



City Council

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

MINUTES REGULAR MEETING Monday, March 21, 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 Monday, March 21, 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 Endress.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

PRESENTATION

Mayor George Gaulrapp presented a certificate to Patrick Schmelzle, a junior from Aquin Catholic High School, for winning the IHSA Class 1A Country Financial Three-Point Showdown and "King of the Hill" Three-Point Shooting finalist held in Peoria, Illinois with the State Basketball Tournament.

PUBLIC COMMENTS - AGENDA ITEMS

- John Staben, 1070 N. Canyon Drive, Freeport Illinois stated as president of the Hangar Tenants Association spoke their opposition to the rental of Hangar O-2 for storing the helicopters. Their concern was because the hangar would be used rent-free. Mayor Gaulrapp stated that on the corner of South Street and Walnut the county allows storage of City equipment rent-free. On a personal note, he was in favor of allowing the use of a hangar for LEAC helicopters at Albertus Airport.
- Bernie Mrugala, 1310 S. Galena Avenue, Freeport, Illinois stated his concerns about the use of the hangar for the helicopters. Mr. Mrugala spoke comparing the budget documents of Galesburg, Sycamore and Rockford. He quoted the statistics of the average monthly earnings of residents compared to average salaries of employees.

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- Airport Commissioner Marg Blum stated that the Airport Commission recommended the helicopter hangar lease. The hangar that they would use is currently empty. The use of the hangar by Law Enforcement Aviation Coalition (LEAC) is available until a time that the hangar may be rented. LEAC has five helicopters and at any one time only 2 or possibly 3 will be stored in Freeport. Currently, one of the helicopters is used to assist the Stephenson County Sheriff. LEAC will pay for electricity usage and any potential damages and they are providing insurance.

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) Fire Department 2010 Year End Review
 - 2) Fire Department Report of Activities for February 2011
 - 3) Water and Sewer Activity Report through March 17, 2011
- B. Approval of Water and Sewer Bills Payable (Registers #522, 525, 526) --- \$189,227.61
- C. Approval of Payroll for pay period ending March 12, 2011 --- \$395,801.12
- D. Approval of Finance Bills Payable (Registers # 521, 523, 524, 527) --- \$367,507.60

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

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

Nays: none

The consent agenda items were approved.

APPOINTMENTS/REAPPOINTMENTS

Aldersperson Corbin moved to accept the appointment of Jeff Williams to the Police Pension Board effective immediately through April 30, 2013, seconded by Aldersperson Bush. Motion passed by voice vote without dissent.

Aldersperson Endress moved to accept the reappointment of Paul Wimmer to the Historic Preservation Commission effective immediately through February 28, 2014, seconded by Aldersperson Corbin. Motion passed by voice vote without dissent.

Aldersperson O'Neill moved to accept the appointment of Carol Morrisett to the Historic Preservation Commission effective immediately through February 28, 2013, seconded by Aldersperson Klemm. Motion passed by voice vote without dissent.

Aldersperson O'Neill moved to accept the appointment of Joan Snapp to the Americans with Disabilities Act effective immediately, seconded by Aldersperson Endress. Motion passed by voice vote without dissent.

Aldersperson Klemm moved to accept the appointment of Tim Davenport to the Planning Commission effective immediately through October 31, 2012, seconded by Aldersperson Endress. Motion passed by voice vote without dissent.

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Alderperson Corbin moved to accept the appointment of Sally McMahon to the Airport Commission effective immediately through November 30, 2013, seconded by Alderperson Endress. Motion passed by voice vote without dissent.

Mayor Gaulrapp stated that there are openings on the Historic Preservation Commission and the Building Commission. He encouraged public service through serving on a commission and requested anyone interested to call his office.

ORDINANCES –THIRD READING

3RD READING OF ORDINANCE 2011-11:

AN ORDINANCE AMENDING CHAPTER 1252 (BUSINESS DISTRICTS) TO AMEND REQUIREMENTS FOR OUTDOOR RESTAURANTS

Mayor Gaulrapp stated the first reading of this ordinance was held on February 22, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress. The second reading was held on March 7, 2011 and it was automatically laid over to this evening's meeting. Upon the third reading, Community Development Director Shelly Griswold explained that this ordinance would allow for alcoholic liquor to be sold with an outdoor restaurant and requires a special use permit in a B-1, B-2 or B-3 Zoning Classification. The Planning Commission would need to review the petition and recommended to council for each special use case. Upon no further discussion, the motion prevailed by a roll call vote of:

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

Nays: Bush

Ordinance 2011-11 was passed.

3RD READING OF ORDINANCE 2011-12:

AN ORDINANCE AMENDING CHAPTER 486 WINTER PARKING REGULATIONS – DELEGATION OF AUTHORITY

Mayor Gaulrapp stated the first reading of this ordinance was held on February 22, 2011. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Klemm. The second reading was held on March 7, 2011 and it was automatically laid over to this evening's meeting. Discussion was held regarding whether the Public Work's truck drivers would issue tickets and Mayor Gaulrapp stated that he can't say that they will never be issuing tickets, but the intent is to allow the Nuisance Inspector, Animal Control Officer, the mayor and other city officials to write winter parking tickets. Upon no further discussion, the motion prevailed by a roll call vote of:

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

Nays: None

Ordinance 2011-12 was passed.

ORDINANCES – SECOND READING

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

ORDINANCES –FIRST READING

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1ST READING OF ORDINANCE 2011-13:

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS – Type of Relief: Amendment of Zoning Ordinance from B1-1 (Restricted Retail Business) to B2-1 (Limited Services Business), Owner or Applicant: JCW Enterprises, LLC; Address/Description: 213-215 West Main Street, Freeport, Illinois

Mayor Gaulrapp stated the Freeport Planning Commission unanimously recommended approval of this ordinance in the public hearing held on March 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 the Freeport Planning Commission received a petition by JCW Enterprises in order for 213-215 West Main Street to be used for retail location for Janssen Heating and Air Conditioning business. Alderperson Klemm made a motion to move the ordinance forward, seconded by Alderperson Bush. Upon no further discussion, the motion prevailed by a roll call vote of:

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

Nays: None

Ordinance 2011-13 was passed.

1ST READING OF ORDINANCE 2011-14:

AN ORDINANCE AMENDING CHAPTER 806 – ALCOHOLIC LIQUOR SALES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, TO AMEND SECTION 806.01 (DEFINITIONS) AND SECTION 806.09 (PERSONS INELIGIBLE FOR LICENSES) REGARDING RESIDENT MANAGERS

Corporation Counsel Sarah Griffin presented the ordinance stating that the amended wording was unanimously recommended to council by the Liquor Commission in their meeting held on March 10, 2011. Definitions for agent and residents managers were added and Chapter 806.09 was amended to allow resident managers or agents for a partnership or corporation who are residents of Stephenson County or live within a thirty-mile radius of the licensed premise. Currently, resident managers must live in the City limits. Chief of Police Jerry Whitmore agreed with the amendment. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Helms. The ordinance was automatically laid over to the next meeting

1ST READING OF ORDINANCE 2011-15:

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 - MARCH 15, 2010 TO JANUARY 3, 2011

Corporation Counsel Sarah Griffin presented the ordinance stating that this is the codification of ordinances that have already been approved by council from March 15, 2010 to January 3, 2011. Corporation Counsel Sarah Griffin asked council if it was their pleasure to include the codification ordinance in the consent agenda for the next go around and council answered favorably. Alderperson Boldt moved to approve the ordinance, seconded by Alderperson O'Neill. The ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2011-16:

AN ORDINANCE TO AMEND AND ADJUST THE APPROPRIATION ORDINANCE FOR FISCAL YEAR 2010-2011 FOR THE CITY OF FREEPORT, ILLINOIS

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Finance Director Craig Joesten presented the ordinance stating that when council approved the Appropriation Ordinance for Fiscal Year 2010-2011 it was our best estimate of funds required. This ordinance brings the items that are differences in the original anticipated expenditures versus the actual expenditures and provides the offsetting funds. Alderperson Helms moved to approve the ordinance as presented, seconded by Alderperson Klemm. The ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2011-17:

AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE, FISCAL YEAR 2010-2011 FOR THE CITY OF FREEPORT, ILLINOIS

Finance Director Craig Joesten presented the ordinance stating that this ordinance accounts for items that were not originally included in the annual appropriation ordinance that come up and account for receipt of revenue. These are grant funds that were not originally anticipated accounting for additional revenue and the expenditures to go along with them. Alderperson Helms asked if these grant funds require matching funds and it was answered by Community Development Director Shelly Griswold that grant funds received by Community Development for items C and D do not require matching funds. Alderperson Klemm moved to approve the ordinance as presented, seconded by Alderperson Endress. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-17:

RESOLUTION TO AUTHORIZE LEASE TERMS FOR HANGAR O-2 RENTAL AT THE FREEPORT ALBERTUS MUNICIPAL AIRPORT

Public Works Director Tom Dole presented the resolution which provides lease terms for Hangar O-2 rental at the Freeport Albertus Airport for the storage of helicopters operated by the Law Enforcement Aviation Coalition (LEAC). The lease is similar to our other hangar leases and requires tenant to be responsible for the electrical costs. Although listed on the lease are five helicopter's makes and models, at any one time there will only be 2-3 at the airport due to maintenance schedules. They will provide the premises liability insurance. Alderperson Helms moved to approve the resolution as presented, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:

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

Nays: none

Resolution 2011-17 was adopted.

RESOLUTION #R-2011-18:

RESOLUTION TO ADOPT CITY OF FREEPORT SPENDING PLAN FOR FISCAL YEAR 2011-2012

Finance Director Craig Joesten presented the resolution with Freeport Spending Plan for Fiscal Year 2011-2012. He explained that when you add the spending plan plus adding the contingencies then that equals the Appropriation Ordinance. The spending plan represents what the administration feels they will need to spend to make sure the expected deliverables are expected to be provided the citizens and the dollars expected to come in from revenue items. This is what is expected to be spent next year. In the department head report there are two other documents including the budget worksheet and the financial portion of the appropriation ordinance. The Water and Sewer portion will be going to the commission on

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March 29, 2011. Finance Director Craig Joesten requested input from the council as to where they want to go with the spending plan. Mayor Gaulrapp stated that this budget reflects \$130,000 in the black with the help of the unions, non-bargaining, and council. Last year at this time, were needed to borrow money for payroll at \$417,000 and borrow money for the closure costs at the landfill. Now that the \$417,000 has been borrowed, it can not be paid back early it has to be paid over a period of three years. Mayor Gaulrapp stated with this budget we hope to replace three retiring police officers and next January hire two additional officers if the state money. Originally, we were to replace three firefighters and we chose to replace only one in order to cut down on overtime. Discussion was regarding salary raises and Finance Director Craig Joesten stated the numbers are in contingencies in the Appropriation. The spending plan does not include increases in the budget. The 2010-2011 Spending Plan was not passed but was followed by the administration. A line item for the fireworks was included in the spending plan.

Aldersperson Helms moved layover this resolution with the spending plan to the first meeting in May, seconded by Aldersperson Bush. Mayor Gaulrapp stated his disagreement because the fiscal year starts in May and so should the spending plan moving forward then any of your incentives could be lost. Discussion was held regarding the timing of the passage of the spending plan and the effect it has on the appropriation ordinance. It could be that we will have the appropriation ordinance and work off that document towards the spending plan.

Mayor Gaulrapp stated there is a motion on the floor to layover the resolution to the first meeting in May. Motion prevailed by roll call vote of:

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

Nays: none

OTHER

DEPARTMENT HEAD REPORTS

Finance

Finance Director Craig Joesten presented two documents in the council packets including 1) FY 2011–2012 Budget Worksheet 2) FY 2011–2012 Appropriation Ordinance Financial Papers and asked if there was any discussion. He explained the difference between the documents and the spending plan. Water and Sewer commission and the Library Board need to approve their portions of the appropriation ordinance. The appropriation ordinance will be on the council agenda the first week of April.

Public Works

Public Works Director Tom Dole stated he placed a document on the desks of council which is the proposal for the street program fiscal year 2011 MFT Program. After taking out money for the LAPP program and Jane Addams Trail, we are left with approximately \$250,000. It is proposed to work on Wyandotte Street, Stover Street, and the underpass on Arcade Street and Shawnee. We can resurface approximately 10,000 square yards. Burchard at Empire Street will be part of the FAU program.

In some cases, in order to become ADA compliant, it will cost enough to erode the funds available. LaCresta was on the list but had to be cut along with improving the storm sewers on Harlem but the dollars were not there.

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Water and Sewer/City Engineer

City Engineer Denise Ihrig presented information on the ITEP program that will be started in April and the parking lanes are on the proposal for Stephenson Street. She provided dates to be expected for the Big 4 Projects with the engineers working on writing the request for qualifications (RFQ's) and the statement of qualifications (SOQ's). Final design and engineering firms will be looked at this week for the SCADA in order for it to be ready for bid in June or July. The billing meter SOQ's will be going out the end of next week. The ordinances will need to be reviewed for compliance. June is a big target date for the commission because that is the time period of public information dissemination.

Police

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

Fire

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

Community Development

Community Development Director Shelly Griswold provided an update on the landscape waste program and the cost will be \$54 per household and is payable in three installments on the water bill. Each residence must have a wheeled one-yard-waste toter which may be rented from the hauler. Director Griswold stated the Building Commission had a meeting on March 21, 2011, to consider amendments to the City of Freeport building Code. They recommended adopting the State of Illinois Energy Conservation Code and the International Fuel Gas Code. There is a section in the International Residential Code that the Building Commission recommended striking wording requiring new residential or duplex building to have a fire sprinkler system. The Building Commission also recommended a change which would require a building permit if someone did \$1,500 worth of work or more to their property instead of currently requiring permits for work that is \$100 and over. This will alleviate a burden of applying for a building permit on most household fix-up jobs.

Library

Freeport Public Library Director Carole Dickerson was present and had no report.

OTHER

MAYOR'S REPORT

Mayor Gaulrapp stated there is a review of the property transfer tax having a temporary moratorium on residential properties. He spoke about the amount of work the administration and meetings that were held in order for the Farm and Fleet property to be torn down and have a smooth transition to their new building where Wal-Mart was located.

Mayor George Gaulrapp stated he will be unable to attend the next scheduled meeting on April 4, 2011. Also, a council member and department head will be unable to attend. Alderperson O'Neill made a motion to move the first meeting of April from Monday, April 4, 2011 to Wednesday, April 6, 2011, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:
Yeas: Endress, O'Neill, Boldt, Helms, DeVine, Corbin, Klemm and Bush (8)

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Nays: none

The next meeting of the Freeport City Council will be held on Wednesday, April 6, 2011 at 6:00 pm.

NEW BUSINESS

Each council member was provided the opportunity to publicly address significant items of interest. Alderperson O'Neill stated the next ADA Commission meeting will be held on March 23, 2011 and it was moved from the one scheduled on Ash Wednesday. Alderperson Helms requested whether the assist calls would be something to look into what other departments do and Fire Chief Kevin Countryman stated that based on the assistance they provide it may not be covered under their insurance but he will check into it. Alderperson Helms asked about the time limits set for solicitors and it was stated that 8:00 pm is the ending time. Chief Whitmore stated solicitors are provided a copy of the rules. Perhaps in the winter when it is dark the ordinance could be reviewed for changes. Alderperson Klemm asked if there were interested persons on the cemetery and at this time there has not been contact made. Mayor Gaulrapp discussed homes with problems of hoarding and stated nuisance violations will be issued. Discussion was held regarding vacant houses and what can be done to require the owner to provide upkeep.

PUBLIC COMMENTS

- Dave Young, Director of Northwest Illinois Development Alliance, stated that in his six weeks since being hired, he and Mayor Gaulrapp had been visiting many businesses in the area. Mr. Young provided his background. He came from Lake County Partners working on economic development for ten years with over one-hundred potential expansion projects and stimulated capital investment.
- Tom Teich, 653 Jefferson Street, Freeport, Illinois spoke about ground work on Lamm Road.
- John Staben, 1070 N. Canyon Drive, Freeport Illinois stated that Stephenson County did not purchase the helicopter that they were excess federal equipment that has been donated. The LEAC crews are volunteers.

Upon motion duly made and seconded, the meeting was adjourned at 7:25 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk