



## *City Council*

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

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### **MINUTES REGULAR MEETING Monday, April 2, 2012**

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#### **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 6:02 p.m. on Monday, April 2, 2012, in Council Chambers.

#### **ROLL CALL**

Present on roll call were Mayor Gaulrapp and council members Tom Klemm, Shawn Boldt, Ronnie Bush, Dennis Endress, Michael Koester, and Andrew Crutchfield (6). Alderperson DeVine and Helms were absent. Corporation Counsel Sarah Griffin was present.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Crutchfield.

#### **APPROVAL OF AGENDA**

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

#### **MINUTES**

Alderperson Koester moved for approval of the minutes of the meeting held on March 19, 2012, seconded by Alderperson Crutchfield. Motion prevailed by voice vote without dissent.

#### **PUBLIC COMMENTS – AGENDA ITEMS**

There was no one signed on the sheet for public comments on agenda items.

#### **PUBLIC HEARING – STATE OF ILLINOIS PARATRANSIT VEHICLE GRANT**

City Clerk Meg Zuravel read notice of public hearing that had been published regarding the State of Illinois Paratransit Vehicle Grant for the City of Freeport, Illinois. The public hearing was held for the purpose of considering a project for which financial assistance is being sought from the Illinois Department of Transportation, pursuant to the Illinois Department of Transportation's general authority to make such Grants, and which is generally described as follows: the purchase of two (2) 22-passenger paratransit vehicles for the City's public transit program, with a total project cost of \$200,000.00.

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

Community Development Director Griswold stated that the City of Freeport will apply for a grant under the Consolidated Vehicle Procurement Program undertaken by the State of Illinois on behalf of the City of Freeport, with State and Federal Funds. All new equipment included in this project will meet ADA accessibility rules for the elderly and persons with disabilities. Director Griswold described the two (2)

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22-passenger paratransit vehicles to be used for the City's public transit program, with a total project cost of \$200,000.00. Director Griswold stated that the purpose of the hearing is to allow interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of the project. There is a resolution on council agenda this evening to authorize application for the Illinois Department of Transportation 2012 Consolidated Vehicle Procurement Rolling Stock Capital Assistance Grant. This grant would offset certain capital costs of providing and improving public transportation facilities by the addition of two super medium duty Paratransit vehicles. Director Griswold stated there are time frames in which larger capacity vehicles are needed to get shift workers to their places of employment or students to educational facilities. Currently the public transportation program has eleven vehicles; one being used by Malcolm Eaton in which the Community Development Department is looking into transferring to that entity and two other vehicles which are considered out of commission. Copies of the application were made available for public viewing in the City Clerk's office when the public hearing was published.

At 6:07 pm, upon having no comments or questions from either the public or council, Mayor Gaulrapp closed the public hearing.

**PRESENTATION**

Jeff Reinke Director of Development, Provena Health - Resurrection Health Care presented information to invite council to a groundbreaking and blessing ceremony on April 11, 2012. Provena St. Joseph Center located at 659 East Jefferson has plans to build a 16-bed Medicare-certified rehabilitation suite. Additionally the center has plans to convert 12 double rooms to Medicare-certified private rooms with private bathrooms on the building's existing building. Provena St. Joseph project is estimated at \$3.2 million and a capital campaign is underway to raise \$500,000 in the community.

**CONSENT AGENDA**

The following items were presented in the council packets for this evening:

- A. Approval to receive and place on file:
  - 1) Police Department Activity Report February 2012
- B. Approval of Water and Sewer Bills Payable (Register #684, 688) --- \$190,589.96
- C. Approval of Payroll for pay period ending March 24, 2012 --- \$401,132.46
- D. Approval of Finance Bills Payable (Registers #683, 685, 686, 687, 689) --- \$348,740.37

Aldersperson Endress moved for approval of the Consent Agenda items as presented, seconded by Aldersperson Koester. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: None

The consent agenda items were approved.

**APPOINTMENTS/RE-APPOINTMENTS**

Aldersperson Klemm moved for acceptance of a re-appointment of Robert Smith to Police Pension Fund Board of Trustees effective immediately through April 30, 2014, seconded by Aldersperson Endress. Motion passed by voice vote without dissent.

Aldersperson Endress moved for acceptance of a re-appointment of Linda Buss to the Firefighters Pension Fund Board of Trustees for a three year term effective immediately through April 17, 2015, seconded by Aldersperson Klemm. Motion passed by voice vote without dissent.

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A request was received by Mayor Gaulrapp asking for formal disbanding of City Hall Building Task Force (administration informally disbanded this Task Force prior to signing the current lease for 524 W. Stephenson where City Hall is located). Alderperson Klemm moved to formally disband the City Hall Building Task Force, seconded by Alderperson Crutchfield. Motion passed by voice vote without dissent.

**COMMUNICATIONS TO COUNCIL**

City Engineer Denise Ihrig presented the City of Freeport Illinois for MFT-Motor Fuel Tax Expenditures Summary FY 2009-2014 as of March 2012.

A memorandum was presented to council by City Engineer Denise Ihrig dated March 26, 2012, regarding Ordinance #2012-23 (on council agenda this evening), Request for Explanation of IDOT Formula and Cost for Resurfacing.

Council was presented the Water and Sewer Commission Report of Activities for the period of February 24, 2012 through March 22, 2012, which explained the progress of the Big 4 projects including the Water System Improvements, Well 9 and 10, and City-wide Sanitary Sewer Rehabilitation. The activity report also included financial expenditure listing for the Big 4 Project, a Tutty's Crossing Alternative Sanitary Sewer project update, and the storm drainage and flood investigation of Yellow Creek.

**ORDINANCES**

**ORDINANCE #2012-16: (renumbered from Ordinance #2011-61)**

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

The following summary was read by Mayor Gaulrapp, "this ordinance was first introduced on November 7, 2011. A motion to adopt was given by Alderperson Bush, seconded by Alderperson Crutchfield. This ordinance went through a series of readings up to the seventh reading held on February 6, 2012, at which time it was tabled. At the City Council meeting held on March 19, 2012, this ordinance was motioned to be taken off the table and approved by roll call vote. Administration recommends sending to Committee of the Whole." Alderperson Crutchfield moved to send the ordinance to the Committee of the Whole, seconded by Alderperson Bush. Corporation Counsel asked for clarification to send the ordinance to the May meeting of the the Committee of the Whole. Alderperson Crutchfield moved to send the ordinance to the May 2012, Committee of the Whole meeting, seconded by Alderperson Bush. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Discussion was held to encourage council members to work up draft wording with Corporation Counsel Sarah Griffin prior to the Committee of the Whole meeting in May.

**ORDINANCES – THIRD READING**

**3<sup>rd</sup> READING OF ORDINANCE #2012-19:**

**AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS (REPLACEMENT PAGES 2011-B)**

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The first reading was held on March 5, 2012. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Klemm. The second reading was held on March 19, 2012 and the ordinance was automatically laid over to tonight's meeting. Mayor Gaulrapp stated that this is the last ordinance needing a third reading based on council rules that were adopted recently. Upon no further discussion, motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Ordinance #2012-19 passed.

**ORDINANCES – SECOND READING**

**2<sup>nd</sup> READING OF ORDINANCE #2012-23:**

**AN ORDINANCE TO ADD PORTIONS OF THE FRONTAGE ROAD ON US BUS 20 EAST OF MESA DRIVE AND MIDWEST COURT FRONTAGE ROAD ALONG IL 26 SOUTH OF SOUTH STREET TO THE CITY OF FREEPORT'S MUNICIPAL STREET SYSTEM AND ACCEPT JURISDICTION AND MAINTENANCE OF SAME**

The first reading was held on March 19, 2012. A motion to adopt was given by Alderperson Endress, seconded by Alderperson Klemm and the ordinance was automatically laid over to tonight's meeting. City Engineer Denise Ihrig had presented to council a memorandum dated March 26, 2012 explaining the Illinois Department of Transportation formula and cost for resurfacing of the frontage road on US Business 20 east of Mesa Drive and Midwest Court frontage road along IL 26 south of South Street. In the memorandum she presented the cost for resurfacing the frontage road on US Business 20 estimated to be \$16,500.00 and the cost for the frontage road of Midwest Court is estimated to be \$5,440.00. Written into the ordinance for the jurisdictional transfer with IDOT would be a lump sum payment of \$80,800.00 for the frontage road on US Business 20 for .15 miles and \$5,400.00 for the frontage road along IL 26 south of South Street for .05 miles. IDOT would, upon City of Freeport's approval, deposit a lump sum payment into the MFT account. The motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Ordinance #2012-23 passed.

**ORDINANCES – FIRST READING**

**1<sup>st</sup> READING OF ORDINANCE #2012-24:**

**AN ORDINANCE AMENDING VARIOUS PORTIONS OF THE CITY CODE TO CHANGE CERTAIN NUISANCE RESPONSIBILITIES FROM THE COMMUNITY DEVELOPMENT DEPARTMENT TO THE PUBLIC WORKS DEPARTMENT, SPECIFICALLY, CHAPTER 232 "DEPARTMENT OF PUBLIC WORKS", SECTION 232.03 (PUBLIC WORKS DIRECTOR) AND SECTION 232.05 (DIVISION OF HEALTH AND ENVIRONMENT); CHAPTER 250 "DEPARTMENT OF COMMUNITY DEVELOPMENT", SECTION 250.04 (DIVISION OF HEALTH AND ENVIRONMENT); CHAPTER 612 "ANIMALS", SECTION 612.04 (DOGS GENERALLY); CHAPTER 658 "NUISANCES", SECTION 658.12 (ABATEMENT); CHAPTER 659 "CHRONIC NUISANCES", SECTION 659.02 (DEFINITIONS), SECTION 659.05 (PROCEDURE); CHAPTER 694 "WEEDS & GRASS", SECTION 694.04 (GRASS AND WEEDS; DUTY TO CUT; NONCOMPLIANCE; REMEDY OF CITY); CHAPTER 1060 "GARBAGE AND RUBBISH COLLECTION AND DISPOSAL", SECTION 1060.05 (THROWING OR DEPOSITING WASTE ON PRIVATE PROPERTY; GARBAGE CONTAINERS REQUIRED) AND SECTION 1060.13 (CLEAN-UP OF PREMISES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

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Public Works Director Tom Dole presented the ordinance that makes appropriate references to transfer two personnel from one department to another. Director Dole stated there has been discussion through administration to move the Nuisance Inspector and Animal Control Officer from reporting to Community Development to Street Department. Director Dole stated he would use these workers, who are typically out in the field, and integrate them into his crew. Over the last couple of years they have assisted with snow plowing. By switching to Street Department it could expedite clean-ups for nuisance violations. Animal cages are stored on Island Avenue where the Street Department offices are located. Discussion was held regarding Section 232.05 Division of Health and Environment in which wording was added for the Public Works Director or his or her designated agent may at any reasonable time, enter any house, store, restaurant, warehouse, business, building or property to make examination and check for compliance with all ordinances and rules and regulations under the Public Works Director's jurisdiction. Corporation Counsel Sarah Griffin stated that this wording currently applies to the Community Development Director and the Public Works Director has been added. Counsel Griffin stated the City requires that personnel acquire administrative search warrant to enter the property. Alderperson Boldt moved to place the ordinance on the floor for passage, seconded by Alderperson Koester. The ordinance was automatically laid over to the next meeting.

**RESOLUTIONS**

**RESOLUTION #R-2012-40:**

**RESOLUTION AUTHORIZING APPLICATION FOR ILLINOIS DEPARTMENT OF TRANSPORTATION 2012 CONSOLIDATED VEHICLE PROCUREMENT ROLLING STOCK CAPITAL ASSISTANCE GRANT**

Community Development Director Griswold stated that the City of Freeport will apply for a grant under the Consolidated Vehicle Procurement Program undertaken by the State of Illinois on behalf of the City of Freeport, with State and Federal Funds. All new equipment included in this project will meet ADA accessibility rules for the elderly and persons with disabilities. Director Griswold stated the City will apply for two (2) 22-passenger paratransit vehicles to be used for the City's public transit program, with a total project cost of \$200,000.00 through the State of Illinois Department of Transportation. Alderperson Klemm made a motion to move forward the resolution for approval, seconded by Alderperson Crutchfield. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Resolution #R-2012-40 was adopted.

**RESOLUTION #R-2012-41:**

**RESOLUTION FOR IMPROVEMENTS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE (PARK BOULEVARD 06-00144-00-RS)**

Public Works Director Tom Dole presented the resolution stating that through an Illinois Department of Transportation motor fuel tax funds audit conducted in the fall of 2011, it revealed that a final report for the 2006 Park Boulevard project would need a final report to close out the project. Director Dole stated this resolution will have no effect on motor fuel tax dollars for this year. Alderperson Klemm made a motion to move forward the resolution, seconded by Alderperson Boldt. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

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Resolution #R-2012-41 was adopted.

**RESOLUTION #R-2012-42:**

**RESOLUTION FOR THE AGREEMENT BETWEEN THE CITY OF FREEPORT AND ILLINOIS DEPARTMENT OF TRANSPORTATION FOR CONTRIBUTION OF COSTS ASSOCIATED WITH THE PAVEMENT REMOVAL AND REPLACEMENT RELATED TO THE ADAMS AVENUE SANITARY SEWER AND WATER MAIN IMPROVEMENTS FAP ROUTE 505-IL-75 (JOB NO. C-92-135-12)**

City Engineer Denise Ihrig presented the resolution for the City of Freeport to enter into an agreement for Job No C-92-135-12 Agreement JN -2-12-048 with the State of Illinois through the Illinois Department of Transportation for the contribution of costs associated with pavement removal and replacement related to sanitary sewer and water main improvements on Clark Street (IL 75) from Chicago Avenue to Adams Avenue and on Adams Avenue from Clark Street to Exchange Street. The contribution costs for this agreement from the State of Illinois will be one hundred thousand dollars (\$100,000) to offset the cost.

Aldersperson Klemm made a motion to move forward the resolution for approval, seconded by Aldersperson Endress. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Resolution #R-2012-42 was adopted.

**RESOLUTION #R-2012-43:**

**RESOLUTION SUPPORTING THE DOWNTOWN HISTORIC BUILDING REUSE/PRESERVATION STUDY GROUP IN ITS RESEARCH AND EVALUATION OF SOLUTIONS FOR THE VACANT CITY HALL**

Mayor Gaulrapp presented the resolution which requests support of the formation of an independent group identified as the "Downtown Historic Building Reuse/Preservation Study Group" as it relates to research and evaluation of options relating to the vacant City Hall located at 230 W. Stephenson Street. A representative of the study group Ms. Deb Elzinga was asked for more information. Ms. Elzinga presented the wording in the resolution which states that the study group intends to work in conjunction with other groups in a coordinated effort to determine a long-term plan for the 230 W. Stephenson Street building and intends to present periodic updates to City Council prior to a final presentation of the suggestions targeted for by October 1, 2012. Discussion was held regarding the timing of the report in October and the possibility of a referendum to be placed on the November ballot. It was asked for Ms. Elzinga to forge forward quickly. It was noted that this is strictly an advisory group and the council could take or leave their suggestions. Aldersperson Klemm made a motion to move forward the resolution, seconded by Aldersperson Endress. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, and Crutchfield (5)

Nays: Koester

Resolution #R-2012-43 was adopted.

**RESOLUTION #R-2012-44:**

**RESOLUTION TO AUTHORIZE LEASE AGREEMENT BETWEEN THE CITY OF FREEPORT AND PETER ALBER, FOR SPACE AT 101 S. LIBERTY AVENUE (BUILDING D OF THE RAWLEIGH COMPLEX), FREEPORT, ILLINOIS**

Community Development Director Shelly Griswold stated this resolution was recommended to council by the administration as a lease with Pete Alber for one of the buildings (building D) of the Rawleigh Complex located near Spring Street and Benson Avenue. Director Griswold stated Mr. Alber has the

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intent to possibly purchase and redevelop this building and by leasing the building to him for this time period it would allow him access for inspections and development plans to be laid out. Mr. Alber is requesting the lease to run through September 30, 2012, with a possible month to month extension in order to attempt to negotiate a redevelopment agreement for that parcel. Director Griswold stated there is a Brownfield Clean-Up Grant underway at the Rawleigh Building and the City will need to maintain ownership until that expires. Corporation Counsel Sarah Griffin noted an amendment that needed to be made to the lease item 2 "Term" in the wording, "The term of this lease shall begin on the date of execution of this agreement and run through September 30, 2012" by adding "and may be extended on a month to month basis, by written agreement of both parties." Alderperson Boldt made a motion to move forward the resolution as amended for approval, seconded by Alderperson Bush. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, Endress, Koester, and Crutchfield (6)

Nays: none

Resolution #R-2012-44 was adopted.

**OTHER**

**REPORTS OF DEPARTMENT HEADS**

**Library**

Freeport Public Library Director Carole Dickerson reported about the American History lectures that have become popular with patrons of the Library.

**Community Development**

Community Development Director Griswold stated that there is a Planning Commission meeting on Thursday for a zoning petition filed by Freeport School District #145 for the property located at 1355 W. Galena Avenue, Freeport, IL. The relief sought is a change in zoning classification from B2-1(Limited Service Business) to B-3 (Commercial and Wholesale Business).

Director Griswold reviewed a listing of properties, their owners and the status on these code violations in a report provided to council titled, "High Priority Property Code Violation Cases". Properties on the list dated March 29, 2012, includes; 15 W. Stephenson owned by James Branthaver; 407 S. Galena owned by Katz Enterprises; 137 N. Harlem Avenue owned by Federal Home Loan Mortgage Corporation; 235 N. Whistler Avenue owned by Rick Hirata (now deceased); 1012 S. Chicago Avenue owned by Marvin Jones and Jennifer Dundee; 114 S. Sherman Avenue owned by The Black Investment Club; 902 S. Oak Avenue owned by Carol Borchardt; 732 S. Adams Avenue owned by Duane Pals; 807 S. Carroll Avenue owned by Neighborhoods of Freeport; 17 West Main Street owned by Robert Schaal; 105 South Sherman owned by Abundant Life Church; and 426 West Spring Street owned by RECA Partnership. Director Griswold also provided an update on the burned out property on Galena.

Director Griswold also provided to council the Downtown TIF Debt Obligation Worksheet for the years 2013 through 2035 as known to the Community Development Department at this time.

**Finance/Water and Sewer Director**

Finance Director Craig Joesten had no further report.

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**Public Works**

Public Works Director Tom Dole reported that both the street sweepers had mechanical problems and the Street Department is behind in picking up sand and salt. The street crews are working on completing projects at Spring Street and Liberty Avenue. He prepared a bid request for grounds maintenance at the City Cemetery and they are due on Thursday. Council requested a copy of the bid tabulation upon completion.

**City Engineer/Water and Sewer**

City Engineer Denise Ihrig provided visual notices of Water Improvement projects and placed the signs in the front of council chambers for public viewing during the meeting. The blue signs will be for water projects and the green signs will be for sewer projects. The Water and Sewer Commission is working on e-bills for electronic distribution of water and sewer bills.

**Police**

Chief of Police Jerry Whitmore reported that two new officers were sworn in and have been sent for training which will be completed in the fall.

**Fire**

Battalion Chief Kirk Schubert was present and had no report.

**MAYOR'S REPORT**

Mayor Gaulrapp stated that he hopes to have the council meetings broadcasted live with the support from Comcast. Mayor Gaulrapp stated that he will have a Town Hall meeting next Wednesday at the library to talk about the Big 4 projects. Mayor Gaulrapp stated he would like to have town hall meetings on a bi-monthly basis.

**NEW BUSINESS/COUNCIL ANNOUNCEMENTS**

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

- Alderperson Boldt stated that he has had Neighborhood Watch meetings and there have been many questions on the Big 4 Projects, even with all the information distributed through the media and council meetings.
- Alderperson Bush asked if there will be a realignment of wards due to the census. Corporation Counsel Sarah Griffin stated that she had forwarded the information to the Mayor and that an investigation will need to be completed along with the GIS census tracts to see if there is a shift in population. This review should be completed in June or July. Corporation Counsel Griffin stated that it doesn't look like we will need to increase or reduce the number of wards due to our stable population, but we should look to see if there is any shift in population density within the wards for minor adjustments. There may be no significant shifts, in which case no action would be necessary. She recommended to the Mayor to either appoint a special committee or assign this issue to the executive committee for a recommendation to Council to be ready sometime in June or July.

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- Alderperson Endress commended the Police Department for apprehending the person breaking into vehicles around gas stations.
- Alderperson Koester provided an update regarding a Neighborhood Watch.

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

- Bernie Mrugala, 1310 S. Galena Avenue stated that there was good debate regarding the Rawleigh lease and whether the Public Works Director should have the right of entry on the ordinance presented this evening.

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

*s/ Meg Zuravel*  
Meg Zuravel, City Clerk