



City Council

City Council Chambers ♦ 230 West Stephenson Street ♦ Freeport, IL 61032

MINUTES REGULAR MEETING Monday, November 17, 2008

CALL TO ORDER

The meeting was called to order by Mayor George Gaulrapp at 6:00 p.m. with a quorum being present on Monday, November 17, 2008, in City Council Chambers of City Hall.

ROLL CALL

Present on roll call were council members Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7). Alderman O'Neill was absent. Also present were Corporation Counsel Sarah Griffin and city department heads.

PLEDGE OF ALLEGIANCE

At this time, the Pledge of Allegiance was led by Chief Whitmore and Chief Countryman.

APPROVAL OF AGENDA

Alderman Endress motioned for approval of the agenda as presented, seconded by Alderman Corbin. Motion passed by voice vote without dissent.

APPROVAL OF MINUTES

A motion to approve the minutes from the regular meeting on Monday, November 3, 2008, was made by Alderman Endress, seconded by Alderman DeVine. Motion passed by voice vote without dissent.

PRESENTATIONS

On the agenda this evening was a presentation by LaFrancine Baker (member of Eastside Task Force) regarding Flood Mitigation, but due to technical difficulties, Ms Baker asked to present at the first meeting in December. The ordinance and resolution for the Hazard Mitigation Plan (HMP) will not be voted on until December 15. Terry Groves of the Emergency Management for Stephenson County stated the HMP Steering Committee provided a number of opportunities spanning a year-long period during which public comment was solicited, accepted, and incorporated into the HMP. Accommodations were made for the Eastside Task Force and the NAACP. This plan was received and approved by FEMA and they request the plan be approved in 45 days, but we do have up to one year. This plan was approved by the County. There will be a problem if there is any type of amendment to the plan. The entire process will need to be started over costing \$26,000 and another two years of work for the governmental entities.

PUBLIC COMMENTS – AGENDA ITEMS

Two people were signed up for public comments on agenda items this evening

- Marianne L. Garvens, 2532 E. River Road, stated her viewpoint on council agenda items.

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- Windy Pearson, 711 S. Carroll Avenue, Freeport, Illinois stated that as a member of a subcommittee of the Eastside Task Force, she requests council for time and understanding of what the committee is asking for in their eight items presented at the last meeting. They are asking for consideration of the eight items and, if they are not feasible, they are asking for a reason why not. She and the Eastside Task Force feel there are things that can be done to better the situation. There are 256 people who have signed the petitions asking for consideration as to what the mitigation plan is saying and what the Eastside Task Force is asking and working towards.
- Marianne L. Garvens asked for time for public comments and she was allotted her unused minutes. Ms. Garvens stated that her children attended Taylor Park School and she has spent many hours driving around the eastside of Freeport. Since 1992, she has spent many hours working on projects affecting the eastside, i.e. the clean-up at Tutty's Crossing, expanding the assessment grants, and clean-up of the Bordner site. She stated that she has concerns that the representations of Vandewalle & Associates have been inaccurate to the City Council and in the document. She will be discussing these issues more on December 1, 2008 meeting.

CONSENT AGENDA

A. Approval to Receive and Place on File:

- 1) City Treasurer Report - Schedule of Tax Receipts through October 31, 2008
- 2) Freeport Police Department Activities Report – October 2008
- 3) Freeport Fire Department Activities Report – October 2008
- 4) Community Development Reports for October 2008 including Cash and Miscellaneous Receipts, Electrical, HVAC, Plumbing and Sign Permits by Month, and Building Permits

B. Approval of Water and Sewer Bills Payable (166, 167, 169, & 170) --- \$194,001.96

C. Approval of Payroll for pay period ending November 8, 2008 --- \$398,791.07

D. Approval of Bills Payable (#165, 168, 171, & 172) ---- \$280,279.25

Alderman Endress moved to approve the consent agenda as presented, seconded by Alderman DeVine.

The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress and Helms (7)

Nays – None (0)

Motion passed 7-0 and the Consent Agenda items were approved.

COMMUNICATION TO COUNCIL

The following items were included in the council packets for this meeting:

A. Minutes of the Enterprise Zone Committee Meeting October 23, 2008

B. Draft legislation recommended by Enterprise Zone Committee (tentatively set to be presented to Council December 1, 2008)

Finance Director Craig Joesten discussed the above communications and stated the city's support of the Supportive Living Facility (SLF) at the corner of Kiwanis Drive and Pearl City Road. He stated the City had met with Blair Minton to discuss the project and annexing the property to the City. The City has requested a gap analysis pro-forma from Mr. Minton. In an email delivered to Mayor Gaulrapp, Mr. Minton stated his request for the Enterprise Zone expansion to include approximately five acres for the Supportive Living Facility, not 53.80 acres as stated in the draft ordinances and resolution submitted to council in the communications. Any other development around that site would be market rate. The SLF is for disadvantaged senior and will be over 50% Medicaid. Also the only portion of the property co-owned by BMA and the Stephenson County Nursing Home. Director Joesten quantified the extent of public

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support of this project that they are asking for through the Enterprise Zone: 1) Sales tax benefits for materials in construction - \$275,000 2) Property Tax Abatements will be \$25,000 in the year 2010, years 2011 to 2014 will be \$50,000 per year, \$35,000 in year 2015, and \$16,000 in 2016 3) the internal rate of return for investors will be 10.8% without the enterprise zone incentive and with the incentive it will rise to 16.1% 4) the project will use an 80% leverage. Mayor Gaulrapp clarified that the council will not be voting on this amendment to the enterprise zone this evening. Alderman Helms asked to review the gap analysis of the Blair Minton. Discussion continued on the other optional locations for the project. Director Joesten stated he would like a policy statement by the enterprise zone committee as to when projects are annexed to the City and if any fees would accrue to the City to help defray the costs for infrastructure capital cost, when necessary.

ORDINANCES – THIRD READING

3RD READING OF ORDINANCE 2008-56:

An Ordinance for the Levy and Assessment of Taxes for the Fiscal Year Beginning May 1, 2008, and Ending April 30, 2009 for the Public Library of the City of Freeport, County of Stephenson, and State of Illinois

The first reading of this ordinance was held on October 6, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Boldt. The second reading was held on October 20, 2008. Upon the third reading on November 3, 2008, it was laid over to tonight’s meeting. The following is the proposed tax levy for 2008-2009 in comparison to last year:

Proposed Public Library Tax Levy	2007-2008	2008-2009
Property Tax for general library purposes	\$1,079,054	\$1,107,809
Special Tax for unemployment insurance	2,500	
Special Tax for worker’s comp	1,000	
Special Tax for FICA/Medicare	48,000	75,000
Special tax for Liability insurance	22,000	17,000
Total	\$1,152,554	\$1,199,809

The third reading of this ordinance was held tonight. Upon reading, the motion was approved by roll call vote:

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

Ordinance 2008-56 was adopted.

3rd Reading of Ordinance 2008-58:

Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport – request for amendment of Zoning Ordinance from B3 (Commercial and Wholesale Business District) to M1 (Limited Manufacturing District) by David M. Heitman DBA Perfection Cleaning & Restoration for the property located at 1745 South Ihm Boulevard, Freeport, Illinois. This ordinance was recommended to the City Council by the Planning Commission by unanimous approval on October 9, 2008. Additionally there were no objectors filed for this ordinance. The first reading of this ordinance as held on October 20, 2008. A motion to concur with the findings of the Planning Commission was made by Alderman Corbin,

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seconded by Alderman Endress. The second reading of this ordinance was held on November 3, 2008 and it was automatically laid over to tonight's meeting. Upon the third reading of the ordinance, a roll call vote was taken.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

Ordinance 2008-58 was adopted.

3rd Reading of Ordinance 2008-61:

Ordinance Amending Chapter 1030 (Special Events), Section 1030.02 (Permit Application) of the Codified Ordinances of the City of Freeport – The first reading of this ordinance was held on October 20, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Boldt. The second reading of this ordinance was held on November 3, 2008, and it was automatically laid over to tonight's meeting. Upon the third reading of the ordinance, a roll call vote was taken.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

Ordinance 2008-61 was adopted.

3rd Reading of Ordinance 2008-62:

Ordinance Amending a Redevelopment Agreement by and Between BW Freeport, LLC and the City of Freeport, Stephenson County, Illinois - The first reading of this ordinance was held on October 20, 2008. A motion to approve was given by Alderman Endress, seconded by Alderman Corbin. The second reading of this ordinance was held on November 3, 2008, and it was automatically laid over to tonight's meeting. Upon the third reading of the ordinance, a roll call vote was taken.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress, and Helms (7)

Nays – None (0)

Ordinance 2008-62 was adopted.

ORDINANCES – SECOND READING

2nd Reading of Ordinance 2008-63:

An Ordinance Authorizing Sale of Real Estate 512 E. Iroquois Street to Alfred Walker (A Single Individual) The first reading of this ordinance was held on November 3, 2008. A motion to approve was given by Alderman Boldt, seconded by Alderman O'Neill. The second reading of this ordinance was held tonight and it was automatically laid over to the next meeting.

ORDINANCES – FIRST READING

1st Reading of Ordinance 2008-64:

An Ordinance Repealing and Replacing Portions of Chapter 486 Snow Emergencies with Winter Parking Months - This ordinance was presented by Public Works Director Craig LeBaron stating that this is the ordinance will hopefully move cars out of the way so that the plows can do their job and remove the snow back to the curbs. Corporation Counsel Sarah Griffin stated it had been brought to her attention that prior to the ordinance being put on the floor that it needed an amendment to Section 486.04 (a) (2) second paragraph first sentence should be stricken from the ordinance. A motion to put the

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ordinance on the floor as presented and amended was given by Alderman Klemm, seconded by Alderman Endress. Discussion continued in regard to the Winter Months ordinance. It was asked whether the ordinance reads that every day, cars will be restricted from parking on either the odd or even side of the street through the Winter Months. Winter Months are defined as December, January, February, and March of each year. Mayor Gaulrapp stated yes and each day would be defined as starting at 8:00 a.m. There will be not need to contact radio stations and every day in the Winter Months you either park on the odd side or the even side depending on the date starting at 8:00 a.m. A flyer will go out stating this information. The ordinance was automatically laid over to the next meeting.

It was asked for a leave of council to move this resolution forward this evening.

Resolution #R-2008-79:

Resolution to Authorize Ownership Transfer of Underground Storage Tanks at 514 E. Stephenson Street, Freeport, Illinois - Joel Zirkle of Fehr-Graham & Associates explained that the property owner of 514 E. Stephenson, Mr. Michael Bell, to let him know that there were Brownfield Grant Funds available for the City to finish off the assessment work that was done years ago and to help him get the tanks out of the ground. The ownership of the tanks needs to be transferred to the City to allow this to happen. The tanks will be transferred to the City, but the property stays with Mr. Bell's ownership. This will address the environmental concerns of the property independent of the ownership. Funding is currently available at 100% to cover the costs. A motion to approve the resolution as presented was made by Alderman Klemm, seconded by Alderman Bush. The motion was approved by roll call vote:

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress and Helms (7)

Nays – None (0)

Resolution 2008-79 was adopted.

Alderman Corbin asked a question to clarify the Winter Parking Ordinance in which how much snow before the plows go out and Public Works Director Craig LeBaron answered that with this ordinance it would be odd or even parking depending on the day throughout the winter months. Every day – every other side of the street no matter if it snows or not throughout the entire City.

Executive Session

At 6:45 pm. Alderman Endress moved to enter executive session pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (5) Purchase or Lease of Real Estate, seconded by Alderman Corbin.

The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress and Helms (7)

Nays – None (0)

At 7:00 pm, the council returned from Executive Session. Alderman Corbin moved to return from executive session, seconded by Alderman Boldt.

The motion was approved by roll call vote.

Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress and Helms (7)

Nays – None (0)

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Resolution #R-2008-78:

Resolution to Approve an Intergovernmental Agreement between the Cook County Illinois Sheriff's Department and the City of Freeport Police Department for Access to the Criminal Justice Data System – This resolution was presented by Chief of Police Jerry Whitmore stating that the Cook County Sheriff's Department would like to review the Blackberry Enterprise System located at the Freeport Police Department on a temporary basis in order to determine if such as system will prove useful to their department with no cost to either party. A motion to approve the resolution as presented was made by Alderman Klemm, seconded by Alderman Endress. The motion passed by voice vote without dissent. Resolution 2008-78 was adopted.

DEPARTMENT HEAD REPORTS

Library

Library Director Carole Dickerson introduced Library Board president Shawn Shianna and thanked the council for their support of the library levy. She spoke about the media drive for the 333rd Military Police and asked for donations to be brought to the Freeport Public Library for "Care Packages for the Mind."

Water & Sewer

Water & Sewer Project Director Denise Ihrig stated that she will be going on a leave of absence and in her absence; Hal Black of United Water will be filling in for her. Alderman Bush asked about information about Hooker Avenue and Ms. Ihrig stated that some sanitary sewer repairs were done in that area about four years ago repairs had been done to the sanitary sewers on Hooker Avenue, but the patches are starting to fail, so the Water & Sewer Commission televised the sewer and found the sewer itself was not failing, so a decision was made to repair the patches. A temporary patch will be put on by the Water & Sewer Commission at this time and when the asphalt plant opens back up in the spring, a full patch will be done. There may be addition work done if necessary.

Fire

Fire Chief Kevin Countryman reminded the public about fire safety due to use of supplemental heat, candles, and Christmas decorations. He asked citizens not to leave items unattended.

Community Development

Demolition bids for 413 S State (due on November 13, 2008 at 9:00 am)

Bid information was presented to council by Corporation Counsel Sarah Griffin stating that bids were opened on Thursday, November 13 at 9:00 am for the demolition of 413 South State Avenue. Three bids were received 1) Brokhausen Excavating in the amount of \$3,200.00 2) GO Excavating in the amount of \$4,500.00 and 3) Fisher Excavating in the amount of \$10,363.62. Community Development Director Shelly Griswold recommended approval of the low bid from Brokhausen Excavating. A motion to accept the bid from Brokausen Construction in the amount of \$3,200.00 for the demolition of 413 S. State was made by Alderman Klemm, seconded by Alderman Bush. The motion was approved by roll call vote:
Yeas: Corbin, Klemm, Boldt, Bush, DeVine, Endress and Helms (7)
Nays – None (0)

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MAYOR'S REPORT

Mayor Gaulrapp thanked Shawn McCurdy of Golden Corral for serving the veterans; he thanked everyone who voted; and recognized those who serve on our commissions or serve the City of Freeport. Introductions were given for Boy Scout Troop #7 working towards the citizen's badge.

NEW BUSINESS

Each council member was given an opportunity to publicly address significant items of interest. Alderman Boldt asked to have an ordinance drafted to waive the readings when items are brought forth from the Planning and Zoning Commissions that are unanimously approved and no objectors have been filed. He recommends approval on the first reading if both of the stipulations are met for two reasons; because no further public input can be heard and it delays construction. Alderman Boldt also asked to recycling information on CFL light bulbs in the State of Illinois. Alderman Bush thanked the Eastside Task Force for their presence and encouraged more participation on city and countywide meetings. Alderman Helms stated he thought the City of Madison requires retailers selling CFL bulbs, must also take them back for recycling. Alderman Helms asked for a report on collections year to date from the last ¼ % sales tax.

PUBLIC COMMENT

- Lee Butler, 1550 Woodside Drive, asked why the resolution for cement boat ramp for Tutty's Crossing was not on the agenda. Mayor Gaulrapp stated that it could possibly be on the agenda at the beginning of the year.
- Ed Yde, 404 S. Park Blvd, stated he is the president of the Stephenson County Nursing Foundation and that he is available for any questions. Alderman Klemm asked why the Blair Minton facility did not end up in the FHN Burchard Hills where it was intended. Mr. Yde replied that it would have taken a million dollar in infrastructure costs and the foundation could not afford it, not including the purchase of the land. Mayor Gaulrapp stated that the City does support the building of the Supportive Living Facility moving forward.
- Reverend Steve Harrell, Eastside Task Force Facilitator, stated that he is moved by the introduction of the people of the east side task force. He stated there are some changes that drastically need to be made for the east side and things are not going to be changed by anger, but only intelligence. He stated that he does not feel that the City Council or the Mayor are one sided, but maybe to a certain point they do not understand us as we would like. He hopes that avenues of understanding are opened up to strengthen the entirety of the City. Everyone needs to have an impact on what Freeport means to them.
- LaFrancine Baker stated that Windy Pearson received a national award from Neighborhood Works, the Dorothy Richardson Resident Leadership award, in which she will give money to other non-profit organizations. The council and audience in chambers applauded Windy Pearson.

An adjournment of the meeting was motioned at 7:25 p.m.

Respectfully submitted,

Meg Zuravel, City Clerk