



City Council

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

MINUTES REGULAR MEETING Monday, June 20, 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, June 20, 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, Michael Koester and Andrew Crutchfield (8). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Boldt.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Alderperson DeVine moved for approval of the minutes of the meeting held on June 6, 2011, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS - AGENDA ITEMS

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

PRESENTATIONS

Mayor Gaulrapp recognized Freeport area Special Olympic athletes competing in the State of Illinois track and field competition and presented certificates to the coaches and athletes including: Kelli Dawson – 100 M Walk, Bronze medal, Gregory Emery – Softball Throw, 4th place, Mary Hart – 100 M Walk, Silver medal, Kathy Hooper – Softball Throw, Gold medal, Kim Kort – Tennis Ball Throw, 6th place; 50 M Run, Silver medal, Tiffany Mammen – 50 M Run, Silver medal, Brittany Raum – Softball Throw, 4th place; 100 M Run, Gold medal, Wesley Reimers – Softball Throw, 4th place; 400 M Walk, Bronze medal, Mike Thom – Softball Throw, Bronze medal, 200 M Walk, 5th place, Lucille Wand – Softball Throw, Gold medal, Mike Wootan – Softball Throw, gold medal; 100 M Run, 5th place, Aquatics Athletes:, Kyle Larson – 25 M Freestyle – Silver medal, Jessica Neuschwanger – 25 M Freestyle – 4th place, Alex Raum – 100 M Freestyle – Bronze Medal, Michelle Thom – 25 M Freestyle – 5th place, Jacob Tillery – 100 M Freestyle, Bronze Medal, 200 M Freestyle, Gold Medal

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Mike Mudge of Rock River Energy Services gave a presentation regarding supply of electricity in the aggregate program for residential and small commercial retail customers. After ten years of deregulation, the residential customers will be provided with three choices 1) pass an ordinance to put it out for referendum for people to vote in aggregation program 2) make own choice or 3) stay with ComEd. ComEd would remain as line manager and will also read the meters. Nineteen communities in Northern Illinois have chosen to operate the aggregation program under Public Utilities Act as an opt-out program for residential and small commercial retail customers. Prior to an adoption of an ordinance to establish a program, the City must first submit a referendum to its residents to determine whether or not the aggregation program shall operate as an opt-out program. If the majority of the electors voting on the question vote in the affirmative, then the City Council may implement an opt-out aggregation program for residential and small commercial retail customers.

Dave Young, Executive Director Northwest Illinois Development Alliance (NIDA), presented an overview of the area since coming to Freeport in February, 2011. He requested time from the council in order to determine who we are and what our asset base is before he can envision who/what we can be. He stated the economic sustainability requires shared vision, shared strategic plan, operating plan and funding. Mr. Young would like to develop a 3-5 year Strategic and Operating Plan and the success is a partnership between the business community, real estate brokers/developers, professional services, community groups, government officials, economic groups, academic community and regional partners. Mr. Young requested intermediate funding from the City of Freeport for Northwest Illinois Development Alliance in the amount of \$50,000. Each council member was provided the opportunity to address questions to Mr. Young. It was determined that their budget is \$300,000 and expected for it to be shared 1/3 each between the City, Stephenson County, and private entities. The City has \$15,000 appropriated in the general fund and other amounts are in the budget of TIF districts for performing professional services.

CONSENT AGENDA

Prior to the presentation of the Consent Agenda items, Alderperson Helms requested removal of item A 1) City Treasurer's Schedule of Tax Receipts through April 30, 2011 for discussion purposes and it was granted by council. The following items were presented in the Consent Agenda:

A. Approval to receive and place on file:

- 2) City Treasurer's Report of Cash and Fund Balances through April 30, 2011
- 3) City Treasurer's Monthly Investment Report for period ended April 30, 2011
- 4) Freeport Fire Department Report on Activities May 2011
- 5) Community Development Department Report on Activities for May 2011 including Cash and Misc Receipts; Building Permits Summary; Building Permit Listing; Electrical, HVAC, Plumbing and Sign Permits
- 6) Worker's Comp Incidents for May 2011

