



City Council

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

MINUTES REGULAR MEETING Monday, October 5, 2009

CALL TO ORDER

The regular meeting of the Freeport Illinois City Council was called to order at 6:00 pm on Monday, October 5, 2009, 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, and Corbin (7). Alderman O'Neill was absent. Also present was Corporation Counsel Sarah Griffin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderman Helms.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Alderman Klemm motioned to approve the minutes of the regular meeting held on September 21, 2009, seconded by Alderman Endress. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

John Staben, 1070 N. Canyon, spoke about the hangar lease presented in Resolution 2009-90 stating he feels this lease is better than the February 2009 lease, but in his opinion is still flawed. He stated the primary impediment is the one million dollar insurance requirement. He stated some aircraft owners do carry insurance at that level, some carry lower liability limits, and some owners of ultra lights or experimental can't get insurance or have to pay high rates to get the required insurance. Some pilots who can get the insurance see the City's demand as unreasonable and a denial of their civil rights. In his opinion, this will cause the hangars to not be fully rented.

PRESENTATIONS/PROCLAMATIONS

- A proclamation was read for Rosemarie Schwendinger upon her retirement from the Freeport Public Library after 24 years of service. Alderman Bush motioned to place the proclamation on file, seconded by Alderman Boldt. Motion passed by voice vote without dissent.
- An update of the American Red Cross Northwest Illinois Chapter was presented by Chapter Director Diana Roemer. She spoke about events including Extreme Makeover Home Edition bone marrow drive, "Battle of the Badges" blood drives, and assistance after 30 fire related events.

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CONSENT AGENDA

The following Consent Agenda items were presented:

- A. Approval to receive and place on file:
 - 1) City Treasurer's Investment Report for period ended August 31, 2009
 - 2) City Treasurer's Report of Funds for period ended August 31, 2009
 - 3) Water & Sewer Report of Activities for period ended August 31, 2009
- B. Approval of Water and Sewer Bills Payable (#311, 313, 315) ----\$304,953.44
- C. Approval of Payroll for pay period ending September 26, 2009 --- \$418,447.06
- D. Approval of Finance Department Bills Payable (#314, 317) ---- \$290,867.90

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

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

COMMUNICATIONS TO COUNCIL

The following documents were presented in the council packets this evening:

- Revenue Comparison as reported by Finance Department dated September 30, 2009
- Spending Plan Adjustments FY 2010 as reported by the Finance Department

Alderman Endress moved to place the above documents on file, seconded by Alderman DeVine. Motion passed by voice vote without dissent.

APPOINTMENTS

Alderman Endress moved to accept the appointment of Tom Dole as Public Works Director for the City of Freeport, seconded by Alderman Helms. The appointment was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

At this time, Mayor George Gaulrapp administered an oath of office to Public Works Director Tom Dole.

Alderman Boldt moved to accept the appointment of Luann Davis to the City of Freeport Liquor Commission effective immediately through May 31, 2013, seconded by Alderman Endress. Motion passed by voice vote without dissent.

ORDINANCES – THIRD READING

3RD 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

The first reading of this ordinance was held on September 8, 2009. A motion to adopt was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held on September 21, 2009 and it was automatically laid over to tonight's meeting. Mayor Gaulrapp stated it is properly on the floor and open for discussion. Upon no questions, a roll call vote was taken.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

Ordinance 2009-63 was adopted.

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ORDINANCES - SECOND READING

2ND READING OF ORDINANCE 2009-64:

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 (February 2, 2009 through July 6, 2009)

The first reading of this ordinance was held on September 21, 2009. A motion to adopt was given by Alderman O'Neill, seconded by Alderman Endress and it was automatically laid over to tonight's meeting. The second reading was held this evening and upon no discussion, it was automatically laid over to the next meeting.

ORDINANCES - FIRST READING

1ST READING OF ORDINANCE 2009-65:

An Ordinance Amending Chapter 486 Winter Parking Regulations – Clarifying Central Business District and Adding Van Buren North of E. Clark

Public Works Director Tom Dole presented the ordinance stating that a request was received by the owner the dome building on the corner of Van Buren and Clark requesting to be excluded from the Winter Parking Regulations (odd-even parking during winter months) since it is adjacent to the Central Business District. Ordinance 2009-65 defines the Central Business District and under Section 486.03, Parking Prohibited Under Certain Conditions, item number 3) was added. Corporation Counsel Sarah Griffin stated the wording for number 3) should read; "Excluding N. Van Buren from E. Clark 135 feet north (to the Alley)." A motion to move Ordinance 2009-65 as amended to the floor was given by Alderman Boldt, seconded by Alderman Endress and it 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 (refer to Communications to Council for supplemental information)

Finance Director Craig Joesten stated that the Spending Plan is brought to the council each month as a reconsideration of the spending plan as it is less than the Appropriation Ordinance already approved. Finance Joesten stated we had received notification from the State of Illinois regarding our shared revenue tax based on the citizen count and both the July and September receipts were it was less than the planned January projections. When unemployment goes up, the receipts from income tax goes down. Finance Director Craig Joesten answered questions regarding the timing of receipts from income tax and sales tax and the tentative deficit of \$60,000. Director Joesten projected the deficit at just under \$100,000 and this will be reviewed at six months in relation to the spending plan. Alderman Boldt moved to layover Resolution 2009-79 to the first meeting in November, seconded by Alderman Klemm.

The motion to layover Resolution #R-2009-79 was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

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RESOLUTION #R-2009-90:

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

Public Works Director Tom Dole presented the resolution by stating that council received a copy of the latest version of Resolution 2009-90 dated October 5, 2009 and it includes the following;

1. In the resolution, Representatives of the Pilot's Association instead of the Pilot's Association
2. In the general lease under the Escalator Clause – Lease rates for 2009 and 2010 will increase 5% over the previous year. Reference to 2011 has been removed and he stated lease rates should be reviewed at an annual basis thereafter.
3. In the general lease under, "The City of Freeport requires a minimum of \$1 million in general liability insurance coverage from each Lessee named as an additional insured on the policy or certificate." Wording was added, "The City shall consider exceptions to this insurance requirement for Experimental Aircraft currently under a lease with Lessor, on a case by case basis, and hereby grants authority to its Finance Director to determine when good cause is shown for such an exception to be granted."
4. In the Corporate Lease, the escalator clause was amended to 2009 and 2010 removing reference to 2011.

Discussion was held regarding the criteria used by the Finance Director Craig Joesten as to the insurance liability requirement. Director Joesten stated the criteria would be whether the owner of the aircraft has made a good faith effort to acquire insurance requested by the City. Or, if not, to include a statement that insurance can not be obtained for that particular aircraft. In most cases ultra lights are uninsurable. In the experimental class of aircraft, it is a very broad definition so each of the pilots will have to demonstrate that they have made an effort and insurance is not obtainable. Some of this insurance is reasonable. For normal aircraft, there is no issue of their obtaining insurance. Discussion was held regarding who holds the liability if no insurance can be obtained. Director Joesten stated the pilots have agreed to indemnify the City and through our insurance company, we would pursue the pilot or owner that was responsible for a loss. The \$1 million liability requirement came from a sample lease for airports provided by the Illinois Department of Transportation. It is a requirement written in the City's Codified Ordinance. A private airport in Monroe requires the same amount. Discussion was held regarding the Airport Commission meeting when this lease was approved. Mayor Gaulrapp stated it was a regular meeting of the Airport Commission on the annual calendar with the agenda being publicly posted. The date of the meeting was also announced at the last City Council meeting in which several members of the Pilot's Association were present. It was attended by six members of the Airport Commission, Mayor Gaulrapp, Alderman Corbin and several pilots. The Airport Lease was an item on the agenda and was recommended to council on a vote of 5-1 by the Airport Commission.

John Staben was asked to address council. He stated he had requested a special meeting of the hangar tenants because he felt there were items that had not been discussed on the draft of the lease. Mr. Staben referred to paragraph 6 requiring the tenant to put the parking brakes on, tie down the aircraft and put chocks at the aircraft at the hangar and also the paragraph regarding moving an aircraft. He stated he did not know of one hangar having tie down rings on the floor. Mayor Gaulrapp stated this lease has been under discussion since January and it was passed in February and after discussion it was reviewed again by the Airport Commission and presented at the last council meeting. Discussion continued regarding the events leading up to the final draft of the lease. Mayor Gaulrapp stated the Airport Commission is an advisory board who make recommendations to the Freeport City Council and as such they recommended

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this lease in its current form. An emergency clause is contained in the lease in case an aircraft would need to be moved and every effort would be made to have a qualified personnel move an aircraft.

Alderman Klemm motioned to pass Resolution 2009-90 as presented, seconded by Alderman Endress. The resolution was approved by roll call vote.

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

Nays – Helms (1)

Resolution 2009-90 was adopted by a vote of 6-1.

RESOLUTION #R-2009-93:

Resolution for the Agreement Between City of Freeport and Illinois Department of Transportation for Federal Participation for the Illinois Route 75 (FA 505) Improvements - Agreement No. JN-2-10-014; Section (108, 109) RS-4

Public Works Director Tom Dole stated this is a \$1.2 million project for improvements of Illinois Route 75 from West Avenue to Howard Avenue which is 2.01 miles. The improvements include Douglas Street from West Avenue to Walnut, Clark Street from West Avenue to Adams, portion of Adams between Clark and Main, portion of Main between Adams and Liberty, a portion of Liberty between Main to Stephenson, a portion of Stephenson from Adams to Liberty, and then Stephenson to Howard Avenue. The \$1.2 million project by IDOT will necessitate the City's share of \$38,215.00 under the provisions of the Motor Fuel Tax Law to pay the cost of this portion of the project.

Alderman Klemm motioned to pass Resolution 2009-93 as presented, seconded by Alderman Helms. The resolution was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

Resolution 2009-93 was adopted.

Mayor Gaulrapp stated enhancement dollars will be used for the corridor in front of Taylor Park and Alderman Bush's comments will be solicited.

RESOLUTION #R-2009-94:

Resolution Ratifying Support and Memorandum of Understanding with the State of Illinois for Application for Federal Funding to Promote Livable Communities Around High-Speed and Intercity Rail Stations

Mayor Gaulrapp stated this resolution came from the Governor's office and it provides support of the State of Illinois as it solicits federal funding for the high speed rail concept. Freeport would be included along the prospective passenger rail corridor traveling from Chicago, Illinois to Dubuque, Iowa.

Alderman Endress moved to adopt Resolution 2009-94, seconded by Alderman Corbin. The resolution was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

Resolution 2009-94 was adopted.

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RESOLUTION #R-2009-95:

Resolution Authorizing Submittal of United States Environmental Protection Agency Brownfield Assessment Grant (Hazardous Substances) Application

Community Development Director Shelly Griswold stated this resolution allows the City to apply for a \$200,000 assistance grant by the United States Environmental Protection Agency and the State of Illinois. The focus will be eastside neighborhoods and with some of it used downtown. There is zero dollars local match to this grant. Alderman Klemm moved to adopt the resolution as presented, seconded by Alderman Helms. Motion passed by voice vote without dissent. Resolution 2009-95 was adopted.

RESOLUTION #R-2009-96:

Resolution to Enter into Agreement with Vandewalle & Associates for Services Related to Brownfields Redevelopment Implementation

Community Development Director Shelly Griswold stated this resolution enters into an agreement with Vandewalle & Associates for implementation services directly related to Brownfields redevelopment implementation. Every dime that is included in this agreement is grant funded and none of it is City funded. Some of the work that was originally contained in the agreement will now be done by City staff. Alderman Klemm moved to adopt the resolution as presented, seconded by Alderman Endress. The resolution was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

Resolution 2009-96 was adopted.

RESOLUTION #R-2009-97:

A Resolution Authorizing Application to the Illinois Housing Development Authority for the Single Family Owner Occupied Rehabilitation Grant Program

Community Development Director Shelly Griswold stated this resolution authorizes the Community Development Department to apply for \$660,000 for a two-year grant funded program to improve the condition of housing stock owned and occupied by persons of low to moderate income within the City. There is a zero dollar local match required. Alderman Endress moved to adopt the resolution as presented, seconded by Alderman Klemm. Motion passed by voice vote without dissent. Resolution 2009-97 was adopted.

RESOLUTION #R-2009-98:

A Resolution Authorizing Application to the Illinois Housing Development Authority for HOME Homebuyer Assistance Grant Program

Community Development Director Shelly Griswold stated this resolution is to authorize an application for \$210,000 for a one-year grant funded program. The grant application will be made to Illinois Housing Development Authority (IDHA) for the Homebuyer Assistance Program which helps low to moderate income in purchasing and rehabilitating health and safety issues on these homes and to bring them up to code. There is a zero local match on these funds. Alderman Klemm moved to adopt the resolution as presented, seconded by Alderman Endress. Motion passed by voice vote without dissent. Resolution 2009-98 was adopted.

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RESOLUTION #R-2009-99:

A Resolution Authorizing Application to the Illinois Housing Development Authority for the Small Rental Properties Program

Community Development Director Shelly Griswold stated this resolution is to seek \$470,000 in funding for a two-year grant funded program to improve distressed condition of the rental housing stock within the City. Under the Small Rental Properties (SRPP) property owners match private dollars with HOME funds to rehabilitate deteriorated rental properties of 11 units or less. The landlord must prove they are renting to low to moderate income families. There is a zero local match. Director Griswold pointed out that most of Community Development Specialist's salary is paid through these three grant dollars, in addition to the transportation grant funds. Part of the Building Inspector, Plumbing Inspector, and some office staff salaries are also paid through these grant funds. Alderman Endress moved to adopt the resolution as presented, seconded by Alderman Klemm. Motion passed by voice vote without dissent. Resolution 2009-99 was adopted.

RESOLUTION #R-2009-100:

Resolution to Authorize an Addendum to the Agreement Between the City of Freeport and the Illinois Department of Transportation (IDOT) for Preliminary Engineering of the Jane Addams Trail Section "B" (MFT Sec. 00-00133-02-BT)

Community Development Director Shelly Griswold stated that in 2001, through Resolution R-2001-18, the City of Freeport resolved to enter into an Agreement with the State of Illinois for preliminary engineering of the Jane Addams Trail Section "B" from Tutty's Crossing (formerly known as "the Burgess site") to the existing railroad right-of-way northwest of Freeport as Section 00-00133-02-B. The Agreement has a cost sharing formula of 80 percent Federal and 20 percent Local funds. The State is encouraging us to use the draw down of the federal funds that are available, rather than using local funds. The City is the lead agency responsible for full payment of all bills due on this Agreement. The City has signed an Intergovernmental Agreement with Stephenson County, Freeport Park District and the Village of Orangeville as members of the Jane Addams Trail Commission, stating that the above named partners will share in the cost associated with this Agreement. The terms of the Intergovernmental Agreement state that the partners will share in the local funding as follows: City of Freeport, Stephenson County, and Freeport Park District will each pay two-sevenths (2/7) and the Village of Orangeville will pay one-seventh (1/7) of local share of costs. As a term of the IDOT Agreement, the City will pay the Engineering fees, and submit proof of payment to IDOT and all parties. IDOT will reimburse the City at the 80 percent level. Since the original Agreement between the City and IDOT in 2001, several issues have arisen which have increased the costs of the preliminary engineering required to bring Jane Addams Trail Section "B" to construction phase, including:

- Multiple alignment modifications to accommodate a host of needs;
- The addition of twenty right-of-way dedication plats and/or easements over the original number anticipated in the original scope of work; and
- The need for assistance with obtaining the additional easements; and

This resolution authorizes the Mayor to submit an addendum to the agreement with IDOT increasing the total amount for preliminary engineering by \$128,682.00 to a total of \$366,679.00. These funds are to be drawn down from federal funds. Director Griswold explained several changes to the route with the most recent being the realignment change to Monterey Street and the area where the path will cross the railroad tracks. Fehr-Graham & Associates has been the engineer working on the Jane Addams Trail and the proposal is to make the addendum be with FGA, IDOT and the City of Freeport. Discussion was held

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regarding the process of reimbursement of the funds. The City is responsible for 2/7's of the twenty percent local funds.

Alderman Helms requested the following wording be added to the Resolution under Section 2, "with the request for eligible federal reimbursement for all preliminary engineering dollars." Community Development Director Shelly Griswold requested the resolution with the amended wording be accepted.

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

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

Resolution 2009-100 was adopted.

DEPARTMENT HEAD REPORTS

Community Development

▪ **Acceptance of Bid for Lazarus Property – City of Freeport Brownfields Program**

Community Development Director Shelly Griswold stated this was an open bid on September 23, 2009, through our Brownfield Program for the Lazarus Property just south of the Rawleigh complex and a site just east at Liberty Street. This bid is for an engineered barrier (parking lot) on both of these areas. One of these areas will have bio-swale (patch of grass) in the middle of the parking lot to follow the storm water ordinance. Three bids were received from Stenstrom Excavating, William Charles Construction and Fisher Excavating. The base bid is for the Lazarus Property and Alternate #1 is for the property to the east of that property. Community Development Director Shelly Griswold recommended acceptance of the total bid of \$212,974.89 from William Charles Construction of Loves Park.

Alderman Klemm moved to recommend the letting as presented for William Charles, seconded by Alderman Endress. The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

▪ **Acceptance of Façade Improvement Grant Recommendations 2009**

Per our Façade Improvement Program guidelines, the City's Community Development Director and the Freeport Downtown Development Foundation Director make recommendations to the City Council for Façade Improvement Grant awards. There is \$30,000 in Façade Improvement money available from the TIF budget passed by council this year. For this round, we have two applications representing three building facades, which we recommend funding at the levels shown below, for a total of \$20,575.00.

1. **Ron Mattson, Freeport Bicycle Co., 118 and 120 South Chicago Avenue**

This project includes exterior face improvement, window and door replacement and exterior painting for these two storefronts. The total cost of the project is estimated at \$21,150.00, and the maximum grant amount would be \$10,575.00.

2. **FA Read Center, 18 West Stephenson Street, Freeport, Illinois**

This project includes tuck-pointing and repair of terra cotta façade elements. Total project cost is

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estimated at \$32,600.00, with the maximum grant amount being \$10,000.00. Note, an \$8,150.00 grant award for a portion of this project had previously been awarded and expired.

Alderman Klemm moved accept the recommendations as presented, seconded by Alderman Bush. The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

Community Development Director Shelly Griswold stated that Rebuilding Together will be working on a house in the river district and volunteers are needed on October 17, 2009. University of Illinois Extension will be working with youth groups to clean up homes in wards and the Aldermen were asked to contact Director Griswold for suggested houses. The Planning Commission meets this Thursday and will be going over the draft of the Comprehensive Plan. Director Griswold provided an update of the Landfill cover. There was a flood map open house with new maps now available and if constituents have a problem with the flood maps as presented the thirty-day comment period started on the night of the meeting the end of September. The City of Freeport received a USDA Opportunity Grant in the amount of \$50,000 to lay the ground work for a business agricultural entrepreneurial center.

Public Works

Public Works Director Tom Dole provided an update of street improvements with the final inspections to be done. Leaf season starts October 13, 2009. The McKinley street project will be finished this week, weather permitting. A pre-construction meeting will be held for the stimulus dollar projects including Empire, McKinley and Carroll.

Fire

Fire Chief Kevin Countryman stated the Fire Department will presenting during Fire Prevention Month at the public and private schools. The Fire Department is available to answer questions regarding space heaters, wood stoves, fire places, or furnaces.

Library

Library Director Carole Dickerson stated the pre-school fall time series begins this week through the FHN Parent Enrichment Coordinator.

MAYOR'S REPORT

Mayor Gaulrapp stated we will continue to work with our Federal partners of Congressman Manzullo and Senator Durbin to secure more stimulus dollars for projects in Freeport. Mayor Gaulrapp provided a recap of the Illinois Municipal League conference he recently attended.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

There was no one signed up for public comments.

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EXECUTIVE SESSION

An executive session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (5) – Purchase of real property was read into the record.

At 7:45 pm, a motion to enter executive session was given by Alderman Endress, seconded by Alderman Klemm. The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

At 8:01 pm, a motion to return from executive session was given by Alderman Klemm, seconded by Alderman Corbin. The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None

There being no further business, the meeting was adjourned at 8:02 pm.

s/ Meg Zuravel

Meg Zuravel, City Clerk