



City Council

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

MINUTES REGULAR MEETING Monday, August 19, 2013

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on Monday, August 19, 2013.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Sally Brashaw, Michael Koester, and Andrew Crutchfield (8). Corporation Counsel Sarah Griffin was not present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Koester.

APPROVAL OF AGENDA

Mayor Gitz requested to have item number 13 for Resolution #R-2013-60 moved forward on council agenda immediately following the consent agenda items and to allow for a presentation for 5th 3rd Bank to be given immediately following the Freeport Softball Team presentations. He asked for a motion to approve the agenda with that amendment. Alderperson Koester moved for approval of the agenda as amended, seconded by Alderperson Endress. Motion prevailed by voice vote without dissent.

MINUTES

The minutes of the regular meeting held on August 5, 2013 were presented. Alderperson Brashaw moved for approval of the minutes, seconded by Alderperson Endress. Motion prevailed by voice vote without dissent.

PRESENTATIONS

Mayor Gitz presented certificates to honor Freeport Little League All Star Softball Team (11–12 Year Old Division) - 2013 Little League State Champions and Sectional Quarter Finalist in the Little League World Series Central Regional Tournament. Coach Mike Smith spoke about their experience as they traveled to play team in the State of Illinois championship. Then, from July 20 through July 25, the team represented the State of Illinois in the 2013 Little League World Series Central Regional Tournament in Indianapolis. They played against teams from Indiana, Wisconsin, Michigan, Missouri, Ohio, Iowa, Nebraska and Kentucky. The Freeport Little League Softball Team fought hard against some very tough competition to make it all the way to the semi-final sectional game before losing to a very good team from Ohio. They were welcomed back to Freeport by supporters and fans and all were so very proud of their accomplishments.

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Chief of Police Jerry Whitmore thanked the 5th 3rd Bank for a donation of rolling shelving units worth thousands of dollars for use in their evidence collection holding area. Brian Borger, Financial Center Manager for 5th 3rd Bank, stated the bank has been in business for 150 years and was pleased to be of assistance to the City of Freeport and since the cabinets were not being used anymore this was a “green” thing to have a re-use for them and what better way than to donate them to the Freeport Police Department. Alderperson Klemm thanked Mr. Borger for the donation and spoke about the community award he recently received for the work he does for Malcolm Eaton.

PUBLIC COMMENTS – AGENDA ITEMS

John Ginger, 1205 Sunview Drive, Freeport Illinois, spoke in support of the floating boat dock at Tutty’s Crossing. He stated it will be a welcome amenity to the area and will assist handicapped users to be able to use a kayak. He fully supports the grant application to Illinois Department of Natural Resources Boat Access Area Development (BAAD) Grant in Relation to Tutty’s Crossing and stated that this is critical to area and the Pecatonica Prairie Path. Mr. Ginger provided photos for the council as a visual aid.

Robert Nickels, 2645 East Drive, Freeport Illinois, spoke as a member of the Tutty’s Crossing Coalition and their support of an amenity which will aid in the planning and development of the area. He stated in this time of economic challenge it is the best interest to use our natural assets which would be the Pecatonica River to help in the development of tourism for Freeport. By completing the floating boat dock/ramp this will allow for an additional amenity for all to use and enjoy. It is a safer form of entrance into the river.

Mayor Gitz requested leave of council for a non-agenda item and it was granted.

Brian Borger, 1828 W. Canyon Drive, Freeport Illinois, spoke about the tremendous success of the Cruise Night sponsored by Freeport Downtown Development Foundation. He thanked the organizers of the event and hundreds of volunteers including several council members, auxiliary police and area non-profits. He gave particular praise to J.H. Barkau and Sons as a major contributor for the event. Mr. Borger thanks the Water, Street and Police departments for their efforts in cleaning up the City and providing needed services. The eighteen organizers are planning their wrap up meeting and begin planning for next year’s event. Alderperson Koester spoke about the ABATE motorcycle organization participation in Cruise Night.

PUBLIC HEARING ON AN APPLICATION FOR FUNDING FROM THE ILLINOIS DEPARTMENT OF PUBLIC TRANSPORTATION FOR PLANNING, ENGINEERING AND ARCHITECTURE FOR A MULTI-MODAL TRANSPORTATION STATION

The following was listed on the City of Freeport City Council agenda for the meeting to be held on August 19, 2013: “Public Hearing - A public hearing will be held on an application for funding from the Illinois Department of Public Transportation for planning, engineering and architecture for a multi-modal transportation station. A copy of the Department of Public and Intermodal Transportation (DPIT) Capital Grant Application was placed on file in the office of the City Clerk for viewing as of the notice of public hearing. Anyone wishing to express comments or concerns should attend the public hearing or submit written comments to Community Development Director Shelly Griswold, City of Freeport, 524 West Stephenson Street, Suite 330 Freeport, Illinois prior to the public hearing.

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Members of the administration, council and the public were asked to sign on the attendance sheets for the public hearing. At 6:30 pm, Alderperson Klemm made a motion to open the public hearing, seconded by Alderperson Koester. Motion passed by voice vote without dissent.

Community Development Director Shelly Griswold stated that she will first read a statement about the application for funding from the Illinois Department of Public Transportation for planning, engineering and architecture for a multi-modal transportation station and then the floor would be opened for public comments.

Director Griswold stated that on November 30, 2012, the City of Freeport made an application for funding from the Illinois Department of Transportation's Downstate Capital Grant Program to fund planning, engineering, architecture and construction of multi-modal transportation station and capital equipment for that station. The total amount of funding requested was \$3,087,895. The State of Illinois has notified the City of Freeport of its intent to award \$600,000 in funding for this project - \$500,000 for planning, environmental, engineering and architecture and \$100,000 for capital equipment, deferring the construction portion to a future phase. The proposed project location is along the railroad right-of-way south of East Stephenson Street and west of the Pecatonica River in downtown Freeport, at the Rawleigh Complex and on the adjoining property. The multi-modal transportation center will not only act as station for Amtrak service, but also will include an operations center for our transportation system, vehicle storage, a light maintenance facility, and a multi-modal transfer station for riders using rail, intercity bus, and local transit. Located adjacent to the Jane Addams Trail, which is part of the Grand Illinois Trail, the project also will be a Midwest trailhead for excursion bicyclists. This public hearing is being held to solicit public input on the project. Anticipated next steps following this public hearing will include negotiation and execution of a grant agreement with the State of Illinois Department of Transportation and commencement of work on the project. Following completion of the scope of work anticipated under this grant agreement, the City intends to work with the State of Illinois to secure funding for the construction phase of the project.

At this time, Community Development Director Shelly Griswold invited comments on this grant project.

Public Comments for Public Hearing

- Ron Mattson, 9935 W. Sabin Church Road, Pearl City, Illinois, spoke in support of the collaboration of the City of Freeport, Stephenson County, and the Freeport Park District applying for grant funds to improvements near the Jane Addams Trail. He stated the amenities in this area will be an excursion for bicyclists and we need alternative forms of transportation. He stated he fully supports the application.
- Taylor Rockwell, 871 Stephenson Street, Freeport Illinois, stated that he has been privileged to work on the Rawleigh project. Between having the Fehr Graham offices to be located in office portion to now having Mr. Alber leasing a building for manufacturing, although the project is coming along in baby steps, there have been improvements to the area. He is pleased to see that in the future there will be an intermodal station in this complex. Mr. Rockwell stated that we have a lot going on the water front at Tutty's Crossing and there has been hundreds of thousands of dollars spent on the clean-up of properties. He stated that one of the benefits to the rail station is

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that it will bring all kinds of interest to the City of Freeport and the City will benefit from the influx of interesting people due to the rail line.

- Robert Nickels, 2645 East Drive, Freeport Illinois, spoke in support of an infrastructure improvement which will bring people into the City of Freeport instead of funding those that would by-pass the City. Mr. Nickels referred to a map of Illinois and if you drew a circle around Freeport within a two hour drive you would have the possibility of over 15 million people in the outlying areas who could make Freeport their destination to visit not only our historical sites such as the Lincoln Douglas Debate site and our historical downtown but to also view the beauty of our parks and trail systems. Mr. Nickels foresees the trailhead of the combined Jane Addams Trail and the Pecatonica Prairie Path Trail as one of the featured destination spots for the Grand Illinois Trail. He stated that having the rail station, the trail system, the river, and Tutty's Crossing in this same area will surely allow that area to become a tourist attraction. It will be a much needed economic boost for the City.
- Brian Borger, 1828 W. Canyon Drive, Freeport Illinois, spoke as the president of the Freeport Downtown Development Foundation and stated their support of the multi-modal transportation center as a station for Amtrak service, but also as a center for our transportation system and a multi-modal transfer station for riders using rail, intercity bus, and local transit. Its location adjacent to the Jane Addams Trail will make the trailhead a destination for bicyclists.

At 6:40 p.m., with there being no further public comments, Alderperson Klemm moved to close the public hearing, seconded by Alderperson Boldt. Motion passed by voice vote without dissent.

CONSENT AGENDA

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

- A. Approval to receive and place on file:
 - 1) City Treasurer's Schedule of Tax Receipts through July 31, 2013
 - 2) City Treasurer's Monthly Investment Report for period ended July 31, 2013
 - 3) City Treasurer's Report of Cash and Fund Balances for period ended July 31, 2013
 - 4) Fire Department Report of Activities for June 2013
 - 5) Worker's Compensation Incidents for July 2013
- B. Approval of Water and Sewer Bills Payable (Register #975, 978, 984) --- \$55,701.91
- C. Approval of Payroll for pay period ending August 10, 2013 --- \$406,206.75
- D. Approval of Finance Bills Payable (Registers #976, 977, 979-983, 985-987) --- \$386,204.40

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

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

Nays: None

The consent agenda items were approved.

Prior to the approval of the agenda, Mayor Gitz had asked for leave of council to move forward the following resolution on the council agenda.

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RESOLUTION #R-2013-60:

SUPPLEMENTAL RESOLUTION FOR MAINTENANCE OF STREETS AND HIGHWAYS BY MUNICIPALITY UNDER ILLINOIS HIGHWAY CODE MOTOR FUEL TAX FUNDS 12-00000-00-GM (PASSED AS SECTION NUMBER 12-00000-01-GM)

For further reference please remember the following:

12-00000-00-GM = 2012 General Maintenance – Public Works materials and lighting costs

12-00000-01-GM = 2012 General Maintenance – Mill and overlay program

Aldersperson Endress made a motion to place the resolution on the floor for adoption, seconded by Aldersperson Brashaw. City Engineer Gallagher presented the resolution by stating that in order to close out last year's mill and overlay program with IDOT, a supplemental resolution was needed for contract 12-00000-01-GM, as additional streets were added to the program after it was bid. IDOT requires a Municipal Maintenance Expenditure Statement (BLR 14310) which covers all general maintenance contracts, summarizing what was spent over section numbers 12-00000-00-GM and 12-00000-01-GM. While preparing the BLR 14310, City Engineer Gallagher was unable to find the amount that was approved by council for the 12-00000-00-GM section in order to complete the form. Upon further investigation, it appeared no resolution was passed for 12-00000-00-GM last year, however one was passed for the 12-00000-01-GM section for the amount of \$310,000. Since the first section number approved is always given 00-GM, and all further sections numbers are labeled sequentially, IDOT renumbered the 12-00000-01 GM correctly to 12-00000-00-GM. Therefore, in order to close out the 12-00000-01 –GM correctly, we are actually closing it out under the 12-00000-00-GM section number. These funds were accounted for as separate programs; however, the engineer last year filed the documentation incorrectly. This resolution attempts to repair the error and pass the supplemental resolution for those contract overruns. This supplemental is for an additional \$143,761.31, which covers the mill and overlay of Whistler Avenue and Fairview Avenue, as well as the materials and lighting billed by the Public Works department. The Resolution R-2013-60 shows the final costs for maintenance and engineering for this section was \$453,761.31 so there is now appropriated the sum of \$143,761.31 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the provision of the Illinois Highway Code from January 1, 2012 to December 31, 2012. Discussion was held as to the funds available in the Motor Fuel Tax funds and that there is no money being expended tonight this is a close out to a 2012 project and the money was already spent through the MFT fund and City Engineer Gallagher had accounted for it when he previously presented the dollars available for the 2013 program.

Upon no further discussion, the motion prevailed by a roll call of;

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

Resolution #R-2013-60 was adopted.

APPOINTMENTS

Aldersperson Boldt asked for leave of council to read the appointments together. Mayor Gitz stated that we will first read the appointments and then interim appointments will be read together and he would like a motion on each followed by a roll call vote.

City Clerk Zuravel read the following into the record:

An appointment of Public Works Director pursuant to Section 232.03 (a) of the Codified Ordinance of the City of Freeport, Mayor James Gitz does hereby appoint Tom Dole as Public Works Director for the City of Freeport; and an appointment of Corporation Counsel pursuant to Section 288.04 (a) of the Codified

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Ordinance of the City of Freeport, Mayor James Gitz does hereby appoint Sarah Griffin as Corporation Counsel for the City of Freeport. Alderperson Boldt moved for approval Tom Dole as Public Works Director and Sarah Griffin as Corporation Counsel, seconded by Alderperson Endress. The motion prevailed by a roll call of;

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

Nays: None

City Clerk Zuravel read the following into the record:

An appointment of Interim Community Development Director pursuant to Section 288.04 (b) of the Codified Ordinance of the City of Freeport, Mayor James Gitz does hereby appoint Shelly Griswold as Community Development Director for the City of Freeport for up to 90 days; and an appointment as Interim Police Chief pursuant to Section 288.04 (b) of the Codified Ordinance of the City of Freeport, Mayor James Gitz does hereby appoint Jerry Whitmore as Interim Police Chief for the City of Freeport. Alderperson Koester moved for approval of the above stated appointments, seconded by Alderperson Brashaw. The motion prevailed by a roll call of;

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

Nays: None

PRESENTATION BY WINTER DESIGN, INC. REGARDING ADMINISTRATIVE OFFICE SPACE NEEDS ANALYSIS

Scott Winter of Winter Design provided a summary of the the space needs report provided to council. The report included comparisons for 524 W. Stephenson, 314 W. Stephenson, and 230 W. Stephenson in regard to the space needs study he conducted with the department heads throughout the month of July. He stated the report indicates that based on potential growth within departments over the next ten years and the projected future needs of departments. His report stated that the administrative space needs could eventually exceed the space available at the Carnegie Library. However, the former City Hall would provide additional square footage beyond any foreseeable growth. He stated that currently in the 524 building the City Hall office staff uses 13,020 square feet and the report projects a needed potential growth of 18,047. The police and fire stations are currently adequate.

Discussion was held as to the projected analysis on space needs and Scott Winter explained that the projected future employee counts do not necessarily mean another person is hired but instead that room is considered for having an intern or potentially sharing an employee between departments. The council was provided the opportunity to ask questions of the space need analysis. Discussion was held on the mezzanine level of the 230 W. Stephenson Street building and the plans would be to remove that floor if that building was chosen for renovation.

Mr. Winter explained that many of the space needs also took into consideration the need for updated public restrooms, maintenance closets, and a possible IT professional along with area for equipment and phone networks. Discussion was held as to having waiting areas for the Water Department and Community Development and Mr. Winter stated he placed consideration for those areas into his estimates. Mr. Winter stated that he added space needs for an additional Water Department clerk along with window and counter space. He explained that the future space needs would be more of an open-office concept that takes advantage of flexible cubicles for some of the office areas versus installing and building walls. Discussion was held regarding inspectors being in Building Department instead of the

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Community Development Department. Discussion was held in regard to square footage of Carnegie Library and the layout of the two story areas.

ORDINANCES – FIRST READING

1ST READING OF ORDINANCE #2013-40:

AN ORDINANCE AMENDING CHAPTERS 1420, 1422, 1424, 1425, 1426, 1427, 1428, 1429, 1480, 1482, 1610 AND 1620 AND RETITLING CHAPTER 1420 OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT REGARDING UPDATES TO BUILDING AND FIRE CODES AND SPECIFICALLY EXCLUDING REQUIREMENTS FOR ONE AND TWO FAMILY DWELLING SPRINKLER SYSTEMS

Upon the first reading, a motion to adopt was given by Alderperson Endress, seconded by Alderperson Klemm. The ordinance was presented by Interim Fire Chief Jim Blackburn. Chief Blackburn stated what this amendment to the chapters removes from adopting the requirement for one and two family dwellings to have sprinkler system which is part of the 2012 International Building Code. He stated that in some areas that have experienced tremendous growth this is a way to deter building and annexations. He stated that there are areas where this would be appropriate such as Lake Carroll which is fifteen minutes away from the nearest Fire Department, where having a sprinkler system in a residential home would be beneficial. He stated that currently because the City of Freeport has not experience a new home construction in over two years that the added cost could discourage construction in the future.

Chief Blackburn explained that this ordinance also takes out reference to “as from time to time thereafter modified and amended” in the different building codes. He stated that what this does is take the codes as they come out and instead of having a blanket adoption of them then staff will need to review their respective areas of expertise before the new version is adopted. Then the department head can make recommended changes to the city council as it fits for our community. He stated that some of these are national codes and some of them are state codes. Director Griswold stated the process by which international codes are adopted and amended is not always a function of logic and data but it is sometimes a function of what group influences when it is time to vote and as a result of that some amendments get adopted into the international codes that don’t make the most sense to communities like Freeport. What this ordinance does is to give us the opportunity to review before each update that comes available so we can decide which ones we would like to adopt and which ones we pass on, so perhaps we would pass an ordinance with certain exclusions to the international code.

Discussion was held on the assessment of having sprinkler systems in one and two family dwellings with Alderperson Koester explaining the collapse capability of a new home caused by a fire estimated to be about six minutes. He stated that upon automatic layover he will take the opportunity to gather information and statistics and to prove the reasoning behind asking for sprinkler systems in these dwellings. Discussion was held on the cost of sprinkler systems and it was asked to have Alderperson Koester bring that information back to the next meeting. Discussion was held that the State Fire Marshal pulled his mandate to have sprinkler systems in new home construction. Discussion was held regarding allowing a homeowner the decision on their own as to whether they would want to have a sprinkler system and the financial aspect of such. Alderperson Koester stated he will send this information to council members prior to the next meeting and perhaps he will have a roaming trailer brought in for a demonstration. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

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1ST READING OF ORDINANCE #2013-41:

AN ORDINANCE AMENDING CHAPTERS 1440 (ADMINISTRATION GENERALLY), SECTION 1440.10 “ADDITIONAL INSPECTION FEE” OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Upon the first reading, a motion to adopt was given by Alderperson Klemm, seconded by Alderperson Koester. Community Development Director Shelly Griswold presented the ordinance brought forth as recommendations from the Residential Rental Property Task Force. Director Griswold stated there are many more recommendations from the task force that will need to be reviewed and vetted by the City department heads. Director Griswold stated that one of the items that came out of the Residential Rental Property Task Force’s recommendations was an amendment to the reinspection fee and so this ordinance amends Chapter 1440 of the Codified Ordinances. She stated that this ordinance provides that when our Building Inspectors have to make a third or subsequent reinspection because of defective work or materials then a fee of \$35.00 will be required for the extra time of the inspection. Director Griswold explained that this Ordinance will not change the “no charge” policy for initial inspections. It simply addresses situations where repeated inspections are required regarding defective work. She reviewed the wording under section 1440.10 Additional Inspection fee with the double underlined wording added; “When an additional inspection is required because of replacement of defective work or materials, a reinspection fee of ten dollars \$10.00 shall be paid before the reinspection is made. Should any additional inspection(s) be required because of replacement of defective work or materials in excess of the initial reinspection, a further reinspection fee of thirty-five (\$35.00) shall be paid before the reinspection is made.”

Fire Inspector Clyde Butler explained that many times nothing is done because there is not a reinspection fee so the inspector continues to have to go back. Discussion was held on the \$10.00 fee and Director Griswold stated that has been the amount for over eight years and perhaps much longer than that. Discussion was held on the ordinance and amounts of the fees and Fire Inspector Butler explained that the initial inspection is free and if there needs to be a second reinspection it starts the fee. What was added was if there needs to be a third or fourth reinspection that charge would be \$35.00.

Alderperson Boldt made a motion to amend section 1440.10 additional inspection fees to change the reinspection fee from \$10.00 to \$20.00. This motion was seconded by Alderperson Koester. Motion passed by voice vote without dissent.

Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE #2013-42:

AN ORDINANCE AMENDING CHAPTER 1442 (PERMITS AND FEES), SECTION 1442.11 “FEE EXEMPTIONS”, SUBSECTION (B) (MINOR REPAIRS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Chairperson of the Committee of the Whole Alderperson Crutchfield presented the ordinance which was recommended from the meeting held on August 12, 2013 which raises the minimum amount for a building permit from \$1,500 to \$3,000. Mayor Gitz asked for a motion for adoption of this ordinance before the council. Alderperson Koester moved to adopt the ordinance as presented, seconded by Alderperson Boldt. Ordinance #2013-42 amends Chapter 1442 Section 1442.11, Subsection (B):

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1442.11 FEE EXEMPTIONS.

(b) Minor Repairs. No permit shall be required for minor repairs or alterations which do not involve structural changes, installation of new units or connections and which do not exceed three thousand dollars (\$3,000) ~~one thousand five hundred dollars (\$1,500)~~ as the price charged the owner. This subsection shall not apply to Chapters 1422, 1424, and 1426.”

Community Development Director explained that this ordinance amends the City Code to increase the building permit exemption for minor work from \$1,500.00 to \$3,000.00 which was presented to the Committee of the Whole meeting in an amount of \$2,500.00. It was then recommended to council by the Committee of the Whole in an amount of \$3,000.00. Director Griswold stated that this ordinance is not a blanket exemption. Plumbing work, electrical, HVAC, and other structural repairs related to health, life and safety codes will still require a permit for obvious reasons. Director Griswold stated that for example a water heater replacement would still require a permit. She stated in her opinion there is a set of things which could be exempted such as smaller plumbing jobs, replacing a faucet, or setting a toilet and the City Council may in the future make the determination of what items should be exempted. She used the example of a furnace replacement which would not be exempted because of the carbon monoxide issue or a hot water heater for the same issues to make sure it is done safely.

Mayor Gitz stated that it has been discussed with the staff to present this ordinance as it is by raising the threshold and then come back with consideration to an ordinance that tries to make some distinctions of what needs to be inspected. Mayor Gitz provided an example that happened recently by a homeowner that did not take out a permit, installed a sump pump and then it did not work properly and the basement flooded and now they need help correcting the situation. This ordinance has two primary objectives: (1) to encourage paint and minor work on buildings by clarifying our permit procedures and exempting minor repairs; (2) to concentrate our inspection resources on major work that implicates basic health, life and safety issues. Mayor Gitz stated that this is not the only change needed regarding building permits, but it is a good first start. This change is supported by all of our departments and by the Residential Rental Property Task Force. Upon no further discussion, the ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE #2013-43:

AN ORDINANCE TO AMEND CHAPTER 650 (MINORS), SECTION 650.08 (CURFEW) AND SECTION 650.10 (TRUANCY PROHIBITED) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

Aldersperson Crutchfield presented the ordinance that was recommended in the Committee of the Whole meeting held on August 12, 2013 which amends for second offenses where the parent will be ticketed for truancy and curfew violations. Upon the first reading, a motion to adopt was given by Aldersperson Klemm, seconded by Aldersperson Brashaw.

The ordinance was presented by Chief of Police Jerry Whitmore stating that the actual truancy and curfew guidelines do not change but what this does do is put the shift onto the parent when a child commits one of the offenses he or she is ticketed and the parent is notified in writing of it and if the child is ticketed again within a 90 day time period of the first offense, then the parent will also receive a citation for the subsequent offense. This draft ordinance amended Chapter 650 Minors with the following item amended: Section 650.08 Curfew: (e) ~~No parent, legal guardian, custodian, or other person shall knowingly~~

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~~permit a person in his or her custody or control to violate this section. It shall be unlawful for any custodial parent or guardian of any unemancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of subsection (a) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of subsection (a) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation.~~ In addition to being a violation hereunder, the parent or legal guardian having custody of a minor subject to this section shall be liable for any and all costs incurred by the City for providing personnel to remain in the company of a minor who has been as a curfew violator if said parent or guardian does not pick up the minor within one hour after receiving notice from the City that said minor is being detained for curfew violation.”

This draft ordinance also amended Section 650.10 Truancy Prohibited

650.10 TRUANCY PROHIBITED

(b) Parental Responsibility. It shall be unlawful for any custodial parent or guardian of any unemancipated person under eighteen (18) years of age to allow or permit such person to violate the provisions of subsection (a) above. The fact that prior to the present offense a parent, guardian or custodian was informed in writing by a law enforcement officer of a separate violation of subsection (a) by the same minor occurring within ninety (90) days prior to the present offense shall constitute a rebuttable presumption that such parent, guardian or custodian allowed or permitted the present violation. ~~No parent, legal guardian or person having the custody of a truant shall knowingly or willfully cause, aid or encourage such person to be or to become a truant, knowingly or willfully commit an act which directly tends to render any such person a truant, or knowingly or willfully fail to do that which will directly tend to prevent such state of truancy.~~

Upon no further discussion, the ordinance was automatically laid over to the next meeting.

RESOLUTIONS

Mayor Gitz stated we had moved forward Resolution R-2013-60 on forward on the council agenda.

RESOLUTION #R-2013-61:

RESOLUTION AUTHORIZING APPLICATION TO ILLINOIS DEPARTMENT OF NATURAL RESOURCES BOAT ACCESS AREA DEVELOPMENT (BAAD) GRANT IN RELATION TO TUTTY’S CROSSING

The motion to adopt Resolution #R-2013-61 was given by Alderperson Endress, seconded by Alderperson Klemm.

Community Development Director Shelly Griswold presented the resolution stating that the City of Freeport is applying to the State of Illinois for a Department of Natural Resources Boat Access Area Development (BAAD) grant for the purpose of improvements to Tutty’s Crossing. She stated this is a floating boat ramp and photos of a sampled boat ramp were provided to council members this evening. She stated that a ramp such as this allows a person to float into the dock and it is considered to be ADA accessible. She stated these grants are available from the Illinois boat user registration fees and fines. She stated that the grant application is for a \$100,000 project and the City’s match of the grant of \$25,000 can

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be local cash and in-kind services. She expects this to come from the downtown TIF fund and there will be some local in kind services from non-for-profit agencies or from the City performing in-kind services in lieu of some of the cash. The grant application requires the local agency to complete project construction within approximately eighteen (18) months following project approval. The application deadline is September 1, 2013. The application will be made to the State of Illinois Department of Natural Resources for a Boat Access Area Development grant under the terms, conditions, and commitments as required by the State of Illinois. The City commits matching funds, in the form of cash and/or in-kind services, in an amount up to \$25,000 for this grant. This resolution asked the corporate authorities authorize the Mayor, the City Clerk and any other City official or employee as may be necessary to take such other actions as may be necessary or convenient in order to implement the intent of this Resolution including, but not limited to, furnishing such additional information and to take any further actions as may be required by the State of Illinois in connection with the aforesaid application for said grant or acceptance of such grant. Discussion was held as to the amenities that can be included which would include lighting but mostly the boat launch. Director Griswold stated she will apply for further grant funds for lighting and restroom facilities and a number of different amenities that are being considered for that area. Upon no further discussion, the motion for adoption of the resolution prevailed by a roll call of;

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

Nays: None

Resolution #R-2013-61 was adopted.

OTHER

Reports of Department Heads

Community Development

Community Development Director Shelly Griswold stated there will be a special Planning Commission meeting on Thursday to consider zoning classification for breweries as a special use in an M-1 classification for Limited Manufacturing District. Director Griswold explained that she had placed on all the council member desk an invitation to attend an East Side neighborhood meeting on Saturday at the Monroe Center and since she expects a majority of a quorum of council to attend she will be posting the meeting and she encouraged their attendance.

Finance Department

Accountant Price was present and had no report.

Public Works

Action Item for Acceptance of Bid for Skid Steer Loader with Bucket and Planer Attachment – Bids Received On August 15, 2013 at 10:00 Am

Public Works Director Tom Dole presented the bid tabulation for (1) Skid Steer Loader with bucket and (1) Planer. The Public Works Department opened bids for (1) Skid Steer Loader with bucket and (1) Planer on Thursday, August 15, 2013 at 10:00 am. Present at the opening were Corporation Counsel Sarah Griffin, Accountant Duane Price, P. Logsdon (Casey), B. Sturtz (Carter), A. Gustafson (Holland) and Public Works Director Tom Dole. Five bids were received per the attached bid tabulation from

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Carter/Gruenewald of Juda, WI, Casey Equipment of Rockford, IL, Bobcat of Rockford, IL, Holland & Sons of Freeport, IL, Patten/CAT Rockford IL. I have reviewed the bids and they appear responsive and complete (see attached bid tabulation). Director Dole recommended the low bidder from Carter/Gruenewald for the purchase of the A770 Bobcat in the amount of \$46,921.00 and the Planer Attachment in the amount of \$17,998.00 for a total of \$64,919.00. He stated there is about a two week turn around on the equipment but they are willing to provide a loaner and he recommends acceptance of the bid for the purchase of the skid steer loader with the planer attachment.

Aldersperson Endress asked if the Public Works department had started work on Chicago Avenue. Director Dole stated no.

Mayor Gitz asked if there could be consideration of the purchase of the A770 Bobcat from Carter/Gruenewald in the amount of \$46,921.00 and then to purchase the Planer Attachment from Bobcat of Rockford who presented a bid for that piece of equipment in the amount of \$16,617.00. Accountant Price verified that this particular purchase will come from the motor fuel gas tax for capital equipment purchases and it is in the budget for this fiscal year.

Aldersperson Koester made a motion to approve the purchase of the A770 Bobcat from Carter/Gruenewald in the amount of \$46,921.00 and then to purchase the Planer Attachment from Bobcat of Rockford in the amount of \$16,617.00, seconded by Aldersperson Klemm. Aldersperson Klemm amended the motion to make it just in case Director Dole is not able to negotiate the split of the package reasonably then the council would authorize the purchase from the original bidder. Mayor Gitz stated the motion shall read for the record providing that the bids can be split and if the bids cannot be split then the A770 Bobcat and the Planer Attachment will both be awarded to Carter Gruenewald. The motion was seconded by Aldersperson Boldt. The motion prevailed by a roll call vote of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)
Nays: None

Library

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

Fire

Interim Fire Chief Blackburn provided an informational item that he will send out notice for bids for new ambulance for Fire Station #2, 507 S. Adams Avenue and he will be working on it over the next couple of weeks. This will replace a 2003 ambulance at the Adams Street fire station. There are various contractors that will be bringing ambulances in for testing and review and the funding will come from the Fire Capital Improvement Fund. The former Fire Station #3 on West Avenue will be put out for bids in the next couple of weeks due to the upkeep issues of maintaining an extra station and storage facility. He stated that mowing of the two properties takes about six hours and he does not want to go into winter with having to pay to heat the building.

Discussion was held as to the plan to replace the other ambulance and Chief Blackburn said it is projected to replace that vehicle when it reaches ten years old which is 2016 and because of replacement parts this time-table may need to be moved up to an earlier date.

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Police

Chief of Police Jerry Whitmore stated the department will send out notice for bids for new squad cars for department. The will be advertising for acceptance of bids for three new 2013 or 2014 four door police pursuit vehicles and one sport utility of full size crew cab pick-up truck for use a supervisor's vehicle. Discussion was held as to the body type or manufacturers of police pursuit vehicles. Chief Whitmore stated that the vehicles that are being replaced have about \$120,000 miles on them. Discussion was held as to the capital equipment fund and that it some purchases were put off a couple of years ago with budget constraints. Discussion was held on the gambling devices and whether funds could be used from that revenue. Accountant Price stated that the funds from the devices were used to close the gap on this year's budget in the general fund and it was budgeted as \$100,000 for this fund.

Water and Sewer

Water and Sewer Director Tom Glendenning provided an update as to the Big Four projects. He stated the time line for the completion of the Burchard Tank has the white coating as a primer and there are different layers that are going into the inside of the tank and there is a thickness requirement that needs to be met for the water storage. We soon will be giving direction of the placement of the logos and you will soon begin to see the outlines of these Lincoln Douglas silhouettes similar to the welcome to Freeport signs. He stated we are looking at mid-September before we will see substantial completion on that project. Director Glendenning stated he has been working with Fehr-Graham since we will need to file for extensions on both projects from the Illinois Environmental Protection Agency. He stated we will not make the projected time lines for the sanitary sewer lining project in order to get to the areas that we need to complete the project. He stated there will be a smaller extension on the water loan by the time we get the tower done, get water levels up, and try to activate the system which will be past the target date but with reconciliation and the fact finding that will be enough to satisfy IEPA loan amendments for that.

OTHER

MAYOR'S REPORT

Mayor James L. Gitz provided an update on the demolition project in order to work on the list to divide it into judicial and non-judicial demolitions. He will be working with staff over the next ten days and there will be declarations of building that are in peril to public health, life and safety. He stated the Street Department has indicated they can handle the take down of some of these demolitions and some of the others may need to be bid out. The other ones will go to court proceedings. He stated he will be having some discussion regarding the judiciary to see if we can do that in a diplomatic way and emphasis you concern and perhaps provide photos of the properties.

Mayor Gitz stated some individuals have voiced concerns of the salary schedule of the non-union employees. He stated there are salary schedule issues between non-union employees and our other employees. Mayor Gitz is having discussion with the Police Chief and Fire Chief regarding these differentials. He stated he has a strong aversion to cross the board increases but also there are sometimes you have to take into account step increases so what we are seeking to do is to look at all the facts and figures to come up with a package that we think make sense. In the long term he hopes we can look at what is sustainable, what we need to do, how we make a differential, and still have it affordable. Mayor Gitz stated that he has had some inquiries about retirement packages and he chooses not to make comments about past retirement practices. Mayor Gitz stated he chooses not to try to deal with this piece

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meal. Not to automatically give retirement benefits that are not part of the code but to instruct that Human Resource Department and others to look at this in terms of what we need to do for all employees so that it is consistent and fair. He referred to declining assessed valuation which weighing heavily.

Mayor Gitz spoke about grants and the feeling of some people who don't do not support the trails and whether we receive grant funding for its progress. He stated that there are communities all over the State that are applying for and receiving grant funding. The City of Freeport has a tough time. There are a lot of people heading past Freeport on their way to Jo Davies County and if need to reverse the trend of them driving past and get them to stop in Stephenson County. Mayor Gitz stated his appreciation of the council's support of the grant application for Tutty's Crossing and the efforts done recently as we worked with the County for their support of that grant application. He stated because we are teaming it with Tutty's Crossing amenities we have a reasonable chance to capture. Everything we do to bring people to the downtown, to buy gas here, to stay, to eat here, to go to our antique shops is another dollar of sales tax that we need in our coffers.

Mayor Gitz discussed the Intermodal Grant application for which the public hearing was held today. He spoke about his original skepticism and how that has now changed. He spoke about the 100% grant funding the area has received. If we can do multiple things to make those building in the Rawleigh area useful, then that is a really critical positive development. Mayor Gitz spoke about his goal of not having to spend money on it but if we can make it habitable and useful then it is a far better deal than demolition. He joins with this council in trying to move this along to divest ourselves of these buildings in a useful way that we can. Mayor Gitz summarized the Alber redevelopment agreement so his hope is to bring this through in September.

He stated his goal is to move forward on credit card payments and he has asked Accountant Price to move this forward. Alderperson Boldt stated that in the spring there was a resolution passed for credit card to put together the prevailing rules. Accountant Price stated there was a resolution which would give the green light to begin this process and it instructed the administration to set the plan. Director Griswold stated that one of the requirements was to have a public hearing and that process was completed to let people know of our intent to do it. Discussion was held as to whether fees should be charged for the use of credit cards and more research would need to be done on that.

Alderperson Bush asked about the lap tops for the council. Mayor Gitz stated that since that was in the contingency then we need to have council take action and it can be placed on the agenda at their direction to release that money. He stated then we need the council to make a decision as to what will be the best choice as to laptops or tablets that you would want. Alderperson Bush asked if it was possible to set up a committee and asked that the City Clerk be on that committee.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

- Alderperson Koester stated his opinion on moving forward with the non-bargaining raises and he would like to set up a meeting with the Mayor on that topic.
- Alderperson Bush spoke about the East Side Neighborhood meeting on Saturday and he encouraged attendance by council members.
- Alderperson Endress stated the 5th Ward Neighborhood Watch will be held at the Central Fire Station on Tuesday, August 20, 2013.

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- Alderperson Brashaw thanked those who have helped her learn the council responsibilities. She spoke about the newspaper and periodicals that have been thrown in the driveways. She referred to the Codified Ordinance 658.14 which provides the distribution and placement of handbills and newspapers and stated that it pertains to private residences and if their property posts a sign which says no advertisements and no peddlers or agents, then they are not allowed to place any newspapers or handbills on their property. She spoke about having something printed up with the water bills or to have to have frequently asked questions placed in there. Discussion was held on the newspapers that are being tossed out car windows and onto driveways. Alderperson Boldt stated he has spoken with Corporation Counsel Griffin to do research as to what other cities are doing to combat this issue. Mayor Gitz stated he has drafted a letter to send out to newspapers regarding this particular item and he would be happy to share it with the council.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Jon Staben, 1070 Canyon Drive, Freeport Illinois, spoke about the project conducted by the Boys and Girls Club to launch a science project into space and he was encouraged by the hard work and dedication of the young people involved in this project.
- Bernie Mrugala, 1310 S. Galena Avenue, Freeport Illinois, spoke about various issues including the Intermodal Station, bus transportation into the City, infrastructural improvements, sprinklers in residential houses, and truancy issues. He stated we need to determine what this community needs to sell in order to bring others here. He stated we need to find that answer in order to make that train station actually work. He stated that Insight has communication methods if we have a fire in our homes and trucks can be on the way before the occupant is even awoken by a fire. He stated that he is bothered by the truancy ordinance and the responsibility should be more on the schools to keep the kids interested to keep them in school and maybe we need to consider other methods of education.
- Tom Teich, 653 Jefferson Street, spoke about the opening of the Dollar General store on Galena and this has been a long awaited opening for this retail establishment.

Upon motion duly made and seconded, the meeting was adjourned at 8:15 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk