



City Council

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

MINUTES REGULAR MEETING Monday, December 20, 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 p.m. on Monday, December 20, 2010, in Council Chambers.

ROLL CALL

Present on roll call were council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, and Randy Corbin (7). Linda O'Neill and Scott Helms were absent (*Alderpersion Helms entered the meeting at 6:30 pm due to weather conditions, see page 4*). Corporation Counsel Sarah Griffin was present.

Pastor Steve Barr led the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderpersion Boldt.

APPROVAL OF AGENDA

Alderpersion Boldt motioned to delete from the department head reports the two action items for the Property Casualty Liability including the quotes and authorization of funds and to delay the ordinance readings for City of Freeport Tax Levy and Freeport Public Library Tax Levy until a time in the meeting when Alderpersion Helms is present. Mayor Gaulrapp requested to move forward the Resolution #2010-82 for Landfill Engineering due to paying an outside consultant. Alderpersion Boldt then moved for approval of the agenda, seconded by Alderpersion Corbin. Motion passed by voice vote without dissent.

APPROVAL OF MINUTES

Alderpersion Endress moved to approve the minutes of the regular meeting held on December 6, 2010, seconded by Alderpersion DeVine. Motion passed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

- Terry Brashaw, 1116 S. Stewart, Freeport, Illinois, stated he had a non-agenda item. Mayor Gaulrapp requested leave of council for Mr. Brashaw to speak on a non-agenda item and it was so granted. Mr. Brashaw spoke as president of Firefighters Local 441 stating that the union donated \$500.00 to the Salvation Army for the holiday baskets and area grocery stores were working to match the funds provided to their food pantry.
- John Pollock, 1262 W. American St., Freeport, Illinois, spoke against the property tax increase and stated that a more equitable place to increase taxes would be through the sales tax.

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CONSENT AGENDA

The following items were presented in the council packet for the Consent Agenda this evening;

A. Approval to receive and place on file:

- 1) City Treasurer's Monthly Investment Report for period ended November 30, 2010
- 2) City Treasurer's Report on Cash & Fund Balances for period ended November 30, 2010
- 3) Water and Sewer Commission Report on Activities November 1 to December 14, 2010
- 4) Police Department Report on Activities - November 2010
- 5) Fire Department Report on Activities - November 2010
- 6) Community Development Report on Activities – November 2010 including Cash and Misc. Receipts; Building Permits; Electrical, HVAC, Plumbing, and Sign permits

B. Approval of Water and Sewer Bills Payable (Registers #479, 482, 484) --- \$282,239.45

C. Approval of Payroll for pay period ending December 14, 2010 --- \$415,806.74

D. Approval of Finance Department Bills Payable (Registers #481, 483, 485, 486) ---\$571,131.83

Aldersperson Endress moved to approve the Consent Agenda items as presented, seconded by Aldersperson DeVine. Motion prevailed by roll call vote of:

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

Nays: None

The consent agenda items were approved.

APPOINTMENTS

Mayor George Gaulrapp requested approval of the appointment of Michael Meade to the Historic Preservation Commission effective immediately through February 28, 2011. Aldersperson Corbin moved to accept the appointment, seconded by Aldersperson DeVine. Motion passed by voice vote without dissent.

RESOLUTION #R-2010-82:

Resolution to Authorize an Agreement of Landfill General Engineering Between the City of Freeport and Fehr-Graham and Associates

