



City Council

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

MINUTES REGULAR MEETING Tuesday, February 17, 2009

CALL TO ORDER

With a quorum being present on Tuesday, February 17, 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 DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (7). At 6:15 pm Alderman Bush entered council chambers bringing the number of Aldermen present to eight (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 DeVine.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

A motion to approve the minutes from the regular meeting held on Monday, February 2, 2009, was made by Alderman O'Neill, seconded by Alderman Endress. Motion passed by roll call vote with Alderman DeVine Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (7) voting yea. Motion passes 7-0.

PUBLIC COMMENTS – AGENDA ITEMS

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

CONSENT AGENDA

A. Approval to Receive and Place on File:

- 1) Fire Department Activity Report for January 2009
- 2) Police Department Activity Report for January 2009
- B. Approval of Water and Sewer Bills Payable (#206, 207 & 209) --- \$212,204.90
- C. Approval of Payroll for pay period ending February 11, 2009 --- \$412,961.37
- D. Approval of Bills Payable (#205, 208, 210, & 211) --- \$659,171.01

Alderman Endress moved to approve the consent agenda as presented, seconded by Alderman O'Neill. The motion was approved by roll call vote.

Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm and Boldt (7)

Nays – None (0)

Motion passed 7-0 and the Consent Agenda items were approved.

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COMMUNICATIONS TO COUNCIL

The Water and Sewer Financial Reports as of December 31, 2008 were included in council packets as an informational item as requested by an Alderman Boldt at the last meeting.

ORDINANCES – THIRD READING

3RD 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 on February 2, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (7)

Nays – None (0)

Ordinance 2009-08 was adopted.

3RD 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 on February 2, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: DeVine, Endress, Helms, O'Neill, Corbin, and Klemm (6)

Abstain - Boldt

Nays – None (0)

Mayor Gaulrapp noted that a vote to abstain goes to majority (7-0) and Ordinance 2009-09 was adopted.

3RD 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 on February 2, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Boldt (7)

Nays – None (0)

Ordinance 2009-10 was adopted.

ORDINANCES –SECOND READING

2ND 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

The first reading of this ordinance was held on February 2, 2009. A motion to place Ordinance 2009-12 on the floor for approval was given by Alderman Klemm, seconded by Alderman O’Neill and it was automatically laid over to tonight’s meeting. Upon the second reading of Ordinance 2009-12, a motion was made by Alderman O’Neill to amend Section 1., to add the words “to execute” after the word directed in the first sentence. This motion was seconded by Alderman Klemm. The motion was approved by roll call vote. Yeas: DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt (7). There were no nay votes and the motion was approved.

A motion was given by Alderman O’Neill to layover Ordinance 2009-12 for its third reading to be held on March 16, 2009, to coincide with the public hearing for this annexation. This motion was seconded by Alderman Klemm. The motion was approved by roll call vote. Yeas: DeVine, Endress, Helms, O’Neill, Corbin, Klemm, and Boldt (7). There were no nay votes and the motion was approved 7-0 and the ordinance will be laid over to March 16, 2009.

SUPPLEMENTAL INFORMATION FOR ORDINANCE 2009-13

Community Development Director Shelly Griswold presented an item contained in council packets as a supplement to Ordinance 2009-13, stating that it is the Summary of the Planning Commission Public Hearing held on February 5, 2009, for the petition by Twin Creeks Investments, L.P., as owner and Stephenson Nursing Center Foundation, as contract vendee in which it was unanimously recommended by the Planning Commission to amend the zoning classification to P-1, Professional Use. This zoning classification will be set in the annexation ordinance which is the next item on council agenda.

ORDINANCES –FIRST READING

1ST READING OF ORDINANCE 2009-13:

An Ordinance Annexing Certain Territory into the City of Freeport, Stephenson County, Illinois and Assigning a Zoning Classification and Election Ward to the Property (Pearl City Road and Forest Road)

Community Development Director Shelly Griswold presented the ordinance stating that 5.25 acres of property located at the southwest corner of Pearl City Road and Kiwanis/Forest Road will be used for a Supportive Living Facility. This ordinance calls for annexation of this property into the City. The parcel will be zoned P-1, Professional Use and the ordinance calls for an election ward. Director Griswold stated that on March 16, 2009 there will be public hearing for the annexation. Alderman Corbin stated his concerns as to the directional signals required at that intersection and read from the Planning Commission public hearing the reservations of Highland President Joe Kanosky regarding the same. Alderman Klemm stated that there are quite a few items that enter into the traffic at that intersection now and he has discussed this with Adam Holder of Fehr-Graham & Associates because the study that they did was back in 1999, things have changed. Mayor Gaulrapp stated that Fehr-Graham & Associates is conducting an engineering study and it will be part of the economic stimulus plan presented and all costs will be shared

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50-50 with the County due to the jurisdiction of the road. Mayor Gaulrapp stated that it is a recognized area that the City has concerns about.

A motion to place Ordinance 2009-13 on the floor for approval was given by Alderman Endress, seconded by Alderman Klemm. The ordinance was automatically laid over to the next council meeting.

At this time (6:15 pm), Alderman Bush entered the council chambers.

1ST READING OF ORDINANCE 2009-14:

Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois – Special Use Permit for a large residential-care home under Section 1250.01 (b) (11) applied by Matthew K. Mordick & Stacie N. Green as owners; L & D, LLC, for Willowglen Academy – Ill, Inc. as contract vendee for property located at 564 North Greenfield Drive

Mayor Gaulrapp introduced Community Development Director Shelly Griswold by stating that this ordinance was recommended to City Council by the Freeport Planning Commission by unanimous vote on February 5, 2009 and there were no written objectors, therefore, it is before council for final vote this evening. Director Griswold presented the information to council regarding the Planning Commission meeting on February 5, 2009, stating that there were no written objectors and the commission unanimously recommended approval of the large residential care home. A motion to place Ordinance 2009-14 on the floor for approval was given by Alderman Klemm, seconded by Alderman Endress. Upon no further discussion, a roll call vote was taken.

Yeas: DeVine, Endress, O'Neill, Corbin, Klemm, Boldt and Bush (7)

Nays – Helms (1)

Ordinance 2009-14 was adopted by a vote of 7-1.

1ST READING OF ORDINANCE 2009-15:

An Ordinance Amending Chapter 220, Council, Section 220.10, Rules of Council, Subsection (23) Address by Non-Members (C) – Public Hearings

Corporation Counsel Sarah Griffin presented the ordinance stating that five Public Hearings will be scheduled during the next month or so. This ordinance addresses Section 220.10 Rules of Council and how non-members are to address issues at public hearings. This provides some basis rules and defines those persons with property interest to provide for an opportunity to address the presenter and also ways to limit it if it becomes redundant, including time limits for speaking. A motion to place Ordinance 2009-15 on the floor for approval was given by Alderman Corbin, seconded by Alderman Klemm.

Alderman Corbin motioned to suspend the rules to vote on the ordinance this evening due to the upcoming public hearings, seconded by Alderman Klemm. A roll call vote was taken on the motion to suspend the rules.

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

Nays –None (0)

Mayor George Gaulrapp stated that because of the complex nature of all the annexation agreements, the Tax Increment Financing District (TIF's) and their public hearings coming forth, we will have a special

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meeting at the end of March (March 30, 2009), we would like to have the guidelines prepared ahead of time.

A roll call vote was taken on the motion to approve Ordinance 2009-15 as presented.

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

Nays –None (0)

Ordinance 2009-15 was adopted.

EXECUTIVE SESSION

The following was on council agenda this evening - Executive Session Pursuant to Illinois Open Meeting Act 5 ILCS 120/2 (c) (11) – Litigation to discuss matters:

- *City of Freeport vs. the Board of Directors of the Freeport Public Library, et al.*
- *Matter of the Estate of Henrietta L. Wurtzel (final action will be Resolution 2009-21)*

At 6:23 pm, a motion was given by Alderman Endress to enter the executive session, seconded by Alderman O'Neill. A roll call vote was taken on the motion.

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

Nays – None (0)

At 6:50 pm, a motion was made by Alderman Endress to return from the executive session, seconded by Alderman O'Neill. A roll call vote was taken on the motion.

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

Nays – None (0)

RESOLUTIONS

RESOLUTION #R-2009-16:

Resolution Approving Restaurant Pursuant to Redevelopment Agreement with BW Freeport, LLC - Community Development Director Shelly Griswold introduced of Eric White. Mr. White, 1208 LaCresta Drive, presented a summary of the restaurant site drawings and operational plans, including menu choices for the restaurant to be located on the main floor of the Hampton Inn at the corner of Galena Avenue and Main Street in downtown Freeport. An Irish theme will be used for the food and atmosphere. Alderman Boldt stated he will be abstaining for financial considerations.

A motion to place Resolution 2009-16 on the floor for approval was given by Alderman Klemm, seconded by Alderman Endress. Upon no further discussion, a roll call vote was taken.

Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm, and Bush (7)

Abstain: Boldt

Nays – None (0)

The abstaining vote went to the majority and the motion passed 8-0. Resolution 2009-16 was adopted.

RESOLUTION #R-2009-17:

Resolution Calling for Public Hearing Pursuant To 65 ILCS 5/11-15.1-3 Regarding an Annexation Agreement with Twin Creek Investments, L.P. For Approximately 5.25 Acres Located West And South of the City At The Intersection Of Pearl City Road And Forest Road – March 16, 2009 At 6:00 P.M. -Community Development Director Shelly Griswold presented the resolution to the council by

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first explaining the difference between an annexation and an annexation agreement. The annexation ordinance annexes the property into the City and assigns an election ward and a zoning classification. The annexation agreement sets forth the terms between the party annexing and the City of Freeport. Director Griswold explained that the Illinois statute states the Public Hearing must be called in the case when we have an annexation agreement and that is why this resolution and also the other two resolutions are on council agenda for this evening.

A motion to place Resolution 2009-17 on the floor for approval was given by Alderman Boldt, seconded by Alderman Klemm. Upon no further discussion, a roll call vote was taken.

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

Nays – None (0)

Resolution 2009-17 was adopted.

RESOLUTION #R-2009-18:

Resolution Calling for Public Hearing Pursuant To 65 ILCS 5/11-15.1-3 Regarding an Annexation Agreement With John G. Zajicek, Kirk R. Moll, and Mary Lou Moll, Trustee of the Richard T. Moll Trust and the City of Freeport for the Westerly 350 feet of Tax Pins 04-19-06-451-003 and 04-19-07-200-001 (Approximately 12.95 Acres) - March 2, 2009 at 6:00 P.M. – Community Development Director Shelly Griswold presented a color coded map to the council which outlines the different areas up for annexation over the next month stating that in the proposed TIF area there are properties which are not currently within the City corporate boundaries so in order for them to be included in the TIF they need to be annexed into the City of Freeport at the same time. She stated this property is the pink property located on the map before council on Walnut Street, just to the east of where the race track is now and it is the 350 feet western most feet of those two parcels. This resolution calls for a public hearing on March 2, 2009 at 6:00 pm.

A motion to place Resolution 2009-18 on the floor for approval was given by Alderman Corbin, seconded by Alderman O'Neill. Alderman Helms asked why the entire area is shown on the map for the Tax Increment Financing area and Director Griswold answered that area for consideration had changed because the owners decided that they only wanted to annex the frontage parts of the properties on Walnut and keep the other outside of the TIF. Alderman Helms asked if any part of this property was located in a flood zone and Director Griswold stated yes, the southern part is in the flood plain and that you can't build in the flood plain, she continued by stating that every square foot of the property is not build able. Upon no further discussion, a roll call vote was taken.

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

Nays – None (0)

Resolution 2009-18 was adopted.

RESOLUTION #R-2009-19:

Resolution Calling for Public Hearing Pursuant To 65 ILCS 5/11-15.1-3 Regarding an Annexation Agreement With First Illini Group, Inc., For Certain Real Property Situated in Sections 6 and 7 of Silver Creek Township East of IL Route 26 South of Meadows Drive and North of Yellow Creek Consisting of Approximately 43.80 Acres - March 2, 2009 at 6:00 P.M.

Community Development Director Shelly Griswold stated that this parcel is the blue section colored in on the map. Director Griswold stated there will be a new map for the Redevelopment Agreement Plans that

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will show the updated boundaries. A motion to place Resolution 2009-19 on the floor for approval was given by Alderman Klemm, seconded by Alderman Endress. Upon no further discussion, a roll call vote was taken.

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

Nays – None (0)

Resolution 2009-19 was adopted.

RESOLUTION #R-2009-20:

Resolution to Approve Grant Agreement with Illinois Department of Transportation for “MCR Incentive In-Car Printers Grant” for the Police Department

Chief of Police Jerry Whitmore stated that this will allow the in-car crash reports to done on the computers, then printed, and given to the motorists on site. This will also allow the report to be sent downstate to the Illinois Department of Transportation saving them time and money from their having to enter all the reports from the handwritten police report. Chief Whitmore stated there will be no cost to the City as it will come in the form of a reimbursement. A motion to place Resolution 2009-20 on the floor for approval was given by Alderman Klemm, seconded by Alderman Endress. Upon no further discussion, a roll call vote was taken.

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

Nays – None (0)

Resolution 2009-20 was adopted.

RESOLUTION #R-2009-21:

Resolution to Approve Final Accounting and Bequest of the Estate of Henrietta Wurtzel

Corporation Counsel Sarah Griffin stated that this resolution authorizes the Mayor to sign the final accounting of an estate of Henrietta Wurtzel wherein she left 1% of her estate to the City amounting to \$6,000 to fulfill a bequest to plant trees in the 800 block of west Elk Street and the 500 block of east Center and this would authorize the mayor to accept that.

A motion to place Resolution 2009-21 on the floor for approval was given by Alderman Endress, seconded by Alderman O'Neill. Upon no further discussion, a roll call vote was taken.

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

Nays – None (0)

Resolution 2009-21 was adopted.

DEPARTMENT HEAD REPORTS

COMMUNITY DEVELOPMENT

Director Griswold referred to map presented to council stating that the yellow parcel is owned by the City of Freeport, the green parcel is owned by Bomar Heating and Air Conditioning and the orange parcel is owned by Marcia Butson, where Computer Dynamics business is housed. All of the final votes on these annexations must coincide with the final vote of the West Avenue TIF. Director Griswold stated in regard to the City of Freeport property annexation that as the City being the petitioner, someone has to be the designated party to sign the annexation petition. She also stated that on March 5, 2009, at the Planning Commission Public Hearing, she will need to fulfill her role as the Community Development Director and so there is a need for someone other than herself to represent the corporate authorities. Ordinarily that

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would be the Mayor and she asked the council's guidance on that issue. Alderman O'Neill motioned that, as long as there is not a problem with Corporation Counsel Sarah Griffin, for the Mayor to sign then it has the approval by council and also giving concurrence for the petition to be brought forth. This motion was seconded by Alderman Klemm. If the Mayor is not available, a council member will be used as back up.

Director Griswold gave compliments to Leslie Mastroianni, Community Development Specialist for the City being the recipient of a total of \$600,000 in housing grants through three different programs. The first is the Mobility and Accessibility Services Program (MARS) grants through the Department of Commerce and Economic Development which will provide much needed funds to make accessibility improvements to homes for those with disabilities. Two other programs are through the Illinois Housing Development Authority one to help home buyers purchase homes and rehabilitate them and the other is for owner occupied residences to do code based repairs and renovations to their homes. When the position for the Community Development Specialist was added and Leslie Mastroianni was hired, the department goal was to have 50% of that position's salary paid for by grants, at this point her salary is being covered by grants.

WATER & SEWER

Water & Sewer Project/Utility Manager Denise Blakeley Ihrig, P.E. stated the commission will be submitting a CDAP grant for the Cottonwood drainage basin and the Commission is looking to get the sanitary sewer lining contract and the storm sewer improved funded through a grant for \$350,000, plus the leverage funds which were approved in a resolution a couple weeks ago.

POLICE

Chief of Police Jerry Whitmore stated the Police Department along with agencies from the State and County conducted a parole compliance check where the status of 27 parolees in the City was checked this morning. As a result of this compliance check, two arrests on controlled substance were made.

FIRE

Fire Chief Kevin Countryman stated that the Fire Department received notice that the grant that had been applied from Homeland Security Assistance to Firefighters was granted and there will be a resolution to accept this grant in the amount of \$82,500 to replace generators at two stations.

MAYOR'S REPORT

Mayor George Gaulrapp reported he made a trip to Washington, D.C. and met with two senators, staff members, and also Congressman Don Manzullo to deliver the stimulus package requests from the City of Freeport including requests for a well, Hancock Bridge repair and resurfacing of streets. Mayor Gaulrapp recognized the heavy workload weighing on City staff due to the annexations in progress.

NEW BUSINESS

Each council member was given an opportunity to publicly address significant items of interest. Council members reminded registered voters to vote at the primary on February 24, 2009. Alderman Helms requested to receive a report in March providing an up-to-date comparison of the financial budget vs. actual spending. Alderman O'Neill spoke about the Healthcare Committee meeting and asked for the minutes to be provided in the council packets. Alderman Corbin stated he has been asked about street and

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gutter repair in the stimulus package. Mayor Gaulrapp stated that \$1 billion has been earmarked for the State of Illinois and \$500 million of that will be for the first three month's shovel ready projects. And, hopefully, another \$500,000 million for the State of Illinois for road repairs. The City is lobbying the state senator and representative to make sure we receive our fair share.

PUBLIC COMMENTS

No one was signed up for public comments this evening.

An adjournment of the meeting was motioned at 7:20 p.m. Motion passed by voice vote without dissent.

Respectfully submitted,

s/ Meg Zuravel
Meg Zuravel, City Clerk