



City Council

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

MINUTES REGULAR MEETING Monday, March 1, 2010

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order by Mayor George Gaulrapp at 6:03 pm on Monday, March 1, 2010, 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, O'Neill and Corbin (8). Also present was Corporation Counsel Sarah Griffin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderman Boldt

APPROVAL OF AGENDA

Alderman Helms asked for leave of council to move forward item number 12 to read prior to item number 7 on the agenda. Alderman Endress moved to approve the agenda as presented, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

Paulette Bowdry, 31 South Hooker Avenue, Freeport, Illinois, spoke about the adoption of the Comprehensive Plan and Ordinance 2010-18 and how it affects the eastside residents. She provided her viewpoint regarding the meetings held in 2009. In those meetings, she stated the residents provided their vision to clean-up the neighborhood and have a grocery store in the area, along with other additional comments. The eastside residents do not want a buyout of their property, even if it is voluntary. She and the residents from the eastside of Freeport are requesting a new plan and not one which would force them out of their homes. Residents need to participate in the process. She spoke about the need for all to be involved in cleaning up the properties. The City should assist by doing something about the dumping problem on the eastside which in her opinion is a horrible problem.

Mayor Gaulrapp provided a summary of the items done over the last five years to improve the quality of life for residents located on the eastside of Freeport. He provided information on projects in the works for Stephenson streetscape and bridge enhancements.

Community Development Director Shelly Griswold emphasized that the Comprehensive Plan for the year 2029 envisions a voluntary relocation, not be a mandatory relocation. This plan is a look 20 years out from now. To improve the area it must be within the allowable limits of the State and Federal government due to the floodplain located in that area.

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PRESENTATIONS

A presentation was given by Cheryl Kneubuehl, Executive Director of Northwest Illinois Development Alliance regarding the 2009 year in review. She provided an overview of the three year goals to:

1. increase employment by 300 jobs (from 12/31/2008 IDES employed number) and the first year actual was -1,012 (negative);
2. new total construction of \$100,000,000 (will keep track of building permits for industrial, commercial, and residential separately and will use with occupancy permits) and the first year actual was \$114,720,000; and
3. targeted wages for new jobs will be \$14.75 (measured by median wage provided by IDES) and the first year actual was not available as of today.

Director Kneubuehl also reviewed the three year initiatives to create a thriving business climate (sustain and grow existing businesses), to develop targeted marketing and recruitment, to expand workforce development, and to improve infrastructure.

A presentation was given by Freeport Downtown Development Foundation (FDDF) by Quentin Davis, Director and Terri Reid, President. They provided an overview of what FDDF is doing for Freeport and their value in terms of dollars and the value of a revitalized downtown. The downtown Freeport Mall Directory was provided which is tied in to the kiosks recently installed in strategic locations in the downtown area. Discussion continued regarding the listing of downtown businesses and the estimated number to be over 100.

CONSENT AGENDA

The following Consent Agenda items were presented:

- A. Approval to receive and place on file:
 - 1) Fire Department Report on Activities for period ending January 2010
 - 2) Water and Sewer Report on Activities for through February 16, 2010
- B. Approval of Water and Sewer Bills Payable (#375) ---- \$227,060.10
- C. Approval of Payroll for pay period ending February 13, 2010 ---- \$292,547.67
- D. Approval of Finance Department Bills Payable (#373, 376) ---- \$362,816.95

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

Nays: None

COMMUNICATION TO COUNCIL

The council packets contained a Code Violation Activity Report for January 2010. Community Development Director Shelly Griswold stated that the report will be provided on a monthly basis. It was requested to add the amount of fines collected and it would be helpful to see tickets versus warnings. Alderman Endress moved to place the report on file, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

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APPOINTMENTS/RE-APPOINTMENT

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

ORDINANCE MOVED FORWARD ON COUNCIL AGENDA

1ST READING OF ORDINANCE 2010-19:

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

This ordinance was presented by Public Works Director Tom Dole stating the recommendation for an amendment for one sided parking on south Harlem Avenue came out of the Neighborhood Watch Meeting of the 1st and 6th Wards held on February 24, 2010 with the owners of Cannova's Restaurant. It was determined by Director Dole, based on measurement of parking spaces and where the fire hydrant is located, that the "no parking" should apply to the west side from Empire to LaCresta. Alderman Helms moved to adopt the ordinance and motioned to suspend the rules to vote on the ordinance tonight, seconded by Alderman Endress.

A roll call vote was taken on the suspension of the rules to vote on the ordinance this evening.

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

Nays: None

A roll call vote was taken to adopt the ordinance as presented.

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

Nays: None

Ordinance 2010-19 was adopted.

ORDINANCES - THIRD READING

3RD READING OF ORDINANCE 2010-13:

An Ordinance Amending Chapter 486, Section 486.03 (Parking Prohibited Under Certain Conditions) of the Codified Ordinances of the City of Freeport – Harlem Avenue

The first reading of this ordinance was held on February 1, 2010. A motion to adopt was given by Alderman Klemm, seconded by Alderman O'Neill. The second reading was held on February 16, 2010 and it was automatically laid over to tonight's meeting.

Mayor Gaulrapp informed the council that a no vote would be to vote down the ordinance. Upon no further discussion, a roll call vote was taken.

Yeas: Bush and DeVine (2)

Nays: Boldt, Endress, Helms, O'Neill, Corbin and Klemm (6)

Ordinance 2010-13 was denied.

ORDINANCES - SECOND READING

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2ND READING OF ORDINANCE 2010-15:

An Ordinance Amending Chapter 480, Section 480.22 (Courtesy Zone Fifteen- and Thirty-Minute Parking Zones) on Walnut Between Exchange and Stephenson Streets of the Codified Ordinances of the City of Freeport (Walnut)

The first reading of this ordinance was held on February 16, 2010. 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, Alderman O'Neill moved to provide an amendment to Ordinance 2010-15 to 1) allow a handicap parking place on the north side of Stephenson at the church entrance and 2) to provide correction to the ordinance instead of reading "five spaces on the east side of Walnut from Exchange south" the ordinance should correctly read, "five spaces on the west side of Walnut from Exchange south." This motion was seconded by Alderman Klemm. Motion passed by voice vote without dissent. The ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-16:

An Ordinance Amending Chapter 1052 (Water and Sewer Capital Improvement Fund) of the Codified Ordinances of the City of Freeport, Illinois

The first reading of this ordinance was held on February 16, 2010. A motion to adopt was given by Alderman Klemm, seconded by Alderman Corbin and it was automatically laid over to tonight's meeting. There was discussion by council members regarding the positive impact of completing the Big 4 projects (presented at the council meeting on January 4, 2010) and the negative impact of adding the surcharge to the water bills capital improvement surcharge. The council questioned the use of funds and Corporation Counsel Sarah Griffin read from Chapter 1052 of the Codified Ordinances, "the Water and Sewer Capital Improvement Fund shall be kept and accounted for separately from other funds and used solely for the purposes as set out in this Chapter." Discussion was held regarding the use of rain barrels by customers and their use could reduce the amount of water to the storm sewers. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2010-17:

An Ordinance to Issue a Special Use Permit Under the Zoning Ordinance of the Codified Ordinances of the City of Freeport - Type of Relief: Special Use Permit; Owner or Applicant: Gill's Freeport Raceway, In, d/b/a Freeport Raceway Park; Address or Description: 1910 South Walnut Avenue, Freeport, Illinois

Community Development Director Shelly Griswold presented the findings of the Planning Commission public hearing held on February 11, 2010 and the reconvened meeting held on February 16, 2010. The Planning Commission recommended the Special Use Permit to the council by a vote of 6-1. This is a Special Use Permit under M-2 Zoning (Section 1242.07 of the Freeport Codified Ordinances) enables Freeport Raceway Park to engage in motor vehicle racing activities and other special events at said premises beginning in calendar year 2010. This Special Use Permit expires automatically and without further action by City Council on December 31, 2010.

The Planning Commission provided the Findings of Fact and Community Development Director Shelly Griswold reviewed items for council.

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The Ordinance provides the following Special Conditions and Provisions upon the use of the premises:

- 1) No events of any kind shall be allowed during the week of the Stephenson County Fair, for fair dates as determined by the Stephenson County Fair Board for 2010, without first obtaining the prior consent of the Freeport City Council.
- 2) Automobile racing shall be permitted only on twenty-seven (27) days or fewer in 2010.
- 3) Except as provided in paragraphs (1), (7), (8) and (9) of this Section, all racing shall be completed no later than 10:30 p.m. local time on any Friday or Saturday, and there shall be no racing on any Sunday, Monday, Tuesday, Wednesday or Thursday, except for rain dates as allowed in paragraph 8 below.
- 4) No race shall begin prior to Noon local time on any day.
- 5) No practicing by a motor vehicle shall be allowed on any day on which there is not a scheduled race nor more than ninety (90) minutes before a scheduled race. In no case shall practicing by a motor vehicle be allowed prior to Noon local time on any day.
- 6) This Special Use Permit shall be invalid and of no force or effect if the premises described in Paragraph 3 of the above Preamble are not utilized for automobile racing during 2010.
- 7) On not more than three of the following dates, there may be special motor vehicle racing events which shall count toward the annual limit of twenty-seven (27) racing days:
 - Sunday, July 4, 2010
 - Sunday, May 30, 2010 (immediately preceding the federal Monday observation of Memorial Day)
 - Monday observance of Memorial Day on May 31, 2010
 - Sunday, September 5, 2010 (immediately preceding the federal Monday observation of Labor Day)
 - Monday observation of Labor Day on September 6, 2010

The hours of permitted operation for a Sunday rain date as listed in paragraph 8 below shall govern the operation of these holiday special events.
- 8) Racing shall be permitted on any Sunday in the months of June, July and August, except the second Sunday of the month, provided that any of the scheduled races on the immediately preceding Saturday were canceled because of rain on that day or on a prior day, and said rainfall renders the track unusable for racing. If rain prevents racing on the Saturday of the second weekend of the months of June, July or August, a make-up race is permitted on any subsequent Sunday (if any) of that particular month. All races on a Sunday shall be completed no later than 9:00 p.m. local time. Any said Sunday rain date shall count toward the annual limit of twenty-seven (27) racing days.
- 9) The Owner or Applicant may conduct no more than five (5) special races in 2010 on a Sunday, Monday, Tuesday, Wednesday or Thursday for the purposes of holding events such as Bush All-Stars, UMP Summer Nationals Tour, Truck Pulling competitions or sprint car competitions. For special races conducted on Monday, Tuesday, Wednesday or Thursday, all racing shall be completed no later than 10:00 p.m. local time. Each of these special racing events shall count towards the annual limit of twenty-seven (27) racing days.
- 10) On or before April 21, 2010, the Owner or Applicant shall submit to the Community Development Director of the City of Freeport a written list of all events to be held at said Freeport Raceway Park during 2010, including all of the tentatively planned special events and activities, racing or otherwise, for that calendar year at said Freeport Raceway Park. Owner or Applicant shall submit any schedule changes, additions, or deletions made to the schedule after

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April 21 to the Community Development Director of the City of Freeport within two (2) business days of said changes, additions, or deletions.

- 11) During 2010, the Owner or Applicant may conduct or allow to be conducted on the premises an unlimited number of outdoor entertainment activities, including but not limited to music concerts, festivals, circuses, carnivals, civic fundraisers, fireworks displays and other similar activities, provided the schedules for events and activities are provided to the City in the manner prescribed in paragraph 10 above. The authorization for such outdoor entertainment activities granted hereunder shall expire and be of no force or effect as of December 31, 2010, without the necessity for any further action by this City Council.
- 12) Any automobile on said premises engaged in racing or practicing for a race shall have installed a Supertrap muffler system, working and in unmodified manufactured condition, or another muffler system of equal or greater noise reduction capability to reduce engine and exhaust noise.
- 13) A certified mechanic shall check the muffler system of each vehicle prior to each race or practice conducted at every 2010 racing event for compliance with paragraph 12 above. Vehicles not in compliance with paragraph 12 above shall not be allowed to participate in any race or practice. The Owner or Applicant shall provide documentation showing compliance with the muffler checks for each vehicle, on a form agreeable to the Community Development Director of the City of Freeport, no later than five (5) calendar days following each racing date. The Owner or Applicant shall allow representatives of the City of Freeport to make periodic oversight visits during racing events to observe and review the muffler compliance check procedures.
- 14) The Owner or Applicant shall implement the second option of the June 26, 2000, Yerges Acoustics Noise Abatement Analysis regarding the public address system and submit evidence of such implementation to the City's Community Development Director on or before July 1, 2010.
- 15) All operations and activities on the premises shall comply with the noise levels of Section 1254.01 of Chapter 1254 of the City of Freeport Codified Ordinances.
- 16) To determine compliance with paragraph 14 above, the Owner or Applicant, at his own expense, shall obtain a sound study. Said study shall be conducted by a qualified firm agreed to in advance with the City's Community Development Director. Results of said study shall be forwarded to the City's Community Development Director on or before August 31, 2010.

Discussion was held regarding the economic impact that the Freeport Raceway Park brings to the City of Freeport by participants and spectators of the races. Discussion was held regarding amending the special use permit that was recommended by the Planning Commission from one year to three years. Discussion was held as to whether the special use follows the property or the owner. Director Griswold stated if the raceway is abandoned for a period of six months, then the special use permit would no longer be in force.

Alderman Endress moved to adopt Ordinance 2010-17 as presented, seconded by Alderman Klemm. The ordinance was automatically laid over to the next meeting.

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1ST READING OF ORDINANCE 2010-18:

An Ordinance Adopting an Update to the City of Freeport Comprehensive Plan and Amending Section 1222.01 (Description) of Chapter 1222 (Official Plan and Official Map) of the City of Freeport Codified Ordinances

Community Development Director Shelly Griswold presented the ordinance to adopt the update to the City of Freeport Comprehensive Plan which was distributed to council in October 2009 and again last week. The ordinance included information on public meetings that were held to formulate the Comprehensive Plan. Community Development Director Shelly Griswold reviewed the process of developing the draft plan and the following listing was included in the ordinance which provided opportunity for public input:

1. a Project Initiation Meeting held at the December 2, 2008, Planning Commission meeting;
2. a Community Workshop held on January 13, 2009;
3. twelve (12) key person interviews held January through March 2009;
4. an Online Questionnaire open from January 13 through March 9, 2009;
5. a Business Workshop held March 12, 2009;
6. presentation of the Existing Conditions Report at the April 9, 2009, Planning Commission Meeting;
7. a Community Visioning Workshop held May 7, 2009
8. presentation of the Draft Comprehensive Plan at the October 8, 2009, Planning Commission Meeting;
9. a Public Hearing on the Draft Plan held by the Planning Commission on February 11, 2010

At the conclusion of the February 11, 2010, Public Hearing, the City of Freeport Planning Commission recommended by a 7-0 vote (with one abstention) approval of the update to the City of Freeport Comprehensive Plan. Discussion was held regarding the public input in the development of the Comprehensive Plan. Discussion was held regarding economic development and it should not extend out more than one and one-half miles based on the infrastructure conditions that currently exist.

Alderman Endress moved to adopt Ordinance 2010-18 as presented, seconded by Alderman Klemm. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2010-06:

Resolution to Authorize Obtaining a Permit from the Illinois Department of Transportation of the State of Illinois for Water Main Improvements

Water & Sewer Project Manager Denise Blakeley Ihrig, P.E., presented the resolution for the Cottonwood improvements and the restoration of roadway permits required by the Illinois Department of Transportation. Alderman Helms moved to adopt the resolution as presented, seconded by Alderman O'Neill. A roll call vote was taken.

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

Nays: None

Resolution 2010-06 was adopted.

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RESOLUTION #R-2010-07:

Resolution Authorizing Acceptance of an Illinois Criminal Justice Grant Through the American Recovery and Reinvestment Act of 2009 (Local Law Enforcement Equipment Program) – Body-Worn/Wearable Video Camera

Deputy Police Chief Jeff Davis presented the resolution stating that through the Illinois Criminal Justice Information Authority, as funded by the American Recovery and Reinvestment Act of 2009, a grant is available in the amount of \$27,200 to the Freeport Police Department. There is no matching fund requirement for the City. The funds would be used to purchase body worn/wearable video cameras for the officers including the storage solution to maintain the digital recordings. The wearable video cameras will be used to document encounters between police officers and the public. Alderman Klemm moved to adopt the resolution as presented, seconded by Alderman Endress. The motion was approved by voice vote without dissent. Resolution 2010-07 was adopted.

RESOLUTION #R-2010-08:

Resolution to Approve Memorandum of Understanding Between the City of Freeport, Illinois, Police Department and the Illinois State Police for Intra-Discipline Communications

Deputy Police Chief Jeff Davis presented the resolution stating that it approves a memorandum of understanding between the City of Freeport and Illinois State Police for intra discipline communications for establishing accessibility to the Starcom21 radio system. Upon execution of the agreement eight shared Starcom21 talk groups will be available to both agencies. Alderman Klemm moved to adopt the resolution as presented, seconded by Alderman Endress. The motion was approved by voice vote without dissent. Resolution 2010-08 was adopted.

RESOLUTION #R-2010-09:

Resolution Authorizing an Intergovernmental Agreement Between the Sterling Illinois Police Department and the City of Freeport, Illinois, Police Department for the Sharing of Information and Mug Shots

Deputy Police Chief Jeff Davis presented the resolution stating that it authorizes an intergovernmental agreement between the Sterling, Illinois Police Department and the Freeport Police Department for the sharing of information and mug shots. Alderman Endress moved to adopt the resolution as presented, seconded by Alderman O'Neill. The motion was approved by voice vote without dissent. Resolution 2010-09 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold requested authority proceed with a conditional commitment letter to enter into agreement with Illinois Housing Development Authority for the Single Family Owner Occupied Rehabilitation Program, the Small Rental Properties Program, and the HOME Homebuyer Assistance Program. She stated we have to sign a conditional letter and the Community Development Department will manage the program funds internally to not cause a cash flow problem. Alderman Helms moved to provide authorization as presented, seconded by Alderman Boldt. A roll call vote was taken.

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

Nays: None

Finance

Finance Director Craig Joesten made the announcement that the City's Standard and Poor's Bond Rating has been improved from a rating of A to A+. This will have an improved impact on the cost of funds and has profound positive implications for the City of Freeport for future projects.

Public Works

Public Works Director Tom Dole spoke about the Comcast recording of the council meetings and that the sound seemed to be working this evening. If there are areas that are having problems with the audio, they should contact the Mayor's administrative assistant.

Director Dole stated he had received the same request to limit parking on only one side of Deming Avenue. Because of this request, he measured the width of Deming Avenue. Where Harlem Avenue is only 22 feet wide, Deming Avenue is 30 feet wide and this makes another car-width difference between the streets. He did not feel it was necessary to implement one-sided parking on Deming Avenue.

Police

Deputy Police Chief Jeff Davis stated that the Freeport Police Department is currently accepting applications. Anyone interested in obtaining an application for police employment must attend one of the mandatory orientations and present photo identification at either the March 25, 2010 at 6:00 pm or the March 27, 2010 at 9:00 am session. The physical agility and written exam will be held on April 10, 2010.

Fire

Fire Chief Kevin Countryman provided a reminder regarding the Fire Academy that begins soon for a behind the scenes look at the Fire Department. Chief Countryman provided information regarding the three interim Battalion Chief positions and their duties. The transitional department structure has begun with three people handling the duties on an interim basis. The three duties will be split by training, documentation and updates; public education and working with the line firefighters; and updating the policies and procedures and reviewing purchasing and contracts. The official testing will begin the end of March 2010 and will be completed in April for the Mayor and Chief to select the three individuals.

Library

Library Director Carole Dickerson spoke about the Teddy Bear Bedtime Stories and the programming that the Public Library provides for older youth. There will be digital photography and editing software class coming soon.

MAYOR'S REPORT

Mayor George Gaulrapp spoke about the U.S. Census mailing scheduled for the middle of March 2010. The U.S. Census is an extremely important for the City of Freeport because it is funding mechanism for schools and the community. We do have a Census Committee lead by Pastor Ramos.

Mayor Gaulrapp welcomed Home Hardware to the community. They will be having their ribbon cutting ceremony on Thursday morning. Home Hardware is a welcome addition to the Lincoln Mall area.

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NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderman Boldt requested that when Zoning and Planning applicants are required to send letters to adjacent property owners they should also be required to send a letter to the City Council so they will know what is going on. The letters to the aldermen do not need to be mailed via certified mail. Alderman Helms asked about the 2009-2010 budget result comparison, sales tax receipts from the State of Illinois, bulky waste pick-up schedule, statement of condition for our current Fire Stations. Alderman Helms asked what could be done to alleviate the McKinley Avenue and Lincoln Boulevard line of sight problems. Alderman O'Neill spoke about the handicap door to City Hall. Alderman Corbin asked about the Hangar leases and if the 90 days were up and it was answered that the last meeting of the Airport Commission there was additional time needed to receive information regarding insurance. Alderman Klemm spoke about the neighborhood watch meeting for the first and sixth wards which was held on February 24, 2010, He provided a listing of suggestions from the parking meeting in the area surrounding Harlem Avenue, Deming Avenue and around Read Park.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich, 669 E. Jefferson Street, spoke about the opening on the Home Hardware store this week. Alex Dvorak, 669 E. Jefferson Street, spoke about different stores that he hopes will consider coming to Freeport including a hobby store, Olive Garden, and a Perkins Restaurant.

Mayor Gaulrapp spoke about the job opportunities available in the Water and Sewer Department, the City Cemetery, and the 911 Call Center.

There being no further business, the meeting was adjourned at 8:15 pm.

s/ Meg Zuravel
Meg Zuravel, City Clerk