



## ***City Council***

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

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### **MINUTES REGULAR MEETING Monday, May 18, 2009**

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#### **CALL TO ORDER**

At 6:00 p.m. on Monday, May 18, 2009, in City Council Chambers of City Hall with a quorum being present, the meeting was called to order by City Clerk Meg Zuravel.

#### **RECORD**

Present on roll call were council members Klemm, Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin (8). Mayor George Gaulrapp was absent. Also present were Corporation Counsel Sarah Griffin and city department heads with Street Superintendent Dole for Public Works Director Craig LeBaron.

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

A motion was given by Alderman Klemm to nominate Alderman Shawn Boldt as Mayor Pro-Tem, seconded by Alderman Corbin. On a roll call vote as Alderman Boldt as Mayor Pro-Tem; Aldermen Endress, Helms, O'Neill, Corbin, Klemm, Boldt, Bush and DeVine voted yea. Motion was approved 8-0.

#### **PLEDGE OF ALLEGIANCE**

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

#### **APPROVAL OF AGENDA**

Alderswoman O'Neill motioned to approve the agenda as presented, seconded by Alderman Endress. Motion passed by voice vote without dissent.

#### **APPROVAL OF MINUTES**

Alderman Endress motioned to approve the minutes of the regular meeting held on May 4, 2009, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

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

There were four people signed up for public comments on agenda items at this time and they were called to the podium as follows:

- Alma Schulz of 1730 S. Hance Drive spoke in favor of the Off-Street Parking Ordinance to make parking lot more handicap accessible.
- Kathy Ellinor of 1223 S. Blackhawk spoke in favor of the Off-Street Parking Ordinance to make parking lot more handicap accessible.
- Tiffany Vondra of 952 W. Jefferson Drive spoke in favor of the Off-Street Parking Ordinance and, as the manager of RAMP; she feels to will make parking lots more handicap accessible. She stated there are tax incentives to fix handicap parking signage.

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- Tara Vondra of 418 Concord spoke in favor of the Off-Street Parking Ordinance to make parking lot more handicap accessible.

At this time, Alderman Klemm requested leave from the council to move item number 10 forward on the council agenda due to the number of public present at the meeting, seconded by Alderman Endress. Motion passed by voice vote without dissent.

**1<sup>ST</sup> READING OF ORDINANCE 2009-39:**

**An Ordinance Amending Chapter 1262 (Off-Street Parking and Loading) of the Codified Ordinances of the City of Freeport, Illinois**

Community Development Director Shelly Griswold presented the ordinance and summarized the wording including for Joint Parking Facilities that the owners of the properties utilizing the joint parking facilities file a copy of the Joint Parking Agreement with the Community Development Director. If any of the properties located in a platted subdivision, a copy of the Joint Parking Agreement shall be recorded with the Plat in the office of the Stephenson County Clerk and Recorder. Director Griswold included wording so that sand and gravel are not considered all-weather dustless materials. Bumper stops, wheel stops and curbing shall be provided to prevent vehicles from damaging or encroaching upon any sidewalk, landscaped area or parking lot island, fence, wall or building. Striping shall be delineated with paint or other permanent materials which shall be maintained in clearly visible condition. Wording has been included to comply with the Illinois Accessibility Code. Parking lots must be continuously maintained and kept free of debris or hazards including but not limited to potholes, broken curbing and other irregularities. Director Griswold stated an item has been added for compliance with the Storm Water Management chapter of the Codified Ordinances. Director Griswold stated a fine for noncompliance could be \$50 to \$750 per day. The City will not finance the cost to repair parking lots.

Alderman Endress motioned to approve the ordinance as presented, seconded by Alderman O'Neill. Discussion was held regarding resurfacing an entire parking lot versus filling in the pot holes. Upon no further discussion, the ordinance was automatically laid over to the next regular scheduled meeting.

**PRESENTATIONS/PROCLAMATIONS**

A proclamation was read proclaiming May 9, 2009 through May 16, 2009 as AmeriCorps Week and presented to Julie Clark of Lutheran Social Services of Freeport by Pro-Tem Mayor Shawn Boldt.

**CONSENT AGENDA**

A. Approval to Receive and Place on File:

- 1) Community Development Reports for April 2009 including Building Permits, Cash and Miscellaneous Receipts, and Electrical, HVAC, Plumbing and Sign Permits
- 2) Police Department Activity Report for April 2009
- 3) Fire Department Activity Report for April 2009

B. Approval of Water and Sewer Bills Payable (#250) --- \$96,021.96

C. Approval of Payroll for pay period ending May 9, 2009 --- \$425,676.65

D. Approval of Finance Department Bills Payable (#247, 248, 249, 250) --- \$467,797.46

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

The motion was approved by roll call vote.

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

Nays – None (0)

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

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**APPOINTMENTS**

- Alderman Klemm motioned to approve the appointment of James Nelson to the Historic Preservation Commission effective immediately through February 28, 2012, seconded by Alderman Endress. Motion passed by voice vote without dissent.
- Alderman Endress motion to approve the appointment of Bridget Sheriff to the Zoning Board of Appeals effective immediately through June 30, 2011, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

**ORDINANCES –THIRD READING**

**3<sup>RD</sup> READING OF ORDINANCE 2009-36:**

**An Ordinance to Authorize Right of Way or Easement to Stephenson Pecatonica Prairie Path Commission an Intergovernmental Agency Authorized and Appointed by the City of Freeport**

The first reading of this ordinance was held on April 20, 2009. A motion to adopt the ordinance was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on May 4, 2009, and it was automatically laid over to tonight's meeting. Upon the third reading and no further discussion, a roll call vote was taken to pass the ordinances.

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

Nays: None

Ordinance 2009-36 was adopted.

**3<sup>RD</sup> READING OF ORDINANCE 2009-37:**

**Appropriation Ordinance Fiscal Year 2009-2010, for the City of Freeport**

The first reading of this ordinance was held on May 4, 2009. A motion to adopt the ordinance was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held at the special meeting on May 13, 2009 and it was automatically laid over to tonight's meeting. Mayor Pro Tem Boldt stated that administration is requesting this ordinance be laid over to coincide with the Public Hearing on Monday, June 1, 2009 at 6:00 pm. Alderman Corbin motioned to lay over the ordinance to coincide with the Public Hearing on June 1, 2009, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

**ORDINANCES – SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE 2009-38:**

**An Ordinance Authorizing Exchange Of Real Estate Between The City Of Freeport And Harold D. Rood And Robert G. Rood Such Property Being West Of Henderson Road And East Of The Pecatonica River, Near The Property Commonly Known As The CMC Heartland Site, For Future Use As Part Of The Pecatonica Prairie Path, Consisting Of Approximately 0.78 Acres Each**

The first reading of this ordinance was held on May 4, 2009. A motion to adopt the ordinance was given by Alderman Boldt, seconded by Alderman Endress and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion, the ordinance was automatically laid over to the next meeting.

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**ORDINANCES – FIRST READING**

*1<sup>st</sup> Reading of Ordinance 2009-39 was moved forward on council agenda immediately following public comments.*

**1<sup>ST</sup> READING OF ORDINANCE 2009-40:**

**An Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois – Zoning Amendment M2 (General Manufacturing) to M3 (Heavy Industrial) applied by Larry Brown for property located at 310 East Jackson Street**

Mayor Pro Tem Boldt stated the council may take final action on a proposed ordinance at the first reading when the following requirements are met 1) the Planning Commission recommended its approval at a proper public hearing 2) no person filed a formal written objection or protest to such ordinance. He stated that both of these requirements have been met. Community Development Director Shelly Griswold presented the ordinance stating the applicant Larry Brown has requested a zoning amendment from M2, General Manufacturing to M3, Heavy Industrial for the property located at 310 East Jackson Street upon finding that he was not in compliance with City ordinances. She stated it the property is used as an auto wrecking yard and it is located in the building. A public hearing was held on May 7, 2009 and the Planning Commission voted unanimously to recommend approval of the petition.

A motion to adopt the ordinance was given by Alderman Klemm, seconded by Alderman Endress. The motion was approved by roll call vote.

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

Nays – Bush (1)

Motion passed 7-1 and Ordinance 2009-40 was adopted.

**1<sup>ST</sup> READING OF ORDINANCE 2009-41:**

**An Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois – Zoning Amendment R4 (One Family Residence) to R5 (Two Family Residence) applied by Jerry Siedenburg as owner, and Taylor Hogan as contract vendee for property located at 414 South McKinley Avenue**

Community Development Director Shelly Griswold presented the ordinance stating that a public hearing was held by the Planning Commission Thursday, May 7, 2009 to change zoning from R4 to R5 for the property located at 414 South McKinley Avenue. The petitioner would like to rent the property as a duplex. A color coded map showing the zoning classifications for surrounding properties was included in council packet. Also included were five letters speaking in opposition to the petition and color photos of the maintenance of the property. Director Griswold stated that at the Public Hearing the Planning Commission recommended denial of the petition and unanimously voted in favor of denying the motion.

Alderman Klemm motioned to concur with the findings of the Planning Commission and recommended denial of the ordinance, seconded by Alderman Endress. The ordinance was automatically laid over to the next regular meeting.

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**1ST READING OF ORDINANCE 2009-42:**

**An Ordinance Amending Chapter 242 (Fire Department) of the Codified Ordinances of the City of Freeport, Section 242.53 – Fire Department Capital Fund**

Finance Director Craig Joesten presented the ordinance stating that this ordinance protects certain balances in the Fire Capital Improvement Fund which are generated from ambulance billing. Due to billing vendor changes, this fund has generated revenues over and above previous years, so a threshold amount of \$240,000 or an amount equal to 60% of the total amount was built in. Due to the current economic situation of the City wording was drafted, “notwithstanding anything to the contrary, during fiscal year 2009/2010 a sum not to exceed \$265,000 shall be transferred to the Corporate Fund of the City”. Director Joesten stated wording should be inserted an amount not to exceed \$265,000, adhering to the formula contained within the ordinance. This would allow for a transfer of an additional \$100,000 to the general fund of the City since this fund is a replenishing fund.

Alderman Klemm motioned to approve the ordinance as presented with the amended wording provided by Finance Director Joesten, seconded by Alderman Endress. Upon no further discussion, the ordinance was automatically laid over to the next regular meeting.

**1ST READING OF ORDINANCE 2009-43:**

**An Ordinance Amending Chapter 893 (Motor Fuel Tax) of the Codified Ordinances of the City of Freeport**

Finance Director Craig Joesten presented the ordinance stating that this ordinance protects funds generated by the 2 cents per gallon gas tax used for the purchase of public vehicles for the street and police departments. Due to the current economic situation of the City wording was drafted, “notwithstanding anything to the contrary, during fiscal year 2009/2010 the sum of \$50,000 shall be transferred to the Corporate Fund of the City”. This fund is a replenishing fund. There was a discussion regarding the balance of the fund and the debt service on the purchase of equipment. The street department has a purchase of one vehicle in the budget for 2009/2010.

Alderman Endress motioned to approve the ordinance as presented, seconded by Alderman Klemm. Upon no further discussion, the ordinance was automatically laid over to the next regular meeting.

**RESOLUTIONS**

**RESOLUTION #R-2009-48:**

**Resolution Authorizing Vehicle Lease Agreement Between the City of Freeport and Pretzel City Transit, LLC – Vehicle Lease 4, 2009 Ford El Dorado 12 Passenger**

Finance Director Craig Joesten presented the resolution stating that this vehicle will be used for the transportation program using funds from the economic development fund. A motion to approve the resolution as presented was given by Alderman Klemm, seconded by Alderman Endress. The resolution was approved by roll call vote.

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

Nays – None (0)

Resolution #R-2009-48 was adopted.

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**EXECUTIVE SESSION**

At 6:45 pm, City Clerk Meg Zuravel read the following; “Executive Session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (2) –Collective Bargaining.” Upon its reading, a motion to enter executive session was given by Alderman O’Neill, seconded by Alderman Endress.

The motion was approved by roll call vote.

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

Nays – None (0)

At 7:10 pm, a motion to return from executive session was given by Alderman Klemm, seconded by Alderman Helms.

The motion was approved by roll call vote.

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

Nays – None (0)

**Resolution #R-2009-49:**

**Resolution to Ratify Side Letter of Understanding between the City of Freeport and Council 31 of the American Federation of State, County, and Municipal Employees (AFSCME), Local 3367 AFL-CIO**

City Clerk Meg Zuravel read; “Whereas, on April 21, 2009, Mayor Gaulrapp requested that each of the City’s three unions assist in addressing the budget shortfall by agreeing to reopen their contract for the limited purpose of renegotiating wages and benefits; and whereas, although the union was not contractually obligated to do so, Council 31 of the American Federation Of State, County and Municipal Employees (AFSCME), Local 3367 AFL-CIO, agreed to enter into preliminary discussions with the City, and the parties ultimately came to an agreement which affects the AFSCME contract dated 2008-2011. Now, therefore, be it resolved by the city council of the City of Freeport, Illinois that this city council formally ratifies the side letter of understanding negotiated between the City of Freeport and Council 31 of the American Federation of State, County and Municipal Employees (AFSCME), Local 3367 AFL-CIO, as attached in Exhibit A and incorporated herein by reference. Be it further resolved that the Mayor of the City of Freeport and the city clerk and any other city official or employee as may be necessary or helpful, are authorized to execute said side letter of understanding on behalf of the city of Freeport, and to execute any other documents necessary to carry out the intent and purpose of said agreement and this resolution. Be it further resolved that the city clerk transmit a certified copy of this resolution to Todd Marsh, president of AFSCME local 3367. Be it further resolved that this resolution is expressly adopted pursuant to the home rule authority of the City of Freeport under section 6(a) of article vii of the Illinois constitution of 1970; and all resolutions or motions in conflict with this resolution are repealed insofar as they conflict.”

Upon the reading of the resolution, Corporation counsel Sarah griffin presented the items in the side letter attached to the resolution including a reduction in the amount paid to the PEHP in concession for a day off on Good Friday, a reduction in the wage increase from 3% to 2% in concession for an additional 8 hours of time off subject to scheduling and 8 hours on July 6, 2009. These time off days apply to Public Works and Community Development department union employees.

A motion was given by Alderman Klemm to layover the resolution to the next regular scheduled meeting, seconded by Alderman Endress. The motion was approved by roll call vote.

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Yeas: Endress, Helms, O'Neill, Corbin, Klemm, Boldt, Bush, and DeVine (8)  
Nays – None (0)  
Resolution 2009-49 was laid over to the next meeting.

**OTHER**

**DEPARTMENT HEAD REPORTS**

Community Development

Community Development Director Shelly Griswold spoke about upcoming Community Visioning Workshops and grants recently awarded in the amount of \$200,000 for each of the three Rawleigh Building to be used for asbestos abatement which will need to be done if the building are used or torn down. A grant was awarded to the City for correcting small rental property conditions.

Finance

Finance Director Craig Joesten stated that bids had been received by the City for closing the landfill and they will be presented at the next council meeting.

Public Works

Street Superintendent Tom Dole provided a summary of public work improvement projects including the Hancock Bridge, McKinley Avenue resurfacing. He stated the street department had saved the City \$6,000 due to recycling the sand and gravel used during the winter.

Water and Sewer

Water & Sewer Project/Utility Manager Denise Ihrig stated that hydrant flushing project has begun. She provided a written report to council regarding the Galena Avenue water main loop project at the intersection of Armstrong and Galena Avenue. She stated City crews are installing approximately 1500 feet of piping with new services to local business and two new hydrants will be installed. By using the City crew it provides not only cost savings but also is used as a training tool on how piping should be laid for those workers who oversee contractors.

**MAYOR'S REPORT**

Mayor Pro Tem Boldt stated the Mayor Gaulrapp is away on official City business. He thanked the AFSCME Union for consideration of the City's economic standing.

**NEW BUSINESS**

Alderman Bush requested the process of mowing weeds and grass. Alderman Bush stated that the 3<sup>rd</sup> Ward held a meeting on Saturday and it was requested to have a follow-up report of the Winter Parking regulations be presented at a council meeting in June. It was requested to publicly announce the Freeport Mosquito Abatement District number as 1-800-942-2555.

At 7:45 pm upon a motion being given, the meeting was adjourned.

Respectfully submitted,  
s/ Meg Zuravel

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Meg Zuravel, City Clerk