



City Council

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

MINUTES REGULAR MEETING Tuesday, September 8, 2015

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 September 8, 2015.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Peter McClanathan, Art Ross, Jodi Miller, Patrick Busker, Sally Brashaw, Michael Koester and Andrew Chesney (8). Corporation Counsel Sarah Griffin was also present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson McClanathan.

APPROVAL OF AGENDA

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

MINUTES

The minutes of the regular meeting held on August 17, 2015 were presented for approval. Alderperson Koester moved for approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

The following public commenters were signed on the sheet and Mayor Gitz requested leave of council to hear from non-agenda items as well as agenda items. Leave of council was granted.

Jessica Kopp, 206 S. Galena Avenue, Suite 110, Freeport, Illinois, spoke in support of relocating her business to the old fire station located on Highway 26. They are looking to relocate a tax business and being in a one story building with parking would be beneficial to their business. She asked for any information on future sale of the fire station.

Lynn Folgate, 3551 Stephenson Street, Freeport, Illinois, provided information on the Moose as a fraternal organization where family comes first. He spoke of the accolades given to staff members of the Moose. He provided information on their efforts to support Mooseheart a home for youth.

Steve Carroll, 811 Oak, Freeport, Illinois, provided information on western democracy as created in the City of Syracuse in Greece. He stated in this room are elected officials and public employees and they

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work for him and for his neighbors. He provided his opinion a trifecta he referred to as Gitz, Gallagher and Miller and stated if you are that thin-skinned to blame the Greeks of democracy as we know it.

CONSENT AGENDA

The following items were presented on the Consent Agenda in the council packet and Mayor Gitz read the listed items into the record. [Consent Agenda PDF](#)

- A. Approval to receive and place on file:
 - 1) City Treasurer's Cash and Fund Balances for period ended August 31, 2015
 - 2) Building Permit Report of Activities for August 2015
 - 3) Fire Department Report of Activities for August 2015
 - 4) Illinois Environmental Protection Agency Notice #14021101 posted August 24, 2015
- B. Approval of Motor Fuel Register #0068 --- \$5,600.00
- C. Approval of Water and Sewer Bills Payable (Registers #406, 407, 408) --- \$627,197.55
- D. Approval of Payroll for pay period ending August 22, 2015 --- \$408,871.33
- E. Approval of Finance Bills Payable (Registers #402, 403, 404, 405, 409, 410) --- \$317,307.60
- F. Approval of Resolution R-2015-53: Resolution to Request Temporary Closure of Streets Freeport High School Homecoming Parade – September 16, 2015
- G. Approval of Resolution R-2015-54: Resolution to Request Temporary Closure of Streets Aquin Catholic High School Homecoming Parade – September 30, 2015

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

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)

Nays: none

APPOINTMENT

A summary of William Green's background as provided to Mayor Gitz was read aloud. Aldersperson McClanathan moved for approval of an appointment of William Green to the Planning Commission effective immediately through October 31, 2018, seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

A summary of Bobbie Yount's background as provided to Mayor Gitz was read aloud. Aldersperson Brashaw moved for approval of an appointment of Bobbie Yount to the Board of Zoning Appeals effective immediately through September 8, 2020, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

Aldersperson Chesney requested to have resumes of those being appointed in advance.

ORDINANCES -- SECOND READING

2ND READING OF ORDINANCE #2015-43:

AN ORDINANCE AMENDING CHAPTER 1060 ENTITLED "GARBAGE AND RUBBISH COLLECTION AND DISPOSAL", SECTION 1060.07 (DUMPSTERS AND TRASH CONTAINERS IN PUBLIC WAYS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

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The first reading was held on August 17, 2015. A motion to approve was given by Alderperson Klemm, seconded by Alderperson Koester and the ordinance as automatically laid over to tonight's meeting. In the council packet was an ordinance with amended wording. Alderperson Klemm stated he has some further amendments he is recommending and rather than doing it on the floor he would provide them to Corporation Counsel for preparation for the next meeting. Alderperson Klemm made a motion to layover the ordinance to the September 21, 2015 meeting, seconded by Alderperson Chesney. Motion prevailed by voice vote without dissent.

ORDINANCES -- FIRST READING

WATER AND SEWER CAPITAL IMPROVEMENT FUND PHASE B WATERMAIN PROJECT

There were three items contained in the council packet for the Water Supply Loan Program Agreement including a memorandum regarding Water and Sewer Capital Improvement Fund Phase B Watermain Project, the four bids for the approval by the council including the bid tabulations, and the ordinance for the loan amount. These items were presented by Water & Sewer Executive Director Tom Glendenning and City Engineer Shaun Gallagher. Also presented was Adam Holder of Fehr Graham.

City Engineer Gallagher presented that on August 21, 2015, the Freeport Water and Sewer Commission held a bid opening for Water System Improvements Phase B project. He provided in the council packet a bid summary and breakdown of the bids provided by Fehr Graham. He explained this project was split into four bid packages. The first bid package marked as #1 is for the Water Main Improvements for Harlem/Stephenson/Burchard. The second bid package marked as #2 is Water Main Improvements for Park Crest/Laurel. The third bid package marked as #3 is Water Main Improvements for Park Boulevard/Empire/Various and includes valve replacements. The fourth bid package marked as #4 is Pressure Reducing Valves (500). Also provided to each council member was a color coded map depicting the areas for the separate bid packages.

City Engineer Gallagher stated the low bidders for the four projects were approved at the August 25, 2015, Water and Sewer Commission meeting for the total amount of \$7,319,251.23. The overall cost of the Phase B project falls within 7.8% of the original construction estimate of \$6,786,096, which was prepared as part of the IEPA Project back in September of 2014. Due to the bid overages, the aggregate principal loan amount within the Public Water Supply Loan Program Ordinance No. 2015-09 must be amended from \$7,967,100 to \$8,750.00. This increase is necessary to cover all design construction, and inspection fees, while providing a 3% contingency for the project. However, it is anticipated that there will be significant long-term savings to the Commission, with the overall drop of the loan interest rate to 1.85% for all projects beginning after October 1st. The Commission will also look to create additional savings by performing a significant portion of the construction inspection in-house. City Engineer Gallagher noted full plan sets of the construction improvements were available for viewing prior to this meeting for the council and the public. He also stated future notifications and ward meetings will be scheduled to update property owners on the pending improvements.

**APPROVAL OF WATER AND SEWER CAPITAL IMPROVEMENT FUND PHASE B
WATERMAIN PROJECT BIDS AND RECOMMENDATION TO AWARD (NOTE FOUR BIDS
NEED SEPARATE MOTIONS)**

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A memorandum from Adam Holder, Principal of Fehr Graham dated August 24, 2015 provided the City of Freeport – Water System Improvements, Phase B, Consultant’s Analysis of Bids and Recommendation to Award. The memorandum stated on Friday, August 21, 2015, the City of Freeport received bids on its Water System Improvements, Phase B. The six bids received were from Civil Constructors, Inc.; Fischer Excavating, Inc.; Mechanical, Inc.; N-Trak Group; and Northern Illinois Service Company. Water and Sewer Executive Director Tom Glendenning stated that bid approvals need to be made contingent upon final approval of the Illinois Environmental Protection Agency. It was noted the total of all four bid packages was \$7,319,251.23.

The first bid package marked as #1 is for Water Main Improvements for Harlem/Stephenson/Burchard The apparent low bidder was presented as Fischer Excavating, Inc. for \$1,294,293.63.

Alderson Koester moved for approval of the bid from Fischer Excavating, Inc. contingent upon IEPA approval, seconded by Alderson Ross. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none

The second bid package marked as #2 is Water Main Improvements for Park Crest/Laurel. The apparent low bidder was presented as Go Excavating, Inc. for \$1,515,245.50.

Alderson Brashaw moved for approval of the bid from Go Excavating, Inc. contingent upon IEPA approval, seconded by Alderson Klemm. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none

The third bid package marked as #3 is Water Main Improvements for Park Boulevard/Empire/Various and includes valve replacements. The apparent low bidder was presented as Fischer Excavating, Inc. for \$4,192,497.10.

Alderson Koester moved for approval of the bid from Fischer Excavating, Inc. contingent upon IEPA approval, seconded by Alderson Ross. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none

The fourth bid package marked as #4 is Pressure Reducing Valves (500). The apparent low bidder was presented as Mechanical, Inc. for \$317,215.00.

Alderson Busker moved for approval of the bid from Mechanical Inc., contingent upon IEPA approval, seconded by Alderson Ross. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none

1ST READING OF ORDINANCE #2015-44:

AN ORDINANCE AUTHORIZING THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM AND AUTHORIZING LOAN AGREEMENT (HOME RULE ENTITY – CITY OF FREEPORT)

The council agenda stated the administration respectfully requests suspension of rules for passage this evening due to start date of this project. Please refer to the presentation on page three for further information on this ordinance.

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The ordinance as presented stated the following:

“WHEREAS, the City of Freeport, Stephenson County, Illinois, operates its public water supply system (“the System”), and in accordance with the provisions of Article VII, Section 6 of the Illinois Constitution of 1970 and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, “the Act”) and; WHEREAS, the City Council of the City of Freeport has determined that it is advisable, necessary, and in the best interest of public health, safety, and welfare to improve the System, including the following:

PROJECT DESCRIPTION: Water System improvements, including an estimated 21,080 feet of water main upgrades to 12” and 16” diameter in key areas that would provide adequate water transmission lines from the new Well No. 9 to the new Elevated Tank and improvements to pressure zones, including the replacement of 10,310 feet of 6-8 inch water main and the replacement of 75 valves, together with any land or rights in the land and all electrical, mechanical, or other services necessary, useful or advisable to the construction and installation (the Project), all in accordance with the plans and specifications prepared by consulting engineers of the City; which Project has a useful life of 50+ years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial, and other related expenses is \$8,750,000, and there are insufficient funds on-hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the City of Freeport from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues generated by a Capital Improvement Program (CIP) monthly increase to system users in an amount sufficient to repay the loan over the twenty (20) year loan period, and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the City of Freeport is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$8,750,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City of Freeport shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the City of Freeport and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Freeport, Stephenson County, Illinois as follows:

Section 1. Incorporation of Preambles

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

Section 2. Determination to Borrow Funds

It is necessary and in the best interests of the City of Freeport to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provision of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Freeport in an

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aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$8,750,000.

Section 3. Additional Ordinances

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the system, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law. However, notwithstanding the above, the City of Freeport may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference, or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the City of Freeport, to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

Section 4. Loan Not Indebtedness of City Of Freeport

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Freeport pursuant to this Ordinance is to be from revenues generated by a Capital Improvement Program (CIP) monthly increase to system users in an amount sufficient to repay the loan over the twenty (20) year loan period and the loan does not constitute an indebtedness of the City of Freeport within the meaning of any constitutional or statutory limitation.

Section 5. Application for Loan

The Mayor is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662.

Section 6. Acceptance of Loan Agreement

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Public Water Supply Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

Section 7. Authorization of the Mayor to Execute Loan Agreement

The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

Section 8. Reserve Accounts

As long as the City of Freeport has outstanding revenue bonds payable from revenues of the system that are senior to the revenue bond authorized by this ordinance, the City of Freeport shall maintain an account, coverage and reserves equivalent to the accounts, coverages and reserves required by the outstanding ordinances.

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Section 9. Severability

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provision of this Ordinance.

Section 10. Repealer

All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.”

Aldersperson Klemm made a motion to place Ordinance #2015-44 on the floor for approval, seconded by Aldersperson Koester.

Aldersperson Koester made a motion for suspension of the rules for immediate decision this evening, seconded by Aldersperson Brashaw. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Koester, (7)
Nays: Chesney (1)

The motion for approval of the ordinance passed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)

Nays: none

Ordinance #2015-44 was passed.

2015A & 2015B BONDS

Director Haggard presented on Ordinance #2015-45 and Ordinance #2015-46 by stated that provided to council are two bond parameters ordinances: 1) Series 2015A – refunding Series 2006; 2) Series 2015B – new money for the “Project.” She explained the Project is to undertake the acquisition, construction and installation of various capital related projects, and related facilities, improvements and costs. The Parameters Ordinances are adopted by Council delegating the authority to sell the bonds to a Pricing Officer – Underwriters. The adoption of the Ordinance allows for the actual sale of the bonds to take place on any date hereafter, when the market is favorable, eliminating the need to price the bonds on the date of a Council meeting. The delegation of pricing authority is pursuant to certain “parameters” – maximum interest rate, maximum maturity date, savings threshold, etc. Moving out from the date the City Council approved the Carnegie Library phase I, Council has been advised the bond ordinance would have to be done in short order to meet market conditions; market timing is key to the savings achieved. In order to meet the pre-order selling dates in mid- to late-October, we are asking for the suspension of the rules to waive 2nd reading. Considering the recent volatility within the fixed income markets, delaying the adoption of the Ordinances could cause the City to miss an opportunity to capture favorable interest rates within an expedited manner.

Corporation Counsel Griffin provided copies of a memorandum dated August 17, 2105 from Finance Director Haggard and previously provided to council that provided a timeline for the Series 2006 Bond Refunding Update. It stated that on December 8, 2014, a memorandum was presented to council titled, 2006 Bond Refunding Update. At that time she was seeking guidance as to the intent of the agreement with Bernardi Securities, Inc. The agreement needed to be specific. Of the three options presented to council were 1) refund the series 2006 at \$9.4 million, 2) refund the \$9.4 million and build in new money for City Hall, 3) refund the \$9.4 million and issue a separate bond for City Hall. The memo dated August

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17, 2015 stated the council chose to refund the \$9.4 million and build in new money for City Hall. The timeline has now begun for our recommendation to the City Council for the refunding and we are looking to have the Bond Refinance Parameters Ordinance to council at the September 7, 2015 meeting. Consistent with past bond refinancing options, we will be looking for a waiver of the second reading at that time in order to be able to lock in a favorable rate.

John Vezzetti of Bernardi Securities was called to the podium to answer questions for council regarding the Ordinance #2015-45 and Ordinance #2015-46.

1ST READING OF ORDINANCE #2015-45:

ADOPTION OF AN ORDINANCE OF THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015A, PROVIDING THE DETAILS OF SUCH BOND AND BONDS FOR LEVIES OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS *The administration respectfully requests suspension of rules for passage this evening due to market rates for funding*

An excerpt of Ordinance #2015-45 provided the following:

“WHEREAS, the City of Freeport, Stephenson County, Illinois (the **“Issuer”**), is a home rule unit pursuant to the provisions of Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and accordingly may exercise any power and perform any function pertaining to its government and affairs, including as supplemented and amended under and as provided by the Illinois Municipal Code (Section 5/1-1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes, as supplemented and amended, including by the Bond Authorization Act, the Registered Bond Act, the Bond Replacement Act, the Local Government Defeasance of Debts Law, and the Local Government Debt Reform Act, collectively, the **“Act”**); and

WHEREAS, the City Council of the Issuer (the **“Corporate Authorities”**) initially determined in 2003 that it was essential that the Issuer finance a capital improvement program, including facilities for a storm water system, street work, and a new library, and related facilities, improvements and costs (the **“Prior Project”**), and

WHEREAS, to refinance the Prior Project, the Issuer on December 21, 2006 issued \$10,000,000 initial principal amount General Obligation Refunding Bonds, Series 2006 (to the extent outstanding and to be refunded as herein provided, the **“Prior Bonds”**), pursuant to an authorizing ordinance therefor (Ordinance No. 2006-66, adopted December 4, 2006, the **“Prior Ordinance”**) with U.S. Bank National Association, St. Paul, Minnesota, as bond registrar (the **“Prior Registrar”**) and as paying agent (the **“Prior Paying Agent”**), which Prior Bonds the Issuer deems it advisable to currently refund, call and retire, in whole or in part, within 90 days of issuance of refunding bonds therefor (as applicable, the **“Redemption Date”**), by funding a refunding, deposit or escrow account (as applicable, the **“Refunding Account”**) under a refunding, deposit or escrow agreement (as applicable, the **“Refunding Agreement”**) with U.S. Bank National Association, Chicago, Illinois, as refunding, deposit or escrow agent (as applicable, the **“Refunding Agent”**); and

WHEREAS, the Corporate Authorities have heretofore and it hereby is determined that not to exceed \$9,850,000 General Obligation Refunding Bonds, Series 2015A (the **“Bonds”**), are to be issued to refinance the Prior Project by refunding all or part of the outstanding Prior Bonds (the **“Refunding”**) and to pay related costs of issuance, and under and pursuant to this ordinance it is necessary and desirable that the Issuer issue the Bonds for such purposes.”

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Aldersperson McClanathan made a motion to place Ordinance #2015-45 on the floor for approval, seconded by Aldersperson Koester.

Aldersperson Klemm made a motion for suspension of the rules for immediate decision this evening, seconded by Aldersperson Brashaw. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none

The motion for approval of the ordinance passed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)
Nays: none
Ordinance #2015-45 was passed.

1ST READING OF ORDINANCE #2015-46:

ADOPTION OF AN ORDINANCE OF THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2015B, PROVIDING THE DETAILS OF SUCH BOND AND BONDS FOR LEVIES OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

The council agenda provided the administration respectfully requests suspension of rules for passage this evening due to market rates for funding

Corporation Counsel Griffin noted a typo in the above stated title and then read aloud the title of for Ordinance #2015-46 as:

ADOPTION OF AN ORDINANCE OF THE CITY OF FREEPORT, STEPHENSON COUNTY, ILLINOIS, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2015B, PROVIDING THE DETAILS OF SUCH BOND AND BONDS FOR A LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH BONDS, AND RELATED MATTERS

An excerpt of Ordinance #2015-46 provided the following:

“WHEREAS, the City of Freeport, Stephenson County, Illinois (the “Issuer”), is a home rule unit pursuant to the provisions of Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and accordingly may exercise any power and perform any function pertaining to its government and affairs, including as supplemented and amended under and as provided by the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes, as supplemented and amended, including by the Bond Authorization Act, the Registered Bond Act, the Bond Replacement Act, and the Local Government Debt Reform Act, collectively, the “Act”); and

WHEREAS, the City Council of the Issuer (the “Corporate Authorities”) hereby determines that it is essential that the Issuer undertake the acquisition, construction and installation of various capital related projects, and related facilities, improvements and costs (the “Project”), and

WHEREAS, the Corporate Authorities have heretofore and it hereby is determined that not to exceed \$2,600,000 General Obligation Bonds, Series 2015B (the “Bonds”), to finance the Project, and to pay related costs of issuance, and under and pursuant to this ordinance it is necessary and desirable that the Issuer issue the Bonds for such purpose.”

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Director Haggard presented the funds from this bond issuance will be used for the rehabilitation of the Carnegie Library building for use for administrative offices, money for rehabilitation of the parking lot rented to Newell, and for needed repairs at the old City Hall building.

Aldersperson McClanathan made a motion to place Ordinance #2015-46 on the floor for approval. This motion was seconded by Aldersperson Koester.

Aldersperson Klemm made a motion to suspend the rules for passage this evening, seconded by Aldersperson Brashaw. It was asked to discuss this further at the Committee of the Whole on September 14th. Aldersperson Klemm withdrew his motion with Aldersperson Brashaw withdrawing her second.

With the council requesting this ordinance will be placed on the Committee of the Whole meeting agenda for further discussion, Mayor Gitz agreed and stated this will be on the agenda for September 14, 2015 and then will be on the floor for the September 21, 2015 council meeting.

1st READING OF ORDINANCE #2015-47:

AN ORDINANCE AMENDING CHAPTER 1630 ENTITLED "MISCELLANEOUS REGULATIONS", SECTION 1630.04 (BURNING) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT TO ALLOW CONTROLLED BURNS ON PROPERTY UNDER THE CONTROL OF THE PARK DISTRICT

Fire Chief Scott Miller presented the ordinance and stated the Freeport Park District has requested an amendment to ordinance 1630.04 which is entitled Outdoor Burning. They are seeking approval to burn prairie grass in areas associated within their Park District boundaries. The Park District will submit the required plans and application in advance and be required to follow the guidelines established by the Fire Department and City Ordinance. Chief Miller stated the Fire Department has no objections to the requested ordinance amendment.

Freeport Park District Director Jack Carey was present and leave of council was granted to hear from him. He explained that they burn prairie grass on and off at Krape Park and Taylor Park and would like to be sure they are following the rules within the Park District boundaries.

Aldersperson Koester moved for approval of the ordinance as presented, seconded by Aldersperson Klemm. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2015-48:

AN ORDINANCE AMENDING SECTION 480.11 (PROHIBITED PARKING STREETS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (AMERICAN STREET)

Public Works Director Tom Dole presented the ordinance and stated that it came to his attention by Aldersperson Chesney that the turning radius as you come off of West Avenue westbound onto to American Street is tight. With the approval of this ordinance he will place a yellow curb on American American, north side, from IL Route 26 through 30 feet to the west. He stated that state law requires no parking within 20 feet of an intersection. Director Dole noted there will be space for one parking space for the resident.

Aldersperson Brashaw stated she has issues and complaints about parking on the east side of West Avenue on American as well due to the car dealer in the area.

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Aldersperson Busker made a motion to place the ordinance on the floor for approval, seconded by Aldersperson Chesney. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION #R-2015-50:

RESOLUTION TO AUTHORIZE AGREEMENT WITH FREEPORT DOWNTOWN DEVELOPMENT FOUNDATION, NFP

Mayor Gitz presented the resolution for Freeport Downtown Development Foundation (FDDF) for services consistent with anticipated allocations for the 2015 Downtown TIF District Spending Plan. The term on the agreement stated that this agreement shall be a continuation of the prior contract and expire on December 31, 2016. Negotiations on any renewal to this agreement shall commence no later than September 1, 2016. Either party will be able to terminate this agreement with sixty day written notice and no payment will be made for services rendered after the expiration of such notice. Also provided with the resolution was a revised plan for reimbursements.

Leave of council was given to hear from Brian Borger, chairperson of FDDF. Mr. Borger stated that this agreement was crafted after numerous discussions with the mayor. They are grateful that it is being presented and it has the full support of the FDDF board. Council was provided an opportunity to ask questions on the particulars of the agreement. Aldersperson McClanathan received additional information on the building improvement grants and Aldersperson Ross received information on the boundaries of FDDF and whether areas adjoining to the downtown were included. The council thanked Danielle Rogers for all the work that she does for the downtown as their executive director.

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

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)

Nays: none

Resolution #R-2015-50 was adopted.

EXECUTIVE SESSION (CLOSED SESSION)

The following exception was read aloud for the council to move to executive session: pursuant to 5 ILCS 120/2 (c) (2) – Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

At 8:35 p.m., Aldersperson Klemm made a motion to enter executive session, seconded by Aldersperson Busker. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester, and Chesney (8)

Nays: none

During Executive Session, Aldersperson Busker became ill and left the building.

At 9:27 p.m., Aldersperson Klemm made a motion to enter executive session, seconded by Aldersperson Miller. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Brashaw, and Chesney (6)

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Nays: none

Absent: Alderperson Busker and Koester (2)

RESOLUTION #R-2015-51:

RESOLUTION TO RATIFY COLLECTIVE BARGAINING AGREEMENT WITH COUNCIL 31 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3367 AFL-CIO

Resolution R-2015-51 provided the agreement and that the City's bargaining team has in good faith negotiated a three-year collective bargaining agreement with COUNCIL 31 of the American Federation Of State, County And Municipal Employees (AFSCME), Local 3367 AFL-CIO, and the Union membership ratified the tentative Agreement on September 2, 2015, and the City's bargaining team recommends ratification of the collective bargaining agreement by this City Council. It provided that this City Council formally ratifies the negotiated three-year collective bargaining agreement between the City of Freeport and COUNCIL 31 of the American Federation Of State, County And Municipal Employees (AFSCME), Local 3367 AFL-CIO.

Alderperson Klemm moved for approval of the resolution, seconded by Alderperson Ross.

Mayor Gitz asked for leave of council to wait for Alderperson Koester to return.

Alderperson Koester returned to council chambers at 9:29 p.m.

Upon his return, Mayor Gitz requested a roll call vote for adoption of the resolution. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Brashaw, Koester, and Chesney (7)

Nays: none

Resolution #R-2015-51 was adopted.

RESOLUTION #R-2015-52:

RESOLUTION TO RATIFY SIDE LETTER OF UNDERSTANDING BETWEEN CITY OF FREEPORT AND COUNCIL 31 OF THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), LOCAL 3367 AFL-CIO

Corporation Counsel Griffin presented the resolution which provides for a wellness program to be removed from the above stated AFSCME agreement and have it inserted into a Side Letter Agreement and this resolution provides for council approval of such action. Alderperson Brashaw moved for approval of the resolution, seconded by Alderperson Klemm. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Brashaw, Koester, and Chesney (7)

Nays: none

Resolution #R-2015-52 was adopted.

OTHER

REPORTS OF DEPARTMENT HEADS

Finance Department

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Finance Director Haggard stated the auditors will be here beginning on Monday of an audit of the books ending on April 30, 2015.

Public Works

Public Works Director Tom Dole stated he had no report.

Aldersperson Koester stated he continues to receive complaints about stray dogs on the weekend. Director Dole explained that a key has been given to the Freeport Police to be able to kennel stray dogs or they will call in the Animal Control is necessary.

Library

Freeport Public Library Director Carole Dickerson provided information on the Local History Series for September and October 2015 at the Freeport Public Library. On September 17, 2015 to open the series they will have a discussion and presentation regarding Brewing in the Pretzel City from 1845 to 2015 and on September 24, 2105 there will be a presentation on a selection of rare textiles from the E.M. Bakwin collection at the at the museum. Additional topics will be historic photographs and toys from Pretzel City from 1885 to 1973. Director Dickerson provided information on the Lincoln Douglas Society memorial program for Richard Soukup.

Fire

Fire Chief Miller provided information on a kitchen fire on Wyandotte. Chief Miller thanked City Engineer Gallagher for his work to provide much needed improvements to the parking lot, curb and gutter at Fire Station #1.

Aldersperson Chesney noted that public comments read into the record and asked about the status of vacating the West Avenue former Fire Station. Chief Miller provided an update on the MABAS equipment and noted that he hopes to have the equipment moved to a hangar at the Albertus Airport once the tenant has vacated. He will be notified by the Airport Manager when they can proceed. He also provided information on locating a facility for training. Chief Miller stated they are in the process of looking for a facility to meet all their needs including noise and water. Mayor Gitz stated that an RFP can be prepared which entertains offers for 1) everything or 2) the ability to have the training being maintained at the facility.

Police

Approval of Contingency Fund Release FY 2015-2016 for Patrol Officer Position

Chief Barkalow presented a memorandum which stated that he is respectfully requesting funds to be released from contingency to fund a fourth police officer who can start training at the U of I Police academy in September. He explained that the Police Department has two positions approved to fill supervisory positions, one new position approved in the spending plan, and one new position as a contingency in the Appropriation Ordinance. At this time, he is requesting a fourth officer because the department has the pending retirement of a 26 year patrolman in January 2016. Since it takes close to seven months to train an officer (including field training), it is important to fill this position now to maintain manpower levels.

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Police Chief Barkalow stated the council inquired about the status of our COP grant, since we are seeking two officers through that program. He contacted the United States Department of Justice concerning the COPS grant. When we applied for this grant, he accepted the fact that this was a highly competitive grant. He is sorry to report that Freeport PD has not been selected as a finalist for the COPS hiring grant. Chief Barkalow spoke to a representative in DOJ and explained that our Department has a list of eligible applicants, and the Police Training Institute (Police Academy) begins September 27th. Necessary paperwork must be completed and submitted by September 16th. This includes physical exams, psychological and polygraph results. He explained that if we did not hear from DOJ soon, we would miss our window of opportunity at the Academy. DOJ has not officially released their list of finalists, but they did tell him unofficially we are not on it. Chief Barkalow stated he does not know the reasons, presumed that the large cities may have an edge in claiming resources because of the depth of their crime issues. Chief Barkalow also provided information on an officer testing for the Winnebago County Sheriff's Department. The status of this officer is currently still unknown. Chief Barkalow would not request this position be filled until the 2017 budget year, if necessary.

Alderperson Koester moved for approval of the request to release from contingency the funds for a fourth officer out of contingency, seconded by Alderperson Ross. Alderperson Chesney asked about training. Chief Barkalow stated that four officers is ideally what you would want to train at the same time and no more than that due to the number of Field Training Officers we have available. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Brashaw, Koester, and Chesney (7)

Nays: none

Approval Of Bids For Three Police Pursuit Vehicles

Chief of Police Barkalow presented that on September 1, 2015, 10:00 a.m., sealed bids for three black 2016 police pursuit vehicles were opened at City Hall. Present for the opening were Legal assistant Angela James, Finance Director Haggard, Chief Todd Barkalow, and Lieutenant Blake Klosa. There were 4 sealed bids received for a police pursuit vehicle, one bid from The Bocker Group of Freeport and three bids from Barkau Automotive of Stockton, IL. After reviewing the bids, it was determined that the bids from each of the dealerships met the minimum specifications.

A bid from The Bocker Group for three 2016 Chevy Impalas included a total trade-in allowance of \$7,500 for a grand total of \$57,460.47 (\$19,153.49 each), including title and registration.

The memorandum provided that Barkau Automotive submitted a bid for three 2016 Chevy Impalas, including a total trade-in value of \$7,000 for a grand total of \$59,680.82 (\$19,893.61 each), including title and registration. Barkau also submitted bids for three 2016 RWD Dodge Chargers, including trade-in value of \$7,000 for a total of \$65,096.57 (\$21,698.85 each), including title and registration. They also provided a bid for 2016 AWD Dodge Chargers from Barkau, including \$7,000 trade-in allowance for a total of \$71,264.57 (\$23,754.85 each), including title and registration.

Chief Barkalow explained the Bocker Group estimated delivery time of the vehicles at eight weeks. Barkau Automotive gave a delivery time as 90-120 days after award of the bid.

Chief Barkalow recommended acceptance of the low bid from Bocker Auto Group of Freeport for the 2016 Chevrolet Impalas. By accepting this bid, money would still be available for wrapping, and

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equipping the Squads with the latest technology of computers and light bars. He provided that the State bid for 2016 Chevy Impalas was awarded at \$21,779.00.

Aldersperson Koester moved for acceptance of the bids for three 2016 police pursuit vehicles from the Bocker bid for \$57,460.47, seconded by Aldersperson McClanathan.

Aldersperson McClanathan asked what was budgeted for the purchase of the vehicles. Chief Barkalow stated that \$82,500 was budgeted and because of this bid amount they will be able to upgrade light bars that will allow for pre-empting stop lights and it will allow the department to replace computers and obtain software licenses. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Brashaw, Koester, and Chesney (7)

Nays: none

Chief Barkalow noted that the Police Department will handle dogs only in an emergency situation when the Animal Control is not available.

City Engineer

City Engineer Gallagher provided information on a meeting held regarding the historic preservation and the Carnegie Library building. They were pleased with the information and plan to date. They will keep in contact and provide further information as we move forward with this project. City Engineer Gallagher provided an update on the micro surfacing project that will begin tomorrow with Locust and Walnut and then it will move to Henderson and to the Krape Park area. He provided an update on the Jackowski building that emergency repairs will begin costing \$28,300 to be paid with TIF dollars. Based on a settlement agreement with the owner, the City will place a lien on the property.

Water and Sewer

Director Glendenning had no further report. He noted there was a question about a missing cover on a shut off valve and persons should call the construction number listed in the phone book and on the website.

MAYOR'S REPORT

Mayor Gitz thanked the council for their support to approve the AFSCME agreement. He provided an update on the railroad depot and the work being done to secure the building as part of the Downtown TIF spending plan.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Ross thanked the Madmen for all their help in removing debris from the old railroad depot by Tutty's Crossing.

Aldersperson Miller stated she has received many complaints about the price of gasoline in Freeport and asked if she should have people contact the Attorney General's Office. Mayor Gitz stated they can and if this is not resolved he will contact the Attorney General's office.

Aldersperson Brashaw stated she has received complaints about residents not parking on the roadway and instead placing two wheels on the right of way. She noted this can break off the shut off valves of the

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Water and Sewer Commission. Alderperson Brashaw provided information on a dinner to fundraise for a Lincoln monument.

Alderperson Chesney asked Mayor Gitz if the candidate for the Community Development position will have their salary removed from the longevity chart. Mayor Gitz stated this position will not be part of the regular salary schedule and he will put forth a change to that effect that salary increases will need to be approved by council.

Alderperson Klemm spoke about the work done by the Madmen to clean up the railroad depot.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich, Freeport Illinois stated he received third place at the Special Olympics.

Upon motion duly made and seconded, the meeting was adjourned at 10:13 p.m.

s/ Meg Zuravel

Meg Zuravel
City Clerk