



City Council

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

MINUTES REGULAR MEETING Monday, April 18, 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, April 18, 2011, in Council Chambers.

DESIGNATION OF HONORARY MAYORS

Mayor George Gaulrapp called forth the “Mayor’s for the Day” and introduced Naomi Duarte, Brooke Lynn Colberg, and Ren Asia Davis. Mayor Gaulrapp swore in and distinguished them as honorable mayor.

ROLL CALL

Honorable Mayor Brooke called the 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

Honorable Mayor Naomi led the Pledge of Allegiance.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Aldersperson DeVine moved for approval of the minutes of the City Council special meeting held on April 6, 2011, seconded by Aldersperson O’Neill. Motion passed by voice vote without dissent. Mayor Gaulrapp noted that in the minutes of March 21, 2011 the correct word on page 6 should be savings, not incentive. Aldersperson Helms asked his to elaborate on its meaning.

PROCLAMATION

Honorable Mayor Ren Asia assisted Mayor Gaulrapp in presenting a proclamation for National Telecommunicators Week to Chief of Police Jerry Whitmore and it was read aloud by the city clerk.

PRESENTATION

Karen Merz, 3380 Darien Drive, Freeport, Illinois, presented a summary of music and arts festival to be held on August 19 through August 21, 2011 at the Stephenson County Fairgrounds. The grassroots team responsible for the effort includes Patrick Sully, the owner of Scully Entertainment and local residents

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Aubra Palermo and Jodi Miller. Ms. Merz stated Artie Kornfeld has contributed to planning of the festival. Ms. Merz stated local non-profits will receive a portion of the proceeds of the event.

PUBLIC COMMENTS - AGENDA ITEMS

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

Mayor Gaulrapp stated that the three Honorable Mayors were chosen as part of the Lincoln Douglas Kiwanis K-Kids program and they each won an essay contest. At this time, certificates were presented by Mayor George Gaulrapp and Alderperson Randy Corbin to the honorary mayors. After taking photos, the honorary mayors and their families exited council chambers.

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 Monthly Investment Report for period ended March 31, 2011
 - 2) City Treasurer Report of Cash and Fund Balances period ended March 31, 2011
 - 3) Fire Department Report on Activities for March 2011
- B. Approval of Water and Sewer Bills Payable (Registers #534, 538, 540) --- \$129,217.35
- C. Approval of Payroll for pay period ending April 9, 2011 --- \$394,386.48
- D. Approval of Finance Bills Payable (Registers #533, 535, 536, 537, 539) --- \$507,355.10
- E. Approval of Motor Fuel Tax Fund Bills Payable dated April 5, 2011 ----- \$13,266.37

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

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

Nays: none

The consent agenda items were approved.

APPOINTMENTS/REAPPOINTMENTS

Alderperson O'Neill requested to have the reappointments presented this evening read together for one motion. Leave of council was approved through voice vote. The following reappointments were read by the City Clerk;

- Reappointment of Michael Dore to the Board of Fire and Police Commission effective immediately through April 30, 2014
- Reappointment of Roland Munda to the Board of Fire and Police Commission effective immediately through April 30, 2014
- Reappointment of Brian Borger to the Board of Fire and Police Commission effective immediately through April 30, 2014
- Reappointment of David Monigold to the Historic Preservation Commission effective immediately through February 28, 2014
- Reappointment of Stan Zuravel to the Building Commission effective immediately through April 30, 2015
- Reappointment of Tom Klemm as the City Council Representative to the Building Commission effective immediately through April 30, 2015

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Aldersperson Endress moved to accept the reappointments as presented, seconded by Aldersperson O'Neill. Motion prevailed by voice vote without dissent.

ORDINANCES –THIRD READING

3RD 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

Mayor Gaulrapp stated that the first reading of this ordinance was held on March 21, 2011. A motion to adopt was given by Aldersperson Endress, seconded by Aldersperson Helms. The second reading was held on April 6, 2011 and it was automatically laid over to tonight's meeting. Upon the third reading, Aldersperson Bush requested an explanation of the amendment. Chief of Police Jerry Whitmore stated that this ordinance changes the residency requirement for resident managers to enable them to live outside of City limits. Currently, the Chapter for Alcoholic Liquor requires the resident manager for corporations and partnerships to live in city limits. The amendment of the ordinance states the resident manager or agent must be a resident of Stephenson County or live within a thirty-mile radius of the licensed premise. This will help the Police Department to know who the authorized manager is and for the business to assign them as the resident manager on the license. Upon no further questions, Mayor Gaulrapp asked for a roll call vote to pass the ordinance. Motion prevailed by roll call vote of:

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

Nays: none

3RD 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

Mayor Gaulrapp stated that the first reading of this ordinance was held on March 21, 2011. A motion to adopt was given by Aldersperson Boldt, seconded by Aldersperson O'Neill. The second reading was held on April 6, 2011 and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion, Mayor Gaulrapp asked for a roll call vote to pass the ordinance. Motion prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-15 passed.

3RD 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

Mayor Gaulrapp stated the first reading of this ordinance was held on March 21, 2011. A motion to adopt was given by Aldersperson Helms, seconded by Aldersperson Klemm. The second reading was held on April 6, 2011 and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion, Mayor Gaulrapp asked for a roll call vote to pass the ordinance. Motion prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-16 passed.

3RD READING OF ORDINANCE 2011-17:

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

Mayor Gaulrapp stated the first reading of this ordinance was held on March 21, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress. The second reading was held on April 6, 2011 and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion, Mayor Gaulrapp asked for a roll call vote to pass the ordinance. Motion prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-17 passed.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE 2011-18:

APPROPRIATION ORDINANCE, FISCAL YEAR 2011-2012, FOR THE CITY OF FREEPORT, ILLINOIS

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Boldt, seconded by Alderperson Helms and it was automatically laid over to tonight's meeting.

Leave of council was granted for Alderperson Helms to go through his questions. Alderperson Helms asked about including NIDA in the line item for the Downtown TIF budget. Corporation Counsel Sarah Griffin referred council to page 9 of the 2011-2012 Appropriation Ordinances stating that there is a line item for Contractual Services, line item 25-00-599. Accountant Duane Price stated the line item for Contractual Services on the Appropriation Ordinance includes professional services. The item that Alderperson Helms was referring to is on the budget worksheets. Community Development Director Shelly Griswold stated the \$10,000 line item for NIDA was moved into line item for professional services. Corporation Counsel Sarah Griffin stated that on the appropriation ordinance, reference to NIDA is not included. Included under the Downtown T.I.F. District Fund Expenses are line items for contractual services, transfer to debt services, and transfer to capital projects funds.

Alderperson Helms referred to a line item in the budget on page 13, under Interdepartmental Expenses, Contractual Services for the 4th of July fireworks in the amount of \$10,000. This item would be included in the Appropriation Ordinance under Interdepartmental Expenses, Contractual Services line item 01-63-599. Alderperson Helms stated in the past, the City has funded the fireworks. Mayor Gaulrapp stated that for the last five years the City has solicited donations. Last year, the line item for Fireworks was removed from the budget.

Alderperson Helms made a motion to remove the line item for Fireworks, seconded by Alderperson Corbin. Corporation Counsel Sarah Griffin stated that the motion is for the Appropriation Ordinance,

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page 5 under Interdepartmental Expense, line item 01-63-599, to reduce it from \$415,900 and to an amount of \$405,900 (reducing it by \$10,000 for 4th of July fireworks). Discussion was held regarding the difficulty of soliciting donations from our businesses who are already asked to fund so many community events. Mayor Gaulrapp stated that in light of a surplus budget it is important to have this one community event sponsored by the City of Freeport. It will be scaled down from past years. Mayor Gaulrapp stated he has not heard any comments against the City sponsoring the fireworks. Upon no further discussion, Mayor Gaulrapp requested a roll call vote for the motion on the floor. Motion failed by roll call vote of: Yeas: Helms (1)
Nays: Boldt, DeVine, Corbin, Klemm, Bush, Endress, and O'Neill (7)

Aldersperson Helms requested that any contingency that reflects any personnel expense needs to come back to the council prior to actually spending the fund. Mayor Gaulrapp asked for a clarification. Aldersperson Helms stated there are \$1.7 million dollars in examples of personnel expense. Mayor Gaulrapp asked if it would when we need to hire a new person. Aldersperson Helms stated personnel expense was for replacing employees, for cost of living increases, and potential salary increases. Mayor Gaulrapp asked that if we are going to replace an employee does this need to come back to council to get approval of the replacement. Aldersperson Helms stated affirmatively and the reason for that being is the way the cost of living increases are set up right now if you replace an employee that person is going to be getting a ten percent increase in the first twelve months. Mayor Gaulrapp asked if the City needs to replace someone will he need to get council approval. Aldersperson Helms stated that we are talking about medical increases, pension increases. and if the cost of living increases remain the same as they are now, then we as a whole need to go over the entire picture.

Mayor Gaulrapp stated the administration has been fiscally conservative when we have to hire people. When we look at replacing people, we look at consolidation of departments and consolidation of duties as we have for the building inspector with a cost savings of \$38,000. The hire before that saved the council about \$7,000. Aldersperson Helms stated that he is talking about increased pension expense and wage increase of 10% from the starting salary for showing up to work everyday for twelve months. Aldersperson Helms stated that if we can break out the contingencies more so for cost of living increase and break that out from replacement cost or expenses related to replacement then there would be no problem taking that out. Discussion was extended to other members of the council. Aldersperson Klemm stated that we need to look at other things being more realistic. Mayor Gaulrapp stated the step increase accounts for a non-union employee to receive 5% increase after the first six months, 5% increase after one year, 5% after two years, and then steps at three, five, ten, fifteen and twenty. Mayor Gaulrapp stated non-bargaining employees have not had a salary raise, not counting longevity since May 1, 2008. Last year, the non-bargaining took between a 6 and 7.5% decrease. Mayor Gaulrapp stated for new employees they will receive the one to three year longevity raise. Discussion was held as to what other municipalities are doing compared to other employers. Aldersperson Klemm stated we can't continue to pay increases like this and ask people to increase their taxes every year. Aldersperson O'Neill stated the council discussed in years past to go to the merit salary compensation. As a person has been on the job for six months, twelve or twenty-four months they are learning the job. Their skill sets are getting better, their level of ability to do their job increases, efficiency improve and effectiveness. If it is not, then that is the opportunity for the department head to sit down and talk about those issues. People that don't produce should not remain on their job.

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Mayor Gaulrapp stated that if we are going to debate, we need a motion on the floor.

Aldersperson Helms stated, “what I stated before was my motion that any contingencies in the Appropriation Ordinance that are related to personnel expense as presented will need to be brought forth before the council, before the final approval.”

Corporation Counsel Sarah Griffin stated that motion is not actually an amendment to the Appropriation Ordinance. The Appropriation Ordinance has to be passed or not passed. Corporation Counsel Sarah Griffin stated you can make it in spending plan resolution is so that there is formal procedure in which to do that. The Appropriation does not have contingency in it. Whatever the numbers are, you can delete number from it or add numbers to it, but can’t put contingencies on the ordinance itself.

Aldersperson Helms asked if he needs to come back with each individual department that has a contingency built into the appropriation, because the appropriations numbers has the contingencies built into them.

Corporation Counsel Sarah Griffin stated that if you actually want the numbers in the appropriation reduced, then yes, the line items would need to be changed. You could ask to have that amendment prepared for you for the next meeting that would amend each of those separate. Aldersperson Helms stated yes please. If there is a second I would like to ask the Mayor a couple more questions. Aldersperson Klemm seconded the motion. Corporation Counsel Sarah Griffin asked a question regarding the motion by stating that as we have discussed we can not change the bargaining agreement so that I am guessing that you would like request Mr. Price to extrapolate the ones that actually can be removed from the appropriations. Aldersperson Helms stated that if it is the will of the council if something is approved with the bargaining units and we have the adjustment in the appropriations any personnel expenses have to come back and be approved. Corporation Counsel Sarah Griffin stated that there are terms in bargaining agreements that have been passed per year, depending on whether or not it negotiation goes into mediation or arbitration. So they need to be built in otherwise you are coming back as supplemental appropriations. Aldersperson Helms asked if you are adjusting the numbers how you are adjusting the numbers if you are looking for council approval on the expenditure of those numbers in the appropriations. Accountant Duane Price stated that this is the purpose of the resolution for the spending plan. In that spending plan there is an attachment that lists all of the contingencies and we split it between those which can be paid with the Finance Director’s approval and those which require council approval. The appropriation ordinance is simply to appropriate the money. The budget spending plan is scheduled to the first meeting in May.

Aldersperson Helms retracted his motion and this was seconded by Aldersperson Klemm.

Discussion was held regarding the department heads role in deciding their day to day operations and what is going on in their departments with hiring and replacing employees.

Mayor Gaulrapp asked Aldersperson Helms if he was looking for a hiring freeze. Aldersperson Helms stated he did not say that. Mayor Gaulrapp asked if he was asking to come back to council for every

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person who leaves to have approval of council to hire someone to replace them Alderperson Helms stated I am looking for approval by the council for the expenditure of funds which we are responsible for and as council you asked us to go over. Alderperson Helms stated we don't know what the State of Illinois is going to do and we need to be cautious by having more eyes looking at it.

Upon no further discussion, Mayor Gaulrapp stated Ordinance 2011-18 for the Appropriations Ordinance FY 2011-2012 will be automatically laid over the next regular scheduled meeting.

2ND READING OF ORDINANCE 2011-19:

AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT – ACCOUNTING CLERK, PAYROLL A/P CLERK AND DEPUTY CITY CLERK

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Helms, seconded by Alderperson Klemm 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.

2ND READING OF ORDINANCE 2011-20:

AN ORDINANCE AMENDING CHAPTER 1420 (INTERNATIONAL BUILDING CODE) TO AMEND THE TITLE, UPDATE VERSION, AND AMEND NUMBER OF COPIES ON FILE

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Helms and it was automatically laid over to tonight's meeting. Upon the second reading Community Development Director Shelly Griswold clarified that although only one copy of the code would be kept by the Community Development Department in City Hall. The inspector has another copy of the code in the vehicle. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2011-21:

AN ORDINANCE AMENDING CHAPTER 1422 (ILLINOIS PLUMBING CODE) TO UPDATE VERSION, AMEND NUMBER OF COPIES ON FILE, AND AMEND LANGUAGE REGARDING REGISTRATION OF PLUMBING CONTRACTORS

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson 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.

2ND READING OF ORDINANCE 2011-22:

AN ORDINANCE AMENDING CHAPTER 1424 (NATIONAL ELECTRIC CODE) TO UPDATE VERSION, AMEND NUMBER OF COPIES ON FILE, AND AMEND LANGUAGE REGARDING LICENSURE OF ELECTRICAL CONTRACTORS

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson 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.

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2ND READING OF ORDINANCE 2011-23:

AN ORDINANCE AMENDING PART 14 – BUILDING AND HOUSING CODE, TITLE TWO – BUILDING STANDARDS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT ILLINOIS TO ADD CHAPTER 1425, INTERNATIONAL ENERGY CONSERVATION CODE

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson 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.

2ND READING OF ORDINANCE 2011-24:

AN ORDINANCE AMENDING CHAPTER 1426 (INTERNATIONAL MECHANICAL CODE) TO UPDATE VERSION, AMEND NUMBER OF COPIES ON FILE, AND AMEND LICENSURE FEES

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and it was automatically laid over to tonight's meeting.

Corporation Counsel Sarah Griffin stated that at the last meeting during the presentation Director Griswold indicated she would bring an amendment regarding the insurance. An amendment to Ordinance 2011-24 has been placed before council amending Section 4 in italics making the general liability limits of at least one million dollars per occurrence for bodily injury and property damage and we will need a motion on the floor to adopt the amendment. Alderperson Boldt so moved to adopt the amendment to the ordinance, seconded by Alderperson Klemm. Motion to amend the ordinance prevailed by roll call vote of:

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

Nays: none

Upon no further discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2011-25:

AN ORDINANCE AMENDING PART 14 – BUILDING AND HOUSING CODE, TITLE TWO – BUILDING STANDARDS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS TO ADD CHAPTER 1427, INTERNATIONAL FUEL GAS CODE

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Endress, seconded by Alderperson DeVine 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.

2ND READING OF ORDINANCE 2011-26:

AN ORDINANCE AMENDING CHAPTER 1442 (PERMITS AND FEES) TO AMEND LANGUAGE REGARDING PERMIT REQUIREMENTS AND REFERENCES TO STORM WATER MANAGEMENT REGULATIONS

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and it was automatically laid over to tonight's meeting and it is properly on the floor and open for discussion. Corporation Counsel Sarah Griffin stated that at the last meeting during the presentation Director Griswold stated that she had made an error in Section 5 and needs to refer to 1442.18. This amendment is now before council. Corporation

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Counsel Sarah Griffin stated the commercial contractor license fee of \$220 will be due all at one time payable one of before January 1, instead of \$110 in January and \$110 in July. It adds the insurance requirement coverage to the same as other, which is \$1,000,000 per occurrence for bodily injury and property damage. Alderperson Klemm moved to move forward the amendments to the ordinance, seconded by Alderperson Endress. Motion to amend the ordinance prevailed by roll call vote of: Yeas: Boldt, Helms, DeVine, Corbin, Klemm, Bush, Endress, and O'Neill (8)

Nays: none

Upon no further discussion, the ordinance was automatically laid over to the next meeting.

2ND READING OF ORDINANCE 2011-27:

AN ORDINANCE AMENDING CHAPTER 1446 (LICENSING OF COMMERCIAL CONTRACTORS) TO AMEND LANGUAGE REGARDING ISSUANCE OF LICENSES

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson 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.

2ND READING OF ORDINANCE 2011-28:

AN ORDINANCE AMENDING CHAPTER 1480 (INTERNATIONAL PROPERTY MAINTENANCE CODE) TO AMEND LANGUAGE REGARDING EDITION OF CODE AND NUMBER OF FILE COPIES

The first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson 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.

2ND READING OF ORDINANCE 2011-29:

AN ORDINANCE AMENDING CHAPTER 1482 (INTERNATIONAL RESIDENTIAL CODE) TO AMEND LANGUAGE REGARDING EDITION OF CODE, NUMBER OF FILE COPIES, AND INSTALLATION OF AUTOMATIC SPRINKLER SYSTEMS

Mayor Gaulrapp stated the first reading of this ordinance was held on April 6, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and it was automatically laid over to tonight's meeting. Mayor Gaulrapp stated it is properly on the floor and open for discussion.

Corporation Counsel Sarah Griffin stated that during the last meeting council had discussion after hearing from Fire Chief Kevin Countryman and the Mayor as to their recommendation regarding the automatic sprinkler system for the one and two family dwelling. The initial ordinance read that the requirement of sprinklers would not be adopted at all. It was the administration's recommendation to delay to adoption of it. Two choices are given to delay the adoption of automatic fire sprinkler systems in one and two family dwelling. Version A states it specifically not adopted until January 1, 2013 and any prior versions in effect if any of same are specifically repealed at this time. Version B states it will be delayed until 2015. It is the recommendation of the administration to use version A. Alderperson Klemm moved to adopt version A of Ordinance 2011-29 as presented, seconded by Alderperson Endress. Motion to amend the ordinance prevailed by roll call vote of:

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

Nays: DeVine (1)

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The amendment of the ordinance passed.

Aldersperson Klemm made a motion to suspend the rules and vote on this for final reading this evening, seconded by Aldersperson Endress. Motion prevailed by roll call vote of:

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

Nays: DeVine (1)

Discussion was held regarding a possible condominium to be built and the contractor would like to move forward with the project. An associate of the builder was called forward. Ann Sadler, 625 S. Park Boulevard stated that there is a contractor ready to break ground and the price of both units is estimated to be around \$300,000 bringing \$8,000 in property taxes. He has two sites, one in Freeport and one elsewhere. If he is not able to start this week he will go to the alternate site. Mayor Gaulrapp stated that his recommendation is based on the overall economic picture of building in Freeport and on what has and has not happened lately for building. It has been asked to consider moving this forward this evening.

Mayor Gaulrapp called the question to pass Ordinance 2011-29 as amended. Motion to pass the ordinance this evening as amended prevailed by roll call vote of:

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

Nays: none

Ordinance 2011-29 as amended passed.

ORDINANCES –FIRST READING

1ST READING OF ORDINANCE 2011-30:

AN ORDINANCE AMENDING CHAPTER 889 (ELECTRICITY KILOWATT- HOURS USE TAX) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT TO EXTEND THE INCREASE OF SUCH TAX

Finance Director Craig Joesten stated this is a tax currently in force with an expiration of July of this year and it generate \$430,000 of revenue to the City. It is based upon kilowatt hours used. It is not a sales tax. Finance Director Craig Joesten stated that he thinks the beginning bracket is .224 cents per kilowatt hours for the first 2,000 kilowatt hours. This ordinance asks for a two year extension of this tax at the current existing expiring rate. Aldersperson Klemm moved to approve the ordinance as presented, seconded by Aldersperson Corbin. The ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2011-31:

AN ORDINANCE AMENDING CHAPTER 290 - COMPENSATION AND BENEFITS OF THE CODIFIED ORDINANCE OF THE CITY OF FREEPORT, TO AMEND SECTION 290.02 (COMPENSATION PLAN)

Mayor Gaulrapp stated this is the longevity step increase and asked if there a motion to put this on the floor for discussion? Aldersperson Helms so moved, seconded by Aldersperson Klemm.

Aldersperson Helms stated that he asked to have this brought forward to temporarily suspend the payment of non-bargaining longevity increases until after the 2011-2012 Appropriation Ordinance has been adopted or the deadline of July 31, 2011. Aldersperson Helms stated this is brought forward or discussion and it is not necessarily to limit or eliminate it.

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Aldersperson DeVine asked how long has it been since the non-bargaining has had a raise and how much money is being talked about in this ordinance. Mayor George Gaulrapp stated this is for the step increase in the ordinance book this year out of 200 and some employees there are 70 employees that are scheduled to receive a step increase. Some may receive a six month raise, some may receiving a one year raise, fifth year, ten, fifteen or twenty year raise. This is not a cost of living.

Fire Chief Kevin Countryman stated that the number quoted is for all employees but this ordinance is for non-bargaining only and this year it will involve four employees. Finance Director Craig Joesten stated the amount of dollars that you are talking about is \$5,600 for four employees.

Discussion was held regarding the step increase and whether it would be retroactive once the appropriation ordinance passes and Aldersperson Helms stated it would be retroactive. Discussion was held regarding the step increases and how a person automatically receives it. Discussion was held whether the administration should look at merit pay. Aldersperson Helms stated this is so the council has a discussion on the issue of the longevity increases of which they have not had for several year.

Upon no further discussion, the ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-19:

RESOLUTION TO AUTHORIZE PECATONICA PRAIRIE PATH COMMISSION JULY 1-JUNE 30, 2011-12; 2012-13; AND 2013-14 THREE-YEAR OPERATING BUDGET

Mayor Gaulrapp stated this resolution was presented on April 8, 2011. A motion to layover the resolution to tonight's meeting was given by Aldersperson Helms, seconded by Aldersperson Klemm, and approved by roll call vote. Community Development Director Shelly Griswold stated that Aldersperson Helms asked for the economic interest of the trails and she was able to pull together some projections of trails in general but not for this trail as of yet. The most recent study was done by University of Wisconsin which gives some financial impact dollars averaging \$38.00 per day for a bicyclist that uses the trails in Wisconsin. The projected number of riders will need to be provided. Aldersperson Helms stated he asked Director Griswold to provide 1) What is the project return on investment of the overall project and the City of Freeport's share 2) This current administration or any previous administration done a cost effective analysis of the project 3) Are there any projections on maintenance for the next five years, ten years with time and materials costs to repave is down the road. Aldersperson Helms moved to layover the resolution to the next meeting, seconded by Aldersperson Klemm. Motion passed by voice vote without dissent.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold had no further report.

Finance

Finance Director Craig Joesten had no further report.

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Public Works

Public Works Director Tom Dole stated there are several severe cracks on the runway at the airport and there has been a request for bid prepared. This is an item that was not budgeted for but has to be repaired. There is also a request for proposals for consulting services at the Albertus Airport because that contract with CMT ended in January 2011.

Water and Sewer/City Engineer

City Engineer Denise Ihrig presented an update on the Big 4 projects and the engineering is moving forward. The consulting firm has chosen for the pressure zone which includes the tower and new mains. We will be going for permitting from the IEPA very soon. That project along with several other are on schedule for June advertising and July bid opening. She provided an update on the billing meters and working on the review of the ordinance to clean up language for work to be done by a licensed plumber. The Statement of Qualifications request with a pre-qualification necessary will be going out soon.

Police

Chief of Police Jerry Whitmore stated that a Neighborhood Watch meeting it was suggested that the City look at an ordinance on the book in Rockford for illegal activity and crowds which cause a major disturbance at liquor establishments He has given a copy to Corporation Counsel Sarah Griffin to work on in the near future. Chief of Police Jerry Whitmore thanked the cast and crew of Showtime 31 for honoring the police and fire personnel.

Fire

Fire Chief Kevin Countryman also thanked Jeff Lehmann for including the public safety from the Fire Department in the Showtime 31 at Freeport High School.

Fire Chief Kevin Countryman stated Ordinance 2011-31 is a very controversial issue over an amount of \$5,600 for this year. It will affect one employee in the Fire Department but it singles out non-bargaining employees once again. The union over the last few years have received benefits during negotiation process and non-bargaining is getting to the point where they are being taken advantage of because there is no representation. He provided an example of a Battalion Chief who worked many hours overtime on his own time, off duty, with a member of the ISO Insurance Services Organization in order to provide training records to maintain our rating. There is no compensation to this employee for that. He is scheduled to receive a longevity increase this year. The message that you send to him is the big picture that has been demonstrated over again that non-bargaining receives no cost of living raises and now you want to eliminate the potential for longevity. Alderperson Helms stated that all he is trying to do is review it more frequently than we are now and not looking to eliminate it, or to decreasing it, just to have a conversation about it. Alderperson Klemm stated that the idea is to put it on the table and talk about it.

OTHER

MAYOR'S REPORT

Mayor Gaulrapp thanked the Kiwanis K-Kids program for the three terrific young ladies who were honorary mayors-for-the-day and were at the meeting tonight. The three students provided input at the staff meeting this morning and were shown what goes on at City Hall on a daily basis.

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Mayor Gaulrapp thanked Alderperson Corbin for the four years he served on the City Council. He also thanked and highlighted the service from Alderperson O'Neill for her eight years on council and for providing support to the person to replace her in office.

Mayor Gaulrapp stated that what has been going on at the hotel has been going on for quite some time. Travel advisor has many comments on the hotel. Inspectors from the County Health Department, Fire Inspection and Community Development Department found many issues.

Mayor Gaulrapp stated that he has made the executive decision to that we will serve Comcast with an injunction for what he believes is a violation of their contract. They have tried to find a loop-hole to close the facility that serves the people of this community who use their product, buy their product and support their product. It is ironic that they have a volunteer day next week. If they want to be a partner in Freeport, they should follow their contract and keep their customer service open.

NEW BUSINESS

Each council member was provided the opportunity to make public announcements.

- Alderperson Boldt asked if the mayor for the day could be available at other schools and requested to have additional budget seminars/discussions on a Saturdays. The issues that are brought up need time and the freedom to speak without worrying about an agenda.
- Alderperson Helms asked Chief of Police Jerry Whitmore if the ordinance can be all encompassing on businesses, whether they have a liquor license or not.
- Alderperson Helms asked to review the solicitation times in the City and suggested that administration look at adjusting the times during the winter months when it gets dark early.
- Alderman Helms asked if the Winter Parking Ordinance may be reviewed for the starting time to allow a grace period for the time when vehicles need to be moved perhaps from 8-9 am.
- Alderperson Corbin asked about credit card payments in the Water and Sewer Department and Finance Director Craig Joesten stated it is now available for on-line payment through the Illinois State Treasurer's office. Alderperson thanked the citizens of Freeport for allowing him to serve as Alderman-At-Large.
- Alderperson Bush suggested a city-wide litter clean-up project. It was suggested that since each of the wards have a Neighborhood Watch Program that with each of the ward captains on a regular basis that people are asked to be out in the public picking up trash in the wards. This would be done in every ward across the City based on a time schedule selected by the Neighborhood Watch groups. Alderperson Bush suggested a Saturday to have a drop-off place for people who pick up trash around the City.
- Alderperson Bush asked about the property at Stephenson and Hancock. Director Dole stated that due to the weather and the mud it can't be spread and completed.
- Alderperson O'Neill thanked the public, council, and administration for their support during her tenure as Alderperson.

PUBLIC COMMENTS

- Tom Teich, 653 Jefferson Street, Freeport, Illinois asked about a vacant property.
- Alex Dvorak 659 Jefferson Street, Freeport, Illinois would like to have sidewalks improved and provided suggestions for areas needing fixed.

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- Accountant Duane Price asked the council about the Resolution passed last May to pay back 10% of their salary and whether this will continue in the future since it is set to expire at the end of this month.
- Human Resources Manager Debra Milliman stated her opinion as to the effect of delaying or taking out the longevity increases. In her opinion, non-bargaining employees may consider going back to union positions to have someone to negotiate on their behalf or bargaining employees will have no incentive to leave their position to move into the ranks of non-bargaining. By removing the last monetary reward that the city has, good employees will start to leave. If the City would go to a merit based increase – would any of these be approved? There are no guarantees except for longevity. The moral of those employees who choose not to leave will be low. Research has shown that employees with low moral will not perform as you would like. When good employees leave it will be difficult to recruit good employees to replace them when we are unable to offer monetary incentives. When asked how often pay increases are given what should we in good conscience say? We used to have annual increases, we used to have PEHP monies, we used to receive longevity increases and on top of that there is a chance you will have to take a pay cut due to furloughs from what we are currently offering you. Of course we wouldn't really say those things but in our minds that is what we know to be the truth. In these days of rising prices and medical costs, non-bargaining have had no pay increases for the past three years. For the past how many years, non-bargaining have had no monetary contributions to their PEHP accounts. They have had to take furlough days which resulted in cuts of 7% to their annual salary. Our employees are now facing the possibility of having removed the last monetary reward they have to look forward to, possibly for years to come. When challenged with making good business decisions, those given that challenge must decide if the end results of that decision will bring about more positive than negative changes. This will negatively impact not only employees of the City, but ultimately the City of Freeport itself.

EXECUTIVE SESSION (CLOSED SESSION)

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

- Subject #1 - Pursuant to 5 ILCS 120/2 (c) (2) – Collective negotiation matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees
- Subject #2 - Pursuant to 5 ILCS 120/2 (c) (6) – The setting of a price for sale or lease of property owned by the public body
- Subject #3 - Pursuant to 5 ILCS 120/2 (c) (21) – Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes

At 7:58 pm, Alderperson Bush moved to enter executive (closed) session, seconded by Alderperson O'Neill. Motion prevailed by a roll call vote of:

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

Nays: none

The council left council chambers.

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At 8:21 pm, Alderperson Bush moved to return from executive (closed) session, seconded by Alderperson Endress. Motion prevailed by a roll call vote of:

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

Nays: none

ACTION ON EXECUTIVE SESSION, SUBJECT #3 SEMI-ANNUAL REVIEW AND APPROVAL OF EXECUTIVE SESSION (CLOSED SESSION) MINUTES AND TAPES

Alderperson Corbin stated that 5 ILCS/120 2.06 provides that minutes of closed sessions should be made public once a public body determines that it is no longer necessary to protect the public interests or the privacy of an individual by keeping the minutes confidential. The City of Freeport City Council, in closed session, reviewed the minutes of past closed sessions currently kept in a closed file and determined the following;

Alderperson Corbin moved to approve the following minutes; September 7, 2010 subject #1 and 2, September 20, 2010 subject #1 and 2, October 18, 2010, and December 6, 2010. This motion was seconded by Alderperson Bush. Motion prevailed by a roll call vote of:

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

Nays: none

Alderperson Corbin moved to make a determination that the need for confidentiality still exists in relation to the following minutes or portion of minutes for the stated reasons:

September 7, 2010	Subject Matter #1 only – Real Estate Acquisition Strategy
September 20, 2010	Subject #1 - Collective Bargaining Strategy
September 20, 2010	Subject #2 - Real Estate Acquisition Strategy
October 18, 2010	Pending Litigation
December 6, 2010	Pending Litigation

This motion was seconded by Alderperson O'Neill. Motion prevailed by a roll call vote of:

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

Nays: none

Alderperson Corbin moved to make a determination that the need for confidentiality no longer exists as to the minutes from the following closed session meetings or portions of minutes and that these portions should be made available for public inspection;

September 7, 2010	Subject Matter #2 only – Discussion of Minutes Lawfully Closed Under this Act
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This motion was seconded by Alderperson O'Neill. Motion prevailed by a roll call vote of:

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

Nays: none

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Aldersperson Corbin moved to authorize destruction of verbatim recordings of the following closed sessions; all of which are over 18 months old and the written minutes of these closed sessions have been previously approved by this City Council; October 5, 2009, September 8, 2009, August 3, 2009, July 20, 2009, July 6, 2009, June 1, 2009 and May 18, 2009. This motion was seconded by Aldersperson O'Neill. Motion prevailed by a roll call vote of:

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

Nays: none

Upon motion duly made and seconded, the meeting was adjourned at 8:25 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk