



City Council
City Council Chambers 524 West Stephenson Street Freeport, Illinois 61032

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 14, 2012**

CALL TO ORDER

The regular meeting of the Freeport Illinois, City Council Committee of the Whole was called to order by Mayor George Gaulrapp at 6:00 p.m. on Monday, May 14, 2012, in council chambers.

ROLL CALL

Present: Mayor George Gaulrapp, Alderperson Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Scott Helms, Michael Koester, Andrew Crutchfield (8)

Not present: none

City Staff Present: Corporation Counsel Sarah Griffin, City Clerk Meg Zuravel, City Engineer Denise Ihrig, Accountant Duane Price, Finance Director Craig Joesten, Community Development Director Shelly Griswold, Fire Chief Kevin Countryman, and Public Works Director Tom Dole.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Bush.

PUBLIC COMMENTS

Duane Price, 1444 Finch Street, Freeport Illinois, spoke as a city employee in regard to non-bargaining raises over the last couple of years. Mr. Price stated some non-bargaining employees took wage freezes and furlough days, while others didn't. Mr. Price stated he would be happy to take a furlough day or a wage freeze, if it was done the same for everyone. Mr. Price stated he calculated his retirement and it will be \$635 less per year because of those wage freezes and furlough days if he retired today. However, when he does retire, that number could be as much as \$1,000 per year which would be for the rest of his life. He stated the real problem is what happened last year, all non-bargaining employees were told they would get a 2.1% raise and, at the last minute, police non-bargaining sworn officers were given a 3.3% raise to match their union employees. Mr. Price stated that not one of those employees had to take a furlough day. He stated that he took a pay freeze and six furloughs and then got a 2.1%. Fire non-union officers got a 3.6% to coincide with their union employees and not one of them took a furlough day. He stated that he took six furloughs the previous year and got a 2.1%. He stated he did not think that was fair. Mr. Price stated he wants a 4% raise. He stated that he told that Mayor last year that he will no longer work weekends or holidays anymore.

Jon Staben, 1070 Canyon Drive, Freeport, Illinois, spoke in regard to what he considers as excessive regulation in relation to the vacant property ordinance. He stated that the fees and fines will not pay for the additional labor needed to enforce it. He stated he thinks it is a mistake and there are already ordinances in existence right now and the Fire Inspector can do the job just as effectively. Mr. Staben stated he thinks that he may not give the 4% raise but he feels the non-bargaining employees were short changed.

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MINUTES

Aldersperson Endress moved to approve the minutes of the April 9, 2012, Committee of the Whole meeting, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

CITY ENGINEER

Discussion of probable Illinois Transportation Enhancement Program (ITEP) funds application for Pearl City Road and Kiwanis Drive for pedestrian and bicycle improvements

City Engineer Denise Ihrig presented information on a probable resolution for the next council agenda for support of Illinois Transportation Enhancement Program (ITEP) funds for construction of a Pearl City Road and Kiwanis Drive pedestrian and bicycle path. She stated the pedestrian and bicycle improvements tie in with the proposed road improvements for the intersection and she will need input from the council in order to proceed with the lengthy application process. Ms. Ihrig stated the estimated cost is approximately \$172,000. City Engineer Ihrig stated that the City of Freeport would be the lead sponsor and by doing so, the lead sponsor is required to identify that they are in support of the program. The City of Freeport would be using FY 2012-2013 Motor Fuel Tax dollars to cover the cost of preliminary engineering of approximately \$60,000 should the City receive a successful award of this project through ITEP Cycle 10.

Ms. Ihrig stressed this is not a grant, these are funds that have been supported by the U.S. Department of Transportation, they are brought through the Illinois Department of Transportation. This is a federal bidding process; they pay for the contractor and then send the City the bill for the 20%. Ms. Ihrig stated she has done an outreach and has verbally obtained local support of this project from Stephenson County, Freeport Park District, Highland Community College, and Fox Hollow, LLC. She is hoping to obtain a letter of support from each of these entities. City Engineer Ihrig stated there was public comment sessions held on May 8 and another one planned for May 16. These public comment sessions will show support by citizens and cyclists in the area.

Mr. Jack Carey of the Freeport Park District was presented and asked to explain their support. Mr. Carey spoke about the Park District's master plan 2004-2005 and the input of the City's Comprehensive plan. The bike and pedestrian paths fit into both of these plans quite well. Mr. Carey spoke about the benefits in terms of healthy living and how paths add vibrancy to a community.

Ms. Ihrig spoke about the importance of providing safe route to schools along Empire Street so she will also speak with representative of School District #145 and other schools. Ms. Ihrig stated this is an informational item and a resolution asking for support of the council will be brought to the next regular meeting. The application deadline for the ITEP funds is May 29, 2012.

FINANCE

Ordinance Authorizing Aggregation of Electrical Load and Adopting an Electric Aggregation Plan of Operation and Governance

This draft ordinance was presented by Finance Director Craig Joesten stating that he asks for the committee's recommendation to the council since it is the last step to enable the City of Freeport to secure bids for costs of electrical aggregation plan. This ordinance was written in order to authorize the administration to review the bids and then proceed to sign documentation to accept them. Director Joesten stated that the timeline is moving along quickly in order to have the meters read in August. A

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decision will need to be made by the administration as to whether it will be a one, two, or three year contract.

Aldersperson Boldt made a motion to move the ordinance to council floor for the next meeting, seconded by Aldersperson Klemm. Motion prevailed by voice vote without dissent.

An Ordinance Amending Chapter 290 (Compensation and Benefits) of the Codified Ordinances of the City of Freeport, Illinois

Finance Director Joesten presented the draft ordinance stating that in the spending plan tied to fiscal year 2012-2013 budget there is a 2% wage increase for non-bargaining employees and administration recommends adoption of this ordinance. Director Joesten stated that the non-bargaining employees were asked to take wage freezes and furlough days over the last couple of years.

Mayor Gaulrapp stated he would like to look at performance based pay scales but the timing is not feasible for this year.

Discussion was held regarding the differential between a union employee and their superior and whether there would be enough incentive through the salary charts to take on the additional responsibilities of a supervisory nature.

Aldersperson Boldt made a motion to recommend the ordinance to council agenda for the next meeting, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

CORPORATION COUNSEL

An Ordinance Authorizing Acceptance and Execution of an Intergovernmental Agreement with the State of Illinois Office of the Comptroller Regarding Access to the Comptroller's Local Debt Recovery Program

This draft ordinance was presented by Corporation Counsel Sarah Griffin stating that this is another tool which administration is hoping will work for local debt recovery from violations of ordinances, such as weeds and grass. She stated it is a new statute through the comptroller office for collection of debt owed to the State of Illinois by persons receiving payments from the State. The first step is to enter into this agreement with the State Comptroller and there will be a series of steps the City will have to take such as to integrate our reporting system to them, they will have to verify the debts that we turn into them, and then they give the debtor a sixty-day time to contest. Counsel Griffin stated that before we can get this set up there is a lot of computer work that we need to complete between the State of Illinois and the City and this is the first step in that process. Discussion was regarding the funds that could be produced from this method of collection and whether they could be used for demolitions and summer mowing expenses.

Aldersperson Boldt made a motion to recommend the ordinance to council agenda for the next meeting, seconded by Aldersperson Helms. Motion prevailed by voice vote without dissent.

Video Gaming Discussion

Corporation Counsel Sarah Griffin stated she will be drafting an ordinance to be presented at the next council meeting which would allow for the video gambling devices that could be authorized by the State of Illinois and the timing would be as early as this fall or winter. Corporation Counsel Griffin stated that she had been notified by the State Police that the only way they could process the necessary background

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checks would be if the City's code would allow for these devices. She expects that the ordinance will state that the devices may be placed in the authorized locations and must be in compliance with rules and regulations by the State of Illinois. She stated there is no motion necessary at this time by the Committee of the Whole but she wanted to provide an informational item that this will be on the next council agenda.

COMMUNITY DEVELOPMENT

ORDINANCE #2012-31: An Ordinance Amending Part 14 – Building And Housing Code, Title Two – Building Standards Of The Codified Ordinances Of The City Of Freeport, Illinois To Add Chapter 1429, International Existing Building Code

This ordinance was presented at the council on April 23, 2012 and placed on the floor by a motion by Alderperson Bush and a second by Alderperson Koester. At the May 7, 2012, council meeting Alderperson Koester motioned to send this ordinance to the next Committee of the Whole meeting, seconded by Alderperson Klemm and it was approved by majority vote.

Community Development Director Shelly Griswold stated they went through the code and recognized that for an older structure the building controls can be quite restrictive while maintaining life safety issues.

An amendment to Ordinance# 2012-31 was presented to the committee this evening as recommended by Community Development Director and Fire Chief. This amendment would under Section 1 of the Ordinance add the following language to Section 1429.02, Application of Code; "The International Existing Building Code as adopted in Section 1429.01 shall be applicable to all existing buildings, structures and improvements in the City, with the exception of Section 104.1.1 and Section 106.3, which shall add the following language, respectively; 104.1.1 Fire Official Approval – The Fire Chief for the City of Freeport and/or his/her designee shall have the authority to issue orders based on requirements of this code for matters pertaining to design, materials, or equipment when related to fire protection. To Section 106.3 wording was added stating that the Fire Department may review all plans for issuance of building, fire suppression and fire alarm (electrical) permits. Copies of the plans will be provided to the Fire Department Administration Offices. If the plans do not conform to the requirements set forth by this code, they may be rejected by the Fire Department pursuant to Section 112 of this code."

Alderperson Klemm made a motion to send Ordinance #2012-31 back to council and recommend the amendments discussed in this meeting to council for the next meeting, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

ORDINANCE #2012-16: An Ordinance To Create Chapter 1430 (Vacant Property) Of The Codified Ordinances Of The City Of Freeport, Illinois

Community Development Director Griswold stated she recommends an amendment to Ordinance #2012-16 to delete a section about mortgage lenders due to ligation that is pending in the courts until a time that it is settled and then she and Corporation Counsel could draft wording.

Discussion was held forming a subcommittee to work out the details of this ordinance. Alderperson Boldt made a motion to form a subcommittee to work out the details of this ordinance, seconded by Alderperson Koester.

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Discussion was held regarding the requirements of the Open Meetings act regarding posting agendas and taking minutes by the subcommittee. Discussion was held regarding the role of the subcommittee and the role of the Committee of the Whole. Alderperson Boldt asked to call the question.

Chairperson Bush stated there is a motion and second to form a subcommittee for the Vacant Property Ordinance and asked for a roll call vote. Motion passed by a roll call vote of;
Yeas: Klemm, Boldt, DeVine, Helms, and Koester (5)
Nays: Bush, Endress, and Crutchfield (3)

Discussion was held regarding the responsibility of the Mayor to name members of the subcommittee. Mayor Gaulrapp asked for volunteer and the names of Koester, Helms, and Crutchfield were stated for discussion. Corporation Counsel Griffin stated this subcommittee will need an appointment by the Mayor at the next council meeting and will need to have the meetings posted.

Alderperson Boldt moved to reconsider the motion for the subcommittee because he considered it hasty action. Alderperson Boldt made a motion to disband the subcommittee, seconded by Alderperson Helms. Motion prevailed by a roll call vote of:
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, and Crutchfield (7)
Nays: Koester (1)

Alderperson Crutchfield made a motion to recommend Ordinance #2012-16 for Vacant Property to council agenda for the next regularly scheduled meeting on Monday, seconded by Alderperson Bush. Discussion was held that this is the exact same ordinance that council had a problem with. Mayor Gaulrapp recommended that Director Griswold break the ordinance out into sections to allow council the chance to provide their input as to suggested wording changes by this Friday. Motion prevailed by roll call vote of;
Yeas: Klemm, Bush, DeVine, Endress, Helms, Crutchfield (6)
Nays: Boldt and Koester (2)

PUBLIC WORKS

ORDINANCE #2012-27: An Ordinance Amending Chapter 694 (Weeds and Grass) To Increase the Minimum Allowable Fines for Certain Violations of the Codified Ordinances of the City of Freeport, Illinois

Alderperson Boldt stated this ordinance is not in the form that he would like and he asked to have this taken off the agenda.

PUBLIC COMMENTS

There was no one signed on the sheet for public comments at this time.

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

s/ Meg Zuravel
Meg Zuravel, City Clerk