



City Council

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

MINUTES REGULAR MEETING Tuesday, July 5, 2011

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order by Mayor George Gaulrapp with a quorum being present at 6:00 p.m. on Tuesday, July 5, 2011, in Council Chambers.

ROLL CALL

Present on roll call were council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Michael Koester, and Andrew Crutchfield (7). Alderperson Helms was absent. Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Bush.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Alderperson DeVine moved for approval of the minutes of the meeting held on June 20, 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.

PUBLIC HEARING

The following statement was read into the record by the City Clerk: The purpose of the Public Hearing is to seek public comment on the City taking out a low interest loan in the amount of approximately \$10 million from the IEPA Revolving Loan - Public Water Supply Loan Program to make public water improvements inside the City of Freeport and taking out a low interest loan in the amount of approximately \$10 million from the IEPA Revolving Loan - Water Pollution Control Loan Program to make sanitary sewer improvements inside the City of Freeport. Public Water Supply Loan Program projects include: Well No. 9 & 10 and Well No. 9 & 10 Well House; New Elevated Burchard Tank; Water System Improvements for New Pressure Zone; and Billing Meters Replacement Project. Water Pollution Control Loan Program projects include: Upgrade SCADA and City Wide Sanitary Sewer Lining & Improvements Project.

MINUTES
REGULAR MEETING
Tuesday, July 5, 2011

The notice for the public hearing stated that the public hearing is being held as a requirement of both the IEPA Revolving Loan – Public Water Supply Loan Program and the IEPA Revolving Loan – Water Pollution Control Loan Program. Additional information regarding the hearing may be obtained from Craig Joesten, Executive Director, City of Freeport Water and Sewer Commission. Public comments should be sent to Gary Bingenheimer, Infrastructure Financial Assistance Section, Illinois Environmental Protection Agency, 1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276.

At 6:04 pm Mayor George Gaulrapp opened the public hearing.

City Engineer Denise Ihrig stated that plans and specifications for each project are available for viewing in the Water and Sewer Department and at the City Clerk's office.

The floor was opened for questions. Alderperson Klemm asked about the bidding time period. Ms. Ihrig stated that advertised 45-day bid time period allows for enough time to require the bidding contractor to publicize for subcontractors. The WBE/DBE are required to advertise in the largest circulation newspaper in the area at least 16 days and subcontractors to come forward and to indentify that they will be using WBE/DBE on these projects.

At 6:07 pm upon no further questions for City Engineer Denise Ihrig, Mayor Gaulrapp closed the public hearing.

PRESENTATIONS/RECOGNITIONS

Blaine Kurth of the Illinois Municipal League Risk Management Association (IMLRMA) provided an overview of the Risk Management and Safety Program of the City of Freeport. The City of Freeport is self insured. Mr. Kurth is the field representative of the IMLRMA and has been providing working with municipalities for over 10 years providing safety training and developing risk management action plans. The City of Freeport has been with the IMLRMA since 1991. The IMLRMA is a self-insurance pool open only to municipalities in Illinois and it is a non-profit organization. They oversee the City of Freeport's insurance coverage (not health insurance) including Property, Workers' Compensation, Liability, Public Officials Liability, Automobile and the contents in all the buildings. Mr. Kurth stated employees attend regular safety training programs. The City of Freeport participates in the Risk Management Action Plan and he works directly with the mayor and supervisors to make sure there are proper written procedures, training, material safety data sheets and safety committees. In the City of Freeport, there have been fewer workers' compensation claims over the last couple of years. Mayor Gaulrapp thanked Mr. Kurth for his assistance in keeping the number of claims to a minimum.

CONSENT AGENDA

The following items were presented on the Consent Agenda this evening:

- A. Approval to receive and place on file:
 - 1) Freeport Police Department Report on Activities May 2011
- B. Resolution #R-2011-40 Resolution to Request Temporary Closure of Streets for the Aquin Catholic Schools Colby Smith Memorial Classic – August 27, 2011
- C. Motor Fuel Tax Fund Bills Payable dated June 23, 2011 --- \$13,766.38
- D. Approval of Water and Sewer Bills Payable (Register #569, 572, 573, 574) --- \$151,220.14

**MINUTES
REGULAR MEETING
Tuesday, July 5, 2011**

E. Approval of Payroll for pay period ending June 18, 2011 --- \$395,968.06

F. Approval of Finance Bills Payable (Registers #568, 570, 571, 575) --- \$394,255.45

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

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester, and Crutchfield (7)

Nays: none

The consent agenda items were approved.

APPOINTMENTS/REAPPOINTMENTS

Aldersperson Bush moved to accept the appointment of Suzanne Gitz to the Building Commission effective immediately through April 30, 2015, seconded by Aldersperson Klemm. Motion prevailed by voice vote without dissent.

Aldersperson Klemm moved to accept the appointment of Jill Collin to the Library Board effective immediately through May 31, 2014, seconded by Aldersperson Endress. Motion prevailed by voice vote without dissent.

ORDINANCES – THIRD READING

3RD 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 Aldersperson Boldt, seconded by Aldersperson Bush. The second reading was held on June 20, 2011 and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion, 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, Koester and Crutchfield (7)

Nays: none

Ordinance 2011-39 was passed.

ORDINANCES – SECOND READING

2ND 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 first reading of this ordinance was held on June 20, 2011. A motion to adopt was given by Aldersperson Koester, seconded by Aldersperson Klemm. Upon the second reading and no discussion, the ordinance was automatically laid over to the next meeting.

2ND 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

**MINUTES
REGULAR MEETING
Tuesday, July 5, 2011**

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

The first reading of this ordinance was held on June 20, 2011. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Koester and it was automatically laid over to tonight's meeting.

Mayor Gaulrapp stated the administration requests an amendment on council floor. Corporation Counsel Sarah Griffin stated that she has corrected the date of the election from February 7, 2012 to March 20, 2012, and also the date for certification and submission of the question to the Stephenson County Clerk. Alderperson Klemm made a motion to change the dates as presented, seconded by Alderperson Boldt.

Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)

Nays: none

The ordinance as amended was automatically laid over to the next meeting.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE 2011-42:

AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE FISCAL YEAR 2011-2012 FOR THE CITY OF FREEPORT

Community Development Director Shelly Griswold presented the ordinance stating that in the last council meeting, a request was received by Northwest Illinois Development Alliance (NIDA) for intermediate funding from the City of Freeport in the amount of \$50,000. There is currently \$15,000 in the budget for contractual services in the Community Development Department line item. The ordinance to be sent forth this evening is a supplemental appropriation for fiscal year May 1, 2011 and ending April 30, 2012 increasing the line item 01-49-599 (Contractual Services) by \$35,000 from \$54,700 to \$89,700 for funding Economic Development Foundation – NIDA. This shall be offset by a decrease in the general fund balance.

Alderperson Klemm, the council liaison on the NIDA board, stated after discussion at the last meeting this is the additional \$35,000 to for the supplemental funding to start things off for this year and then they will come back to council.

Alderperson Klemm motioned to move forward the ordinance for passage, seconded by Alderperson Boldt.

It was requested that Dave Young, executive director of NIDA, come forward to answer questions of council. Mayor Gaulrapp stated that NIDA will provide to council a monthly report. Mr. Young stated he will present a report on September 30, 2011 and he will present the performance matrix. Mr. Gaulrapp stated that he feels that the additional funding that we will invest in NIDA will need to be through the TIF district in which they will be working to market the TIF through professional services. The \$50,000 is needed to keep them operational in their cash flow to pay employees.

MINUTES
REGULAR MEETING
Tuesday, July 5, 2011

Aldersperson Klemm moved for suspension of the rules to move the ordinance forward this evening, seconded by Aldersperson Endress. Mayor Gaulrapp stated the motion is non-debatable. A roll call vote was taken on the motion to suspend the rules. Motion failed by roll call vote of:

Yeas: Klemm, Endress, and Koester (3)

Nays: Boldt, Bush, DeVine, and Crutchfield (4)

Upon no further discussion, Ordinance 2011-42 was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-38:

RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE FAÇADE IMPROVEMENT PROGRAM GUIDELINES
Community Development Director Shelly Griswold presented the resolution stating that at the last council meeting it was requested by council to bring forth an amendment to the guidelines to require that the building passes an inspection. Community Development Director Shelly Griswold stated she recommends also that the property must be up-to-date on property taxes in order to be eligible for Façade Improvement Grant. Wording was added for the funding requirements and application process that the property must pass a health and safety code inspection conducted by the City's Building Inspector and Fire Inspector.

Community Development Director Shelly Griswold and Corporation Counsel Sarah Griffin stated emphatically that the Building Inspector and Fire Inspector are not structural engineers.

Aldersperson Klemm moved to place Resolution R-2011-38 on the floor for adoption, seconded by Aldersperson Bush. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)

Nays: none

Resolution #R-2011-38 was adopted.

RESOLUTION #R-2011-39:

RESOLUTION TO ADOPT THE CITY OF FREEPORT RISK MANAGEMENT AND SAFETY PROGRAM
Finance Director Craig Joesten presented the resolution that affirms the City's support of the IMLRMA risk management and safety programs. The major goals of the program of this policy are: to avoid, eliminate, transfer, control, or reduce the risk of loss; to apply responsive claims management and cost control techniques to losses that do occur; and to protect the City budget from catastrophic losses, or an annual accumulation of losses, that would cause financial hardship. The risk management program is a systematic process to identify, measure, and treat loss exposures. A hazard identification system will be implemented by the Department Heads/Supervisors to identify hazardous conditions and exposures and respond accordingly. All employees shall be encouraged to notify their supervisor, department head, or the Mayor of any condition that may expose someone to injury or result in damage to municipal property or the property of others. The risk management program is a responsive claims administration and cost control system. The Human Resource Manager and/or City Paralegal will ensure that IMLRMA is notified in a timely manner of all claims or incidents that could become claims. Department Heads/Supervisors will review all accident reports, incident reports, and claims affecting their operations, and provide requested information or follow up to the Human Resource Manager, City Paralegal and

MINUTES
REGULAR MEETING
Tuesday, July 5, 2011

IMLRMA claims adjuster. The risk management program will ensure the City will transfer to others the responsibility of all risks of loss in all its contractual relationships. This includes requiring all contractors/vendors to provide Certificates of Insurance and Additional Insured Endorsements naming the City of Freeport as an “additional insured” and including “hold harmless” and “defense/indemnification” clauses in all contracts. The Corporation Counsel will develop a risk transfer process that assures the use of hold harmless and indemnity clauses in all City agreements, contracts, leases, permits, purchase orders and rental agreements, and the use of insurance clauses that provide adequate protection to the City, within the judgment of the Mayor. An incident review process shall be implemented by Department Heads/Supervisors to review all accidents, incidents (including near misses) and claims in their departments to determine their root causes, preventability, methods to prevent future occurrences, and improve claims defense strategy. The review process shall be conducted periodically, as needed. A safety review process shall be implemented by the Department Heads/Supervisors to discuss safety issues and get feedback from City employees on how to make operations safer. The safety review process shall take into account standard safety practices and safety orders issued by state and/or federal agencies. The review process shall be conducted periodically, but no less than quarterly.

Aldersperson Boldt motioned to move forward for adoption of Resolution #R-2011-39, seconded by Aldersperson Klemm. Motion prevailed by roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)
Nays: none
Resolution #R-2011-39 was adopted.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold stated the Planning Commission and Board of Zoning Appeals will hold their regular meetings this Thursday evening.

Finance

Finance Director Craig Joesten had no further report.

Public Works

Public Works Director Tom Dole was present and had no further report.

City Engineer

City Engineer Denise Ihrig provide an information now that we are done with the Public Hearing phase of the Big 4 Project, Director Joesten and Corporation Counsel Sarah Griffin will be drafting the debt ordinances to be presented at the next council meeting with a final reading the second meeting in August 2011. These debt ordinances run hand in hand with the bid process streamlining all together with a date of no later than September 30, 2011.

City Engineer Denise Ihrig provided an overview of the IL Route 75 project and stated that it is not delayed. The contractor does not get charged for weekends, holidays, or rain days or any work that is

MINUTES
REGULAR MEETING
Tuesday, July 5, 2011

done under a force account so actually there are 60-working-days and of which there are 33 days. The contractor is technically on target. In the future, they will probably work to reduce those days for concrete work.

Police

Chief of Police Jerry Whitmore stated there was a question in the last meeting regarding ticketing pedestrians for walking in the street. He stated the department had issued 49 tickets May 1 to June 30, 2011. Chief Whitmore thanked the auxiliary police for their assistance with traffic control for the fireworks.

Fire

Fire Chief Kevin Countryman was present and had no report.

Library

Freeport Public Library Director Carole Dickerson spoke about a grant they had received in the amount of \$26,000 for helping the Library to update the website, reduce the digital divide, and educate about technology. The Library will have a balanced budget this year and they will not spend more than what is budgeted.

MAYOR'S REPORT

Mayor George Gaulrapp thanked the council for approving the line item for fireworks which was a wonderful way to celebrate Independence Day. There were food vendors at the Stephenson County Fairgrounds and people were located throughout Freeport watching the fireworks. Mayor Gaulrapp thanked the police department and the auxiliary police for their assistance with traffic control. We will continue to ticket those walking in the streets and for litter. Mayor Gaulrapp spoke in regard to the Freeport Art Center and stated that three years ago the City came out with an exit strategy for the Harlem School building for a five year period. Because of the downturn of the economy, it has been hard for them to raise funds to move and so he has decided to scrape the exit plan of the art center.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

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

- Alderperson Endress requested an update on the Mahoney and Hauser building and it was stated that they will be given a 15 day notice act on the building.
- Alderperson Koester asked about the Water and Sewer security deposit interest rates and it was answered by Water and Sewer Director/Finance Director Joesten that it will be recommended to the Water and Sewer Commission at the next meeting to reduce it to 0%. He provided congratulations for the demolition of the building located on Blackhawk and Broadway.
- Alderperson Crutchfield congratulated the new business that opened in downtown Freeport for school uniforms.
- Alderperson Klemm asked about black-top patching. Public Works Director Tom Dole stated there are 250 locations documented that they are trying to get to and they are trying to spread it out as to where they go but they are restricted by when the Civil plant runs the material and how much they can get in one day
- Alderperson Boldt reiterated the positive comments on the fireworks and thought an account should be started for seed money for the fireworks next year. Alderperson Boldt asked about the

MINUTES
REGULAR MEETING
Tuesday, July 5, 2011

cracks in the City Hall in the structural and windows and asked if it is being looked at. Mayor Gaulrapp stated a frame had popped out of a window in council chambers and now there is a crack in the southwest corner. The building crew has looked at it and we will do an assessment of the building and have a plan to move forward on maintenance on the building. We have been working on fixing the roof leaks but we need to be more aggressive in the building itself to not have what happened a block away happen here.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Tom Teich, 653 Jefferson Street, Freeport, Illinois spoke about a call that he had turned in to the police department to assist a person that was overheated and whether that qualified for “Do the Right Thing.”

EXECUTIVE SESSION (CLOSED SESSION)

The following exception for entering closed session was read into the record; pursuant to 5 ILCS 120/2 (c) (2) Collective Negotiation Matters. At 7:00 pm, Alderperson Klemm moved to enter executive session, seconded by Alderperson Koester. Motion prevailed by roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)
Nays: none

At 7:15 pm, Alderperson Klemm moved to return from executive session (closed), seconded by Alderperson Koester. Motion prevailed by roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)
Nays: none

Upon motion duly made and seconded, the meeting was adjourned at 7:16 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk