City Council

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

MINUTES
REGULAR MEETING
Tuesday, September 2, 2008

CALL TO ORDER

The meeting was called to order by Mayor George Gaulrapp at 6:00 p.m. on Tuesday, September 2, 2008, in City Council Chambers of City Hall with a quorum being present.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Alderman Endress motioned for approval of the agenda as presented, seconded by Alderwoman O'Neill. Motion passed by voice vote without dissent.

PROCLAMATIONS/PRESENTATIONS

- Alderwoman O'Neill read the proclamation for Pain Awareness Month as September 2008.
- Deb Elzinga and Dan Neal of the Neighborhood Housing Service of Freeport presented the NHS/City Contract Progress Report and the 2008-2011 Strategic Plan. Ms. Elzinga spoke to the council about the projects that had been completed and the delinquency rate of NHS being 10.89% overall. She and Mr. Neal stated that NHS continues to review loan payment status and counsels those that are delinquent.
- Emails were read by the City Clerk regarding compliments to the City for events put on for the Lincoln Douglas Sesquicentennial Debate and the improvements around the City. Also, compliments were given to the committee and the City crews for how nice the City looked.

APPROVAL OF MINUTES

A motion to approve the minutes from the regular meeting on Monday, August 18, 2008 and amended minutes from the regular meeting held on May 19, 2008, was made by Alderman Klemm, seconded by Alderman Helms. Motion passed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

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

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CONSENT AGENDA

A. **Approval of Water and Sewer Bills Payable (#129, 130, 132) --- $253,999.79**
B. **Approval of Payroll for pay period ending August 16, 2008 --- $400,025.14**
C. **Approval of Bills Payable (#128, 131, 133) ---- $212,562.11**

Motion to approve the Consent Agenda items as presented – Helms
Second – Endress
Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8)
Nays – None (0)
Motion passed 8-0 and the Consent Agenda items were approved.

COMMUNICATION TO COUNCIL

The following items were included in the council packets for this meeting:

- Memo to Council from Duane Price, Finance Department regarding Telecommunication Tax Exemption (Ordinance 2008-48, items #9 on council agenda)
- Memo to Water and Sewer Commission from Water & Sewer Project Manager Denise Ihrig regarding monthly report for July/August 2008
- Memo to Council from George W. Mowry, Secretary and President of Walnut Hill Corporation regarding Sunday liquor sale hours (Ordinance 2008-53, item #11 on council agenda)

ORDINANCES –THIRD READING

3RD READING OF ORDINANCE #2008-44

An Ordinance Repealing and Replacing Sections 226.03 (a) of Chapter 226 (Mayor); 228.03 (a) of Chapter 228 (City Clerk); 230.03 (a) of Chapter 230 (City Treasurer) of the Codified Ordinances of the City of Freeport, Illinois Regarding Compensation

The first reading of this ordinance was held on June 16, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on July 7, 2008. On July 21, 2008 during the third reading, it was motioned and approved to have it laid over to tonight's meeting.

Alderman Corbin made motion to "divide the question, by specifically to divide the motion on the floor to three motions, first to approve the amendment to Section 226.03 regarding the mayor's compensation, second to approve the amendment to Section 228.03 regarding the city clerk's compensation and third to approve the amendment to Section 230.03 regarding the city treasurer's compensation. This motion was seconded by Alderwoman O'Neill. A roll call vote was taken. Voting aye were Boldt, Bush, DeVine, Helms, O'Neill, and Corbin. Voting nay were Klemm and Endress. Motion passed 6-2 to divide the question.

Section 226.03 (a) of Chapter 226 regarding compensation for the Mayor: Prior to voting on this question, discussion was held regarding the dates that the mayor's salary must be voted on by council for the salary to be effective for the upcoming 2009 election. Corporation Counsel Sarah Griffin stated that the salary for elected officials must be fixed at least 180 days before the beginning of the term of office. There are a few variables as to when the term of office begins, such as when the County Clerk's office gets the official election results to the City and whether the City Council calls a special meeting once the results are received. May 4, 2009 is the first regular meeting after when it is anticipated we will receive the election results, so that is the presumptive beginning of the term. The election date is April 7, 2009,

and the official results can not be canvassed until the military and other absentee counts are in, this will not be in time for the second meeting in April. Therefore, the presumption is that the term of office will begin at the May 4, 2009 regular City Council meeting, absent a special meeting being called. Because of the unknown variable, Corporation Counsel Sarah Griffin stated that the safest date to set the salary is by October 20, 2008, this would take into consideration the April election date, the 14 day period of time for military and absentee votes to come in prior to canvassing the election, and the possibility of a special City Council meeting for the swearing in of elected officials. Alderman Klemm stated that his vote for the salaries is to keep the salaries competitive for the positions. Alderman Corbin stated his vote was based on inflation and from a market value of a salary of the City that is losing population in 2008. Alderman Helms asked about the timing of the mayor's salary due to the referendum of the City Manager if on the ballot for November 4. Corporation Counsel Sarah Griffin stated she counted back from April 23, 2009 since that is the date the mayor's term could become effective.

Alderman Boldt motioned to amend the calculations of the mayor's salary from 3% to a 1% increase. This motion was seconded by Alderman Helms. On a roll call vote of ayes and nays, Alderman Boldt, Bush, DeVine, Helms, and Corbin (5). Voting nay were Alderman Endress, O'Neill, and Klemm (3). Motion passed 5-3 to amend the salary of the mayor to an increase of 1%. On a roll call vote of the approval of the Ordinance for Mayor's salary as amended, Alderman Boldt, Bush, DeVine, Helms and Corbin voted aye (5). Voting nay were Alderman Endress, O'Neill, and Klemm (3). This question on the ordinance was approved 5-3.

Section 228.03 of Chapter 228 regarding compensation for the City Clerk: On a roll call vote for the city clerk's compensation to be increased by 3% as presented, Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8) voted aye. This portion of the ordinance was approved 8-0.

Section 230.03 (a) of Chapter 230 regarding compensation for the City Treasurer: On a roll call vote for the city treasurer's compensation to be increased by 3% as presented, Alderman Boldt, Bush, DeVine, Endress, Helms, Corbin, and Klemm (7) voted aye. Alderwoman O'Neill voted nay. This portion of the ordinance was approved 7-1.

3RD READING OF ORDINANCE #2008-45:

An Ordinance Repealing and Replacing Chapter 1472 (Storm Water Detention) and Repealing and Replacing Chapter 1050 (Storm Sewers) - The first reading of this ordinance was held on July 7, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Klemm. The second reading was held on July 21, 2008. On August 4, 2008, during the third reading, it was motioned and approved to have it laid over to tonight's meeting.

Water & Sewer Project Director Denise Ihrig stated the Freeport Water and Sewer Commission at their meeting on August 26, 2008, adopted the Storm Water Drainage Manual with the amendments you were given at the last city council meeting. They also have recommended that you approve the Ordinance with the amendments given to you at that same meeting. The amendments were included in the packet for the information to the counsel including Table 1 to outline the minimum standard of required maintenance. Maintenance is the responsibility of the owner of the land on which the stormwater facilities are constructed unless the responsibility is assigned to an acceptable entity. Failure to follow the minimum maintenance standard shall result in penalties as recommended by City officials. The storm water

drainage system shall be designed to minimize and facilitate maintenance. Turfed side slopes shall be designed to allow lawn mowing equipment to easily negotiate them. Maintenance methods that promote soil erosion of worsening of silt runoff shall not be permitted and subjected to penalty. Table 1 is provided in the ordinance as reference. The remainder of the ordinance was as written and presented starting on July 7, 2008 and again on July 21, 2008. The design manual focuses on redevelopment and new development. The grandfathering clause has been removed. Ms. Ihrig stated the ordinance before you will focus on maintenance and those specifics in Table 1.
A motion to adopt the amendments as presented was made by Alderman Klemm, seconded by Alderman Corbin. Roll Call vote on amendment - Ayes: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8). Motion passed 8-0.
Roll Call Vote of Ordinance as amended – Ayes: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8)
Nay – None (0)
Ordinance 2008-45 as amended was adopted 8-0.
Alderman Klemm asked that the City be proactive in communicating this information to all contractors, developers, and engineers who work in the area and Ms. Ihrig agreed that it would be done.

