



City Council

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

MINUTES REGULAR MEETING Monday, October 19, 2015

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on October 19, 2015.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Busker.

APPROVAL OF AGENDA

Mayor Gitz stated item number 10 which is the resolution for the grant application will be removed from the council agenda. Alderperson Koester moved for approval of the agenda, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

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The minutes from the October 5, 2015 meeting was presented. Alderperson Brashaw moved for approval, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

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

Lynn Folgate, 3551 Stephenson Street, Freeport, Illinois, provided a summary of the fundraising efforts of the Fraternal Order of the Moose. As a community event, the Moose Lodge will assist with the Freeport Park District sponsored event on Halloween titled the “Trick or Treat Trail”. Mr. Folgate donated “Tommy the Moose” to the Police and Fire Departments as an aid to children involved in incidents with their departments.

CONSENT AGENDA

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

A. Approval to receive and place on file:

- 1) City Treasurer’s Monthly Investment Report for September 2015
- 2) City Treasurer’s Cash and Fund Balances for September 2015.

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- 3 Police Department Report of Activities for September 2015
- 4) Community Development Department Building Permits for September 2015.
- B. Approval of Motor Fuel Tax Fund Register #0070 --- \$140,842.39
- C. Five Month Financial Analysis – Ended September 30, 2015
- D. Approval of Water and Sewer Bills Payable (Registers #425 and 427) --- \$260,215.14
- E. Approval of Payroll for pay period ending October 3, 2015 --- \$417,642.20
- F. Approval of Finance Bills Payable (Registers #423, 424, 426) --- \$165,167.10

Aldersperson Miller requested removal of item C) from the Consent Agenda for discussion purposes.

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

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

Nays: none

Aldersperson Miller stated she noted on the Five Month Financial Analysis ending September 30, 2015, that page 3 of twenty contained a notation that the Community Development department is over budget to date by \$31,000 attributed to personnel, contractual services and capital outlay. Aldersperson Miller asked Director Haggard to provide additional information. Director Haggard stated she has met with Community Development Director Alex Mills and they identified a potential reclassification that is needed in the line items from his department within the hearings and under the category for professional services. She explained the professional services is attributed to Fehr Graham and it is at its maximum so there may have to be a supplemental to the budget. Director Haggard stated that she is waiting for the transportation grant reimbursement which has not been credited to this department at this time. Community Development Director Mills stated with the hearings reclassification is related to title searches and they may have been put into the wrong billing category and, upon further investigation, should probably be coded with the Blight Reduction Program. He thought that the overage of the professional services line item would be offset by the personnel line item.

Aldersperson Chesney asked how much the City is utilizing Fehr Graham during this transition time at its hourly rate. Director Mills stated we are near the end of the transition period. He explained that recently he has been asking specific project related questions and we are very close to where we need to be. Aldersperson Miller asked if Ms. Griswold is still being paid. Director Mills stated yes when she does work for a project she would be paid for her time on that project. She is being utilized for her knowledge of the Brownfields projects and there is no general work that she is doing other than related to a specific project.

Aldersperson Brashaw asked Director Mills if the amounts of overage could be attributed to a grant. Director Mills clarified that he was talking about title searches and the recording fees that may be attributable to the Blight Reduction and they may have been put towards the hearings process. The department will need to do a review the title searches to see the property and how it relates to the grant under this program.

Aldersperson Miller moved to receive and place on file item C of the consent agenda, seconded by Aldersperson Brashaw. Motion prevailed by voice vote without dissent.

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INTRODUCTION OF NEW FIREFIGHTER AMOS LANGLOIS

Fire Chief Scott Miller introduced Amos Langlois as our department's newest firefighter. He stated he comes to the City from East Dubuque and began on Tuesday October 13, 2015. He holds an Associate's Degree from Northeast Iowa Community College in paramedic science. He has also attained certifications from the Illinois State Fire Marshal including Firefighter II, hazardous materials awareness, and technical rescue awareness certifications. He comes with five years of experience as a firefighter. Firefighter Langlois stated his thanks for being placed on the Fire Department. He and his wife look forward to his long career with the City of Freeport.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2015-54:

AN ORDINANCE AMENDING CHAPTER 1270 ENTITLED “FENCES”, SECTION 1270.02 (PERMIT) AND SECTION 1270.03 (FENCE INSTALLATION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

The first reading was held on October 5, 2015. A motion to approve was given by Alderperson Chesney, seconded by Alderperson Klemm and the ordinance was automatically laid over to tonight's meeting. Corporation Counsel Griffin stated the most recent change under 1270.03 and specifically in section (e) (2) where after the Community Development Department we took out a section that was added and council requested it was subsequently removed. It was not in there to begin with. She explained that Alderperson Klemm has requested some clarity and noted that Director Mills and the Building Inspector John Menke have reviewed to assure that it attains the goals that you were doing to create a user friendly website and a handout with a permit. Director Mills explained that he envisions a one page flyer to provide the do's and don'ts of fence permitting.

A copy of the ordinance as on the floor for passage is provided as follows:

“Section 1. That Chapter 1270 entitled “FENCES”, Section 1270.02 (PERMIT) is hereby amended to read as follows:

“1270.02 PERMIT.

(a) **Permit Required.** No person shall install a fence in the City without first obtaining a fence permit and complying in all respects with the terms and conditions of the permit and of this chapter. A fence permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen lineal feet (l.f.) of a fence.

(b) **Permit Application.** A fence permit application shall be filed with the Department, consisting of the following:

- (1) A fully completed fence permit application form and payment of full permit fee.
- (2) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the fence and the distances from the proposed fence to the existing structures on the property.
- (3) If the fence is proposed to be installed on rented or leased property, the written consent of all of the owner(s) of the property.
- (4) Other information as may be required by the Department to assist in the review of the application.

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(c) Permit Fee. A permit fee shall be remitted upon submittal of the fence application, the amount of which shall be established, from time to time, by the City Council.

(d) Application Review and Approval Required, Permit Issuance. The Zoning Administrator shall review, approve and issue the fence permit application provided that the application is in compliance with this chapter and the standards of this chapter for the fence to be installed have been met. The fence permit may contain reasonable conditions stated in the permit.

(e) Completion of Installation.

(1) A fence authorized by a fence permit shall be fully installed in accordance with this chapter and permit conditions, and within 180 days of the date of permit issuance. A fence permit shall expire 180 days after the date of issuance. After a fence permit expires, no work requiring such a permit shall be commenced, resumed or undertaken until a new permit is issued or the original permit is extended.

(2) The permit applicant may file a written request for an extension of the fence permit, stating the reason for the request, for up to 180 additional days to complete the fence installation. The Zoning Administrator, in administering this Code, shall grant the request if the applicant demonstrates that unusual conditions have prevented the timely completion of the installation of the fence.

(f) Responsibility of Department. The Department, through the Zoning Administrator, shall:

(1) Review and issue fence permits where the application is in compliance with this chapter.

(2) May issue reasonable site specific conditions.

(3) May waive or reduce vision clearance requirements where:

A. Traffic can safely approach and enter the intersection, alley, driveway or street given existing traffic control devices or other physical conditions of the area; or,

B. Topographic conditions are so extreme or building structures exist such that it is not practical to provide required vision clearance.

(4) May inspect the fence for compliance with this chapter and the permit;

(5) May require copy of survey prior to issuance of permit;

(6) Shall enforce this chapter with the assistance of the Corporation Counsel.

(g) Responsibility of Applicant. The applicant is solely responsible for installing the fence:

(1) Within the boundaries of their property determined by survey, in compliance with this chapter and the permit, including, but not limited to, proper materials, height, setback and vision clearance. **Such property line survey shall be the sole responsibility of the applicant and owner of the property, and the City shall in no way be responsible to applicant, owner or adjacent property owners for such survey or its accuracy.**

Such property line survey shall be the sole responsibility of the applicant and owner of the property, and the City shall in no way be responsible to applicant, owner or adjacent property owners for such survey or its accuracy.

(2) In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record, including applicable plan review and approval, or waiver requirements.

(3) In a manner as will not obstruct storm water drainage, violate a City approved storm water plan, or unreasonably divert storm water onto the property of another.

(4) In compliance with the City's Flood Management Ordinance ([Chapter 1460](#)).”, and;

Section 2. That Chapter 1270 entitled “FENCES”, Section 1270.03 (FENCE INSTALLATION) is hereby amended to read as follows:

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“1270.03 FENCE INSTALLATION.

(a) General Requirements. No fence shall be installed, except in strict compliance with this chapter, site specific permit conditions, and the following requirements:

- (1) Structural and support components of a fence shall face away from adjacent properties and public rights-of-way.
- (2) Fences shall be installed with the finished side facing the adjacent property, or public right-of-way, and the fence posts must be located on the inside of the fence facing the property on which the fence is located, except when the style of fence commonly described as a "Good Neighbor Fence" is installed.
- (3) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
- (4) The height of the fence shall be controlled by the applicable provisions of the City Zoning Ordinance for the district in which the fence will be located. Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the site shall require approval by the Department prior to installation.
- (5) The project site shall be marked by J.U.L.I.E. before digging holes for fence installation.
- (6) No fence in the vision clearance area shall exceed three feet in height above the street grade.**
- (7) The height of walls and fences shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height shall be measured vertically from the base of the berm, unless said fence is approved in conjunction with a variance granted by the Zoning Board of Appeals.
- (8) All fences shall be no closer than two feet to the public sidewalk and no closer than two feet to any public right-of-way.
- (9) Fences in front yards shall have setbacks compatible with fences on abutting properties, unless such fence has been erected on the public right-of-way.

(b) Obstruction of Ingress/Egress Area of a Dwelling. No fence shall be installed in any yard that will obstruct the view of any window or opening in a habitable space of a dwelling. A minimum distance of three feet shall be maintained between any solid fence and any such window or opening in a dwelling.

(c) Modifications. All modifications to an existing fence shall comply with this chapter.

(d) Fences in Front Yards. Fences installed in a front yard shall comply with the following requirements:

- (1) In residentially zoned areas on corner, interior, through and reverse frontage lots, fences, not exceeding four feet in height shall be allowed within a residentially required front yard setback areas. No fence over four feet in height shall be permitted within residentially required front yard setback areas. Fences over three feet above the street grade shall not be installed within vision clearance areas.
- (2) Fences on residentially zoned lots, including interior and corner double-frontage lots, fronting a street, shall be installed in accordance with front yard setback requirements.
- (3) No fence shall be installed in any business, professional or manufacturing zoning district, unless said fence is approved in conjunction with a variance granted by the Zoning

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Board of Appeals. If so approved, said fence shall comply with this chapter and the other requirements stated above in subsection (a). A fence shall not exceed the height established unless further approved in conjunction with a variance granted by the Zoning Board of Appeals.

- (e) Fences in Rear/Side Yard. Fences in rear and side yards shall meet the following requirements:
- (1) No fence or wall shall exceed six feet in height in any side or rear yard. Fences not greater than six feet in height are permitted in side or rear yards and shall be no closer than two feet to the public sidewalk and no closer than two feet to any public right-of-way.
 - (2) A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided such a wall or solid fence does not extend into a required front yard. **Fences may not be installed within two feet of the rear or side property line without proof of survey submitted to the Community Development Department, and a copy of a notarized and recorded easement allowing for placement of the fence and maintenance access from any and all property owners abutting the location of the fence placement. No fence may be installed within two feet of the rear or side property line.**
 - (3) **Fences which exceed three feet above the street grade in side or rear yards shall not encroach within vision clearance areas.**
 - (4) No fence shall be installed in any business, professional, or manufacturing district, unless said fence is approved in conjunction with a variance granted by the Zoning Board of Appeals. If so approved, said fence shall comply with this chapter and the other requirements stated above in subsection (a). A fence shall not exceed the height established unless it is further approved in conjunction with a variance granted by the Zoning Board of Appeals.
- (f) Fences On Corner Lots. No fence over three feet above the street grade shall be permitted within a vision clearance area of any portion of the lot.
- (g) Fences On A Lot-Double Frontage. Fences shall be installed in accordance with the required front yard setback on both streets, except where otherwise approved in conjunction with a variance from the Zoning Board of Appeals.
- (h) Approved Fence Materials. All fences shall meet the following material requirements:
- (1) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain link (with a minimum thickness of nine gauge and a required top rail support), stockade or board-on-board wood.
 - (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, tires, junk, or other similar items.
 - (3) Agricultural/farm. Fences shall only be permitted in agriculturally zoned or used districts and shall not exceed six feet in height.
 - (4) Residential front yard fences shall be fifty percent open (see-through) and be of split rail, wrought iron or picket design. Chainlink fencing is not permitted in residential front yards.
 - (5) Residential side yard fences on corner lots shall be of split rail, wrought iron, picket design, or decorative wood design. Chainlink and stockade style fences are not permitted in residential side yards on **corner lots**.

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Section 3. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 4. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 5. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

Alderperson Chesney asked about corner lot arrangements and requested to have the side yard looked at as if it were the front yard and the goal of that was to prevent the parking of vehicles as it was a suggestion of Mr. Menke and they also wanted to take a look at the two foot rule that in the event that someone does not want to do a survey they could still abide status quo for the two foot rule. Director Mills stated that the request was a vision request and item number 3) of section 1270.03 (e) was already present in the ordinance and has now been bolded and states, “(3) Fences which exceed three feet above the street grade in side or rear yards shall not encroach within vision clearance areas.” Director Mills explained there are no additional changes to the ordinance because it is already contained in it. He also noted as to the question about parking that amendment cannot be made part of the fence ordinance. Alderperson Chesney stated they want to make sure there is nothing in the visibility clearance area. Director Mills explained that language is in the section for a side/rear yard. Corporation Counsel Griffin pointed out that if you look at (g) that outlines fences on a lot-double frontage and that is the corner lot. She explained that was asked the first time the changes were requested and, at that time, it was explained it was already in the code. She read aloud the section. She then explained the language will be put in to a pamphlet so that it is easy for people to read. She explained that it was her understanding it would be put into a pamphlet so that it was easier to read because it is actually already in there.

Alderperson Chesney clarified regarding the two fence rule effectively they would have an option of the survey or they would also have the two foot rule essentially status quo. He stated if there was a particular situation where the survey wasn't possible or wasn't financially feasible to the property owner we wanted to make sure that if somebody wanted to put their fence on the lot line they could with a survey or as determined by your department if it is acceptable to Director Mills. The second piece of that if they did not want to do a survey they could still keep intake the two foot rule because the last thing we want to do is to burden the homeowner with additional regulation and cost. Corporation Counsel Griffin explained that the department may require a copy of the survey under (f) (5) and the former language was “shall”.

Alderperson Chesney clarified if someone obtained a survey they could place a fence on the property line and in the absence a survey the homeowner would need to abide by the two foot rule. Director Mills stated that is correct.

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Aldersperson Koester asked about the requirement of a fence being placed in the rear/side yard. He clarified that the wording in e) fences in rear/side yard covers that by stating, "Fences may not be installed within two feet of the rear or side property line without proof of survey submitted to the Community Development Department." He asked if you don't have a survey you can go to two feet of the property line but with a survey you can go to the property line. Director Mills stated that is his interpretation.

Aldersperson Klemm asked Director Mills if the pamphlet could be sent to the council prior to distribution to the public.

Upon no further discussion, a roll call vote was taken to approve the ordinance as presented.

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

Nays: none

Ordinance #2015-54 was passed.

ORDINANCES -- FIRST READING

1ST READING OF ORDINANCE #2015-57:

AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.01 (CLASSIFICATION PLAN) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT (POSITIONS NOT COVERED)

This ordinance was presented at the October 13, 2015 Committee of the Whole meeting. Upon a motion by Aldersperson Chesney and a second by Aldersperson McClanathan, it was recommended for first reading at tonight's meeting.

"Section 1. That Sections 290.01 (e) entitled "Positions Not Covered" of Chapter 290 – COMPENSATION AND BENEFITS of the Codified Ordinances of the City of Freeport, Illinois shall be amended to read as follows:

"290.01 CLASSIFICATION PLAN.

~~(e) **Positions Not Covered.** The wage provisions of this chapter shall not apply to elected officials and members of boards and commissions, nor to:~~

- ~~_____ (1) **The Corporation Counsel;**~~
- ~~_____ (2) **Employees of the Board of Water and Sewer Commissioners;**~~
- ~~_____ (3) **Employees of the Library;**~~
- ~~_____ (4) **The Finance Director; or**~~
- ~~_____ (5) **City Accountant.**~~

(e) **Positions Not Covered.** The wage provisions of this chapter shall not apply to:

- _____ (1) **Elected officials and members of boards and commissions;**
- _____ (2) **Employees of the Board of Water and Sewer Commissioners;**
- _____ (3) **Employees of the Library;**
- _____ (4) **To the employees contained in the following chart:**

<u>Position</u>	<u>Salary as of the effective date of this Ordinance</u>
<u>Corporation Counsel</u>	<u>\$109,428.80</u>

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<u>Finance Director</u>	<u>\$ 94,952.00</u>
<u>Community Development Director</u>	<u>\$ 58,011.20</u>
<u>City Accountant</u>	<u>\$ 35,006.40</u>

Salaries under this subsection shall be amended only with approval of this City Council by ordinance.”

Section 2. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 3. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 4. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 5. If any section, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

Aldersperson Koester made a motion to have the ordinance laid over to the Committee of the Whole meeting scheduled for next month, seconded by Aldersperson Chesney. Motion prevailed by voice vote without dissent.

1ST READING OF ORDINANCE #2015-58:

AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE FISCAL YEAR 2014-2015 FOR THE CITY OF FREEPORT, ILLINOIS (SECOND SUPPLEMENTAL)

City Clerk Zuravel noted there is a typographical error in the title noting the fiscal year should read “Fiscal Year 2015-2016”. She confirmed with Finance Director Haggard. Director Haggard concurred. This ordinance was presented at the October 13, 2015, Committee of the Whole meeting. Upon a motion by Aldersperson Chesney and a second by Aldersperson Busker, this ordinance was recommended for first reading at tonight’s meeting. The administration is requesting suspension of the rules for passage this evening.

Director Haggard presented a memorandum dated October 13, 2015 that stated the purpose of this supplemental appropriation is to pay off an installment note payable. The following funds are impacted: The General fund (interdepartmental) originally had \$52,400 budgeted for principal and interest payments transferred to the Debt Service Fund. Assuming we make the October payment of \$26,154.93 before paying off the entire loan, the remaining balance for payoff is roughly \$204,500. Taking into consideration the remaining budget of \$26,245.07, the additional supplemental budget amount should be \$178,300. Since April 2010, funds have accumulated in a separate bank account to use towards paying off this loan. As of September 30, 2015, the balance in that bank account was \$237,742.50. A cash flow analysis was performed to roughly project our cash position at fiscal yearend. Our cash position is projected to be favorable. The Debt service fund originally had \$52,400 budgeted for principal and interest payments. The supplemental budget increase should coincide with the general fund increase of \$178,300. The offset is the transfer in from the general fund.

Director Haggard noted the prepayment penalty is \$220.97 and so benefit outweighs the cost.

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Aldersperson Brashaw requested the cost savings to the City to pay off the installment note. Director Haggard noted the cost savings to the City for future interest would be approximately \$20,000.

Aldersperson Chesney made a motion to suspend the rules. Mayor Gitz stated we need a motion for approval.

Aldersperson Koester made a motion for approval, seconded by Aldersperson Miller.

Aldersperson Koester asked if we repay this now with the current situation we are in with the State not paying us would this put us into a bind if we do not receive the money from the State. Director Haggard stated if you recall she did a cash flow analysis to give a projection of where our cash will be at the end of the year and she along with the Treasurer are comfortable with moving forward this evening.

Aldersperson McClanathan asked about when we are looking to pay this off or does this give Director discretion through the supplemental authority to do so. Director Haggard stated originally she was talking about holding off until April as a fail-safe since that is when the prepayment penalty would not impact us but now knowing the prepayment penalty is so minor at \$220.97, she is very interested in going ahead and paying this off. The payoff letter is good for a week. If it is the pleasure of the council, Director Haggard stated she would like to go ahead and pay this off.

Aldersperson McClanathan made a motion to indicate that the loan will be paid off upon approval of any statutory approval time frame forward signing or not signing separately. Mayor Gitz stated that Director Haggard intended by suspension of the rules to set up the scenario to make that payment with the payment which is due in the amount of \$52,400 and for \$200 she can add to that payment the balance that is due. He stated it is her intent to pay that off all at once. Aldersperson McClanathan asked Director Haggard upon passage of this if it will be paid within a week. Director Haggard stated if she may, it will be tomorrow. Aldersperson McClanathan withdrew his motion.

Aldersperson Brashaw made a motion to suspend the rules for passage. Mayor Gitz stated Aldersperson Chesney made that motion. Aldersperson Brashaw seconded the motion. Mayor Gitz stated this is a motion for immediate consideration of the ordinance. A roll call vote was taken to approve motion.
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: Koester (1)

Mayor Gitz stated Ordinance #2015-58 is on the floor before the council for final passage and consideration. Aldersperson Koester stated although Director Haggard is comfortable with the cash flow he personally is not and he does not feel it is a good time for us to put out extra money to pay off loans when we have uncertain future to our cash flow with the State budget.

Upon no further discussion, a roll call vote was taken to approve the ordinance as presented.
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: Koester (1)
Ordinance #2015-58 was passed.

1ST READING OF ORDINANCE #2015-59:

AN ORDINANCE WAIVING CERTAIN PERMIT FEES FOR CURRENT CONSTRUCTION BY PARKVIEW HOME OF FREEPORT, IL INC.

Community Development Director Alex Mills, provided a written memorandum in the council packet in regard to the mutual agreement between the City of Freeport and Parkview Home regarding building permit fees, plan approval fees, and various off-site improvements. He provided that this agreement calls for Parkview Home to make off-site drainage improvements to properties which currently have pre-existing drainage issues. Without work done toward abatement of these issues, these properties will experience further compounded drainage issues upon construction of Parkview Home's proposed facility. The work to be done by Parkview Home to address these issues would need to meet with the approval of the City Engineer. The agreement also looks toward off-site improvements to the adjacent trail system. The intersection at which Parkview Home is located (W. Pearl City Rd. and S. Park Blvd.) is a key strategic location for current and future development of recreational trails within the City of Freeport. The trail work to be done by Parkview Home would also need to meet with the approval of the City Engineer. As consideration for making these improvements to off-site drainage and off-site trails, the City of Freeport will waive a portion of the \$99,000 building permit fee that would normally be required of Parkview Home. The exact amount of waiver is being finalized between parties and will be included in the agreement submitted to council.

Mayor Gitz stated we have two people we were in discussions with Parkview on Friday and that is why this is just coming to the council. He stated it will be presented by Director Mills and then City Engineer Gallagher.

Director Mills stated the intent of this ordinance is to allow the City of enter into an agreement with Parkview regarding specific offsite improvements that will be done at the time of the construction. He explained the agreement acknowledges the downstream drainage problems which became worse with construction. He also noted there will be curb and gutter improvements closer to the site construction. These are things that will have to be addressed in the site plan approval essentially. Director Mills summarized the agreement as follows:

Parkview Home

- A. Parkview Home will make payment of the plan approval fees in the amount of \$2,710, as provided by ordinance;
- B. Parkview Home will contribute toward downstream drainage improvements and toward curb and gutter improvements relating to additional drainage improvements addressing both pre-existing and potential issues resulting from proposed construction;
- C. Parkview Home will share construction documents which have already been drawn up in relation to such improvements;
- D. Parkview Home will make a single collective financial contribution of \$30,000 toward such improvements within thirty (30) days of the signing of this agreement.

City of Freeport

- A. City will waive the normal building permit fee of approximately \$83,000, in consideration for Parkview Home's contributions.
- B. City agrees to make certain off-site improvements, subject to the reasonable cooperation of the property owner(s) and subject to the sole satisfaction of the City

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Engineer.

City Engineer Gallagher stated this comes to the council after a conversation with Parkview representatives which started back in May to discuss what they had originally planned for the site plan and his concerns from the City's perspective regarding downstream drainage issues in this corridor with the overlapping with their water shed. This disperses in the same area that they did the sanitary sewer lining this past winter where they established easements with those property owners in order to get that project done so he was fully aware of the area and its erosion issues given the storm water coming from upstream. City Engineer Gallagher had spoken with property owner previously so that when Parkview approached the City concerning the improvements they were well aware that not to just work with status quo there would need to be a compromise here. He stated we had some obligations to correct the erosion that is happening south of Ridgefield Drive and this will give us the opportunity to do that improvement and in order to improve the site. He explained the site plan for the property and the discussions that were held for site plans with engineers of Fehr Graham and the compromise that was reached and made part of this agreement. He stated he hopes this will achieve the level of results that the downstream constituents expect while still allowing them to proceed with their construction.

Mayor Gitz introduced a representative from Parkview board, Mr. Stan Zuravel. Mr. Zuravel explained that there were earlier discussions and it is important that everyone understand that Parkview is a not-for-profit organization. This expansion along Pearl City Road at the front of their facility will add significantly to their health center expansion capabilities as well as generate a memory care facility. It will include a wandering garden which will be a positive addition to their already beautiful facility as it is today. He noted with the new facility Parkview will be bringing into the community thirty new jobs and possibly more in the future.

Alderpersion Klemm thanked those involved in the conversation because it was a good end result, not only did it help Parkview because they were approaching the maximum dollars that they spend on the job with the State that is critical but it also helps us out with drainage issues and so future negotiations on just what can be done on the corner of Pearl City Road. He noted there are some drainage issues there and this will give curb and gutter along the front of it and the discussion included help with the trail with an eight foot path. He explained the members involved in the negotiation including Mayor Gitz, Adam Holder of Fehr Graham, City Engineer Gallagher and Community Development Director Mills along with himself and Parkview representatives.

Alderpersion Klemm noted when the originally looked at the agreement they were going to eliminate either the second or the third "whereas" clause on where the watershed was focused from Park Boulevard up past their entrance. He read from the "whereas" clauses and noted that from the discussion we felt that it wasn't necessarily responsible for all the drainage there that there were other issues there and we talked through that in the discussions and his original thought was there were going to be removed. City Engineer Gallagher stated he did not prepare this specific draft and as to the nature of the "whereas" clauses this can certainly be addressed by Corporation Counsel or by Alex Mills. Corporation Counsel Griffin asked Alderpersion Klemm if he was asking for the specific addresses to be removed in the "whereas" and say along Ridgefield Drive. Alderpersion Klemm stated yes. She stated that is not a problem and noted that was in whereas two and three both. Mayor Gitz stated without objection from the

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council this will be amended on its face unless there is an objection from council. Council members nodded in agreement.

Mayor Gitz stated he hopes it has come across in our presentation that most of the time in site review plan the drainage is handled as part of that site review on that property. In this case that is not a possibility. The issue here is with drainage is how to deal with problems that already exist and the proposed site plan would add to them; so that is why the references are offsite.

Alderson Brashaw asked about the drainage area and whether they are looking to drain this underground and noted there is a spring fed spring that goes under there and other parts of the City. City Engineer Gallagher explained currently that ditches along Pearl City Road on the west side and across to two separate storm systems that converge on the opposite side of Parkview. He explained how that overlay would go behind the properties causing a nuisance in an instance of a 100 year event. His understanding is that before five years ago, this was to bypass that was benefit to some existing piping but now outlets to two properties that were addressed in the original draft. City Engineer Gallagher explained wherever we have taken this storm water has caused a bit of a nuisance in this area so our hope is to produce a design channel at the outlet point and to put that in so it does not keep eroding so that it is not going through back yards. Their intent is to shift some of the water shed to one that is less impacting to the storm sewer that currently exists and will be replaced with the Phase B project. They will also develop two detention ponds that are currently not onsite to help with the storm events. They were able to view in the design a production of a two hundred and fifty year storm what the changes will be and how the additional improvements downstream will help. Alderson Brashaw explained this is in her ward and they do have a water shed problem there. She asked about the detention ponds. Mr. Zuravel explained the detention ponds were designed by Fehr Graham for Parkview and basically what that creates is dish out areas on their property to help alleviate some of those issues at a cost to them. They are doing what they can to keep as much on-site within the limited amount of space that they have and still be able to do the expansion. Alderson Brashaw explained in her ward there has been sewage back up and noted her concerns with the water shed. She also noted her concerns with the bike trails. City Engineer Gallagher stated the intent is to fix what is there and to connect the paths and to make some improvements in the area making way for a positive restoration in the area. He explained that these changes are meant to reduce the impact from storms with the best possible resources that we have available to us now.

Alderson Klemm made a motion to move forward the Ordinance #2015-59 and the accompanying exhibit for passage, seconded by Alderson Koester.

Alderson Chesney asked about non-profit fees and how we are going to fairly address moving future issues. Mayor Gitz stated he raised some interesting points. He asked Alderson Chesney if Director Mills could be allowed to be in his position for a longer time period before he addresses this issue. Mayor Gitz stated there are a lot of issues running both ways on non-for-profits and asked Alderson Chesney if he would be satisfied giving some ideas or a report. Alderson Chesney agreed.

Mayor Gitz asked about timing of the project. Mr. Zuravel stated that there are a lot of construction projects going on in the City and as you can tell, winter is coming so that if they would prefer to get this started as quickly as possible. If they were able to obtain the foundation permit and approval to proceed they would like to be digging within a week or week and one half.

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Aldersperson McClanathan moved to suspend the rules for immediate consideration, seconded by Aldersperson Miller. Motion for suspension of the rules prevailed by a roll call vote of:

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

Nays: none

Upon no further discussion, a roll call vote was taken to approve the ordinance as presented.

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

Nays: none

Ordinance #2015-59 was passed.

Mayor Gitz stated with the council's approval he requests at this time to move to executive session.

EXECUTIVE SESSION (CLOSED SESSION) PURSUANT TO 5 ILCS 120/2

Aldersperson Brashaw made a motion to enter executive session pursuant to 5 ILCS 120/2 (c) (1) the appointment, employment, compensation, discipline, performance or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity; and 5 ILCS 120/2 (c) (11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting. This motion was seconded by Aldersperson Klemm.

Aldersperson Chesney made a motion that the City Council suspend its rules and pursuant to Robert Rules of Order that we temporarily appoint Alderman McClanathan to chair the closed session of the meeting. Aldersperson Miller seconded the motion.

Mayor Gitz stated there is first a motion to go into executive session. Motion prevailed by a roll call vote of: Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)

Nays: none

The time was 6:55 p.m.

Mayor Gitz stated there is a motion on the floor to appoint a temporary chair for this executive session and there is a second to this motion. He asked for Corporation Counsel Griffin's opinion on the motion. He stated ruling is that it is allowed. Motion prevailed by voice vote without dissent.

Aldersperson Chesney stated I would like to make a motion to include Attorney Prorock, Attorney Peragis, Director Milliman and also Director Haggard to these proceedings. Mayor Gitz stated you may want to talk to counsel before you do that. Aldersperson McClanathan stated at this time we need to address individuals who are not part of the body to go into it and he certainly thinks that authority to allow individuals can be addressed as to whether they are there for all or a portion. Mayor Gitz stated we will leave that up to your good offices.

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At 11:00 p.m., Alderperson Brashaw made a motion to return from executive session, seconded by Alderperson Busker. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)
Nays: none

OTHER

Reports of Department Heads

Finance Department

Finance Director Haggard provided a written memorandum regarding the bond rating dated October 19, 2015. The memorandum stated the bond rating of the City remains unchanged at "A". The results from a weighted average of the seven key factors including institutional framework – 10 percent weight; economy – 30 percent weight, management – 20 percent weight; budgetary flexibility – 10 percent weight; budgetary performance – 10 percent weight; liquidity – 10 percent weight; and debt and contingent liabilities – 10 percent weight.

The memorandum explained the weighting in each area with potential scores of very strong to very weak. The credit profile for the US \$9.73 million GO refunding series 2015A due 01/01/2034 long term rating was "A" stable. The credit profile for the US \$2.495 million GO series 2015B due 01/01/2036 was "A" stable.

Community Development

Director Mills provided an update on the Freeport Community Foundation grant progress. He stated he completed the letter for the dumpsters to be forwarded to contractors and it is pending internal review.

Public Works

Director Dole stated he provided a written activity report. Leaf pick up started today and should be a project for the next six to eight weeks.

Library

Freeport Public Library Director Carole Dickerson was not present at this time.

Fire

Award of Roofing Bid – Fire Station #2

Fire Chief Miller presented the bid tabulation for the roofing bid for Fire Station #2. He stated on October 19th at 11:00 A.M. , sealed bids for the Fire Station 2 roof replacement project were publicly opened at City Hall. There are four (4) areas of the existing roof that have leaks due to excessive age, causing the need for roof replacement. Present at the bid opening were representatives from the Legal, Finance, and Fire Departments. Two (2) sealed bids were received for the roof replacement, as follows. Both bids were compliant with the bid specifications and provided three (3) local references as required. The two bids received were from H.C. Anderson Roofing - Rockton and Freeport Industrial Roofing – Freeport.

- H.C. Anderson Roofing - The bid amount for the fire station roof only was \$31,580.00. An additional \$4,211.00 was quoted for the lower level porch area. An additional 5 year extended warranty is available for \$600.00. Total bid (not including extended warranty) - \$35,791.00

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- Freeport Industrial Roofing - The bid amount for the Fire Station roof and the lower level porch roof was \$24,000.00. An additional 5 year extended warranty is available for \$1200.00. Total bid (not including - extended warranty) - \$24,000.00.

Fire Chief Miller requested acceptance of the bid received from Freeport Industrial Roofing in the amount of \$24,000.00. He explained Freeport Industrial Roofing installed the existing roof in 1989, and we have had few issues regarding the finished product. The existing roof has lasted twenty - six (26) years and has exceeded its anticipated useful life. A budget increase of \$4,000.00 dollars will be required to cover the current budgeted amount of \$20,000.00. The budget increase will be funded by the Fire Department Capital Improvement Fund which has funds available for the appropriation increase.

Aldersperson Klemm made a motion to accept the bid in the amount of \$24,000 from Freeport Industrial Roofing, seconded by Aldersperson McClanathan.

Aldersperson Koester asked if there will need to be a supplemental appropriation to for the \$4,000 excess. Finance Director Haggard stated yes at a later date.

Motion to accept the bid prevailed by a roll call vote of:

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

Nays: none

Fire Chief Miller presented that administration is working with Corporation Counsel Griffin on a draft document for the Fire Station #3 request for bids. This will have two proponents including on as a sole possession and an alternate bid provision for the Fire Department to maintain training at the location.

Police

Chief of Police Todd Barkalow stated the 2016 squads should be delivered. He stated they are looking at December for the body worn cameras. They are looking into State mandated redaction software. Chief Barkalow provided an update on gang resistance program given by Officer Hilby at Carl Sandburg School.

MAYOR'S REPORT

Mayor Gitz stated he has no further report.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Koester stated there will be a 7th Ward meeting on Wednesday at the Central Fire Station. He asked Mayor Gitz about convening the Building Commission. Mayor Gitz stated he needs to first reaffirm the members and he is working on that. Aldersperson Koester stated he would like to have building permits standardized and payments accepted online.

Aldersperson McClanathan thanked the Public Works Department for the attention to the issue on Winchester and Rye Ridge.

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Alderperson Miller stated there will be a 4th Ward Neighborhood Watch next Monday at the Lincoln Mall. She asked about the incentive package and its status in regard to the former City Hall building. Mayor Gitz stated we have been in the middle of the bond sale and he will keep the council up to date.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich, Freeport Illinois stated he will see Chief Barkalow at an event to be held at Embury Methodist Church on Tuesday. .

Upon motion duly made and seconded, the meeting was adjourned at 11:22 p.m.

s/ Meg Zuravel

Meg Zuravel
City Clerk