



City Council

City Council Chambers ♦ 524 West Stephenson Street ♦ Freeport, IL 61032

MINUTES REGULAR MEETING Monday, December 19, 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, December 19, 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 Koester.

Mayor Gaulrapp asked for a moment of clarity for a strong community supporter and vital member of the business community, Mr. Don Morse, who passed away this week.

APPROVAL OF AGENDA

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

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Presented this in the council packet were minutes from the meeting held on November 21, 2011 and December 5, 2011. Alderperson Crutchfield moved for approval of the minutes as presented, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

- Dave Fonda, 1143 W. Donald Drive, Freeport Illinois spoke about the property tax levy on council floor and stated the administration and council need to learn to live within their means. Mr. Fonda asked council to review the budget and to trim excessive spending in order for the government to live within their means, reduce overhead expenses not directly related to fundamental services, and avail themselves with advice from bright talented individuals within the wards and community.
- Bettye Corbin, 2201 Hillside Court, Freeport Illinois spoke against the property tax levy on council floor and asked council to review a website called tax foundation dot org established in 1837 in which she stated Stephenson County was listed as number twenty eight out of 2900 communities.

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- Brenda Myers, 7 E. Stephenson Street, Freeport Illinois spoke in favor of rehabilitation of 230 W. Stephenson Street. Because of the tax levy being on council agenda, council waived their public comment rules at this time being for agenda items only because what is proposed in the tax levy is weighted by the decision of the 230 W. Stephenson building. Ms. Myers thanked the council and the community for attendance at the saving City Hall building meeting. Ms. Myers spoke about Prospering Together and stated that they feel that the rehabilitation fits into the overall vision and will have a great potential to have positive impact on the downtown area. She stated that it will have a significant impact on historic preservation and façade improvement segments of the City's budget considerations. Ms. Myers stated that she is a member of a group that is willing to put together a team with the know-how to start searching for possible funding scenarios and, once this is done, there will be a realistic picture of what the various options look like.
- Brad Cole, 607 E. Adams Street, Springfield, Illinois, spoke as the downstate director on behalf of Senator Mark Kirk's office. Mr. Cole can understand the tax levy considers being presented this evening as he has experience being the mayor of Carbondale, Illinois. He spoke about Senator Kirk's office being a resource for the community. He spoke about opening branch offices in the area and provided an update on the U.S. Post Office distribution center in Rockford, Illinois.
- Andy Dvorak, 1211 W. Stephenson Street, Freeport Illinois, spoke in regard to the tax levy in that money has to be spent no matter what is done for the 230 W. Stephenson Street. He stated that the building is one of the last standing late century buildings Romanesque architecture. In summary he spoke his opinion of rehabilitation by preserving our identity and asked council to make the decision to save the building.
- Conor Brown, Realtors Association of NW Illinois, spoke in regard to the vacant property ordinance and the meetings that were held with the mayor and the Community Development Director Shelly Griswold. He spoke about concerns of items outstanding from the amended proposal to the ordinance including the administrative search process, fees for registration outside the thirty days in case the property owner has not been able to schedule a time for the inspection or if they exercise their 4th amendment right by not having a search of the property, and the sign requirements as a means of notifying adjacent property owners versus a written notice as long as it is the responsibility of the City. Mayor Gaulrapp suggested that the City could initiate a postcard or letter being sent to adjacent property owners.
- Bernie Mrugala, 1310 S. Galena Avenue, Freeport Illinois, spoke against the tax levy on the council floor stating that administration needs to do better to managing City Hall. He stated that there is an initiative to save City Hall and he supports that but it needs a capital improvement plan and finding out what it will cost so it should not be a part of this years' levy. He recommended taking a hard look on the ambulance calls and recommended placing one of the ambulances in a holding area and putting the ambulance crews on a rotational basis to the other stations because he does not feel the City's activity levels justify two working ambulances. He stated that income to the pensions is gained from two sources and most employees do not pay anything to their pension plan since their salaries are generated from 100% taxpayer income.
- Mayor Gaulrapp stated that City employees are paid a wage and out of that wage, the employee pays a certain percent towards their pensions.

EXECUTIVE SESSION (CLOSED SESSION)

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The following was read into the record, "Executive Session is called pursuant to 5 ILCS 120/2 (c) (11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal."

At 6:22 pm, Alderperson Koester moved to enter closed session, seconded by Alderperson Endress. Motion prevailed by roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None

At 6:59 pm, Alderperson Endress moved to return from closed session, seconded by Alderperson Klemm. Motion prevailed by roll call vote of:
Yeas: Klemm, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (7)
Nays: None
Alderperson Boldt was not present for roll call and entered the room shortly thereafter bringing the number of alderpersons present to eight.

CONSENT AGENDA

- A. Approval to receive and place on file:
 - 1) Worker's Compensation Incident Report for November 2011
 - 2) City Treasurer's Monthly Investment Report for period ended October 31, 2011
 - 3) City Treasurer's Report of Cash and Fund Balances through October 31, 2011
 - 4) Police Department Report on Activities November 2011
 - 5) Fire Department Report on Activities November 2011
 - 6) Community Development Report in Activities November 2011 including; Cash and Misc. Receipts, Building Permits, and Electrical, HVAC, Plumbing and Sign Permits
- B. Approval of Payroll for pay period ending December 3, 2011 --- \$409,058.83
- C. Motor Fuel Tax Funds (M.F.T.) Accounts Payable Register -007 Dec. 9, 2011 - \$97,234.96
- D. Approval of Finance Bills Payable (Registers #639, 640, 642, 644) --- \$840,320.43
- E. Water and Sewer Bills Payable (Register #641 and 643) ---- \$214,283.80

Alderperson Koester moved to accept the Consent Agenda items, 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
The consent agenda items were approved.

ORDINANCES – FOURTH READING

4th READING OF ORDINANCE #2011-57:

AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2011, AND ENDING APRIL 30, 2012, FOR THE CITY OF FREEPORT, COUNTY OF STEPHENSON, AND STATE OF ILLINOIS

The first reading was held on November 7, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Koester. The second reading was held on November 21, 2011. The third

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reading was held on December 5, 2011. A motion was given by Alderperson Klemm, seconded by Alderperson Boldt and, upon a roll vote; the ordinance was laid over to tonight's meeting. The ordinance on the floor is summarized as follows:

Ordinance #2011-57 On Council Floor:					
	2011 Tax Levy	2010 Tax Levy	Increase/ (Decrease)	Percentage Change	Total Tax Bill Percentage Change
Firefighter Pension	\$1,073,551	\$965,806	\$107,745	11.16%	
Police Pension	878,086	937,272	(59,186)	-6.31%	
IMRF	256,000	240,000	16,000	6.67%	
Corporate	989,540	489,540	500,000	102.14%	
	\$3,197,177	\$2,632,618	\$564,559	21.44%	2.10%

Alderperson Helms stated that he asked the Finance Department to draft an amendment to Ordinance #2011-57 and this amendment has an overall percentage change of 1.5% which has a tax levy value in the amount of \$2,672,107.00. This amendment was provided to the council prior to this meeting. This is a \$39,489 overall increase. Alderperson Helms stated that the consumer price index is 1.5% and that is the amount we would be able to recommend if we were not home rule. He stated the net effect on a \$100,000 home would be an increase of \$5.00. Alderperson Helms moved to amend the Ordinance #2011-57 to make a change in the levy to a 1.5% increase. Alderperson Boldt seconded the motion.

The motion on the floor is for a tax levy as follows:

Ordinance #2011-57 <i>AS PROPOSED 1.5%</i>					
	2011 Tax Levy	2010 Tax Levy	Increase/ (Decrease)	Percentage Change	Total Tax Bill Percentage Change
Firefighter Pension	\$1,073,551	\$965,806	\$107,745	11.16%	
Police Pension	878,086	937,272	(59,186)	-6.31%	
IMRF	256,000	240,000	16,000	6.67%	
Corporate	464,470	489,540	(25,070)	-5.12%	
	\$2,672,107	\$2,632,618	\$39,489	1.50%	0.14%

Alderperson Klemm reviewed a listing of items in which this amendment does not include money in the budget for items including; Northwest Illinois Development Alliance funding; increases for wages; no more for repair or replacement of Gladewood Bridge; no modifications for Kiwanis Drive and Pearl City Road, extra demolitions being requested by Alderpersons, extra money for weather related catastrophes or building collapse like Cheaters, grants, increase in property and casualty insurance, health insurance or technology upgrades.

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Discussion was held regarding the opinions of the council members as to the percentage and other possible sources of revenue.

Mayor Gaulrapp stated that we were asked to draft to the council a tax levy which the administration proposes. Mayor Gaulrapp recommended a proposal that had an overall percentage change of 11.95% and the Finance Department recommended the proposal on the council floor with an overall increase of 21.44%. Mayor Gaulrapp reviewed history of the tax levy of 2009 and the tax levy of 2010 and their impact on the budget which had an ensuing effect of furloughs, layoffs and salary freezes. At this time, Mayor Gaulrapp recommended acceptance of the 1.5% overall increase and work forward to next year to establish a tax levy that has enough for what could be done for the 230 W. Stephenson Building moving forward.

Discussion was held regarding the fact that council members did not request a tax levy ordinance to be drafted to include a 0% tax levy and, in order for it to be proposed this evening, then a recess would need to be called to have the ordinance drafted by the Finance Department.

Discussion was held regarding the format of the council and review of the budget on a line by line basis and whether it needs to have a committee structure brought back. Discussion was held regarding Finance Committee and the Committee of the Whole process used in the past and the process taken to eliminate.

Aldersperson Klemm called the question on the floor. A roll call vote was taken on the motion on the floor to amend the tax levy ordinance to an overall increase of 1.5%. The roll call vote was as follows:

Yeas: Boldt, Helms and Koester (3)

Nays: Klemm, Bush, DeVine, Endress, and Crutchfield (5)

Motion failed by a vote of 5-3.

Aldersperson Koester stated that he asked to have an amendment to the tax levy ordinance drafted and a copy is provided for council. Aldersperson Koester stated this proposed amendment is for a 9% increase to the tax levy and he so moves to place this amendment on the floor, seconded by Aldersperson Klemm. The amount for the 2011-2012 levy of \$2,869,554 which is a 9% increase over the levied amount from last year was read into the record. A roll call vote was taken on the motion on the floor to amend the tax levy ordinance to an overall increase of 9.0%. The roll call vote was as follows:

Yeas: Klemm, Endress and Koester (3)

Nays: Boldt, Bush, DeVine, Helms, and Crutchfield (5)

Motion failed by a vote of 5-3.

Aldersperson Bush made a motion to have an amendment to the tax levy drafted by the Finance Department for a 0% change in the tax levy, seconded by Aldersperson Crutchfield. Mayor Gaulrapp requested to have Accountant Price prepare the amendment. Corporation Counsel Sarah Griffin exited council chambers to assist Accountant Price. Mayor Gaulrapp requested to move forward with the council agenda while the ordinance is being drafted.

4th READING OF ORDINANCE #2011-58:

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AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2011, AND ENDING APRIL 30, 2012, FOR THE PUBLIC LIBRARY OF THE CITY OF FREEPORT, COUNTY OF STEPHENSON, AND STATE OF ILLINOIS

The first reading was held on November 7, 2011. A motion to adopt was given by Alderperson Boldt, seconded by Alderperson Koester. The second reading was held on November 21, 2011. The third reading was held on December 5, 2011. A motion was given by Alderperson Klemm, seconded by Alderperson Koester and, upon a roll vote; the ordinance was laid over to tonight's meeting. Upon the fourth reading discussion was held regarding the effect to the Freeport Public Library if there was no levy passed this evening. Alderperson Crutchfield stated he is against any increase in the tax levy and asked what the consequences would be if the tax levy did not pass this evening. Corporation Counsel was called back from drafting the amendment to Ordinance #2011-57 to answer the question. Alderperson Helms stated that from his understanding if the tax levy was not passed this evening then the library would not be able to collect any taxes so at that point they would not have any revenue. Corporation Counsel Sarah Griffin stated that the council has the choice to pass it or not pass it. If you don't pass it then it goes back to the Library Board and they have to readdress the levy and give you another option. The Library Board would have to do that through a posting a meeting by tomorrow, then they would need to meet by Thursday and they would have to come to a recommendation back to the council. Corporation Counsel stated that State law provides that you cannot have a meeting on a city holiday. The only day that you could have a meeting to pass it would be Thursday to have enough time to post it and the Library Board would have to have a meeting that day as well and come up with a recommendation. Alderperson Klemm asked to call the question.

Mayor Gaulrapp stated there is a motion on the floor for passage and a roll call vote was taken as follows:
Yeas: Klemm, Boldt, Bush, Endress, Helms and Koester (6)
Nays: DeVine and Crutchfield (2)
Ordinance #2011-58 passed by a vote of 6-2.

4th READING OF ORDINANCE #2011-61:

AN ORDINANCE TO CREATE CHAPTER 1430 (VACANT PROPERTY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

The first reading was held on November 7, 2011. A motion to adopt was given by Alderperson Bush, seconded by Alderperson Crutchfield. The second reading was held on November 21, 2011. The third reading was held on December 5, 2011. A motion was given by Alderperson Koester, seconded by Alderperson Endress and, upon a roll vote; the ordinance was laid over to tonight's meeting. The Administration has provided a proposed amendment dated December 19, 2011 in the council packet - presented by Community Development Director, Shelly Griswold. Director Griswold reviewed the most recent amendments provided in the council packet. Amendments were listed on page four for administrative search warrants to be applied to the Circuit Court of Stephenson County. Wording was also added on page 5 stating, "The Circuit Court of Stephenson County may consider any such matters as it deems relevant in its decision as to whether a warrant shall be issued." Director Griswold reviewed the amendments to the Registration Requirements and the failure to comply. She stated the council could decide to remove wording on page 6 so that it reads for buildings registered and not as it has been amended to read as, "for buildings registered and inspected." That way the penalty would be for those properties who fail to be registered. The last paragraph amends the inspection fee for residential

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properties versus large commercial properties and the maximum capped fee would be \$450.00. Page eight includes amended wording for other window treatments may be allowed with the approval of the Building Commissioner. Director Griswold stated that, at this point, she left the wording requiring signage on the building because Alderperson Bush asked for it. Director Griswold recommended adding wording that if the City has to complete the mailing to notify adjacent property owners of the vacant property, then it should include wording that the owner will pay for certified mailing.

Alderperson Koester asked if the amended wording requested by the Realtor Association is included in this version. Director Griswold stated that this version includes some compromised wording for the administrative search warrants issue, upon review by Corporation Counsel. The other issue is for having a fee for not having an inspection done and that wording can be changed pending council choice. The third issue is that the Realtor Association requested striking the requirement for signage on the building in which Alderperson Bush requested that it be included.

Alderperson Koester moved to layover the ordinance to the next regular meeting in order to give time to research the additional items and to allow Director Griswold to present the amended copies at that time, seconded by Alderperson Klemm. Alderperson Helms asked if Director Griswold had a chance to speak with Villa Park where the ordinance similar to this is currently in place. Director Griswold stated that it has been used effectively and that they have had good luck with people registering and inspections. The fees in Villa Park are significantly higher than what is recommending this ordinance. She also contacted Lemont and Harvard for their opinions. Discussion was held regarding the requests for the amended wording by the realtor. Mayor Gaulrapp requested that the requirement for the signage on the outside of the building be removed as requested by the realtors. Discussion was held regarding whether this ordinance would require additional staffing to help complete the inspections, complete the paperwork. Director Griswold stated that Villa Park has a much more robust staff to perform these duties. Alderperson Helms asked if that was the intent to add personnel to be able to handle these requirements. Director Griswold stated that in her opinion with this ordinance the way it is written it would not be her intent to have to add staff and that the job duties can be absorbed.

Motion to layover to the next meeting prevailed by a roll call vote of:

Yeas: Klemm, Boldt, DeVine, Endress, Helms, Koester

Nays: Bush and Crutchfield

The Ordinance #2011-61 was laid over to the next meeting.

ORDINANCES – SECOND READING

2nd READING OF ORDINANCE # 2011-66:

AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT - EMPIRE AT S. FLOAT AVENUE

The first reading was held on December 5, 2011. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and the ordinance was automatically laid over to tonight's meeting.

The second reading was held this evening and upon no discussion, the ordinance was automatically laid over to the next meeting.

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1st READING OF ORDINANCE # 2011-68:

ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS – Type of Relief: Variance to Section 1468.25 (Signs Permitted in Residence Districts); Owner or Applicant: Lutheran Social Services of Illinois (Meadow Ridge Apartments) Address/Description: 1731 South Hance Drive Freeport Illinois

Community Development Director Shelly Griswold presented the ordinance stating that the public hearing for this petition was held by the Board of Zoning Appeals on December 8, 2011. The commission unanimously recommended the petition for approval and there were no written objections filed for the petition. Therefore, council may take final action this evening. Director Griswold stated that the petition requests a backlight ground sign on the property located at 1731 Hance Drive. Director Griswold stated that although it is a residential zoning classification they are in a mixed use area with commercial, residential and professional uses. Alderperson Helms moved to approve the ordinance 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

Ordinance #2011-68 passed.

1st READING OF ORDINANCE #2011-69:

ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS – Type of Relief: Variance to Section 1468.25 (Signs Permitted in Residence Districts); Owner or Applicant: Lutheran Social Services of Illinois (Prairie Ridge Apartments) Address/Description: 1730 South Hance Drive Freeport Illinois

Community Development Director Shelly Griswold presented the ordinance stating that the public hearing for this petition was held by the Board of Zoning Appeals on December 8, 2011. The commission unanimously recommended the petition for approval and there were no written objections filed for the petition. Therefore, council may take final action this evening. Alderperson Helms moved to approve the ordinance as presented, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;

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

Nays: None

Ordinance #2011-69 passed.

1st READING OF ORDINANCE # 2011-70:

AN ORDINANCE TO AUTHORIZE ACCEPTANCE OF AMENDMENTS TO DEEDS FOR PROPERTY UPON WHICH WASTEWATER PRE-TREATMENT FACILITIES SIT, WHICH ARE ADJACENT TO AND SURROUNDED BY PROPERTY COMMONLY KNOWN AS 3313 INDUSTRIAL DRIVE, FREEPORT, ILLINOIS (PIN NUMBERS 18-19-18-100-030 AND 18-19-18-100-038)

Mayor Gaulrapp stated administration requests suspension of rules for final vote this evening. Alderperson Klemm moved to suspend the rules to vote on this ordinance this evening, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;

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

Nays: Helms

The ordinance was properly on the floor for passage this evening.

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Mayor Gaulrapp stated the property is located at 3313 Industrial Drive at CJ Vitner industrial property and is owned by the City. The ordinance states that the City of Freeport has determined that the maintenance and reversionary clause contained in such deed should have had language which conveyed such rights to any heirs, successors, or assigns and that the original 1991 conveyance deed should have included a similar clause. CJ Vitner is asking for the amendment to the deed to the property in order to move forward with an expansion project.

Aldersperson Klemm moved for approval of the ordinance as presented, seconded by Aldersperson Endress. Motion prevailed by a roll call vote of;

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

Nays: None

Ordinance #2011-70 passed.

1st READING OF ORDINANCE # 2012-01:

AN ORDINANCE TO ABATE THE 2011 REAL ESTATE TAX LEVY FOR THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2003

Finance Director Craig Joesten presented the ordinance stating that the bond ordinance would need to be abated for the General Obligation Bonds, Series 2003 if the council so chooses not to have its amount added in the 2011 Tax Levy. The same explanation applies to Ordinance #2012-02, except for Series 2004 Bond, and for Ordinance #2012-03 for Series 2006 Bond. When the bonds were created there was an automatic levy clause that was put in to assure the repayment of the indebtedness. Director Joesten stated by abating the bonds the City is saying that we have sufficient funds to cover the repayment of the indebtedness of bonds. Aldersperson Helms moved for approval of the ordinance as presented, seconded by Aldersperson Endress. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE # 2012-02:

AN ORDINANCE TO ABATE THE 2011 REAL ESTATE TAX LEVY FOR THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2004

Finance Director Joesten included an explanation of this ordinance in Ordinance #2012-01. Aldersperson Helms moved for approval of the ordinance as presented, seconded by Aldersperson Endress. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE # 2012-03:

AN ORDINANCE TO ABATE THE 2011 REAL ESTATE TAX LEVY FOR THE REPAYMENT OF THE GENERAL OBLIGATION BONDS, SERIES 2006

Finance Director Joesten included an explanation of this ordinance in Ordinance #2012-01. Aldersperson Endress moved for approval of the ordinance as presented, seconded by Aldersperson Koester. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE # 2012-04:

AN ORDINANCE AMENDING CHAPTER 1042 (WATER GENERALLY), SECTION 1042.08 "CONSUMER CASH DEPOSITS" OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

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Finance Director Craig Joesten presented the ordinance by stating that currently the water and sewer security deposit for new customers provides for a 4% interest rate while the commission holds the deposit. Since this interest rate far exceeds other markets in other available securities, the Water and Sewer Commission felt that it was fiscally prudent to lower this amount to 0% and they recommended this ordinance to the council. Director Joesten stated this ordinance, when effective, will eliminate the payment of interest on security deposits, clarify the procedures for the issuance of such, and provides for the schedule of deposits.

Aldersperson Helms moved to suspend the rules to vote tonight for final reading of this ordinance, seconded by Aldersperson Klemm. Motion prevailed by a roll call vote of;

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

Nays: None

The ordinance was on the floor for passage this evening.

Aldersperson Helms moved for approval of the ordinance as presented, seconded by Aldersperson Klemm. Motion prevailed by a roll call vote of;

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

Nays: None

Ordinance 2012-04 passed by a vote of 8-0.

1st READING OF ORDINANCE # 2012-05:

AN ORDINANCE AMENDING THE BOUNDARIES OF THE JOINT CITY OF FREEPORT – COUNTY OF STEPHENSON CERTIFIED ENTERPRISE ZONE

Mayor Gaulrapp presented the ordinance stating that this came out of the Enterprise Zone meeting held last week and it involves a grain elevator business that has requested to be included in the Enterprise Zone and this property is located in Jo Daviess County. Finance Director Joesten stated this will have negligible impact on the fees received by Stephenson County and the City of Freeport. Mayor Gaulrapp stated there will be a companion resolution on the next council agenda. Mayor Gaulrapp stated that the only reason this was labeled as 16B on the council agenda was that it was a last minute addition to the council packet that had already been printed. Aldersperson Helms moved for approval of the ordinance as presented, seconded by Aldersperson Klemm. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2011-72:

RESOLUTION AUTHORIZING THE EXECUTION OF THE AIRPORT OPERATOR’S LIABILITY INSURANCE AGREEMENT

Finance Director Joesten presented the resolution by stating that under the master property and casualty policy of the City the buildings at the airport are included. However, the liability as the result of operating an airport is specifically excluded. Therefore, it is necessary to secure separate insurance policy of the airport liability. Director Joesten stated this is the same provider, quotes and coverage from last year’s policy and he recommends adoption of this resolution to accept the terms. Aldersperson Klemm

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moved for approval of the resolution as presented, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;

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

Nays: None

Resolution #2011-72 passed by a vote of 8-0.

RESOLUTION #R-2011-73:

RESOLUTION AFFIRMING COMMITMENT TO COOPERATE WITH STEPHENSON COUNTY AND NORTHWEST ILLINOIS DEVELOPMENT ALLIANCE IN DEVELOPING COUNTY-WIDE PUBLIC TRANSIT SERVICE

Community Development Director Shelly Griswold presented the resolution by stating that the county is pursuing providing county-wide transit program. They have asked for a memorandum of understanding from the City and we are a grantee under the Federal Transit Act and under the State of Illinois Downstate Operating Assistance Program. Director Griswold stated we can't just pledge our resources and vehicles and instead we did the resolution affirming our commitment that we will continue to work with them throughout the process of determining the feasibility and design of the program if that is what they decide to do. At such a time that the County decides to expand the transit program and they receive grant funding, the City pledges that we will work with them to assure the level of service will remain the way it is now in the City of Freeport, we will work with them to assure the transition of the grant funding from the City to Stephenson County and that the transition of City of Freeport public transit rolling stock to the County-wide transit system as approved by IDOT under any then existing City grants. If at some point if the County becomes the grantee it states that we will cooperate with them in the future.

Alderperson Klemm moved for approval of the resolution as presented, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;

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

Nays: Helms

Resolution #2011-73 passed by a vote of 7-1.

RESOLUTION #R-2011-74:

A RESOLUTION TO AUTHORIZE AN AGREEMENT FOR LANDFILL GENERAL ENGINEERING BETWEEN THE CITY OF FREEPORT AND FEHR-GRAHAM AND ASSOCIATES

Community Development Director Shelly Griswold stated that each year we have an agreement with Fehr-Graham and Associates for provide our landfill engineering. The City of Freeport is not accepting waste at the landfill it must continue to monitor things like groundwater, methane gas, etc. Director Griswold requested the council layover the resolution in order for it to coincide with the Lamm Road TIF Budget because some of the money to fund these projects will come from the Lamm Road TIF.

Alderperson Helms moved to layover the resolution to the first meeting in January, 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

The resolution was laid over to January 3, 2012 meeting.

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Department Head Reports

Community Development

Community Development Director Shelly Griswold provided her congratulations to the Mrs. Mikes Potato Chips for celebrating their 40th year of business.

Finance/Water and Sewer Director

Finance Director Craig Joesten provided to council a request for approval of Water System Improvements Change Order #80-00-180.98{12-13}. Director Joesten stated that CIVIL Constructors presented the Water and Sewer Commission with a change order for the proposed water main alignment through the Park District's Krape Park. They are requesting the water main alignment shift to the north and be installed on the property of the Freeport Country Club. Director Joesten provided written copies of the proposal from CIVIL Constructors along with the estimated cost savings of \$42,000 for changing the alignment. He also stated that this will alleviate have to dig trenches through the park which would involve tearing down trees.

Alderperson Klemm moved to accept the change order from CIVIL Constructors 80-00-180.98 {12-13}, seconded by Alderperson Helms. Director Joesten was asked about the concessions to the Park District regarding water billing and he stated that when we approached the Park District, we were under a time crunch to be able to get this project funded to take advantage of the opportunity. It appeared as though the Park District saw that as an opportunity to tie those concessions to the granting of the easement but quite frankly those are two separate issues. We were seeking an easement from a public body which is always easier to pursue and in going through the process of getting an easement and possibly losing the project through a private enterprise. Director Joesten stated that we got the easement but there were those concessions that they tied to them and yes they are still in place and will be moving forward with them. Alderperson Koester asked if there was going to be a fee to go through the Freeport Country Club and Director Joesten answered that CIVIL is approaching us with this possibility and they are soliciting this and it has not yet been secured. It will be up to them to get the easements and paperwork back to us but there was no sense in moving forward unless the council has elected to move it forward. The council made comments on the Park District agreement as an effort to enhance the relationship of other taxing bodies and the council acted in good faith. The easement with the Park District is still there and could be used if it is needed down the line. Motion to accept prevailed by a roll call vote of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None

Public Works

Public Works Director Tom Dole presented the 2012 FAU Road Program that was put together by both the Public Works Director and City Engineer. The intent and direction of the program as outlined focuses on road improvements in concert with utility programs. Director Dole stated that the program funds 80% of the listed cost matching 20% may come from other sources. Not all the projects will be selected; however, it is encourage multi-programs are submitted as funds allow. Two projects in this program will run with Water and Sewer Commission Projects, engineering shall be provided by the City of Freeport Water and Sewer Commission. They request assistance from IDOT and the City of Freeport FAU fund to supplement the Commission's funding efforts to offset the costs associated with paving the road curb face

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to curb face. The projects included in Section 12-00153-00-RS Year 2012 Road Program are Adams Avenue (Exchange to 300 Feet West of Clark with an estimated cost of \$500,000; the Intersection of Empire and Harlem with an estimated cost of \$20,000; and at Hancock Avenue from Stephenson Street to Arcade Avenue with an estimated cost of \$300,000.

Director Dole presented the 2012 Motor Fuel Tax Fund (MFT) Program in conjunction with City Engineer Denise Ihrig. The intent of the program focuses on road improvements in concert with utility programs. Outside engineering will be required to complete the program as we are expanding to include some road reconstruction. The program will require a resolution for general maintenance including MFT Road Program in the amount of \$600,000; Preliminary and Final Engineering with some engineering to be completed in-house, estimate of outside services approximately 5% of Construction; Construction engineering, approximately 4% of construction, with the possibility of conducting some inspection work in house or a combination thereof. Projects included in the Section 12-00000-01 GM Year 2012 MFT Road Program includes South Harlem (South of LaCresta with an estimated cost of \$300,000; LaCresta Drive (Burchard Avenue to South Demeter Drive with an estimated cost of \$115,000; South Hooker Avenue (IL 75 Stephenson Street to East Jackson Street with an estimated cost of \$100,000; and matching Funds for FAU from Hancock and Intersection of Harlem and Empire with an estimated cost of \$75,000 with the description of work from the FAU Road Program.

Director Dole stated the street department is ready for snow occurrences and has been finishing street sweeping and repair of potholes. Discussion was held regarding the Kampen Farms leaf program disposal and Director Dole stated because of the IEPA requirements there are only a few properties that would qualify. He is working with the heirs of the Kampen farm and there is a chance that the property to could be sold and then continued with a new owner pending EPA permitting.

Discussion was held regarding the Hancock Bridge surface and whether grinding will see any damage of the base. Director Dole stated that if they grind it and see that repairs are necessary to the base that could be within the scope of the project. They don't usually see a lot of failure on the road now. Inertia made sure their trucks are fitted with the proper axels designed to haul weight of their machines. There is not a lot of bridge failure now but if you grind down the surface you can spot something. As far as the bridge, the Public Works Director applies for funds every year for bridge improvement dollars.

City Engineer/Water and Sewer

City Engineer Denise Ihrig report was included with the Public Works Director. City Engineer Ihrig stated that the work has started on the Big 4 Projects and crews have been out working on water main installation and with this change order accepted this evening, they will submit the paperwork to the IEPA for their approval and their consideration so they can get started laying pipe from South Demeter to Marvin Lane. At the Willow Tank site, they have started drilling the new wells. The Commission is getting geared up for the new utility billing software and that will be one of the first changes that will be seen on the public front. They will start the change over from the green postage cards to an 8 and ½ sheet of paper that will come in a traditional envelope. They will try to mark it very clearly that it is not junk mail it is the new water bill. The Commission is working with M45 to send out large cards identifying that the look will be changing and this is what the new bills will look like. Now that the Commission is working with the new utility billing company, they will begin the conversion from cubic feet to gallons.

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This will be significant in order to look at your own water meter and understand the units being presented. There is no rate increase and it will be only changing going from cubic feet to gallons. They are also starting the cleaning and televising of sanitary sewers and there are notices going out to everyone that is affected by an easement. These magnet include an informational number citizens can call for more information and that number is 1-800-801-8100 and information is listed on the website of the Water and Sewer Department Improvements. City Engineer Ihrig stated she could email to the council the proposed water tower logo if they request. The front runner is the Lincoln Douglas profile on one side with the City of Freeport on the other side.

Police

Chief of Police Jerry Whitmore was present and had no report this evening.

Fire

Fire Chief Kevin Countryman was present and had no report this evening.

4th READING OF ORDINANCE #2011-57 (CONTINUED)

AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE FISCAL YEAR BEGINNING MAY 1, 2011, AND ENDING APRIL 30, 2012, FOR THE CITY OF FREEPORT, COUNTY OF STEPHENSON, AND STATE OF ILLINOIS

At this time, council was presented an ordinance which was motioned by Alderperson Bush and seconded by Alderson Crutchfield to be on the floor and to be developed by the Finance Department that included the tax levy with a 0% increase over last year's levy with the total amount of taxation for Fiscal Year 2011-2012 to be levied in the sum of \$2,632,618.

Ordinance #2011-57 AS PROPOSED 0%					
	2011 Tax Levy	2010 Tax Levy	Increase/ (Decrease)	Percentage Change	Total Tax Bill Percentage Change
Firefighter Pension	\$1,073,551	\$965,806	\$107,745	11.16%	
Police Pension	878,086	937,272	(59,186)	-6.31%	
IMRF	256,000	240,000	16,000	6.67%	
Corporate	424,981	489,540	(64,559)	-13.19%	
	\$2,632,618	\$2,632,618	\$0	0.00%	0.00%

Mayor Gaulrapp asked Finance Director Craig Joesten if by having a tax levy of 0% would there be \$80,000 for NIDA included in this document. Director Joesten stated as he mentioned before, we are levying for a certain amount for the general fund and those dollars are put into the so called "kitty" of the general fund out of which we pay all of the expenses to the City including salaries, demolitions, NIDA, whatever the expenses for the general operations of the City. We are not specifically levying for any money for NIDA. The council was provided a budget as to what we expected our cash would be as a result of anticipated revenue enhancements for next year as well as increased expenses for compensations which has already been approved by contract in the amount of \$173,000. Out of that free cash flow position, would be all of what is considered to be discretionary expenditure that the council will pass on

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and one of which was for NIDA. The Finance Department has begun the appropriation process and has provided the budget worksheets to the department heads and that is the first step in assembling the list of anticipated expenditures necessary to provide City services by the department heads for the various oversights. The Finance Department is putting together the sources of revenue and we will find out in the first cut how the anticipated expenses match up.

Discussion was held regarding the need for council participate in the budget process and whether the best method would be to go back to a Finance Committee, Committee of the Whole, or through the process of communicating with the department heads similar to the process done last year.

Mayor Gaulrapp requested a roll call vote to approve the motion to amend the tax levy ordinance to 0% in the amount of \$2,632,618. The roll call vote was as follows;

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

Nays: Koester, Klemm, Endress, Helms (4)

The vote was 4-4 and then Mayor George Gaulrapp was asked to cast his vote.

Mayor Gaulrapp voted nay, motion failed.

At this point, the amendments requested by council to the tax levy have failed; so on council floor for approval is the Tax Levy ordinance with an overall percentage change of 21.44%.

Corporation Counsel reviewed the effect that will result of not passing a tax levy. There would not be salaries for police, fire or City Hall staff members.

Aldersperson Klemm made a motion reconsider the ordinance containing the amendment for the tax levy overall percent change at 1.5% and his motion included placing it back on the floor for passage.

Discussion was held as to who the other alderpersons were who voted against the 1.5% increase and it was determined to be Klemm, Bush, DeVine, Endress and Crutchfield. Aldersperson Klemm made a motion to go back to the ordinance containing 1.5% overall increase in the tax levy that Aldersperson Helms suggested, seconded by Aldersperson Endress.

Corporation Counsel stated the motion on the floor by Aldersperson Klemm is to reconsider the 1.5% increase to the tax levy and was seconded by Aldersperson Endress. Motion prevailed by a roll call vote of;

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

Nays: Bush, DeVine and Crutchfield (3)

Motion passed by a vote of 5-3.

There was a question on the floor as to whether this was a motion to reconsider or to pass the ordinance. Corporation Counsel looked up the information and then stated that it places the ordinance back on the floor for the original question at 1.5%.

The tax levy ordinance being reconsidered on the floor at an overall 1.5% increase is listed as follows:

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Ordinance #2011-57 <i>AS PROPOSED 1.5%</i>					
	2011 Tax Levy	2010 Tax Levy	Increase/ (Decrease)	Percentage Change	Total Tax Bill Percentage Change
Firefighter Pension	\$1,073,551	\$965,806	\$107,745	11.16%	
Police Pension	878,086	937,272	(59,186)	-6.31%	
IMRF	256,000	240,000	16,000	6.67%	
Corporate	464,470	489,540	(25,070)	-5.12%	
	\$2,672,107	\$2,632,618	\$39,489	1.50%	0.14%

Mayor Gaulrapp asked for a roll call vote for passage of the Ordinance as amended. Motion prevailed by a roll call vote of;

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

Nays: Bush, DeVine and Crutchfield (3)

Ordinance #2011-57 passed as amended to 1.5% overall increase in the tax levy.

MAYORS REPORT

Mayor Gaulrapp stated that the City has exceeded the threshold over the last six and one half years of receiving over \$8 million dollars on grants both on the federal and state level. There is a group that is building support of the rehab of the 230 W. Stephenson building and if that does follow through, and then we will work with that group to try to apply for grants from the federal and state levels. Mayor Gaulrapp met with Senator Durbin and he presented projects from Freeport including the Rawleigh Building Brick and Mortar project for \$14 million and the other project being the corner of Kiwanis and Pearl City Road for their intersection for \$1.8 million. Senator Durbin is taking those under consideration and his staff is working with the Illinois Department of Transportation to get us funding and we will be working with State Representative Jim Sacia and Senator Tim Bivens. A firm in town was looking for IEPA permitting so Mayor Gaulrapp met with them to obtain an air and land permit and they work hand in hand with Fehr-Graham and Associates and they reduced the timing from 90 days to 18 days.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

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

- Alderperson Koester asked about the bid process for the excavation of 230 W. Stephenson building and Director Joesten stated they had been waiting for progress of the Mahoney building so the handicap accessibility would not be closed on both ends of the block. Now that that area has had the fencing taken down the contractors will be called over the next week to survey the area as to what needs to be done and to begin the bid process hopefully for the beginning of the year.
- Alderperson Crutchfield thanked people for their support of the town meeting and toy drive for Amity.
- Alderperson Klemm asked about the restructuring due to the census. Corporation Counsel Sarah Griffin stated that the number restructuring that was talked about by the county is not something that is possible. She has provided the Mayor with a calendar for possible redistricting and it seems

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unlikely but we may need to develop a committee to consider redistricting due to the shift in the population but the number of wards remains the same.

- Alderperson Boldt thanked citizens for their participation in the tax levy weigh in and he encourage people to maintain that participation for the other taxing bodies in the City that need that kind of attention especially when the school district is considering. Alderperson Boldt suggested that a question be place on referendum as to the decision for the 230 W. Stephenson Street.
- Alderperson Bush thanked the support of the FACC Christmas baskets and noted that a Freeport Pretzel alumni football player, Wes Gastel, played in the national championship and was decided to be the most valuable player during the semi-finals game. Mayor Gaulrapp stated that IDOT could be notified for a plaque.
- Alderperson Endress asked about boat ramp and Community Development Director Shelly Griswold stated it is done and being used. It does still need to be seeded in that area.
- Alderperson Helms asked about the asbestos removable from the vault area and Mayor Gaulrapp stated that he had placed a phone call to the IEPA and has not heard back from them. He will be following up with them next week.
- Mayor Gaulrapp stated the tape delayed broadcast of the City Council meetings is scheduled to air to the Comcast Channel 17 on Wednesdays at 6:00 pm. Mayor Gaulrapp is hoping to purchase a software package to allow for streaming live of the council meetings.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Tom Teich, 653 Jefferson Street, Freeport Illinois spoke about new businesses coming to Freeport.
- Phillip Gardner, 7 East Stephenson, Freeport Illinois, spoke about the southwest corner of the 230 W. Stephenson Street building and he asked about the postponing of the excavation. Finance Director Craig Joesten stated as he said previously there were issues with the Mahoney building and the closure of the handicap accessibility to the sidewalk from both ends. Now that that has been resolved the excavation can proceed by having the contractors begin to give quotes. The excavation process could be a touchy situation so that it may be difficult to secure an excavation company and they will need to decide if they want to perform the work. While this excavation is being done, there will be a structural engineer on site to physically inspect the piers to determine what the status is. Director Joesten stated that the contracts will have to go to council first before the project may be awarded and the council will be provided a report from the engineer. Mr. Gardner asked for council to consider the preservation of the building. He asked for some creative thinking when it comes to the revitalization of the City of Freeport.

Upon motion duly made and seconded, the meeting was adjourned at 8:55 p.m.

s/ Meg Zuravel
Meg Zuravel, City Clerk