordinance was held on April 21, 2008 as Ordinance 2008-31. A motion to approve was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to May 5, 2008. A motion was made by Alderman Klemm to

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separate this ordinance into Ordinance 2008-31A and 2008-31B, seconded by Alderman Endress. On a roll call vote 8-0, the motion was accepted. The Ordinance was then read as 2008-31A for HB Plastics including the legal description presented to council and it was automatically laid over to the next meeting. Roll Call Vote – Ayes: Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt  
Nays – None  
Ordinance 2008-31A was adopted 8-0.

**3<sup>RD</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** - The first reading of this ordinance was held on April 21, 2008 as Ordinance 2008-31. A motion to approve was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to May 5, 2008. A motion was made by Alderman Klemm to separate this ordinance into Ordinance 2008-31A and 2008-31B, seconded by Alderman Endress. On a roll call vote 8-0, the motion was accepted. The Ordinance was then read as 2008-31B for Eco Grove Wind LLC and it was automatically laid over to the next meeting. Roll Call Vote – Ayes: Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt  
Nays – None  
Ordinance 2008-31B was adopted 8-0.

**ORDINANCES –SECOND READING**

**2<sup>ND</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. The first reading of this ordinance was held on May 5, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress and it was automatically laid over to tonight’s meeting. Discussion ensued about the bidding process of items purchased through this fund. This ordinance was automatically laid over to the next regularly scheduled meeting.

**ORDINANCES FIRST READING**

**1<sup>ST</sup> READING OF ORDINANCE #2008-35:**

**An Ordinance Amending Chapter 288.19 (Medical and Life Insurance) of the Codified Ordinances of the City of Freeport** – in regard to specification of premiums. This ordinance was presented by Finance Director Craig Joesten and he explained that this ordinance freezes current health care premiums. A motion to move this ordinance forward was made by Alderman Helms, seconded by Alderman Endress and the ordinance was automatically laid over to the next scheduled meeting.

**1<sup>ST</sup> READING OF ORDINANCE #2008-36:**

**An Ordinance Amending Chapter 290 (Compensation and Benefits) of the Codified Ordinances of the City of Freeport** – 3% wage increase for non-bargaining employees effective May 1, 2008. This ordinance was presented by Finance Director Craig Joesten and he explained that this ordinance provides for a 3% wage increase for non-bargaining employees effective May 1, 2008. A motion to move this

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ordinance forward was given by Alderman Endress, seconded by Alderman Helms and the ordinance was automatically laid over to the next scheduled meeting.

**1ST READING OF ORDINANCE #2008-37:**

**An Ordinance Amending Chapter 440 (Obstructions and Special Uses of Public Ways) of the Codified Ordinances of the City of Freeport** – parade routes exceptions. This ordinance was presented by Corporation Counsel Sarah Griffin explaining that this ordinance cleans up the language to provide for a very specific parade route in most instances expect of high school homecoming parades, marathons and other events as designated by the Chief of Police with good cause shown. This will allow for the parade route requested by the Lincoln Douglas Sesquicentennial Parade coming up Labor Day Weekend. A motion to move this ordinance forward was given by Alderman Helms, seconded by Alderwoman O’Neill and the ordinance was automatically laid over to the next scheduled meeting.

**1ST READING OF ORDINANCE #2008-39:**

**An Ordinance to Authorize Landfill Gas to Energy Site Lease and Easement Agreement by and between the City of Freeport and Ecoport Biomethane, LLC** - This ordinance was presented by Finance Director Craig Joesten and follows the presentation made to the council on March 3, 2008, by representatives from EcoEnergy on for the landfill gas recovery project proposed at the landfill. Director Joesten explained to the council that there would be no financial exposure to the City. A motion to move this ordinance forward was given by Alderman Endress, seconded by Alderman Helms and the ordinance was automatically laid over to the next scheduled meeting.

**ACTION ITEMS**

**RE-APPOINTMENTS OF:**

Mayor George Gaulrapp hereby reappoints Thedford F. Jackson to the Library Board effective through May 31, 2010. Motion to approve given by Alderman Bush, seconded by Alderwoman O’Neill. Motion passed by voice vote without dissent.

**RESOLUTIONS**

**RESOLUTION #R-2008-30:**

**Resolution to Authorize an Amendment to Intergovernmental Agreement for the Operation of an Enterprise Zone – Eco Grove Wind LLC and HP Plastics** - This resolution was presented in the meeting on April 21, 2008, and a motion was made by Alderman Boldt to layover to be read concurrently with Ordinance 2008-31, seconded by Alderman Helms. The applicant for EcoGrove Wind LLC is requesting that Resolution R-2008-30 be separated. In order to do this the appropriate motion would be to divide the question. The following two documents have been prepared in case such a motion is made and passes:

- **RESOLUTION #R-2008-30A: Resolution to Authorize an Amendment to Intergovernmental Agreement for the Operation of an Enterprise Zone – HB Plastics.**

Motion for approval of resolution by Endress, seconded by Helms

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

Nays – None

Resolution #R-2008-30A was adopted 8-0.

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- **RESOLUTION #R-2008-30B: Resolution to Authorize an Amendment to Intergovernmental Agreement for the Operation of an Enterprise Zone – Eco Grove Wind LLC**

Motion for approval of resolution by Endress, seconded by Corbin

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

Nays – None

Resolution #R-2008-30B was adopted 8-0.

**RESOLUTION #R-2008-38:**

**Resolution Authorizing Application of and Execution for Public Transportation Financial Assistance Contract Under the Provision of the Downstate Public Transportation Act (30 ILCS 740/2-1, et seq.)**

– Community Development Director Shelly Griswold presented the information to council.

Motion for approval of resolution by Corbin, seconded by Helms

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

Nays – None

Resolution #R-2008-38 was adopted 8-0.

**RESOLUTION #R-2008-39:**

**Resolution Authorizing Application for Public Transportation Financial Assistance Under Section 5311 of the Federal Transit Act of 1991, as Amended (49 U.S.C. § 5311) - Community Development**

Director Shelly Griswold presented the information to council.

Motion for approval of resolution by Helms, seconded by O’Neill

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

Nays – None

Resolution #R-2008-39 was adopted 8-0.

**RESOLUTION #R-2008-40:**

**Resolution Authorizing an Application for a Freeport Community Foundation Grant for the Production of “Untold Stories: Freeport’s African American History” - Community Development**

Director Shelly Griswold presented the information to council.

Motion for approval of resolution by Klemm, seconded by Bush

Motion passed by voice vote without dissent. Resolution #R-2008-40 was adopted 8-0.

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

**Resolution to Reauthorize Public Sidewalk Program - Public Works Director Craig LeBaron presented the annual sidewalk repair reimbursement program which was included in the budget that was approved this evening.**

Motion for approval of resolution by Klemm, seconded by Bush

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

Nays – None

Resolution #R-2008-35 was adopted 8-0.

**RESOLUTION #R-2008-41:**

**Resolution to Authorize a Landfill Gas Sale and Purchase Agreement By and Between the City of Freeport and Ecoport Biomethane, LLC – was presented to council by Finance Director Craig Joesten.**

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**RESOLUTION #R-2008-41 (CONT.):**

Motion for approval of resolution – Helms

Second – Endress

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

Nays – None

Resolution #R-2008-41 was adopted 8-0.

**DEPARTMENT HEAD REPORTS**

**Community Development**

Community Development Director Shelly Griswold stated the mowing bids would be presented at the June 2, 2008 council meeting. It was asked how long the grass can get before there is a fine and Director Griswold stated if it reaches a height in excess of eight inches (694.04).

**Finance**

Finance Director Craig Joesten stated that an account was closed in Springfield, Illinois and the monies were moved to a bank account in State Bank, located in Freeport, Illinois due to an increase in the return. An increase in revenue has been received from the Lamm Road TIFF in the amount of \$100,000 and the amount must be used in the TIFF area or a contiguous TIFF area. This could be used for intersection improvements or water and sewer improvements.

**Public Works**

Director of Public Works Director Craig LeBaron presented the following information to council: Bids were opened on Tuesday, May 13 at 10:00 a.m. in the city council chambers for the 2008 Material Bid (Motor Fuel Tax). The council was presented copies of the bid tabulation form used by Illinois Department of Transportation (IDOT). There were four bidders (G. Rabine and Sons of Richmond, Illinois, Fisher Excavation of Freeport, Illinois, Civil Constructors of Freeport, Illinois, and Conmat, Inc, of Freeport, Illinois) which covered all the items requested. The aggregate material bidders were both under the estimated costs and therefore both acceptable. In the past the city has accepted all bids for aggregate materials. This gives the city flexibility to utilize both supplies if the low bidder for some reason is out of the material or the project is closer to the other location which would reduce the haul costs. It is the recommendation of Director LeBaron to concur with the Illinois Department of Transportation and award this material proposal to all bidders in the amounts per ton as shown on their bids. A motion to approve the recommendation was made by Alderman Klemm, seconded by Alderman Endress. On a roll call of ayes and nays; Aldermen Bush, DeVine, Endress, Helms, O’Neill, Corbin, Klemm and Boldt voted aye. Motion passed 8-0.

**NEW BUSINESS**

Alderman Bush requested information on painting the viaduct on Arcade Street and also information on grass mowing around that area. Alderman Helms requested information on the Freeport Raceway Park status.

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

There was no one signed up for public comments at this time.

Adjournment of the meeting at 8:30 p.m.