



City Council

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

MINUTES REGULAR MEETING Monday, September 16, 2013

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on Monday, September 16, 2013.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Sally Brashaw, Michael Koester, and Andrew Crutchfield (8). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Bush.

APPROVAL OF AGENDA

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

MINUTES

The minutes of the regular meeting held on September 3, 2013 and from the special meeting held on September 9, 2013 were presented. Alderperson DeVine moved for approval of the minutes as presented, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PROCLAMATION/PRESENTATIONS

Leslie Mastroianni, Executive Director of the Northwest Illinois Chapter of the American Red Cross stated that on September 4, 2013 a "Battle of the Badges" blood drive was held at the Freeport Public Library. She was pleased with the support of the community, the amount of units of blood collected, and the enthusiastic involvement of the Freeport Police and Fire departments. She presented an award to the Freeport Police Department for collecting the most amount of blood on their behalf and thanked Chief Whitmore and the department staff for promotion of the event. Chief Whitmore provided his condolences to Interim Fire Chief Jim Blackburn and the Freeport Fire Department.

PUBLIC COMMENTS – AGENDA ITEMS

Alderperson Koester noted that he received notice that the Comcast programming did not have sound. The sound system was functioning in council chambers and the camera operator proceeded to look into the issue and then the meeting continued. There were no public comments on agenda items this evening.

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CONSENT AGENDA

The following items were presented on the Consent Agenda in the council packet;

- A. Approval to receive and place on file:
 - 1) 2014 Holiday Schedule for City of Freeport
 - 2) City Treasurer's Monthly Investment Report for period ended August 31, 2013
 - 3) City Treasurer's Report of Cash and Fund Balances for period ended August 31, 2013
 - 4) Building Permits Report of Activities for August 2013
 - 5) Fire Department Report of Activities for July 2013
- B. Approval of Water and Sewer Bills Payable (Register #995, 998 and 1) --- \$1,942,392.69
- C. Approval of Payroll for pay period ending September 7, 2013 --- \$426,721.11
- D. Approval of Finance Bills Payable (Registers #996, 997, 999, 0, 2, 3) --- \$268,700.28

Aldersperson Koester moved for approval of the consent agenda as presented, seconded by Aldersperson Brashaw. The motion prevailed by a roll call of;

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

Nays: None

The consent agenda items were approved.

APPOINTMENTS/REAPPOINTMENTS

An appointment of Jon C. Staben to the Planning Commission effective immediately through October 31, 2013 was presented to the council with a copy of his resume attached. Aldersperson Klemm moved to accept the appointment as presented, seconded by Aldersperson Endress. The motion prevailed by a roll call of;

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

Nays: None

COMMUNICATIONS TO COUNCIL

Community Development Director Shelly Griswold presented a written memorandum dated September 11, 2013 providing an update on Land and Water trails with their status and upcoming projects.

Director Griswold stated that the Jane Addams Trail is constructed and is in active use from Route 26 just south of US 20 bypass to the Wisconsin state line, where it connects to Wisconsin's Badger Trail. That section of the trail is well used. The Village of Orangeville has seen the positive impact of a recreational trail coming through their community. Starting in 2014, Freeport will be able to do the same. Design engineering for the remaining section of the trail which will run from Tutty's crossing to Route 26 north of Freeport is complete and has been submitted to, and approved by IDOT. The State of Illinois has some additional environmental work to complete on their end, and we are scheduled for a spring 2014 IDOT bid letting. Following that, construction of the remaining section will commence and will be completed in 2014. At that point, bicyclist and pedestrians will be able to travel the trail from Tutty's Crossing to the Wisconsin state line and beyond.

The memorandum also provided an update on Tutty's Crossing including a number of projects in the works including a "Walk of Fame", a floating boat dock, an accessible canoe and kayak launch, and cleanup projects by Tutty's Crossing Coalition. She stated that signage, restroom facilities, picnic area, and lighting are planned at the site. Community Development Director Griswold stated they have applied for grant funds through the Illinois Transportation Enhancement Program. Through this grant funding

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they will hopefully have funds to provide lighting to the pedestrian bridge which will be important as a practical matter for future evening events that may be held that span the river and use both Tutty's Crossing and CMC Heartland. In addition, it is an opportunity to install lighting that will make a very striking decorative statement.

Director Griswold provided an update on the Pecatonica Prairie Path in which only a very small section of the trail in Stephenson County has been constructed – from Tutty's Crossing through the CMC Heartland site to east Stephenson Street on the City's East side. She stated that the City submitted an ITEP grant application to IDOT in August 2013. The project which totals \$1,919,860 is proposed to have \$1,521,700 in ITEP funding and \$398,160 in local funding, which will be split three ways between the City, Stephenson County and Freeport Park District. She stated they will take advantage of future grant opportunities to complete the trail to the Winnebago County line and once that connection is made the section of the Grand Illinois Trail from Wisconsin state line to downtown Rockford will be complete. Add that to the considerable work already completed and planned for the Pecatonica River Water Trail in our county and we have great prospects for recreational tourism right here in Freeport.

There were no questions from the council regarding this presentation.

Director Griswold stated that there is no written communication to council regarding Redevelopment agreement for Rawleigh building D. Mayor Gitz stated he will defer on that because he has spoken to council members individually. He stated there are sticking points on the draft redevelopment agreement and a bad deal can be worse than no deal and he will continue to keep the council apprised.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2013-44:

AN ORDINANCE AMENDING CHAPTER 1254 (MANUFACTURING DISTRICTS) TO ADD BREWERIES AS A SPECIAL USE IN THE M1 LIMITED MANUFACTURING DISTRICT

This ordinance was recommended to council by the Planning Commission to add breweries and distilleries as a special use in the M1 Limited Manufacturing District at their meeting held on August 22, 2013. The first reading was held on September 3, 2013. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress. Alderperson Klemm moved for an amendment to add wineries as a special use in an M1 and seconded by Alderperson Endress. This motion was approved and the ordinance was automatically laid over to tonight's meeting.

Mayor Gitz stated the ordinance is on the floor for discussion. Upon no discussion or debate, Mayor Gitz asked for a roll call vote to approve Ordinance #2013-44 as presented. The motion prevailed by a roll call of;

Yeas: Klemm, Boldt, Bush, Endress, Brashaw, and Crutchfield (6)

Nays: Bush and DeVine (2)

Ordinance #2013-44 passed by a vote of 6-2.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE #2013-46:

AN ORDINANCE CREATING CHAPTER 880 (REGULATION OF TOBACCO PRODUCTS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

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This ordinance was recommended to council by the Committee of the Whole in their meeting held on September 9, 2013 to add licensing regulations for tobacco product retailers. This ordinance will be presented by Chairperson of the Committee of the Whole Tom Klemm and Chief of Police Jerry Whitmore

Aldersperson Klemm stated this ordinance was presented at the Committee of the Whole meeting held on September 9, 2013 and it is part of the Mayor's draft Public Safety Plan that was rolled out recently. Chief of Police Jerry Whitmore reviewed the main points of the ordinance. Chief Whitmore stated that this ordinance came out of the draft Public Safety Plan to regulate tobacco industry in the City of Freeport. A license will be required to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products or smoking herbs within the city without having first obtained a "tobacco dealer's license". Chief Whitmore stated there will be \$150.00 fee for the license per retail establishment. He stated there are requirements for signage. He also stated that per this ordinance anyone that sells tobacco must be 18 years of age and there are regulations prohibiting business within 100 feet of any school, child care facility, or other building used for education or recreational programs to persons under the age of 18 years. He stated this ordinance will also place a burden not only on the store employee who sells to an underage person but also on the licensee. Chief Whitmore reviewed the surveillance camera requirements which will be required for license holders and noted the exemption for liquor license holders as stated in section 880.13.

The Ordinance included wording as follows:

880.01 LEGISLATIVE FINDING AND DECLARATION.

- (A) The Mayor and City Council expressly find and declare that:
- a. Cigarette smoking is dangerous to human health;
 - b. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease, and various other medical disorders;
 - c. The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in the country;
 - d. The Director of National Institute on Drug Abuse concluded that the majority of the 320,000 Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
 - e. The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and
 - f. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of 18 has proven ineffective in preventing such persons from using tobacco products;
- (B) The enactment of this chapter directly pertains to and is in furtherance of the health, welfare and safety of anyone in the City, particularly those residents under 18 years of age.

880.02 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them. **SMOKING HERBS:** All substance of plant origin and their derivatives, including, but not limited to, Broom, Calea, California Poppy, Damiana, Hops, Ginseng, Lobelia, Jimson Weed, and other members of the Datura Genus, Passion Flow and Wild Lettuce, which are processed or sold primarily for use as smoking materials. **TOBACCO ACCESSORIES:** Cigarette paper, pipes, holders

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of smoking materials of all types, cigarette rolling machines, and other items designed primarily for the smoking or ingestion of tobacco products, or of substance made illegal under any Illinois State Statute or this chapter, or of substance whose sale, gift, barter or exchange is made unlawful under this section. **TOBACCO PRODUCTS:** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco. **VENDING MACHINE:** Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

880.03 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products or smoking herbs within the city without having first obtained a "tobacco dealer's license". Such license shall be in addition to any other license required by this Code. This license will be in effect from May 1 to April 30 of each year, therefore pursuant to this chapter. Such license shall be in addition to any other license required by this code.

880.04 LICENSE APPLICATION.

Application for license hereunder shall be made in writing to the City Clerk and shall be processed in accordance with the provisions of Chapter 802 of this code.

880.05 LICENSE FEE.

The license fee for a tobacco dealer's license shall be \$150.00 per year, or if obtained during a license year, pro-rated on a monthly basis for the remaining portion of that license year.

880.06 DELIVERY; SIGNS.

(A) Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products, tobacco accessories and smoking herbs and on or near every tobacco vending machine. Each such sign shall be plainly visible from the point of purchase and shall state: "THE SALE OF TOBACCO PRODUCTS, TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER EIGHTEEN YEARS OF AGE AND THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW." The text of such signs shall be in red letters on a white background, said letters to be at least one inch high.

(B) Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

880.07 MINIMUM AGE TO SELL TOBACCO PRODUCTS.

It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ, or permit any person under 18 years of age to sell tobacco products in any licensee's premises.

880.08 PURCHASE AND POSSESSION BY MINORS PROHIBITED.

It shall be unlawful for any person who is under the age of 18 years to purchase tobacco products, tobacco accessories, or smoking herbs, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, tobacco accessories, or smoking herbs.

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880.09 PROHIBITED SALES.

It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, and/or smoking herbs to any person who is under the age of 18 years as described in Chapter 650, Section 650.04

880.10 PROXIMITY TO CERTAIN INSTITUTIONS.

It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products within 100 feet of any school, child care facility or other building used for education or recreational programs to persons under the age of 18 years.

880.11 CERTAIN FREE DISTRIBUTIONS PROHIBITED.

It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promotion or advertising tobacco products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away, or deliver products free of charge to any person on any right-of-way, park, playground, or other property owned by the City, any school district, any park district or any public library.

880.12 VENDING MACHINES; LOCKING DEVICES.

(A) It shall be unlawful for any licensee to sell or to offer for sale, give away, deliver, or to keep with the intention of selling, giving away or delivering tobacco products by use of a tobacco vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of 18 years.

(B) Every tobacco vending machine shall be in plain view of the licensee or its agents or employees during business hours.

(C) Any premises where access by persons under the age of 18 years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of a business located at such premises, shall be exempt from the requirements of this section.

880.13 SURVEILLANCE CAMERAS.

(A) Purpose. The City Council finds that tobacco dealers can become targets of opportunity for theft and violent crimes. The purpose of this section is to protect the public health, safety and welfare by increasing security for patrons and employees of these businesses by the use of surveillance cameras. Surveillance cameras will assist in deterring crime in and adjacent to such businesses and can provide information to assist the police in investigating crimes that do occur.

(B) Security requirements. Every tobacco dealer shall install a recording security camera of a type, number and placement approved by the Chief of Police of the City.

(C) Maintenance of equipment and recording media required. The Chief of Police shall have the authority to formulate reasonable rules to fully implement this Chapter.

1. Type of camera required. The camera(s) must be capable of producing a retrievable image on VHS tape or digital media that can be made a permanent record and which can be enlarged through projection or other means. Existing systems may be of analog cameras and VHS recording media or a digital camera with a digital video recorder, such equipment shall have date and time stamp on the recorded video and shall be maintained in proper working order at all times during all hours of operation of the

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business. Any new or replacement equipment shall consist of a digital camera and digital video recorder.

2. Signage required. Said establishments shall post a conspicuous sign which states that the property is under video surveillance.
 3. Minimum standards. Cameras shall be subject to periodic inspections by the Chief of Police or his/her designee.
 4. Management of VHS or digital media. Said establishments shall maintain and make available; video tapes; film or digital media, to the Freeport Police Department for periods of one month before reusing or destruction of media. VHS Videotapes and digital media shall be marked with the day of the month the material was used. Digital materials shall be marked with the time and date. The establishment shall retain one blank VHS tape, or digital media to be used if the other media is taken by the police department or if the other recording media fails. All VHS video tapes shall be replaced after being used twelve (12) times. All digital recording media shall be replaced upon failure or at the manufactures recommended replacement schedule whichever occurs first.
 5. Knowledge of equipment required: All licensees are required to have operational knowledge of any surveillance equipment installed on the licensed premises. Such knowledge will include but not be limited to setup, use and operation, viewing retrieval and transfer of video to removable storage media.
- (D) Exemptions. The following shall be exempt from this Section (Surveillance Cameras) of this Chapter:
1. Any premises where access by persons under the age of 18 years is prohibited by law;
 2. Holders of Class A liquor licenses;
 3. Holders of Class A-R or W liquor licenses, if the Chief of Police makes a specific determination that sale of tobacco products is in a segregated area where access is limited to those over the age of 18.
- (E) Effective date. This Section shall take effect on January 1, 2014 for all existing businesses and immediately for all new business applicants.

880.14 RESPONSIBILITY FOR AGENTS AND EMPLOYEES.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this chapter by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee; and such licensee shall be punishable in the same manner.

880.15 SUSPENSION; REVOCATION OF LICENSE; FINES, COSTS.

The Mayor, as License Officer, shall be charged with the administration of this chapter. The Mayor may suspend for not more than 30 days or revoke any license issued under the provisions of this chapter, if he or she determines that the licensee has violated any of the provisions of this chapter.

880.16 USE OF PREMISES AFTER REVOCATION.

When any licensee shall have been revoked for any cause, no license shall be granted to said licensee for the period of six month thereafter for the conduct of the business of selling tobacco products as defined in § 880.03 in the premises described in such revoked license.”

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This Ordinance shall be effective December 2, 2013. Discussion was held on the draft ordinance with members stating their support or opposition to the ordinance. Chief Whitmore stated that based on crime statistics whether it is counterfeit goods or synthetic marijuana and there is one thing in common and they all sell tobacco so it is legitimate to have regulations.

Aldersperson Klemm made a motion to move forward on council floor Ordinance #2013-46, seconded by Aldersperson Bush. Upon no further discussion the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE #2013-47:

AN ORDINANCE AMENDING VARIOUS PORTIONS OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT TO CHANGE CERTAIN RESPONSIBILITIES FROM THE CITY ENGINEER TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND RENAMING THE COMMUNITY DEVELOPMENT DIRECTOR AS THE BUILDING COMMISSIONER

This ordinance was recommended to council by the Committee of the Whole in their meeting held on September 9, 2013 to change certain responsibilities from the City Engineer to the Community Development Department and to rename the Community Development Director as Building Commissioner. This ordinance will be presented by Chairperson of the Committee of the Whole Tom Klemm, Community Development Director Shelly Griswold, and City Engineer Shaun Gallagher

Aldersperson Klemm stated this ordinance as drafted was presented at the Committee of the Whole meeting held on September 9, 2013 and it comes from a couple of sources one being that there are some changes that the mayor would like to see and secondly it prepares for a new Director of Community Development by moving the duties and responsibilities of the building department and the nuisance inspector to that department. Director Griswold stated there was a survey completed on municipalities between 15,000 to 30,000 population and we did find that 94% of those had the Building Department in the Community Development Department. She stated that since March when the switch was made it has been found that it does not help the work-flow when the function of the building department is separated from the planning and zoning functions and they have to be worked on together. It was stated that the City Engineer will still have the function of site and plan reviews but it is counterproductive of him to be a part of the day to day items and instead allow for concentrated efforts on infrastructure engineering and projects for the Water and Sewer Commission.

Aldersperson Boldt made a motion to move forward the ordinance #2013-47, seconded by Aldersperson Bush. Upon no further discussion the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE #2013-48:

AN ORDINANCE CREATING CHAPTER 1272 (LANDSCAPING AND SCREENING) AND AMENDING CHAPTER 1262 (OFF-STREET PARKING AND LOADING) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

The landscaping requirements specified in this ordinance are intended to foster aesthetically pleasing, environmentally beneficial, and sustainable development that will protect and preserve the appearance, character, general health, safety and welfare of the community. Landscape improvements shall serve to enhance the appearance of the site, especially as viewed from adjacent property and public right-of-way. Effective year-round screening shall be provided to lessen the visual prominence of parking lots, service yards, loading docks, exterior utility structures, dumpster pads, and detention and retention ponds.

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Mayor Gitz stated that normally we like things to go to the Committee of the Whole but in this case we have some pending proposals regarding redevelopment of a shopping center which make this ordinance appropriate to move it along in a timely manner.

This ordinance was presented by City Engineer Shaun Gallagher who stated he has provided council a copy dated September 16, 2013 with three amendments. City Engineer Gallagher provided an overview of the guidelines of the landscaping requirements that follows the best management practices of other municipalities in collaboration with storm sewer management. He stated that a minimum required permeable area of 20% of the entire site will be required. The ordinance stated that all commercial, industrial, multi-family residential and mixed use development and redevelopment plans for sites one quarter (0.25) acre or greater shall include a landscaping plan indicating how existing topography, natural features, and vegetation will be integrated into the overall site development. A conceptual landscape plan shall be submitted to the City Engineer and approved prior to final site plan approval. A detailed landscape plan shall be submitted to the City Engineer and approved prior to the issuance of a certificate of occupancy. Plans submitted for approval shall be to an appropriate engineering scale for the size of the development with contour elevations indicated at one foot (1') intervals. The minimum required permeable area shall be twenty percent (20%) of the entire site under review. Adjacent lots not included in the initial development shall not be included as part of the twenty percent (20%) permeable area. The ordinance provided a listing of trees acceptable plant species used for landscaping shall, conform to the following list, unless approved by the City Engineer. The minimum landscaping requirement of trees and shrubs, by number, and the type of ground cover required for the entire site review were provided on page six of the ordinance. This ordinance also provides guidelines in Chapter 1272 for Parking Lot Landscaping, Detention and Retention Pond landscaping, and dumpster screening.

City Engineer Gallagher explained that this ordinance also amends chapter 1262.03 Use of Parking Facilities, number, size, etc., Design and Maintenance to require that parking spaces shall be at least nine feet in width and at least nineteen feet in length. A required off-street parking space shall be at least nine feet in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns or office or work areas. Such space shall have a vertical clearance of at least seven feet. The minimum dimensions for parking stalls shall be in compliance with this section and Table D-1 (Off-Street Parking Stall Dimensions).

Table D-1
Off-Street Parking Stall Dimensions

Angle	Stall Width	Stall Length	Stall Depth	Clearance Height
45°	9'	19'	20'	7'
60°	9'	19'	21'	7'
90°	9'	19'	19'	7'

Each required off-street parking space shall open directly upon an aisle or driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. No driveway across public property, nor any

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curb cut, shall exceed a width of thirty feet. The minimum dimensions for parking isles shall be in compliance with this section and Table E-1 (Off-Street Isle Parking Dimensions).

Table E-1
Off-Street Isle Parking Dimensions

Angle	One Way Aisle	Two Way Aisle
45°	15'	24'
60°	18'	24'
90°	24'	24'

City Engineer Gallagher explained the this ordinance also has requirements for off-street parking lighting that will require a lighting photometric plan prepared by a lighting professional showing spot illumination levels at regularly spaced intervals on the lot and at all lot lines and the average proposed illumination levels on the site along with catalog cut sheets of the proposed fixtures.

Discussion was held as to whether this applies to new site development. City Engineer Gallagher stated that these guidelines apply to new site development as well as redevelopment plans for sites one quarter acre or greater.

Discussion was held as to whether this new ordinance addresses parking of employees and City Engineer Gallagher stated it does not address that. Alderperson Klemm asked if that is something we should look at because we have had issues with a couple businesses in Freeport. Mayor Gitz stated we will take a look at best practices of other municipalities' ordinances and get back to him on employee parking requirements.

Discussion was held on detention ponds and that Chapter 1050 covers maintenance of those ponds. City Engineer Gallagher stated that maintenance of detention ponds is included on a plat and it states in this chapter that all detention and retention ponds shall be constructed and maintained in accordance with Chapter 1050 of the Codified Ordinances and the City's Storm Drainage and Erosion Control Management Design Manual.

Discussion was held as to whether ash trees should be removed from the listing of possible trees to the limit Emerald Ash Borer spread. City Engineer Gallagher stated that the tree list provided is one the the City of Rockford adopted because those are trees that do well in parking facilities with the salt put down in winter he would consider amending the listing for the next meeting.

Alderperson Endress made a motion to move forward the ordinance #2013-48, seconded by Alderperson Klemm. Corporation Counsel Griffin verified that it was the intention to move forward the ordinance placed on council desks marked as Ordinance #2013-48, with amendments recommend by City Engineer on September 16, 2013. Alderperson Endress stated his motion included the version dated September 16th and Alderperson Klemm agreed. Upon no further discussion the ordinance was laid over to the next meeting.

RESOLUTIONS

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RESOLUTION #R-2013-64:

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

Chief of Police Jerry Whitmore presented the Resolution To Approve Grant Agreement With Illinois Department Of Transportation For Sustained Traffic Enforcement Program (Step) and stated that the Illinois Department of Transportation has offered to enter into a Grant Agreement with the City of Freeport whereby IDOT would reimburse eleven thousand one hundred sixty-six and 70/100 dollars (\$11,166.70) of the city's overtime payroll costs for a 2013/2014 Sustained Traffic Enforcement Program (STEP). He stated that the City of Freeport's only out-of-pocket costs for the City to participate in this Grant Project would be for fuel for the City squad cars and the City's share of the increased payroll taxes. Representatives of IDOT have presented the City with proposed "Sustained Traffic Enforcement Program" from 10/1/13 – 9/30/14 to allow the City to conduct such Seat Belt Enforcement Project and the DUI Enforcement Project. He stated that this resolution brings forth this grant and the findings that the council provides approval of the Grant Agreement with IDOT to be in the best interests of the health, safety, morals and general welfare of the citizens of the City of Freeport, Illinois. Alderperson Klemm moved to approve Resolution #R-2013-64 as presented, seconded by Alderperson Boldt. The motion prevailed by a roll call of;

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

Nays: None

Resolution #R-2013-64 was adopted.

OTHER

REPORTS OF DEPARTMENT HEADS

Community Development

Community Development Director Griswold had no further report.

Finance Department

Accountant Price was not present.

Public Works

Public Works Director Tom Dole presented information regarding Purchase of 2012 LeeBoy 5000 Asphalt Paver. He stated that in July of this year, the Public Works Department entered into a rental agreement on a 2012 LeeBoy 5000 asphalt paver. In the past three months that they have had this machine out paving and patching in various locations it has provided very good results. The process started out a little rough with trial and error but the operation has proved to be far superior to the previous method using what is commonly called "the sled". As of two weeks ago the public works department added to the patching process the pavement grinder which also has proven to be a great purchase. With this machine and improved operation we have placed over 900 tons of blacktop throughout the city since July. This could never be accomplished with the sled or shoveling each load manually. Director Dole stated with confidence that the patching of our streets will only get better if we continue to use the equipment we have today. Director Dole recommended purchase of the LeeBoy 5000 Asphalt Paver. Director Dole also recommended we solicit bids for a 20,000 pound tilt trailer to move this paver between job sites.

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Director Dole stated that purchase of the paver falls under section 1.9 (F) of the City's Purchasing Policy as a sole source procurement. The cost of the paver is as follows:

Purchase price: \$79,146.00

Rental applied (through Oct. 2013 at \$6,900 per month): \$27,600.00

Balance due to purchase from Casey Equipment: \$51,546.00

He noted that a full warranty does apply to this machine as if it were purchased new. Funds have been appropriated for both the paver and the trailer.

Discussion was held street projects moving forward because of the equipment. Discussion was held on the capital equipment purchases so far this fiscal year. Public Works Director Tom Dole stated that he can hold off on some purchases from year to year but in his opinion we should move forward with snow plow purchases. Alderperson Boldt requested an updated summary of equipment purchase and the projections out for five year.

On council agenda was the following item; "Purchase of paver under the Sole Source provision of the City's Purchasing Policy for used equipment." Alderperson Brashaw made a motion to move forward with allowing the purchase of the paver under the sole source provisions of the City's Purchasing Policy for used equipment, seconded by Alderperson Klemm. The motion prevailed by a roll call of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)
Nays: None

Also on council agenda was the following; "Notification that we will be going out for bids for an additional trailer to be used with the paver." There was no action required on this item this evening and Director Dole stated that he will go out for bid for this equipment and when they are acquired then he will bring this item to council.

Fire

Interim Fire Chief Blackburn provided information Fire Prevention Week and stated he placed an invitation to an open house at the Central Fire Station on September 28, 2013 from 1:00 pm to 4:00 pm and will provide this information to the media to invite the public to this event.

Discussion was held on battery recycling program during the time change for smoke detectors and Alderperson Boldt stated he will forward information on this to the Fire Department. Discussion was held on the importance of training programs at the schools for residents to be trained on fire safety plan of action.

Library

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

Police

Chief of Police Jerry Whitmore provided written recommendations dated September 11, 2013 for the below stated action items which were placed in the council packets and available for viewing on the City website.

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- **Action Item For Acceptance of Bids for Police SUV or Full Size Crew Cab Pick Up Truck**

On September 4, 2013 sealed bids for one new all white police sport utility vehicle or a full size crew cab pickup were opened. There were five sealed bids received for this police vehicle with one each received from the Bocker Auto Group of Freeport, Fairway Ford of Freeport, and Sawicki Motors of Freeport. Two bids were received from Barkau Automotive of Stockton Illinois. Each of the bids included the price with that trade in of the supervisor's 2007 Dodge Magnum with 149,000 miles. He stated there were some irregularities in that the bid packet from Bocker did not have their name on it but the representative was present at the opening. The bid proposals from Barkau Automotive were withdrawn the following day after they discovered significant errors in their bids that would not allow them to deliver vehicles at the bid price. This left three bids. Chief Whitmore recommended acceptance of the low bid from Sawicki of Freeport for the 2014 Dodge Ram 1500 Crew Cab Pick Up with trade in values and equipment purchasing along with licensing and striping in the amount of \$25,401.00. Alderperson Boldt made a motion to accept the recommendation from Chief Whitmore of the low bidder with acknowledgement of the irregularity of the bid, seconded by Alderperson Klemm. The motion prevailed by a roll call of;

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

Nays: None

- **Action Item For Acceptance of Bids for Police Pursuit Vehicles (3)**

On September 4, 2013, sealed bids for three new all white police pursuit vehicles were opened. There were five sealed bids received for these police vehicles. One bid each was received from the Bocker Auto Group of Freeport and Fairway Ford of Freeport. Two bids were received from Barkau Automotive of Stockton Illinois. One additional sealed bid was received from Chicago Motors of Chicago Illinois however that bid was rejected on opening because it was only for the purchase of the used vehicles and could not provide delivery of any new vehicles. After reviewing the bids a determination was made that the bids from each of the other dealership met the minimum specification. Each of the bids included the price with that trade in vehicles as determined by the Freeport Police Department. The bid packets from Bocker Group of Freeport and Fairway Ford of Freeport were not marked on the outside with the bidder's name. However, representatives were there from each agency that identified their packages prior to opening the bids. The Bocker Group of Freeport's bid was also not mat on the inside. However, the representative was present and again identified that as their bid prior to reading the bid. Chief Whitmore recommended acceptance of the low bid from Bocker Group of Freeport for the purchase of three 2014 Chevrolet Impalas with a purchase price of \$21,392.00 each with a three vehicle total of \$64,176.00. The bid included a trade in allowance of \$6,900.00 for a final purchase price of \$57,591.00 and the total price including licensing, title transfer, equipment install, and striping would be \$68,116.00. The delivery estimate was estimated at eight to ten weeks. Alderperson Klemm made a motion to move forward with acceptance of the recommendation from Chief Whitmore, seconded by Alderperson Koester. Corporation Counsel Griffin asked if this motion includes waiving irregularity during the bid process. Alderperson Klemm stated that his motion included that because the parties were present at the bid opening, seconded Alderperson Koester. The motion prevailed by a roll call of;

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

Nays: None

Chief of Police Jerry Whitmore provided an update due to rerouting traffic due to construction of the roundabout. He has been monitoring the situation and has had extra squad cars in the area. In some

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instances people were ticketed because they moved barricades. Additional safety measures and signage has been placed in the area by the contractor, Fischer Excavating. There has been an improvement in traffic. A speed trailer has been placed in the area and additional squads will be patrolling the area. They will be looking into placing temporary speed bumps.

Water and Sewer

Water and Sewer Director Tom Glendenning provided an update on the Burchard water tower and stated that the graphics will be entered into a design contest which is a national competition. He stated the water tower graphics will be entered into this competition because of the unique design of the Lincoln - Douglas logo. Director Glendenning provided an update on a major inflow-infiltration sanitary sewer line which he referred to as the Structo line and this has been worked on to seal it off which should help to reduce problems in that area. He stated that one line it accounted for 10% of the I & I, so having it sealed off is a benefit to the treatment plant during times of flooding. Director Glendenning provided an update on the control system SCADA program and the water meter program which needs one more pressure reducing station then we will have important parts of the SCADA finalized and they need to install a monitoring system for the meters on the tower then we will have the water metering project complete as well.

Director Glendenning provided an update on an ongoing problem of tampering with water meters. With the new meter reading system they can tell when they are due for shut-off for payment deficiency and now we can pull those meters and tell if there is anything going on and have found that individuals have been tampering with the meters. This matter will be turned over to the Freeport Police Department for investigation and prosecution to its fullest. Director Glendenning stated this is a very serious matter to the City water supply as the minute that our water line is broken into it leaves an air gap which has the potential of cross connection to the public water system and it requires a certified plumber to do so and these individuals are not certified plumbers. Mayor Gitz stated he has requested that this to be charged as a felony.

City Engineer

City Engineer Shaun Gallagher thanked the traffic control of the Freeport Police Department for the roundabout construction and detour. He stated most of the pavement has been removed.

MAYOR'S REPORT

Mayor James L. Gitz stated that the first of the demolitions began last Friday and they will continue moving this goal forward by working on a prioritized listing by making sure all the utilities are disconnected. We will be proceeding on some of those properties based on judicial proceedings which unfortunately will take some time. In that same vein we have had discussions with the owner of the IOCO building which does not have a roof on it and has live electrical in it which is not a good situation and we hope to have resolution on this very shortly resulting in either agreed demolition or going to court. The council is aware of the fact that we have had litigation on the building that has become popularly known as the building with a diaper on the corner of Stephenson and Galena. The primary issues there have not been the demolition as much as the issue of reinforcement of the building to the west. There has been review by a structural engineer to have metal plates sunk into it shortly and once that is completed it should bring about some resolution and hopefully come to fruition in the next two to three weeks.

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Mayor Gitz reviewed the unfortunate situation on some of the signage at the roundabout detour. He stated that the sub-contractor for making the signs who works for the contractor on this project made a mistake in the spelling of college and it has been fixed. If the council has additional signage that they would like to have placed or if there are bottlenecks where we need to have additional resources in the area we will do that until we get this system down because this project will last until December 1. Mayor Gitz stated the staff is working on the ward tours and they hope to have that completed this next week. He stated that we are also working on the follow-up steps at City Hall. There is a follow-up meeting of the East Side residents scheduled at the end of September and there were things identified which may be helpful for drainage issues.

Mayor Gitz spoke about a building on Clark which has been rehabilitated by Ryan Hughes. This building will now be designated as housing for homeless veterans through FACC and a local Episcopal Church because of a HUD grant.

Mayor Gitz spoke about the importance of the USDA designation of Freeport as a rural community and the need to request our legislators to keep have that designation continue. The USDA provided tax credits for the Heritage Woods project for the City's newest assisted living center. Because of this designation, the USDA home loan, tax credit, and infrastructure programs help to redevelop our City.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

On the council agenda was an item for discussion which was requested by council members for City-owned buildings and there were no comments or discussion at this time.

- Alderperson Bush spoke about the next East Side Neighborhood Meeting which will be held on September 28, 2013 – 9:00 am at Monroe Center and there will be discussion of flood impact reduction strategies.
- Alderperson DeVine spoke about the importance of adhering to rules as the bus drivers put out the safety arm of school buses. Please also watch out for children in the area.
- Alderperson Endress provided a notice of a neighborhood watch meeting of the 5th Ward to be held on September 17, 2013 at 6:00 pm at the First Church of the Nazarene.
- Alderperson Brashaw provided a notice of a neighborhood watch meeting of the 1st and 6th Wards to be held on September 24, 2013 at Schwarz Funeral Home at 6:00 pm.
- Alderperson Koester spoke about an issue of gathering of teenagers after football games in the area of Freeport High School and encouraged people to call the police when issues arise.
- Alderperson Klemm spoke about a meeting attended by himself, Alderperson Boldt, and Mayor Gitz. He encouraged people to contact legislators because Freeport has benefited significantly from rural designation. USDA has made home loans in Freeport through its Direct Home Purchase Program. USDA also provided nearly \$218,000 in home repair funds. This is a significant amount of money for any one community. Congress has changed eligibility for rural designation. Now, Freeport and 900 other communities will be stripped of rural designation and thereby rendered ineligible for USDA home loan, tax credit, and infrastructure programs that can help redevelop our City. Our designation is due to expire on September 30, 2013, the end of the present federal fiscal year. Restoration will require special legislation for the federal FY 2014 year which commences October 1, 2013 so citizens are requested to contact legislators.

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- Alderperson Klemm spoke about the amount of traffic caused by the detour of the Kiwanis Drive and Pearl City Road and used an example of the four-way stop at Park Boulevard and Stephenson with it now being so backed-up due to the large quantity of traffic from those roadways. He stated that a four-way stop would not have work at that intersection and you can see why if you travel on Stephenson and Park. This brought about the need for the roundabout instead of a four-way stop. He asked people to be more patient and respect the officers as they patrol the area.
- Alderperson Boldt provided notice of a neighborhood watch of the 2nd Ward to be held on September 18 at the corner of Farmdale Lane and Country Court.
- Alderperson Boldt spoke about the amount of litter caused by distribution of newspapers to residences and vacant property. He stated that currently on the books is an ordinance which specifies where newspapers and handbill can be placed. This includes a stipulations that they cannot be placed on vacant property. He requested to have a meeting with Mayor Gitz to discuss ramping up this ordinance or to have a conversation with the parties involved.
- Alderperson Bush provided notice of the 3rd Ward neighborhood watch meeting to be held on September 23 at the VFW at 6:00 pm.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Tom Teich, 653 Jefferson Street, spoke about Presence Saint Joseph Center Place and their upcoming activities.

Upon motion duly made and seconded, the meeting was adjourned at 7:30 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk