



City Council

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

MINUTES REGULAR MEETING Monday, February 2, 2009

CALL TO ORDER

With a quorum being present on Monday, February 2, 2009 at 6:00 p.m., the regular meeting of the Freeport Illinois City Council held in Council Chambers was called to order by Mayor George Gaulrapp.

ROLL CALL

Present on roll call were council members Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8). 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 Bush.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A motion to approve the minutes from the rescheduled regular meeting held on Monday, January 26, 2009, was made by Alderman Endress, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

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

PRESENTATIONS

Mr. Dan Beider, 311 W. Superior, Chicago, Illinois, spoke about the redevelopment agreement between BW Freeport, LLC and the City stating that an amendment is necessary (Ordinance 2009-09) because of the difficulty bringing in a nationally recognized restaurant chain due to the current state of the economy and debt markets. He stated that a local restaurateur, Mr. Eric White, is interested in locating an additional restaurant, from one he already owns, on the main floor of the Hampton Inn. He is hoping to open in March or April. Mr. Beider asked the council to approve the amendment to the redevelopment agreement for the sake of bringing more business development to the corner of Main Street and Galena Avenue with the hope of making it the hub of activity in downtown Freeport. City Council members were given the opportunity to ask Mr. Beider questions. Corporation Counsel Sarah Griffin stated that the ordinance removes the wording "nationally recognized chain" and it still leaves the corporate authority to approve the restaurant itself. She stated that at the time of the third reading of the ordinance, the

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restaurateur will be asked to present site drawings and a summary of the restaurant. Alderman Klemm spoke in favor of the development at the Hampton Inn and its forthcoming restaurant.

CONSENT AGENDA

A. Approval to Receive and Place on File:

- 1) City Treasurer's Monthly Investment Report for December 2008
- B. Approval of Water and Sewer Bills Payable (#202 & 204) --- \$226,619.51
- C. Approval of Payroll for pay period ending January 17, 2009 --- \$613,002.07
- D. Approval of Bills Payable (# 201 & 203) --- \$291,240.50

Alderman O'Neill moved to approve the consent agenda as presented, seconded by Alderman Endress.

The motion was approved by roll call vote.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm and Boldt (8)

Nays – None (0)

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

COMMUNICATIONS TO COUNCIL

Alderman Endress moved to place on file the Freeport/Stephenson County Convention and Visitors Bureau proposed 2009 annual budget, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

ORDINANCES – THIRD READING

3RD 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. The second reading was held on January 26, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8)

Nays – None (0)

Ordinance 2009-05 was adopted.

3RD 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. 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 on January 26, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8)

Nays – None (0)

Ordinance 2009-07 was adopted.

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At this time, Mayor Gaulrapp requested a leave from council stating a presentation about the year of prayer had requested time at the beginning of the meeting and they are now present. Mission Freeport representatives handed out packets to council regarding a prayer initiative for the City to promote unity.

ORDINANCES –SECOND READING

2ND 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 – Numbered Lot #8 is amended to the Southwest corner of Main and Adams. The first reading of this ordinance was held on January 26, 2009. A motion to adopt Ordinance 2009-08 was given by Alderman Klemm, seconded by Alderman Endress. The second reading of this ordinance was held this evening and upon no further discussion it was automatically laid over to the next scheduled meeting.

2ND 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

The first reading of this ordinance was held on January 26, 2009. A motion to adopt Ordinance 2009-09 was given by Alderman Klemm, seconded by Alderman Helms. The second reading of this ordinance was held this evening and upon no further discussion it was automatically laid over to the next scheduled meeting.

2ND 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

The first reading of this ordinance was held on January 26, 2009. A motion to adopt Ordinance 2009-10 was given by Alderman Endress, seconded by Alderman Boldt. The second reading of this ordinance was held this evening and upon no further discussion it was automatically laid over to the next scheduled meeting.

ORDINANCES –FIRST READING

1ST READING OF ORDINANCE 2009-11:

An Ordinance Amending Chapter 806 - Alcoholic Liquor Sales of the Codified Ordinances of the City Of Freeport to Add Section 806.19 (Designated Locations) regarding 121 North Harlem, Freeport Art Museum

Mayor George Gaulrapp presented Ordinance 2009-11 stating that the need for this ordinance was brought to the attention of the City administration after reading ads placed in the newspaper regarding a fund-raiser for the Freeport Art Museum. Corporation Counsel Sarah Griffin stated that it designates 121 North Harlem, which is a municipally owned building, as a designated location at which liquor can be sold or delivered. A liquor license will still need to be applied for at this location, but currently the State law does not allow any liquor to be served at that location unless a specific ordinance is passed to do so. Ms. Griffin stated this was brought before the Liquor Commission last Thursday and they unanimously approved with four commissioners voting to approve and one abstention – all commissioners were

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present. Since the event is this coming Friday, Ms. Kirker, Director of the Freeport Art Museum has asked council to waive readings.

A motion to adopt Ordinance 2009-11 was given by Alderman Klemm moved, seconded by Alderman Endress.

Alderman Boldt made a motion to suspend the rules and vote on this ordinance this evening, seconded by Alderman Klemm. Mayor Gaulrapp stated suspension of the rules is non-debatable and it will be decided by roll call vote. Roll call vote was taken.

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

Nays – Bush and O’Neill (2)

Mayor Gaulrapp stated that the suspension of the rules passed by supermajority and after asking if there were further questions, he asked for a roll call vote for adoption of the ordinance as presented.

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

Nays – Bush and O’Neill (2)

Ordinance 2009-11 was adopted.

1ST READING OF ORDINANCE 2009-12:

An Ordinance Authorizing an Annexation Agreement of Approximately 5.25 Acres Located West and South of the City at the Intersection of Pearl City Road and Forest Road

Community Development Director Shelly Griswold stated that this property is located at the southwest corner of Pearl City Road and Kiwanis/Forest Road and the intent is that a Supportive Living Facility will be developed. It is a partnership between Heritage Woods and the Stephenson Nursing Center Foundation and it is requested by administration to place it on the floor. A motion to place Ordinance 2009-12 on the floor for approval was given by Alderman Klemm, seconded by Alderman O’Neill. Alderman Klemm stated his concerns as to the directional signals required at that intersection and included his favorable opinions regarding this development. Mayor Gaulrapp stated that there is a 50-50 jurisdictional split between the City and Stephenson County. Mayor Gaulrapp stated that Fehr-Graham & Associates is in the process of conducting engineering studies that changes to the intersection will be included in the City’s and County’s economic stimulus plan for President Obama. Corporation Counsel Griffin stated that a clause has been added to the intergovernmental agreement that states that the contract purchaser agrees that at such time as the intersection is improved, they will pay their engineered proportionate share and this item could be discussed further at the Public Hearing.

RESOLUTIONS

RESOLUTION #R-2009-06:

Resolution to Authorize New Lease Terms for the Hanger Rental at Freeport Albertus Municipal Airport – February 2, 2009 version

Public Works Director Craig LeBaron presented this resolution on January 5, 2009 and it was laid over to this evening’s meeting to give the airport commission a chance to further review lease agreement items and those items were incorporated into this version presented this evening. A motion to place Resolution

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2009-06 on the floor for approval was given by Alderman Corbin, seconded by Alderman Klemm. Upon no further discussion, a roll call vote was taken.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8)

Nays – None (0)

Resolution 2009-06 was adopted.

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 was presented at the last meeting and it an intergovernmental agreement between the City and the State to utilize Motor Fuel Tax in conjunction with 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. Public Works Director LeBaron presented information regarding a complete rebuild of over two blocks of Monterey Street with an overall project cost of \$300,000 which would be leveraged for our City's share of the overall project being about \$100,000. 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 80% of the federal dollars is paid by the State and then they bill us for the remaining 20%.

A motion to place Resolution 2009-08 on the floor for approval was given by Alderman Corbin, seconded by Alderman O'Neill. Alderman Helms stated his favorable opinion now that he knows the City will receive street repairs at a greater amount than the investment. Upon no further discussion, a roll call vote was taken.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (8)

Nays – None (0)

Resolution 2009-08 was adopted.

RESOLUTION #R-2009-12:

Resolution of Support and Commitment of Local Funds for Cottonwood Street CDAP Grant

Finance Director Craig Joesten presented the resolution stating that the City will be applying for a CDAP grant for \$350,000 and with this money it will finish the section storm sewer on Cottonwood from the Health Department to the railroad tracks. A couple of years ago this project was started but could not be finished under the railroad tracks due to the cost and so we are going to connect pipe from the railroad tracks to the big box that is by the Health Department and that will hopefully assist in diminishing the flooding impacts in the area. Director Joesten emphasized that it will not completely resolve the flooding, but will hopefully make a noticeable impact in a storm event. He stated that this resolution authorizes applying for the grant and committing the City's share of \$121,000 of the Water & Sewer Commission's money to pay for the construction. The public hearing for the CDAP grant was held at 5:30 pm this evening.

Alderman Klemm moved to approve the resolution as presented, seconded by Alderman Endress. Alderman Boldt asked Director Joesten to provide budget information from the Water & Sewer Commission.

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The motion was approved by roll call vote.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm and Boldt (8)

Nays – None (0)

Resolution 2009-12 was adopted 8-0.

RESOLUTION #R-2009-13:

Resolution to Amend a Tax Increment Financing District Fund Expenditure Plan for the Downtown

Community Development Director Shelly Griswold presented the resolution stating this is the annual expenditure for the downtown TIF annual balance at the end of the year was \$200,000 and she is estimating receipt of taxes of \$240,000 to \$250,000 in addition to a small amount of interest. Director Griswold stated line items for the City Lights, curb and gutter, and Rawleigh Building debt are always on the expenditure plan. A brief review of line items was given by Director Griswold including an additional item for the debt service for five years to pay back the general fund for the demolition of the City Lights building and Cheaters; a line item for the Hampton Inn redevelopment agreement assuming that they fulfill all of the obligations of the redevelopment agreement; a line item for façade improvement grants; a line item for sidewalk and vault grants so we could do cost sharing with the downtown business owners allowing more money to free up for residential sidewalks; line item for building repairs and demolitions; a small amount for Rawleigh expenses; \$40,000 for Rawleigh corridor which is the 20% matching funds for a Brownfield's cleanup grant; a line item dedicated to aesthetic and infrastructure improvements which could be a boat launch at Tutty's Crossing and completing the fencing at the Lincoln Douglas parking lot. The aldermen were provided the opportunity to ask Director Griswold questions. Alderman O'Neill pointed out a scrivener's error in the resolution, item #9 changing reference from 2006 to 2009 and on the table from 2006 to 2008 taxes. Debt services of the City Lights will go until 2021 and a question was asked when the debt services of the Rawleigh building will be self funding. Director Griswold stated the Downtown Development Foundation has given input in the development of this plan.

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

The motion was approved by roll call vote.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm and Boldt (8)

Nays – None (0)

Resolution 2009-13 was adopted 8-0.

RESOLUTION #R-2009-14:

Resolution to Approve a Tax Increment Financing District Fund Expenditure Plan for Lamm Road Business Park

Community Development Director Shelly Griswold presented the resolution stating first expenditure for the Lamm Road area because this is the first time to have funds available due to the completion of the Wal-Mart and Menards projects and the out lots developing in that area. The annual revenue is expected to be \$500,000. Director Griswold stated line items for Lakeview Holdings for Seaga Manufacturing project, line items for Wal-Mart and Menards upon fulfillment of the redevelopment agreements for the two developments which the money is allocated but until the time that they fulfill the terms it will not be paid out, a line item for infrastructure repairs and improvements, and line item for professional services such as engineering studies or marketing.

Alderman Corbin moved to approve the resolution as presented, seconded by Alderman Boldt.

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Alderman Boldt asked if this was contiguous to any other TIF and Director Griswold stated that if the council passes the West Avenue TIF plan it will be contiguous to that one. Alderman Klemm asked about the punch list to the Wal-Mart and Menards development and Director Griswold stated that she knows one item that we are waiting for is earth and berm to be landscaped at the southeast corner of the property and by doing so it would remove the rip-wrap. They corrected the issue of the hydrants. Alderman O'Neill pointed a scrivener's error to the table showing the heading of the taxes should be 2008 not 2006. The motion was approved by roll call vote.

Yeas: Bush, DeVine, Endress, Helms, O'Neill, Corbin, Klemm and Boldt (8)

Nays – None (0)

Resolution 2009-14 was adopted 8-0.

RESOLUTION #R-2009-15:

Resolution to Support Stephenson County Health Department's Efforts to Bring a Federally Qualified Health Center to Stephenson County

Community Development Director Shelly Griswold presented the resolution stating that credit is due to Health Department Director Craig Beintema for applying a grant to bring a feasibility study of a federally qualified health center which could provide health services including dental care for children and other services which would be an asset to our community. Alderman Endress moved to approve the resolution as presented, seconded by Alderman Klemm. The motion was approved by voice vote without dissent.

Resolution 2009-15 was adopted 8-0.

DEPARTMENT HEAD REPORTS

Library

Library Director Carole Dickerson requested anyone having photos of the August 1, 2004 visit to the Freeport Public Library of then Senate hopeful Barack H. Obama, now 44th President of the United States, to contact her. Director Dickerson stated that February is food for fines month for every can or perishable item a forgiveness of up to \$1.00 will be given on library fines.

Community Development

Director Griswold referred to a memo given to council regarding all of the upcoming dates for the West Avenue TIF district stating that there is no room for allowance on the dates because it needs to be completed by March in order to use the 2007 tax year as stated in the report. Not using the 2007 tax year would mean the report would have to be redone. She also provided tentative project schedules for several annexation projects in the works. Director Griswold requested a March 30, 2009 special meeting of the Freeport City Council in order to complete items by the end of March. She stated that there will be a couple of instances where the council will be asked to waive a readings and two of them would be for annexations but this would be only after public hearings have been held by the Planning Commission. The next instance where Director Griswold stated there will be a waiver of the reading would be for the TIF ordinances themselves when they will be introduced on March 2, 2009 at a public hearing and then the ordinance can't be presented until March 16, 2009. The final reading of the TIF ordinances would be at a special meeting on March 30, 2009. Mayor Gaulrapp stated we were originally intending to have the final readings the first week in April but the county assessor's office did not think the 2008 tax records would be ready at that time.

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Public Works

Public Works Director LeBaron stated that the traffic signals at Burchard Avenue and Fairway are operational. He also reported that status of the new airport hanger construction.

NEW BUSINESS

Each council member was given an opportunity to publicly address significant items of interest. Alderman DeVine thanked the Freeport Police for enforcing the Winter Parking Regulations. Alderman O'Neill requested to have member of council on the employee health care committee as a non-voting member to help make the process smoother next time. Mayor Gaulrapp stated that he would like to appoint Alderman O'Neill if it is in line with union contracts and Director Joesten concurred. Alderman Boldt referred to the TIF agreement wording and asked for updates of expenditures as they occur. Alderman Boldt encouraged people to vote at the Primary Election on February 24, 2009

Tuesday, February 17, 2009 is the date of the next regular meeting due to Monday being President's Day.

PUBLIC COMMENTS

No one was signed up for public comments this evening.

An adjournment of the meeting was motioned at 7:15 p.m. Motion passed by voice vote without dissent.

Respectfully submitted,

 s/ Meg Zuravel
Meg Zuravel, City Clerk