



City Council

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

MINUTES REGULAR MEETING Monday, October 18, 2010

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order by City Clerk Meg Zuravel with a quorum being present at 6:00 pm on Monday, October 18, 2010, in Council Chambers.

ROLL CALL

Present on roll call were city council members Scott Helms, Jennie DeVine, Randy Corbin, Tom Klemm, Ronnie Bush, Dennis Endress and Shawn Boldt (7). Alderperson Linda O'Neill and Mayor George Gaulrapp were absent. Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Helms.

NOMINATION AND APPROVAL OF MAYOR PRO TEM

Alderperson Klemm moved to nominate Alderperson Bush as Mayor Pro Tem for this evening's meeting, seconded by Alderperson Endress. The motion was approved by roll call vote.

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

Nays: None

Alderperson Bush moved to the front of council chambers and took a seat in the Mayor's chair.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Alderperson Corbin moved to approve the minutes of the regular meeting held on October 4, 2010, seconded by Alderperson DeVine. A correction was noted on page 5, under the Fire Department Reports that "flood" insurance was obtained, not "fire" insurance. The correction was noted by the City Clerk. Alderperson Corbin and Alderperson DeVine amended their motion to include the correction to the minutes. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

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

CONSENT AGENDA

The following Consent Agenda items were presented:

- A. Approval to Receive and Place on File:

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- 1) City Treasurer's Monthly Investment Report for period ended August 31, 2010
 - 2) City Treasurer's Report of Cash and Fund Balances for period ended August 31, 2010
 - 3) Police Department Report on Activities September 2010
 - 4) Fire Department Report on Activities September 2010
 - 5) Community Development Report including Cash and Misc. Receipts; Building Permits; and Electrical, HVAC, Plumbing, and Sign Permits for period ended September 2010
- B. Approval of Water and Sewer Bills Payable (Registers #459 and 463) --- \$214,027.99
- C. Approval of Payroll for pay period ending September 25, 2010 --- \$404,950.76
- D. Approval of Finance Department Bills Payable (Registers #458, 460, 461, 462) -- \$362,741.02

Aldersperson Endress moved to approve the items on the consent agenda items, seconded by Aldersperson Klemm. Motion prevailed by roll call vote of:

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

Nays: None

The Consent Agenda items were approved.

EXECUTIVE SESSION (CLOSED SESSION)

The following was read into the record by the City Clerk, "An Executive Session will be held pursuant to the Illinois Open Meetings Act, 5 ILCS 120 (c) (11) Litigation, when an action against, affecting or on behalf of public body has been filed and is pending before a court."

Aldersperson Helms made a motion to enter executive (closed) session, seconded by Aldersperson Endress. Motion prevailed by roll call vote of:

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

Nays: None

The meeting went into closed session at 6:07 pm.

At 6:31 pm, Aldersperson Endress made a motion to return from executive (closed) session, seconded by Aldersperson Klemm. Motion prevailed by roll call vote of:

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

Nays: None

ORDINANCES

5TH 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 a R7 (General Residence District) Zoning Classification; Owner of Applicant: Donald R. Veer; Property Located at 440 West Douglas Street Freeport, IL

City Clerk Meg Zuravel read the following into the record. "The first reading of this ordinance was held on July 19, 2010. A motion to adopt was given by Aldersperson Corbin, seconded by Aldersperson Endress. At subsequent meetings the second and third readings were held. Upon the fourth reading held on September 7, 2010, the City Council referred this ordinance back to the Freeport Zoning Board of Appeals with a request that they apply the ordinance language to this petition. This motion took precedence over the motion for approval. On October 7, 2010, the Board of Zoning Appeals voted by majority vote to take no action."

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5TH READING OF ORDINANCE 2010-43 (cont):

Community Development Director Shelly Griswold stated that a public hearing was held last Thursday, October 7, 2010, for this ordinance after it was sent back by City Council for more information. Director Griswold stated she said in the hearing that the City Council was looking for information on what specifically on the petition that led the Zoning Board had to make a positive recommendation for this application. At the public hearing the Board of Zoning Appeals voted to not take any further action. Director Griswold stated she tried to get additional information from them on what information on the petition led them to come to the conclusion that it should be approved.

Community Development Director Shelly Griswold provided council members with language from the City Code for 1242.06, Variances. She explained that the codified ordinances states that there should be some type of unique situation or circumstance which wouldn't apply to other properties within a zoning district which would lead you to believe that this should be approved. Director Griswold stated that she reviewed this information with the Board of Zoning Appeals and they were not able to make any findings of fact that showed anything to fit into these categories.

Director Griswold stated that the last time this came before the City Council there were findings of fact attached to the ordinance that were incorrectly stated through her oversight. Director Griswold stated that the only finding of fact that was found by the Board of Zoning Appeals from the first meeting was that "the garage was improved and looked better than it did before." Director Griswold stated she has since corrected wording on ordinance as presented this evening with this statement and no other statement of fact. The Board of Zoning Appeals decided unanimously to take no further action at their meeting held on October 7, 2010.

Discussion was held by the City Council regarding the building code which states that an accessory building should not be over fifteen feet high. Corporation Counsel Sarah Griffin stated that there is a standing motion on the floor from the July 19, 2010, meeting and the council will need to vote on the initial motion. The motion was to approve the Ordinance 2010-43.

Community Development Director Shelly Griswold stated there needs to be more specific wording in the codified ordinance regarding variances; in order to grant a variance it will need to be A and B and C. There has to be evidence as proven and findings made that all three of those requirements are satisfied before a variance can be approved. Discussion was held regarding this particular garage as being already built and completed without the variance. If this variance request would have come to the council and the building was not built already, then it would not be an issue.

A roll call vote was taken for the motion on the floor for approval of Ordinance 2010-43.

Yeas: DeVine (1)

Nays: Helms, Corbin, Klemm, Bush, Endress, and Boldt (6)

Motion failed by a vote of 1 to 6.

Corporation Counsel Sarah Griffin stated for clarification purposes, the City Council will need a negative vote for this to actually fail otherwise it is automatically approved in sixty days.

Aldersperson Corbin moved to deny the Ordinance 2010-43, seconded by Aldersperson Klemm.

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Motion prevailed to deny Ordinance 2010-43 by a roll call vote of:

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

Nays: DeVine (1)

Discussion was held regarding the process since this garage was built prior to a variance. Community Development Director Shelly Griswold stated that the owner will be provided a time period to come within compliance and since it is the end of the construction season, she will give them until May 2011 to take it down to fifteen feet. She stated this time period will be more than fair to take care of it.

3RD READING OF ORDINANCE 2010-48:

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

The first reading of this ordinance was held on September 20, 2010. A motion to adopt was given by Alderperson Helms, seconded by Alderperson Klemm. The second reading was held on October 4, 2010 and it was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken to approve the ordinance.

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

Nays: None

Ordinance 2010-48 was adopted.

Alderperson Helms requested that when Public Works Director Tom Dole oversees the painting for the north side, that he also repaint curb on south side designating no parking the distance from intersection.

ORDINANCES – FIRST AND SECOND READINGS

(There are no items for first and second reading this evening)

RESOLUTIONS

RESOLUTION #R-2010-72:

Resolution to Approve Grant Agreement with Illinois Department of Transportation for Sustained Traffic Enforcement Program (STEP)

Chief of Police Jerry Whitmore presented the resolution by stating that this allows the Police Department to enter into a grant agreement with the Illinois Department of Transportation for the Sustained Traffic Enforcement Program (STEP). This grant would allow for reimbursement of \$22,382.92 of the City's overtime payroll costs for a fall and winter enforcement for impaired driver and seatbelts from October 1 to September 30, 2011. Alderperson Klemm moved for approval of the resolution, seconded by Alderperson Endress. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-72 was adopted.

RESOLUTION #R-2010-73:

Resolution to Authorize Obtaining a Permit from the Illinois Department of Transportation of the State of Illinois for Sanitary Sewer Improvements

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City Engineer Denise Ihrig presented the resolution by stating that it authorizes obtaining a permit from the Illinois Department of Transportation (IDOT) for installation of a sanitary sewer improvement by the Water and Sewer Commission in the IDOT right-of-way. The sanitary sewer improvements will be installed along Liberty across Stephenson up to Exchange. The work is currently being done and they are at Main Street and Liberty. The City of Freeport will perform the work and assure the maintenance of it. Alderperson Klemm motioned to move forward the resolution, seconded by Alderperson Endress. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-73 was adopted.

RESOLUTION #R-2010-74:

Resolution for the Agreement Between the City Of Freeport and Campbell Delong Resources, Inc. for the Use And Reproduction Of Landlord Training Program Materials

Community Development Director Shelly Griswold presented the resolution by stating the Police Department and the Community Development Department wish to present training for the Freeport Area Landlords Association. The program curriculum includes crime prevention, screening of applicants, property management. This resolution authorizes the Mayor to execute documents that may be necessary to enter into a limited consent to use and reproduce the Landlord Training Materials. Director Griswold stated this agreement allows the City of Freeport to use the materials for our own use, we can not sell them for a profit, we can't allow other people to reproduce them so we need to maintain control. She continued that we can give people electronic files through a PDF on the website and if adapted then a statement must be included for the amendments. Discussion was held regarding whether training would be mandatory and the curriculum of the training. Alderperson Boldt motioned to approve the resolution, seconded by Alderperson Helms. A roll call vote was taken to approve the resolution.

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

Nays: None

Resolution 2010-74 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold stated that the bulky waste pick-up is scheduled the week of November 15, 2010. A mailer is planned to be distributed at the end of the week. The fee will be \$48.00. A public transportation and housing survey will also be mailed at the same time.

Community Development Director Shelly Griswold distributed copies of the final Comprehensive Plan adopted in April 2010 to the council and department heads. The Comprehensive Plan is also available on the website.

Finance

Finance Director Craig Joesten stated that in September 2010 a Water and Sewer Operations Manager, John Johnson retired after 39 years with the department and his replacement was recently hired.

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Public Works

Public Works Director Tom Dole stated he had no further report.

Library

Library Director Carole Dickerson stated the library will host a history series on Arcade toys at the library tomorrow evening.

Water and Sewer/City Engineer

City Engineer Denise Ihrig stated that the Water and Sewer Commission is working on a sanitary sewer project that will close the intersection of Stephenson and Liberty. Hopefully it will be open before Thanksgiving.

Fire

Fire Chief Kevin Countryman read from the written document that bids were received on October 14, 2010 and opened publicly for the purchase of firefighting hose-line, fire hose repair equipment, and miscellaneous firefighting supplies/equipment. Two bids were received. Darley Fire Equipment bid was received in the amount of \$14,175.50 and US Safety Products in the amount of \$14,207.40. Darley omitted a certification of bid form with their bid and then returned one to the Fire office when requested to do so. US Safety omitted a description of equipment bid with their quote and they returned one to the Fire office when requested to do so. Corporation Counsel Sarah Griffin was consulted about the omissions and stated it is permissible to waive these technicalities if the City Council so chooses. Fire Chief Kevin Countryman stated that if the council agrees to waive the technicalities, he would recommend approval of the lowest bid received from Darley Fire Equipment in the amount of \$14,175.50. Alderperson Boldt moved to waive the technicalities and accept his recommendation of the bid from Darley Fire Equipment in the amount of \$14,175.50, seconded by Alderperson Klemm. A roll call vote was taken to approve the motion.

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

Nays: None

Police

Chief of Police Jerry Whitmore stated he had no further report.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest.

Alderperson Helms asked for an update on American Street at the City Cemetery. Finance Director Craig Joesten stated that there was a sewer that had bowed and collapsed. The Water and Sewer Department will be replacing a catch basin box on the south side on Wednesday and by the end of the week, the curbing will be placed. American Street will be repaved once the curbing is complete and should be completed within the next two weeks. The easement for the Park District will be forthcoming as soon as it is approved by them.

Alderperson Bush congratulated the 7th and 8th grade Freeport Junior High School football teams for each winning their championship games.

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Leave pickup began today with ten loads being collected throughout the City.

Aldersperson Boldt requested an update on NICOR's exposed gas pipe on Sioux Drive. Finance Director Craig Joesten stated that Mayor George Gaulrapp had contacted NICOR and that contact will be followed up. Aldersperson Boldt expressed his concern over its needing to be repaired before hot-mix season ends.

PUBLIC COMMENTS

- Tom Teich, 653 Jefferson Street, Freeport IL, requested information on a restaurant re-opening due to the damage it received during the flood. It was stated that it should re-open in the spring.

Upon motion duly made and seconded, the meeting was adjourned at 7:07 pm.

s/ Meg Zuravel
Meg Zuravel, City Clerk