3RD READING OF ORDINANCE #2008-48:
An Ordinance Extending Ordinances 2003-55 and 2003-80 Regarding Chapter 891 (Simplified Municipal Telecommunications Tax) For One Year
The first reading of this ordinance was held on July 21, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held on August 4, 2008. On August 18, 2008 during the third reading, it was motioned and approved to have it laid over to tonight's meeting. Discussion was held regarding the city surplus and Finance Director Craig Joesten stated that if we spend every dime that was appropriated and the revenue was generated as expected, the City will have a deficit of $165,000. There are items in the budget that we have not spent and the City is sitting at even at best. This tax expires December 31, 2009.
Roll Call Vote – Ayes: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8)
Nay – None (0)
Ordinance 2008-48 was adopted 8-0.
Discussion was held regarding the County receiving an exemption for the telecommunications tax. The Finance Department contacted the Illinois Department of Revenue and the City cannot exempt anyone from paying the tax. Alderman Corbin motioned to have an ordinance drafted to rebate this tax to the county and there was no second on this motion.

3RD READING OF ORDINANCE #2008-52:
An Ordinance Amending Chapter 480, Section 480.11 (Prohibited Parking Streets) of the Codified Ordinances of the City of Freeport – Carriage Hills parking
The first reading of this ordinance was held on August 4, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held on August 18, 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)
Nay – None (0)
Ordinance 2008-52 was adopted 8-0.

3RD READING OF ORDINANCE #2008-53:

An Ordinance Amending Chapter 608 – Alcoholic Liquor, Section 608.06 "Permitted Hours of Sales" of the Codified Ordinances of the City of Freeport – Class A Liquor Holders to permit sale of packaged goods 9:00 a.m. to noon on Sunday

The first reading of this ordinance was held on August 4, 2008. A motion to approve was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held on August 18, 2008, and it was automatically laid over to tonight's meeting.
Roll Call Vote – Ayes: Boldt, Endress, Corbin, and Klemm (4).
Nays – Bush, DeVine, Helms, and O'Neill (4)
Mayor George Gaulrapp voted due to the tie vote by council and voted aye.
Ordinance 2008-53 was adopted 5-4.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE #2008-54:

An Ordinance Amending Chapter 480, Section 480.22 (Courtesy Zones Fifteen and Thirty – Minute Parking Zones) and Section 480.24 (Handicapped Persons and Disables Veterans) of the Codified Ordinances of the City of Freeport – regarding parking at the US Post Office

Public Works Director Craig LeBaron stated that there are several fifteen minute courtesy zones around the post office and, by ordinance; handicap parking is allowed for longer than these allotted times. However, someone visiting from out of town may not know this, so it was requested by the ADA Commission to place a designated handicapped persons and disabled veterans parking area . This parking spot will be located on Exchange Street on the north side of the street, east of Chicago Street. A motion to approve ordinance as presented was made by Alderman O'Neill, seconded by Alderman Helms and the ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2008-68:

Resolution to Approve Public Transit Vehicle Leases with the Stephenson County Senior Center

This resolution was presented by Community Development Director Shelly Griswold stating that she made changes to the resolution and provided a copy to council this evening. The amendments were: 1) Section 2 the word avoid was replaced with void 2) Section 2 the definition of livery IDOT recommended that we strike the public or private livery statement 3) Section 7 a change to the insurance to modify the notification of change from 15 days to 10 days. A motion to approve the resolution as presented was made by Alderman Helms, seconded by Alderman Endress. Alderman Bush stated that he must abstain due to a conflict of interest.
Roll Call Vote – Ayes: Boldt, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (7)
Abstain – Bush (1)
Nay – None (0)
Resolution 2008-68 was adopted.

DEPARTMENT HEAD REPORTS

Library
Library Director Carole Dickerson said the Library was very busy over Labor Day weekend with the Sesquicentennial Celebration traffic with people viewing the traveling exhibit and attending events held. An after school program will be held starting on September 23 to provide free computer classes provided by funding by the Secretary of State.

Community Development
Community Development Director Shelly Griswold provided an update on transportation and the downstate operating assistance resolution that will be coming to council at the next meeting and an invitation for leasing of vehicles is out and due for the next meeting. An update on property code violations was given. Pretzel City software is expected to be installed the end of September. They are hoping to receive vehicles by end of October and it is expected to have it up and running by November.

Public Works
Public Works Director Craig LeBaron thanked the street crews for all the work they did in preparation for the Lincoln Douglas Sesquicentennial Celebration. Bids were received and opened on August 25, 2008 for the 10-yard plow truck. Two bids were received and both were properly executed for Hawkeye Truck and Trailer for a new International 7400 with Bonnell Equipment at $115,220.79 and the second from Hawkeye Truck and Trailer on a new International 7400 with Monroe Truck Equipment at $111,486.79. In the budget this year there is a line item for a used plow truck for the Airport. After some research into locating a used plow truck and consulting the Finance Department it was determined that bidding a new truck for the Street Department use and then giving the existing plow truck to the airport would be in the overall best interest of the City. The 10-yard truck currently at the Street Department is a 2004 International that we know has a good maintenance record. Director LeBaron recommends the bid from Hawkeye Truck and Trailer for one International 7400 with Monroe Truck Equipment be approved in the amount of $111,486.79. A motion to concur with the recommendation was made by Alderman Boldt, seconded by Alderman Helms. On a roll call vote of ayes and nays; Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8) voted aye. Motion passed by 8-0.

Water and Sewer
Water & Sewer Project Director Denise Ihrig presented information regarding the Harlem Street sewer project with the contractor on site coming up with a high than expected bid for the project.

Police
Officer testing will be held on September 18 and 20, 2008 and this information was posted on the website and in the newspaper.

Fire
Fire Chief Kevin Countryman recognized one of the Freeport Firefighters, Curtis Timmer, who volunteered to go to California to instruct the National Guard members in the fighting of forest fires.

Fire (Cont.)

Bids were received and opened today for the Fire Department purchase of a 2004 or newer 4x4 pick-up truck meeting specifications publicized in an advertisement. Bids were received from Bocker Auto Group and Barkau Motors. Each dealer presented a couple of options for consideration, but not all of them met the specification as requested or were not within the budgeted $25,000. Fire Chief Kevin Countryman presented a spreadsheet containing the specifications and costs of the bids. He recommended purchase of either at 2007 Chevrolet with 4,000 miles in the amount of $22,475 or a 2004 GMC with 27,000 miles in the amount of $18,436, both from Barkau Motors. A motion was made by Alderman Klemm to accept the bid for the 2007 Chevrolet in the amount of $22,475 from Barkau Motors. On a roll call vote of ayes and nays; Alderman Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (8) voted aye. Motion passed by 8-0.

MAYOR'S REPORT

Mayor Gaulrapp spoke about the grand Sesquicentennial Celebration over Labor Day weekend in the City of Freeport. He also thanked Alderman Tom Klemm for the help that he gave to make the Mayor's breakfast, which welcomed dignitaries to the event, a success. Funding for Freeport Beautification projects will be reviewed over the next month because of the importance of keeping the City looking nice as it did for the Labor Day Celebration.

NEW BUSINESS

Each council member was given an opportunity to publicly address significant items of interest and many compliments were given for the Lincoln Douglas Sesquicentennial Commission and the Freeport Beautification Committee. Alderman O'Neill stated a presentation will be given by the ADA Commission at the next council meeting. Alderman Endress requested information about the boat launch at Tutty's Crossing. Alderman Klemm thanked those involved in the Mayor's breakfast.

PUBLIC COMMENTS - AGENDA OR NON- AGENDA ITEMS

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

An adjournment of the meeting was motioned at 7:40 p.m.

Respectfully submitted,
Meg Zuravel, City Clerk