



## *City Council*

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

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### **MINUTES REGULAR MEETING Monday, September 17, 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 6:00 p.m. on Monday, September 17, 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 Boy Scout Troop #4 of Freeport Illinois.

#### **APPROVAL OF AGENDA**

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

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Aldersperson Endress moved for approval of the minutes of the meeting held on September 4, 2012, seconded by Aldersperson Koester. 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.

#### **HONORARY RESOLUTION #R-2012-76:**

##### **RESOLUTION HONORING HIGHLAND COMMUNITY COLLEGE'S 50 YEARS**

Mayor Gaulrapp asked City Clerk Zuravel to read Resolution #R-2012-76 aloud. Highland Community College representatives Tim Hood and Dave Shockey provided information on the history of Highland Community College and its importance of serving the community for the last fifty years. Aldersperson Endress moved for approval Honorary Resolution #R-2012-76, seconded by Aldersperson Bush. Motion prevailed by voice vote without dissent.

#### **PRESENTATIONS**

- Mayor Gaulrapp and Denny Garkey presented the Denny Garkey Award for Outstanding Citizen Leadership to Alex Marck. Alex Marck is an Eagle Scout in Boy Scout Troop #4 who raised over \$35,000 in labor, materials and funds to build a picnic pavilion next to Little Cubs Field. It was stated by the leader of Boy Scout Troop #4 that this is one of the largest Eagle Scout projects completed and the pavilion will be one that will benefit future generations.

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- Danielle Rogers of Freeport Downtown Development Foundation Report provided a summary of the projects completed or in the process by FDDF. Ms. Rogers spoke about the mentoring program FDDF has instituted to partner an experienced downtown business owner and a new downtown business owner.
- Dave Young of Northwest Illinois Development Alliance provided a summary of the written September Board Monthly Report. Mr. Young reviewed highlights of a Northern Illinois University Center for Governmental Studies report dated August 2012 titled, "Promoting Regional Prosperity in Northwest Illinois Wage and Benefit Report." Mr. Young stated the report is a compilation of 285 businesses in Carroll, Lee, Ogle, Stephenson and Whiteside counties to identify advantages of the region for promoting business starts, expansion, and retention. Mr. Young also provided a summary of the 2012 NIDA budget cost share between the City, County, and private sector and their August 31, 2012 Income Statement. Council was provided the opportunity to ask Mr. Young questions. Alderperson Klemm asked if the process to find information on vacant building owner has improved. Mr. Young stated that he will find out on Wednesday when they have 16-20 property owners meet with NIDA to work with them to provide information on their respective site or building. Mr. Young explained that at the meeting business owners will meet with utility providers, including all three telecommunications companies, NICOR, and ComEd. This will allow them to work with property owners to enhance information to better promote their buildings. Alderperson Helms asked about leasing space at the Rawleigh Building and Mr. Young stated he has been working with companies on possible manufacturing needs in that building. Alderperson Helms brought up the N.I.U. report and referred to the section on performance based merit increases and stated the City needs to take it into consideration. Discussion was held regarding work performed in the tax increment financing districts and Mr. Young stated that any work done in the TIF will be charge to the TIF.

### 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 August 2012

2) Community Development Department Report of Activities August 2012 including Cash and Misc. Receipts; Building Permits; and Electrical, HVAC, Plumbing and Sign Permits

B. Approval of Water & Sewer Bills Payable (Register #789) --- \$72,509.62

C. Approval of Payroll for pay period ending September 8, 2012 ---\$425,907.01

D. Approval of Finance Bills Payable (Registers #784, 785, 786, 787, 788, 790) --- \$225,909.93

Alderperson Helms moved to approve the consent agenda items, seconded by Alderperson 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.

### ORDINANCES – SECOND READING

#### 2<sup>nd</sup> READING OF ORDINANCE #2012-47:

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**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**

The first reading was held on September 4, 2012. A motion to adopt was given by Alderperson Boldt, seconded by Alderperson Endress and the ordinance was automatically laid over to tonight's meeting. Upon the second reading Mayor Gaulrapp stated the ordinance is properly on the floor and open for discussion. Alderperson Boldt stated there are two parts to this ordinance one being the pay and the other being the timing as to when it has to be decided. He stated that we have been asked to consider by those heading up the referendum for City Manager to hold off, until after the question is on the November 6, 2012 ballot, since we know that we cannot set up any kind of structure that addresses both positions. Alderperson Boldt stated that it was discussed having a special meeting on November 7, 2012 and that would concern him a lot if it was a close election and he would feel more comfortable if we had more time. Alderperson Boldt stated that he asked Corporation Counsel Griffin if the date (to begin the term) could be extended and she found through her research and then running it past the Illinois Municipal League that we can set the date of the beginning of the next term to a date other than the first meeting in May. Alderperson Boldt stated that legally it can be changed to the second meeting in May, which would buy the council a two week time period, which would take it to the November 19, 2012 meeting. Alderperson Boldt stated the other option is setting the meeting around November 6, 2012.

Alderperson Helms asked if there was any issue with the ending of the fiscal year compared to when that official is sworn in, if it was delayed for a two or three week time period. Corporation Counsel Sarah Griffin stated that she asked that question to the Illinois Municipal League. She stated that currently the pay ends at April 30, 2012 and currently they have been sworn in the first meeting of May, so you already have seven days which have already been considered hold over and so she asked if that would be a change in the term of office. Corporation Counsel Griffin stated that she received information from the Illinois Municipal League that municipalities do it all the time, that it is just considered hold over so that is not considered a change in office and it is the date the person is sworn in and the last person is in office until the next person is sworn in.

Alderperson Crutchfield asked how much time is needed to actually change the date to begin a term. Corporation Counsel Griffin stated that the state statute says that swearing is the first regular or special meeting that you have after the municipality receives the official election results or at a date set by ordinance but no later than the first meeting in June. Corporation Counsel Griffin stated that it would be anytime in there, but a term change would be a change from two to four years or two to three years. She stated the council would be well within the statutory time frame, any time including the first meeting in June. Counsel Griffin stated that the salary needs to be set 180 days prior to the commencement of the term of office. Discussion was held as to the filing period of petition paperwork.

Alderperson Crutchfield stated he would like to change the commencement date of the new term and to layover the ordinance tonight to the next meeting. Alderperson Crutchfield made a motion to layover the ordinance and to have Corporation Counsel draft what is needed, seconded by Alderperson Boldt. Discussion was held regarding the motion being vague. Corporation Counsel Griffin asked if the intent was to move the commencement date two weeks out even though the official results would not be in but it would help with the comfort level. Alderperson Boldt stated that his intention was to defer the inauguration to the second meeting in May. Corporation Counsel stated that moving the inauguration

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date is not on tonight's agenda and that on the agenda is the ordinance. She stated this ordinance could be laid over. Alderperson Boldt withdrew his second on the motion.

Alderperson Crutchfield motioned to layover the ordinance to the next regular scheduled City Council meeting, 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  
Ordinance #2012-47 was laid over to the next meeting.

**2<sup>nd</sup> 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**

The first reading was held on September 4, 2012. A motion to adopt was given by Alderperson Boldt, seconded by Alderperson Koester and the ordinance was automatically laid over to tonight's meeting. Upon the second reading, Alderperson Boldt stated that the ordinance on the floor is the September 4, 2012 version. Alderperson Boldt stated he looked into an issue for Alderperson Bush and changes would be very minimal and all the legal descriptions have been assigned so that the County Clerk can have this to get started. Alderperson Helms asked if the map becomes part the ordinance. Corporation Counsel Griffin stated that the map is for illustrative purposes and will be attached to the ordinance when filed by referring to a colored map dated September 4, 2012. Alderperson Helms stated he had a copy. Upon no further discussion, Mayor Gaulrapp asked for a roll call vote to adopt the ordinance. Motion to adopt the ordinance prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)  
Nays: None  
Ordinance #2012-48 passed.

**2<sup>nd</sup> 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**

The first reading was held on September 4, 2012. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and the ordinance was automatically laid over to tonight's meeting. Upon no discussion, Mayor Gaulrapp asked for a roll call vote to adopt the ordinance. Motion to adopt the ordinance prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)  
Nays: None  
Ordinance #2012-50 passed.

**ORDINANCES – FIRST READING**

**1<sup>st</sup> READING OF ORDINANCE #2012-51:**

**ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS**

*Owner or Applicant: Stephenson Nursing Center; Address or Description: 2946 South Walnut Avenue (Tax Pin #18-19-07-300-013); Type of Relief: Variance to Sub-Section (e) entitled "Fences in Rear/Side*

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*Yard” of Section 1270.03 Entitled “Fence Installation of Chapter 1270 to allow a fence eight feet (8’) high in the rear yard in an A-1 (Agricultural) zoning district; Vote of Board of Zoning Appeals on September 6, 2012 was unanimous and there were no written objections for the petition.*

Community Development Director Griswold presented the ordinance by stating the the public hearing was held on September 6, 2012 and the variance requested would allow a fence eight feet high in a rear yard in an A-1 (agricultural) zoning district. Director Griswold stated the Stephenson Nursing Center currently has a 6’ fence in an exercise area used for the Alzheimer’s residents. The Stephenson Nursing Center provided that at times, certain residents are able to use their strength or utilize benches to climb over existing fence and they stated by permitting an 8’ fence it would allow that nursing center an additional level of safety and security for the residents. Alderperson Klemm made a motion to move forward the ordinance as presented, seconded by Alderperson Endress. Mayor Gaulrapp asked for a roll call vote to adopt the ordinance. Motion to adopt the ordinance prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

Ordinance #2012-51 passed.

### **1<sup>st</sup> READING OF ORDINANCE #2012-52:**

**ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT ILLINOIS** *Owner or Applicant: 420 Land Trust; In an R7 (Multi Family Residence) zoning classification; Address or Description; 420-422 ½ South Adams Avenue (Tax Pin #: 18-14-31-279-016, Original Town SLY 70’ LTS 4 & 5 BLK 5); Board of Zoning Appeals vote on September 6, 2012 was in favor but was not unanimous and there were no written objections. Type of Relief: a) Variance to Sub-Section 1262.03 (f) (Facilities in Yards) of Section 1262.03 (Use of Parking Facilities; Number, Size, Etc., Design and Maintenance) of Chapter 1262 (Off-Street Parking and Loading) to allow off street parking facilities in front yard Type of Relief: b) Variance to Sub-Section 1262.03 (d) (Size) of Section 1262.03 (Use of Parking Facilities; Number, Size, Etc., Design and Maintenance) of Chapter 1262 (Off-Street Parking and Loading) to allow parking places eighteen feet (18’) in length;*

Community Development Director Griswold presented the ordinance by stating the the public hearing was held on September 6, 2012 and there are two parts to this request with the first part to allow off street parking in front yard. Director Griswold stated that as provided in the hearing, this property is located on the corner of Adams and Winslow. Director Griswold stated the owner of the property testified that there was no parking on Adams Avenue and Winslow isn’t even three cars wide. Director Griswold stated the second part is to allow parking places eighteen feet in length. Director Griswold stated that this variance for the length is only for two of the spaces and the others will be twenty feet long. Director Griswold stated that for the first part of the variance the vote was 6-1 and the second part the vote was 5-2. Director Griswold stated that because the vote from the Board of Zoning Appeals was not unanimous, this ordinance would have two readings unless council would suspend the rules for passage this evening.

Discussion was held that the parking spaces would be paved and striped. Alderperson Klemm asked Director Griswold if she was comfortable with this variance relief and if she is now setting a precedent for people to park in their front yards. Director Griswold stated she cannot add anything further to the testimony because she was not present at the hearing. Director Griswold stated that Board of Zoning Appeals deliberated over these questions and found that it meets the four standards as provided in the minutes of the meeting attached to the ordinance. Director Griswold was asked if the applicant intended to pave the parking this fall and she stated that they intended to lay down the gravel this fall and compact it and then pave it in the spring of 2013.

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Aldersperson Helms asked why Chairperson Smith voted no and Corporation Counsel Griffin stated Chairman Smith thought the petition was premature because the remodeling of the building has not yet been completed and these were units were not presently rentable and that it would be more prudent to wait and see if there was an actual need for this, once the remodeling was completed.

Aldersperson Bush asked if this was the four-plex building on Adams Avenue and Winslow and stated that there is parking in front of the building on Adams. Director Griswold stated that owner testified that there was no parking on Adams in front of the building on the recording. Corporation Counsel Griffin stated Director Dole cannot confirm or deny the parking because that was not addressed at the hearing. Counsel Griffin stated the owner of the building testified that there was not parking on Adams and the only parking was two spaces behind the building in an alley-type area.

Aldersperson Helms referred to the minutes where Capion noted that Director Dole had gone out and measured it at the beginning of this process and he added there would be no parking from Adams to the front of the building. Aldersperson Helms asked for clarification on that statement. Corporation Counsel stated that during the hearing there was a question as to parking on Winslow and it was testified to that currently there is existing parking on both sides of the road and if Mr. Capion were to be allowed the variances to be able to drive into the parking spaces, which would be vertical to the building, then there would have to be no parking on Winslow and that side of the road. Corporation Counsel Griffin stated the board discussed that and they were told that would not be a decision that would be up to them, even though it would be necessary but that would be separate question to the council as to parking on one side of Winslow.

In regard to Type of Relief: a) Variance to Sub-Section 1262.03 (f) (Facilities in Yards) of Section 1262.03 (Use of Parking Facilities; Number, Size, Etc., Design and Maintenance) of Chapter 1262 (Off-Street Parking and Loading) to allow off street parking facilities in front yard, Aldersperson Bush made a motion to send the variance back to the Zoning Board of Appeals and ask for a reopening of the public hearing in order to clarify on-street parking issue, 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

In regard to Type of Relief b) Variance to Sub-Section 1262.03 (d) (Size) of Section 1262.03 (Use of Parking Facilities; Number, Size, Etc., Design and Maintenance) of Chapter 1262 (Off-Street Parking and Loading) to allow parking places eighteen feet (18') in length, Aldersperson Crutchfield made a motion to send the variance back to the Zoning Board of Appeals in order to clarify on-street parking issue, 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

**1<sup>st</sup> READING OF ORDINANCE #2012-53:**

**AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE, FISCAL YEAR 2012-2013 FOR THE CITY OF FREEPORT, ILLINOIS (JANE ADDAMS TRAIL)**

Community Development Director Griswold presented the ordinance stated that this was presented by then City Engineer Denise Ihrig at the September 10, 2012 Committee of the Whole meeting where she

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talked about the fact that the administration would like to move some of the dollars of the Motor Fuel Tax Fund and commit it to the Jane Addams Trail for this fiscal year to pay for the engineering associated with the realignment of the trail section B. Director Griswold stated that the way the ITEP grant is worded is that you pay up front and then the Illinois Department of Transportation IDOT reimburses you 20%. Director Griswold stated for the construction part of it, they (IDOT) pay the entire costs and then we reimburse them our 20%. Director Griswold stated that because these funds are for engineering dollars, we have to up-front the money which is why we are required to have the motor fuel tax dollars for this project this fiscal year. Director Griswold stated after this change there will still be \$100,000 left over in the fund. Discussion was held regarding the reimbursement of funds from the other agencies and Director Griswold stated in the end our final out of pocket would be \$100,000 and Stephenson County and the Freeport Park District would also be \$100,000 each and Orangeville would be \$50,000. She stated that is 20% of the \$1.75 million dollar project. Alderperson Helms asked if we would, because we are the lead agency, have to be reimbursed by these other taxing bodies. Director Griswold stated that is correct. Alderperson Helms stated that as we discussed at the last Committee of the Whole meeting there are no mechanisms in place that assures us that we will in fact be reimbursed by these other taxing bodies. Director Griswold stated that besides their commitment and the intergovernmental agreement, we do not have money escrowed.

Alderperson Koester made a motion to place the ordinance on the floor for adoption, seconded by Alderperson Crutchfield. The ordinance as automatically laid over the next meeting.

**RESOLUTIONS**

Per request of Mayor Gaulrapp to council, **RESOLUTION #R-2012-77** was moved following Resolution R-2012-79 to allow Director Griswold to complete her presentation for this evening.

**RESOLUTION #R-2012-78:**

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

Community Development Director Shelly Griswold presented the resolution stating that Peter Alber has a lease for space at 101 South Liberty Avenue (Building D of Rawleigh Complex), Freeport Illinois. Director Griswold stated were are asking for a three month extension ending on December 31, 2012 and this authorizes the Mayor at his discretion to enter into an additional three month period from January 1 through March 31, 2013 without further City Council action, if such extension if necessary and agreeable to both parties to the agreement. Director Griswold stated that the administration is still working on a more permanent type lease with Mr. Alber and there was a delay in the remediation activity which needed more time to move forward. Alderperson Bush moved to approve the resolution, seconded by Alderperson Klemm. Motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)  
Nays: None  
Resolution #R-2012-78 was adopted.

**RESOLUTION #R-2012-79:**

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**RESOLUTION AUTHORIZING EXECUTION AND AMENDMENT OF DOWNSTATE OPERATING ASSISTANCE GRANT AGREEMENT (STATE FY – 2013)**

Community Development Director Shelly Griswold presented the resolution by stating that she recently attended a transportation meeting in Champaign Illinois and they provided additional documentation for the next fiscal year. Director Griswold stated this is a resolution to allow the City of Freeport to apply for the Downstate Public Transportation Operating Assistance Agreement with the State of Illinois under the provisions of the Illinois Downstate Public Transportation Act. Director Griswold stated the resolution for the 5311 program money will be forthcoming because the dollar amounts that she applied for do not add up to what she asked for. Alderperson Klemm moved to approve the resolution, 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

Resolution #R-2012-79 was adopted.

Community Development Director Griswold stated she had no further department head report.

**RESOLUTION #R-2012-77**

**RESOLUTION TO APPROVE GRANT AGREEMENT WITH ILLINOIS DEPARTMENT OF TRANSPORTATION FOR SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP)**

Chief of Police Jerry Whitmore presented the resolution and noted that he was referring to version dated September 17, 2012, for the City to conduct seat belt enforcement project and the DUI enforcement project. Chief Whitmore stated the department was notified that it would receive an additional dollar amount for the STEP grant in the amount of \$11,482.36 to reimburse for City's overtime payroll costs and mileage. Chief Whitmore stated the City's expenses are for fuel for the squad cars and the City's share of the increased payroll taxes. This resolution authorizes the government body and the department to sign on behalf of the City for the grant agreement. Alderperson Klemm moved to place the resolution on the floor for adoption, seconded by Alderperson Helms. Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

Resolution #R-2012-77 was adopted.

**RESOLUTION #R-2012-80:**

**RESOLUTION TO APPROVE AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF STEPHENSON AND THE CITY OF FREEPORT IN RELATION TO THE INTERSECTION OF PEARL CITY ROAD AND KIWANIS DRIVE – ALLOCATION OF FUNDING**

Fehr-Graham principal Adam Holder and Mayor Gaulrapp presented the resolution. Alderperson Helms stated that this project is absolutely a worthwhile endeavor and the intersection definitely does need to be addressed. Alderperson Helms stated that Stephenson County Engineer Chris Isbell has done a lot of work on this intersection and should be commended for it but the cost of this project, in his opinion, needs to be equitably split. Alderperson Helms stated, as it currently stands, without the 10% contingency amount the City's portion will be 55% or \$875,000 and the County's share would be \$717,500 or 45%. Alderperson Helms stated that if this moves forward with the built in 10% contingency of \$200,000 the split would go 60-40% with the City taking on the 60%.

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Aldersperson Helms stated he would like to recommend an amendment to the proposed funding sources, exhibit 1 so that the contingency amount is split 50-50 shared equally, regardless what it is whether it is \$200,000 or \$100,000. Corporation Counsel Griffin recommended laying over the resolution to allow staff to go back to the county and renegotiate.

Mr. Holder stated that at the Committee of the Whole meeting last Monday the monetary funding sources were presented. He stated the preliminary study was paid for by the City of Freeport in an amount of \$25,000 and from that the Executive Summary was provided on July 5, 2012. Mr. Holder stated the County Board approved at their board meeting last week the design portion that is labeled as Preliminary Study II in an amount of \$142,500 and they are taking the lead and paying that portion. This resolution sets forth the rest of the funding for construction and construction engineering. Mr. Holder stated that County Engineer Isbell stated that they are going to handle the construction engineering with their own staff so that amount of \$75,000 would be if they were to out-source that so that is in-kind service. Mr. Holder stated that then City Engineer Denise Ihrig estimated the contingency of 10% based on the highest cost estimate for the range of \$1.3 million to \$1.7 million or an amount estimated at \$200,000.

Mayor Gaulrapp stated he would like to have the resolution placed on the floor with an amendment as to the 50/50 split of the contingency if that is what Aldersperson Helms wants to do.

Aldersperson Helms moved to adopt Resolution #R-2012-80 with an amendment to Exhibit 1 Pearl City and Kiwanis Drive Improvements 2012, Proposed Funding Sources, so that any contingency spent on this project would be allocated 50-50 split between the City and the County. This motion was seconded by Aldersperson Endress. Mr. Holder stated this amendment will need to be presented to the County since they had already approved this allocation prior to this amendment. Motion prevailed by a roll call vote of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

Resolution #R-2012-80 as amended on council floor was adopted.

Mayor Gaulrapp stated that he will discuss this with County Engineer Isbell.

**OTHER**

**REPORTS OF DEPARTMENT HEADS**

**Community Development:**

Community Development Director Griswold had no further report.

**Finance Department**

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

**Public Works**

**Administration Request for Approval of Proposal for Leaf Program, 2012, 2013, 2014**

Public Works Director Tom Dole stated he provided in the council packet a proposal from Dickman Farms Service dated September 11, 2012 for acceptance of leaves for the City leaf program for years 2012, 2013, and 2014. Director Dole stated that he had met with Rockriver Valley Compost and they had

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somewhat of a plan to dispose of leaves but he has yet to receive a solid dollar amount. Director Dole stated that plan included taking our leaves to a space north of the existing landfill and place them in dumpsters, cover with tarps and Rockriver Compost would haul it away. Director Dole stated the company had not provided a dollar amount on tipping fees and an amount not to exceed \$40.00 per ton. Director Dole stated he had not received a solid price on trucking. Director Dole stated that based on past experience, the City averages 700 tons so that estimate would be \$28,000 and does not include trucking and he will push them for a more confirmed estimated cost. Director Dole stated that in the interim, he was approached by Dickman Farms to see if they could accept our leaves and place it on their agricultural land. Director Dole stated that he left it up to Dickman Farms to meet with the Illinois Environmental Agency to find out if they would be accepted and it was. Director Dole stated that Dickman Farms was told by the IEPA that they would not need a permit if they land-applied the same day. Director Dole stated this is different from what Kampen Farms was doing as they were allowed 18 months to have the leaves sit before it was applied to the land. Director Dole stated there would need to be specifics in the contract of no more than 20 tons per acre. He stated that this is a closer drive for the trucks in which he clocks as an 11-13 minute drive which estimates the trucks to have a 26 minute turnaround. With Kampen, Director Dole estimated a run to be 45 minutes for there and back.

Director Dole presented a proposal to receive leaves for a three year period with the first year 2012 rate to be paid at \$30,000, the second year in 2013 to be paid \$35,000 and the third year in 2014 to be paid \$40,000. Director Dole stated Dickman Farms will need to employ two people to move the leaves.

Mayor Gaulrapp stated the new owners for Kampen Farms offered to extend the contract at an amount of \$100,000.

Aldersperson Helms asked if with the proposal with Dickman Farms if they are not able to spread the leaves would the City be in any way liable and Director Dole stated that should be something added in the contract to specify and he felt the IEPA will be inspecting the site as well. Aldersperson Klemm asked about funding in this budget. Interim Finance Director Duane Price stated that the amount in the budget was \$20,000 and there is a contingency amount for that line item and it was estimated that the fuel costs would be cut down due to the closer site for the land where the leaves are delivered.

Aldersperson Klemm made a motion to move forward the recommendation of Director Dole to enter into a contract with Dickman Farms to accept leaves for the next three years, seconded by Aldersperson Bush.

Motion prevailed by a roll call vote of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)

Nays: None

**Library**

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

**Finance Consultant**

Martha Furst stated she is working for 90 days as the financial consultant for the City of Freeport as well as working on Water and Sewer matters with the mayor and technician. Ms. Furst stated that currently she is working with the Mayor on interviewing candidates for the City Engineer position.

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**Police**

**Administration Request for Approval of Bids for Cleaning Services at Freeport Police Department**

Chief of Police Jerry Whitmore stated that bids had been publicized for a two year contract to provide custodial and cleaning services at the public safety building located at 320 W. Exchange St. One bid was received from the current supplier from Bush Janitorial Services for an annual cost of \$8,760.00/monthly cost of \$730.00. Chief Whitmore stated that he reviewed documents in the bid packet and finds them to be complete and accurate including an insurance certificate listing the City of Freeport as additional insured. Alderperson Klemm made a motion to move forward the recommendation of Chief Whitmore, 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

**Fire**

Fire Chief Kevin Countryman was present and had no report.

**MAYOR'S REPORT**

Mayor Gaulrapp stated that he attended on Sunday the installation of Reverend Demond Newburn at the St. Paul Missionary Baptist Church. He stated the event lasted 3½ hours and Alderperson Bush and Alderperson Crutchfield were also in attendance. Mayor Gaulrapp talked about the message of the service which was let the man do his job.

**NEW BUSINESS/COUNCIL ANNOUNCEMENTS**

- Alderperson Helms asked about the fire truck behind station one and Chief Countryman stated that he will be moved before winter but currently there is no other place to put it since it is out of commission.
- Alderperson Crutchfield asked about the bricks that fell off the Rawleigh building and Mayor Gaulrapp stated a mason, Mr. Rockey, had been contacted the day it happened. They took down the loose bricks and he will have a report tomorrow. The Public Works Department set up barricades and also removed the loose bricks.
- Alderperson Boldt stated that each council member will receive their own personal map for their wards. Alderperson Boldt stated there was an area which looked like a doughnut hole, but it is actually outlined, there was an area that was annexed and the paperwork forwarded to het County but it is not in the Freeport Township indicated by the same colored shape.
- Alderperson Boldt referred to the salary ordinance and stated that if council has any questions or should meet with people or other communities because this needs to be done regardless of setting the date or not setting the date, but please proceed so we don't run out of time. Corporation Counsel Griffin stated at the last meeting Alderperson Helms asked for research on other municipalities that have a City Manager and she has that information available upon request.
- Alderperson Bush stated he and Alderperson Crutchfield oversaw the voting in preparation of the installation of the pastor at St. Paul Missionary Baptist Church.

## **MINUTES**

### **REGULAR MEETING**

**Monday, September 17, 2012**

- Alderperson DeVine requested all drivers to stop for school busses and reminded them not to use cell phones in school zones.

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

- Tom Teich 653 Jefferson Street spoke about the Special Olympics banquet on October 10, 2012 and if the mayor could be a speaker.
- City Clerk Meg Zuravel stated that September 19, 2012 is the No Text on Board Pledge Day and information to take the pledge is available on the City website.

### **CLOSED SESSION (EXECUTIVE SESSION)**

The following reason was listed on the agenda for calling of the closed session and was into the record by City Clerk Zuravel, a closed session is called "Pursuant to 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 7:43 pm, Alderperson Helms made a motion to enter closed session, seconded by Alderperson Klemm. Mayor Gaulrapp stated the motion to move to closed session is non-debatable. Alderperson Crutchfield stated that he would like to see this discussed publically. Motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, (7)  
Nays: Crutchfield (1)  
Council members left council chambers and moved to the 3<sup>rd</sup> Floor conference room.

At 8:12 pm, Alderperson DeVine made a motion to come out of closed session, seconded by Alderperson Klemm. Motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, Koester, and Crutchfield (8)  
Nays: none

### **ACTION ITEM ARISING OUT OF EXECUTIVE SESSION**

City Clerk Zuravel read the item as listed on the agenda; "Action Item Arising out Of Executive Session - Authorization for Mayor to negotiate lease or purchase of 302 South Street, Freeport Illinois, for use as a Public Safety Facility."

Alderperson Koester made a motion authorize negotiations for building, seconded by Alderperson Endress. Upon no discussion, Mayor Gaulrapp asked for a roll call vote to be taken. Motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Helms, and Koester (7)  
Nays: Crutchfield (1)

Upon motion duly made and seconded, the meeting was adjourned at 8:12 p.m.

*S/ Meg Zuravel*

Meg Zuravel, City Clerk