



City Council

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

MINUTES REGULAR MEETING Tuesday February 22, 2011

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 Tuesday, February 22, 2011, in Council Chambers.

ROLL CALL

Present on roll call were council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Scott Helms, Linda O'Neill and Randy Corbin (8). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Klemm.

APPROVAL OF AGENDA

Alderperson DeVine moved for approval of the agenda, seconded by Alderperson Endress. Motion passed by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson O'Neill moved for approval of the minutes from City Council regular meeting held on February 7, 2011, seconded by Alderperson Endress. Motion passed by voice vote without dissent.

PRESENTATION

Mayor George Gaulrapp presented certificates to the Special Olympics Snowshoeing athletes and coaches. Honorees included Wesley Reimers, Michelle Thom, Tom Teich and Coach Dan McIlvanie.

PUBLIC COMMENTS - AGENDA ITEMS

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

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 Schedule of Tax Receipts through January 2011
- 2) City Treasurer's Monthly Investment Report for period ended January 31, 2011
- 3) City Treasurer's Report on Cash and Fund Balances for period ended January 31, 2011
- 4) Fire Department Report on Activities for January 2011
- 5) Community Development Report on Activities for January 2011 including Cash and Misc Receipts, Building Permits; Electrical, HVAC, Plumbing and Sign Permits

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- B. Approval of Water and Sewer Bills Payable (Registers #508, 509, 513) --- \$121,983.51
- C. Approval of Payroll for pay period ending February 12, 2011 --- \$397,352.73
- D. Approval of Finance Bills Payable (Registers #507, 510, 511, 512, 514) --- \$432,159.26
- E. **Resolution #R-2011-13: RESOLUTION TO CO-SPONSOR MEMORIAL DAY PARADE WITH ALLIED VETERANS COUNCIL**
- F. **Resolution #R-2011-14: RESOLUTION TO REQUEST TEMPORARY CLOSURE OF STREETS FOR ANNUAL MEMORIAL DAY PARADE**

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

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

Nays: none

The consent agenda items were approved.

APPOINTMENTS

Mayor Gaulrapp requested the designation of Chief of Police Jerry Whitmore as Ethics Advisor of the City of Freeport effective immediately. Aldersperson Endress moved to accept with the designation, seconded by Aldersperson O'Neill. Motion passed by voice vote without dissent.

Mayor Gaulrapp requested the appointment of Patrick Hardy to the Ethics Commission of the City of Freeport effective immediately. Aldersperson Bush moved to accept the appointment, seconded by Aldersperson DeVine. Motion passed by voice vote without dissent.

Mayor Gaulrapp requested the appointment of Eric Petermann to the Ethics Commission of the City of Freeport effective immediately. Aldersperson Endress moved to accept the appointment, seconded by Aldersperson O'Neill. Motion passed by voice vote without dissent.

Mayor Gaulrapp requested the appointment of Mary Boyer to the Ethics Commission of the City of Freeport effective immediately. Aldersperson Corbin moved to accept the appointment, seconded by Aldersperson DeVine. Motion passed by voice vote without dissent.

ORDINANCES – SECOND AND THIRD READING

(There are no items on council agenda for second and third readings)

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2011-09:

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS – Type of Relief: Amendment of Zoning Ordinance from R3 (One Family Residence) to B1-1 (Restricted Retail Business); Owner or Applicant: Dale and Sara Swift; Address: 1342 South Harlem Avenue, Freeport, Illinois

Mayor Gaulrapp stated that the Freeport Planning Commission unanimously recommended approval of this ordinance in the public hearing held on February 10, 2011 and there were no written objectors filed against this petition. Therefore, the city council may take final action on this ordinance this evening. Community Development Director Shelly Griswold presented the ordinance by stating that this is the previous business location for the "Freeport Shopping News" and it has been used as a business location

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for many years and not as a residential property. Mayor Gaulrapp asked if there was a motion for approval and it was so moved by Alderperson Klemm move forward this ordinance for final reading this evening. The motion was seconded by Alderperson Endress. Motion prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-09 was adopted.

1ST READING OF ORDINANCE 2011-10:

ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS – Type of Relief: Variance to Subsection (e) (Fences in Rear/Sided Yards) of Section 1270.03 (Fence Installation); Owner or Applicant: Munzy's Inc.; Address: 223 West Main Street, Freeport, Illinois

Mayor Gaulrapp stated the Board of Zoning Appeals unanimously recommended approval of this ordinance in the public hearing held on February 10, 2011 and there were no written objectors filed against this petition. Therefore, the city council may take final action on this ordinance this evening. Community Development Director Shelly Griswold presented the ordinance stating that Munzy's Inc. has requested an outdoor area to be used for serving food and alcohol at the business location at 223 West Main Street. As part of the public hearing, Community Development Director Shelly Griswold stated that it as discussed that a fence more in keeping with the location being in the downtown historic district would need to be constructed on the site. They will need a certificate of appropriateness. Alderperson Helms moved for approval of the ordinance, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-10 was adopted.

1ST READING OF ORDINANCE 2011-11:

An Ordinance Amending Chapter 1252 (Business Districts) to Amend Requirements for Outdoor Restaurants

Community Development Director Shelly Griswold presented the ordinance that amends Chapter 1252, Section 1252.01, B-1 Restricted Retail Business District to add line item 10) Restaurants with outdoor serving areas; however, if alcoholic beverages are to be served, such restaurant must be in compliance with Section 806.03 (j) of these Codified Ordinances. Currently you can have an outdoor seating area serving alcoholic beverages at a restaurant in a B-3 Zoning District with a Special Use Permit. This ordinance enables that same use with a special use permit in a B-1 and B-2 as well. So just like it is currently, each individual circumstance will have to go through a public hearing and a recommendation by the Planning Commission and final approval by the City Council. The ordinance then removes Paragraph (f) (Outdoor Restaurants) of Section 1252.05 "B-3 Commercial and Wholesale Business District of Chapter 1252, "Business Districts." Alderperson Klemm motioned to move forward the ordinance for approval, seconded by Alderperson Endress. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2011-12:

An Ordinance Amending Chapter 486 Winter Parking Regulations – Delegation of Authority

Chief of Police Jerry Whitmore presented the ordinance which amends Chapter 486 Winter Parking to

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add Section 486.07 Delegation of Authority. This amendment would allow him to designate persons to act as winter parking enforcement personnel to issue citations by naming employees or officials of the City of Freeport. The intent is for the Chief of Police to be able to designate the Nuisance Inspector and/or the Animal Control Officer to assist the snowplow drivers when they are not able to clear areas due to vehicles parked on the wrong sides of the street. Auxiliary police will not be included because they are not employees. Alderperson Endress moved for approval of the ordinance, seconded by Alderperson Klemm. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-15:

RESOLUTION OF SUPPORT FOR PECATONICA PRAIRIE PATH PHASE 1-B CONSTRUCTION

Community Development Director Shelly Griswold presented the resolution stating that the city council previously committed \$200,000 to the Pecatonica Prairie Path and basically what is being proposed is that we use some of the remaining grant money that we have left on the grant from Illinois Department of Transportation from the work on the Tutty's Crossing bridge to construct the path from the bridge at Tutty's Crossing east and south to East Stephenson Street. We don't have enough dollars to do much more than that but this should finish out from the bridge to the street. This is a reaffirmation of commitment and commits the three agencies were committed to the \$17,333 which is each agency's part of this project. This is not additional money over and above from what the council already did it is reaffirming.

The resolution states that the Pecatonica Prairie Path Commission includes as members Winnebago County Highway Department and Rockford Park District in the Winnebago County portion of the trail corridor, and the City of Freeport, Stephenson County and Freeport Park District in the Stephenson county portion of the trail corridor. The Stephenson Pecatonica Prairie Path Commission (referred to as "SPPP Commission"), includes as members the City of Freeport, Stephenson County and Freeport Park District and has been established by intergovernmental agreement for the purpose of coordinating the planning, development and operation of the portions of the Pecatonica Prairie Path ("Trail") recreational and transportation trail within Stephenson County. The SPPP Commission has received funding from the Federal Highway TEA-21 Transportation Enhancement Program for construction of the Pecatonica Prairie Path and the three Commission members for the Stephenson County portion of the trail have each made a financial commitment of \$200,000 (per agency) to provide the local grant-match funding required for the construction of the portion of the trail within Stephenson county. The SPPP Commission has identified a 1,800-foot long section of the trail connecting the new trail bridge at Tutty's Crossing, east to East Stephenson Street as an important link in order to take advantage of the new Tutty's Crossing trail bridge. This resolution states that the three member-agencies of the SPPP Commission agree to authorize the SPPP Commission to proceed with preparation, bidding and construction of the specified Phase 1-B project (estimated total project cost of \$180,000). The three member-agencies of the SPPP Commission each agree to authorize the expenditure of up to \$17,333 per member-agency, as part of the original \$200,000 commitment, to provide the local grant-match funds for the Phase 1-B project and that this resolution is contingent upon receipt of the above grant funds, and upon the approval of matching resolutions by all of the other SPPP Commission members.

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The \$17,333 multiplied by three will come from the local match and the rest will come from grant money. Community Development Director Shelly Griswold stated the funds are allocated in the budget.

Aldersperson Klemm moved to adopt the resolution as presented, seconded by Aldersperson Corbin.

Motion prevailed by roll call vote of:

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

Nays: none

Resolution 2011-15 was adopted.

OTHER

EXECUTIVE COMMITTEE ACTION ITEM:

The following was read into the record as stated on the agenda: "Action on recommendation from Executive Committee regarding complaint filed on February 14, 2011 and addressed to the Executive Committee related to ethics, conduct or other activities that might be deemed inappropriate, if any."

Aldersperson O'Neill spoke as chairperson of the Executive Committee and stated that the Executive Committee of the City Council met at 5:30 pm this evening in an open meeting in council chambers to take on advisement of a complaint filed against the mayor alleging unethical conduct because of what he said at the end of the last city council meeting when he acknowledged a member in the audience as someone who is currently running for aldermanic office.

In this Executive Committee meeting, a motion was made by Aldersperson Helms and seconded by Aldersperson Klemm that under Section 220.11 of the Codified Ordinances that our Executive Committee would refer this matter to the Ethics Commission of the City of Freeport for them to review and to take other action if it is appropriate. Aldersperson O'Neill so moved for the action from the City Council as a whole in order to refer this to the Ethics Commission, seconded by Aldersperson Klemm.

Motion prevailed by roll call vote of:

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

Nays: none

OTHER

DEPARTMENT HEAD REPORTS

- **Community Development** - Community Development Director Shelly Griswold stated there will be Building Commission special meeting scheduled on February 24, 2011 to consider changing the building code including increasing dollar limit threshold and a review of contractor fees. There will be a meeting with the new NIDA director to set goals. There was a meeting with the Freeport Downtown Development Foundation (FDDF), Director Griswold and the mayor and they will be following up with specific project ideas to move forward. The \$25,000 that has been budgeted for FDDF has already been request and received by them.
- **Finance** - Finance Director Craig Joesten provided an update in the Worker's Compensation training programs into place specifically designed for the needs of each department. He stated that each department has implemented a review process for accidents to include reports with the

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department head and employee in order to facilitate a dialogue in communication. Alderperson Helms requested in the special meeting held on December 18, 2011 that council should receive a monthly update on Worker's Compensation Claims.

- **Public Works** - Public Works Director Tom Dole stated that under the contract subleasing of hangars is not allowed. He provided a draft copy of a hangar lease which will be used for Hangar J in order to allow multiple aircraft. This lease was recommended to council in the meeting of the airport commission held today and will be presented at the next council meeting for consideration.
- **Water and Sewer/City Engineer** - City Engineer Denise Ihrig was present and had no report.
- **Police Chief** - Police Jerry Whitmore was present and had no further report.
- **Fire** - Fire Chief Kevin Countryman publically thanked Don Russell of Schwartz Funeral Home for their volunteering their facility for training purposes and donation of extra equipment. Fire Chief Kevin Countryman requested approval for a Fire Department utility vehicle as a replacement for the vehicle damaged in the flood. There is \$25,000 designated in the Fire Capital Improvement Fund for purchase a vehicle to replace the one lost in the flood. Chief Countryman provided a summary of eight bids and recommended purchase of a used vehicle 2006 Chevy Trailblazer for \$16,850.000. This vehicle will be used as a command vehicle and also be used for training transportation. The emergency lighting will need to be added to the vehicle. The vehicle will be stored at Fire Station 3. \$3,000 was received because of the flood damaged vehicle. Because of the loss of this vehicle the Battalion Chiefs and those going to training need to drive their own vehicles and Chief Countryman voiced his concern over the liability issue especially if they are responding to an emergency. Schooling is nine months out of the year two days per week. Alderperson Helms moved to layover the request for the purchase of the replacement vehicle until the first meeting in March, seconded by Alderperson Klemm. Motion passed by voice vote without dissent.

MAYOR'S REPORT

Mayor George Gaulrapp stated as you heard from Alderperson O'Neill the Executive Committee of the City Council held a meeting this evening to talk about a complaint filed against him. At the last council meeting, Mayor Gaulrapp stated he recognized a person in the audience who is running for council and said, "I am glad you are here." Mayor Gaulrapp stated he has made it a practice as six years as mayor to recognize people in the audience and encourage people to partake in the process and to come and see what goes on at City Hall.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderperson Helms requested from Corporation Counsel Sarah Griffin a time table for the Ethics Commission to review the complaint. She stated that they have a specific time table in the ordinance in which to send notice to parties that a complaint has been received and the meeting will take place. Alderperson DeVine thanked the Police Department for their assistance in helping the Freeport School District buses to make it through the snow-laden streets.

Mayor Gaulrapp reminded the public that there will be another meeting immediately following this council meeting posted as a special meeting for discussion of the budget.

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PUBLIC COMMENTS

- John Staben, 1070 N. Canyon Drive, Freeport Illinois spoke in favor of the hangar tenant lease for Hangar J that will be brought to the next council meeting.
- Tom Teich, 653 Jefferson Street, Freeport, Illinois thanked Mayor Gaulrapp for recognizing the Special Olympic athletes and asked about vacant buildings in Freeport.

Mayor George Gaulrapp stated the City is in union negotiation with all three of our unions and then he recognized the members of the City of Freeport union representatives in attendance at the meeting from the Street Department, Fire Department and Police Department.

Upon motion duly made and seconded, the meeting was adjourned at 6:40 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk