



## **City Council**

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

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### **MINUTES REGULAR MEETING Monday, August 3, 2009**

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#### **CALL TO ORDER**

The regular meeting of the Freeport Illinois City Council was called to order on Monday, August 3, 2009, at 6:02 pm in Council Chambers with a quorum being present by Mayor George Gaulrapp.

#### **ROLL CALL**

Present on roll call were Mayor George Gaulrapp and council members Klemm, Boldt, Bush, DeVine, Endress, Helms, O'Neill, and Corbin (8). Also present were 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 AGENDA**

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

#### **APPROVAL OF MINUTES**

Alderman O'Neill motioned to approve the minutes of the regular meeting held on July 20, 2009, seconded by Alderman DeVine. Motion passed by voice vote without dissent.

#### **PUBLIC COMMENTS - AGENDA ITEMS**

Robert Hendrickson, 822 W. Avon Street, spoke against the ordinance prohibiting dogs in the cemetery. Mr. Hendrickson referred to a petition that was signed by thirty people presented as a communication to council in which they are against the anti-dog walking ordinance per Freeport City Cemetery.

#### **CONSENT AGENDA**

The following Consent Agenda items were presented:

- A. Approval to Receive and Place on File:
  - 1) Water and Sewer Monthly Activity Report dated July 30, 2009
- B. Approval of Water and Sewer Bills Payable (#283, 285, 286, & 289) ----\$221,349.67
- C. Approval of Payroll for pay period ending July 18, 2009 --- \$426,118.29
- D. Approval of Finance Department Bills Payable (#284, 287, 290) ---- \$246,121.19

Alderman Endress moved to approve the Consent Agenda items as presented, seconded by Alderman O'Neill. The Consent Agenda items were approved by roll call vote.

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

Nays – None (0)

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**COMMUNICATION TO COUNCIL**

Two items were presented in the council packet for this evening:

- A. Petition dated July 27, 2009 Against Anti-Dog-Walking Ordinance in Freeport City Cemetery
- B. Memorandum dated July 29, 2009 from Finance Director Craig Joesten regarding updated budget/spending plan for fiscal year 2009-2010. Discussion was led by Finance Director Craig Joesten regarding the update to the original spending plan included with the appropriation ordinance. The changes encompass all additional spending cuts that have been made to date since passage of the appropriation ordinance. Director Joesten stated this will be a continuous document that will be updated quarterly as new information on spending or revenues takes place. The Finance Department is tracking this with the use of a dating system which will allow determination of chronological development of the budget with the passage of time. Included in the items is the July 31, 2009 AFSCME wage freeze, Fire Union wage freeze, non-union wage freeze, PEHP reductions for these same entities, the elimination of a street department truck, reduction of four sworn police officers, fire department operational expense cuts, and the savings from not filling the Public Works Director position. Also included is a reduction in income tax and sales tax revenue of \$500,000

Alderman Endress moved to place the above items on file, seconded by Alderman Helms. The motion was approved by voice vote without dissent.

**APPOINTMENTS**

Alderman Helms motioned to accept the appointment of Tom Dole as Interim Public Works Director of the City of Freeport for a period of ninety days pursuant to Section 232.03 (1) of the Codified Ordinances of the City of Freeport, seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

Nays – None (0)

**ORDINANCES - THIRD READING**

**3<sup>RD</sup> READING OF ORDINANCE 2009-49:**

**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 July 6, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Helms. The second reading was held on July 20, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading held this evening, a roll call vote was taken on the motion on the floor.

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

Nays – None (0)

Ordinance 2009-49 was adopted.

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**3<sup>RD</sup> READING OF ORDINANCE 2009-50:**

**An Ordinance Amending Chapter 1062 (City Cemetery) of the Codified Ordinances of the City of Freeport – Prohibiting Dogs in City Cemetery**

The first reading of this ordinance was held on July 6, 2009. A motion to adopt was given by Alderman Helms, seconded by Alderman Endress. The second reading was held on July 20, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading held this evening discussion was held regarding the purpose and events leading up to not allowing dogs in the City Cemetery. City Sexton Todd Marsh was asked to provide comment and he stated that over the several years there has not been a problem and, for the most part, he felt people clean up after the dogs so you are punishing many for a problem with a few. Alderman Klemm motioned to layover the ordinance to the next meeting, seconded by Alderman Endress. A roll call vote was taken on the motion to layover the ordinance.

Yeas: Endress and Klemm (2)

Nays – Boldt, Bush, DeVine, Helms, O'Neill, and Corbin (6)

The motion failed 2-6.

A roll call vote was taken on the ordinance.

Yeas: Helms and Klemm (2)

Nays – Boldt, Bush, DeVine, Endress, O'Neill, and Corbin (6)

Ordinance 2009-50 was not adopted by a vote of 2-6.

**3<sup>RD</sup> READING OF ORDINANCE 2009-53:**

**An Ordinance Extending Ordinances 2003-55 and 2003-80 Regarding Chapter 891 (Simplified Municipal Telecommunications Tax)**

The first reading of this ordinance was held on July 6, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Corbin. The second reading was held on July 20, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading held this evening, Alderman Helms motioned to amend the wording to remove the "continued without expiration" and include an expiration date of December 31, 2011. This motion was seconded by Alderman Bush. A roll call vote was taken on the amended wording only.

Yeas: Bush, DeVine, Helms, (3)

Nays – Boldt, Endress, O'Neill, Corbin, and Klemm (5)

The motion on the amended wording failed 3-5.

A roll call vote was taken on the ordinance as on the floor.

Yeas: Boldt, Endress, O'Neill, Corbin, Klemm (5)

Nays – Bush, DeVine, and Helms (3)

Ordinance 2009-53 was adopted 5-3.

**3<sup>RD</sup> READING OF ORDINANCE 2009-54:**

**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**

The first reading of this ordinance was held on July 6, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Helms. The second reading was held on July 20, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading held this evening, a roll call vote was taken on the motion on the floor.

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Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)  
Ordinance 2009-54 was adopted.

**ORDINANCES - SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE 2009-55:**

**An Ordinance Repealing and Replacing Chapter 896 (Home Rule Municipal Retailers' and Service Occupation Tax) – home rule municipal retailers' and service occupation tax rate increase from one half percent (1/2 %) to one and one quarter percent (1 ¼ %)**

The first reading of this ordinance was held on July 20, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to tonight's meeting. Upon the second reading held this evening and no further discussion, the ordinance was automatically laid over to the next meeting.

**EXECUTIVE SESSION**

An executive session pursuant to the following was read into the record:

- 5 ILCS 120 Section 2 (c) (2) Collective negotiating matters between the public body and its employees or their representatives and deliberations concerning salary schedules for one or more classes of employees
- 5 ILCS 120 Section 2 (c) (8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened or a reasonable potential danger to the safety of employees, staff, the public, or public property
- 5 ILCS 120 Section 2 (c) (11) Litigation – City of Freeport vs. the Board of Directors of the Freeport Public Library, et al

At 6:35 pm, a motion to enter executive session was given by Alderman Endress, seconded by Alderman Klemm. A roll call vote was taken to enter executive session.

Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)

At 6:55 pm, a motion to return from Executive Session was given by Alderman Endress, seconded by Alderman Klemm.

A roll call vote was taken to return from executive session.

Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)

**ORDINANCES - FIRST READING**

**1<sup>ST</sup> READING OF ORDINANCE 2009-58:**

**An Ordinance Amending Chapter 290 (Compensation and Benefits) of the Codified Ordinances of the City of Freeport, Illinois**

The ordinance was presented by Finance Director Craig Joesten stating that this brings the wages of classes of positions except those specified in collective bargaining agreements in line with the wage concessions adopted by the Fire and AFSCME unions. This includes managerial Fire and Police employees and City Hall employees except elected officials. The non-bargaining wage increase will be

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3% retroactive until May 1, 2009 through July 31, 2009 and then on August 1, 2009 there will be no wage increase in effect. Also included are Corporation Counsel and Employees for the Board of Water and Sewer Commissioners to be given a cost of living increase commensurate with the other non-bargaining employees for FY 2009/2010. A motion to adopt the ordinance as presented was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to the next meeting.

**1<sup>ST</sup> READING OF ORDINANCE 2009-59:**

**An Ordinance Amending Chapter 1048 (Sewer Rates and Revenues) of the Codified Ordinances of the City of Freeport, Section 1048.02 Charges for Normal Domestic Strength Waste and Adding Hours of Operation**

Finance Director Craig Joesten presented the ordinance stating that the charges for normal domestic strength waste and hours of operation for wastewater haulers has been revised to limit access to the plant to be during Monday through Friday from 7:00 am to 2:30 pm. Charges for a truck capacity of 500 gallons or less will be \$40.00 and truck capacity over 500 gallons will be charged .08 cents per gallon of truck maximum holding capacity. A motion to adopt the ordinance as presented was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to the next meeting.

**1<sup>ST</sup> READING OF ORDINANCE 2009-60:**

**An Ordinance Amending Chapter 660 (Additional Hazardous Materials) of the Codified Ordinances of the City of Freeport to Add “Hazardous Material Storage Tanks; Registration Required Testing; Permits and Fees”**

Fire Chief Kevin Countryman presented the ordinance which will require registration of underground and aboveground hazardous material storage tanks. It states that all storage tanks will be registered within 12 months from the effective date of this code. If registered within such timeframe, the fee for registration will be waived. After that timeframe, the fee for registering new and existing storage tanks will be \$100.00 each. A fee of \$100.00 will also be charged for a permit for the removal of each storage tank. Anyone not registering all tanks during the 12-month period will be fined the maximum general penalty allowable in addition to the applicable fee. There are also requirements for removing aboveground and underground storage tanks within 120 days of abandonment and the method of disposal. A motion to adopt the ordinance as presented was given by Alderman O’Neill, seconded by Alderman Helms and it was automatically laid over to the next meeting.

**RESOLUTIONS**

**RESOLUTION #R-2009-78A:**

**Resolution Repealing and Replacing Resolution #2009-78 Reducing the Performance Bond for Indian Springs Subdivision Plat 3**

Corporation Counsel Sarah Griffin stated that Resolution 2009-78 was adopted at the last council meeting and during its presentation Director LeBaron had noticed an error in the numbers presented. Upon further review, the difference in numbers was significant to warrant this resolution to correct the figures. The amount to be released to Lynn Meyer, owner is \$2,491.77 and the City retains \$792.00 of the performance bond for completion of sidewalks and to ensure proper construction in compliance with Section 1224.10 of the Codified Ordinances. Alderman Corbin moved to adopt the resolution, seconded by Alderman Endress. The motion was approved by roll call vote.

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Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)  
Resolution 2009-78A was adopted.

**RESOLUTION #R-2009-79:**

**Resolution to Adopt City of Freeport Spending Plan for Fiscal Year 2009-2010**

Information regarding the spending plan and items changed were presented by Finance Director Craig Joesten in the Communication to Council. In addition discussion was held regarding revenue and expense estimates. Alderman Helms motioned to layover the Resolution 2009-79 to the first meeting in September, seconded by Alderman Boldt. The motion passed by voice vote without dissent.

**RESOLUTION #R-2009-82:**

**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**

Finance Director Craig Joesten presented the resolution stating that the AFSCME union came to the administration bringing forth the side letter attached to the resolution to freeze their wages beginning on August 1, 2009 for a period of nine months until April 30, 2010 at the pay level received on April 29, 2009 for the Public Works, Community Development and Police Department employees. In addition there were PEHP concessions as outlined in the side letter.

Alderman Endress moved to adopt the resolution as presented, seconded by Alderman Klemm. The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)  
Resolution 2009-82 was adopted.

**RESOLUTION #R-2009-83:**

**Resolution to Enter into an Agreement with Delmar Kampen for Services Related to Land Application and/or On-Farm Landscape Waste Composting**

Interim Public Works Director Tom Dole presented the resolution stating that Mr. Delmar Kampen has accepted the landscape waste composting onto his land the previous several years and it is determined that service can be procured as a sole source. Mr. Kampen is willing to enter into a three year contract under terms stipulated the same as previous year's contracts at the cost of \$20,000 per year for three years and Mr. Kampen will also provide the City proof of insurance for these operations.

Alderman Corbin moved to adopt the resolution, seconded by Alderman Klemm. The motion was approved by roll call vote.

Yeas: Boldt, Bush, DeVine, Endress, Helms, O'Neill, Corbin and Klemm (8)  
Nays – None (0)  
Resolution 2009-83 was adopted.

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Council requested that the following two resolutions be presented together:

**RESOLUTION #R-2009-84:**

**Resolution to Request Temporary Closure of Streets for Aquin Catholic High School Homecoming Parade** - This is the annual route of the Aquin Homecoming parade to be held on Sunday, September 20, 2009 at 3:00 pm.

**RESOLUTION #R-2009-85:**

**Resolution to Request Temporary Closure of Streets for Aquin Catholic Schools' Colby Smith Memorial 4-Mile Classic** - This is a race to be held along Empire Street on Saturday, September 26, 2009 beginning at 10:00 am and this resolution requests closure of the intersection of Empire Street and West Avenue and the intersection of Empire Street and Galena Avenue during this event.

Alderman Endress moved to adopt the two resolutions as presented, seconded by Alderman Corbin. The motion as approved by voice vote without dissent.

**RESOLUTION #R-2009-86:**

**Resolution Accepting a Grant from the Illinois Housing Development Authority's Residential Retrofit Energy Efficiency Program**

Community Development Director Shelly Griswold stated the Energy Efficiency Portfolio funds are available through Illinois Department of Commerce and Economic Opportunity (DCEO) to the Illinois Housing Development Authority. This resolution is for houses already qualified for an IHDA funded grant program to support various electric usage reduction programs on a first come first serve basis. Alderman Helms motioned to adopt the resolution as presented, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

**OTHER**

**DEPARTMENT HEAD REPORTS**

**Community Development**

Community Development Director Shelly Griswold stated the Planning Commission and Zoning Board of Appeals meeting for Thursday was cancelled due to no petitions.

**Finance**

Finance Director Craig Joesten requested authority for an amount not to exceed \$25,000 to be used for emergency repairs on roof of City Hall Building. In his presentation he stated that the roof is leaking in 3-4 places and causing problems for departments. The roof was recently inspected and has another 5-8 years of use on it but there are decorative turrets causing water to back up and leak into the building to the point that it is coming into the offices and council chambers.

Alderman Klemm moved to accept the request for repairs on the roof of City Hall building by Finance Director Craig Joesten, seconded by Alderman Boldt. The motion was approved by roll call vote.

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

Nays – None (0)

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**Public Works**

Interim Director Tom Dole thanked the council for their vote of confidence and provided an update on the LAPP program. The area from Carthage to the end of Stephenson Street will be ground and resurfaced beginning in 3-4 weeks. The street crews are busy filling pot holes.

Fire Chief Kevin Countryman spoke about the “Back to School Program” and the collection of items for backpacks that the Fire Department is assisting with.

**MAYOR’S REPORT**

Mayor George Gaulrapp thanked AFSCME for coming forward with their concessions. Mayor Gaulrapp stated a Junior Boy’s Little League team who won state is having a send off on Friday as they leave to compete in Indiana. He stated Cruise Night was a great success and thanked the volunteers for their efforts. Mayor Gaulrapp stated there are openings on Boards and Commissions and the City is looking for more diversity to fill these positions. Anyone interested should contact his office.

**NEW BUSINESS**

Each council member was provided an opportunity to publicly address significant items of interest. Discussion was held on mowing and that there are limited funds remaining for the year so that church organizations have stepped up and adopted yards. Director Griswold stated the policy for mowing fines that once the grass reaches a height of 8 inches then they give the violator a warning. They have to allow 4 days for this warning to be acted on and then it will receive another notice. Alderman Bush spoke about the Boys and Girls special event scheduled for August 8, 2009.

Director Griswold spoke about a discrepancy written in a letter to the editor that the house located at 604 Miami and stated it is not owned by the City but owned by the Stephenson County Trustee.

**PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS**

Tom Teich asked about the Farm and Fleet building. Director Griswold stated her office had received an application to demolish.

Jim Rhyne, 1256 W. Palmer spoke in regard to a house in disrepair and overgrown across the street from the Boys and Girls Club. Director Griswold is working to have mowing fines added to the Stephenson County tax bills and stated this house receives numerous notices throughout the year.

There being no further business, the meeting was adjourned at 7:45 pm.

*s/ Meg Zuravel*  
Meg Zuravel, City Clerk