



City Council

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

MINUTES REGULAR MEETING Monday, October 3, 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, October 3, 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 Klemm. Motion prevailed by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson DeVine moved for approval of the minutes of the regular meeting held on September 19, 2011, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Sheila Hooper, 423 W. Ringold, Freeport Illinois spoke as Township Supervisor and stated that a letter will be read by the City Clerk regarding the status and relationship of Freeport Township to the City of Freeport. She stated that the veteran's assistance office has an office in the Freeport Township.

City Clerk Meg Zuravel read into the record a letter written by Sheila Hooper, Township Supervisor dated October 3, 2011 and addressed to the Mayor and City Council Members regarding the Status/Relationship of Freeport Township to City of Freeport. Alderperson Bush motioned to place the communication on file, seconded by Alderperson Klemm. Motion passed by voice vote without dissent.

PRESENTATION – UPDATE ON INSPECTIONS/COST ESTIMATES CITY HALL BUILDING

Community Development Director Shelly Griswold provided copies of a draft City Hall Building Decision Matrix with options to remain at 230 W. Stephenson Street, Location A purchase and rehabilitate, Location B purchase and rehabilitate, Location C owner rehabilitate and City lease, or Location D build to suit/lease-purchase. Each of these options included costs that are known at this time.

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Options included remaining in City Hall nine months until location is ready or moving to a temporary location for nine months and then to location option.

Director Griswold stated that we know from the inspection by the Department of Labor that there is asbestos in the basement so we would like to be able to proceed with that abatement. The abatement of asbestos would need to be completed whether the building is vacated and torn down or whether it is rehabilitated.

The council was provided the opportunity to ask questions and comment on the options provided this evening. Director Griswold stated this is the best estimate of dates at this time.

Community Development Director Shelly Griswold stated that the administration recommends under recommendation #1 on a parallel track, 1) research and negotiate lease terms for a possible temporary location of City Hall offices, and 2) excavate around the foundation at the southwest corner of the building and assess the structure. Director Griswold requested council approval of funds up to \$25,000 to complete analysis of foundation at the southwest corner of the building. Director Griswold stated the second recommendation from the administration is based on the guidance from the City's insurer and that is to install a canopy across the sidewalks surrounding City Hall. The third recommendation stated by Director Griswold is based on information from two visits from the Department of Labor is to prepare bid documents and a cost estimate for work for repairs for City Hall building.

Finance Director spoke about the recommendations from the insurance carrier regarding the exposure risk of items falling off the sides and top of the building. He stated that as long as the risk is there a canopy will need to be installed to cover the walkway areas. The cost estimates of a canopy are expected in the next couple of days.

Finance Director Craig Joesten reviewed different revenue sources such as borrowing funds, increasing the tax levy, and there are various options that he will present.

Discussion was held regarding the reports by the structural engineer and architect asking for more review of the corner before they will provide their opinion as the structural integrity of the building. Community Development Director Griswold stated the original estimate of tearing up the entire sidewalk in front of and on the side of City Hall came out to \$66,000. It was felt by both of the structural firms that a cost savings could be realized if initially only 15 feet from the corner going both ways was dug down 11 feet to show the piers on the corner of Walnut and Stephenson Street.

Discussion was held regarding the digging of the sidewalk and then the analysis costing a total of \$25,000. The cost estimate of digging 15 feet from each corner was estimated to be \$12,000 and the additional amount would be for the engineering analysis. The fill back in and sidewalk would need to be a project by the Public Works crew. Corporation Counsel stated that there is a chance the based on the structural analysis that they could have to ask for more money in order to investigate the pillars and foundation walls of City Hall above and beyond the \$25,000 estimate.

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Finance Director Craig Joesten presented various sources of revenue. He stated that increasing the tax levy is a source of revenue at a level the council feels is appropriate. He stated there are debt service payments in the amount of \$144,000 and another one in the amount of \$33,000 coming to an end and would be available in nine months. Director Joesten stated there is a fund balance of \$600,000 in the Fire Capital Improvement fund and each year this is replenished. There is an amount withdrawn out of this fund so it leaves \$320,000. Fire Chief Kevin Countryman reminded council that there is already \$200,000 of that fund transferred to the general fund and there is an engine with a ladder that will need to be replaced and possibly an ambulance and this could cost about \$400,000 to \$600,000. Director Joesten stated another source of revenue could come from the gasoline tax in which there is \$480,000 in the fund and the truck chassis and the snow plows will need to be paid. For each one cent gas tax it would produce \$110,000 in revenue. Discussion was held regarding council opinion on the different options of revenue sources.

CITY HALL BUILDING TASK FORCE REPORT

Chairperson Bettie Corbin provided a summary of the City Hall Building Task Force meeting held on September 26, 2011. She provided for council a summary of the two temporary locations. The 524 W. Stephenson Building is owned by John McConnell and they have 6,000 square feet of office space available where they will provide two months' rent free and then a rent of \$4.50 per square foot for the first year and then \$9.00 per square foot. The City would pay any damages to the building and for cleaning of the office space. This option excludes the Township Supervisor but there is room available for the Township Assessor. Ms. Corbin stated another option for temporary location would be the Stewart Centre where they have available 5,000 to 6,500 square feet at \$3.73 per square foot. Finance Director Craig Joesten stated that he was able to receive a verbal quotation from Brian Stewart for the pass through fees at the Stewart Centre and the cost would be \$8.50 per square foot of office space to be added to the rent of \$3.73 per square foot which makes it \$12.23 per square foot of office space on an annual basis. Ms. Corbin stated that the City Council needs to address who will be part of the move away from the City Hall building.

Ms. Corbin stated at the meeting on September 26, 2011, the City Hall Building Task Force recommended for the administration to use at their discretion funds to fix the roof in an amount not to exceed the remaining balance of the \$10,000 that the council gave authority to use up to \$7,500.00. Ms. Corbin provided input from a local chemist regarding the soil make up being mostly clay and when it has been wet for a long period it can cause shifting during the drying process.

Ms. Corbin explained that a motion to move from City Hall to a temporary location was defeated by a vote of 4-6 because the Task Force did not feel they had enough information to make that decision. But they City Hall Building Task Force did recommend on a motion to use the allotted \$7,500.00 to fix the roof.

ADMINISTRATION RECOMMENDATION #1

Motion to Spend \$25,000 to Check Southwest Corner of City Hall Building

Alderperson Koester made a motion to spend \$25,000 to check the southwest corner of the building and see if it is safe, seconded by Alderperson Boldt. Discussion was held regarding the amount of sidewalk to be torn up and how they will be replaced and its timing. Finance Director Joesten recommended saw cut

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of the sidewalk in an area 15 feet from corner to corner and 11 feet down for excavating using a method for minimum vibration. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, DeVine, Endress, Helms, and Koester (6)

Nays: Bush and Crutchfield (2)

In the recommendations of Mayor and Staff dated October 3, 2011, the following timeline was provided.

- October 3, 2011 – Council approval of funds up to \$25,000 to complete analysis of foundation at the southwest corner of the building
- October 14, 2011 – Research options for temporary space needs
- October 17, 2011 - Report research for temporary space needs/request for authority to negotiate lease
- October 24, 2011 – Excavation and analysis of foundation corner complete
- November 7, 2011 – Present report of analysis of foundation to City Council
- November 7, 2011 - Present lease for temporary space to City Council for approval

It was asked if the sidewalk was removed if it would be replaced before winter. It was expected that the Public Works Department could perform the work to replace the sidewalk.

ADMINISTRATION RECOMMENDATION #2

Motion to Install Canopy Across the Sidewalks Surrounding City Hall

Community Development Director Shelly Griswold presented recommendation #2 in the document dated October 3, 2011 as recommendations of Mayor and Staff stating that is recommended, based on the guidance from the City's insurer, to install a canopy across the sidewalk surrounding City Hall.

Discussion was held regarding the purchasing policy of the City and the authority of the Finance Director when it comes to sole source. Finance Director Joesten stated he does not even know how many vendors perform this work. Discussion was held regarding adapting the canopy to withstand snow and ice.

Aldersperson Klemm made a motion to accept recommendation #2 as needed, seconded by Aldersperson Boldt. Motion prevailed by roll call vote of:

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

Nays: None

The timeline suggested by the administration for the canopy across the sidewalks surrounding City Hall is as follows:

- October 3, 2011 – Council approval to move forward with canopy installation
- October 6, 2011 – Obtain quotes for work
- October 14, 2011 – Complete canopy installation

ADMINISTRATION RECOMMENDATION #3

Motion to Move Forward With Preparation of Bid Documents for Correctional Work on City Hall

Community Development Director Shelly Griswold presented recommendation #3 in the document dated October 3, 2011 as recommendations of Mayor and Staff stating that is recommended based on the information from two visits from the Department of Labor to prepare bid documents and a cost estimate and solicit bids for work. Director Griswold stated the timeline that the City could be faced with by the Department of Labor. By preparing the bid documents, the City would not be under an obligation to

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accept or reward a bid and the cost would be the staff time of preparing the bid documents and the publication. Alderperson Klemm moved to go ahead with Recommendation #3 as presented, seconded by Alderperson Endress. Motion prevailed by roll call vote of:

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

Nays: Koester (1)

The timeline suggested by the administration for the bid documents for repairs at City Hall is as follows:

- October 7, 2011 – Complete work write-up and cost estimates
- October 14, 2011 – Complete bid documents and solicit bids
- October 25, 2011 – Pre-bid Conference
- November 1, 2011 – Bid Opening
- November 7, 2011 – Presentation of Bids to City Council

SIX MONTH NOTICE OF LEASE FREEPORT TOWNSHIP

Corporation Counsel Sarah Griffin presented information regarding the office space lease with the Freeport Township. Corporation Counsel stated upon review of the lease there are a couple termination provisions. The simplest one is that it renews each year unless you don't and that was just renewed in February, so that provision is off the table. Ms. Griffin stated the second method is through a six month notice. Ms. Griffin stated the third termination method is if the building becomes untenable due to any number of reasons. Corporation Counsel Griffin stated that at this point the City does not have formal opinion that says we can't stay here so what administration is recommended is to go ahead and give the six month notice to the Freeport Township. Ms. Griffin stated if there are air quality reports or a structural report that says you can't be in the building then, at that point, we would have an immediate termination of the lease. Ms. Griffin stated that from what we are hearing from the council is that we need to renegotiate the lease that Township has not had to pay enough for maintenance or for x, y, and z to stay in the building. So this is a first step to get us moving on our six month time notice and it doesn't mean there won't be something else in the interim but it gets it started. There are two separate office areas covered by the lease and that is the Freeport Township Supervisor and the Freeport Assessor's office.

Alderperson Klemm made a motion to provide a six month notice to Freeport Township Supervisor and Assessor regarding lease of office space, seconded by Alderperson Koester. Motion prevailed by roll call vote of:

Yeas: Klemm, Boldt, Endress, Helms, and Koester (5)

Nays: Bush, DeVine, and Crutchfield (3)

CONSENT AGENDA

A. Approval to receive and place on file:

- 1) Police Department Report on Activities for August 2011
- 2) Fire Department Report on Activities for August 2011
- 3) Community Development Report on Actives for August 2011 including Building Permit Summary, Building Permits, Cash & Misc. Receipts; and Electrical, HVAC, Plumbing and Sign Permits

B. Approval of Water and Sewer Bills Payable (Register #608) ---- \$120,468.81

C. Approval of Payroll for pay period ending September 24, 2011 --- \$402,534.12

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D. Approval of Finance Bills Payable (Registers #607, 609, 610, 611, 612) --- \$388,927.54
Aldersperson Endress moved to approve the Consent Agenda items as presented, seconded by Aldersperson Koester. Motion prevailed by roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None
The consent agenda items were approved.

ORDINANCES – THIRD READING

3rd READING 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

The first reading of this ordinance was held on September 12, 2011. A motion to adopt was given by Aldersperson Bush, seconded by Aldersperson Endress. The second reading was held on September 19, 2011, and it was automatically laid over to tonight's meeting. Upon the third reading and no discussion the motion prevailed by a roll call vote of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None
Ordinance 2011-51 passed by a vote of 8-0.

ORDINANCES – SECOND READING

2nd READING OF ORDINANCE # 2011-52
AN ORDINANCE AMENDING CHAPTER 1442 (PERMITS AND FEES), SECTION 1442.11 “FEE EXEMPTIONS” – BUILDING CODE

The first reading of this ordinance was held on September 19, 2011. A motion to adopt was given by Aldersperson Klemm, seconded by Aldersperson Boldt 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 # 2011-54
AN ORDINANCE TO AUTHORIZE ACQUISITION AND ACCEPTANCE OF DEED FOR PROPERTY COMMONLY KNOWN AS 721-751 SOUTH HANCOCK AVENUE, PIN NO. 18-14-32-132-004, FREEPORT, ILLINOIS
Community Development Director Shelly Griswold presented the ordinance for the property commonly known as 721-751 South Hancock, PIN 18-14-32-132-004. Director Griswold stated that the property is located on the East Side of Freeport in the floodplain and has been determined to need cleanup. The resolution stated that the City of Freeport has determined that this tract of land should be acquired in order to achieve the goal to “Assess, Clean-up and Redevelop Brownfield Sites” of the City's East Side Revitalization Strategy as adopted by the council in Resolution 2006-99 on December 18, 2006. This resolution authorizes the mayor to sign paperwork, accept and record the deed conveying the property, to

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execute all required documents to effectuate said property acquisitions and to take all other actions necessary to complete acceptance of said property. Director Griswold stated that the City would take title as an innocent bona fide purchaser and would not be involved in the chain of title in case there needed to be investigation for a superfund site for environmental reasons. Director Griswold stated that grants are due November 28, 2011 and the third reading of this ordinance is scheduled on November 7, 2011.

A motion to adopt was given by Alderperson Bush, seconded by Alderperson Crutchfield and it was automatically laid over to the next meeting.

1st READING OF ORDINANCE # 2011-55

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) AND SECTION 806.10 (APPLICATION FOR ISSUANCE OR RENEWAL OF LICENSES) AND CHAPTER 608 – ALCOHOLIC LIQUOR OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT TO AMEND SECTION 608.06 (PERMITTED HOURS OF SALES)

Corporation Counsel Sarah Griffin presented the ordinance which amends Chapters 806 and 608 and stated that it has been unanimously recommended to the City Council by the Liquor Commission. This ordinance includes amended wording for temporary liquor license applications to remove reference in section 806.03 and refer to section 806.10. Section 806.10 is the section for liquor applications so that both sections will coincide for procedural purposes. The second change was requested to the Liquor Commission by a liquor license holder to allow establishments to remain open later on holidays that fall on Sunday. The ordinance currently extends hours for Superbowl Sunday. Currently, establishments need to stop liquor sales at 9:30 pm on Sundays and with this amended wording it would allow them to sell liquor until 11:30 pm on the following days when falling on Sunday in any given year: July 4th, Christmas Eve, or Christmas Day. Alderperson Klemm motioned to move forward the ordinance for adoption, seconded by Alderperson Endress. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-58:

RESOLUTION TO AUTHORIZE AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF AN ENTERPRISE ZONE

Corporation Counsel Sarah Griffin presented the resolution stating the four governing bodies of Freeport, Stephenson County, Hanover, and Jo Daviess County amended the intergovernmental agreement to amend the termination date of the zone to December 31, 2020 and this amendment was certified by the Department of Commerce and Economic Opportunity in October 2010. The parties to the agreement wish to adopt an annual budget of \$6,000.00 for the operating year January 1, 2012 to December 31, 2012. The City of Freeport's portion of the budget is \$1,500.00 for the budget year and this resolution authorizes each entity to pay into the Enterprise Zone through that account. Alderperson Boldt moved to approve the resolution as presented, seconded by Alderperson Klemm. Motion prevailed by a roll call vote of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

Resolution #2011-58 passed by a vote of 8-0.

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RESOLUTION #R-2011-59:

**RESOLUTION TO APPROVE INTERGOVERNMENTAL AGREEMENT WITH STEPHENSON COUNTY
REGARDING ISSUANCE OF RAFFLE LICENSES**

City Clerk Meg Zuravel presented the resolution stating that currently Stephenson County oversees the licensing of raffles for both the City of Freeport and Stephenson County. Both the City and County feel that considerations of efficiency and reducing the time spent by non-profit organizations in obtaining a raffle license show the value of having a single raffle licensing ordinance applicable to both units of government. Through the resolution, the parties agree that Stephenson County regulates the operation of raffles in Stephenson County shall be applicable within the corporate limits of the City of Freeport. This agreement will be for a period of one year commencing on the effective date of this agreement and it shall be automatically renewed for successive one year terms; provided that either party may terminate this agreement by providing written notice of termination to the other party not less than sixty days prior to the commencement of the next succeeding term. Alderperson Koester moved to approve the resolution as presented, seconded by Alderperson Crutchfield. Motion prevailed by a roll call vote of;

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

Nays: None

Resolution #2011-59 passed by a vote of 8-0.

OTHER

DEPARTMENT HEAD REPORTS

Community Development

Community Development Director Shelly Griswold spoke about the public meeting which will be held on Thursday as a compilation of the listening and learning sessions for Prospering Together. There will be a Planning Commission meeting on Thursday. The Community Development department issued a certificate of occupancy now that the repairs have been completed at the Freeport Plaza Hotel. Mayor Gaulrapp asked for an update on Freeport Plaza Hotel from Chief Whitmore and he stated after a meeting with the owner the liquor license was issued.

Finance/Water and Sewer

Finance Director Craig Joesten provided an update to the bacteria testing for the Well on the Southside of Freeport and stated it has passed inspection. The Water and Sewer crews will be inspecting and repairing the erosion issues if necessary.

Public Works

Public Works Director Tom Dole provided an update to a vault on the corner of Stephenson and Chicago where asbestos products in barrels were uncovered. Director Dole stated the Illinois EPA was notified, an environmental engineering office was called to determine the substance, and the City will need to follow IEPA protocol for proper disposal. The vault was in the public right of way and was not accessible through the basement of the property located adjacent to it.

Police

Chief of Police Jerry Whitmore spoke about the Freeport Homecoming Parade on Wednesday along Empire Street. Mayor Gaulrapp stated he had received a request to close Stephenson Street on Halloween evening and asked Chief Whitmore to review that request.

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Fire

Fire Chief Kevin Countryman voiced his concerns regarding the Fire Capital Improvement Funds to be used to offset costs at City Hall. Currently there are purchases of an engine and an ambulance and the funds also are used to make repairs on the three Fire Stations.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

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

- Alderperson Boldt asked when leaf pickup will begin and it was stated that the Public Works department is working on concrete in the downtown so it would be a couple weeks before they are able to get started and transfer over the trucks.
- Alderperson Bush asked for an update on the Stephenson Street project and it was stated by Director Dole that now that drains have been added the areas are draining better to alleviate standing water. The Public Works department has spent additional time and efforts to make corrections on the work that was performed by Millennium Construction.
- Alderperson Boldt stated the trees and shrubs are over grown at the Carnegie Library property and asked if the Forestry crew could cut it back.
- Finance Director stated the Water and Sewer Department is working on grading the storm sewer drains to make sure they are functioning in the Arcade area.
- Alderperson DeVine stated there is a coat drive at the Salvation Army.
- Alderperson Endress asked about the Tutty's Crossing Boat ramp and Community Development Director stated that it is under construction and they do not know a date for a ribbon cutting.
- Alderperson Helms asked about break-ins. Chief Whitmore stated we are still experiencing break-ins.
- Alderperson Koester spoke about the money for the corner of the building and with hopes that it moves this forward for a definitive answer in the very near future.
- Alderperson Crutchfield spoke about concerns over lack of maintenance on the building over the years and recommended a specific person be named to take care of City buildings. Mayor Gaulrapp stated the department head spoke about it and place it in the budget in November.
- Alderperson Koester asked about the Park District concerns from the last meeting and Director Ihrig stated that they are following through with a meeting in the next week.
- Mayor Gaulrapp stated that we have been notified by Senator Bevin's office regarding a \$400,000 grant for the Water and Sewer department.
- Alderperson Klemm asked about an animal control call. Director Griswold stated the phone number to call is either 815-235-8200 or 815-235-8210 and either office will dispatch the animal control officer. Alderperson Klemm asked about the Mahoney building and it was decided to have an executive session in the next meeting of council due to the litigation pending on it.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Tom Teich, 653 Jefferson Street, Freeport, Illinois, spoke about a new addition project at Provena.

Upon motion duly made and seconded, the meeting was adjourned at 8:00 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk