

CITY OF FREEPORT, ILLINOIS
MONDAY EVENING
CITY COUNCIL MEETING
NOVEMBER 18, 2002 at 7:00 P.M.
CITY COUNCIL CHAMBERS

QUORUM

At 7:00 p.m., a quorum being present, Mayor James L. Gitz called the meeting to order.

RECORD

Present were Aldermen Goley, Toepfer, Veer, Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, and Bush. Absent was Alderwoman Moore-Howard.

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING

There was a public hearing for application for the 5311 Grant. Reggie Taylor, Grants Administrator, explained the details of the grant. Bob Niblow, Senior Center Transportation Coordinator, spoke in support of this grant. Reggie Taylor then answered all questions regarding the grant. There being no objections, Alderwoman Bender moved, seconded by Alderman Bender to close the public hearing. The motion carried.

PRESENTATION

The Freeport Kennel Club presented \$1,000.00 to the K-9 Unit. Police Chief Jerry Whitmore thanked the Freeport Kennel Club for their donation.

APPROVAL OF MINUTES

The Journal of the Minutes of the regular meeting held on November 4, 2002, were presented for approval. Alderman Gaulrapp moved, seconded by Alderwoman Bender the approval of the minutes. The motion carried.

CONSENT AGENDA

- A. Approval to Receive and Place on File:
 - 1. Fire Department Monthly Activity Report, October 2002
 - 2. Police Department Monthly Activity Report, October 2002
 - 3. Zoning Board of Appeals Report
 - 4. Treasurer's Monthly Investment Report for period ending October 31, 2002
 - 5. Treasurer's Report for period ending October 31, 2002
 - 6. Treasurer's Tax Receipts for period ending October 31, 2002
 - 7. City Planning Commission Reports
- B. Approval of Water & Sewer Disbursements for November 2002 - \$104,342.92
- C. Approval of Bills Payable for November 2002 - \$273,174.89
- D. Approval of Payroll for Pay Period October 20- November 2, 2002 - \$287,762.78
- E. Ordinance #2002-69: Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois (Variance, 67 N Stewart Ave)
- F. Resolution #R-2002-67: Resolution to Release Escrow Agreement for Green Gables Subdivision Plat 3

Alderman Gaulrapp moved, seconded by Alderwoman Bender for approval of the consent agenda. On the roll call of yeas and nays, Aldermen Goley, Toepfer, Veer, Jones, Bolt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, and Bush voted yea.

EXECUTIVE SESSION

Alderman Bush moved, seconded by Alderman Goley to go into executive session to discuss Collective Bargaining pursuant to 5 ILCS 120/2(c)(2). The motion carried. The council then convened in the conference room. After returning to council chambers, Alderman Bush moved, seconded by Alderman Goley to come out of executive session. The motion carried.

1ST READING

ORDINANCE #2002-70

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

Alderman Jenkins, Public Works Chair, stated that the committee held a meeting on November 12, 2002. No parking requests were submitted for Oakwood at the intersection of Mernitz to improve safety and visibility and also for the 400 block of Adams. The triangle park at Liberty and Adams is in that block and parking on the south side of the street reduces the traffic lanes significantly. The north side of the street has residences that need to be able to park on the street. The committee voted unanimously to approve both requests and Alderman Jenkins so moved, seconded by Alderwoman Veer. This ordinance was automatically laid over to the next regular meeting.

1ST READING

ORDINANCE #2002-71

AN ORDINANCE AMENDING CHAPTER 299, ADMINISTRATIVE ADJUDICATION, SECTION 299.10 OF THE CITY CODE REGARDING PAYMENT OF ADMINISTRATIVE JUDGMENTS PRIOR TO ISSUANCE AND RENEWAL OF LICENSES AND PERMITS

Alderwoman Steele, Community Development Chair, stated that the Community Development Committee held a special meeting on November 28, 2002. The committee voted unanimously to approve this ordinance and Alderwoman Steele so moved, seconded by Alderman Boldt. This ordinance was automatically laid over to the next regular meeting.

RESOLUTION #R-2002-68

RESOLUTION TO AUTHORIZE APPLICATION FOR PUBLIC TRANSPORTATION FINANCIAL ASSISTANCE UNDER SECTION 5311 OF THE FEDERAL TRANSIT ACT OF 1991

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Section 5311 of the Federal Transit Act of 1991 makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient including the provision by it, of the local share of funds necessary to cover costs not covered, by funds provided under Section 5311 of the Federal Transit Act of 1964, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal Transit Act of 1991, for the purpose of off-setting a portion of the Public Transportation Program operating deficits of City of Freeport.

Section 2. That while participating in said operating assistance program the City of Freeport will provide all required matching funds.

Section 3. That the City of Freeport agrees to the terms in the attached Special Warranty.

Section 4. That the mayor of the City of Freeport is hereby authorized and directed to execute and the City Clerk to file, on behalf of the City of Freeport such application.

Section 5. That the Mayor of the City of Freeport is authorized to furnish such additional information as may be required, by the Division of Public Transportation and the Federal Transit Administration, in connection with the aforesaid application for said grant.

Section 6. That the Mayor of the City of Freeport is hereby authorized and directed to execute on behalf of the City of Freeport, all required Grant Agreements with the Illinois Department of Transportation.

Section 7. That the City Clerk is hereby directed to transmit a certified copy of this Resolution and Grant Agreement, to the State of Illinois Department of Transportation, Division of Highways, District Engineer.

Alderman Boldt, Community Development Vice-Chair, stated that the committee held a special meeting on November 18, 2002. The committee voted unanimously to adopt this resolution and Alderman Boldt so moved, seconded by Alderwoman Veer. On the roll call of yeas and nays, Aldermen Goley, Toepfer, Veer, Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, and Bush voted yea. The resolution was approved.

RESOLUTION #R-2002-69

RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER THE ILLINOIS HIGHWAY CODE

BE IT RESOLVED, by the City Council of the City of Freeport, Illinois, that there is hereby appropriated the sum of \$600,000 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from January 1, 2003 to December 31, 2003.

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

BE IT FUTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this resolution to the district office of the Department of transportation, at Dixon, Illinois.

Alderman Jenkins, Public Works Chair, stated that the committee held a special meeting on November 12, 2002. A resolution for Motor Fuel Tax funds was discussed. The amount of \$600,000 is the same as years past and \$500,000 goes to paving with \$100,000 ear marked for other materials. These are the same numbers for previous

years and usually the materials portion bid comes in at about \$70,000, with the balance used for paving. The committee voted unanimously to adopt this resolution and Alderman Jenkins so moved, seconded by Alderwoman Veer. On the roll call of yeas and nays, Aldermen Goley, Toepfer, Veer, Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, and Bush voted yea. The resolution was approved.

RESOLUTION #2002-70

RESOLUTION TO RATIFY THE COLLECTIVE BARGAINING AGREEMENT THE CITY OF FREEPORT, ILLINOIS AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

WHEREAS, the City's bargaining team has in good faith negotiated a three-year collective bargaining agreement with the International Association of Fire Fighters ("IAFF") Local No. 441, a copy of which agreement will be available for public review in the City Clerk's Office by November 21, 2002; and

WHEREAS, at a special meeting of the Finance Committee held November 18, 2002, the provisions of said collective bargaining agreement were reviewed; and the members of the Finance Committee voted to recommend 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 as follows:

Section 1: The City Council formally ratifies the negotiated three-year collective bargaining agreement between the City of Freeport and IAFF Local No. 441; and

Section 2: The Mayor of the City of Freeport and the City Clerk 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.

Section 3: The City Clerk shall transmit a certified copy of this Resolution to Scott Townsend, President, International Association of Fire Fighters Local No. 441.

Section 4: This Resolution shall be in full force and effect immediately upon its passage by the City Council and its approval by the Mayor, and it shall remain in full force and affect until its amendment or revocation, in whole or in part, by a subsequent ordinance or resolution of this City Council; and

Section 5: 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

Section 6: All Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict; and

Section 7: 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 Bush, Finance Chair, stated that the committee held a special meeting on November 18, 2002. The committee went into executive session to discuss the collective bargaining agreement between the City of Freeport and the International Association of Firefighters. The committee came out of executive session and the committee voted unanimously to adopt this resolution subject to lay over to the next regularly scheduled council meeting and Alderman Bush so moved, seconded by Alderman Goley. The motion carried.

RESOLUTION #2002-71**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 12/31/2002 to 12/31/2003 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 \$270,775 to \$301,230 ~~by 10.1% - \$299,496 by 20% (\$44,625) to - \$254,874~~ and is the minimum contribution the City of Freeport would pay for year 2003~~4~~. Notably, the maximum contribution the City of Freeport would pay for year 2003~~4~~ would be \$415,014 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 20, 2002 ~~November 21, 2000~~ which reduces the annual premium by an additional 2% ~~(\$6,148)(\$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 12/31/2002~~0~~ and ending 12/31/2003~~4~~; 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 Bush, Finance Chair, stated that the committee held a meeting on November 12, 2002. The City of Freeport requested bids for liability coverage and received one bid from the current carrier, the Illinois Municipal League Risk Management Association. With the increase in the city's payroll, new wastewater treatment facility, the 9/11 tragedy, and the cost to manage the program, there was an increase in the premium. It was recommended that the city renew the plan with IMLRMA and continue participating in the MIN/MAX program. The city's minimum is \$301,230. If claims go above the minimum amount, the city would be responsible for claims up to \$415,014. Over the past six years, the city has saved \$241,885 by participating in the Min/Max program. The city must renew this plan by November 20, 2002. The committee voted unanimously to renew this plan and continue participation in the Min/Max program and

Alderman Bush so moved, seconded by Alderman Goley. On the roll call of yeas and nays, Aldermen Goley, Toepfer, Veer, Jones, Boldt, Urban, Dawson, Jenkins, Gaulrapp, Rinehart, Bender, Steele, and Bush voted yea. The resolution was adopted.

COMMITTEE REPORTS

FINANCE

Alderman Bush, Chair, stated that the committee held a meeting on November 12, 2002. The City Accountant, Duane Price, presented the tax levy for the 2002-03 fiscal year. The tax levy is for the property tax to be collected. The Police and Fire Pension contributions increased substantially, decreasing the amount to be levied for the corporate fund. There was no action taken. The committee will wait for the equalized assessed valuation from the County Assessor's office.

The committee was informed that the city would be going out for bids for the loan for the Rawleigh redevelopment project to pay the city's obligation.

There was a request to increase the demolition line item because it has been depleted. After some discussion, the committee voted unanimously to refer this request to the Community Development Committee and then bring back to the Finance Committee for approval.

There was also a special meeting on November 18, 2002. The Community Development Committee approved taking \$12,000 from the Building Department because of a fully year's salary that was budgeted for the Hearings Administrator. Since he was not hired until the middle of the fiscal year, there is approximately \$24,000 available to use in that line item. There was no action taken on this item.

There were three bids received for loans that the city committed for the Rawleigh redevelopment. There was not enough time to properly review the bids. There was no action taken on this item.

Alderman Jenkins requested an excused absence from the Finance Committee meeting on November 12, 2002. The committee voted to excuse the absence.

PUBLIC SAFTEY

Alderman Dawson, Chair, stated that there was not a meeting due to lack of agenda items.

TECHNOLOGY

Alderman Gaulrapp, Chair, stated that the next meeting would be December 3, 2002, at 6:00pm.

DEPARTMENT HEAD REPORTS

Public Works Director, Craig LeBaron, stated that the leaf pickup date has been extended until the first snowfall. He stated that the trucks follow the street sweeper schedule.

Hearings/Grant Administrator, Reggie Taylor, updated the council on the progress of the Adjudication Program.

NEW BUSINESS

The aldermen made comments. There was no new business presented that required action from the council.

PUBLIC COMMENTS

Debbie Doelker, expressed her concerns regarding the city's water.

As there was no other business to be transacted by the City Council, the meeting was adjourned at 8:30pm.

LATACIA M. ISHMON, CITY CLERK