This resolution was moved forward on the agenda due to the cost of paying an outside consultant to be present at the meeting. Community Development Director Shelly Griswold presented the resolution by stating that this authorizes Fehr-Graham & Associates to continue to oversee the engineering requirements at the landfill. This resolution authorizes that Mayor to sign the agreements with Fehr-Graham and Associates. Director Griswold read through the listing of duties the professional geologist will perform to meet the regulatory requirements including groundwater monitoring at monitoring wells at landfills #2/3, groundwater monitoring at landfill #4, leachate (landfill juice) monitoring, monitoring landfill gas, quarterly inspections, wetlands mitigation area monitoring, reporting and maintenance, corrective measures and reporting, final design of leachate recovery system for landfill #2/3, construction design and oversight, oversight leachate system cleaning, and operation permit renewal. Director Griswold stated many of these expenses incurred Fehr-Graham will be pass through as they pay laboratories for the testing and the tipping fees do not quite cover these engineering costs so the Lamm Road TIF funds will be used to cover these costs. Joel Zirkle of Fehr-Graham & Associates stated that the cost of ground water monitoring is substantial and they are hoping to reduce the number of wells that need to be monitored. These items will be billed as the services are rendered.

Aldersperson Corbin moved to place the Resolution #R-2010-82 on the floor for approval, seconded by Aldersperson Boldt. Motion prevailed by roll call vote of:

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

Nays: None

Resolution #R-2010-82 was adopted.

ORDINANCES –THIRD READING

3RD READING OF ORDINANCE #2010-52:

An Ordinance Amending Chapter 893 (Motor Fuel Tax) of the Codified Ordinances of the City of Freeport

Mayor Gaulrapp stated the first reading was held on November 15, 2010. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Klemm. The second reading was held on December 6, 2010 and it was automatically laid over to tonight's meeting. Upon the third reading held this evening, discussion was held regarding the date the money would be needed for the purchase of the vehicle and the purposes requested. Mayor Gaulrapp stated the ordinance will need five positive votes to pass. Upon no further discussion, a roll call vote was taken to approve the motion.

Yeas: Klemm, Bush, and Endress (3)

Nays: Boldt, DeVine, and Corbin (3)

Ordinance 2010-52 was denied.

3RD READING OF ORDINANCE #2010-53:

An Ordinance Amending Chapter 1242 (Administration, Enforcement and Penalty), Section 1242.01 (Building and Demolition Permits) to Amend Title of Building Code; Section 1242.06 (Variances) to Repeal and Replace the Standards for Granting Variances; Section 1242.07 (Special Permits) to Repeal and Replace the Standards for Granting Special Permits; Section 1242.09 (Standards for Granting Applications) to Repeal the Section; Section 1242.11 (Expiration of Authorization) to Delete Language Referring to the Community Development Committee; Section 1242.12 (Variations, Permits, Planned Developments and Amendments) to Amend Application and Notice Requirements

Mayor Gaulrapp stated that the first reading was held on November 15, 2010. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Corbin. The second reading was held on December 6, 2010 and it was automatically laid over to tonight's meeting. Upon this third reading, Alderperson Boldt moved to layover the ordinance until the time of the meeting that Alderperson Helms is present, seconded by Alderperson Corbin.

NOTE – the third readings of Ordinances #2010-50, Ordinance 2010-51 and Ordinance 2010- 53 were delayed to after the resolutions.

ORDINANCES –SECOND READING

2ND READING OF ORDINANCE #2011-01:

An Ordinance Amending Chapter 806 (Alcoholic Liquor Sales), Section 806.13 “Transfer of Licenses” of the Codified Ordinance of the City of Freeport

The first reading of this ordinance was held on December 6, 2010. Alderperson Klemm motioned to adopt the ordinance, seconded by Alderperson Endress. The second reading was held this evening and, upon no discussion, the ordinance was automatically laid over to the next regular meeting.

ORDINANCES –FIRST READING

1ST READING OF ORDINANCE #2010-54:

Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport Illinois – Type of Relief: Fences; Owner or Applicant – Raymond L. Alberts and Linda P. Alberts General Trusts; Property Location: 1760 Woodside Kort, Freeport, Illinois

The public hearing was held on December 9, 2010. The Board of Zoning Appeals unanimously recommended this variance to council and there were no written objectors to this variance. Therefore, the city council may take final action this evening. Community Development Director Shelly Griswold presented the ordinance by stating that there is an underground sprinkler on the property where the fence should be placed. It would cause the applicant undue hardship if the fence was not allowed to be located two feet at the property line. Upon no further discussion, Alderperson Endress moved to approve the ordinance, seconded by Alderperson Boldt. Motion prevailed by roll call vote of:

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

Nays: None

Ordinance #2010-54 was adopted.

1ST READING OF ORDINANCE #2011-02:

An Ordinance Amending Chapter 480, Section 480.01 (Parallel and Angle Parking) of the Codified Ordinances of the City of Freeport

Chief of Police Jerry Whitmore presented the ordinance stating that the current ordinance requires parking no further than 18” of the curb line. It was requested by the Freeport Downtown Development that as long as someone is parked within the confines of the white lines marking the parking space then their patron should not receive a ticket because it does not interfere with the driving lane. This ordinance amends the wording in Chapter 480, to add “within the confines of a marked parking place.” Upon no further discussion, Alderperson Boldt moved to approve the ordinance, seconded by Alderperson Klemm. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2010-81:

Resolution Authorizing Execution of 2011 Public Transportation Downstate Operating Assistance Contract Under the Provisions of the Downstate Public Transportation Act (30 ILCS 740/2-1, ET SEQ.)

Community Development Director Shelly Griswold presented the resolution by stating that this is the annual Downstate Operating Assistant Agreement requesting state money which is then matched by federal 5311 funding and local agencies including Township for the transportation program. This resolution authorizes that Mayor to sign the agreements for the grants. Alderperson Klemm moved to place the Resolution #R-2010-81 on the floor for approval, seconded by Alderperson Endress. Motion prevailed by roll call vote of:

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

Nays: None

Resolution #R-2010-81 was adopted.

At 6:30 pm, Alderperson Helms entered bringing the number of alderpersons present to seven (7).

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NOTE – Resolution R-2010-82 was moved forward this evening following the appointments.

RESOLUTION #R-2010-83:

Resolution for the Agreement Between the City of Freeport and the Illinois Department of Transportation for the Amendment of Federal Participation Funds on ITEP Grant No. 201682 Douglas Street (Sec 01-00138-00-LS) and Stephenson Street (Sec. 09-00138-01-LS) Enhancement Project

City Engineer Denise Ihrig presented the resolution stating that this is a housekeeping item to transfer the residual MFT project funds from Douglas Street to the Stephenson Street. This is the federal portion of funds remaining from Douglas and being added to the project on Stephenson Street. Alderperson Bush moved to place the Resolution #R-2010-83 on the floor for approval, seconded by Alderperson Endress. Motion prevailed by roll call vote of:

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

Nays: None

Resolution #R-2010-83 was adopted.

ORDINANCES –THIRD READING (CONT.)

3RD READING OF ORDINANCE #2010-53:

An Ordinance Amending Chapter 1242 (Administration, Enforcement and Penalty), Section 1242.01 (Building and Demolition Permits) to Amend Title of Building Code; Section 1242.06 (Variances) to Repeal and Replace the Standards for Granting Variances; Section 1242.07 (Special Permits) to Repeal and Replace the Standards for Granting Special Permits; Section 1242.09 (Standards for Granting Applications) to Repeal the Section; Section 1242.11 (Expiration of Authorization) to Delete Language Referring to the Community Development Committee; Section 1242.12 (Variations, Permits, Planned Developments and Amendments) to Amend Application and Notice Requirements

Mayor Gaulrapp stated that the first reading was held on November 15, 2010. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Corbin. The second reading was held on December 6, 2010 and it was automatically laid over to tonight's meeting. Upon the third reading, Mayor Gaulrapp stated the ordinance is properly on the floor. Community Development Shelly Griswold stated that it is the administration's recommendation to remove the certified mail requirement and change the wording to require 1st class mailing from section 6. e) Notices, on page 7. She also stated that most municipalities request signs to be of vinyl letters on the corrugated material.

Alderperson Klemm moved to remove the certified notice and amend the ordinance as suggested by Director Griswold, seconded by Alderperson Endress. Motion on the amendment prevailed by roll call vote of:

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

Nays: None

Alderperson Klemm moved approve the ordinance as amended, seconded by Alderperson Endress. Motion prevailed by roll call vote of:

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

Nays: None

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Ordinance 2010-53 as amended was adopted.

3RD READING OF ORDINANCE #2010-50:

An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010, and Ending April 30, 2011 for the City of Freeport, County of Stephenson, and State of Illinois – Mayor George Gaulrapp stated the first reading was held on November 15, 2010. A motion to adopt was given by Alderperson Corbin, seconded by Alderperson Klemm. The second reading was held on December 6, 2010 and it was automatically laid over to tonight's meeting and is properly on the floor and open for discussion.

The proposed levy and assessment of taxes for the fiscal year beginning May 1, 2010 and ending April 30, 2011 is on council floor as follows:

	2011/2010 Tax Levy	2010/2009 Tax Levy	Increase (Decrease)	Percent Change
Firefighters Pension	\$965,806	\$722,392	\$243,414	+33.70%
Police Pension	937,272	906,618	30,654	3.38%
IMRF	240,000	212,000	28,000	13.21%
Corporate Fund	997,876	722,393	275,483	38.13%
	\$3,140,954	\$2,563,403	\$577,551	22.53%

It was asked and answered that there is a motion on the floor for a 22.5% increase in the tax levy.

Alderperson Helms stated that if the City was not under home rule it would only be allowed to file a 2.7% tax levy. The Mayor proposed an 11.8% increase over last year and at the time said salaries would need to take a 6% cut. After speaking with Duane Price and finding that a 5% increase in levy would mean an 8% in wage cuts. If the 2.7% increase was proposed there would need to be 9% in wage cuts. These are estimates because of the revenue uncertainty. Alderperson Helms continued by stating that in his opinion that if this question was asked on a referendum, it would probably not pass. Alderperson Helms stated that there will need to be payroll cuts, services cut, we should eliminate payments to NIDA, eliminate leaf pick up and, instead of borrowing any money for payroll, and council should consider moving money from the capital funds. With a proposed 2.7% increase in tax levy there will need to be 9% cuts.

Alderperson Helms moved to approve the tax levy at an amount equivalent to a 2.7% increase (copies of the proposed 2.7% increase in the tax levy ordinance were printed by the Finance Department and distributed to council members prior to the meeting.) This motion was seconded by Alderperson Bush.

Alderperson Boldt stated his disappointment in not having the budget and timing.

Alderperson Klemm stated that last year council went with a 0% and, with this increase to 22.5%, he has only received 13 phone calls from the 4,000 people that he represents. If the lower increase goes through there are many cuts that the City will have to institute, perhaps only plowing the Main Streets, cutting leaf pick up, close City Hall for a couple of days per week. Alderperson Klemm stated that there is a lack of understanding on the amount of services that will need to be cut.

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Mayor Gaulrapp stated that the council gives us the rules and we have to come up with the budget. When developers look at the City of Freeport they are looking at infrastructure, our police, fire, public works, and our administration, the ability of the City to finance the City's problems and at 2.7% it will be very difficult to do. Last year it was at 0%. The state pensions need to be funded. The financial task force has recommended the use of more volunteers. At a 2.7% tax levy there will need to be a 9% cut and these cuts will be drastic. Mayor Gaulrapp asked the council to do what is right to make sure our public safety is there, our infrastructure is kept in tact and to position the City to bring industry and jobs in.

Aldersperson Corbin provided his opinion on items that should be cut including outsourcing certain position at City Hall, no union workers mowing lawns, eliminate either the Finance Director, Treasurer or Accountant, cuts in the street department, consolidation of City and County service, utilize volunteers at the Fire Department.

