



City Council

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

MINUTES REGULAR MEETING Monday, April 5, 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, April 5, 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 DeVine.

APPROVAL OF AGENDA

Alderman Klemm requested leave of council to move forward on council agenda item number 21, Resolution R-2010-23, Resolution to Authorize Revised Lease Terms for Hangar Rentals at the Freeport Albertus Municipal Airport (General and Corporate), to immediately following appointments. Alderman Klemm moved to approve the agenda as presented, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

APPROVAL OF MINUTES

Alderman Endress moved to approve the minutes of March 15, 2010 regular meeting, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

There were multiple people signed on the sheet for public comments this evening.

- Sally Spudich, 1660 Gladewood, Freeport, Illinois, spoke to the council as a member of Planning Commission. Ms. Spudich spoke about the process asking for public comment prior to the writing of the Comprehensive Plan. Ms. Spudich referred to pages 28 which references key parks and open space policies noting target areas within the floodplain for potential acquisition to preserve environmental corridors and greenways along creeks within the community to designate open space and minimize flooding issues. She stated that the draft Comprehensive Plan refers to voluntary relocation and no where does it talk about homeowners being forced to sell and move. She asked the council not to remove the section regarding floodplains.
- John Staben, 1070 N. Canyon Drive, Freeport, Illinois, spoke as a pilot and hangar tenant in support of the resolution for the airport leases which he referred to as version D. He provided his version of the airport lease process and spoke about the airplanes that were or are housed at the

MINUTES
REGULAR MEETING
Monday, April 5, 2010

Albertus Airport. He stated that Darrell Janssen has the respect of the pilots and would like him to stay as the manager.

- John Mitchell, 2478 Shepard Drive, Freeport, Illinois, spoke as a pilot and hangar tenant in favor of the resolution for the airport leases that was voted on and recommended to council by the Airport Commission in their meeting in March.
- Steve Carroll, 811 S. Oak, recommended to council that requirements be written prior to allowing someone to become a landlord so that felons and sexual predators are not able to rent property to families with children. He recommended that legal opinion be acquired as to what can be done to begin licensing of landlords the same as the City does for taxi drivers, liquor license, or members of the community who own firearms.
- Tim Mickel, 2769 Scioto Mills Road, spoke as a pilot and hangar tenant in favor of adopting the lease he termed as version “D” and stated that they can help fill hangars upon its approval.
- Jim Ferrar, 1433 S. Demeter Drive was signed in for public comments and withdrew his name.
- Jack Hooker, 30 E. Jefferson Street, spoke as a member of the Airport Commission who is in favor of the lease on council agenda this evening.
- Jim Pearson, 807 E. Stephenson Street spoke about the draft Comprehensive Plan asking council to approve wording that will be viable and workable for everyone to use for the eastside neighborhood. He would like to be able to raise the houses located in the floodplain so that they may stay in their neighborhood. He stated he is tired of the negativism.
- Laurence Gebler, Phoenix, Afghanistan, wrote an email dated April 4, 2010, titled FAHTA Lease Update, which was read by the City Clerk. Mr. Gebler wrote that he is in favor of the proposed airport lease and in hopes of ending the debate. At the beginning of the debate, just as it continues to be tonight, the “at the end of the day” point is that most of us aircraft owners have been told by our insurance companies that we cannot have, at any price, the type of coverage sought by Freeport’s corporation counsel. That means, that unless the version of the lease before you is approved as written without such insurance requirements, I and may like me will have no choice but to relocate our aircraft and our hangar rent dollars, to an airport other than Albertus. You have already seen the beginning of that tragic course in the 21% hangar vacancy rate at Albertus since this contentiousness over draft leases began.

PROCLAMATIONS

A proclamation was read by Mayor Gaulrapp proclaiming April 5 through April 10, 2010, as Willie Veasley Week. Willie Veasley, a former member of the Freeport Pretzel basketball team and a current starter for the Butler University Basketball team, will play in the championship game of the National Collegiate Athletic Association Men’s Basketball Tournament this evening.

A proclamation was read by Joan Sage of Comcast proclaiming April 19 to April 24, 2010, as Comcast Cares Week. Employees of Comcast and friends of Little Cubs Field will work together to paint, landscape, and clean the field on April 21, 2010. In addition, Comcast will work to generate blood donations.

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 February 28, 2010

MINUTES
REGULAR MEETING
Monday, April 5, 2010

- 2) City Treasurer's Cash and Fund Report for period ended February 28, 2010
- 3) Community Development Report as amended for February 2010 - Cash and Miscellaneous Receipts

B. Approval of Water and Sewer Bills Payable (#383 & 386) ---- \$257,025.01

C. Approval of Payroll for pay period ending March 27, 2010 ---- \$396,868.38

D. Approval of Finance Department Bills Payable (#382, 384, 385, 387, 388) ---- \$567,990.17

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

Nays: None

COMMUNICATION TO COUNCIL

The council packets contained a memorandum written by Denise Blakeley Ihrig, Project Manager, regarding Water & Sewer Report for projects for period ending March 24, 2010. Ms. Ihrig spoke regarding Water Management Ordinance that went into effect in 2008 and provided a website (www.delafleur.com) with helpful information on relevant storm water techniques in a densely developed subdivision through maintaining native plantings and rain barrels.

APPOINTMENTS

- Alderman Boldt moved to accept an appointment of Brad Hartog to the Water & Sewer Commission effective immediately through November 30, 2012. Mr. Hartog replaces Joe Williams who has resigned from appointment. The motion was seconded by Alderman Corbin. Mr. Hartog provided his background and stated he is looking forward to serving on the commission. Motion passed by voice vote without dissent.
- Alderman Endress moved to accept an appointment of Tom Klemm as the City Council Representative, in lieu of the Chair of the City Finance Committee, on the Community Development Revolving Loan Fund Committee, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

As requested prior to approval of the agenda, Resolution R-2010-23 was brought forward this evening.

RESOLUTION #R-2010-23:

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 which was recommended by the Airport Commission by a vote of three to two (3-2) at their meeting held on March 23, 2010. This is the fourth version of leases presented to council due to dissatisfaction of terms by the pilot's association. Attachment A titled Albertus Airport, Hangar Lease – General, Version B (Pilot's Association) as part of the resolution is the form to use for general hangar rentals with base costs per rental unit as shown on attachment B. The Corporate Lease will have the same corresponding changes as those if approved by council for the general hangar leases. Director Dole summarized the amendments in the lease and they were underlined in the attachment to the resolution. On page 2 of the lease, under insurance requirements, the City of Freeport requires a minimum of \$1 million in "general" liability insurance coverage from the Lessee and it was changed to "aircraft" liability. On page 2, two sentences containing the following were

MINUTES
REGULAR MEETING
Monday, April 5, 2010

removed “the City of Freeport shall be named as an additional insured on the policy or certificate” and “and hereby grants authority to its Finance Director to determine.” On page 3, item number 6 was removed, “Lessee accepts and recognizes that it or its agents are responsible for setting parking brakes, placing chocks, and tying down and checking of their own aircraft or aircraft owned by others within leased facilities. On page 3, item 7 was amended to adding reference to, “Nothing herein is intended to modify or countermand the provisions of the Illinois Local Governmental and Governmental Employees Tort Immunity Act. On page 3, new item 8 a statement was removed which referenced “Lessee agrees to and shall indemnify, defend and save harmless Lessor and its elected and appointed officials, officers, agents, employees and its airport manager from and against any and all liability, etc. On page 3 under new item 9 a statement was added upon the occurrence of a default of any of the terms or conditions of the lease stating, “the City shall give the Lessee written notice of same and reasonable amount of time, in the sole discretion of the City.” On page 3, new item number 10, the Lessor or Lessee shall have the right to terminate the this agreement at any time with 30 days written notice. On page 4 of the lease, an item was removed stating, “Lessee shall pay and discharge all costs, expenses and attorney’s fees which shall be incurred and expended by Lessor in enforcing this agreement, including any action to collect rental payments.” The provision for notifying the lessee or lessor was amended.

Corporation Counsel Sarah Griffin stated that she does not recommend changing from general liability to aircraft liability, she recommends against removing the indemnification provision, and she recommends against removing the clause naming the City as an additional insured. Currently the City has a separate “Airport Owners and Operators General Liability Policy” with a hangar keepers limit any one aircraft of \$500,000 and hangar keepers limit any one occurrence of \$500,000. The City must purchase additional insurance for the Airport because it is excluded under the City insurance. Counsel Griffin stated that the pilots association is requesting that you remove protection that has been an integral part of the lease for a long period of time. The Legal Department contacted each General Aviation airport in the State of Illinois in order to determine their provisions. Of the 17 airports for which the Legal Department received complete responses, 15 require indemnification, one does not, and Monroe has a hold harmless clause instead. As to the specific language of indemnification, it is taken directly from the Illinois Department of Transportation Sample Tie-Down Hangar Lease. Adding the City as an additional insured is a statement that is added to contracts of the City.

Discussion was held regarding the City carrying inadequate insurance for these provisional amendments recommended by the Airport Commission and the cost of additional insurance the City would have to purchase to make up for provisions in this new version of the hangar lease. Finance Director Craig Joesten stated he could send out for prices on coverage, but as of today it was not available. The quotes for the additional coverage were something he estimated that he could have in about a week.

Alderman Klemm moved to table the resolution until the figures came in, seconded by Alderman Helms. Discussion was held regarding actions if the resolution was tabled versus laying it over. Alderman Klemm withdrew his motion to table, seconded by Alderman Helms.

Upon no further discussion, Alderman Klemm moved to layover Resolution 2010-23 for two weeks until the next council meeting, seconded by Alderman Helms. The motion was approved by roll call vote. Yeas: DeVine, Endress, Helms, O’Neill, Corbin, Klemm, Boldt, and Bush (8)
Nays: None

ORDINANCES - THIRD READING

3RD 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

The first reading of this ordinance was held on March 1, 2010. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on March 15, 2010 and it was automatically laid over to tonight's meeting.

Upon the third reading discussion was held regarding Special-Use permits and fostering a proper and pro-business environment. Alderman Helms read a statement into the record, "Currently, when it comes to Special-Use permits, we are not focusing on what our responsibilities are for the business and the community that might be affected by that business. In my line of work, I require any business entity that requests financing to present a five-year business plan showing what it will take to become profitable. If I know that it will also require a Special-Use Permit, whose term is determined by an ever-changing board or commission or that they might be required to re-apply an annual basis, I am inclined not to consider the request. The reason why is simple. Right out of the gate, that business is hindered by potential politics that may put it out of business. It would not be prudent for any lender to finance a project for three to five years knowing that the Special Use Permit might not be renewed by a new board, commission, or city council. Removing the floating term from the process puts the pressure on the planning commission to ensure that the applicant and its' business warrants a Special-Use Permit in the first place and for an extended (pro-business) period of time. It also places necessary pressure on the city to hold each permit holder accountable to the terms and conditions throughout the permit period and not simply at renewal time. Make no mistake, the onus is on the City of Freeport to ensure proper business growth and to hold those businesses accountable immediately that do not follow the conditions of the permit."

Upon reading the statement, Alderman Helms moved to amend Ordinance 2010-17 with wording provided to council prior to the beginning of the meeting. This amended wording of the Ordinance 2010-17 extends the Special Use Permit to 36 months by having it expire in 2012 and adding item number 17 which was printed as "Failure of the owner or applicant to strictly adhere to the conditions of this Special Use Permit shall result in the issuance of citations and monetary fines. In the event the owner of applicant is found liable or guilty, either through a final judgment in the City of Freeport administrative adjudication process or in Stephenson County Circuit Court, of being in violation of any condition or conditions of this Special Use Permit, the owner or applicant shall come into compliance within thirty days of such final judgment. Failure to come into compliance within the thirty days timeframe shall result in the immediate termination of this Special Use Permit. No application by the owner or applicant for a Special Use Permit may be resubmitted for a period of twelve (12) months following the termination of this Special Use Permit." This motion was seconded by Alderman Boldt.

A roll call vote was taken to adopt the amendment for Ordinance 2010-17.

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

Nays: None

The amendment was adopted.

MINUTES
REGULAR MEETING
Monday, April 5, 2010

Discussion was held regarding the difficulty with the current owners, Randy and Virginia Gill, to comply with the provision over the last several years. As a former member of the Planning Commission, Alderman Corbin spoke about the issues they had in the past regarding compliance and asked Sally Spudich a current member of the Planning Commission to speak about it as well. Virginia Gill, owner of Freeport Raceway Park was provided the opportunity to address the council.

Discussion was held as the property being for sale and item #18 (which was a part of the amended wording provided by Alderman Helms) which states, "This Special Use Permit shall expire immediately if the ownership of the property changes prior to December 31, 2012."

Alderman Boldt moved to amend the wording for the sound study that needs to be completed to be each year with the results to be to Community Development Director Shelly Griswold by June 15 of each year. Currently the due date is August 31. This motion was seconded by Alderman O'Neill.

A roll call vote was taken to adopt the amended wording for Ordinance 2010-17.

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

Nays: None

The amendment was adopted.

A roll call vote was taken to adopt the Ordinance 2010-17 as amended.

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

Nays: None

Ordinance 2010-17 was adopted 8-0.

3RD 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

The first reading of this ordinance was held on March 1, 2010. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm. The second reading was held on March 15, 2010 and it was automatically laid over to tonight's meeting.

Upon the third reading of the ordinance, Alderman Bush moved to amend the Section regarding the Pecatonica River on the current page 40 (paper copies provided to council) as follows,

"Pecatonica River

Historically, much of the flood damage occurring in Freeport has taken place in the East Side neighborhood which lies within the river's floodway and 100-year floodplain. According to the Multi-Hazard Mitigation Plan, on-going frequent flooding of the area led the Army Corps of Engineers to research the viability of several mitigation strategies such as the creation of a levee system or large stormwater basins. It was determined that a levee would cause flooding elsewhere along the river and that water quality would be at risk if stormwater basins were utilized due to the large amounts of industrial contaminants found in the area's soils. As such, any complete form of flood control is prohibited by state and federal law due to adverse impacts that such a system would have on other areas along the Pecatonica River.

MINUTES
REGULAR MEETING
Monday, April 5, 2010

Given the inability to significantly control flood waters within the East Side neighborhood, the Multi-Hazard Mitigation Plan's recommendations centered on minimizing the damage caused by flooding and better equipping the community with the resources to deal with the negative impacts of flooding. The plan's recommendations included continued efforts to educate the community regarding:

The intentions of the City and the overall aims of its flood mitigation strategies;

Floodplain regulations relating to property improvements;

Flood proofing techniques, and;

Avenues to flood insurance.

The plan also underscored the need for enhanced stormwater management and erosion controls including regular inspections of infrastructure, and promotion and adoption of erosion controls and regulations, enhanced recordkeeping requirements, and a desire of the community and elected local officials to continue to work with the Army Corp of Engineers, FEMA, IDNR, and State and Federal officials to decrease the impact of flooding in the area." The last paragraph in this section was replaced with the aforementioned wording.

The motion was seconded by Alderman Corbin. A roll call vote was taken to adopt the amended wording to page 40 of the draft Comprehensive Plan.

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

Nays: Helms and Boldt

The amended wording was adopted.

A roll call vote was taken to adopt Ordinance 2010-18 as amended.

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

Nays: None

Ordinance 2010-18 was adopted 8-0.

Mayor Gaulrapp commended Alderman Bush on holding meetings of the Third Ward to promote dialogue between the City and residents and he encouraged people to get involved in the clean-up of the Pecatonica River that will take place on April 17, 2010.

ORDINANCES - SECOND READING

2ND READING OF ORDINANCE 2010-20:

An Ordinance Amending Chapter 1610 (BOCA National Fire Prevention), Chapter 1620 (NFPA 101 Life Safety Code), and Chapter 862 (Self-Service Gas Stations) of the Codified Ordinances of the City of Freeport

The first reading of this ordinance was held on March 15, 2010. A motion to adopt was given by Alderman Endress, seconded by Alderman Klemm and it was automatically laid over to tonight's

**MINUTES
REGULAR MEETING
Monday, April 5, 2010**

meeting. Upon the second reading and no discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-21:

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

The first reading of this ordinance was held on March 15, 2010. A motion to adopt was given by Alderman Klemm, seconded by Alderman Bush and it was automatically laid over to tonight's meeting. Upon the second reading, Alderman O'Neill moved to adopt an amendment to Ordinance 2010-21 which was provided in the council packets to include a definition of the Resident Manager and to add Section 11, a reason for license denial if the applicant or resident manager does not reside in the City of Freeport. The motion was seconded by Alderman Helms. A roll call vote was taken to adopt the amendment as presented.

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

Nays: None

The amended wording was adopted and the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-23:

An Ordinance to Amend and Adjust the Appropriation Ordinance Fiscal Year 2009-2010 for the City of Freeport, Illinois

The first reading of this ordinance was held on March 15, 2010. A motion to adopt was given by Alderman DeVine, seconded by Alderman Endress and it was automatically laid over to tonight's meeting.

Upon the second reading held this evening, Alderman Helms shared information he received from the Finance Department regarding questions he had at the last meeting regarding item C and item I. The Finance Department reported that Item C is an increase in grant expenses for the Fire Department for generators and also the grant which helps reimburse for the cost of the two extra firefighters we hired two years ago. Item I is an increase in sewer fund personnel expenses. This increase does not need to be made and the Finance Department will ask for an amendment to the budget to take it out before the 3rd Reading of the ordinance. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2010-24:

An Ordinance to Supplement the Appropriation Ordinance Fiscal Year 2009-2010 for the City of Freeport, Illinois

The first reading of this ordinance was held on March 15, 2010. A motion to adopt was given by Alderman DeVine, 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 2010-25:

An Ordinance Amending Chapter 1224 (Subdivision) Section 1224.02 (Procedure for Approval) and Amending Chapter 1242 (Administration, Enforcement and Penalty), Section 1242.12 (Variations, Permits, Planned Developments and Amendments) to Add Provisions for Notifying

**MINUTES
REGULAR MEETING
Monday, April 5, 2010**

Members of City Council Upon Filing of Petitions

The first reading of this ordinance was held on March 15, 2010. A motion to adopt was given by Alderman Boldt, seconded by Alderman Helms 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 2010-27:

An Ordinance Authorizing the Issuance of Taxable and/or Tax-Exempt General Obligation (Limited Tax) Notes to Finance Municipal Facilities and Operations for the City of Freeport, Stephenson County, Illinois, and Providing the Details of Such Notes, and Related Matters

Mayor Gaulrapp stated that "As communicated in last council meeting, administration is requesting passage of ordinance this evening and this ordinance will be presented by Finance Director Craig Joesten.". Finance Director Craig Joesten stated that the authority and purpose of this ordinance is for financing the projects and operations of the City of Freeport and the notes to be issued up to an aggregate principal amount of \$750,000 to be derived from the proceeds of the Notes. The financing of the notes is for landfill closure and related facilities, improvements, and costs and also to fund municipal operations. The city is in need of funds due to the State of Illinois being five months behind on earned income tax revenues and the City has a third payroll in the month of April which it would not be able to meet without these notes. The notes will bear interest at not to exceed 7.5% (based on an actual 360-day year) and will mature and come due for a term not to exceed 10 years. Director Joesten explained the tax exempt portion of the notes. Three years is the earliest date for repayment of the notes.

Alderman Endress moved to approve Ordinance 2010-27 as presented, seconded by Alderman Helms.

Alderman Endress moved to suspend the rules and vote in this ordinance this evening, seconded by Alderman Klemm.

The motion to suspend rules to vote on Ordinance 2010-27 this evening was approved by roll call vote.
Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm, Boldt and Bush (8)
Nays: None

Ordinance 2010-27 was properly on the floor for approval.
Yeas: DeVine, Endress, Helms, O'Neill, Corbin, Klemm, Boldt and Bush (8)
Nays: None
Ordinance 2010-27 was adopted by a vote of 8-0.

1ST READING OF ORDINANCE 2010-28:

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 – August 17, 2009 through January 19, 2010

Corporation Counsel Sarah Griffin explained that this is housekeeping ordinance for the editing, arrangement, numbering or renumbering the ordinances adopted from August 17, 2009 through January

MINUTES
REGULAR MEETING
Monday, April 5, 2010

19, 2010. A motion to adopt was given by Alderman O'Neill, seconded by Alderman Endress and it was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2010-19:

Resolution Authorizing the Reservation of Volume Bond Cap Authority (Private Activity Bonds)

Community Development Director Shelly Griswold presented the resolution which states that the State of Illinois allows the City of Freeport to reserve an amount of volume bond cap for private activity bonds for the year and the City wishes to take advantage of this by the May 1, 2010 deadline. The City of Freeport may reserve an amount up to \$2,215,350 in Volume Cap for the year 2010.

Alderman Helms moved for approval of Resolution 2010-19, seconded by Alderman Endress. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-19 was adopted.

RESOLUTION #R-2010-20:

Resolution Authorizing Application for Public Transportation Financial Assistance Under Section 5311 of the Federal Transit Act of 1991, As Amended (49 U.S.C. § 5311)

Community Development Director Shelly Griswold presented the resolution to apply for public transportation financial assistance under Section 5311 of the Federal Transit Act with an assistance date of July 1, 2010 through June 30, 2011. The Community Development Department will be applying for assistance of \$572,000 from the state, funds from the federal government and will receive \$10,000 from Freeport Township to operate the public transportation program.

Alderman O'Neill moved for approval of the resolution, seconded by Alderman Endress. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-20 was adopted.

RESOLUTION #R-2010-21:

Resolution to Amend a Tax Increment Financing District Fund Expenditure Plan - Downtown

Community Development Director Shelly Griswold presented the resolution and referred to the last page of the resolution showing the table by commenting line by line of the operating budget and expenditure plan. The 2010 Downtown Tax Increment Financing operating budget had a cash balance of \$309,234, with an additional \$256,000 projected incremental property taxes to be collected in 2010 and an additional \$12,000 in interest projected in 2010 for a total of \$577,234. The amount for the expenditure plan is \$602,234, with \$25,000 for other expenses set aside for aesthetic or infrastructure improvements for projects such as a boat launch at Tutty's Crossing and local match for the Jane Addams Trail or the Pecatonica Prairie Path through downtown Freeport. Items included on this list were City Lights debt, curb and gutter debt, Rawleigh Building dept, City Lights/Cheaters demolition, Hampton Inn RDA, other

MINUTES
REGULAR MEETING
Monday, April 5, 2010

professional services, Freeport Downtown Development Foundation (FDDF) in the amount of \$25,000, Northwest Illinois Development Alliance (NIDA) in the amount of \$10,000, Façade Improvement grants (including \$20,575 in 2009 grants awarded but not yet paid), sidewalk and vault grants, building repairs and demolition, Rawleigh Redevelopment Expenses, Rawleigh Corridor Brownfields Clean-up expenses (this is 3/5 of the matching funds required for the Rawleigh Brownfields cleanup grant), aesthetic/infrastructure improvements, and 2011 debt service and other operating services due payable prior to tax revenue receipts in July 2011.

Alderman Endress moved for approval of the resolution, seconded by Alderman O'Neill. A roll call vote as taken to approve the resolution.

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

Nays: None

Resolution 2010-21 was adopted.

RESOLUTION #R-2010-22:

Resolution to Approve a Tax Increment Financing District Fund Expenditure Plan – Lamm Road Business Park

Community Development Director Shelly Griswold presented the resolution for the tax increment financing district for Lamm Road Business Park which states that on January 1, 2010 there was a \$679,623 cash balance in the TIF District special allocation fund, with an additional \$651,624 projected incremental property taxes collected and an additional \$25,000 in interest income projected, for a total of \$1,356,247 in TIF funds projected for 2010. The items listed to receive funds included; Lakeview Holdings RDA in accordance with the redevelopment agreement, payments to Menard, Inc. and Wal-Mart Stores Real Estate Business Trust in accordance with the redevelopment agreement, infrastructure repairs and improvements, professional services, \$60,000 budgeted for Northwest Illinois Development Alliance (NIDA), and an amount of \$308,263 declared as surplus and redistributed to the other taxing bodies levying taxes on property within the Lamm Road TIF District. The total expenditures shown on the table were an operating budget of \$1,397,371 with \$25,000 in infrastructure repairs and improvements for an expenditure plan for 2010 in the amount of \$1,422,371. Director Griswold stated that in 2007, 2008, and 2009 there have not been payments made on the notes for Menards or Wal-Mart. Discussion was held regarding whether they have met the requirements of the redevelopment agreement in terms of Stormwater management and drainage. The issues meet the requirements on the Plat. The City has no remaining issues with Menards. Denise Ihrig, Project Manager for the Water & Sewer Department stated the detention ponds and basins are subject to annual inspections and this does not stop the process of reviewing them. Ms. Ihrig stated she had signed off on items for the tax increment financing (TIF). Alderman O'Neill moved for approval of the resolution, seconded by Alderman Endress. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-22 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

MINUTES
REGULAR MEETING
Monday, April 5, 2010

Community Development

Community Development Director Shelly Griswold provided two handouts showing the history of council items and the funds committed to the Pecatonica Prairie Path and the Jane Addams Trail and she publically reviewed the items for council. In February 2009, \$350,000 was appropriated from the Motor Fuel Tax funds for construction and engineering costs and this will be used to bring the path from Tutty's Crossing to where it crossing IL Route 26. There will be a bid letting to do the work along the location of the Countryside Furniture with the local portion being \$40,000 which is down from the expected amount. This will be brought to council the first meeting in May.

Finance

Finance Director Craig Joesten requested for authority to extend the contract with the outside CPA Auditing firm of the City's financial records contract with Lindgren, Callihan and VanOsdol for another three years with a two year option without going out for request for bids from other firms. Director Joesten stated his reasons were because of the confidence level the firm has gained over the years with the City, all auditing firms follow the same rules, other licensed State of Illinois RFP firms are less desirable, and the past experience with other auditing firms caused major frustrations for accountant Duane Price. There is not increase in the cost for this year; in the second year the amount will be increased by \$900 and the third year it will increase by \$600. Mayor George Gaulrapp provided a disclaimer that his daughter works for the firm of Lindgren, Callihan and VanOsdol and she is not involved in the auditing of the City financial records.

Alderman Helms moved to approve the authority of the Finance Department to extend the financial auditing firm contract with Lindgren, Callihan and VanOsdol, seconded by Alderman Endress. The motion was approved by roll call vote.

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

Nays: None

Public Works

Public Works Director Tom Dole spoke about the Fixed Base Operator (FBO) Incentive Bonus for the Albertus Airport. There is an obvious difference in the numbers provided by the FBO, Mr. Darrell Janssen and the number of airplanes based on information available to the City. In the Airport Commission meeting held on February 23, 2010, Director Dole requested the FBO verify any additional aircraft based in our hangars above the number tallied by Director Dole, the difference being 54 airplanes to 90 airplanes shown on the request by the FBO. The City shows rent payments received from the time frame of August 2008 and August 2009; assuming one plane for each hangar, that would be 54 hangars rented, five hangars occupied by Freeport Flight Center in which no rent is received, six vacant hangars, and no corporate aircraft indicated. During the insurance inspection, it was found that there are many stored items other than aircraft in the hangars. Brian Welker of CMT informed the Airport Commission that because of Federal funding at Albertus Airport that only aircraft are to be housed in the hangars. Director Dole recommended that until this number of airplanes in hangars is reconciled, the city pay Mr. Janssen, the \$2,500 incentive bonus based on 54 airplanes.

Fire

Fire Chief Kevin Countryman stated there are openings for the Fire Academy that will be held on Wednesday evenings and interested people should contact his office at 815-235-8217.

MINUTES
REGULAR MEETING
Monday, April 5, 2010

MAYOR'S REPORT

Mayor George Gaulrapp wished Willie Veasley and the Butler University basketball team good luck in this evening's championship game of the NCAA. Mayor Gaulrapp spoke about the percentage decrease in the compensation he will be earning by returning up to 10% depending on what the budget does back to the city. The City revenues are well below projection. It is his fiscal duty to share the pain. The AFSCME union employees all received a letter regarding certain layoffs that will be taking place. The City is also looking at wage cuts of non-bargaining employees that includes closing City Hall on certain Fridays or cutting the hours it is open to serve the public. The citizens will notice a reduction in services throughout the City.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderman Helms spoke to council regarding their wages for the upcoming fiscal year in support of returning up of gross wages.

PUBLIC COMMENTS

Agenda or Non-Agenda Items (limited to 3 minutes per person)

- John Staben, 1070 N. Canyon Drive, spoke about his disappointment in the council for layover of the airport hangar leases.
- John Mitchell, 2478 Shepard Drive, Freeport, Illinois, stated that his is disappointed the airport lease was not voted upon this evening. The additional insurance can be broken down to \$1,000 per year or \$81.00 per month or an increase of \$1.33 per hangar.
- Jim Gastel, 3519 S. Baileyville Road, spoke in regard to the indemnity issues and his opinion of the airport leases and the tort immunity granted to municipalities of which he feels there are several layers of protection already.
- Tim Mickel, 2769 Scioto Mills Road, spoke in favor of the City being pro-business and the City needs to get past the airport hangar lease issues in order to be pro-business.
- Betty Mickel, 2769 Scioto Mills Road, spoke about vacancy rate of the hangars and in support of Darrell Janssen as the Fixed Base Operator of the Albertus Airport.
- Jack Hooker, 30 E. Jefferson Street, spoke out against council laying over the resolution for the airport lease.
- Tom Teich, 669 E. Jefferson Street, Freeport, Illinois, asked the building across the street from Provena inquiring if there is a new business in that building.

EXECUTIVE SESSION (CLOSED SESSION)

At 8:15 pm, an Executive Session was requested for the following reason being read into the record;

- Pursuant to 5 ILCS 120 (c) (2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.
- Pursuant to 5 ILCS 120 (c) (21) - Discussion of minutes lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06

MINUTES
REGULAR MEETING
Monday, April 5, 2010

Alderman Endress moved to enter executive session, seconded by Alderman O'Neill. A roll call vote was taken to approve the motion.

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

Nays: None

At 8:30 pm, the city council return to council chambers. Alderman Endress moved to return from executive session, seconded by Alderman Helms. A roll call vote was taken to approve the motion.

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

Nays: None

ACTION ON ITEMS ARISING OUT OF EXECUTIVE SESSION-
Minutes and Tapes semi-annual review

The City Council conducted their semi-annual review of the minutes of executive (closed) session minutes and tapes as mandated by the Open Meetings Act. Alderman Corbin moved that minutes of the executive session for the dates stated as follows be approved. These same minutes and their tapes should remain closed for the corresponding reasons:

July 20, 2009 - collective bargaining strategy

August 3, 2009 – collective bargaining strategy, litigation strategy and security reasons

September 8, 2009 – litigation strategy

October 5, 2009 – real estate strategy

November 2, 2009 – litigation strategy

December 7, 2009 – real estate strategy

December 21, 2009 – real estate and litigation strategy

January 4, 2010 – real estate and litigation strategy

January 19, 2010 – real estate and litigation strategy

Alderman Corbin continued his motion to include recommending authorization of the destruction of the verbatim recordings of the following closed sessions; all of which are over eighteen months old and the written minutes of these closed sessions have been previously approved by this City Council; January 22, 2008, February 4, 2008, February 19, 2008, March 3, 2008, March 17, 2008, May 5, 2008, July 7, 2008, July 21, 2008, and August 4, 2008.”

This motion was seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

Nays: None

There being no further business, the meeting was adjourned at 8:32 pm.

s/ Meg Zuravel

Meg Zuravel, City Clerk