



City Council

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

MINUTES REGULAR MEETING Tuesday, September 7, 2010

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order by Mayor George Gaulrapp with a quorum being present at 6:00 pm on Tuesday, September 7, 2010, in Council Chambers.

ROLL CALL

Present on roll call were Mayor George Gaulrapp and council members Klemm, Bush, Endress, O'Neill, Boldt, Helms, DeVine and Corbin (8). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderman Bush.

APPROVAL OF AGENDA

Alderman Endress moved to approve the agenda. The minutes for the special meeting held on September 1, 2010 were asked to be removed from the agenda. Alderman O'Neill seconded the agenda as amended. Motion passed by voice vote without dissent.

APPROVAL OF MINUTES

Alderman Endress moved to approve the minutes of the regular meeting held on August 16, 2010, seconded by Alderman O'Neill. Motion passed by voice vote without dissent.

PRESENTATIONS

Mayor George Gaulrapp presented the Denny Garkey Outstanding Citizen Leadership Award to Terry Groves and Steve Holbert members of the Emergency Management Team of Stephenson County, Fire Chief Kevin Countryman, Chief of Police Jerry Whitmore and Public Works Director Tom Dole. Mayor Gaulrapp complimented these recipients for their quick response and dedication to their jobs during the disastrous flood in July. He also thanked the department employees of the fire, police and public works for their efforts and dedication during the flood on July 22, 23 and 24, 2010 affecting over 1,200 residents in Freeport.

A presentation was given by the Freeport Fire Department to honor Dalton Borman for his attention to alert the authorities about a neighbor's fire which allowed them to rescue a woman who was unaware of the fire in the second floor of her house.

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PUBLIC COMMENTS - AGENDA ITEMS

City Council members granted leave to hear public comments on non-agenda items. Steve Carroll, 811 S. Oak, Freeport IL spoke about his satisfaction with the job performed by the City Nuisance Inspector, Kevin Krahmer. He complimented him on helping to keep the neighborhoods clean, safe and quiet. He recommended to that council members ride with the Nuisance Inspector.

CONSENT AGENDA

The following Consent Agenda items were presented:

- A. Approval to Receive and Place on File:
 - 1) Water and Sewer Commission Report on Activities dated August 25, 2010
 - 2) Freeport Fire Department Report on Activities July 2010
- B. Approval of Water and Sewer Bills Payable (#440, 442, 443 and 445) ---- \$249,759.69
- C. Approval of Payroll for pay period ending August 28, 2010 ---- \$394,232.50
- D. Approval of Finance Department Bills Payable (#439, 441, 444, 446) ---- \$347,019.89

Alderman Endress moved to approve the consent agenda items as presented, seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

Nays: None

The consent agenda items were approved.

ORDINANCES – FOURTH READING

4TH READING OF ORDINANCE 2010-43:

Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois – Type of Relief: Zoning Variance to allow an accessory building 18 ½ feet in height in an R7 (General Residence District) Zoning Classification; Owner or Applicant: Donald R. Veer; Property Located at 440 West Douglas Street, Freeport, IL

Mayor Gaulrapp stated the first reading of this ordinance was held on July 19, 2010. A motion to adopt was given by Alderman Corbin, seconded by Alderman Endress. The second reading was held on August 2, 2010 and the third reading was held on August 16, 2010. Upon the third reading, it was approved by roll call vote to layover the ordinance to the tonight's meeting.

Upon the fourth reading, discussion was held regarding the hearing, the application for this property and the ordinance in place for accessory buildings maximum height which is 15 feet. The accessory building at 440 West Douglas has already been built at 18 ½ feet by Elite Construction and is not within the requirements of the ordinance. Community Development Director Shelly Griswold stated that if this ordinance is denied, the applicant will be allowed a certain amount of time to bring the building back down to code. Photos of the property were sent around to council for viewing. Discussion was held as to whether this building fits in with the neighborhood and is an improvement to the property.

Alderman Helms moved to send Ordinance 2010-43 back to the commission with the intent that they look at the ordinance and apply that language to this, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays: None

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3RD READING OF ORDINANCE 2010-46:

An Ordinance Amending Chapter 480, Section 480.11 (Prohibited Parking Streets) of the Codified Ordinances of the City of Freeport - Elk Street

The first reading of this ordinance was held on August 2, 2010. A motion to adopt was given by Alderman Helms, seconded by Alderman Endress. The second reading was held on August 16, 2010 and it was automatically laid over to tonight's meeting. Discussion was held regarding a request by Alderman Helms for Public Works Director Tom Dole to look at parking on the corner of Highland Avenue and west side of Park Boulevard looking north. Director Dole stated that he was able to analyze the area and suggests moving the parking restriction to 60 feet from the corner. Corporation Counsel Sarah Griffin stated a separate ordinance could be drafted for the next meeting upon the request of Alderman Helms, but for tonight this ordinance is on a third reading for Elk Street parking. Upon no further discussion, a roll call vote was taken to approve the ordinance.

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

Nays: None

Ordinance 2010-46 was adopted.

PRESENTATION

Mayor George Gaulrapp introduced representative from FEMA, John LaPine. Mr. LaPine and Robert Hossman introduced the support team working at the Disaster Assistance Recovery Center that was opened on August 26, 2010 and located at the Stephenson County Highway Administration building on Lamm Road. There was a five county area affected by the flood, totaling \$108 million in assistance and low interest loans. There have been 1,200 applications received from this five-county area. On August 19, 2010, President Obama issued a major disaster declaration for the State of Illinois, triggering the release of Federal funds to help communities recover from the severe storms and flooding which occurred July 22 to August 7, 2010. FEMA reviews applications on a case by case basis and there have been some applicants that have been denied based on previous assistance. People who register with the county or the city still need to contact FEMA and apply through that agency.

ORDINANCES - SECOND READING

2ND READING OF ORDINANCE 2010-47:

An Ordinance to Approve the Editing and Inclusion of Certain Ordinances as Parts of the Various Component Codes of the Codified Ordinances of the City of Freeport, Illinois – (February 16, 2010 through July 6, 2010)

The first reading of this ordinance was held on August 16, 2010. A motion to adopt was given by Alderman Helms, 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.

ORDINANCES - FIRST READING

(There are no items for first reading this evening)

RESOLUTIONS

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RESOLUTION # R-2010-61:

Resolution to Approve an Intergovernmental Transfer of 1984 Tandem Dump Truck to Lena Community Park District

Public Works Director Tom Dole presented the resolution stating that it has been recommended that council approve the declaration that a 1984 tandem dump truck is obsolete and excess equipment. The truck is beyond repair no cost and the value of the truck is estimated at zero. This resolution authorizes the intergovernmental transfer of title at no cost to the Lena Community Park District. Alderman Klemm moved to provide Lena Park District with the 1984 Tandem Dump Truck, seconded by Alderman Endress. A roll call vote was taken to adopt the resolution.

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

Nays: None

Resolution #R-2010-61 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Public Works

Request for Approval of Bid for Resurfacing of Pleasant Street

Public Works Director Tom Dole presented the documents contained in council packets for bids that were opened on Tuesday, August 24, 2010 for 2010 MFT Maintenance for resurfacing on Pleasant Street from Chicago to Galena Avenue. Only one responsive bid was opened from Civil Constructors, Inc. of Freeport for \$54,625. The bid was 12% above the estimate, the engineer recommended approval based on it being the only one received and the lateness in the year to complete the project. Alderman Bush asked if this was the stretch of Pleasant Street that has been known to sink and it was answered that it was.

Alderman Bush moved to approve the bid in the amount of \$54,625 by Civil Constructors, Inc., seconded by Alderman Endress. The motion was approved by roll call vote.

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

Nays: None

Albertus Airport Tenant Lease

Public Works Director Tom Dole reviewed an updated spreadsheet of Albertus Airport tenant leases. The report showed the status of the leases and the amount of rent payments by the hangar tenants. Director Dole reported that there had been great progress in the lease signing by the tenants. There are only 7-8 outstanding and they are working on these wrap up the signing. Discussion was held regarding the progress that has been made in the signing of the airport leases.

Airport Commissioner Marg Blum was asked address council. Marg Blum provided an overview of accomplishing the lease signing. She stated it has been a joint effort between City Hall, the Pilot's Association and the Commission and many issues were addressed. The new leases have been approved by the council. This has been a tough year for the airport, and Ms. Blum stated now the Airport Commission is ready to move on and rebuild the number of tenants at the airport.

Discussion was held regarding the FBO incentive bonus. Ms. Blum stated that last year's bonus is out of the hands of the commission and in the hands of the City. Public Works Director Tom Dole stated last year's bonus is based on affidavits from the pilot. With the new record keeping that has been required of the FBO, the numbers will be easier to determine for this year's bonus

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Alderman Corbin commended the mayor and the parties at the airport for moving forward with the leases.

There was leave of council to have John Staben address the council. Mr. Staben a hangar tenant reviewed the progress that has been made in the hangar lease signing. Mr. Staben provided a photo of a hangar rented by Jack Hooker that had a soffit needing repair for the last year. Discussion was held regarding the maintenance of the hangar soffit. Corporation Counsel Sarah Griffin stated this as part the fixed base operator's agreement with the City, it is his responsibility to oversee the repairs that to the hangars and doors.

Public Works Director Tom Dole stated his street department staffing is back after the layoffs and have been working on lists of projects for trees, street sweeping, cemetery upkeep and grass mowing.

Community Development

Community Development Specialist Salary

Community Development Director Shelly Griswold introduced Errol Newark as the new Community Development Grants Coordinator explaining his background in housing grants in Savannah, Macon and Atlanta Georgia. Director Griswold stated the position of Community Development Specialist changed in job description and duties to Community Development Grants Coordinator. Community Development Director Shelly Griswold stated in the documents presented to council and that she had called each council member to explain that Mr. Newark's salary is just under the three year salary level for his labor grade 20 at \$52,000. Many of the people interviewed for the position were looking for a salary of \$65,000. Discussion was held regarding the funding source for this position is received through housing grant and last year grants received paid for \$80,122.10 in staff costs.

Discussion was held regarding the policies in place or training for the Human Resources Manager to oversee the salary schedule and appropriate mechanism in place. Mayor George Gaulrapp stated that he takes the blame for this as the administrator of the City.

Alderman Bush moved to approve the hiring of Errol Newark, seconded by Alderman Klemm. The motion was approved by roll call vote.

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

Nays: None

Community Development Director Shelly Griswold provided an update on the Planning Commission meeting scheduled on September 9 which has a public hearing for re-zoning of Fox Hollow.

Discussion was held regarding the Stephenson County Flood Mitigation plan because it was put into place and passed in the spring there are post-disaster dollars that can be applied. There are flood mitigation options that Community Development Director Shelly Griswold will be looking into based on the Stephenson County Flood Mitigation Plan.

Finance

Finance Director Craig Joesten was present at the meeting and had no information at this time.

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City Engineer

City Engineer Denise Ihrig was present and had no report this evening.

Water and Sewer

Finance Director Craig Joesten reviewed the background and requested approval of Cottonwood Grant modification which will be a redirection of Grant to Tutty's Crossing Sanitary Sewer. The City of Freeport received approval on the recent application for grant modification on part of the Cottonwood Project. The intent is to negotiate a change order with Civil Constructors, Inc. as the Water and Sewer Commission has already entered into a contract with Civil on the original scope of the Cottonwood Projects. The Commission's intent is to complete one third of the total project before the end of this year. This includes installation of sanitary sewer from Main Street north along Liberty across Stephenson Street to Liberty and Exchange. The remainder of the project to Linden will be bid as an underground project and paving project separately in fiscal year 2012. This modification is due to a catastrophic collapse of a sanitary sewer in Tutty's Crossing. A written document was provided in the council packet explaining the grant modification, four reasons why this is necessary and the proposed route. Director Joesten asked the council to take the second grant that the Water & Sewer department had for work on the Cottonwood area and transfer that grant to the Tutty Park area. This plan has been approved by DCEO. The entire project from beginning to end from Linden to Tutty Crossing is in the million dollar range. The Water and Sewer Commission does not have sufficient funding. Civil Constructors has been negotiated for the area of Groelings down to Car Plus and they have given a quote of \$410,913.90 lump sum contract. It is asked for this to be considered as a no bid to Civil Constructors. There is already work being done in this area for the Stephenson Street – Streetscape project. The sewer has to go under this area. Asphalt plants close November 23 and we have about 5-6 working weeks to complete this project, so we don't have time to bid it out. There is a possible collapse if this project is delayed. The engineer's estimate on this project is an amount of \$391,000. The differential between the engineer's estimate and the bid from the contractor is due to the cost of asphalt, \$93.00 per ton versus \$60 per ton. Finance Director Craig Joesten asked the council to approve the award of this contract and cancelling of the other contract in the Cottonwood area and enable us to move forward with the installation of this segment of sanitary sewer that will help us deal with any problems that will arise in Tutty's Crossing. Discussion was held regarding the cost of the projects. There will be incidental lining done in order to bring the cost up to \$470,000 to match the grant. This delays the Cottonwood project until sometime next year and depending on costs. Discussion was held regarding the flooding problem in the Linden area and at the Stephenson County Health Department. City Engineer Denise Ihrig stated that the storm sewer installation that was put in a Chicago and Clark was for the twenty-five year frequency event, it will not alleviate all storm water flooding at the intersection at the Health Department. The Health Department Director is aware of that and is understanding of this. The remainder of the project remains a high priority, however you have to review what happened and the catastrophic nature of this event and DCEO agrees with this. The Health Department in the most recent event did experience flow coming in but not in the same flow or duration as in the past. The storm sewer that was installed on Chicago intersection filled the road and a large pipe could not have been installed.

Alderman Corbin moved to approve the request by Finance Director Craig Joesten for the Cottonwood Grant Modification – Redirection of Grant to Tutty's Crossing Sanitary Sewer, seconded by Alderman O'Neill. The motion was approved by roll call vote.

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

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Nays: Klemm (1)
Motion passed by a vote of 7-1.

Fire

Fire Chief Kevin Countryman provided an update on Fire Station #3 asked for input from the council as to the resolution of repairs. Chief Countryman stated to date, we have received \$39,000 in insurance for flood damage to the fire station and equipment. To date they have spent about \$19,000, of which \$16,000 for clean-up Company and \$3,000 for furniture, electrical updates and appliances to make it a functional fire station. It is hopeful that the City will receive a Public Assistance Declaration from the Governor and the President. Any costs that insurance doesn't cover may then be covered by FEMA. There is a \$25,000 insurance deductible through the Illinois Municipal League for this event. Mayor George Gaulrapp asked the council to make an appointment to do a walk through at the Fire Station. Currently the Fire Department does not have a classroom, continuing education facility or training facility. The council requested a detailed listing of repairs and expenses. A reminder was given for a blood drive on Saturday.

Police Department

Chief of Police Jerry Whitmore spoke about a meeting about issues in the City and a program that came out of it called, "Pastors on Patrol." The religious leaders are teaming with the Police Department to go out and talk to kids about their behavior before it becomes a matter for law enforcement or courts. There are ten core members and they have also met with the school district. This program is moving forward. Alderman Bush added that members are also walking the streets and Saturday evenings talking to the kids and this is a way for people to get involved. Chief of Police Jerry Whitmore provided an update on "Do the Right Thing."

MAYOR'S REPORT

Mayor Gaulrapp reported on and welcomed the new principal at Freeport High School, Mr. Patrick Hardy. A remembrance Mass for firefighters and police officers who lost their lives on September 11, 2001 will be held on Shannon.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderman O'Neill spoke about surgery she will be having to replace her knee so she will not be at the next meeting and she voice her support of the Fire Station. Alderman Helms asked about the spreadsheet for the Freeport Raceway Park sound study and Community Development Director Shelly Griswold will email that to him. Alderman Helms requested an update on the mechanical bar screen at the Water and Sewer plant. City Engineer Denise Ihrig state that at the last W & S meeting a proposal was presented to do the repairs. The screen can be repaired. The replacement value was estimated at \$300,000 and the commission approved the repair cost of \$180,000.

PUBLIC COMMENTS

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

- Tom Teich asked about the repairs being done at the Save-A-Lot.
- Mike Lehman, Lena, IL spoke as a hangar tenant and addressed how the airport moves forward from this point. He said that it requires expertise in airport management that the public does not

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know anything about. Moving forward, communication with and assistance is needed with the experts (the experts being the Airport Commission and the airport manager) doing their job.

- Jack Hooker, 30 E. Jefferson, Freeport IL, stated the reason the soffit was installed on his hangar due to the snow coming down and damaging the door or not being able to close the door. This was installed in the 1990's.
- John Staben, 1070 Canyon Drive, Freeport, IL stated thanks to the mayor and tenants for the exchange that was made. Also he thanked the Community Development Assistant for her help in moving forward on the leases. He stated there are still angry people at the airport. Mr. Staben spoke about the Young Eagle Rally to be held this weekend.
- Terry Brashaw spoke as the Union President of the Fire Union and his support of repairing Fire Station #3 due to the response time of the Lamm Road corridor.

EXECUTIVE SESSION (CLOSED SESSION)

The following was read into the record by the City Clerk as to the exceptions for the Executive Session:

- Pursuant to 5 ILCS 120 (c) (5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired; and
- Pursuant to 5 ILCS 120 (c) (21) Discussion of minutes lawfully closed under this act, whether for purposes of approval by the body of minutes or semi-annual review of the minutes as mandated by Section 2.06.

At 7:39 pm, Alderman Endress moved to enter executive (closed) session, seconded by Alderman Helms. The motion was approved by roll call vote.

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

Nays: None

At 8:05 pm, Alderman Klemm moved to return from executive (closed) session, seconded by Alderman Endress. The motion was approved by roll call vote.

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

Nays: None

ACTION ON EXECUTIVE SESSION (CLOSED SESSION)
MINUTES AND TAPES - SEMI ANNUAL REVIEW

Alderman O'Neill motioned to approve the following minutes; April 5, 2010, April 19, 2010, May 3, 2010, May 17, 2010, June 21, 2010, July 6, 2010, July 19, 2010, August 2, 2010, August 16, 2010 and September 1, 2010. This motion was seconded by Alderman Endress. A roll call vote was taken to approve the motion.

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

Nays: None

Alderman Corbin made a motion to make a determination that the need for confidentiality still exists in relation to the following minutes or portions of minutes for the stated reasons;

- April 5, 2010 subject matter #1 only due to collective bargaining strategy
- April 19, 2010 for collective bargaining strategy,
- May 3, 2010 for collective bargaining strategy,
- May 17, 2010 for collective bargaining strategy,

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- June 21, 2010 for collective bargaining and real estate acquisition strategies,
- July 6, 2010 for collective bargaining strategy,
- July 19, 2010 for litigation and collective bargaining strategies,
- August 2, 2010 for litigation and collective bargaining strategies,
- August 16, 2010 subject matter #1 and #2 only for collective bargaining and real estate acquisition strategies, and
- September 1, 2010 subject matter #2 only for collective bargaining strategy.

This motion was seconded by Alderman Endress. A roll call vote was taken to approve the motion.

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

Nays: None

Alderman Corbin made a motion that confidential treatment is no longer required for the following portions of minutes and that such portions should be made available for public inspection;

- April 5, 2010 – Subject Matter #2 only
- August 16, 2010 – Subject Matter #3 only
- September 1, 2010 – Subject Matter #1 only

This motion was seconded by Alderman O'Neill. A roll call vote was taken to approve the motion.

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

Nays: None

Alderman Corbin made a motion to make the determination that certain portions of verbatim recordings no longer require confidential treatment and that such portions should be made available for public inspection;

- August 16, 2010 subject matter #3 only
- September 1, 2010 subject matter #1 only.

This motion was seconded by Alderman Endress. A roll call vote was taken to approve the motion.

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

Nays: None

Alderman Corbin motioned to authorize 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; October 6, 2008, November 17, 2008, December 1, 2008, December 15, 2008, January 5, 2009, January 26, 2009, February 17, 2009 and March 2, 2009. This motion was seconded by Alderman Endress. A roll call vote was taken to approve the motion.

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

Nays: None

There being no further business, the meeting was adjourned at 8:10 pm.

s/ Meg Zuravel

Meg Zuravel, City Clerk