Each Aldersperson was asked to provide their input as to the tax levy.

Aldersperson Boldt stated we have gone through the last ten years making cuts. He is torn because the 11.8% proposed tax levy would only cost most houses about \$3.00 per month and this 2.7% would cost about \$1.00 per month. If we have to use 2% gas tax to help balance the budget then we will have use it.

Aldersperson DeVine stated she agrees with the proposal by Aldersperson Helms because she had 75 people talk to her against the proposed tax levy and she kind of agrees with the proposed 2.7%.

Aldersperson Bush stated he is against the 22.5% tax levy, that the 11.8% increase is not something that he is in favor of, and the 2.7% increase would be something that he could support. He could support an increase of no more than 5%.

Aldersperson Endress stated he is not in favor of cutting Fire, Police, or Street Department personnel. He reminded people that Director Joesten's salary is only paid half of his salary through the City and the other half is paid by the Water and Sewer Department.

Aldersperson Klemm asked do we need a 22.5% increase and answered only if we want to maintain the City services. He stated that the 2.7% is irresponsible. One of the cuts he proposes is cutting the airport costs, structure the fire department differently, doing inspections differently, outsourcing cemetery, combining the animal control and nuisance inspector. The City of Freeport inherits too many properties and if we don't do it won't get done – mowing of over 55 properties.

Discussion was held whether the council should lay this decision over to Monday, the day before the tax levy is due at the county. Then the discussion was held regarding posting of the meeting and the scheduling of meetings during official city holidays, in which place they can not be held.

Mayor Gaulrapp stated there is motion on the floor to put the tax levy at 2.7%.

Mayor Gaulrapp requested a roll call vote for motion for the amendment on the floor for the tax levy ordinance as written at 2.7%. Motion prevailed by roll call vote of:

Yeas: Boldt, Helms, DeVine, Corbin, Bush (5)

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Nays: Klemm and Endress (2)
Motion prevailed by a vote of 5-2.

City Clerk Meg Zuravel read into the record, "There is hereby levied upon all property subject to taxation within the corporate limits of the City of Freeport, Illinois, as the same is assessed and equalized for State and County taxation, for the fiscal year 2010-2011 the sum of Two million six hundred thirty-two thousand six hundred eighteen dollars (\$2,232,618) or so much thereof as may be authorized by law, the same being for general and corporate purposes, for street, for contribution to the Illinois Municipal Retirement Fund, for the Police Pension Fund, and for the Firemen's Pension Fund, such levy being itemized as hereininafter set forth."

This is difference of \$500,000 from the 22.5% increase originally proposed by administration and a difference of over \$232,000 from the 11.8% levy increase (tax levy at \$2,632,618) proposed by the administration at the last two meetings.

The summary of the tax levy at 2.7% as it compares to the levy from last year is as follows:

	2011/2010 Tax Levy	2010/2009 Tax Levy	Increase (Decrease)	Percent Change
Firefighters Pension	\$965,806	\$722,392	\$243,414	+33.70%
Police Pension	937,272	906,618	30,654	3.38%
IMRF	240,000	212,000	28,000	13.21%
Corporate Fund	489,540	722,393	-232,853	-32.23%
	\$2,632,618	\$2,563,403	\$577,551	2.7%

Mayor Gaulrapp stated there will be a roll call vote taken to approve the tax levy Ordinance 2010-50 as amended. Motion prevailed by roll call vote of:

Yeas: Boldt, Helms, DeVine, Corbin, Bush (5)

Nays: Klemm and Endress (2)

Ordinance 2010-50 as amended was adopted.

3RD READING OF ORDINANCE #2010-51:

An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2010, and Ending April 30, 2011 for the Public Library of the City of Freeport, County of Stephenson, and State of Illinois

Mayor Gaulrapp stated the first reading of this ordinance was held on November 15, 2010 with a motion to adopt given by Alderperson Endress, seconded by Alderperson Klemm. The second reading was held on December 6, 2010 and it was automatically laid over to the next meeting.

Upon the third reading, representatives including President Barbara Green and Lucas Beggin of the Freeport Public Library Board of Trustees were called to the podium and asked if a wage increase is projected for library employees. Ms. Green stated that the AFSCME employees were scheduled to receive a 3% wage increase and that in her opinion an equivalent raise would be considered for the non-bargaining employees at the library. Discussion was held regarding wage increases for library employees.

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Mayor Gaulrapp stated there will be a roll call vote taken to approve the tax levy for the Freeport Public Library as stated in ordinance 2010-51. The motion failed by a roll call vote of:

Yeas: Boldt (1)

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

Discussion was held regarding the wage increases that will be proposed by the Library Board. Alderperson Helms requested that the Freeport Public Library Board reconsider wage increases while the City employees will take cuts of 6% in their wages across the board and they have not had any wage increases for the past two years. Ms. Green stated that a \$33,000 per year position as a programming coordinator has not been filled, that the hours of the library have been reduced, and they have taken a 10% reduction in materials saving \$14,545 and that these three measures have a savings of \$52,000. Then, recently a full-time position has been reduced to part-time for another \$25,000 savings.

Ms Green as head of the library board provided her assurance that she will not support increases to non-bargaining on behalf of the library board.

Alderperson Helms moved "to approve the tax levy as written in Ordinance 2010-51 with acknowledgement by the president of the Library Board that there will not be a non-bargaining wage increase and, as such, I ask for reconsideration of the ordinance." This motion was seconded by Alderperson Corbin.

Mayor Gaulrapp asked for a roll call vote on the motion to reconsider Ordinance 2010-51. Motion prevailed by roll call vote of:

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

Nays: DeVine (1)

Motion to reconsider ordinance 2010-51 passed 6-1.

Mayor Gaulrapp asked for a roll call vote to approve Ordinance 2010-51 as on the floor.

Motion prevailed by roll call vote of:

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

Nays: DeVine (1)

Ordinance 2010-51 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold stated that flood maps are due to be updated on March 3, 2011 and there will need to have amendments to the flood plain ordinance and she will email these changes to the council and it will be on the agenda the first meeting in January. There will also be four TIF spending plans on council agenda and she provided a draft summary for the council this evening. Director Griswold provided an update on a property that is on the demolition list stating that the owner will pay to have the property destroyed as it was damaged in a fire.

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Finance

Finance Director Craig provided written memorandum to council stating the current policy period for the Airport Liability is January 1 to December 31, 2010. The buildings at the airport are covered under our regular property and liability program; however, airport liability is specifically excluded thereby creating the need to cover this exposure separately. Director Joesten provided a copy of the communication for the agent and a copy of the quote (same limits, same premium, and same carrier) as the expiring policy). His recommendation is that the City accepts the quote from Phoenix Aviation Manager, Inc. and the premium in the amount of \$3,707. Alderperson Helms moved to accept Director Joesten's recommendation, seconded by Alderperson Bush. Motion prevailed by roll call vote of:

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

Nays: None

Public Works

Public Works Director Tom Dole was not present at the meeting.

Water and Sewer/City Engineer

City Engineer Denise Ihrig stated she will provide a report of the federal LAPP program in the next council packet.

Police

Chief of Police Jerry Whitmore was present and had no further report.

Fire

Fire Chief Kevin Countryman was present and had no further report.

MAYOR'S REPORT

Mayor Gaulrapp stated work will need to be started to cut the budget over the next three weeks

NEW BUSINESS

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

PUBLIC COMMENTS

- Bernie Mrugala, 1310 S. Galena Avenue, Freeport, Illinois, spoke about a recent article in the newspaper didn't include landfill costs and pensions. The City does a decent job funding the mandated pensions. He would like to see the City remain home rule.

Upon motion duly made and seconded, the meeting was adjourned at 7:42 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk