



## *City Council*

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

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### **MINUTES REGULAR MEETING Tuesday, September 8, 2009**

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#### **CALL TO ORDER**

The regular meeting of the Freeport Illinois City Council was called to order on Tuesday, September 8, 2009, at 6:00 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, Bush, DeVine, Endress, O'Neill, and Corbin (6). Alderman Boldt and Alderman Helms were absent. Also present were City Department Heads and Corporation Counsel Sarah Griffin.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderman Endress.

#### **PUBLIC HEARING**

The following was read into the record:

The City of Freeport will conduct a public hearing for the purposes of receiving public input on the application of a Flexible Fund Pilot Program grant through the Illinois Department of Commerce and Economic Opportunity. Such grant to be used for the purposes of community revitalization and economic development. The public is invited and encouraged to attend this meeting. Notice of this public hearing was published in the Journal-Standard on August 21, 2009.

At 6:02 pm. Mayor George Gaulrapp opened the public hearing and called on Ms. Amy Trimble representing Peoples Economic Development Corporation.

Ms. Trimble, 500 N. Fourth Street Oregon, Illinois stated she represents the Peoples Economic Development Corporation and provided the purpose of the public hearing and resolution. This meets the requirements of the State of Illinois Community Development Assistance Program (CDAP) Flex Fund Grant. Peoples Economic Development Corporation is here this evening to offer their services to apply for funds on behalf of the City to support economic development and growth in downtown Freeport. Peoples will assist the City in selection of buildings within the Downtown Historic District to participate in economic development program, asses the current conditions and history of the buildings, develop business and financial incentive development packages for these buildings, provide rehabilitation planned services for these buildings and include Freeport in a demonstration program through DCEO. The grant would be in the amount of \$75,000. There is no cost to the City to apply for the funds. If accepted, there will be a match of up to \$15,000 based on the grant agreement with DCEO of \$90,000 Flex Fund Project. There was no one signed up testify or give an opinion. Ms. Trimble was available to answer questions, which there were none. Mayor Gaulrapp closed the public hearing at 6:04 pm.

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**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**

Mayor Gaulrapp asked and received leave of council to consider both of the minutes together. Alderman Corbin motioned to approve the minutes of the special meeting held on August 10, 2009 and the regular meeting held on August 17, 2009, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

Mayor Gaulrapp asked for leave of council to move forward the following resolution on council agenda:

**RESOLUTION R-2009-87**

**Resolution of Support and Commitment of Funds for a State of Illinois Community Development Assistance Program (CDAP) Flex Fund Grant**

Community Development Director Shelly Griswold was absent this evening so the resolution was presented by Corporation Counsel Sarah Griffin and Mayor George Gaulrapp. A public hearing was held to hear public input on the application of a grant through the Illinois Department of Commerce and Economic Opportunity. The grant would be in the amount of \$75,000 with a match from the City of \$15,000 (17.75% budgeted out of the downtown TIF fund) through a Flex Fund Grant Award through the Community Development Assistance Program. Peoples will assist the City in selection of buildings within the Downtown Historic District to participate in economic development program, asses the current conditions and history of the buildings, develop business and financial incentive development packages for these buildings, provide rehabilitation planned services for these buildings and include Freeport in a demonstration program through DCEO. If the City does not receive the grant there will be no funds distributed from the TIF fund. The statement of program objectives and services was contained in the agreement included with the resolution.

Alderman Endress moved to approve Resolution R-2009-87, seconded by Alderman Corbin. The resolution was approved by roll call vote.

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

Nays – None (0)

Resolution R-2009-87 was adopted.

Mayor Gaulrapp asked for leave of council to move forward the Executive session.

**EXECUTIVE SESSION**

An executive session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (11) – Pending Litigation was read into the record.

At 6:08 pm, a motion to enter executive session was given by Alderman Endress, seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

Nays – None (0)

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At 6:23 pm, a motion to return from executive session was given by Alderman Klemm, seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

Nays – None (0)

**PUBLIC COMMENTS - AGENDA ITEMS**

There were two people signed up for public comments on agenda items this evening.

1. Tim Mickel, 2769 Scioto Mills Road, Scioto Mills, Illinois, spoke on the resolution for the airport leases on council agenda for revised lease terms. The pilots, hangar tenants and customers have been working with a representative of the Airport Commission to create a hangar lease acceptable to those parties and the City administration. Mr. Mickel felt there were still points of contention. He stated items that were contained in the lease that they did not agree to including an escalator clause for an increase in 2011, they did agree to an increase in 2009 and 2010 conceptionally. Mr. Mickel stated we need to work together.
2. Mike Lehmann, 109 Rollin Drive, Lena, Illinois, spoke on behalf of the pilot's association stating that the Airport Commission did not recommend the lease as written in the draft copy of the minutes that he read from. He thought several matters were not resolved. He asked council to layover the agreements until after the next Airport Commission meeting.

**PRESENTATIONS**

Connie Sorn, Freeport/Stephenson County Convention and Visitors Bureau provided a summary of 2009 Semi-Annual Report for January 1 though June 30, 2009. The report includes statistics of the number of visitors at the site and from January to June 2009, a total of 10,342 individuals stopped at the Center which was a 5% increase over the same time period in 2008.

**CONSENT AGENDA**

The following Consent Agenda items were presented:

- A. Approval to receive and place on file:
  - 1) City Treasurer Monthly Investment Report for period ended July 31, 2009
  - 2) City Treasurer Monthly Report on Funds for period ended July 31, 2009
- B. Approval of Water and Sewer Bills Payable (#297, 298, 301, 302, 304, 305) ----\$127,926.08
- C. Approval of Payroll for pay period ending August 29, 2009 --- \$411,864.26
- D. Approval of Finance Department Bills Payable (#299, 300, 303, 306) ---- \$544,868.61

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

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

Nays – None (0)

**COMMUNICATIONS TO COUNCIL**

A. Alderman Endress motioned to place a communication regarding Adjustments to Spending Plan for Fiscal Year 2009/2010 from Finance Department provided by the Finance Department on file, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

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B. Alderman Endress motioned to place a communication regarding revenue update report for first three months fiscal year 2010 as provided by the Finance Department on file, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

C. Second Quarter Revision to the Water and Sewer Capital Improvement Plan for Fiscal Year 2010 and comments were provided by Water & Sewer Project Manager Denise Ihrig. Mayor Gaulrapp asked if additional steps had been taken by Stephenson County Board Chairman John Blum about their attempt to bring sewer lines to Freeport and she stated there was a conversation two weeks ago and she has not heard anything since. Alderman Endress motioned to place the communications on file, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

**APPOINTMENTS**

A. Alderman Endress motioned to accept an appointment of Joe E. Williams to the Water and Sewer Commission effective immediately through November 30, 2012, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

B. Alderman O'Neill motioned to accept an appointment of Deborah Harms to the Americans with Disabilities Act Compliance Commission effective immediately, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

**3<sup>RD</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 first reading of this ordinance was held on August 3, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on August 17, 2009 and it was automatically laid over to tonight's meeting. Mayor Gaulrapp stated it is properly on the floor and open for questions. Upon no questions, a roll call vote was taken.

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

Nays – None (0)

Ordinance 2009-58 was adopted.

**3<sup>RD</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**

The first reading of this ordinance was held on August 3, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on August 17, 2009 and it was automatically laid over to tonight's meeting. Mayor Gaulrapp stated it is properly on the floor and open for questions. Upon no questions, a roll call vote was taken.

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

Nays – None (0)

Ordinance 2009-59 was adopted.

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**3RD 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”**

The first reading of this ordinance was held on August 3, 2009. A motion to adopt was given by Alderman O’Neill, seconded by Alderman Klemm. The second reading was held on August 17, 2009 and it was automatically laid over to tonight’s meeting. Mayor Gaulrapp stated it is properly on the floor and open for questions. Upon no questions, a roll call vote was taken.

Yeas: Endress, O’Neill, Corbin, Klemm, Bush and DeVine (6)

Nays – None (0)

Ordinance 2009-60 was adopted.

**ORDINANCES - SECOND READING**

**2ND READING OF ORDINANCE 2009-61:**

**An Ordinance Amending Chapter 480, Section 480.03 (Prohibited Parking Areas) of the Codified Ordinances of the City of Freeport – Main Street**

The first reading of this ordinance was held on August 17, 2009. A motion to adopt was given by Alderman Klemm, seconded by Alderman Endress. Upon the second reading and no discussion, it was automatically laid over to the next meeting.

**ORDINANCES - FIRST READING**

**1ST READING OF ORDINANCE 2009-63:**

**An Ordinance Amending Chapter 480, Section 480.11 (Prohibited Parking Streets) of the Codified Ordinances of the City of Freeport – McKinley Avenue**

Interim Public Works Director Tom Dole presented the ordinance by stating that work is being done currently on McKinley Avenue to widen it to thirty-two feet. This ordinance provides no parking on the east side of McKinley Avenue from Empire north to American. Read Park is on this side of McKinley where there will be no parking and there is a large parking lot for visitors to use. Alderman Klemm moved to approve Ordinance 2009-63 as presented, seconded by Alderman Endress and the ordinance was automatically laid over to the next meeting.

**RESOLUTIONS**

**RESOLUTION R-2009-79:**

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

Resolution 2009-79 was presented at the council meetings held on July 20, 2009 and August 3, 2009. It was motioned to layover to tonight’s meeting. Finance Director Craig Joesten stated that the appropriation ordinance has already been passed and we are operating under it. It includes contingencies. The spending plan that the City operates under has historically been less than the appropriation ordinance. Based on the economy and the financial issues that the City is facing, the spending plan is presented as a rolling document in which it will be brought up to council every month with the an update of the spending and revenue provided in the council packets. This will provide an opportunity for the council to know where we are and the best estimates of the surplus or deficit through the end of the year.

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Alderman Endress motioned to layover Resolution 2009-79 to the first meeting in October, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

**RESOLUTION R-2009-88:**

**Resolution Authorizing Application of and Execution for Public Transportation Financial Assistance Contract Under the Provisions of the Downstate Public Transportation Act (30 ILCS 740/2-1, Et Seq.) – Fiscal Year 2010**

Mayor Gaulrapp presented the resolution stating this is downstate funding in order to operate the public transportation system in the City. The City of Freeport will enter into a Downstate Public Transportation Operating Assistance Agreement with the State of Illinois and amend such agreement if required for fiscal year 2010 in order to obtain grant assistance under the provisions of the Downstate Public Transportation Act (30 ILCS 740/1-1 et seq.) in the maximum amount of \$572,000, with actual reimbursement to be 65% of the FY 2010 actual eligible operating expenses.

Alderman Corbin moved to approve Resolution 2009-88, seconded by Alderman Klemm. The resolution was approved by roll call vote.

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

Nays – None (0)

Resolution R-2009-88 was adopted.

**RESOLUTION R-2009-89:**

**Resolution to Authorize Execution of Revised Agreement for Transportation Services Between the City of Freeport and Pretzel City Transit Company -**

Mayor Gaulrapp presented the resolution stating that this is the revised agreement for transportation services between the City and Pretzel City Transit Company. The terms to reimburse Pretzel City Transit at a rate of \$11.00 per ride for the first 3,900 rides per month, \$10.50 per ride for 3,901 to 5,149 rides per month and \$9.50 per ride for any rides over 5,149 per month, retroactive to July 1, 2009 up to a maximum of \$75,000 annually. Pretzel City Transit is the sole provider of public transportation in the City at this time.

Alderman Endress moved to approve Resolution 2009-89, seconded by Alderman Klemm. The resolution was approved by roll call vote.

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

Nays – None (0)

Resolution R-2009-89 was adopted.

**RESOLUTION R-2009-90:**

**Resolution to Authorize Revised Lease Terms for Hangar Rentals at the Freeport Albertus Municipal Airport (General and Corporate)**

Finance Director Craig Joesten stated that there has not been an update in the lease provisions or rental rates for at least eight years so this document has been updated to bring it current. On February 2, 2009, the City Council passed Resolution 2009-06 authorizing new lease terms for hangar rentals at the Freeport Albertus Municipal Airport based upon recommendation of the Finance Department and Airport Commission. Subsequent to that time period, we have had a number of conversations with the Airport Commission and the Pilot's Association and has held meetings with the representative of the Pilot's

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Association about a list of lingering concerns regarding the provisions of the lease for general hangar rentals. The changes that have been made to the general lease now before council includes; 1) insurance requirement for person doing business with the City which is not something new but it was inserted into the lease and our finding is that there is a limited ultra-light insurance and the City has agreed to waive the insurance requirement for ultra-lights 2) there was a lack of time frame for a notice of evacuation and so it is now stated as 48 hours 3) if the hangar is inhabitable, the lease included a thirty-day limitation and then the lease payment will be waived 4) place for multiple aircraft if able to accommodate.

A new recommendation has been brought forth for consideration for a standard lease for the corporate hangars and that mirrors the general aviation lease with two exceptions and that is that there is no concession for ultra-lights because that is not the anticipated use of this hangar and a definition is included for a corporate aircraft. The insurance requires a minimum of \$1 million in general liability insurance coverage for each lessee and the City shall be named as an additional insured on the policy or certificate. It is our intention for the lease to remain in force for two years because the rate increases are specified for two years upon which it will be reviewed again with council. Attached to the resolution are the two leases and an exhibit of the hangar rate rent increase. Discussion continued with questions from the council answered by Finance Director Craig Joesten. Alderman Bush read an email from Tim Mickel regarding the airport leases and the Airport Commission meeting held on August 28, 2009. Mayor Gaulrapp suggested that the resolution be laid over until after the next Airport Commission Meeting. Alderman Corbin spoke about the Airport Commission being an advisory commission and they had worked with the pilot's association and came up with a compromise that had been approved and they support the lease agreement.

Jack Hooker, 30 East Jefferson Street, Freeport Illinois, stated that he thinks the agreement both times they have been asked to review the lease there has been only one copy provided to the commission and would like the commission to be able to review the leases.

Alderman Klemm moved to layover the resolution and leases until the meeting after the next Airport Commission meeting, seconded by Alderman Bush. A roll call vote was taken to layover the resolution. Yeas: Endress, O'Neill, Corbin, Klemm, Bush and DeVine (6)  
Nays – None (0)

**RESOLUTION R-2009-91:**

**Resolution to Request Temporary Closure of Streets for Freeport High School Homecoming Parade**

The date of the Freeport High School homecoming parade will be September 30, 2009 and this requests permission from IDOT to temporarily close Illinois Route 26 (West Avenue) at the intersection of West Empire Street. Alderman Bush moved to approve Resolution 2009-91, seconded by Alderman O'Neill. The resolution was approved by voice vote without dissent. Resolution R-2009-91 was adopted.

**RESOLUTION R-2009-92:**

**Resolution to Support Additional Funding for the Pecatonica Prairie Path**

Mayor George Gaulrapp explained that this resolution will be pulled off council agenda and provided some background due to funds available at IDOT which would require each of the intergovernmental partners to provide matching funds.

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**DEPARTMENT HEAD REPORTS**

**Fire**

**Consideration of Bids for equipment and installation of three emergency power generators at the City of Freeport's three fire stations**

Fire Chief Kevin Countryman presented bid tabulations for equipment and installation of three emergency power generators at the City of Freeport's three fire stations. Bids were received and tallied from Alternate Power, Green County Electric, Special Power, Inc., Quality Electric and Communications and Wilson Electric. The bids were reviewed and the committee's recommendation is to award the bid to Quality Electric and Communications in the amount of \$63,700.00 for three Generac Generators including recommendations for; Fire Station #1 - 36k W natural gas generator, 175 amp transfer switch; Fire Station #2 - 25k W natural gas generator, 100 amp transfer switch, and Fire Station #3 - 25k W natural gas generator, 100 amp transfer switch. These generators include installation and meet specifications. The recommendation by the committee and Fire Chief Kevin Countryman is based on the lowest priced bid meeting specifications by a responsible bidder. The funding for this project will be provided by Assistance to Firefighters Grant in the amount of \$82,500.00. A ten percent match is required (\$8,250.00) and was appropriated in the Fire Capital Improvement Fund. Alderman Klemm moved to approve the bid recommendation as presented, seconded by Alderman Endress.

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

Nays – None (0)

**NEW BUSINESS**

Each council member was provided an opportunity to publicly address significant items of interest. Alderman Corbin discussed the candidate forum to encourage candidate to run for office. Eighteen candidates attended the forum. Alderman Bush discussed mowing and asking people to help out. He also talked about a person who has been mowing a vacant lot for the last ten years and it was suggested for her to check on the property to find out if it is owned by the County or the City.

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

1. Tom Teich, 659 E. Jefferson, asked about the Slumberland opening and Mayor Gaulrapp stated the opening would be September 26, 2009 with the ribbon cutting on September 25, 2009.
2. Alex DVorak, 659 E. Jefferson, spoke about the new business he hopes to come to Freeport.
3. Mike Lehmann spoke again in regard to the hangar leases and stated that he thought the council had come to the correct decision in the interest of clarity and fairness. He asked to have a public comment period when the resolution comes back to council and Mayor Gaulrapp stated the regular council rules will apply and the lease was available online on Friday for the meeting on Tuesday.

There being no further business, the meeting was adjourned at 7:30 pm.

*s/ Meg Zuravel*

Meg Zuravel, City Clerk