B. Resolution #R-2011-32, Resolution to Request Temporary Closure of Streets for the Lincoln Douglas 5K - August 6, 2011

C. Resolution #R-2011-33, Resolution to Request Temporary Closure of Streets for 2011 Cruise Night – August 13, 2011

D. Approval of Water and Sewer Bills Payable (Register #566) --- \$224,162.01

E. Approval of Payroll for pay period ending June 4, 2011 --- \$402,109.88

F. Approval of Finance Bills Payable (Registers #562, 563, 564, 565, 567) --- \$381,724.83

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Alderson Klemm moved to approve the presented Consent Agenda items shown above, seconded by Alderson Koester. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, Crutchfield (8)

Nays: none

Alderson Helms asked his questions to Accountant Duane Price regarding items A 1) City Treasurer's Schedule of Tax Receipts through April 30, 2011.

Alderson Helms moved to approve Consent Agenda items A 1) Approval to receive and place on file: 1) City Treasurer's Schedule of Tax Receipts Report through April 30, 2011, seconded by Alderson Endress. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, Crutchfield (8)

Nays: none

The consent agenda items were approved.

APPOINTMENTS/RE-APPOINTMENTS

Alderson Endress moved to accept the reappointment of Bridget Sheriff to the Board of Zoning Appeals effective immediately through June 30, 2016, seconded by Alderson DeVine. Motion prevailed passed by voice vote without dissent.

Alderson DeVine moved to accept the appointment of Rhonda Becker to the Historic Preservation Commission effective immediately through February 8, 2012, seconded by Alderson Endress. Motion prevailed by voice vote without dissent.

COMMUNICATION TO COUNCIL

Finance Director Craig Joesten presented a memorandum dated June 14, 2011 from Accountant Duane Price regarding Preliminary Year End Results for fiscal year ended April 30, 2011. The results show an excess of revenues over expenses in the amount of \$1,638,006. These are preliminary results and are under review by the Finance Department and the auditors. The following are the Gain or Loss Summary, Current Year Compared to Budget, Year Ending April 30, 2011, Preliminary (unaudited)

	Actual Results	Budget	Budget Variance
Revenue	\$16,588,190.00	\$15,898,503.00	\$689,687.00
Expenses	\$14,950,184.00	\$16,097,766.00	\$1,147,582.00
Gain (Loss)	\$1,638,006.00	(\$199,263.00)	\$1,837,269.00

The City's income tax revenue received was over the budgeted amount by \$246,345.00 and the income received from the sales tax attributed to an increased amount of \$313,932.00. Alderson Helms requested the line item that attributed to the Miscellaneous Local Sources over budget in the amount of \$60,152.00 and, later in the meeting it was stated, that it was due to dollars received from FEMA. Upon no further discussion, Alderson Endress moved to place the document on file, seconded by Alderson Klemm. Motion prevailed by voice vote without dissent.

ORDINANCES – THIRD READING

3RD READING OF ORDINANCE 2011-34:

AN ORDINANCE AMENDING CHAPTER 1242 (ADMINISTRATION, ENFORCEMENT AND PENALTY), SECTION 1242.11 (VARIATIONS, PERMITS, PLANNED DEVELOPMENTS AND AMENDMENTS) TO AMEND PETITION AND NOTICE REQUIREMENTS

The first reading of Ordinance 2011-34 was held on May 16, 2011. A motion to adopt was given by Alderperson Boldt, seconded by Alderperson DeVine. The second reading was held on June 6, 2011 and the ordinance was automatically laid over to tonight's meeting. Upon the third reading, a roll call vote was taken to approve the motion on the floor. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Ordinance 2011-34 was passed.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE 2011-39:

AN ORDINANCE TO ASCERTAIN THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED IN PUBLIC WORKS OF THE CITY OF FREEPORT, ILLINOIS

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

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2011-40:

AN ORDINANCE AMENDING CHAPTER 806 – ALCOHOLIC LIQUOR SALES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, TO AMEND SECTION 806.03 (CLASSIFICATION OF LICENSES), SUBSECTION (C) AND (D)

The ordinance was presented by Corporation Counsel Sarah Griffin stating that a couple of years ago council had approved an ordinance for a Class A liquor license to move to a Class AR or from an AR to A for a fee of fifty dollars.

Corporation Counsel Sarah Griffin stated this ordinance would allow for a Class B-1 license to be changed to a Class B-2 through application to and approval by the Liquor Commission, upon payment of a fifty dollar administration fee. This change may be made for a B-2 to a B-1 for the same fee. B-1 license authorizes the sale of beer and wine only by a market in original packages for consumption off the premise. B-2 license authorizes the sale by package goods stores of alcoholic liquor in original packages only for consumption off the premises. No Class B-2 License shall be issued to an establishment with operate on-site motor fuel pumps. This amendment was unanimously recommended to council by the Liquor Commission in their meeting held on June 9, 2011. Discussion was held regarding convenience store with fuel sales not being allowed to sell anything other than beer and wine which was wording recommended by the Liquor Commission and agreed upon by Chief of Police Jerry Whitmore.

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Aldersperson Koester motioned to place the ordinance on the floor for passage, seconded by Aldersperson Klemm. The ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE 2011-41:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF FREEPORT, STEPHENSON COUNTY, THE QUESTION WHETHER THE CITY SHOULD HAVE THE AUTHORITY UNDER 20 ILCS 3855/1-92 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

Mayor Gaulrapp presented the ordinance stating that earlier this evening a presentation was given by Mike Mudge providing the summary of the aggregation program as an opt-out program for residential and small commercial retail customers. Through this ordinance the City Council finds and determines that it is in the best interest of the City of Freeport to operate the aggregation program under the Aggregation of Electrical Load by Municipalities and Counties of Chapter 20, Illinois Compiled Statutes, Act 3855 Illinois Power Agency Act. In the event such question is approved by a majority of the electors voting on the question at the 2012 election, the City Council may implement an opt-out aggregation program. This directs the City Clerk to submit a question for the ballot, "Shall the City of Freeport have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have opted out of such program?" Aldersperson Endress motioned to place the ordinance on the floor for passage, seconded by Aldersperson Koester. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-34:

RESOLUTION TO AUTHORIZE EXECUTION OF AGREEMENT FOR TRANSPORTATION DISPATCH SERVICES BETWEEN THE CITY OF FREEPORT AND NATIONWIDE INBOUND, INC.

Community Development Director Shelly Griswold presented the resolution stating that this is the provider agreement for dispatch services with Nationwide Inbound, Inc. to provide central dispatching services for Pretzel City Transit Program. In 2008, Nationwide Inbound provided a proposal including rates for five years and this agreement implements the rates for 2011. Aldersperson Boldt motioned to place Resolution #R-2011-34 on the floor of adoption, seconded by Aldersperson Klemm. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Resolution #R-2011-34 was adopted.

RESOLUTION #R-2011-35:

RESOLUTION TO AUTHORIZE EXECUTION OF AGREEMENT FOR TRANSPORTATION SERVICES BETWEEN THE CITY OF FREEPORT AND PRETZEL CITY TRANSIT COMPANY

Community Development Director Shelly Griswold presented the resolution for the transportation system provider between the City of Freeport and Pretzel City Transit Company with rates of July 1, 2011 through June 30, 2012. The original RFP was received in 2008 outlining five years of rates through 2013. Aldersperson Klemm motioned to move forward for adoption of Resolution #R-2011-35, seconded by Aldersperson Endress. Motion prevailed by roll call vote of:

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Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Resolution #R-2011-35 was adopted.

RESOLUTION #R-2011-36:

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE JANE ADDAMS TRAIL COMMISSION
INTERGOVERNMENTAL AGREEMENT**

Community Development Director Shelly Griswold presented the resolution stating that page 6 of the Jane Addams Trail Commission Intergovernmental Agreement as amended under Article III – Commission Authority and Duties to include reference for the commission to not only lease property but to purchase property necessary for the carrying out of the responsibilities of the Commission. Currently, the commission is working on easements to get the trail from Tutty's Crossing to Illinois Route 26 north and there is at least one owner who would like to sell their property. Alderperson Boldt motioned to place Resolution #R-2011-36 on the floor for adoption, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Resolution #R-2011-36 was adopted.

RESOLUTION #R-2011-37:

**RESOLUTION AUTHORIZING APPLICATION FOR PUBLIC TRANSPORTATION FINANCIAL
ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT ACT OF 1991, AS AMENDED (49 U.S.C. §
5311)**

Community Development Director Shelly Griswold presented the resolution stating that this resolution allows the Mayor to sign on behalf of the City for the application to the Division of Public Transportation, Department of Transportation, State of Illinois for financial assistance grant under Section 5311.

Community Development Director Shelly Griswold stated that the fares were raised last year in order to offset the costs of the transportation program. Alderperson Boldt motioned to place Resolution #R-2011-37 on the floor for adoption, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Resolution #R-2011-37 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

MOWING BIDS

Community Development Director Shelly Griswold requested to retain the use of both contractors throughout the mowing season. She stated that she has enough lawns on the list to keep both contractors (Lucas Landscape and C&C Mowing) with work. It was requested that Community Development

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Director Shelly Griswold review the bid proposals to include specifications in the required mowing equipment and provide to council a report on mowing in the fall.

Aldersperson Klemm motioned to move forward the request to maintain both contractors and to have bids accepted for mowing of grass and weeds in violation of Chapter 694 of the Codified Ordinances of the City of Freeport, seconded by Aldersperson Endress. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

FAÇADE IMPROVEMENT GRANT

Community Development Director Shelly Griswold presented a request for approval of a Façade Improvement Grant in the amount of \$10,000.00 for property located at 218 West Main Street applied by William R. Green. This project includes exterior face improvement including installation of façade detail elements and painting of this building façade. The total cost of the project is estimated at \$22,870.00, and the maximum grant amount would be \$10,000. There is \$20,000 in grant money available through the downtown TIF fund. This request went through the Historic Preservation Commission before being recommended to council. Aldersperson Klemm motioned to forward the request for approval, seconded by Aldersperson Boldt. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester and Crutchfield (8)

Nays: none

Aldersperson Helms requested to amend the guidelines under the grant program to make it mandatory to require a building inspection by the Building Inspector and Fire Inspector. Community Development Director Shelly Griswold stated she can draft the amendment and bring it to council the next meeting.

Community Development Director Shelly Griswold stated that in the presentation by Northwest Illinois Development Alliance, the executive director, Dave Young, requested additional funding and she will bring it forth through a supplemental appropriation in the next meeting.

Finance

Finance Director Craig Joesten presented an informational item on garbage rates for City of Freeport for next year. He stated that the contract allows for an adjustment by the consumer price index (CPI) and this indicator increased by 3.2%. In an effort to hold down costs to the consumer, it has been decided to reduce the bad debt collection in an amount to offset this increase. So for the amount that would be increased because of the CPI, the bad debt rate will be decreased and the net effect to the garbage rates will be zero, keeping the rate at \$11.65. The collection efforts have been good now that there has been a new vendor hired for collection services.

Public Works

Public Works Director Tom Dole stated he has attended meetings recently regarding the August 2011 music festival to work out details regarding roads, traffic and security. Now that the organizers have worked out more details regarding camping and parking, it has been progressing forward and meetings have been held with the emergency management of the county.

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Police

Chief of Police Jerry Whitmore stated the logistics for the music festival has been moving forward.

Mayor George Gaulrapp stated there is an area that is east of the fairgrounds and north of the landfill that will be used for parking for both the fairground and music festival. Mayor George Gaulrapp stated the organizers of the music festival have secured parking throughout Freeport and outlying areas of the Stephenson County Fairgrounds for 13,000 vehicles which takes into account 2.7 passengers per vehicle. Upon a question from Alderperson Helms, Corporation Counsel Sarah Griffin stated it is not necessary to bring forth a special event permit to council unless there were a request for temporary closure of a state highway and, at this point, they have not put forth a request closure of a state highway. Discussion was held regarding the role of the Airport Commission and how the land at the airport will be used for the music festival. The promoters are working with the City's Police and Fire Departments on the expense and they have that built into their ticket prices. The promoters have \$700,000 in backing for this event. Corporation Counsel Sarah Griffin stated that there have been questions on the funding of the music festival and the promoters are putting in that they are indemnifying the City and holding us harmless from any of the financial responsibility and we are not a sponsor of the event and they are going to fund and put us on the insurance as an additional insured. Corporation Counsel Sarah Griffin stated that the City is protecting ourselves, as well as helping this event, but we are not a sponsor.

Fire

Fire Chief Kevin Countryman was present and had no report.

MAYOR'S REPORT

Mayor George Gaulrapp stated that the building collapse that happened a week ago today there was a great response by our police and fire emergency responders. There was a contractor there to start a successful clean-up effort. Everyone came together and was coordinated by Battalion Chief Jim Blackburn. Fire Inspector Clyde Butler has been excellent as far as the fire inspection. He stated that the new building inspector, Pete Ratos, has done a tremendous job in his role and for the fact that he is a new hire. The Mayor stated the City has met with a building owner down the street who also has concerns about their building and it was recommended that they have a structural engineer look at the building. We have cracks in the building at City Hall and a stairwell between the mezzanine level and 2nd floor that is separating away from the wall. We have to work with building owners to make sure they maintain these buildings. The plans for the Hauser and Mahoney building is to make it secure enough to get the property out of the building safely so they may continue operations.

Freeport Beatification is coming to an end and it was a great marriage between the City and this organization, NHS and our community for the sesquicentennial. The corporate authorities planted seed money in the amount of \$50,000 to start and this group has done well over \$400,000 worth of improvements. They did a wonderful job on the entrance signs, planting trees, the improvements along West Avenue and South Street and improvements to the Lincoln Douglas site. Mayor Gaulrapp asked if there would be interest to adopt particular sites to improve and pull weeds.

Mayor Gaulrapp recognized Terry Brashaw, president of the firefighter union, by praising the department for the work done during the collapse of the building, along with the police emergency responders.

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Mayor Gaulrapp also thanked Representative Jim Sacia for taking the lead to organize the clean-up of his collapsed building in downtown Freeport.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

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

- Alderperson Boldt asked for a listing of the sites in Freeport that need to be adopted.
- Alderperson Bush thanked those who assisted with the clean-up of the 3rd Ward.
- Alderperson Helms asked for an update on Freeport Raceway Park. Community Development Director Shelly Griswold stated that once they were cited for late reporting, they have received the reports on a regular basis. Alderperson Helms asked for an update on Worker's Compensation programs and requested if there were any updates on the water and sewer security deposit rates. Finance Director Craig Joesten stated the Water and Sewer Commission will review the rates at their next meeting.
- Alderperson Koester spoke about the parking for the music festival and how non-profits will manage different areas.
- Alderperson Klemm spoke about the Harlem School building being used by the Freeport Art Museum and asked if there is an exit strategy. Mayor George Gaulrapp stated that three years ago they communicated a five year exit date and he recently had a conversation with a member of the board about re-approaching the board and having a different timeline. There is no way they would have funding in two years for a new building. Alderperson Klemm stated he would like to see us work something out for safety reasons but also liability reasons. Mayor Gaulrapp stated Corporation Counsel Sarah Griffin had advised him that there is a first-come reversion clause with the school district if they want it back. Once the Art Center exists the building and goes into a new facility, which could be some time from now, it really looks like it could be a great parking facility for FHN.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Frank Thruman, 1405 S. Walnut, Freeport Illinois, spoke about the distasteful way pants are worn below the privates of individuals an indecent manner and suggested some an ordinance/fine. He spoke about the problem with pedestrians walking in the streets. He would like to see more storm sewers installed along the curb toward Walnut, Cleveland, and Winnifred to help with flooding of the street during rain events.
- Tom Teich, 653 Jefferson Street, Freeport, Illinois spoke about the building progress of new businesses and thanked the administration for the presentation for the Special Olympic participants.
- John Staben, 1070 Canyon Drive, Freeport Illinois, provided a summary of his input into overseeing the parking for the music festival at the airport. He is first and foremost concerned for the safety of the property of the airport and hangar tenants.

Upon motion duly made and seconded, the meeting was adjourned at 8:40 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk