



## City Council

City Council Chambers ♦ 524 West Stephenson Street, 3rd Floor ♦ Freeport, IL 61032

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**COMMITTEE OF THE WHOLE  
MINUTES  
REGULAR MEETING  
MONDAY, FEBRUARY 8, 2016 AT 6:00 P.M.**

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### **CALL TO ORDER**

The regular meeting of the Freeport, Illinois, Committee of the Whole was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on February 8, 2016.

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Chesney. He then became the chairperson of the meeting.

### **APPROVAL OF MINUTES**

Alderperson Brashaw moved for approval of the minutes from the meeting held on January 11, 2016, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

### **PUBLIC COMMENTS – AGENDA ITEMS**

The following public commenters were signed on the sheet in regard to agenda items:

Steve Carroll, 811 S. Oak, Freeport, Illinois, spoke about his concern about who the city will license to be an operator of a vehicle in taxicabs and asked council not to let felons and sex offenders obtain a license. He asked council to consider strict enforcement in its licensing of taxi cab drivers so that the City does not become a magnet. Mr. Carroll provided his concerns about the Grant Coordinator for the City of Freeport having an unfair leg up and having insider information for taxi cab licensing.

Deb Elzinga, 1147 W. Lincoln, Freeport, Illinois, spoke as a representative of the "Save City Hall". She stated the Save City Hall group will present to the advisory council for historic preservation of buildings and they are working on being nominated to the national register as a National Historical Building for the building located at 230 W. Stephenson Street. She and other members of the group have the application available if a council member would like to read it. She spoke about saving the building as an asset for future use.

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William Green, 1690 Barberry Circle, Freeport, Illinois, spoke in support of a5 for re-branding of Freeport. He provided information on the Wagner House as a project to bring people into Freeport and by moving forward with the a5 branding they can assist in bringing more people to Freeport. He spoke in support of having methods to reach the millennials for future opportunities for Freeport.

**ANNUAL REPORT AS PRESENTED BY CITY DEPARTMENTS**

The Annual Report as a PowerPoint presentation was presented by the City of Freeport department heads including Chief of Police Todd Barkalow, Fire Chief Scott Miller, Public Works Director Tom Dole, City Engineer Shaun Gallagher, Water & Sewer Executive Director Tom Glendenning, and Community Development Director Alex Mills.

Chief Barkalow provided that in 2015 the Police Department hired seven new officers, promoted eight officers to leadership positions, and the Police Chief completed 10 week Northwestern University Center for Public Safety Staff and Command class. The Police Department also implemented the body worn camera program and deployed for educational events a government surplus Humvee and drug seizure Cadillac Escalade. In the area of enforcement the Police Department successfully arrested two suspects in connection with the City's only homicide in 2015 and assisted Carroll County with apprehension of murder suspect. In 2015, our sworn officers responded to 27,024 calls for service, arrested 2,207 subjects, made 218 felony arrests; seized \$8,870 cash; seized 31 firearms and processed 84 DUI arrests. The Freeport Police Department has been working on safer neighborhoods through conducting over 40 foot/bike patrols in "hot spot" areas/neighborhoods during summer months and partnering with Illinois State Police for Targeted Saturation Patrols. They also assisted the Illinois Department of Corrections with compliance checks and collaborated with "Violence Interrupters" in an effort to reduce shootings in 3rd & 5th Wards.

Chief Barkalow explained throughout the year the Police Department has been working on developing community relationships through engaging in community church visits, partnering with Freeport Housing Authority with "Conversations over Pizza", collaborating with Freeport Township by initiating "B.O.S.S. (building our sons successfully) program for young mothers. In addition, the officers volunteer for FHN's BIGGS in BLUE mentoring program and the department conducted Civilian Police Academy programs and the Jr. Police Academy for middle and high school students.

Fire Chief Scott Miller provided the annual report of the Fire Department for 2015 which included the purchase of a new fire engine and ambulance which saved over \$44,500 by utilizing Suburban Purchasing Co-op. The Fire Department received \$176,000 Homeland Security Grant for new Self Contained Breathing Apparatus (SCBA) and is in the process of replacing soon-to-be obsolete units currently in use. Chief Miller explained the Fire Department remodeled and repaired Fire Stations by replacing rear parking lot & public sidewalk at Fire Station #1, replacing roof, remodeling the kitchen and living quarters in Fire Station #2 and in the former Fire Station #3 they prepared it for future sale. Chief Miller provided statistics of the 2015 call summary totaling 4,335 fire calls including; 3,375 EMS, 1,042 engine EMS assist calls, 25 structure fires, 5 vehicle fires, 246 false alarms, 2 malicious fire false alarms, and 679 calls indicated as other. Their 2015 EMS call summary included; 1502 calls with IV's, 579 calls with oxygen, 523 refusals, 389 public assists, 293 both ambulances in use, 527 calls with medication. Chief Miller provided that the Fire Department assisted with the Police Department and FBI evidence search, participated with area MABAS responses for the Galena Bakken Crude Oil train derailment, tech rescue responded to area tornados in Sublette and Flagg Center, and the Hazmat team

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responded to a trucking accident near Lena IL. The Fire Department conducted in areas schools a new Fire Prevention Program and a Citizen's Fire Academy.

Public Works Director Tom Dole provided various statistics for 2012 through 2015 included the numbers for hot mix patching, pothole patching and concrete yards replacement. In 2015 the Public Works crews had 1,075 hours snow plowing in regular time and 932 hours in overtime plowing a total of 16,000 miles. This was down from 2014. For leaf removal the crews drove 603 loads to the dump site to be distributed on agricultural ground. The crews worked 1,981 hours on leaf removal in 2015 and 1,978 hours in 2014. Director Dole explained that the Animal Control Officer had 1,126 calls in 2015 and captured 225 dogs. Each year, the Animal Control Officer takes close to 100 dogs to the Animal Hospital and picks up over 200 dead animals.

City Engineer Shaun Gallagher presented his annual report for 2015 to include the completion of the Jane Addams Trail from Tutty's Crossing to Wes Block Trailhead. In conjunction with this project was the sewer reconstruction of Adams and Clark. All together there was 15% of the City streets involved in mill and overlay projects, micro-surfacing or crack sealing. City Engineer performed construction inspections which saved \$38,000 in last quarter. There were three new vehicles purchased for City Engineer, GIS Specialist and Building Inspector in 2015. City Engineer Gallagher reported that he worked 16% over the normal work week to complete these projects. He also worked on the development of the City Hall concept layout for the former Carnegie building.

Water & Sewer Executive Director Tom Glendenning provided that in 2015 the commission:

- Completed 13.1 miles of Sanitary Sewer Main Lining
- Reduced infiltration flow 10-15% at Wastewater Treatment Plant
- Completed "Big 4" Construction Projects
- Hydraulic Modeling of Water Distribution System which allowed the redesign of a new water distribution pressure zone. Designed Phase "B" Water System Improvements & received low interest \$8.5 million loan
- Developed plans to replace 6 miles of 110-120 year old water mains
- Implemented Inflow/Infiltration Program throughout Wastewater System
- Performed an Energy Audit of Wastewater & Water Treatment facilities
- Enacted Equipment & Energy Reduction Programs including a Blower System for potential annual savings of \$75,000 and plant lighting for a potential annual savings of \$12,000.

The Water & Sewer Commission developed plans to replace six miles of 110-120 year old water mains for the next phase of the Big 4 project. They also received grant awards in the amount of \$128,435 from the Illinois Clean Energy Community Foundation and \$427,746 from the Department of Commerce & Economical Opportunity.

Director Glendenning explained each year over one billion gallons of total water production from wells and water treatment plant, 1.82 Billion Gallons processed through the wastewater treatment flow, 375.4 million gallons through the Lift Station Pumping and the crews worked on 8,025 customer service work orders. In addition, Director Glendenning explained the crews in 2015:

- 2,028 = Utility Locate Services Performed
- 38 = Water Main Breaks

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- 41 = Rusty Water Calls
- 12.94 miles = Sewer System Cleaning

Community Development Director Alex Mills stated in 2015 the department worked on Brownfield Initiative including Area Wide Planning to address Neighborhood & Economic Development and Sub-Grant to Stephenson County Public Health Foundation to form Citizen Advisory Group including executing planning tasks & holding public meetings. Under the Hazardous Substance and Petroleum Assessment they worked on eligibility determinations and Phase I Environmental Reviews for Potential Redevelopment Sites. Under the Album Street Cleanup they oversaw the testing on the buildings, soil and ground water for contamination. In the area of Economic Development they worked on 1) the Single Family Owner Occupied Rehab Program, Trust Fund Homebuyer Program, Rehab & Renovation Of Rawleigh Bldg. E and The Farmers Market/Local Food Promotion Program.

Director Mills explained in the area of the Building Department:

- Building Inspections (averaged 4+ daily)
- Inspector reviewed 18 Site/Building Plans
  - \$24 million in improvements
- Facilitated 14 Vacant Demolitions
- Assisted Public Works with 14 Board-ups
- Issued 376 Building Permits
- Issued 232 Electric, HVAC, Plumbing & Signage Permits

The Community Development Department was Awarded \$525,000 for Demolition of 15 Properties with help from "Homestart". It also applied for additional \$525,000 to assist Northwestern Illinois Community Action Agency in Demolition of 17 Properties.

Under the Pretzel City Transit, the Community Development Department provided compliance & oversight monitoring to Stephenson County Area Senior Center Contract, Senior Resource Center as transportation and dispatch services provider which provided 75,422 rides in Freeport/Stephenson county and there were 468,073 miles traveled.

The Nuisance Inspector performed daily inspections throughout the city for violations and issued 783 warnings and 998 citations in 2015. In the summer and fall of 2015, he also oversaw the mowing program for 300 properties. The Nuisance Inspector also performs cleanup of illegally dumped debris in right-of-ways or vacant properties. Under Rental Property Registration the department registered 3,465 units and collected \$65,836 in rental registration fees, there were 12 rental properties closed for violations and six units returned to operating order. They also addressed health & safety issues in rental properties.

Mayor Gitz provided information on the Finance Department which included balancing the Spending Plan, working with Bernardi Securities on Refinancing Series 2015A GO Bonds for a saving of \$675,252 in interest over life of bond. The Finance Department expanded City's role in Illinois Debt recovery Offset Portal (IDROP) for a recovery of \$69,135 during 2015. The department also collaborated with Grant Coordinator to revise & improve grant administration, grant deposits and drawdowns which resulted in improved reporting.

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Upon completion of the documentation for each of these departments, the council was provided the opportunity to ask questions. Due to the lengthy question and answer periods, the presentation on the departments of Legal, City Clerk, City Treasurer, Human Resources and Freeport Public Library was not conducted. Council was referred to the written document provided to each of the council members.

**PRESENTATION ON AIRPORT TERMINAL**

Scott Winter of Winter Construction provided photographs and design details for the Albertus Airport Maintenance Hanger Project. He explained that the former building suffered serious wind damage that twisted the sides. The building will be 80 x 100 feet. The Airport Commission requested to add room for a future building of the terminal. The former building was 80 x 100 feet and they used the footprint of the former building and because of some adjustments they were able to accommodate the space for restrooms and a training facility which will be finished at a later date pending funds. There is also a service counter for the Fixed Base Operator to take payments for fuel. John Staben, Vice Chair of the Airport Commission provided information on the project and stated it is funded by the insurance proceeds to recreate a functioning main hangar and the additional projects will be funded through fundraising efforts or as budget dollars become available. It was estimated to have a project completion date of May 2016.

Airport Manager Darrell Jansen provided an update on the credit card terminals at the Albertus Airport and noted they will be installed by February 18, 2016 and shortly after will be available for use.

There was no council action on this item.

**PRESENTATION ON TUTTY'S CROSSING FACILITY PLAN PROPOSAL**

City Engineer Shaun Gallagher and Scott Winter of Winter Construction provided photographs and design details for the proposed Tutty's Crossing facility plan. They explained the building was designed to replicate the area keeping in mind the industrial history of the area and the railroad. This will house restroom facilities because Tutty's Crossing is the intersection of the Jane Addams Trail and the Pecatonica Prairie path used by many pedestrians and cyclist. It will also have room for event registration as it is anticipated that the facility will be used for cycling or walk/runs events. Mr. Winter explained some of the design details include murals and possibly a living wall using the rainwater. The location of the facility was selected to reduce tree removal.

City Engineer Gallagher explained that the project dollars are not on hold due to the State budget impasse. He stated that is because this was a Federal Grant and the State of Illinois is a pass through for the grant dollars. The local match is 1/3 of the 20% share of the 80-20 grant match which is a typical grant match for trails. It was noted that Scott Winter has donated the design for the building. City Engineer Gallagher donated time for inspections. The project will be bid for an estimated completion for fall and it is expected there to be a 2-6 month delay in invoices so the 20% grant match would need to be paid around January or February.

City Engineer Gallagher provided information on the floating boat ramp and stated he has checked with the State and we will not lose the grant that the money has been set aside and when the State budget impasse ends then he can begin the project. The project has already been bid and the low bidder extended the bid until the time that the State approves the project to move forward.

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Additional discussion was held on the maintenance costs for Tutty's Crossing and the City being the lead agency on this project on behalf of the Jane Addams Trail and the Pecatonica Trail. There was no council action on this item.

**PRESENTATION BY PRAIRIE FORGE REGARDING INSPECTION OF FORMER CITY HALL BUILDING  
(230 W. STEPHENSON STREET)**

Prairie Forge president Tom Tristano presented a report as a summary of findings of the Building Investigation of the Old City Hall Building (230 W. Stephenson Street, Freeport Illinois). He stated Prairie Forge toured and surveyed the building on December 9, 2015 and inspected the dormers and sandstone façade with the use of the City's bucket truck.

Following is an excerpt of the report provided to council which includes a project background, observations, recommendations, and exhibits that highlight our findings and recommendations.

**"PROJECT BACKGROUND**

The City of Freeport is seeking to remove the safety barrier fence from around the Old City Hall Building. The barrier fence was installed after an Illinois Department of Labor (IDOL) citation was issued to the City. The citation concerns falling sandstone caused by significant deterioration of the sandstone façade and cornices above the sidewalk and entrances. The desire of the City is to have the building eventually restored and returned to use for the community's benefit. But until then (when funds become available), the building must be made safe for the neighbors and community.

"The Old City Hall is a vacant, historic, two-story building with a basement, an attic, and a footprint of approximately 8,700 SF. Erected in 1899, the main structure is a stone-clad and masonry building of construction type III-B intended for office and assembly occupancy. The roof structure is wood-framed with heavy-timber trusses that clear span up to 58 feet. Originally, the roof perimeter was adorned with an ornate stone balustrade and parapet that provided architectural continuity and proportion between equally ornate gable-style dormers, newel piers, and a west-facing central pediment. Subsequent reconfiguration of the roof edge discarded portions of the balustrade and incorporated new exposed gutters and downspouts. PFG was retained by the City to perform a non-intrusive visual survey of the exterior and interior condition of the dormers. Cutting and patching, extensive probing, and exploratory investigation/testing and/or detailed calculations were not performed. Items addressed include:

1. Document the historic roof dormers, remove the dormers from the roof, address structural and drainage modifications after the removal of the dormers, and assess the failing sandstone veneer on three elevations.
2. Develop a narrative for the City Council's use and understanding of the issues.
3. Assist the City with a narrative response to IDOL and address the specific citation the City has received from IDOL on the building's exterior.
4. Develop a preliminary budget and schedule.
5. Assist the City with Historic Preservation guidelines for documentation at a general level.

**"OBSERVATIONS**

Roof Dormers: The roof dormers are in very poor condition with significant deterioration to the masonry bearing walls and wood roof rafters due to moisture infiltration. The dormers have moved laterally and

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rotated downward. The condition is most noticeable at the masonry side walls of the dormers. The exterior dormer support walls (second-floor wall directly below) are displaced and appear to be moving. It is apparent from exterior observations that all four of the dormers have moved and been displaced. The movement is about two (2) to six (6) inches from plumb relative to the second-floor walls. This condition is most severe at dormer #s 1 and 2 (as identified in the attached plans). Dormer #1 has disengaged from the supporting wood frame and is sliding down the roof slope. Dormer #2 was unobservable from the interior, as access was blocked by the dome of the Council Room ceiling.

“The dormers’ displacement and movement are caused by all or part of the following:

- Water infiltration has caused decay to the wood framing bearing on the perimeter brick wall. Water intrusion through the roof flashings is ongoing and compounding the dormer deterioration.
- Solid brick side walls of the dormer are supported on sloped wood framing that has deflected and lost its connection to the brick walls. There is no visual evidence that the wood framing is mechanically secured to the masonry brick walls.
- Heavy timber trusses have deflected over time, causing the bearing ends of the truss to thrust against laterally unsupported brick walls, in so doing pushing out the exterior walls.
- The roof planes are irregular and interrupted with openings for the dormers that compromise its effectiveness as a structural diaphragm.
- The structure of the domed ceiling above the Council Room is framed in such a way as to be unrestrained and it is thrusting against the exterior walls. The exterior masonry wall is serving as a support that carries the interior domed ceiling system; a structural condition unlikely taken into account with the original design.

“Sandstone Façade: The sandstone façade cladding is severely deteriorated and has exceeded its life. The sandstone is cracked, spalling, and severely eroded. It has significantly deteriorated and is eroding at an accelerating rate. The sandstone façade is spalling to the extent that smaller pieces of stone can be peeled away with simple force of the hand. The mortar joints throughout the façade are deteriorated and missing. There are open mortar joints, displaced out-of-plumb sandstone panels, and failed/missing caulk joints throughout the sandstone façade.

“The overall building envelope is in a state of deterioration and continues to allow moisture into the building, causing further decline of the structure. Approximately 55% of the mortar joints observed have failed at each of the three elevations examined. Approximately 45% of the stone veneer observed is loose or damaged.

“The exterior sandstone façade at the second-floor level is in very poor condition. Observed are cracked stone lintels, bowed veneer sections, loose/missing joints and material, and severely weathered surfaces. The wall areas directly below the dormers are in the worst condition. We observed that the stone veneer panels in these areas (below the dormers) are out of plumb, which indicates they are moving.

“The stone veneer at the first-floor level is in poor to fair condition. We observed cracked stone, poor/failed mortar joints, and open voids throughout the façade.

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“The existing galvanized sheet metal gutters and associated attachments are in good condition; they are sturdy, functional, and outfitted with electrical heat-tracing wire.

“The conditions will continue to worsen until the compromised systems are addressed; it is recommended that remedial steps be taken very soon.

**“RECOMMENDATIONS**

“Based upon our observations, we believe the structure is compromised; the structural issues warrant keeping the adjacent sidewalks and street parking blocked off from public access until remedial steps are taken.

“We recommend removing the dormers very soon to prevent further damage to the property and any possible injury to the public. We recommend that a vertical survey of the existing walls be performed to monitor vertical alignment and that the dormers and walls be regularly monitored until the removal and repairs are completed.

“Once the dormers are removed, we propose the voids in the roof be filled in with roof framing to match the existing roof slope and wood system. The “bowed” out-of-plumb walls at the dormer locations should be braced from further displacement by adding exterior steel plates with tension rods (see attached roof plan).

“We concur with the findings of the previous structural inspection documented four (4) years ago by McClure Engineering Associates, Inc. The conditions of the dormers and sandstone façade at Old City Hall have become more critical and ongoing over these past four (4) years. The building’s failed mortar joints should be routed out and tuck-pointed with appropriate type mortar. Loose and damaged stone should be removed/replaced and properly re-built. The exterior sandstone façade at the second-floor level that has cracks, bowed sections, and loose joints and material should be removed, repaired, and rebuilt. We recommend that a qualified mason remove the sections of the sandstone panels under the dormers, further inspect the conditions, and rebuild the panels and stone lintels to correct further movement and deterioration. We recommend that the remaining wall surface be tuck-pointed and rebuilt as required. We recommend that the stone veneer at the first-floor level with failed mortar joints, cracked stone, and open joints be tuck-pointed, rebuilt, and sealed according to industry standards. We recommend that as the stone veneer is rebuilt and tuck-pointed, that other gaps and joints of other systems (windows/doors/louvers) be caulked to provide a “weather tight” condition. A portion of the existing gutters, low-voltage wiring, electrical systems, and plumbing vent pipes will be impacted by this proposed remedial work. This will require modifications and adjustments during the dormer and sandstone repair work.

**“RECOMMENDED ACTION:**

- Remove all dormers immediately and stabilize the movement of the heavy timber trusses to prevent additional displacement of second-floor walls.
- Install new roof framing, sheathing, and shingles to infill the dormer openings to match existing roof.
- Install new gutters to match existing.
- Rebuild and tuck-point the stone veneer/brick back-up on each façade to prevent water infiltrating through the walls and the structure.

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- Remove and safely store (salvage) sandstone cladding and copper work for any future restoration efforts.
- Remove central pediment and piers to improve water tightness of the roof.
- Caulk and seal all gaps and open joints on each façade.

“This report reflects our best judgment after reviewing existing conditions that were visible without removal of roofing material, timbers, stone, masonry, concrete, or the use of any testing devices. This report shall not be construed to be a warranty or guarantee of the structure and/or its components. Inasmuch as our survey was limited to visual observation, we have not attempted to address responses to latent defects that may appear. This report does not address structure elements and/or systems not specifically reviewed herein. A set of the original drawings was not provided for our use, and verification of the structural adequacy of the original design is beyond the scope of our review. Thank you for this opportunity to provide you and the City of Freeport with building investigation services. Please feel free to contact us should you have any questions about this report, or if you have need for other professional services.”

Also provided to council members was a cost breakdown totaling \$686,394 for removal of four existing dormers and one pediment, reframe roof joists, plywood and shingle to match existing, rebuild smooth face stone below each dormer and tuckpoint 50% exterior masonry.

There was no council action on this item.

Mr. Tristano recommended based on their report and findings that the fence not be removed due to the instability of the dormers.

**DRAFT RESOLUTION IN SUPPORT OF FUNDING OF A5 BRANDING AND DIGITAL MARKETING CAMPAIGN**

Provided in the Committee of the Whole packet was the following resolution:

**RESOLUTION IN SUPPORT OF FUNDING THE a5 BRANDING  
AND DIGITAL MARKETING CAMPAIGN**

**RESOLUTION NO. R-2016-draft for 02/08/2016**

**WHEREAS**, a5 Group, Inc. is a for-profit Business Corporation organized under the laws of the State of Illinois (hereinafter referred to as “a5”) and currently in good standing and licensed to do business in the State of Illinois; and

**WHEREAS**, a5 is a “brand and digital consultancy” that is experienced in marketing communities and now seeks to market the Freeport community’s assets both internally and externally to companies, visitors, event promoters, students and residents; and

**WHEREAS**, local a5 supporters have successfully raised more than \$90,000 in private and public funding commitments to launch a5’s proposed branding/promotion for the Freeport area; and

**WHEREAS**, Northwest Illinois Developmental Alliance (hereinafter, “NIDA”) has agreed to act as a fiscal agent for a5 and agrees to adhere to all federal, state and local procurement regulations for the disbursement of a5 funds; and

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**WHEREAS**, a5 has proposed that the City of Freeport commit to an annual payment to a5 in the amount of Fifteen Thousand Dollars (\$15,000.00) per year in exchange for a5's efforts on behalf of the City of Freeport as defined above; and

**WHEREAS**, the City Council hereby finds and determines that entering into a collaborative marketing and promotion agreement with a5 that leverages individual, private, and public funding for this civic investment is in the best interests of the health, safety, morals and general welfare of the citizens of Freeport, and will assist in maximizing the City of Freeport community's economic development results.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS** that the City hereby expresses its supports for the proposed a5 Branding and Digital Marketing Campaign to market and promote the City of Freeport's community assets, internally and externally, to companies, visitors, event promoters, students and residents, subject to a written agreement for same.

**BE IT FURTHER RESOLVED** that this City Council hereby authorizes the Mayor and staff to review and approve a5's contract setting forth the services to be performed, providing that the agreement complies with federal, state and local purchase of service requirements. The Council hereby states that its' intent is to commit \$15,000 annually for a maximum of three (3) years, subject to annual appropriation(s) for this purpose by the corporate authorities of the City, and subject to a positive annual evaluation of a5's results, as determined in the City's sole discretion. Disbursements shall be made only for services performed by a5 as described in detail on written invoices that comply with the City of Freeport's purchasing and audit policies, with such agreement to allow for funds to be disbursed on a quarterly basis.

**BE IT FURTHER RESOLVED** that it is the intent of the City of Freeport to utilize Tax Increment Financing (hereinafter, "TIF") funds for all or part of its financial commitment to a5, if such are available and appropriate, and that these TIF funds impose special requirements that shall be made part of any Agreement For Services between the City of Freeport and a5, and further that a5 agrees to abide by all applicable TIF requirements in the performance and invoicing of its activities if the City opts to allocate such funds for the efforts of a5.

**BE IT FURTHER RESOLVED** that pursuant to the immediately preceding paragraph NIDA, acting as fiscal agent for a5, will be jointly and severally responsible for meeting all TIF and invoice requirements.

**BE IT FURTHER RESOLVED** that if any section, clause or provision of this resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Resolution as a whole or any part thereof, other than the part so declared to be invalid, and the City Council expressly declares that it would have enacted the Resolution even with the invalid portion deleted.

**BE IT FURTHER RESOLVED** this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970, and all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

Present at the meeting to in support of the resolution was Amy Dreibelbis of Dreibelbis + Fairweather Photography and Design and Dave Young, Executive Director of Northwest Illinois Development Alliance. They spoke about the importance of promotion of the community. They explained that since the presentation at the council meeting by the a5 Group they have also provided a presentation to the NIDA board. Since the NIDA board meeting they secured \$90,000 in private funding for purposes of rebranding Freeport. Their goal is to raise \$100,000. Mr. Young asked for support of the City Council of the resolution. They are asking for the City's commitment of \$25,000 per year in support of the partnership with a5. He explained Northwest Illinois Developmental Alliance has agreed to act as a fiscal agent for a5 funds.

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Aldersperson Koester stated he is not in favor of moving forward with this currently because we don't know where Freeport going and he feels this is premature.

Aldersperson Miller provided her support of the resolution and she thinks the time is now to see things in a bigger picture. She stated she received a question as to why this was not taken out to a bidding process. She stated we did not go for someone to market for us but instead they came to us with the majority of this being led by private monies so with that thought we are in the right vane in not needing to have bidding and she asked for clarification.

Special Counsel Phillips explained that the City could have an RFP prepared and a written contract unless the council finds and makes the express findings that the services offered under this agreement are for a unique professional or artistic skills and are pursuant to a written contract. He explained the council would have to make a finding that services provided by "a5" are unique which means no one else can provide it. He quoted the following from the Purchase policy: "When the services required are for unique professional or artistic skills and are pursuant to a written contract." Special Counsel Phillips explained that he had a conversation with Mr. Young today and Mr. Young said the agreement would not be with "a5" but with NIDA and instead the City would enter a contract or amend its current contract with NIDA. Special Counsel Phillips stated whatever way, if you make that finding and abide by the Purchase Policy and you still need a written contract.

Aldersperson Miller stated there needs to be more clarification on this resolution as written and noted the administration's resolution provided for \$15,000 for a5 and there was a request tonight for \$25,000 and she is willing to split the difference.

Aldersperson Miller made a motion to amend the dollar amount to \$20,000 in the resolution. This motion was seconded by Aldersperson Ross.

Aldersperson Chesney stated this would be as a recommendation of the resolution to council by the Committee of the Whole.

Aldersperson Klemm spoke about the dollar amounts that are spent including \$100,000 to NIDA, \$15,000 for a5, \$50,000 for FDDF, and he has a company that wants to come in with 75 jobs and wondered what we are going to do for them and all these things are projected for upcoming things. He asked where in the general fund it was coming from for next year's budget. This doesn't include the amount of \$125,000 for the City Centre. He stated that there is an opportunity to celebrate the raising of \$100,000 in private funding.

Mayor Gitz spoke about the impact of the pensions on the general fund and noted our budget will be down \$600,000 and there will be no general fund dollars available to commit. He stated that originally there was a commitment request of \$15,000 per year for three years and now it has already been increased. He asked the council for consideration of how we will pay for it. He spoke about the dollar amount from the TIF and the only other source would be the hotel motel tax. He stated this would create opposition by the Stephenson County Convention and Visitors Bureau. He stated he does not know where we would find the funds beyond the \$15,000. He spoke about other City commitments including \$100,000 to NIDA, \$50,000 to FDDF and \$100,000 to the Freeport Stephenson County Convention and Visitor Bureau. He spoke about how the City would have to cut other things and asked

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to consider the commitment of other taxing bodies. He noted at this point he has heard there is no commitment from Stephenson County or Freeport School District #145. Mayor Gitz recommended a shared burden by other taxing bodies.

Community Development Director Mills clarified that the amount in the Downtown TIF Spending Plan was \$5,000 not \$10,000.

Aldersperson Chesney noted that other taxing bodies are reworking their contracts.

Aldersperson McClanathan explained that the "a5" services go through and as a part of the visioning process of Prospering Together and the Comprehensive Plan. He spoke about the private commitment of \$90,000 to fund the rebranding and noted they are additional conversations to be had with the Freeport School District, HCC and the County and they are in support but the financial commitment is not there.

Mayor Gitz thanked Aldersperson McClanathan for the work he has done on this. He stated it is important to note that the role of a TIF is to create jobs.

Aldersperson Chesney spoke about the reason people do not want to work with the City is because they don't want to work with bureaucrats who push back.

Mayor Gitz stated that he is not trying to be negative but he is pointing out the financial realities and trying to have this follow the purchasing policy. He noted if the wording was included in the resolution that this is a unique service and if the council makes it their finding then he will go along with it.

Aldersperson Brashaw recommended looking at the hotel motel tax dollars for funding. She noted she sees the positives in a digital marketing campaign but she too is interested in making this a legal document.

Aldersperson McClanathan noted this resolution is in the form of moving forward with support in the form of financial commitment for three years subject to the amount being appropriated.

Aldersperson Chesney noted that we may be getting the cart in front of the horse by trying to forecast what our budget will be now so this is the correct sequence because we have it in our language if the money is not there then we don't appropriate it. He referred to budget cuts of \$3, \$5 and \$10, 000 and the fireworks savings and now we are fighting about those similar dollar amounts.

Aldersperson Klemm stated that there should be more investigation into the hotel motel tax, he recommends that the resolution be written so that it is legal. He would like the dollar amount to stay at \$15,000 and that is the highest amount that any one has given. He spoke about commitments and ties for Freeport of one of the principals of the company to Freeport.

Aldersperson Chesney stated there is a motion and a second on the floor to raise the dollar amount in the resolution from \$15,000 to \$20,000 and asked for a roll call vote on this.

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Aldersperson Miller stated she has complete confidence if the Mayor put forth that he has \$15,000 that he has figured out where that dollar amount will come from. She believes that the additional \$5,000 can come from any the additional entities that we were talking about. She believes that NIDA can do the further clarification with Corporation Counsel to make sure it is legal and asked for support in moving this forward.

A roll call vote was taken:  
Yeas: Chesney

Aldersperson Klemm asked for clarification that the vote is to raising it to \$20,000. City Clerk Zuravel stated that is the motion on the floor to raise it to \$20,000.

A roll call vote was taken:  
Yeas: Chesney, McClanathan, Ross, Miller, Busker, Brashaw (6)  
Nay: Klemm, Koester (2)  
The motion amend the dollar amount from \$15,000 to \$20,000 prevailed by a vote of 6-2.

Aldersperson Chesney stated if there was any further discussion before we move on.

Aldersperson Miller asked if we need to make a motion to move the resolution forward.

Mayor Gitz stated that the council will need to make a finding that this is a unique service as part of the motion to approve the resolution.

Aldersperson Chesney stated we need a motion that this is a unique service and we will bring this recommendation to the next council meeting. Aldersperson Miller so moved. This motion was seconded by Aldersperson Ross. Special Counsel Phillips clarified that the wording to find that the services required are unique, professional or artistic skills. Aldersperson Chesney stated if there is no objection the motion to adopt the recommendation of Special Counsel.

Aldersperson Klemm asked if he goes along with this being unique and so on, partially. He asked if it is going through NIDA and will be a legal document. It was answered yes by Dave Young. Aldersperson Brashaw noted the wording and asked Special Counsel Phillips to read it again. He stated the services are unique, professional or artistic skills. Aldersperson Brashaw stated she would hope it would fall under that classification noting that it would be local people that know Freeport and they have the experience and knowledge of our community to add those specific parameters to market our community. Aldersperson Miller asked if it matters if it was \$15,000 or \$20,000 to be in that category. Special Counsel Phillips stated no that it states it is for \$10,000 or more. Aldersperson McClanathan spoke about NIDA being the fiscal agent and they are going to have the contract with a5 and also be the recipient of these funds and in one aspect that is unique and he does not see any other company coming to the City with a \$90,000 investment alongside the services.

City Clerk Zuravel asked for clarification if the motion was to find that there were unique services or to move forward with the resolution.

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Aldersperson Chesney stated the motion is to move forward with the resolution as recommended by Special Counsel with the particular language. Aldersperson McClanathan further clarified that this is a recommendation to council as part of the resolution that we make these particular findings. Aldersperson Chesney stated correct. The motion prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)  
Nays: Koester (1)

**DISCUSSION ON DOWNTOWN TIF COMMISSION AS REFERRED FROM JANUARY 11, 2016**

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Aldersperson McClanathan motioned to table this item, seconded by Aldersperson Busker. Motion prevailed by voice vote without dissent.

**DISCUSSION ON ORDINANCE #2016-11 (ON COUNCIL FLOOR): AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 868 (TAXICABS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

Special Counsel Phillips explained that since the last meeting of the City Council he defined the livery definition. He stated included in the packet is an item marked as Taxicab Ordinance Proposal 5C drafted by Special Counsel on February 4, 2016 and these are the changes requested by council in the meeting held last Monday. He defined livery to include passenger determined destinations which commence within the City of Freeport terminate at a point outside the City. It also adds the requirement for fingerprinting to taxi cab drivers and inserts the forcible felony definition into Section 868.12, Criminal Convictions. Special Counsel Phillips referred to the ordinance marked as Chapter 868 Taxicabs Draft #5 council 02/01/2016 and noted the changes as recommended by council have been incorporated ordinance.

Aldersperson Miller clarified if Nick Jupin as Grant Coordinator for the City of Freeport would be working with grant funds in regard to taxi services. Mayor Gitz stated the City does not fund taxi service with grant funds and he does not see a serious conflict where grant funds would be involved. He noted the City is a pass through for funds which are processed to fund the Pretzel City Transit and this would be coordinated through the PCOM position. He explained that he did not think the City would ever combine the transit program with the Grant Coordinator position and this position would not oversee grant compliance of the transit program.

Aldersperson Brashaw made a motion to move forward the ordinance marked as 2016-11 with the items marked as 5C incorporated into the ordinance for the next council agenda, seconded by Aldersperson Miller. Motion prevailed by voice vote without dissent.

**DISCUSSION ON ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.01 (CLASSIFICATION PLAN) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (POSITIONS NOT COVERED) AS REFERRED FROM JANUARY 11, 2016 COMMITTEE OF THE WHOLE**

Aldersperson Miller motioned to postpone generally this item, seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

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**AS REQUESTED BY ALDERPERSONS CHESNEY AND MILLER DISCUSSION ON AMENDING  
BOARDS AND COMMISSION APPOINTMENT**

Aldersperson Chesney reviewed the discussion points including:

- Residency -Unless our ordinance is currently more restrictive e.g. Planning Commission, we'd like to make a requirement that every appointment live within Stephenson County. We will grandfather all current members that do not meet this requirement.
- Attendance Policy - Also, we would like to set an attendance policy. At this point Jodi and I believe that each appointed member must attend 75% of the meetings in any calendar year. We could discuss if this should be fiscal year, we are open to more discussion.
- Term - Our current ordinance reads that if a members appointment has expired, that person is not replaced until another appointment is made in his/her place or that person resigns. We'd like to establish a grace period of 90 days; that each appointment will automatically terminate following a 90 day grace period after their appointment has expired.

Aldersperson Chesney stated he recommends restricting residency within the County.

Mayor Gitz noted that the Planning Commission is already restricted to a person who lives in the City of Freeport.

Aldersperson Miller stated she does not want to stifle someone who does not live in the City but lives in the County with technical expertise who could be an advisor on a commission but would not have the ability to vote.

Mayor Gitz explained unilateral rights and the court decisions that have decided there would be considered a change in Government. He explained that for the Building Commission it is a requirement of the International Building Code to have tradesmen as part of the commission and it may be necessary to go outside of the City to fill these positions. He also noted there is wording in the code book which states they will serve until a successor is appointed and qualified. He explained that it would take some time to review the statutes and the code to make sure there is compliance.

Aldersperson Chesney noted that he looked up the requirements for the Board of Zoning Appeals and the ADA Commission and it requires residency for the appointment.

Special Counsel Phillips reviewed information from the Illinois Municipal League Attorneys seminars and noted that the Village of Dalton had a case where they tried to recall local officials and it was found as unconstitutional. He noted that a change in officers can only be done after referendum. He read from 6F, Article 7 regarding powers to adopt a form of government by referendum. He explained the term of office is defined and you can't remove a person. He referred to several cases that state that a person serves until their successor is appointed and qualified. He noted that this would take further review.

Discussion was held as to the above stated amendment requests may change the form of government for which we operate and further review would need to be done on State Statutes as it relates different commissions and requirements in our City Code. Aldersperson McClanathan asked to be forwarded a copy of the citation which was quoted.

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There was no council action on this item.

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

Tom Teich, Freeport Illinois showed his medals he has earned in the Special Olympics over the years and in particular his third place metal in snow shoeing awarded this year. He stated he will miss Ms. Karen Patterson as a Journal Standard reporter.

**ADJOURNMENT**

Upon a motion duly made by Alderperson Koester and seconded by Alderperson Brashaw, the Committee of the Whole meeting adjourned at 10:27 p.m.

*s/ Meg Zuravel*

Meg Zuravel  
City Clerk