



City Council

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

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 13, 2013**

CALL TO ORDER

The regular meeting of the Freeport, Illinois, Committee of the Whole was called to order by Mayor George Gaulrapp with a quorum being present at 6:00 p.m. on Monday, May 13, 2013, in Council Chambers.

ROLL CALL

Present on roll call: Mayor George Gaulrapp and council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Mike Koester and Andrew Crutchfield (7). Alderperson Brashaw (1) was absent.

City Staff Present: Corporation Counsel Sarah Griffin, City Clerk Meg Zuravel, Community Development Director Shelly Griswold, City Accountant Duane Price, Police Chief Jerry Whitmore, City Engineer Shaun Gallagher and Water & Sewer Executive Director Tom Glendenning

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson DeVine.

PUBLIC COMMENTS – AGENDA ITEMS

No one signed in for public comments.

MINUTES

Alderperson Endress moved for approval of the minutes from the special meeting held on April 22, 2013, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

Mayor Gaulrapp left the meeting at 6:05 p.m. and did not return to council chambers.

DISCUSSION OF PRELIMINARY DRAFT OF FY 2013-2014 BUDGET

Alderperson Crutchfield brought up the issue of the increase in personnel and the budget. Further discussion was held regarding this matter. Discussion was held regarding the Accounts Payable Clerk position. Alderperson Koester stated his concern over the AP position since no ordinance exists in the city code for this position. Corporation Counsel Griffin explained that the position exists in the code book as a grade 10 part-time position.

Alderperson Bush referred to page 4 and the \$100,000 line item for buildings. He asked for a breakdown of items that need to be done on the buildings and what goals are being developed in order to maintain the buildings the city owns. Alderperson Klemm asked for answers to questions regarding the buildings. Alderperson Crutchfield discussed the Rawleigh walkway and quoted a possible

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 13, 2013**

\$45,000 to \$46,000 amount which would need to be reserved in that line item so that really only leaves about \$60,000 to do work at those buildings which hardly could address Carnegie and City Hall. It was discussed the next step for borings in the basement which was considered an integral piece of information.

Discussion was held questions that the council would like answers for 1) who takes care of the building maintenance 2) what plan is in place 3) what is the maintenance program for the buildings 4) where the administration is with the Honeywell contract 5) Fire and Police budgets contain line items for their building maintenance so what about the other general properties owned by the City.

Aldersperson Boldt asked Mayor Elect Gitz for his comments on the budget. Mayor-elect Gitz stated he intends to have a preliminary draft budget to present by the first meeting in June and to have a final budget by the second meeting in June. He stated he envisions the budget will have a challenge which needs to decide as to whether there will be elimination of jobs, furloughs, or full time positions becoming part time and he will try to eliminate as much overtime as possible. He stated the plan is to bring the budget to council by the second meeting in June. He will focus on balancing the budget without adding any other revenue sources.

Aldersperson Koester stated his concern about the line-item for the maintenance on city buildings.

Mayor-elect Gitz referred to item #7, which is the accounting clerk position, and he asked that no new positions be implemented. He stated that he has discussed with Corporation Counsel some of the issues that have been alluded to and the legalities. He has also talked to Duane Price and Human Resources to work out a long term plan. He stated he does not want to do something piecemeal and have to go back to correct it. Mr. Gitz stated his recommendation is to vote on the issue in the Committee of the Whole or to lay the matter over.

Aldersperson Crutchfield asked if they should be planning for any maintenance at the Carnegie and the City Hall building. Aldersperson Boldt stated they should be funded separately given those are two different projects. Aldersperson Bush agreed with Boldt and went on to say that the City needs to prepare a list and prioritize what needs to be done to the buildings. He stated the city needs to be more proactive in maintaining the buildings. Aldersperson Koester stated someone should be put in charge of the buildings and a plan created. Mr. Gitz assured Aldersperson Koester that there would be a plan and that the plan would be integrated into the Capital Plan.

Aldersperson Boldt stated there are no motions that need to be made on the budget discussion item since it is on council and committee agendas. He understands that Mayor-elect Gitz would like a chance to review so it can be on the next committee agenda and not the next council meeting.

Aldersperson Crutchfield stated that the IT position should be kept in the forefront and Aldersperson Bush agreed.

DISCUSSION OF ORDINANCE #2013-19: AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT – ACCOUNTING CLERK, PAYROLL A/P CLERK

COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 13, 2013

Aldersperson Koester asked how much time there was to act on this issue given there is already someone in the position.

Corporation Counsel Sarah Griffin stated the issue becomes what the person is currently doing. She asked the questions “are they temporarily filling in while we try to remedy the problem” and, as long as are, “are you indeed trying to remedy it?” Technically it is not a legal position – technically you may want to give this person written notice that they are in a temporary position because it has not been created by ordinance. If it is never created by ordinance you will need to decide how to deal with it. Counsel Griffin stated she expects it will be dealt with once the new Mayor has taken office. The City has someone who is being paid and receiving benefits – technically and legally it is not good. She stated that laying it over – tabling it – is not good. She asked the question is it illegal and responded that it is illegal to spend funds that are not appropriated – that would make it illegal. She explained funds were appropriated in the first quarter. But when you have an ordinance that has very specific positions and you go outside of that you need to make a specific determination as to whether you can hire people temporarily or spend smaller amounts of money you are okay as long as in good faith you are trying to remedy the problem that was not intentionally done. Tabling takes a long time – would not recommend this. She explained that Mayor-elect Gitz will be looking at the Finance Department and making his own plan. She stated in the meantime, you are in a sticky situation. Corporation Counsel Griffin stated she could not decide for the Council. She stated they should put the person on written notice so later that person cannot come back and say “you did not say anything to me.” Corporation Griffin stated she believes they have spoken to the employee verbally. Accountant Price confirmed that Mayor Gaulrapp, Human Resource Manager Milliman, and he had met with her and she is aware of what is going on. Corporation Counsel Griffin explained to council that the administration is trying to cross your t’s dot your i’s – there is not a good solution to this situation. She stated she agrees that you want to take your time and do it right but the position does not exist.

Crutchfield asked if this is a temporary position and stated how many temporary positions receive benefits. Counsel Griffin stated she is uncomfortable getting into specifics on the council floor. She stated if you want more information then you can lay it over. Counsel Griffin stated she has met with Mayor-elect Gitz and he has asked for a written opinion. She stated if there is an easy answer she would tell the Council. She stated this is not an easy situation – it was an inadvertent mistake. It happened – needs to be remedied as quickly as we can. She then stated that the questions asked are not a simple yes or no answer.

Aldersperson Bush asked how this all came about and why was has it been thrown in the Council’s lap to clean up. Corporation Counsel Griffin stated it is a very sticky situation. Aldersperson Bush asked whether the City had the position before. Counsel Griffin stated it was changed in 2011 to a part-time position and grade of the position was lowered. She stated there is a part –time position in the ordinance.

Aldersperson Koester recommended it be held over to the meeting in June and give written notice. Counsel Griffin clarified he is referring it to the City Council at the first meeting in June without recommendation and notify the employee in writing. Corporation Griffin stated the letter would go out right away and it is not a termination letter but letting her know what is going on with her position.

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 13, 2013**

Alderman Koester made a motion to refer this ordinance to the first City Council meeting in June without a formal recommendation and with the direction to notify the employee in writing as to what is happening. This motion was seconded by Alderperson Boldt. The motion prevailed by a roll call of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)
Nays: None

DISCUSSION OF DRAFT “RESOLUTION TO ADOPT COBRA RATES EFFECTIVE AUGUST 1, 2013”

Accountant Duane Price presented the draft resolution explaining that this is an annual exercise to bring the Cobra rates in line with the City healthcare plan. This issued is changed every year on August 1st because the City has to give retirees notice if the Cobra rates are changed. Alderperson Crutchfield recommended this resolution be forwarded to the Council meeting, seconded by Alderperson Bolt. Motion passed by voice vote without dissent.

DISCUSSION OF EXTENSION OF THE ELECTRICITY TAX

Accountant Duane Price presented this issue and stated this electricity tax is set to expire on July 31, 2013 based on action by the council. He stated if the City does not do anything then it will expire on its own. Alderperson Koester asked if instead of extending the tax, could there be an additional amount added – say ½% and then set aside this money for the city hall building and Carnegie Library.

Accountant Price gave an update on the video gaming income. Accountant Price stated that \$25,000 is appropriated in the new budget for video gaming. Alderperson Koester recommended taking anything above \$25,000 and setting it aside for taking care of city hall and the old library.

Alderperson Boldt made a motion to refer this discussion item to next Committee of the Whole meeting to allow the new administration time for consideration, seconded by Alderperson Koester. Discussion was held as to narrowing down the video gaming income, the amount of dollars generated by an increase in ½% for the electricity tax, or the amount of money if an increase in the telephone tax was put forth. It was asked to have this information ready for the June 10, 2013 committee meeting. Alderperson Boldt asked to call the question. The motion prevailed by a roll call of; Yeas: Klemm, Boldt, Bush, DeVine, Endress, Koester and Crutchfield (7)
Nays: None

DISCUSSION OF REFINANCING PROPOSAL BY BERNARDI SECURITIES FOR REFINANCING OF GENERAL OB LIGATION REFUND BONDS, SERIES 2004

Accountant Duane Price presented this issue for the refinance of the 2004 bonds and stated that the Mayor has asked for us to proceed with bringing forth an ordinance. He stated it will have no effect on the general fund because this is paid out of the Water and Sewer fund and he feels it will have minimal effect. Accountant Price stated Mayor Gaulrapp asked to have this on the next council meeting.

INFORMATIONAL ITEM ON MOWING BID PROCESS

City Clerk Zuravel reported that per Director Dole the bids packets have gone out and he will be bringing the bids to the next council meeting.

DISCUSSION OF COUNCIL’S COMMITTEE STRUCTURE OR HAVING COMMITTEE OF THE WHOLE MEETINGS

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, May 13, 2013**

Aldermen Bush asked for this to be brought forth. The question is will there be four committees or two with only eight members. Mayor-elect Gitz was asked to comment. He stated it was the council's decision but he would favor a four committee structure: Finance, Public Works, Public Safety and Community Development and as far as how many members per committee three, four, or five. He believes this structure gives the council more time to deliberate and to hear from the public. There was discussion regarding the pros and cons of the committee structure versus Committee of the Whole and whether the outcome would restrict the flow of items that need to go to council. It was recommended to continue the discussion at the next committee meeting. It was recommended to have a tour of the wards with the new administration.

DISCUSSION OF PROPERTIES OWNED BY THE CITY OF FREEPORT

Aldersperson Crutchfield made a motion to recommend this item and the discussion item on the budget be taken off the May 20th agenda and move them to the first meeting in June. This motion was seconded by Aldersperson Boldt. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

Mayor-elect Jim Gitz invited city employees and aldermen to a reception he will personally host after the council meeting held on May 20, 2013.

ADJOURNMENT

Upon motion (Koester) duly made and seconded (Crutchfield), the meeting was adjourned at 7:23 p.m.

S/ Meg Zuravel
Meg Zuravel, City Clerk