



## *City Council*

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

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### **MINUTES RESCHEDULED REGULAR MEETING (from 01/20/2009) Monday, January 26, 2009**

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#### **CALL TO ORDER**

The meeting was called to order by Mayor George Gaulrapp at 6:00 p.m. with a quorum being present on Monday, January 26, 2009, in City Council Chambers of City Hall.

#### **ROLL CALL**

Present on roll call were council members Boldt, Bush, DeVine, Endress, Helms, and Klemm (6). Alderman O'Neill and Corbin were absent. Also present were the city department heads and Corporation Counsel Sarah Griffin.

#### **PLEDGE OF ALLEGIANCE**

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

#### **APPROVAL OF MINUTES**

A motion to approve the minutes from the regular meeting held on Monday, January 5, 2009, was made by Alderman Endress, seconded by Alderman DeVine. Motion passed by voice vote without dissent.

#### **APPROVAL OF AGENDA**

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

#### **PUBLIC COMMENTS – AGENDA ITEMS**

- Marianne Garvens, 2532 E. River Road, presented her viewpoint on agenda items for the council and included a request to have agendas contain wording as to what will be presented by entities such as Freeport Art Museum and Northern Illinois Development Alliance. Ms. Garvens stated her opposition to Marg Blum being appointed to the Airport Commission.
- Debbie DeVine spoke in favor of the Winter Parking Regulations on behalf of Freeport School District #145 transportation employees stating that busses continue to have problems maneuvering through the streets due to snow piled up against the curbs and because some residents continue to park on both sides of streets. Ms. DeVine offered to schedule time for the council and Chief of Police Jerry Whitmore to ride on the school bus.

#### **PRESENTATIONS/PROCLAMATIONS**

- Alderman Bush read the proclamations for Black History Month for the month of February.
- Jennifer Kirker, Executive Director of the Freeport Art Museum presented a report to the City Council and Freeport Community titled, "The Arts Mean Business."

**MINUTES  
RESCHEDULED REGULAR MEETING  
Monday, January 26, 2009**

- Cheryl Kneubuehl, Executive Director of Northern Illinois Development Alliance (NIDA) provided an update to the council stating recently that they have met with Honeywell multiple times in addition to taking out a representative from the Department of Commerce and Economic Opportunity (DCEO) and as a result, Honeywell has re-joined the Chamber of Commerce. She has been contacted by a retailer and a possible project that may turn into an annexation to the City. Ms. Kneubuehl spoke about the Tri-State Alliance and the transportation issues that affect the City and how they important initiatives to keep in front of the State and Federal representatives.

**CONSENT AGENDA**

A. Approval to Receive and Place on File:

- 1) City Treasurer's Report for December 2008
- 2) Police Department Reports for December 2008
- 3) Fire Department Reports for December 2008
- 4) Community Development Reports for December 2008
- 5) Community Development Building Permit summary by month for 2008

B. Approval of Water and Sewer Bills Payable (#193,195,196,198,200) --- \$406,191.08

C. Approval of Payroll for pay period ending January 17, 2009 --- \$417,595.96

D. Approval of Bills Payable (# 192, 194, 197, 199) --- \$1,329,040.00

Alderman Endress moved to approve the consent agenda as presented, seconded by Alderman DeVine.

The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Motion passed 6-0 and the Consent Agenda items were approved.

**COMMUNICATIONS TO COUNCIL**

A motion to place on file the Illinois Department of Transportation Audit Report No. 64 covering receipt and disbursement of Motor Fuel Tax Funds by the City for the period beginning January 1, 2007 and ending December 31, 2007 was given by Alderman Helms, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

A motion to place on file the Redevelopment Project Plan for West Avenue (TIF) contained in disk format in council packets this evening was given by Alderman Endress, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

**ORDINANCES – THIRD READING**

**3<sup>RD</sup> READING OF ORDINANCE 2009-01:**

**An Ordinance to Abate the 2008 Real Estate Tax Levy for Repayment of the General Obligation Bond Series 2000 – levied a real estate tax in the amount of \$415,010.00**

The first reading of this ordinance was held on December 15, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Klemm. The second reading was held on January 5, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Ordinance 2009-01 was adopted.

**MINUTES  
RESCHEDULED REGULAR MEETING  
Monday, January 26, 2009**

**3<sup>RD</sup> READING OF ORDINANCE 2009-02:**

**An Ordinance to Abate the 2008 Real Estate Tax Levy for Repayment of the General Obligation Bond Series 2003 - levied a real estate tax in the amount of \$387,300.00**

The first reading of this ordinance was held on December 15, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress. The second reading was held on January 5, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Ordinance 2009-02 was adopted.

**3<sup>RD</sup> READING OF ORDINANCE 2009-03:**

**An Ordinance to Abate the 2008 Real Estate Tax Levy for Repayment of the General Obligation Bond Series 2004 - levied a real estate tax in the amount of \$1,161,535.00**

The first reading of this ordinance was held on December 15, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress. The second reading was held on January 5, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Ordinance 2009-03 was adopted.

**3<sup>RD</sup> READING OF ORDINANCE 2009-04:**

**An Ordinance to Abate the 2008 Real Estate Tax Levy for Repayment of the General Obligation Bond Series 2006 - levied a real estate tax in the amount of \$892,850.00**

The first reading of this ordinance was held on December 15, 2008. A motion to approve was given by Alderman Helms, seconded by Alderman Endress. The second reading was held on January 5, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Ordinance 2009-04 was adopted.

**ORDINANCES –SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE 2009-05:**

**An Ordinance to Approve the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of the City of Freeport, Illinois - annual codification of ordinances**

The first reading of this ordinance was held on January 5, 2009. A motion to approve was given by Alderman O'Neill, seconded by Alderman Helms. Upon the second reading, it was automatically laid over to the next meeting.

**2<sup>ND</sup> READING OF ORDINANCE 2009-07:**

**An Ordinance Amending Chapter 1475 (Historic Preservation) Section 1475.16 (Hearing on Application) Of the Codified Ordinances of the City Of Freeport - cost of newspaper ads to be paid by applicant.**

**MINUTES  
RESCHEDULED REGULAR MEETING  
Monday, January 26, 2009**

**2<sup>ND</sup> READING OF ORDINANCE 2009-07 (CONT.):**

The first reading of this ordinance was held on January 5, 2009. A motion to approve was given by Alderman Endress, seconded by Alderman O'Neill. The second reading was held this evening and the ordinance was automatically laid over to the next meeting.

**ORDINANCES –FIRST READING**

**1<sup>ST</sup> READING OF ORDINANCE 2009-08:**

**An Ordinance Amending Chapter 482, Section 482.01 (Numbered Identification of Lots) of the Codified Ordinance of the City of Freeport – amended for Southwest corner of Main and Adams**

This ordinance was presented by Public Works Director Craig LeBaron stating that this amendment is due to the parking lot exchange with Newell several months ago and this brings Chapter 482 entitled “Off Street Parking Lots”, subsection 482.01 up-to-date by renaming Lot #8 from the Southeast corner of Stephenson and Adams to the Southwest corner of Main and Adams. Alderman Klemm moved, seconded by Alderman Endress for adoption of this Ordinance. The ordinance was automatically laid over to the next meeting.

**1<sup>ST</sup> READING OF ORDINANCE 2009-09:**

**An Ordinance Amending a Redevelopment Agreement By and Between BW Freeport, LLC and the City of Freeport, Stephenson County, Illinois**

This ordinance was presented by Mayor George Gaulrapp stating that this amendment to the redevelopment agreement between BW Freeport, LLC and the City is necessary due to the developer having difficulty bringing in a nationally recognized restaurant chain due to the economic times. This amendment takes out the wording to allow for a local restaurateur to consider the location of the Hampton Inn. Mayor Gaulrapp stated that this was tied in to TIF repayments and he informed the council that the estimated assessment value in 2008 would be \$326,520 so the tax increment would be \$6,959.63. Both parties will be asked to come to the next council meeting and Mayor Gaulrapp asked council to have questions ready for the February 2, 2009 meeting.

Alderman Klemm moved, seconded by Alderman Helms for adoption of this Ordinance. This ordinance was automatically laid over to the next meeting.

**1<sup>ST</sup> READING OF ORDINANCE 2009-10:**

**An Ordinance Amending Chapter 1442 (Permits and Fees) Section 1442.24 (Demolition Permits) of the Codified Ordinances of the City Of Freeport- cost of newspaper notice to be paid by applicant**

This ordinance was presented by Community Development Director Shelly Griswold stating that this amendment is necessary to require the applicant of a demolition permit to be responsible for the cost of the newspaper notice and the cost will be paid to the City prior to the issuance of any demolition permits. This is the same policy before council for Historic Preservation hearings. The cost of the ad runs from \$30 to \$40 and has been paid by the City but Director Griswold stated it should be the responsibility of the applicant. Alderman Endress moved, seconded by Alderman Boldt for adoption of this Ordinance. This ordinance was automatically laid over to the next meeting.

**MINUTES  
RESCHEDULED REGULAR MEETING  
Monday, January 26, 2009**

**ACTION ITEMS**

**APPOINTMENTS/RE-APPOINTMENTS:**

Alderman Helms moved to concur with the re-appointment of Marg Blum to the Airport Commission effective immediately through November 30, 2013, seconded by Alderman Klemm. A roll call vote was taken with Alderman Boldt, Bush, DeVine, Endress, Helms, and Klemm (6) voting yea. There were no nay votes and the motion passed 6-0.

Alderman Endress moved to concur with the re-appointment of Tim Mellentine to the Stephenson County Convention and Visitors Bureau Board of Directors effective immediately through December 31, 2011, seconded by Alderman Klemm. A roll call vote was taken with Alderman Boldt, Bush, DeVine, Endress, Helms, and Klemm (6) voting yea. There were no nay votes and the motion passed 6-0.

**RESOLUTIONS**

Mayor George Gaulrapp asked to remove item number 17, Resolution 2009-06, Resolution to Authorize New Lease Terms for Hanger Rental at the Freeport Albertus Municipal Airport from council agenda and delay reading until the next scheduled meeting.

**RESOLUTION #R-2009-08:**

**Resolution for the Agreement Between the City of Freeport and Illinois Department of Transportation for Construction of the Jane Addams Trail Section "B" (MFT Sec. 00-00133-02-BT)**

This resolution was presented by Public Works Director Craig LeBaron stating that this is an intergovernmental agreement between the City and the State for the construction costs of the Jane Addams Trail to bring the trail from Tutty's Crossing (the old Burgess site) located in downtown Freeport to its intersection with Illinois Route 26 North. The total cost of the project is \$1,749,382 with the local share being \$349,877 and the State of Illinois's share at 80% is \$1,399,505. The Jane Addams Trail intergovernmental agreement encompasses the City of Freeport (2/7), Freeport Park District (2/7), Stephenson County (2/7) and the Village of Orangeville (1/7). The payment for this expenditure was earmarked in a previous resolution coming out of motor fuel tax funds in the next budget plan.

Alderman Helms moved to lay over the resolution to allow time for Corporation Counsel Sarah Griffin to research the previously approved Jane Addams Trail resolutions to answer what would happen if this resolution was not moved forward at this time, seconded by Alderman Klemm. Director LeBaron stated that a delay may cause further delays to the letting process and this trail is one of the most traveled trails in the State and, in addition, it offers notoriety and visitors to the area. It was also noted by Alderman Helms that the resolution as written under the 6<sup>th</sup> whereas incorrectly states the IDOT reimbursement method compared to the 80-20 cost sharing method explanation by Director LeBaron. Director LeBaron explained that this is a state let bid project and if they are unwilling to sign this agreement for their \$1.4 million share of the project, then we are not out anything. A roll call vote was taken on the motion before the council with Alderman Boldt, Bush, DeVine, Endress, Helms, and Klemm (6) voting yea. There were no nay votes and the motion passed 6-0 to lay over the resolution to the next scheduled meeting.

**MINUTES**  
**RESCHEDULED REGULAR MEETING**  
**Monday, January 26, 2009**

**RESOLUTION #R-2009-09:**

**Resolution to Adopt a Title VI Compliance Plan for the Pretzel City Transit Program**

This resolution was presented by Community Development Director Shelly Griswold stating this resolution adopts a Title VI Compliance Plan for the Pretzel City Transit Program as required by the Federal Transit Administration. The resolution states that sub-recipients, in an attempt to ensure that no person in the United States shall, on the grounds of race, color, creed, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. A copy of the Pretzel City Transit Title VI Compliance Plan was attached to the resolution presented to council.

Alderman Endress moved to approve the resolution as presented, seconded by Alderman Klemm.

The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Resolution 2009-09 was adopted 6-0.

**RESOLUTION #R-2009-10:**

**Resolution to Approve the Preliminary Plat for Hayunga Subdivision – located on Forest Road**

This resolution was presented by Community Development Director Shelly Griswold stating this resolution approves the preliminary plat for the Hayunga Subdivision, located within one and one-half miles of the nearest limit of the City on Forest Road subdividing one lot into two. She stated that at a meeting held on January 8, 2009, the Freeport Planning Commission by majority vote recommended that the City Council approve the Preliminary Plat for the Hayunga Subdivision located on Forest Road as shown on the map attached to the resolution.

Alderman Klemm moved to approve the resolution as presented, seconded by Alderman Endress.

The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Resolution 2009-10 was adopted 6-0.

**RESOLUTION #R-2009-11:**

**Resolution to Approve the Final Plat for Hayunga Subdivision – located on Forest Road**

This resolution was presented by Community Development Director Shelly Griswold stating this resolution approves the final plat for the Hayunga Subdivision, located within one and one-half miles of the nearest limit of the City on Forest Road and as subdivided on the map included with the resolution.

Alderman Klemm moved to approve the resolution as presented, seconded by Alderman Endress.

The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Resolution 2009-11 was adopted 6-0.

**EXECUTIVE SESSION (CLOSED MEETING)**

At 7:15 pm Alderman Endress moved to enter executive session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (2) – Collective Bargaining and 5 ILCS 120/2 (c) (21) – Discussion of Executive Session Minutes for Semi-Annual Review, seconded by Alderman Boldt.

The motion was approved by roll call vote.

**MINUTES  
RESCHEDULED REGULAR MEETING  
Monday, January 26, 2009**

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

At 7:25 pm, the council returned from Executive Session. Alderman Endress moved to return from executive session, seconded by Alderman Klemm

The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

**FINAL ACTION REGARDING MATTERS DISCUSSED IN CLOSED SESSION**

Alderman Boldt made the following motions regarding matters discussed in closed session:

- To approve the following executive session minutes as presented this evening; January 5, 2009, December 15, 2008, December 1, 2008, November 17, 2008, October 6, 2008, August 4, 2008, and July 21, 2008;
- Recommend the release the Executive Session Minutes from the meeting of July 21, 2008;
- And to recommend authorization of the destruction of the verbatim recordings of the following closed sessions, all of which are over 18 months old and the written minutes of these closed sessions have been previously approved by this City Council dated June 4, 2007, May 21, 2007, November 20, 2006, November 6, 2006 and October 16, 2006.

The above stated motions were seconded by Alderman Bush and they were approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0).

**DEPARTMENT HEAD REPORTS**

**Library**

Library Director Carole Dickerson requested that anyone having photos of the August 1, 2004 visit to the Freeport Public Library of the now 44th President Barack H. Obama.

**Community Development**

Community Development Director Shelly Griswold stated that the Comprehensive Planning Workshop was well attended and she thanked the elected officials including the council members for staying away for the meeting because the planning consultants say that people are a lot more open to their opinions when elected officials are not there.

**Finance**

Finance Director Craig Joesten referred to the documentation contained in the council packets regarding Public Transportation Vehicles for the Pretzel City Transit Public Transportation Program. It is suggested that the City purchase the necessary vehicles for the Pretzel City Transit Public Transportation Program with Wal-Mart fund. Wal-Mart entered into a contribution agreement with the City in which Wal-Mart provided the City with \$120,000 in funding for public transportation in consideration for the reduction in the store size that Wal-Mart eventually built. Using these funds, the City would purchase three vehicles for public transportation purposes. Director Joesten stated that under the 5311 rules, IDOT will only allow an operating lease and not allow us to engage in a capital lease. With an operating lease you have no assets to show after five years. It is recommended that the City purchase these vehicles. These

**MINUTES**  
**RESCHEDULED REGULAR MEETING**  
**Monday, January 26, 2009**

vehicles will then be leased to Stewart & Associates the low bidder in providing public transportation through Pretzel City Transit. The dispatch service provider is Nationwide Inbound. IDOT has directed us to piggyback off the State of Illinois contract and purchase from Midwest Transit two Paratransit Minivans for \$33,324 each and one Light-Duty Paratransit Bus for \$50,944. The City would own these vehicles and would turn around and lease to the Pretzel City Transit Provider. Once purchased, the City would bear no further financial obligations. The transportation provider is responsible for insurance, maintenance and other costs associated with the vehicle. Community Development Director Shelly Griswold stated the reason that she did not present this item is that her sister is employed by Nationwide Inbound at Stewart & Associates so Leslie Mastroianni is now handling transportation. This has been run through IDOT to obtain their approval.

Alderman Helms moved to approve the purchase of the vehicles as recommended by Finance Director Craig Joesten, seconded by Alderman Endress. This motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, and Klemm (6)

Nays – None (0)

Finance Director Craig Joesten stated an informational item on the doorway entering the Water & Sewer office at the entrance to City Hall building is not ADA compliant and to bring it up to compliance it will be well over the \$5,000 threshold of the Finance Director so now it needs to go out for a formal bid process.

Worksheets were given to City Department heads to develop budget cuts for this fiscal year and they are also working on the budget worksheets for the upcoming year.

**Public Works**

Public Works Director Craig LeBaron stated that the resolution previously presented for the Jane Addams trail contained the incorrect wording and when the resolution is presented again it will be corrected.

**Police**

Chief of Police Jerry Whitmore stated that we are enforcing the Winter Parking Regulations and the initial part of enforcement is warnings and tickets. Over 1,000 flyers/warnings have been handed out on windshields throughout the City. He also stated the ordinance will require tweaking due to start times of schools, but the schools areas received many warnings.

**Water & Sewer**

Hal Black United Water Interim Manager stated the he will be leaving and Water & Sewer Project Manager Denise Ihrig will be returning after her two week vacation that she has scheduled.

**MAYOR'S REPORT**

Mayor George Gaulrapp stated that the Special Olympics basketball teams, the Freeport Firecrackers and Timber Wolves, won first place recently in Byron, Illinois and they will be heading to Bloomington on March 13-15, 2009. Mayor George Gaulrapp stated that he feels that NIDA should be taking a stance to retain jobs and referred specifically to meetings held with NIDA and himself and Titan Tire owner Morry

**MINUTES**  
**RESCHEDULED REGULAR MEETING**  
**Monday, January 26, 2009**

Taylor. He also met recently with union President Steve Vanderheyden. The City will not sit idle and will do whatever it can to save jobs.

Mayor Gaulrapp spoke about the Cross-Town Classis that was held at Aquin High School on Sunday and it was not only a fundraiser but also community collaboration. He also spoke about the Presidential Inauguration that he attended last week in Washington DC and stated he was able to spend time with a few hours with Senator Durbin.

**NEW BUSINESS**

Each council member was given an opportunity to publicly address significant items of interest. Alderman Boldt asked if the Lincoln Mall area can be addressed in a TIF and the Mayor answered that this could be looked over the next 30 days. Alderman Bush asked the Street Department to clear the intersections of snow at the corners of Adams and Iroquois and also Adams and Winneshiek. Alderman Helms asked for an update on the stoplight at Burchard Avenue and FHN Burchard Hills. Mayor Gaulrapp stated that he has been contacting Fehr-Graham & Associates about the light and it is supposed to be corrected today. Alderman Helms stated the corner of Burchard and LaCresta has snow built up blocking the line of sight. Alderman Klemm stated that citizens must keep in mind about Winter Parking Regulations, if snow plows can't get through, it also means that a fire truck or ambulance can't as well.

**PUBLIC COMMENTS**

Marianne Garvens, 2532 E. River Road, stated, in reference to the Jane Addams Trail, that there were at least two years where the County passed on making their matching grants based on budget so there is a reason it has been taking longer since it was started under Mayor Weis. Ms. Garvens commented on the presentation of Cheryl Kneubuehl, Executive Director of Northern Illinois Development Alliance (NIDA). Ms. Garvens stated that there is still time for council to put a referendum on the ballot to stagger the aldermanic terms by passing a resolution tonight and reaffirming it on Monday, as Monday is the deadline to file this resolution. Ms. Garvens suggested the council pass a resolution setting a precedent for units of government supporting Governor Rod Blagojevich's impeachment. Ms. Garvens suggested the council pass a resolution suggesting that the County reconsider their decision to spend \$6,400 per month for ten years to rent the office space at Stewart Centre when the County population hasn't grown. She asked a question on BW Freeport LLC because she stated that there had been revolving loan fund allocation that was tied with the restaurant wanting to know its status. Ms. Garvens encouraged the council when they are taking final action after a closed session that it needs to be put on the next agenda to satisfy 48 hour notice and also in regard to Executive Sessions she believes that it must state whether the collective bargaining is city, police or other workers. Ms Garvens stated that the public transportation vehicles for Pretzel City it would seem that information wasn't publicly available before they bid out the contract and she doesn't remember seeing anything stating that the City owns the vehicles.

An adjournment of the meeting was motioned at 8:00 p.m. Motion passed by voice vote without dissent.

Respectfully submitted,

s/ Meg Zuravel  
Meg Zuravel, City Clerk