



City Council

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

MINUTES REGULAR MEETING Monday, December 7, 2009

CALL TO ORDER

The regular meeting of the Freeport Illinois City Council was called to order by Mayor George Gaulrapp at 6:00 pm on Monday, December 7, 2009, in Council Chambers with a quorum being present.

ROLL CALL

Present on roll call were Mayor George Gaulrapp and council members Klemm, Boldt, Bush, DeVine, Endress, Helms, and Corbin (7). Alderman Linda O'Neill was absent. Also present was Corporation Counsel Sarah Griffin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led military veterans present at the meeting.

PRESENTATIONS

Mayor George Gaulrapp presented certificates of honor to the City of Freeport survivors of Pearl Harbor. Honored were Broomsy Salter (who recently passed away in November of this year), Dean Garrett and Edward Gaulrapp. Dean Garrett thanked the Mayor and Council and spoke about the events at Pearl Harbor on December 7, 1941, sixty-eight years ago this day.

Mayor Gaulrapp presented certificates to the Freeport High School Boy's Soccer team and congratulated them for their hard work and sportsmanship in winning fourth place in the IHSA State Finals.

PUBLIC HEARING

The following was printed on council agenda this evening:

A public hearing to approve a proposed property tax levy increase for the City of Freeport, County of Stephenson, State of Illinois for 2009 will be held on December 7, 2009 at 6:00 pm in Council Chambers, City Hall, 230 West Stephenson Street, Freeport, Illinois. Any person desiring to appear at the public hearing and present testimony to the taxing district may contact Meg Zuravel, City Clerk, 230 West Stephenson Street, Freeport, Illinois or phone 815-235-8203.

- The corporate and special purpose property taxes extended or abated for 2008 were \$2,563,403.
- The proposed corporate and special purpose property taxes to be levied for 2009 are \$2,838,886. This represents a 10.747% increase over the previous year.
- The property taxes extended for debt service and public building commission leases for 2008 were \$0.

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- The estimated property taxes to be levied for debt service and public building commission leases for 2009 are \$0. This represents a 0% change over the previous year.
- The total property taxes extended or abated for 2008 were \$2,563,403.
- The estimated total property taxes to be levied for 2009 are \$2,838,886. This represents a 10.747% increase over the previous year.

At 6:20 pm, Alderman Klemm moved to open the public hearing for the City of Freeport tax levy, seconded by Alderman Endress. The motion was approved by voice vote without dissent.

Finance Department Accountant Duane Price was called to the podium and presented the following testimony:

“This public hearing is for the City of Freeport’s tax levy for 2009. The total amount of the proposed levy is \$2,838,886 which is an increase of \$275,483 more than the 2008 levy. This represents an increase of 10.75%. The tax levy is made up of four different components. We levy for the required contributions into the firefighter’s pension, police pension, Illinois Municipal Retirement Fund and for the general operations of the City.

The amount being levied for the firefighter’s pension is \$722,392 which is an increase of \$149,921 or 26.19%. The amount levied for the police pension is \$906,618 an increase of \$81,562 or 9.89%. The amount levied for the Illinois Municipal Retirement Fund is \$212,000 an increase of \$44,000 or 26.19%

The amount levied for the general fund is \$997,876 which is the same amount as last year with no increase.

It is important to know that even though the City’s tax levy is increasing by 10.75%, it does not mean that the total tax bill of a property owner will increase by 10.75%. The amount of the total property tax bill that comes to the City is only about 10%. If we increase our portion by 10.75%, then the total tax bill will increase by just over 1%. That summarizes the tax levy and I will entertain questions at this time.”

At this time, Mayor Gaulrapp called to the podium those signed-in to give an opinion.

Rita Brinkmeier, 821 Sutton Place, stated her opinion against the tax levy. She asked where it stops for the taxpayer to pay for everyone else’s budget problems. She suggested this amount needed come from reserves.

Richard Kort, 1229 S. Blackhawk, state his opinion against the tax levy. He stated this is an easy way out to increase our taxes coming on the heels of a Stephenson County tax increase, an increase in the sales tax. Nothing is ever a permanent as a temporary tax.

There was no one further signed in to speak at the public hearing. At 6:30 pm, Alderman Endress moved to close the public hearing, seconded by Alderman Klemm. The motion was approved by voice vote without dissent.

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APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Alderman Endress moved to approve the minutes of the regular meeting held on November 16, 2009, seconded by Alderman DeVine. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

John Mitchell, 2478 Sheppard Drive, stated that he is a pilot and hangar tenant at Albertus Airport and a member of the Pilot's Association. As a tenant, he has refused to sign the new hangar lease. He has significant objections to the lease including the \$1 million general liability insurance coverage required by the lessee. He has questions that he needs to ask his insurance carrier about to the clause requiring him to name the City as an additional insured on the policy. He asked the council to delay voting on the lease and asked for consideration to fix the lease.

COMMUNICATIONS TO COUNCIL

- Memorandum from Duane Price, Finance Department regarding financial results for the General Fund for the first six months of fiscal year 2010. The memo states that the financial results for the General Fund for the first six months of fiscal year 2010 are provided in council packets. This represents actual revenue earned and expenses incurred for the first six months. The General Fund incurred a deficit on \$135,000 in the first six months. Enclosed in this report is a list of all revenues compared to budget and expenses compared to budget by department. Alderman Helms moved to place this memorandum and its attachments on file, seconded by Alderman Klemm. Motion passed by voice vote without dissent.
- Alderman Helms moved to place on file a memorandum from Linda Buss, City Treasurer & Treasurer for Freeport Fire Pension Fund regarding required reporting to municipality by Firefighters Pension Board including the Pension Fund Report as of April 30, 2009, seconded by Alderman Endress. City Treasurer Buss provided a summary of the reports presented to council. Motion passed by voice vote without dissent.
- Alderman Helms moved to place on file a memorandum from Linda Buss, City Treasurer & Treasurer for Freeport Police Pension Fund regarding required reporting to municipality by Police Pension Board including the Pension Fund Report as of April 30, 2009, seconded by Alderman Endress. Motion passed by voice vote without dissent.

APPOINTMENTS

Alderman Klemm moved to accept the appointment of Jesse Arndt to the Airport Commission effective immediately through November 30, 2014, seconded by Alderman Endress. Motion passed by voice vote without dissent.

CONSENT AGENDA

The following Consent Agenda items were presented:

- A. Approval to receive and place on file:

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- 1) City Treasurer's Schedule of Tax Receipts for period ending October 31, 2009
 - 2) City Treasurer's Memorandum regarding new bank account
 - 3) Water and Sewer report on activities dated November 20, 2009
- B. Approval of Water and Sewer Bills Payable (#337, 339, 342, 346, 347) ---- \$262,470.57
C. Approval of Payroll for pay period ending November 21, 2009 --- \$415,790.99
D. Approval of Finance Department Bills Payable (#338, 340, 341, 343-345, 348) --- \$948,291.00

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

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

Nays – None

ORDINANCES - FOURTH READING

4TH READING OF ORDINANCE 2009-66:

An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year beginning May 1, 2009, and ending April 30, 2010 for the City of Freeport, County of Stephenson, and State of Illinois

The first reading of this ordinance was held on October 19, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman O'Neill. The second reading was held on November 2, 2009. The third reading was held on November 16, 2009 and, upon a motion from the floor, it was laid over to tonight's meeting.

Mayor George Gaulrapp presented an amendment to the 2009 Tax Levy. Provided for each council member and the public was a summary showing the dollar amounts of the Firefighter Pension, Police Pension, IMRF and the Corporate Fund for an overall 5% increase in the tax levy. An amendment of Ordinance 2009-66 stating, "For the fiscal year 2009-2010 the sum of Two Million Six Hundred Ninety-One Thousand Five Hundred and Seventy –Three Dollars (\$2,691,573) was also provided. Discussion was held regarding this proposed amendment.

Alderman Klemm moved to approve the proposed amendment to the 2009 tax levy as presented, seconded by Alderman Endress. A roll call vote was taken on the amendment.

Yeas: Endress and Klemm (2)

Nays – DeVine, Helms, Corbin, Boldt, and Bush (5)

Motion failed on the floor by a vote of 2-5.

Discussion was held regarding retaining the tax levy at its current level and taking the amount needed from the reserves or from the anticipated sales tax dollars expected to be received in 2010.

Alderman Boldt moved to layover Ordinance 2009-66 to the next meeting in two weeks, seconded by Alderman Helms. The motion to layover for two weeks was approved by roll call vote.

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

Nays – None

ORDINANCES - THIRD READING

3RD READING OF ORDINANCE 2009-68:

An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2009, and ending April 30, 2010 for the Public Library of the City of Freeport, County of Stephenson, and State of Illinois

The first reading of this ordinance was held on November 2, 2009. A motion to adopt was given by Alderman Helms, seconded by Alderman Corbin. The second reading was held on November 16, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion, a roll call vote was taken.

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

Nays – None (0)

Ordinance 2009-68 was adopted.

ORDINANCES - SECOND READING

2ND READING OF ORDINANCE 2009-69:

An Ordinance Repealing Section 608.02 (n) of Chapter 608 (Alcoholic Liquor) of the Codified Ordinances of the City of Freeport – Extinguishing Lighting

The first reading of this ordinance was held on November 16, 2009. A motion to adopt was given by Alderman Boldt, seconded by Alderman Helms. Upon the second reading held this evening, it was automatically laid over to the next meeting.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2009-70:

An Ordinance Amending Chapter 480, Section 480.24 (Handicapped Persons and Disabled Veterans) of the Codified Ordinances of the City of Freeport – W. Elk Street

Public Works Director Tom Dole stated his department has received a request to provide a designated handicap parking place on Elk Street in front of a residence. Wording has been added to Chapter 480, item 6) Elk Street (west), north side, 110 feet east of S. Pine Avenue and then it was renumbered.

Alderman Klemm moved to adopt the ordinance, seconded by Alderman Endress and the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2009-71:

An Ordinance to Approve an Intergovernmental Agreement for Multi-Jurisdictional Task Force Interagency Agreement

Chief of Police Jerry Whitmore presented the ordinance stating this is an annual ordinance for the intergovernmental agreement for SLANT. The agreement lists the parties as Illinois State Police, Freeport Police, Rockford Police Department, Stephenson County Sheriff, Loves Park Police, Monroe Police and Green County Sheriff. Alderman Klemm moved to adopt the ordinance, seconded by Alderman Endress. The ordinance was automatically laid over to the next meeting.

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1ST READING OF ORDINANCE 2009-72:

An Ordinance Amending Chapter 608 – Alcoholic Liquor, Section 608.06 “Permitted Hours of Sales” of the Codified Ordinances of the City of Freeport – Sunday Hours

Corporation Counsel Sarah Griffin presented the ordinance stating that this was recommended to council by unanimous approval of the Liquor Commission. The ordinance contains two issues. The first issue adds wording, “For holders of Class A-R liquor licenses, liquor sales are permitted during the hours of 7:00 a.m. to 1:00 a.m. of the following days, Monday through Saturday, inclusive; and between 11:00 a.m. and 11:00 p.m. on Sunday, unless excepted under subsection (b) below. Corporation Counsel Sarah Griffin explained this would allow restaurants to be able to serve liquor during Sunday Brunch beginning at 11:00 am. instead of at noon as it is now and it would also allow them to serve until 11:00 pm on Sunday. The second issue provides the amended wording “Holders of Class A, A-R and W Licenses shall not permit any person, except authorized persons, to remain on or within the licensed premises before one-half hour prior to permitted hours of sales or after one-half hour after permitted hours of sales. By taking out all the listing of times and amending to this wording, it is easier for the police department and license holder to understand.

Alderman Endress moved to adopt the ordinance, seconded by Alderman Klemm. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2009-108:

Resolution Appointing Debra Milliman Agent of the City Of Freeport, Illinois, To Act On Behalf Of Said City in All or Any Matters Affecting Administration of the Illinois Municipal Retirement Fund

Corporation Counsel Sarah Griffin stated this resolution comes to the City Council now that Debra Milliman has been hired as the Human Resource Manager and introduced her to the council. Alderman Helms moved to approve the resolution as presented, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays – None

Resolution R-2009-108 was adopted.

RESOLUTION #R-2009-109:

Resolution on the Proposed Sale of Thomson Correctional Center

Mayor George Gaulrapp presented the resolution. It states that the sale of the Thomson Correctional Center to the federal government would generate an economic boost for Northwest Illinois region during the worst economic conditions since the Great Depression and could create more than 3,800 direct and indirect jobs through the region and an estimated \$1 billion in economic activity in the first four years of operation. Alderman Corbin moved to approve the resolution as presented, seconded by Alderman Endress. The motion was approved by roll call vote.

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

Abstain: Boldt

Nays – None

Mayor Gaulrapp explained the abstaining vote goes to the majority. Resolution R-2009-109 was adopted.

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RESOLUTION #R-2009-110:

Resolution To Authorize Revised Lease Terms For Hangar Rentals At The Freeport Albertus Municipal Airport (General And Corporate)

Mayor George Gaulrapp and Corporation Counsel Sarah Griffin presented the latest version of the lease terms for the hangar rentals at the Freeport Albertus Airport explaining that these changes were recommended by a group of pilots leasing hangars after a recent meeting. Amendments to the lease included 1) The City shall consider exceptions to this insurance requirement for Experimental Aircraft currently under lease with the lessor on a case by case basis when good cause is shown for an exception to be granted. This removes reference to the decision being that of the Finance Director. 2) A clause was removed regarding requiring the lessee to set parking brakes, placing chocks, and tying down and checking their own aircraft or aircraft owned by others within leased facilities. 3) Wording was amended for the lessor to have the right to remove the lessee's airplane from the leased premises if rent payment is more than 30 days past due. This was worded that the airplane would have been removed from the airport but Mayor Gaulrapp explained that there is an area where the plane could be moved.

Discussion was held regarding the process to amend the leases and how hard it has been to come to an agreement between the parties. Corporation Counsel Sarah Griffin stated her frustrations in this process dating back to February when the leases were presented originally, then rewritten again in October, and once again in December. Counsel Griffin stated the majority of the leases remain unsigned, and, in many cases, the City is not in possession of a lease due to the previous administration's record keeping.

John Mitchell was called back to the podium and stated issues with the lease wording pointed out by the pilots association.

Alderman Klemm moved to layover the resolution for ninety days, seconded by Alderman Corbin.

Further discussion was held regarding the lease terms and how long it would take to find out if insurance carriers have a problem with the City being named as an additional insured as stipulated on this lease. Discussion was held whether this would take a couple of weeks, 60 days, or 90 days. Alderman Klemm withdrew his motion to layover the resolution. Alderman Corbin withdrew his second on the motion.

Alderman Klemm moved to send the leases back to the Airport Commission and have the revised leases presented in ninety days, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

EXECUTIVE SESSION

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

At 7:44 pm, a motion to enter executive session was given by Alderman Endress, seconded by Alderman Helms. The motion was approved by roll call vote.

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

Nays – None

At 8:10 pm, a motion to return from executive session was given by Alderman Helms, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays – None

Alderman Boldt was not present for this roll call vote and entered the room shortly thereafter.

RESOLUTION #R-2009-111:

Resolution Authorizing Craig Joesten, Purchasing Agent, Of The City Of Freeport, Illinois, To Act On Behalf Of Said City In All Or Any Matters Relating To Property Acquisition

Alderman Boldt stated this was a legal option that he doesn't think it is right and the City should continue down the path to clear the title of the library.

Alderman Endress moved to adopt Resolution #R-2009-111, seconded by Alderman Klemm. A roll call vote was taken on the motion.

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

Nays – Boldt

Resolution #R-2009-111 was adopted 6-1.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Consideration of bids received on December 3, 2009 for demolition of structures for property located at 37 South Hooker Avenue, Freeport, Illinois

Community Development Director Shelly Griswold provided bid tabulation in the council packet. Bids were provided as follows; Contractor #1 - Brokhausen Excavating with a bid of \$3,800.00, Contractor #2 - Alber & Son Trucking, Inc. with a bid of \$10,700.00, and Contractor #3 - G & G Construction and Excavation with a bid of \$11,500.00. Director Griswold provided an explanation regarding the differences between the bids and stated that Brokhausen Excavating has performed demolition of structures for the City previously. She recommended approval of the Brokhausen Excavating bid in the amount of \$3,800.00. Alderman Bush moved to accept the recommendations of Director Griswold as presented, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays – None

Public Works

Public Works Director Tom Dole stated the leaf pick-up season is over and the trucks have been prepared for snow plowing. There were 750 loads of leaves pick up throughout the City. The City is bracing for a severe winter storm expected on Wednesday. Director Dole spoke about his working to acquire a list of people in the hangers.

Water and Sewer

Water and Sewer Utility Manager Denise Ihrig stated the November report of activities will be provided in the next council packet. She discussed the CIP surcharge.

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Police

Chief of Police Jerry Whitmore stated that a grant has been received by the Criminal Justice to provide wages for two police officers to be hired and trained. The grant is thanks to the work by Lt. Steve Grebode of the Freeport Police Department and Leslie Mastroianni of the Community Development Department.

Fire

Fire Chief Kevin Countryman stated the organizational structure of the Fire Department using the battalion chiefs will begin after the first of the year. He provided precautionary measures for the winter storm and asked people to check on their neighbors. Chief Countryman stated it is the property owner's responsibility to clear fire hydrant and asked them to remove the snow around hydrants on their property.

MAYOR'S REPORT

Mayor George Gaulrapp discussed his honor to present certificates to the Pearl Harbor survivors. He spoke about a meeting he had with Maimie Offert about the 3rd Ward and working to bring the community together.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderman Helms spoke about past due fines to be added to the tax bills and whether administration is further along with this project. Alderman Corbin spoke about the tax levy and sales tax and the responsibility to the citizens to gain control of spending. He suggested the use of a task force for strategic planning. Alderman Bush discussed his offense to a statement in the newspaper in reference to the 3rd Ward.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

- Tom Teich was provided the opportunity to publicly address significant items of interest.
- Alex Dvorak was provided the opportunity to publicly address significant items of interest.
- Rick Ellis spoke about the hangar tenant leases for Albertus Airport.

There being no further business, the meeting was adjourned at 8:55 pm.

s/ Meg Zuravel

Meg Zuravel, City Clerk