



City Council

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

MINUTES REGULAR MEETING Monday, January 4, 2010

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, January 4, 2010, in Council Chambers with a quorum being present.

ROLL CALL

Present on roll call were Mayor George Gaulrapp and council members Klemm, Boldt, DeVine, Endress, O'Neill and Corbin (6). Alderman Helms and Bush were absent at roll call and entered the room shortly thereafter (see below). Also present was Corporation Counsel Sarah Griffin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Whitmore and Chief Countryman.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS - AGENDA ITEMS

There was no one signed on the sheet for public comments this evening.

At this time, Alderman Helms entered council chambers.

EXECUTIVE SESSION

An executive session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (5) - Purchase of Real Estate and 5 ILCS 120/2 (c) (11) - Pending Litigation was read into the record. At 6:02 pm, Alderman Endress moved to enter Executive Session, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays: None

Alderman Bush entered council chambers as they were leaving to the Mayor's Office for Executive Session

At 6:28 pm, Alderman Endress moved to return from Executive Session, seconded by Alderman Corbin. The motion was approved by roll call vote.

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

Nays: None

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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 Monthly Investment Report for period ended November 30, 2009
- B. Approval of Water and Sewer Bills Payable (#357) ---- \$254,918.68
- C. Approval of Payroll for pay period ending December 19, 2009 ---- \$404,035.17
- D. Approval of Finance Department Bills Payable (#355, 356, 358) ---- \$348,634.72

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

Nays: None

COMMUNICATION TO COUNCIL

Water & Sewer Project/Utility Manager Denise Ihrig presented the Water and Sewer Capital Improvement Fund and Program for Fiscal Year 2011 and a worksheet for the "Big 4" Financing Proposal. The Water and Sewer Commission unanimously approved the FY 2011 Capital Improvement Projects worksheet. These projects are funded by the \$4 CPI (\$555,000) on the water bills and the projects scheduled to be completed will be; water main improvements and economic development funding, hydrant and valve replacement program, GIS Database/technology updates, facility upgrade, heavy equipment purchase, water meters, radio and emergency equipment, lift station repairs, GIS/SCADA/Technology upgrade, sewer main and manhole improvements, sewer main extension replacement, improvements at wastewater treatment plant and vehicle replacement.

Mayor George Gaulrapp asked for leave of council for Ms. Ihrig to continue with the Water & Sewer five year projection projects. Ms. Ihrig stated the Commission was also provided with a breakdown showing the major projects, referenced as the "Big 4". These Big 4 projects are those which remain on the five year capital program that have gone unfunded and cannot be funded through the current \$4 CIP. She referenced the Big 4 Financing Proposal which listed the projects as 1) New Water Distribution Pressure Zone 2) Upgrade Supervisory Control and Data Acquisition (SCADA) 3) Reduce Inflow and Infiltration and 4) Upgrade Billing Meters.

Ms. Ihrig stated these Big 4 Projects are stated for informational purposes. Ms. Ihrig also outlined for council her proposal for financing these Big 4 projects worth \$10.7 million in Fiscal Year 2011 through Fiscal Year 2020 and discussed the possibility of grant funding which may be applied to offset the cost of these major funding projects of the Water & Sewer Department.

Alderman Helms moved to place these documents on file as a communication to council, seconded by Alderman O'Neill. Mayor Gaulrapp asked for a roll call vote to be taken.

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

Nays: None

Motion carried to place the items on file.

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OPEN MEETINGS ACT DESIGNEES

A memo was written by Mayor George Gaulrapp stating effective January 1, 2010, I hereby designate the following employees, officers or members of the municipality to receive training on compliance with the Open Meetings Act:

- Martha E. Zuravel, City Clerk
- Debra J. Milliman, Deputy City Clerk.

Alderman Endress moved to accept the designations as presented, seconded by Alderman Klemm. Motion passed by voice vote without dissent.

ORDINANCES - THIRD READING

3RD 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

The first reading of this ordinance was held on December 7, 2009. A motion to adopt was given by Alderman Klemm, seconded by Alderman Endress. The second reading was held on December 21, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken. Yeas: Helms, O'Neill, Corbin, Klemm, Boldt, Bush, DeVine and Endress (8)

Nays: None

Ordinance 2009-70 was adopted.

3RD READING OF ORDINANCE 2009-71:

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

The first reading of this ordinance was held on December 7, 2009. A motion to adopt was given by Alderman Klemm, seconded by Alderman Helms. The second reading was held on December 21, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken. Yeas: Helms, O'Neill, Corbin, Klemm, Boldt, Bush, DeVine and Endress (8)

Nays: None

Ordinance 2009-71 was adopted.

3RD 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

The first reading of this ordinance was held on December 7, 2009. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on December 21, 2009 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken.

Alderman Boldt stated due to financial reasons connected with the establishments, he will be abstaining from voting.

Yeas: Helms, Corbin, Klemm, and Endress (4)

Abstain: Boldt

Nays: O'Neill, Bush, and DeVine (3)

Corporation Counsel Sarah Griffin s asked for leave of council to review the codified ordinances.

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During this time frame, Mayor Gaulrapp asked Chief of Police Jerry Whitmore to review for the public the Illinois statutes amendments regarding the restrictions of cell phones while driving. Effective January 1, 2010, the State of Illinois banned the use of cell phones in school zones and construction zones, unless it is a hands-free mode. In addition text messaging has been banned while operating a moving vehicle (vehicle must be in park or neutral).

Corporation Counsel Sarah Griffin stated that an abstaining vote goes with the majority. She was confirming whether this needed five votes in order to pass. Corporation Counsel Sarah Griffin asked the Mayor to vote on Ordinance 2009-72 in case it was necessary once she finds the rule.

Mayor Gaulrapp vote yea on Ordinance 2009-72.

Ordinance 2009-72 was adopted.

ORDINANCES - SECOND READING

2ND READING OF ORDINANCE 2010-01:

An Ordinance Amending Chapter 1240 (General Provisions and Definitions) and Chapter 1250 (Residence Districts) of the Codified Ordinances of the City of Freeport

The first reading of this ordinance was held on December 21, 2009. A motion to adopt was given by Alderman O'Neill, seconded by Alderman Klemm and it was automatically laid over to tonight's meeting. Upon the second reading, Community Development Director Shelly Griswold explained the changes to definition of family were necessary to come in compliance with HUD and the Department of Justice. The ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-02:

An Ordinance Amending Chapter 1240 (General Provisions and Definitions) and Chapter 1252 (Business Districts) of the Codified Ordinances of the City of Freeport

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

2ND READING OF ORDINANCE 2010-03:

An Ordinance Amending Chapter 869 (Teen Dance Centers) of the Codified Ordinances of the City of Freeport

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

2ND READING OF ORDINANCE 2010-04:

An Ordinance Amending Chapter 242 (Fire Department) of the Codified Ordinance of the City of Freeport, Illinois (Removing Deputy Chief and Adding Battalion Chiefs)

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

2ND READING OF ORDINANCE 2010-05:

An Ordinance Amending Chapter 480, Section 480.24 (Handicapped Persons and Disabled Veterans) of the Codified Ordinances of the City of Freeport – 400 Block E. Prospect Terrace

The first reading of this ordinance was held on December 21, 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 and no discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-06

City Clerk Meg Zuravel stated for the record that she had re-numbered this Ordinance from 2009-75 presented at the last council meeting

An Ordinance to Authorize Acquisition and Acceptance of Quitclaim Deed for Property Commonly Known as the Carnegie Library, Freeport, Illinois (PIN 18-14-31-177-003)

The first reading of this ordinance was held on December 21, 2009. A motion to adopt was given by Alderman Boldt, seconded by Alderman Klemm and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion, the ordinance was automatically laid over to the next meeting.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2010-07:

An Ordinance to Abate the 2009 Real Estate Tax Levy for the Repayment of the General Obligation Bonds, Series 2000

Finance Director Craig Joesten stated that his information for presentation of the ordinance applies to this ordinance but also to the three other abatement ordinances presented this evening. Director Joesten referred to a memo dated January 4, 2010 written to members of City Council and Mayor Gaulrapp. In the memo it states, "Historically we have abated the taxes for debt service on this as well as three bond issues. You have four ordinances for this before you. With the exception of approximately \$157,000, the remaining funds we abate are attributable to debt incurred for upgrades at the Water and Sewer and are paid from fees levied on the water bills. As it relates to the abatement, we have three choices 1) abate all of the taxes and continue to service the debt to Water and Sewer as we have been in the past 2) abate none and they will go on the real estate taxes or 3) abate any portion that the council see fit.

Director Joesten provided examples to the council. If we were not to abate \$275,000, which is 25% of the \$1,100,000 being held back from the City reserves, we could increase available cash from our reserves by the \$275,000. This action would increase property taxes and cost the owner of a \$100,000 house \$36 per year additional. Any change up or down in the EAV would impact these estimates. This abatement is done annually, therefore next year we could re-consider the abatement question again."

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It was stated for the record that these abatement ordinances must be to the county by the middle of February.

Alderman Helms moved to approve Ordinance 2010-07, seconded by Alderman O'Neill. The ordinance was automatically laid over to the next council meeting.

1ST READING OF ORDINANCE 2010-08:

An Ordinance to Abate the 2009 Real Estate Tax Levy for the Repayment of the General Obligation Bonds, Series 2003

Alderman Helms moved to approve the ordinance as presented, seconded by Alderman O'Neill. The ordinance was automatically laid over to the next council meeting.

1ST READING OF ORDINANCE 2010-09:

An Ordinance to Abate the 2009 Real Estate Tax Levy for the Repayment of the General Obligation Bonds, Series 2004

Alderman Endress moved to approve the ordinance as presented, seconded by Alderman Helms. The ordinance was automatically laid over to the next council meeting.

1ST READING OF ORDINANCE 2010-10:

An Ordinance to Abate the 2009 Real Estate Tax Levy for the Repayment of the General Obligation Bonds, Series 2006

Alderman Corbin moved to approve the ordinance as presented, seconded by Alderman Endress. The ordinance was automatically laid over to the next council meeting.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold explained that the Freeport Raceway Park's special use permit expired as of December 31, 2009. In September, a letter was sent to the Freeport Raceway Park owners (Randy and Virginia Gill) and followed up with contact to their attorney. They did not submit an application for renewal of their special use permit. She also noted there was a for sale sign on the property of the raceway. Her assumption is that they are not going to apply for a special use permit for the 2010 operating season because she has not received contact back from them.

Director Griswold stated that for the Tutty Boat Launch they are in the process of working on a Brownfields Revolving Loan Fund and barring any unforeseen complications involving the river height in the spring.

Water and Sewer

Ms. Ihrig explained the Water & Sewer major projects, referenced as the "Big 4". These Big 4 projects are those which remain on the five year capital program that have gone unfunded and cannot be funded through the current \$4 CIP. She referenced the Big 4 Financing Proposal which listed the projects as 1) New Water Distribution Pressure Zone the approximate cost is \$3.3 million 2) Upgrade Supervisory

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Control and Data Acquisition (SCADA) the approximate cost is \$900,000 3) Reduce Inflow and Infiltration the approximate cost being \$3.5 million and 4) Upgrade Revenue Billing Meters the approximate cost being just over \$3 million for 12,000 meters.

Police

Chief of Police Jerry Whitmore stated the cell phone usage may be used for emergency purposes in those zones.

Library

Library Director Carole Dickerson stated that borrowing at the library has shown statistics are up 4% and they are introducing a new program to keep the library open during Martin Luther King, Jr. day on January 18, 2010, encouraging coming to the library when students are not in school.

MAYOR'S REPORT

Mayor George Gaulrapp extended to everyone a happy new year and stated dates and times of upcoming meetings for strategic meeting at City Hall regarding communication, housing stock, public safety and jobs, also he discussed upcoming marketing of NIDA and marketing of the Thomson Prison.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderman Helms asked for an update about placing delinquent fines from ordinance violations on the real estate tax bills at Stephenson County. Alderman Helms asked about the Finance Department completing a report year to date on ambulance collection fees and a comparison from the previous year. Alderman Bush discussed the January 15, 2010 benefit for the King Center with a keynote speaker. Alderman Endress discussed the new street light on Galena and Broadway Avenues.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

There was no one signed on the sheet for public comments and no one from the audience wished to speak.

There being no further business, the meeting was adjourned at 7:08 pm.

s/ Meg Zuravel

Meg Zuravel, City Clerk