



City Council

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

MINUTES REGULAR MEETING Tuesday, September 4, 2012

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 Tuesday, September 4, 2012, in Council Chambers.

ROLL CALL

Present on roll call were Mayor George Gaulrapp and 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 Endress.

APPROVAL OF AGENDA

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

MINUTES

Alderperson DeVine moved for approval of the minutes of the meeting held on August 20, 2012, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Signed on the sheet for public comments on agenda items was:

- Paul Domino, 1221 W. Lincoln Blvd, Freeport IL, spoke in support of passage of Ordinance #2012-46 for mechanical devices in alcoholic liquor establishments. He stated with its passage there will be positive things to come for the City and area businesses.

CONSENT AGENDA

Mayor Gaulrapp asked for a motion for approval of the consent agenda items as presented.

- A. Approval to receive and place on file:
 - 1) Police Department Report of Activities for July 2012
 - 2) Community Development Department Report of Activities July 2012 including Cash and Misc. Receipts; Building Permits; and Electrical, HVAC, Plumbing and Sign Permits
- B. Approval of Water & Sewer Bills Payable (Register #783) --- \$153,717.91
- C. Approval of Payroll for pay period ending August 28, 2012 --- \$417,683.79
- D. Approval of Finance Bills Payable (Registers #778, 779, 780, 781, 782) --- \$646,972.60

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Aldersperson Endress moved to approve the consent agenda items, 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 consent agenda items were approved.

PROCLAMATION

A proclamation by Mayor George Gaulrapp was read into the record proclaiming September 19, 2012 as “No Text on Board-Pledge Day” in the City of Freeport. The City of Freeport joins with the State of Illinois and Governor Quinn proclaiming this day as “No Text on Board-Pledge Day” as concern for the safety of the driver, passengers, pedestrians and other drivers and encourages all drivers to take the pledge to never text and drive again. Aldersperson Koester made a motion to place the proclamation on file, seconded by Aldersperson Klemm. Motion prevailed by voice vote without dissent.

APPOINTMENT

Aldersperson Klemm made a motion to accept the Mayor’s appointment of George Baker to the Board of Commissioners of the Housing Authority effective immediately through October 31, 2012, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

Mayor Gaulrapp stated there is one more opening on the Freeport Housing Authority and there are openings on the Planning Commission and Airport Commission. He stated interested citizens should call his office.

COMMUNICATIONS TO COUNCIL

Interim Finance Director Duane Price reviewed a memorandum dated August 29, 2012 regarding three month financial results fiscal year 2012-2013 including two reports for City of Freeport Gain or Loss Summary for Current Year Compared to Budget and to Prior year. Director Price stated that these are the financial results for the City of Freeport for the first three months of fiscal year 2013. For the three month period, the City’s incurred expenses exceeded its earned revenue by \$183,000. Director Price stated that the first report compares the actual results to the budget for the first three months and the second report compares the actual results to the first three months to the actual results of the first three months of last fiscal year. Director Price stated the budget for the first three months anticipates a deficit of \$88,000 which means the actual deficit is \$95,000 higher than budget. However, it is important to note, that health care expenses for the quarter were \$300,000 over budget. If not for the health care excess we would have experienced an excess of revenue over expenses in the first quarter. Director Price stated for each employee there is a reinsurance limit of \$90,000 and in the first quarter we had three employees go over that limit for claims totaling \$330,000.

Director Price stated that the State of Illinois is three months behind in payments. Director Price stated the State of Illinois has made up one payment of sales tax for the first four months of this year so they have made five payments so far.

ORDINANCES – SECOND READING

2nd READING OF ORDINANCE #2012-46:

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AN ORDINANCE AMENDING CHAPTER 608 (ALCOHOLIC LIQUOR), SECTION 608.02 (OFFENSES BY LICENSEES) REGARDING MECHANICAL DEVICES OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Mayor Gaulrapp stated the first reading was held on August 20, 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. Upon the second reading and no discussion, motion prevailed by a roll call vote of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

Ordinance #2012-46 passed.

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2012-47:

AN ORDINANCE REPEALING AND REPLACING SECTION 226.03 (a) OF CHAPTER 226 (MAYOR), SECTION 230.03 (a) OF CHAPTER 230 (CITY TREASURER), AND SECTION 228.03 (a) OF CHAPTER 228 (CITY CLERK) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderperson Boldt presented the ordinance by stating that there will be an upcoming election for Mayor, Treasurer and Clerk. He stated because of this, the City is obligated to set the salaries for the elected officials for the new terms. Alderperson Boldt stated passage of this ordinance does not have to be completed prior to October 15, 2012, based on the timing of the election. He stated that he is recommending what council has done in the past, so 3% has been added to each salary. Alderperson Boldt stated that he asked Corporation Counsel Griffin to look into the timing of the ordinance. It would need to be fixed 180 days before the beginning of term and, typically, the City of Freeport swears in elected officials the first meeting in May once the certified results of the election are received from the County. Corporation Counsel Sarah Griffin stated that the time previous the salary of Mayor was split out if a City Manager passed and the Illinois Municipal League (IML), specifically Roger Huebner their General Counsel stated that does not qualify as a valid ordinance because what you actually have to do is fix the salary. She stated what we did at the time was if City Manager passes then it is X dollars and if City Manager doesn't pass it is Y dollars, so there were two different variables. Counsel Griffin stated that she received a statement from IML's Counsel Huebner that does not meet the constitutional requirements having a determined number fixed prior to the date that it has to be done. Corporation Counsel Griffin stated that she has recounted the dates that this has to be done and it has to be fixed by ordinance at least 180 days before the beginning of the term of office for the officers whose compensation is to be fixed. Counsel Griffin stated typically the officers take office the first meeting of May and then she counted back from that to the date of November 7, 2012. The election is November 6, 2012 and the City will not have certified results back from the County Clerk.

Alderperson Boldt made a motion to place the ordinance on the floor for discussion, seconded by Alderperson Endress.

Alderperson Helms asked Corporation Counsel Griffin to research other municipalities that the switched to another form of government to see what they have done by setting salaries if they went to a full-time City Manager and a part-time mayor. Corporation Counsel Griffin stated she does have research on what other City's pay – just not what they have done during the interim time period.

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Discussion was held as to the timing of the ordinance, the amount of the percentage, and the city manager question on the ballot and the amount of salary of the mayor. Mayor Gaulrapp stated that the Mayor's salary has been increased 1% for the last seven years – not 3%. Alderperson Klemm stated this is a starting point and it can be amended at any time during the readings. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2012-48:

AN ORDINANCE AMENDING CHAPTER 208 (WARDS AND BOUNDARIES) SECTION 208.02 (WARDS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Alderperson Boldt presented the ordinance by stating that based on the 2010 Census figures obtained the Stephenson County voting precincts were realigned. The redistricting committee made the best effort to match up the current wards to the population. Corporation Counsel Griffin stated that the draft ordinance put out in the council packets was updated with some annexations that the County had not updated their maps and so the ordinance to be placed on the floor would be the September 4, 2012 version and copy of the ward map was provided. Alderperson Boldt made a motion to place the ordinance on the floor for passage, seconded by Alderperson Koester. Discussion was held regarding the timing that this ordinance would need to pass due to the upcoming election of officials. She stated the ordinance would need pass by October 19, 2012, so the latest would be the second meeting in October which will be on the 15th. Corporation Counsel explained the the redistricting committee took the total population and divided it by seven, then keeping in mind the current wards adjusted the streets to fit. The population figures could come within 10% of the average. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2012-49:

AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE, FISCAL YEAR 2012-2013 FOR THE CITY OF FREEPORT, ILLINOIS (STATE OF ILLINOIS ALLOTMENT OF \$114,834 UNDER THE 2009 ILLINOIS JOBS NEW CAPITAL PROGRAM)

Interim Finance Director Duane Price presented Ordinance #2012-49 by stating that the City passed the Appropriation Ordinance in June 2012 and the expenditure of these funds were not included in that appropriation because at the time the City of Freeport was not aware that it would receive an amount of \$114,834 through the 2009 Illinois Jobs New Capital Program. Director Price explained the Motor Fuel Tax Fund Revenues, Line Item 16-00-329 - Motor Fuel Tax Allotments shall be increased from \$640,000 to \$754,834; Motor Fuel Tax Fund Expenses, Line Item 16-00-919 – Transfer to Street Capital Projects Fund shall increase from \$600,00 to \$714,834; and Street Capital Projects Fund Revenues, Line Item 34-00-383 – Transfer from Motor Fuel Tax Fund shall be increased from \$600,00 to \$714,834; and Street Capital Projects Fund Expenses, General Maintenance Projects, Line Item 34-21-544 – Contracted Infrastructure Repairs and Maintenance shall be increased from \$600,000 to \$714,834. Alderperson Helms made a motion to place the ordinance on the floor for passage, seconded by Alderperson Klemm.

Discussion was held as to the timing and whether road work could begin if this ordinance was passed this evening. Mayor Gaulrapp stated that project letting could begin if this ordinance passes.

Alderperson Helms made a motion to suspend the rules for passage of this ordinance on the first reading. This motion was seconded by Alderperson Boldt. Mayor Gaulrapp stated there is no debate on a motion

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for suspension of the rules and asked for a roll call vote for the motion. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None

Mayor Gaulrapp stated the ordinance is properly on the floor for passage this evening and asked for a roll call vote to approve the ordinance. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: None

Ordinance #2012-49 passed.

1st READING OF ORDINANCE #2012-50:

AN ORDINANCE AMENDING CHAPTER 480, SECTION 480.2 (TWO-HOUR PARKING LOCATIONS) AND SECTION 480.22 (COURTESY ZONES, FIFTEEN-AND THIRTY-MINUTE PARKING ZONES) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT – SOUTHEAST CORNER OF MAIN AND GALENA

Public Works Director Tom Dole presented the ordinance to change parking in Block 36 for the three most northerly spaces located in front of the Hampton Inn. Director Dole stated that the administration received a request from the hotel to change this from two hour parking to thirty minute parking due to customers dropping off luggage. He stated it is the first three spaces of the southeast corner of Main and Galena and he requests for passage of this ordinance to make this change. Alderperson Klemm made a motion to forward this ordinance to council floor, seconded Alderperson Endress and the ordinance as automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION R-2012-74:

RESOLUTION TO AUTHORIZE PECATONICA PRAIRIE PATH COMMISSION JULY 1 – JUNE 30, 2012-13; 2013-14; AND 2014-15 THREE-YEAR OPERATING BUDGET

Community Development Director Shelly Griswold presented the resolution stating this is the budget for the Pecatonica Prairie Path for the three year fiscal period of July 1 to June 30 through to the year 2015. On the attached Exhibit A it shows expenses for postage and publicity are evenly split by commission members including the City of Freeport, Freeport Park District, Rockford Park District, Stephenson County and Winnebago County. Alderperson Boldt moved to approve the resolution, 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

Resolution #R-2012-74 was adopted.

RESOLUTION R-2012-75:

RESOLUTION TO ADOPT THE CITY OF FREEPORT VOLUNTEER POLICY

Community Development Director Shelly Griswold presented the resolution stating that a request was received to help clear brush at Tutty's Crossing. She stated that developing a volunteer policy will be in the best interest of the community and citizens to develop a policy to set forth a policy for volunteer projects on City-owned properties. Director Griswold stated that she placed an amended version on council desks this evening taking out the section for liability insurance and renumbering the remaining pages and asked to have this version adopted with the resolution. Director Griswold stated the volunteers

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which to work on a project in September so she is asking to move forward the resolution this evening and make it contingent upon a labor management meeting agreement of the same. Alderperson Klemm made a motion to move forward Resolution #R-2012-75 contingent upon the labor-management meeting for the policy, seconded by Alderperson Bush. Motion prevailed by a roll call vote of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8) Nays: None
Resolution #R-2012-75 was adopted.

OTHER

REPORTS OF DEPARTMENT HEADS

Community Development:

Community Development Director Griswold provided an update on demolition cases by stating that the property located at 235 Whistler (gas leak with fatal house fire) will be brought down by the Public Works Department tomorrow. Other houses Director Griswold has been working through the process and are at different stages are 707 S. Float, 15 Stephenson, and 137 N. Harlem. The 707 S. Float house bids have been accepted for demolition, 15 W. Stephenson the City is in court with the owner and asked for bids from a local roofing contractor, and at 137 N. Harlem they are scheduled for a status hearing the last week of September. Discussion was held regarding the process for 700 Lincoln and the Short Stop Convenience on Galena Avenue. Director Griswold stated there are serious issues with the Short Stop Convenience store including roof, electrical (dangerous and unsafe) and so that building has been condemned. The owners have been provided a listing of items that need to be brought into code with charges to be brought to circuit court.

Finance Department

Interim Finance Director Duane Price was present and had no further report.

Public Works

Administration Request for Approval of bids on one (1) 2013 Model Truck with 65' Aerial Device, Work Platform, and Custom Tool Boxes for Forestry Division

Public Works Director Tom Dole presented bid tabulation for the 2013 Model Truck with Aerial Device for bids that were opened on August 21, 2012. Bids were received from Dueco for the aerial device work platform and custom tool boxes in the amount of \$88,965.00. Bids for the single axle truck – chassis only were received from Hawkeye Truck for \$71,198.07 and from Dueco in the amount of \$73,160.00. Director Dole recommended purchase of the International 4400 truck from Hawkeye Truck and Trailer for \$71,198.07 and the Aerial Device, work platform and custom tool boxes from Dueco for \$88,965.00. Dueco will build the truck at their facility. However the anticipated delivery date is one year from the time the order is placed. This means that the truck will not be paid for from this budget and the Public Works Department will have it on the next year's budget. Alderperson Klemm made a motion to move forward the recommendation of Director Dole, 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

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Administration Request for Approval of bids on one (2) 2013 Model, 5-Yard Dump Trucks with 10' Front Mounted Plow, 7' Pilot Wing Plow, and Spreader for Street Division

Public Works Director Tom Dole presented a bid tabulation for two 2013 Model, 5 Yard Dump Trucks and presented a memorandum dated September 4, 2012 for a Plow Truck recommendation. Director Dole stated that after further review of the bids from August 21, 2012, the street department discovered the following discrepancies: Monroe Truck equipment did not include in their bid an 11' offset plow (add \$1,260.00) and electric brake control unit (add \$402.00). Director Dole stated with these two items, the difference between Monroe Truck Equipment and Bonnell Industries is \$5,128.00 or \$2,564.00 each truck. Since 2004, we have purchased eight of nine plow trucks from Bonnell Industries with no equipment failures. The only problem we had was with the 10-yard plow truck from Monroe Truck Equipment in 2009. The cylinder that raises the dump body did not work properly, the wing plow did not fold against the truck as needed and the paint color on the body did not match the cab. Director Dole stated that with the great track record from Bonnell Industries plow equipment, service, and part availability; it is his recommendation to purchase the plow equipment from Bonnell Industries in the amount of \$79,996.00 for both 2013 plow trucks. Alderperson Klemm made a motion to move forward the recommendation of Director Dole, 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

City Engineer – *see after new business on page 8.*

Library

Public Library Director Carole Dickerson was present and had no further report.

Police

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

Fire

Fire Chief Kevin Countryman was present and had no further report.

MAYOR'S REPORT

Mayor Gaulrapp thanked the City Police and Fire Departments with their assistance in the fireworks that were delayed from the 4th of July to Labor Day due to the ban on burning. He said it was a very successful and nice display.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

- Alderperson Koester stated he has received complaints on the audio of the broadcasted council meetings and recommended looking at the system.
- Alderperson Bush acknowledged the resignation of City Engineer Denise Ihrig and stated that he will miss her and thanked her for serving the City of Freeport.

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Mayor Gaulrapp stated he asked to have this later in the council agenda because he thought it would be an announcement but needed to let staff and council know ahead of time that Denise Ihrig has resigned as City Engineer. He stated that she has served the City well for 10 years and has been passionate for the Water and Sewer Commission Big Four capital improvement projects. He stated we have been fortunate to have Denise on our team, and the City of Freeport has benefitted from her skills and dedication.

City Engineer/Water and Sewer

City Engineer Denise Ihrig (who will resign on September 12, 2012) stated that it has been a pleasure working in Freeport and even though there have been tough economic times they have been able to see great progress with the Big Four projects. She stated that she is grateful to the staff and has experienced first-hand how much work is done with such few people.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Jon Stabin, 1070 N. Canyon Drive, spoke about the Young Eagles flights which are scheduled for September 15, 2012 for ages eight to seventeen at Albertus Airport. He stated this year they will try something new which will be called Adults Eagle Program to get adults out there to learn how to fly.
- Bernie Mrugala, 1310 Galena Avenue, spoke about his dissatisfaction for the dollars spent for the forestry department vehicle. He stated the City should help business instead of take away business in Freeport. Mr. Mrugala asked if the financial report presented by Interim Finance Director Price in the communications to council used time phased payroll and Director Price stated it had. Mr. Mrugala stated he would like to see a reduction in property taxes by the County, Schools and the City.
- Tom Teich 653 Jefferson Street spoke about a public ice cream social to be held a Provena and a spaghetti dinner on October 19, 2012 at the VFW.
- Sally Brashaw, 1116 S. Stewart Avenue, spoke in favor of the proclamation on tonight's agenda regarding "No Text on Board – Pledge Day" and stated that her family had experienced a tragedy with their niece who, at the age of 17, had been in a fatal accident due to texting and driving. She encouraged the public to tell family members not to text and drive.

CLOSED SESSION (EXECUTIVE SESSION)

The following reason was listed on the agenda for calling of the closed session and was into the record;

- Per 5 ILCS 120/2 (c) (5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

At 7:17 pm, Alderperson Endress made a motion to enter closed session, 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

Council members left council chambers and moved to the 3rd Floor conference room.

At 8:02 pm, Alderperson Boldt made a motion to come out of closed session, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;

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Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)
Nays: none

Upon motion duly made and seconded, the meeting was adjourned at 8:02 p.m.

S/ Meg Zuravel
Meg Zuravel, City Clerk