



## **City Council**

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

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### **MINUTES SPECIAL MEETING Monday, September 12, 2011**

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*The special meeting of the Freeport, Illinois, City Council for September 12, 2011 was called on a motion by Alderperson Boldt, seconded by Alderperson Koester during the regular meeting of the Freeport Illinois City Council on September 6, 2011. On September 9, 2011, notification was provided to the Freeport City Council and the agenda posting process was completed including emailing to the media notice listing and posting on the City website. This meeting was televised on the cable news channel.*

#### **CALL TO ORDER**

The special 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, September 12, 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 Crutchfield.

#### **APPROVAL OF AGENDA**

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

#### **PUBLIC COMMENTS**

Steve Carroll, 811 S. Oak, Freeport, Illinois spoke in favor of vacating the City Hall building permanently in order to utilize already existing buildings in the downtown. He stated to drag this on is pointless. He closed by stating that government is not a building, government is the people.

Milan Nerad, 224 W. Homer, Freeport, Illinois, spoke in favor of not spending additional dollars in a building that you don't know if it is safe or not safe. If we feel the building may fall down like the one down the street, we need to vacate it without spending thousands and thousands of dollars in deciding what to do. He recommended coming to a decision, make a plan, stick to the plan, and go with it.

Mayor Gaulrapp stated that to make good decisions the City needed to have an structural engineer and architect come in a examine the building in order to provide information as to what needs to be done to the building. It is painstaking and does cost money but the City Council needs those facts to decide what to do and to make good decisions. The City is trying to ascertain the facts as to whether it is worth saving, is it worth leaving, and, if we do, what avenue should we take.

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**PRESENTATIONS**

**Update on Inspections/Cost Estimates City Hall Building**

Mayor Gaulrapp stated we do not have those updates at this time. At the last council meeting it was requested by Alderperson Helms to have a second opinion from the structural engineer. We were hoping to have a cost for this and we can expect it tomorrow.

**City Hall Building Task Force report on findings regarding temporary relocation possibilities or rehabilitation of City Hall**

Bettye Corbin, City Hall Building Task Force chairperson spoke in regard to a meeting that was held this afternoon. She stated there are two alternatives if it is necessary to move employees out of City Hall for emergency purposes. The first is the Stewart Centre in which there is space available for City Hall offices, there is an offer of two months free rent and then \$3.71 per square foot rent. The second option is 524 W. Stephenson in which space is available for City Hall offices, two months free rent and then \$4.50 per square foot rent. With each of those options, there are additional expenses in that the utilities we would need to pay our fair share. The committee has looked at four buildings as possible relocation 1) the Journal Standard 2) Rawleigh building (including the second floor of the Fehr-Graham & Associates office building) 3) Carnegie Library and 4) Fifth Third bank at 101 W Stephenson Street. Ms. Corbin stated two building options that are the most viable are the Journal Standard building and the Fifth Third bank. The Journal Standard is presently on the market and we know how much they are asking for their 22,000 square foot building. Fifth Third would be a good option but we do not know how much they are asking for their 20,000 square foot building. Both options could be used for City Hall. Ms. Corbin stated the committee is not able to give a recommendation until there is a second opinion about the structural integrity at City Hall and then the task force will be able to have their meeting to discuss their recommendation.

Alderperson Helms asked if the Journal Standard could be used as a public safety building and if there was room to house fire equipment vehicles. Fire Chief Kevin Countryman stated there is enough space but there would need to be significant modifications completed for garage doors, headers, and living quarters but there is enough square footage in that building.

**Council action pending results of the above reports/cost estimates and/or recommendations from task force**

Council had no final action this evening. Alderperson Bush asked when the second opinion will be provided. Mayor Gaulrapp stated he was hoping for it this afternoon and that is the cost estimate for inspecting the foundation, it is not inspecting the foundation but the cost estimate. If it is in reason of \$5,000 then we will proceed. If it is above that, then we will look for guidance from the council and will bring it forth next Monday night at the council meeting.

Alderperson Bush stated his opinion that we are at the point that we have put enough money into this building and we are at the point that we need to decide if we need to go. Alderperson Bush stated that he thinks it is time prepare to move people out and that it is serious enough that we need to decide. We need to get a second opinion but we need to decide that whatever money we have left should go towards moving.

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Aldersperson Koester stated that we have spent the time going through the building options but we have yet to address where the money will be coming from and he would like to discuss either tonight or in the very near future how we are going to pay for this no matter what you bring as an option.

Mayor Gaulrapp stated that the administration will have some options ready for council at the next meeting. The main one will be pending the recommendation of the task force and council's concurrence. If it is the Journal Standard, it could be the Fire Capital Improvement Fund, if not then we will have to locate other avenues for revenue.

Aldersperson Koester stated that there will be a lot of additional costs on top of the funds that are available from the Fire Capital Improvement fund and we need to know how to fund it. Mayor Gaulrapp stated we will have a spreadsheet available as to different avenues for Monday and asked the council members to contact Finance Director Joesten as to different suggestions.

Aldersperson Helms asked if there had been any safety issues that the council should be made aware of increase or decrease in air quality or in stabilization. Mayor Gaulrapp stated the offices have been provided with a HEPA filter to keep them clean in moving forward. He stated that Mr. Chambers was in today testing Corporation Counsel's office and, as far as he knows, the township office and he will have some test results back for us. Today, there was a small chip of plaster that fell from the ceiling in council chambers where it was dried out with the scrubbers. Other than that, Mayor Gaulrapp stated that we are waiting for the cost estimate on looking at the foundation issue.

Aldersperson Crutchfield stated that today there was a visit from the Department of Labor and there will be some issues there. He stated that there have been some significant concerns.

Mayor Gaulrapp stated that yes there were different safety concerns such as wires, lighting, doors how they are wired, some of the cable internet access, extension cords all together there were twenty three items. Some of the issues were more serious than others and some that would require conduit where the wires go into the walls. Some of these issues could be costly and then you will have that additional cost. Mayor Gaulrapp stated there are no citations at this time. He stated that we could receive a citation in six to seven weeks and then there would be a 15 day period to conduct an informal meeting with them or have direct appeal of the citation. Then the City would have typically 45 days to remedy the situation. Mayor Gaulrapp stated the air quality concerns have been remedied. When the Department of Labor came the first time, they did not know that we had air scrubbers and had sealed off different offices. Mayor Gaulrapp stated that we have additionally put HEPA air filters in the offices. The City at this time has not had citations.

Corporation Counsel Sarah Griffin stated that in regard to air quality, the Department of Labor was not sure if they would give a citation. She stated that today they listed twenty-three of violations in the meeting and whether we will receive a citation on all of the items that they cited, half of them, or it is hard to say how many we would receive in about six to seven weeks. Then, the City would have 15 days to respond and 45 days to take corrective action.

Aldersperson Klemm asked Corporation Counsel if the building was vacated would that take care of the problem and Corporation Counsel stated that yes in the employee safety section that would be one remedy. The City would need to take care of asbestos and lead if it were to demo the building.

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**1<sup>ST</sup> READING OF ORDINANCE 2011-51**

**AN ORDINANCE AMENDING CHAPTER 868 (TAXICABS), SECTIONS 868.01 (DEFINITIONS), 868.05 (TAXI DISPATCHING SERVICE LICENSES), 868.06 GENERAL LICENSING REQUIREMENTS, 868.10 GENERAL APPLICATION REQUIREMENTS, 868.15 PROMULGATION OF REGULATIONS BY LICENSE OFFICER, AND 868.17 CONDUCT OF DRIVERS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Corporation Counsel Sarah Griffin presented the Ordinance stating that this ordinance brings the chapter up to date by amending that the taxi cab dispatch business location to be within five miles of the City of Freeport, adding more options than only a two way radio or other similar communication device and requiring that if the drivers use cell phones that it would be a hand-free cell phone. She also cleaned up the wording of the council committees. It also requests a certificate of good standing of the corporate applicants. Alderperson Bush moved to move forward the ordinance as presented, seconded by Alderperson Endress. The ordinance was automatically laid over to the next regular meeting.

**RESOLUTION #R-2011-52:**

**RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FREEPORT, ILLINOIS AND THE FREEPORT PARK DISTRICT**

City Engineer Denise Ihrig presented the resolution by stating that this was laid over from the regular meeting held on September 6, 2011. This resolution is an intergovernmental agreement between the City of Freeport and the Freeport Park District as it relates to several items. Ms. Ihrig stated that there had been a couple of questions asked by council members as to Gladewood Bridge, mowing in the cemetery and the potential reduction of the levy before discussion would continue. After communication with the Park District director, Ms. Ihrig stated in order to start those discussions what is before you this evening goes beyond those items. Ms. Ihrig stated that the resolution and intergovernmental agreement presented this evening has no changes from the document presented in the last meeting.

Discussion was held regarding the timing of this presentation for the loan documents to the IEPA. City Engineer Denise Ihrig stated that this easement had been proposed to her in July and as the paperwork for the project progressed and information has become available this is one of six easements, the other five the council has not had questions on. This and the other easements were presented to the Water and Sewer Commission at the end of August.

Freeport Park District Executive Director Jack Carey presented written document of the City of Freeport – Freeport Park District Cooperation including Park Boulevard Intergovernmental Agreement in 1993, Law Enforcement Assistance and Cooperation Intergovernmental Agreement in 1997, and the Jane Addams Trail and Pecatonica Prairie Path Commission. Mr. Carey presented areas of undocumented cooperation between the City and the park district. Mr. Carey stated there continues to be areas of concern including storm water drainage and sediment issues in Read Park two locations, storm water drainage issues in two areas off Park Crest and flowing on to Park Hill Golf Course (park district installed at their cost additional drainage systems to mitigate the impact and cost of debris clean up after rain events) and storm water drainage issue and sediment issues in two areas through Park Hills golf course lagoons (off Stephenson Street where every five years for lagoon on nine east (\$6,000-\$7,500 each to dredge).

Director Carey presented a summary report that showed 21 service locations of those there are three where use doesn't exceed monthly minimum, ten that are six month seasonal use from May to October but are billed monthly year round, there are eight year round locations. The total water and sewer paid in

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fiscal year 2010-2011 was \$14,182. Of that amount, the Park District paid \$7,516 in total fees and minimum charges. The actual water and sewer used was a fee of \$6,666.

Discussion was held regarding building trust between the Freeport Park District and the City of Freeport and working on a number of these issues without the easement. Mr. Carey stated that the \$15,000 in water and sewer billing charge by the City is a good faith effort to offset the Park Hills storm water impact including cleaning the Park Crest discharge and the dredging of the ponds.

Freeport Park Board member Ken Collin was requested to speak about the issues brought before the council. Mr. Collin stated that the problem is that the Park District is charged \$14,000 when only \$6,600 worth of water and sewer is used. The Park District also incurs costs each year for the storm water impact in the amount of \$5,700 per year. Mr. Collin stated that the Park District is not charging for this easement and that is the perspective that they have and all these issues should be brought up regardless of this agreement.

Mayor Gaulrapp stated that there are things that have happened over the years and a lot of these things happened many years ago. It used to be that the Demeter Bridge was owned by the Park District and now the City has incurred expenses to repair this bridge. The Park Board would like to see a reduction in the usage charges. He requested that the Park Board trust that these issues will be brought forward separate from the passage of this easement. It was requested to have the sharing that is already done by the Park District and the City and to have a formal document to extend it.

Discussion was held regarding the items brought forth by the Freeport Park District and these items that have not been brought forth until this evening when the City is in need of the easement.

Discussion was held regarding the drilling and City Engineer Denise Ihrig stated that the boring is done to minimize impact to the park property and precautions will be taken. Discussion was held regarding the horizontal directional drilling that will be performed and certain sections will require bore pits.

Aldersperson Boldt made a motion for an amendment to the Intergovernmental Agreement, Item 1a. in that the City will charge only water and sewer usage fees, seconded by Aldersperson Helms.

Aldersperson Boldt made a motion to move forward the resolution for adoption and under section 1 a. it should be amended to read that the City charge for water and sewer usage only and perhaps under a separate motion to get together with a task force and work on the other issues, seconded by Aldersperson Helms. Upon no further discussion, the motion prevailed by roll call vote of:

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

Nays: None

Resolution #R-2011-52 was adopted as amended.

**MAYOR'S REPORT**

Mayor Gaulrapp spoke about the remembrance ceremony for the ten year anniversary of September 11, 2001 as presented to the community by the Freeport Fire Department, Stephenson County, and City administration. Mayor Gaulrapp stated it was a moment for all to remember what the first responders do for us each day.

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**COUNCIL ANNOUNCEMENTS**

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

**PUBLIC COMMENTS - AGENDA ITEMS OR NON-AGENDA ITEMS**

Milan Nerad, 224 W. Homer, Freeport, Illinois, spoke against taking funds out of the Fire Capital Improvement Fund for City Hall. He named expenses involved in fixing the Fire Station along Yellow Creek and warned that it could happen again.

John Staben, 1070 Canyon Drive, Freeport, Illinois, spoke against the council approving the resolution and the intergovernmental agreement with the Freeport Park District and stated his opinion that especially since the Park District will not be lowering their tax levy to offset their savings.

**ADJOURNMENT**

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

*s/ Meg Zuravel*  
Meg Zuravel, City Clerk