

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
NOVEMBER 3, 2003 AT 7:00PM
CITY COUNCIL CHAMBERS

QUORUM

At 7:00pm, a quorum being present, Mayor Gitz called the meeting to order.

RECORD

Present were Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Alderman Dawson.

APPROVAL OF AGENDA

Alderswoman Bender moved, seconded by Alderman Varner for approval of the agenda. The motion carried.

PUBLIC COMMENTS

Cheryl Kneubuehl, representing the Chamber of Commerce membership, spoke in support of reinstating the city's current sprinkler ordinances to meet the same standards as the National BOCA Code.

Fire Chief, Jim Blackburn, spoke against revising the city's BOCA Code according the National BOCA Code.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on October 20, 2003 was presented for approval. Alderswoman Bender moved, seconded by Alderswoman O'Neill for approval of the minutes. The motion carried.

CONSENT AGENDA

- A. Approval to Receive and Place on File:
 - 1. Community Development Report
 - 2. Treasurer's Monthly Investment Report, September 2003
- B. Approval of Water & Sewer Disbursements for October 2003 - \$266,429.57
- C. Approval of Bills Payable for October 2003 - \$827,370.66
- D. Approval of Payroll of Period ending October 18, 2003 - \$293,791.18

Alderman Clark requested that item C be removed from the Consent Agenda in order to consider approval of the IMLRMA Min/Max Agreement. Alderman Clark moved, seconded by Alderman Gaulrapp for approval of the consent agenda, with the exception of item C. On the roll call of yeas, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

2nd READING

ORDINANCE #2003-71

AN ORDINANCE AMENDING CHAPTER 670 (PEACE DISTURBANCES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (As Amended)

This ordinance was laid over from the meeting of October 20, 2003, when it was moved by Alderwoman Bender, seconded by Alderman Gaulrapp for approval. On the roll call of yeas and nays, Aldermen Dawson, Bolt, O'Neill, Wright, Gaulrapp, Bender, and Varner voted yea. Alderman Clark voted nay. There were seven yeas and one nay. The ordinance was approved.

2nd READING

ORDINANCE #2003-73

ORDINANCE TO AUTHORIZE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FREEPORT AND FREEPORT SCHOOL DISTRICT #145 FOR A SCHOOL RESOURCE OFFICER PROGRAM

This ordinance was laid over from the meeting of October 20, 2003, when it was moved by Alderwoman Bender, seconded by Alderman Dawson for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2003-75

ORDINANCE AMENDING CHAPTER 1420 (BOCA NATIONAL BUILDING CODE) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

This ordinance was laid over from the meeting of October 20, 2003, when it was moved by Alderman Gaulrapp, seconded by Alderman Clark for approval. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was approved.

2nd READING

ORDINANCE #2003-78

SPECIAL ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS (VARIANCE, 1326 W DEMING)

This ordinance was laid over from the meeting of October 20, 2003, when it was moved by Alderman Gaulrapp, seconded by Alderwoman Bender to concur with the denial from the Zoning Board of Appeals. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The ordinance was denied.

1st READING

ORDINANCE #2003-79

AN ORDINANCE AMENDING CHAPTER 480 (PARKING GENERALLY) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Alderman Boldt, Public Works Chair, stated that the committee held a meeting on October 20, 2003. This ordinance is to correct a discrepancy between signage and current ordinances for parking on Stewart. The committee voted unanimously to approve this ordinance and Alderman Boldt so moved, seconded by Alderwoman O'Neill. This ordinance was automatically laid over to the next regular meeting.

RESOLUTION #R-2003-61

A RESOLUTION TO ADOPT CITY OF FREEPORT SPENDING PLAN

WHEREAS, on July 7, 2003 the City of Freeport adopted the FY 2003/2004 Appropriation Ordinance; and

WHEREAS, that Appropriation Ordinance was based upon an underlying budget document, which is shown in Attachment A; and

WHEREAS, although the City of Freeport has not formally adopted the Budget System pursuant to 65 ILCS 5/8-2-9.1 and 5/8-2-9.2 through 8-2-9.10, this City Council heavily relied and continues to rely upon the attached budget document as its spending plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that the document attached hereto and made a part hereof as Attachment A, is hereby adopted as the spending plan for the City of Freeport and shall be accorded such recognition in the spending of the City funds.

BE IT FURTHER RESOLVED that the spending of contingency funds is intended to have prior City Council approval, with the exception that the Finance Director or his or her designee shall have the authority to expend contingency funds in accordance with Attachment B, as long as the Finance Committee of the City Council is given a monthly report of such expenditures.

BE IT FURTHER RESOLVED that all resolutions or parts of resolutions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED that this Resolution is passed under the Home Rule Authority of the City of Freeport as provided in Section 6 of Article VII of the Illinois Constitution of 1970.

Alderman Clark, Finance Chair, stated that committee held a meeting on October 27, 2003. Committee members reviewed the proposed schedules for contingency spending and what would require prior council approval. Finance Director, Duane Price, advised committee members that the Mayor had requested no changes in the proposal without his input. After some discussion, the committee opted to accepted the proposal as submitted, but asked Duane Price to research why \$10,000 was put into the prosecutorial contingency line. The committee voted unanimously to adopt this resolution and Alderman Clark so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

RESOLUTION #R-2003-67

RESOLUTION AUTHORIZING THE EXECUTION OF THE IMLRMA MINIMUM/MAXIMUM CONTRIBUTION AGREEMENT

WHEREAS, the City Council of the City of Freeport, a member in good standing of the Illinois Municipal League Risk Management Association and party to the IMLRMA Intergovernmental Cooperation Contract, has been fully apprised of the IMLRMA Minimum/Maximum Contribution Agreement which amends and supplements the IMLRMA Declarations pages dated 12/31/2003 to 12/31/2004 and all endorsements thereto; and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to continue making its IMLRMA contribution in accordance with the IMLRMA Minimum/Maximum Contribution Agreement which ~~reduces~~ ~~increases~~ the annual premium from ~~\$301,230~~ to \$331,157 ~~by 9.9% - \$299,496 by 20% (\$44,625) to \$254,871~~ and is the minimum contribution the City of Freeport would pay for year 2004~~1~~. Notably, the maximum contribution the City of Freeport would pay for year 2004~~1~~ would be ~~\$~~450,677 depending upon the claim experience for that year; and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to make its IMLRMA contribution payment by the early renewal deadline of ~~November 14, 2003~~ ~~November 21, 2000~~ which reduces the annual premium by an additional 2% ~~(\$6,758)~~ ~~(\$5,097)~~; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that it does hereby authorize the Mayor to execute the IMLRMA Minimum/Maximum Contribution Agreement for a one (1) year period beginning 12/31/2003~~0~~ and ending 12/31/2004~~1~~; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its passage and approval.

BE IT FURTHER RESOLVED that the City Clerk be directed to send a certified copy of this resolution to the Illinois Municipal League Risk Management Association for implementation.

BE IT FURTHER RESOLVED this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970.

BE IT FURTHER RESOLVED all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

BE IT FURTHER RESOLVED if any section, clause or provision of this Resolution be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part so declared to be invalid, and this City Council expressly declares that it would have enacted this Resolution even with the invalid portion deleted.

Alderman Clark, Finance Chair, stated that the committee held a meeting on October 27, 2003. Administration is recommending that the IMRLRMA Insurance be renewed under the same Min/Max Program that we have opted for during the past seven years. The committee voted unanimously to adopt this resolution and Alderman Clark so moved, seconded by Alderman Dawson. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The resolution was adopted.

APPROVAL OF CONSENT AGENDA ITEM C

Since the IMRLRMA Agreement was approved, Alderman Clark moved, seconded by Alderman Dawson approval of the bills payable. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

EXECUTIVE SESSION

Alderman Bender moved, seconded by Alderman Gaulrapp to go into executive session according to according to 5 ILCS 120/2 (c)(2) in order to discuss Collective Bargaining. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

The council then convened in the mayor's office. After reconvening in Council Chambers, Alderman Dawson moved, seconded by Alderman Boldt to come out of executive session. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

RESOLUTION #R-2003-68

RESOLUTION TO RATIFY COLLECTIVE BARGAINING AGREEMENT WITH COUNCIL 31 OF THE AMERICAN FEDERATION STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3367 AFL-CIO

WHEREAS, the City's bargaining team has in good faith negotiated a two-year collective bargaining agreement with COUNCIL 31 of the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3367 AFL-CIO, a copy of which agreement is available for public review in the City Clerk's Office; and

WHEREAS, the Union membership ratified the tentative Agreement on October 21, 2003, the City's bargaining team recommends ratification of the collective bargaining agreement by this City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that this City Council formally ratifies the negotiated two-year collective bargaining agreement between the City of Freeport and COUNCIL 31 of the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3367 AFL-CIO.

BE IT FURTHER RESOLVED that the Mayor of the City of Freeport and the City Clerk and any other City official or employee as may be necessary or helpful, are authorized to execute said collective bargaining agreement on behalf of the City of Freeport, and to execute any other documents necessary to carry out the intent and purpose of said agreement and this Resolution.

BE IT FURTHER RESOLVED that the City Clerk transmit a certified copy of this Resolution to Don Hull, President of AFSCME Local 3367.

BE IT FURTHER RESOLVED that this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970; and all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Alderman Bender moved, seconded by Alderman Gaulrapp that this resolution be approved. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

APPOINTMENTS

There was leave granted to hear all appointments at once. Effective immediately, Mayor James Gitz hereby appoints Samuel Newton and LaFrancine Baker to the Taylor Park Health and Environmental Task Force.

Alderman Bender moved, seconded by Alderman Varner that these appointments be accepted. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

FINANCE

Alderman Clark, Chair, stated that the committee held a meeting on October 27, 2003. The committee again discussed the pros and cons of the Hearing Administration program and whether to continue it's funding. Some concerns were noted, i.e. is adequately staffed? is it effective?- etc. After some discussion, the committee agreed to release remaining funds for the balance of the current fiscal year and review again for next year. The committee voted unanimously to approve continuing the Hearing Administration program and Alderman Clark so moved, seconded by Alderman Dawson. On the roll call of yeas and nays, Aldermen Dawson, Boldt, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

Tim Mickel made a presentation. (Copy attached) In 1998 & 1999, the City of Freeport participated with the State of Illinois to offer an early retirement program to 16 of our employees, 14 of which took advantage of the program. The program was financed with a \$171,000 negative balance in the Early Retirement Incentive Fund at an annual interest rate of 7.5% to be repaid over ten years. Due to poor market performance the retirement funds have incurred additional surcharges that have resulted in increase in the amount now owed on the early retirement fund liability. As of 8/31/03 the balance owed was \$885, 672 with seven years remaining in the payback schedule. Based on the current 7.5% interest rate the administration has reviewed alternative options for funding this liability and is recommending using a bank loan with a more favorable interest to retire this obligation.

The committee voted to recommend approval of refinancing of obligation with a banking institution subject to RFPs for a maximum 7-year term and Alderman Clark so moved, seconded by Alderman Wright. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

Library Director, Frank Novak, presented the library levy request. The proposed library levy is essentially the same as last year and the proposed expenses are the same as last year without the \$900,000 transfer to the building fund. Alderman Clark attended the library board finance committee meeting and participated in the discussion regarding this levy.

Duane Price, provided information for review. No action requested. Duane was asked to review IMRF fund balance and make a recommendation regarding using some of the fund to buy down some of the Early Retirement Loan previously approved.

Alderman Clark distributed copies of the FAEDF's Strategic Plans and requested committee members to review prior to the next meeting. He advised committee members that he would be bringing forward a resolution to recognize and support this plan as well as a contract between the City and FAEDF similar to the one signed annually between the City and NHS.

Duane Price presented a document with all outstanding loan histories for the Revolving Loan Fund. Alderman Clark advised committee members that record keeping for the RLF is scattered and incomplete. Too date he has been unable to obtain copies of minutes for some of the outstanding loans. He is suggesting that RLF record keeping be delegated to the Treasurer's Office. Additionally, Alderman Clark is requesting that the Finance Chair be added to the Revolving Loan Fund Committee. Committee members agreed and requested that an ordinance be brought forward for their review and approval.

Travel expense reports for elected officials were reviewed with no comment.

Duane Price presented a request for next year's grant for the Fire Department. Committee members agreed to defer this item to the Public Safety Committee.

PUBLIC WORKS

Alderman Boldt, Chair, stated that the committee held a meeting on October 20, 2003. Public Works Director, Craig LeBaron, reported that bids were opened on September 26, 2003 for sanitary sewer lining on Crestwood and that the low bid was for \$572,781, from

Instiform. This will be paid for out of the bond sale proceeds. The committee voted unanimously to accept this bid and Alderman Boldt so moved, seconded by Alderwoman Bender. On the roll call of yeas and nays, Aldermen Dawson, Boldt, O'Neill, Wright, Gaulrapp, Bender, Varner, and Clark voted yea. The motion carried.

Marilyn Mook and Ken Lassandro gave a verbal presentation on a proposed use for the Carnegie Library. They would like it to be used to house an American Illustrator's Art Institute. They would provide care and renovation of the building in exchange for rent. They would need the entire building and would like a \$1year lease or something similar. All displays would be built freestanding and one level would be used as a conservatory. This issue will be placed on the next committee agenda.

COMMUNITY DEVELOPMENT

Alderman Gaulrapp, Chair, stated that the next meeting would be November 10, 2003 at 5:30pm, in City Council Chambers.

EXECUTIVE

Alderwoman Bender, Chair, stated that the committee would meet on November 24, 2003 at 7:00pm, in City Council Chambers.

MAYOR'S REPORT

The mayor discussed the following items:

- Dedication of Tutty's Crossing site
- National Brownfields Conference
- Council 100 meeting – update of US 20

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:05pm.

LATACIA M. ISHMON, CITY CLERK