



## *City Council*

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

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### **MINUTES REGULAR MEETING Monday, November 16, 2015**

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#### **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 November 16, 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). Representing the City of Freeport as special counsel was Michael Phillips, Attorney At Law.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Koester.

#### **APPROVAL OF AGENDA**

Mayor Gitz asked for leave of council to change the order so to move up the tax levy estimate resolution after the consent agenda and also hear the presentation for the IMLRMA insurance agreement resolution while Mr. Price is present. Mayor Gitz also requested moving forward the resolution for the agreement for the WWTP blower replacement and then depending upon the time of the agenda when Mr. Pirages arrives for the executive session around 7:30 p.m. Mayor Gitz stated item nine which is vacation leave of absence ordinance he has requested due to the technical issues raised at the Committee of the Whole and the consensus seems to be for the administration to fix the ordinance and bring it to council the first meeting in December. Mayor Gitz stated with those changes, he will entertain a motion to approve the agenda. Alderperson Koester moved for approval of the agenda as presented, seconded by Alderperson Klemm. Motion prevailed by voice vote without dissent.

#### **MINUTES**

The minutes from the regular meeting on November 2, 2015 and special meeting on November 2, 2015 were presented. Alderperson Koester moved for approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

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

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

Lynn Folgate, 3551 Stephenson Street, Freeport, Illinois, provided a summary of the fundraising efforts of the Fraternal Order of the Moose including Moosehaven, Mooseheart and the Loyalty Home.

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Steve Carroll, 811 Oak, Freeport, Illinois, provided a photo of a nuisance complaint in front of a house located at 212 S. Walnut where he stated a love seat style couch has been sitting for the last month. He asked that the Community Development Department take care of it. He stated he has been waiting for Mr. Homer, the City's Nuisance Inspector to do something. He provided his opinion on the work he has been doing. He thinks there is going to be a change in city government and he can only hope the next administration will place a much higher priority.

Andrew Crutchfield presented information on the annual toy drive for the children at Amity Learning Center. He encouraged donors to drop off toys for children at the three Freeport Fire Stations, the Police Station, the Water and Sewer Office of City Hall, and Slumberland. Donations will be accepted from November 20, 2015 through December 21, 2015. He is asking for new or gently used toys for age infant to 15 years old. Donations can include coats, hats and gloves for children.

**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) Illinois Environmental Protection Agency Notice of Application for Permit to Manage Waste – November 6, 2016 for Freeport Municipal Landfill #4
- 2) 2016 Holiday Schedule
- 3) City Council Meeting Schedule
- 4) Committee of the Whole Meeting Schedule
- 5) Police Department Report of Activities for October 2015
- 6) Building Permit Report of Activities for October 2015

B. Approval of Water & Sewer Bills Payable (Registers #438, 439) --- \$203,378.67

C. Approval of Payroll for pay period ending October 31, 2015 --- \$422,406.84

D. Approval of Finance Bills Payable (Registers #435, 436, 437, 440) --- \$399,785.63

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

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

Nays: none

Mayor Gitz stated the next two items will be presented together dealing with the tax levy amount.

**PRESENTATION ON PRELIMINARY TAX LEVY**

Duane Price, former city accountant for the City of Freeport representing the Finance Department provided worksheets showing the preliminary calculation of the 2015 tax levy. His memorandum explained that Option #1 leaves the levy for the corporate fund the same as last year's levy. Because of the large increases in our required pension contributions the total levy would increase by 44.6%. The dramatic increase in the firefighter's and police pension fund contributions is driven by the change in the rules concerning the funding requirements. Previously, the City was required to have our pension funds 90% funded by 2044 and our past contributions were based on that requirement. The new GASB rule requires the pension funds to be 100% funded by 2044. This change and changes to the life expectancy tables is what has driven the increase in the pension contributions. For Option #2 chart the levy for the

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corporation fund was eliminated to show what the effect will have on the levy. The increase over last year's levy would be 25.4%.

Mr. Price reviewed the charts provided below. He stated that an actuary looks at the pension funds and looks at the amount that the City needs to contribute and Mr. Tepfer will review this in detail this evening.

Mr. Price stated for the IMRF amount in the below stated charts, the city does not receive a request from the Illinois Municipal Retirement Fund telling us how much we have to contribute but instead they tell us a percentage of our wages that have to be paid. He noted the employee pays 4.5% of their wages into the fund and we pay over 11%. Mr. Price explained that is going to go up by one and one quarter percent in 2016 and that is an increase over last year. In order to determine how much the City has to levy for the IMRF fund, we have to calculate our estimate for the wages for next year and what our contribution is going to be. We do not know exactly what wages are going to be and raises for the last four months of the fiscal year. We do not know what the contribution rate will be so we determine that internally and he has estimated it to be. Mr. Price stated he will continue to monitor and estimate this number before we get the final number. Mr. Price stated for the corporate fund, he used the same number as was levied last year and that is shown in Option #1. In Option #2 is shows the effect on taking out monies to the corporate fund.

Mr. Price explained for the IMRF figure provided in his calculations showing a percentage change of 94% that is not because the dollar amount is going up, but instead, last year's tax levy was lower than normal. He believes that the thought process used was to use up some of the reserves in our IMRF Fund. That amount was \$147,000 which was in there at the beginning of this fiscal year and from his understanding the Finance Director levied not for the full amount of the expense that we were going to pay but instead used up some of the reserves in an amount of \$147,000 which is quite a bit. He explained that is why the huge increase because it is based on our current expense as compared to the draw-down amount which was lowered last year.

The preliminary Option #1 and Option #2 are provided as follows:

OPTION #1	Annual Contribution	20% Contribution from Rep. Tax	2015-2016 Tax Levy (Current)	2014-2015 Tax Levy (Previous)	% Change
Firefighter's pension contribution	1,311,166	262,233	1,048,933	569,263	84.3%
Police pension contribution	2,195,150	439,030	1,756,120	1,273,118	37.9%
IMRF	330,000	66,000	264,000	136,000	94.1%
Corporate			469,660	469,660	0.0%
			3,538,713	2,448,041	44.6%

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OPTION #2	Annual Contribution	20% Contribution from Rep. Tax	2015-2016 Tax Levy (Current)	2014-2015 Tax Levy (Previous)	% Change
Firefighter's pension contribution	1,311,166	262,233	1,048,933	569,263	84.3%
Police pension contribution	2,195,150	439,030	1,756,120	1,273,118	37.9%
IMRF	330,000	66,000	264,000	136,000	94.1%
Corporate			0	469,660	-100.0%
			3,069,053	2,448,041	25.4%

**COMMUNICATION TO COUNCIL**

City Treasurer Linda Buss explained that in the packets for both pension funds are the following reports:

- Firefighters Pension Fund Board of Trustees – [view reports Fire Pension](#)
  - Actuarial Valuation and Required Reporting to Municipality By Pension Board
- Police Pension Fund Board of Trustees - [view reports Police Pension](#)
  - Actuarial Valuation and Required Reporting to Municipality By Pension Board

City Treasurer Buss provided that the first report is the actuarial valuation completed by our actuary, Art Tepfer of TCG Public Consulting, Ltd. It shows the net recommended minimum city contribution request of \$1,311,166 for the Fire Fund and \$2,195,150 for the Police Fund. She explained that 20% of that comes from the State Replacement Tax. Treasurer Buss provided to council the “Required Reporting to Municipality by Pension Board” which is required by State law. These reports were approved and signed by the pension boards in their special meetings held on Friday. This report also includes a copy of the most recent investment policy.

City Treasurer Buss introduced Mr. Art Tepfer. He is the actuary who evaluated the pension funds and provided the report to council that was included in the packet. He explained that the effectuated changes were caused by experience which is an estimate of certain things to happen to the pension funds as measured against what actually happened, the assumptions of the mortality table that people are living longer, and the third reason why the pension fund requirements increased as due to GASB 67 recommended contribution to provide 100% funding target rather than the former 90% by the year 2041. He stated the state law requires pension funds to be funded and it used to be 90% funded by 2041 and now GASB says 100% funded and that change really caused a change in the pension fund contribution that is required this year. These changes the way pension funds are recorded on your financial statements.

Council members were provided an opportunity to ask questions.

Aldersperson Brashaw asked how the mortality tables have changed and how much longer are people living. Mr. Tepfer stated he uses mortality rates and not number of years and he can say there has been a mortality improvement in general in society.

Aldersperson Miller stated the last she read the City of Freeport fire and police pension funds were a \$28 million dollar unfunded liability and they have to be 90% funded by the year 2041. Mr. Tepfer corrected

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that amount to be 100%. Alderperson Miller asked how the City was doing with the 90% funding levels and whether we were on target with that. Mr. Tepfer explained if the City has been putting in the recommended funding that he suggested; then yes, you are on target, providing his assumptions were accurate and drastic things did not happen. He explained that now under GASB you have to be 100% funded by 2041. Alderperson Miller stated what she is reading that it is "recommended." Mr. Tepfer stated that is correct it is not law and he stated why it is a recommended contribution. Mr. Tepfer stated because the GASB affects your financial statements and if you target 90% which is what he was recommending all along and the year keeps changing by the legislators. The 100% is a GASB requirement. If you in fact target 90% and put in less than what GASB wants you to do, it will show up on your balance sheet and it will cause problems with the municipal bond rating and if it shows you are underfunding GASB and your bond people will look at it that you are not contributing what you are supposed to be and they will probably lower your bond rating.

Alderperson Miller asked where the additional money is supposed to come from that he is asking for the pension funds. Mr. Tepfer noted it is a 10% target change not a 10% increase and the fire is not as well funded as the police and it comes from the same source where you get your pension fund funding. He is not sure of the funding sources but presumed it must be from property taxes. He stated he is not telling you where to get the funds only that it is \$350,000 larger than it was last year simply because of the GASB change. Alderperson Miller asked Treasurer Buss to provide options as to how it can be funded. Treasurer Buss stated the pensions are funded three ways 1) through the active participant's contribution through their payroll that goes directly into their pension fund 2) pension fund investment earnings and 3) the City's portion of funding through the property taxes.

Alderperson McClanathan asked what the statutory requirements for funding are and what are the options other than property taxes. Mr. Tepfer stated that is not an actuarial question and he does not feel comfortable answering. He stated there are municipalities that just write checks. He noted the statutes provide that the property taxes are one of the things that you can use. Alderperson McClanathan asked if in the fire, police, or IMRF whether any of these statutorily are required to be funded by the property taxes or are we given discretion. Mr. Price explained that what he drafted was that we would fund it the way we always did in the past and that is through the property taxes. He added he is not sure what the statutes say about using other things and noted it can come out of the general fund, but it has to come from somewhere.

Alderperson Chesney asked what the impact will be on the bond rating. Mr. Tepfer stated you would need to talk to the auditors about that. Treasurer Buss stated we at this point have no idea the effect on the bond rating but it would impact it negatively to borrow in the future.

Mayor Gitz stated at this time we will move forward the resolution regarding the tax levy estimate and so now we will go on to item #17.

**RESOLUTION #R-2015-67:**

**RESOLUTION DETERMINING THE AMOUNT OF MONEY ESTIMATED TO BE NECESSARY TO BE RAISED BY TAXATION FOR FISCAL YEAR 2015-2016 UPON TAXABLE PROPERTY IN ITS DISTRICT AND MAKING A DETERMINATION THAT IT INTENDS TO ADOPT AN AGGREGATE LEVY IN AN AMOUNT WHICH IS MORE THAN 105% OF THE AMOUNT**

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**EXTENDED OR ESTIMATED TO BE EXTENDED UPON THE FINAL AGGREGATE LEVY EXTENSION — CITY OF FREEPORT**

Mayor Gitz stated the tax levy must be approved and filed with the Stephenson County Clerk by the last Tuesday in December. If there is a contemplated increase beyond 105% of last year's levy it triggers a hearing requirement and there is a 20 day notice requirement. He stated technically this does not have to be dealt with tonight but if it was deferred to the first meeting in December you would have to have a special meeting before the deadline.

Mr. Price stated this resolution estimates that our tax levy will be over the 105% threshold and we will be required to do a public hearing. If something happens and we do not go over the 105% then at least we gave the notification 20 days prior.

Attorney Phillips explained there is a statute in Illinois that requires a public hearing on the issue if you expect that the tax levy will go over the 105% of the tax extended last year and that requires publication and a public hearing. If you do not proceed with the public hearing or the publication it could invalidate your tax levy.

Mayor Gitz stated that he has been asked where these number come from and why are they coming now. He stated as our City Treasurer can tell you, we have been waiting for the figures on the pension levies and they were expected for some time now. They just came to us last week so this is the first opportunity to discuss what the figures are and what are the options needing funding allocations.

Aldersperson Chesney asked if the reason we have to give notice is only if we exceed 105% and that is statutorily required. He stated if we were not under home rule we would not be able to go past 105% maximum anyway is that correct. Attorney Phillips stated that limit of 105% is for the truth in taxation. There is a term know as known as P-tell for non-home rule communities. He explained they are limited to the lower of 5% or the CPIU (consumer price index urban) and he believes that was at 0.8% and the year before it was a 1.7%.

Aldersperson McClanathan clarified the timeline the tax levy has to be filed with the county clerk and asked if it was by the last Tuesday in December. Attorney Phillips stated yes for filing. He then explained for a public hearing there is a time frame for public inspection and in order to have the public hearing you have to have a notice publicized fourteen days for the Truth in Taxation that is what causes the estimation to be completed 20 days prior. They reviewed the time frames that if the resolution was presented on December 7 that would not be enough time for the estimation, the public hearing, and for the clerk to file the tax levy by the last Tuesday in December which is December 29<sup>th</sup>.

Aldersperson Koester asked about the estimation on the effect on a \$100,000 valued home. Mr. Price stated that option number one is the largest increase would have an effect of \$120.00 increase in taxes but at this time we do not know what the EAV is at this time. Option two would have an effect of \$55.00. Aldersperson Koester stated we have kept the tax levy at zero for which he was not in favor of and if we would have kept it with somewhat of an increase we would not be in the situation we are in right now. He cautioned that the reason the State pension funds are in the trouble that they are in is because they were not funded at the proper level and in Freeport over the years we have been paying what we needed to.

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Aldersperson Klemm stated this is one of the largest increases we have had to consider in recent years and we have funded our pensions in the past at the amount that the actuaries have asked us to do. We do not have a choice other than to adopt the resolution so we have the paperwork to move forward and if it changes and if something changes it will come up during that period of time.

Aldersperson Klemm made a motion to move forward Resolution R-2015-67. This motion was seconded by Aldersperson Koester.

Aldersperson Miller and Chesney stated they cannot support the resolution. Aldersperson Koester spoke about the City holding line on property taxes for several years now.

Mayor Gitz stated that we had to wait for the actuarial numbers and just because you put it on file and have a hearing does not mean you are obligated to pass it at that amount but the issue that you have is the timeframe in December so you either need to do it now or in a special meeting in the near future. You can have a public hearing and adjust it after that as well and later say no we are not going to increase it.

Mr. Price stated this is a formality that we have to give notice for the public hearing if we are going to be over 105% so we assume we are going to be over 105% and we give that notice so we can do the public hearing if we are over 105%.

Aldersperson Klemm stated we can work out other options.

Aldersperson Chesney spoke against having a public hearing and passing the resolution.

Aldersperson McClanathan spoke about the concerns with funding the pension funds through the property taxes and asked about future dates. Attorney Phillips stated you have to pass an estimate at least 20 days before the public hearing if it is going to be over the 105%. If it is not going to be over 105% you do not need to have a public hearing. If you want to have a special meeting on the morning of December 29<sup>th</sup> you will have to have this on file by December 9<sup>th</sup> and also schedule a public hearing. Aldersperson McClanathan stated his strong preference is to find alternatives for it.

Mayor Gitz provided a recent history of the tax levy and the attempts that have been made to ask taxing bodies to hold the line on property taxes but what he wants the council to be aware of the timetable we are working on and that is a timetable set by statute.

Aldersperson Klemm stated there may be other sources to find funds if the property taxes are not what funds this increase but the question is where council is going to find the million dollars needed to fund the pension funds. He added that everyone would like to see the taxes stay at zero. He would like to proceed with the resolution because you have the timing there if you need it.

Aldersperson Busker asked if the council could hold a special meeting on November 30<sup>th</sup> to discuss this further and then we could have the public hearing on December 21<sup>st</sup>.

Aldersperson Chesney stated that once you exceed the 105% threshold the statute says that the public needs to be reminded that the City officials are getting into uncomfortable territory and we should not get into a position to say that public officials can't do their job and their only responsibility is to raise taxes.

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He challenged the council to come up with an option that does not include raising the taxes. He suggested putting together a committee to come up with solutions and options to comb through the budget line by line.

Aldersperson Koester discussed the recent history of property taxes and that the council has not increased property taxes in recent years. He is in favor of a special meeting on November 30<sup>th</sup> although he will not be present so he recommended a special meeting on November 23. Mayor Gitz stated he is more comfortable on the 30<sup>th</sup>.

Mayor Gitz stated that we have a motion on the floor for approval and a second or we can defer to a special meeting on November 30<sup>th</sup>. Aldersperson Klemm withdrew his motion for approval of the resolution and made a motion to set up a special meeting to present the resolution where we have alternatives on this. This motion was seconded by Aldersperson Koester. Mayor Gitz stated the motion is to set a special meeting and he suggested that we do not set that date until he has been able to figure out everyone's schedule. We will work on what has been said here and try to give you some options on it so we can look at them. There are a lot of things going on right now including the audit and accounts of the general ledger that are critical issues. Upon no further discussion, Mayor Gitz asked for a voice vote on the motion to have a special meeting with this resolution on the agenda. Motion prevailed by voice vote without dissent.

Aldersperson Koester asked to have the alternatives emailed to him since he will not be able to attend a meeting on November 30<sup>th</sup>.

Mayor Gitz stated next we will have item #14.

**RESOLUTION #R-2015-64:**

**RESOLUTION AUTHORIZING THE EXECUTION OF THE IMLRMA GUARANTEED COST AGREEMENT**

WHEREAS, the City Council of the City of Freeport, a member in good standing of the Illinois Municipal League Risk Management Association and party to the IMLRMA Intergovernmental Cooperation Contract, has been fully apprised of the IMLRMA Guaranteed Cost Contribution; and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to continue making its IMLRMA contribution in accordance with the IMLRMA Guaranteed Cost Agreement which annual premium is Nine Hundred Forty-Eight Thousand and Five Hundred and Twelve Dollars and 00/100 Dollars (\$948,512.00), with the offer of an early renewal option of Nine Hundred Thirty-Nine Thousand and Twenty-Six Hundred and 88/100 Dollars (\$939,026.88); and

WHEREAS, the City Council of the City of Freeport, finds it to be in the best interest of the municipality to make its IMLRMA contribution payment by the early renewal deadline of November 20, 2015 which reduces the annual premium by an additional 1.0% (\$9,485.12).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS that:



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Section 1. The Corporate Authority hereby authorizes the Mayor to execute the IMLRMA Guaranteed Cost Agreement for a one (1) year period beginning December 31, 2015 and ending December 31, 2016, utilizing the early renewal option.

The remainder of the resolution was customary language.

Duane Price presented the resolution for the Finance Department and explained that the City has received an invoice for the renewal for the insurance for calendar year 2016. He stated this is for Worker's Compensation, Auto Liability & Comprehensive General Liability, Portable Equipment, Auto Physical Damage and Property. He stated the resolution is to renew the policy with IMLRMA in accordance with the IMLRMA Guaranteed Cost Agreement with an annual premium of nine hundred forty-eight thousand and five hundred and twelve dollars (\$948,512). He explained that if we pay this before this Friday, we will receive a 1% discount offer in the amount of \$9,485.12 through an early renewal option. This would bring down the cost to \$939,026.88.

Mr. Price explained a minimum and maximum pool for the council. It used to be that the savings window was about \$50,000 but you could pay \$50,000 more which is a gamble. He recommended against it because they changed the spread and it could end up costing you about \$200,000 more. He reviewed this with IMLRMA and the risks far outweigh the rewards. He explained this resolution was written to go for the standard insurance policy where we pay the premium and they pay all the claims.

Alderson Brashaw asked what was budgeted. Mr. Price stated he would assume that it was budgeted for some sort of an increase and this premium went up by an amount of \$51,000.

Alderson Klemm asked about payment of the entire amount at once whether we have liquidity. Mr. Price stated he checked with Treasurer Buss and she feels that the City can handle the liquidity and take advantage of the savings of \$9,485.12.

Alderson Brashaw stated she is in support of taking the savings and to make the payment early.

Alderson Chesney asked about bidding out the insurance. Mr. Price stated it has been bid out in the past since he has been here (about 4-5 times). He explained that it is hard for someone in the traditional insurance companies in the marketplace to compete with IMLRMA and many insurance companies will not do it because of our workers compensation experience. He recommended bidding it out next year but at this current time, there is not enough time.

Alderson McClanathan moved to approve Resolution #R-2015-64 as presented, seconded by Alderson Busker. Alderson Koester spoke about the chance of having an injury on the job for municipal employees. The motion to approve the resolution prevailed by a roll call vote of;

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

Nays: none

Mayor Gitz stated we will now consider item #15 which is Resolution R-2015-65.

**RESOLUTION #R-2015-65:**

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**A RESOLUTION TO AUTHORIZE AN AGREEMENT WITH ENERGENECS FOR BIOLOGICAL AERATED FILTER BLOWER REPLACEMENT AT THE WASTE WATER TREATMENT PLANT LOCATED ON 337 SOUTH HANCOCK AVENUE, FREEPORT, ILLINOIS**

Water and Sewer Executive Director Tom Glendenning Director Glendenning stated he has provided to council various presentation on the energy efficiency project at the Waste Water Treatment Plant and the potential grant funding that we have including what the benefits to the utility for this project. He referred to his memorandum dated November 12, 2015 and described the uniqueness of this project. He stated he has known for three years that this is a definite project that we would want to attack because of the inefficiency of our current system.

Director Glendenning's report provided a summary document supporting the resolution for the Biological Aerated Filter Aeration Blower Replacement Project. The project scope, design, and grant applications have been facilitated by Water & Sewer Commission Staff along with the technical assistance of the manufacturing representative who is now being submitted as the contract supplier, builder, and potential financier if necessary. He provided the following points prioritized to support using the selected sole source contractor supplier for our project.

- Unit and Process Evaluation - FWSC biological aerated filters trade name is "BioStyr". The unit was installed in 1989/1990. The unit was installed as a pilot unit that had not been a pre-approved process by IEPA but was necessary for NPDES compliance issues and the additional minimal foot print that was available at the wastewater treatment plant for typical installations. This is the only unit of its type in the Midwest or Eastern States. The unit still performs with excellent results in the removal of ammonia from the waste stream received at the facility. Unfortunately due to its age, the process has several areas of depreciation, is extremely energy inefficient, and is very complex in its control. This process is highly dependent on oxygen delivery in two major areas, biological treatment and process management. Control of air flow during biological treatment is minimal but highly controlled during times of flow head loss during filtration and during filter backwash operations. In the replacement design, the installation of additional air control valves and high speed motor controlling will be a complex strategy component of the turbo aeration blowers design to keep this process operational and compliant.
- Life Cycle Costing & Controls - The Turbo Aeration Blower units being proposed are manufactured by a parent company (ARZEN) that has been producing aeration blowers for over 150 years. The units proposed have several patented components that will support longer depreciation schedules and diminished failure rates. These blowers are being powered by a 200 hp permanent magnetic motor and will be rotating at rates up to 30,000 rpm. The impeller producing the air flow to our process is a patented one piece forged stainless steel unit unlike the remaining manufactures. Electrical frequency control and filtering is an additional component of this blower (also provided by other manufactures) but has been highly designed with frequency filters and additional power conditioning units to coincide with our consistent power fluctuations at the Wastewater Treatment Facility from our energy supplier.
- Serviceability - Due to the high technical level of this equipment and their associated components we will be relying on outside services for service and repairs of these units. Our selected contractor will also serve as our local service representative located in southern Wisconsin. Other units if selected would be serviced from the east coast or Texas and have very short term establishment in the industry.

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- Financing - Currently project financing will be accomplished through 2 areas, FWSC Capital Improvement Funds of up to \$250,000 and the proposed and awarded grant funding. We currently have been awarded a grant through the Illinois Clean Energy Community Foundation for \$128,435 and have an approved pre-application to Illinois DCEO for \$434,746 pending the passage of the State of Illinois Budget. Financing through the supplier of the equipment was offered when the delay in grant funding was realized. This is being offered to expedite the project with repayment based on actual energy savings with no interest to the financing of the project. This possible need for financing was not a requirement of the project scope when it began, but this option is now being considered in order not to deplete all of the Commissions Capital Improvement Funds and to realize energy savings as soon as possible. If all grants are awarded the project will be 90% funded.
- Current Project Contract Awarded - Suspension of the rules to accommodate sole source award for Design, Build, and Potential Financing of submitted contract will be necessary prior to contract resolution approval.
- Current Project Scope Denial - The following bullets will be steps to be taken or incurred if project in its current state is rejected;
  - Un-submit current awarded and potential grant awards grant applications.
  - Project requirements will be submitted for statement of qualifications to engineering firms.
  - Select firm for project.
  - Re-establishment & education of project scope, operational needs, and requirements of the Biological Aerated Filtration Process along with specific equipment needs will be facilitated with selected engineering firm.
  - Bidding process will be facilitated
  - Review and detailed change orders will be evaluated with awarded supplier of equipment and process changes to guarantee process operations and compliance will be facilitated.
  - Re-submission of proposed equipment and energy reductions data for Energy Grant Applications for 2016/2017 will be facilitated.
  - Grant awards or rejections will then be evaluated for project funding and appropriations through the Capital Improvements Funds and revenue.
  - Project would be awarded late summer or early fall of 2016.

Director Glendenning introduced Mr. Don Kramer of Energenecs, Inc. Director Glendenning explained how they have assisted with the grant application and the accuracy that you need is what makes them successful for approval. Director Glendenning stated the City has already been accepted by the Illinois Clean Energy Community Foundation for a grant for \$128,435 and have an approved pre-application to Illinois DCEO for \$434,746 pending the passage of the State of Illinois Budget. He stated the work that Mr. Kramer has done has confirmed all the findings in the energy audit that was found by ComEd. Director Glendenning also introduced Mr. Larry Henderson of Energenecs. Mr. Henderson provided an overview of the energy projects Energenecs have performed. Council was provided an opportunity to ask questions. The resolution presented this evening provides the following:

**WHEREAS**, the Water & Sewer Commission of the City of Freeport is in need of services relating to replacement of the biological and mechanical processes located within the waste water treatment plant; and

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**WHEREAS**, Energenecs scope of services includes design, build, equipment supply, and financing if required; and

**WHEREAS**, Energenecs is our area representative for selected equipment that meets all requirements of our biological aerated filter and process control parameters; and

**WHEREAS**, this City Council believes that execution of this agreement is in the best interests of the citizens of the City of Freeport; and

**WHEREAS**, Energenecs will perform blower replacement Services for the Waste Water Treatment Plant for a lump sum fee of SIX HUNDRED SIXTY-TWO THOUSAND and 00/100 DOLLARS (\$662,000.00) as shown in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS**

**Section 1.** The City Council hereby finds and determines that sole source procurement of the Energenecs blower replacement for the Waste Water Treatment Plant is hereby approved as provided in the proposal shown in Exhibit A.

**Section 2.** The City Council hereby finds and determines that the representations contained in the preamble of this Resolution to be true and correct, and hereby incorporates them by reference as if fully set forth at this place.

**Section 3.** That there is hereby appropriated the sum of SIX HUNDRED SIXTY-TWO THOUSAND and 00/100 DOLLARS (\$662,000.00) for replacement of the biological and mechanical processes located within the waste water treatment plant as provided in the Agreement (Exhibit A). The City of Freeport shall retain the right to perform select services within the Engineering Agreement at no penalty or adjustment to the individual costs provided in the Agreement.

**Section 4.** The Corporate Authorities hereby authorize the Executive Director of the Water & Sewer Commission and/or appropriate City officials or employees as may be required or convenient, to sign on behalf of the City of Freeport the said Agreement (Exhibit A) and any other document(s) necessary or convenient to fulfill the intent of this Resolution.

**Section 5.** That the provisions of this Resolution are severable and if any court of competent jurisdiction shall declare any portion of this Resolution to be invalid or unenforceable, said decision shall not affect any portion of this Resolution, other than the part declared invalid or unenforceable. The City Council hereby declares that it would have enacted this Resolution even with the invalid or unenforceable portion deleted.

**Section 6.** This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

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**Section 7.** That this Resolution is expressly adopted pursuant to the Home Rule authority of the City of Freeport under Section 6(a) of Article VII of the Illinois Constitution of 1970, and that all Resolutions or motions in conflict with this Resolution are repealed insofar as they conflict.

**Section 8.** That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

Aldersperson McClanathan moved to approve Resolution #R-2015-64 as presented, seconded by Aldersperson Miller. The motion to approve the resolution prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none

Director Glendenning provided his thanks from the Water and Sewer Commission and for the biological waste activity at the treatment plant.

**EXECUTIVE SESSION (CLOSED SESSION) PURSUANT TO 5 ILCS 120/2 (c) (1)**

Mayor Gitz stated we will now go to item 22 which is the executive session with Mr. Pirages. Mayor Gitz stated we will need to call an executive session pursuant to 5 ILCS 120.2 (c) (1). Aldersperson Koester made a motion to enter executive session, seconded by Aldersperson Klemm. City Clerk Zuravel read aloud; "this is an 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."

At 7:55 p.m., the motion to enter executive session prevailed by a roll call vote of:  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none

At 9:13 p.m., Aldersperson Koester made a motion to return from executive session, seconded by Aldersperson Klemm. The motion prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Busker, Brashaw, Koester and Chesney (7)  
Nays: none  
Absent upon roll call: Miller

Aldersperson Koester made a motion to release the document on the findings of the investigation, seconded by Aldersperson Klemm. Aldersperson Miller returned to council chambers. Mayor Gitz stated we have a motion and a second to release the document that is the subject of the investigation. The document provided to council members in executive session was written by Attorney Pirages addressed to Mayor James L. Gitz and Members of the City Council, City of Freeport Illinois, titled "Investigation of Fraud Allegations" and dated November 15, 2015. The motion to release the document prevailed by a roll call vote of:  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none

**ORDINANCES -- FIRST READING**

**2<sup>nd</sup> READING OF ORDINANCE #2015-60:**

**AN ORDINANCE AMENDING CHAPTER 608 “ALCOHOLIC LIQUOR”, SECTION 608.02 (OFFENSES BY LICENSEES); CHAPTER 806 “ALCOHOLIC LIQUOR SALES”, SECTION 806.03 CLASSIFICATION OF LICENSES AND CORRECTING A TYPOGRAPHICAL ERROR IN SECTION 608.04 (POSSESSION OR CONSUMPTION IN PUBLIC PLACES), OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

The first reading was held on November 2, 2015. A motion to approve was given by Alderperson Koester, seconded by Alderperson Miller and the ordinance was automatically laid over to tonight’s meeting. The second reading was held and upon no discussion, the motion for passage of the ordinance prevailed by a roll call vote of;

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

Nays: none

Ordinance #2015-60 was passed.

City Clerk Zuravel noted the effective date of the ordinance requires ten day publication period and liquor license holders should check on dates before scheduling events.

**2<sup>nd</sup> READING OF ORDINANCE #2015-61:**

**AN ORDINANCE TO SUPPLEMENT THE APPROPRIATION ORDINANCE FISCAL YEAR 2015-2016 FOR THE CITY OF FREEPORT, ILLINOIS (THIRD SUPPLEMENTAL)**

The first reading was held on November 2, 2015. A motion to approve was given by Alderperson Klemm, seconded by Alderperson Koester and the ordinance was automatically laid over to tonight’s meeting. Mayor Gitz stated this ordinance is a supplement of the appropriation ordinance for the fire department roof and for the treasurer’s office. The second reading was held and upon no discussion, the motion for passage of the ordinance prevailed by a roll call vote of;

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

Nays: none

Ordinance #2015-61 was passed.

**ORDINANCES -- FIRST READING**

**1<sup>ST</sup> READING OF ORDINANCE #2015-53:**

**AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.11 (LEAVES OF ABSENCE “VACATION LEAVES”) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

This ordinance was recommended to the council by the Committee of the Whole in the meeting held on November 9, 2015 on a motion by Alderperson Koester, second by Alderperson Chesney and approved by majority vote. Mayor Gitz explained that our special counsel is recommending an amendment. Alderperson Busker moved to defer the ordinance to the next regular meeting, seconded by Alderperson Brashaw. Motion prevailed by voice vote without dissent.

**1<sup>ST</sup> READING OF ORDINANCE #2015-62:**

**AN ORDINANCE AMENDING CHAPTER 220 (COUNCIL) TO ADD SECTION 220.12 (COUNCIL ACCESS) AND AMENDING CHAPTER 288 (OFFICERS AND EMPLOYEES**

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**GENERALLY), SECTION 288.10 (INSPECTION OF RECORDS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

This ordinance was recommended to the council by the Committee of the Whole in the meeting held on November 9, 2015 on a motion by Alderperson Chesney, second by Alderperson Koester and approved by majority vote. Alderperson Koester made a motion to move forward the ordinance for first reading, seconded by Alderperson Brashaw. This ordinance amends Chapter 220 and Chapter 288 as follows:

**“Section 1.** That Section 220.12 entitled “COUNCIL ACCESS” of Chapter 220 “Council” is hereby created as follows:  
CHAPTER 220 COUNCIL.

**“220.12 COUNCIL ACCESS.**

Alderpersons shall have reasonable access to any Department Head of the City regarding matters under the authority of the City Council.”

**Section 2.** That CHAPTER 288 entitled “Officers and Employees Generally”, Section 288.10 (INSPECTION OF RECORDS) is hereby amended to read as follows:  
CHAPTER 288 OFFICERS AND EMPLOYEES GENERALLY.  
“288.10 INSPECTION OF RECORDS.

Except as stated below, all records of any office shall be open to inspection by the Mayor, or any member of the City Council, at all reasonable times, whether or not such records are required to be kept by statute or ordinance. All records kept by any officer or employee shall be and remain the property of the City and, as such, access to and/or copies of records under this section may be available only to the extent specifically allowed by applicable Federal and/or State statutory and regulatory restrictions (including, but not limited to, those applicable to the privacy of such records and/or applicable to records pertaining to employment, health, credit, background, etc.).”

Alderperson Miller stated this ordinance promotes greater transparency with the department heads. Alderperson Miller moved to suspend the rules for immediate consideration. This motion was seconded by Alderperson Chesney. Mayor Gitz asked for a roll call vote for suspension of the rules.

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

Nays: Koester (1)

Mayor Gitz stated the ordinance is now on the floor for immediate consideration.

Alderperson Koester stated although he is in support of this ordinance he sees no need to push it through. Motion prevailed by a roll call vote of:

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

Nays: none

Ordinance #2015-62 was passed.

**1<sup>ST</sup> READING OF ORDINANCE #2015-63:**

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**AN ORDINANCE AMENDING CHAPTER 1020 ENTITLED “STREETS GENERALLY” SECTION 1020.12 (DEPOSITING OF LEAVES OF CURB LINE FOR COLLECTION) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS**

This ordinance was recommended to the council by the Committee of the Whole in the meeting held on November 9, 2015 on a motion by Alderperson Chesney, second by Alderperson Koester and approved by majority vote.

Alderperson Koester moved for adoption of the ordinance, seconded by Alderperson Klemm. Alderperson Koester stated at the last council meeting the council authorized leaves to be pick up in these areas described in the ordinance. Alderperson Klemm asked Director Dole for his input. Director Dole stated he has a scheduled pickup for November 19<sup>th</sup> and he intends on doing that so it would not hurt to move it forward tonight. He also made a call to Woodridge to see if they have a need.

The ordinance as presented amends Chapter 1020 entitled “Streets Generally”, Section 1020.12 (Depositing Of Leaves On Curb Line For Collection) as follows:

**“1020.12 DEPOSITING OF LEAVES ON CURB LINE FOR COLLECTION.**

No section of this chapter shall be construed to apply to fallen leaves. It is permissible to deposit leaves, during the fall of the year, on streets, adjacent to the curb line, for removal by the Division of Streets.

Upon written request to the City by the owner(s) of privately owned streets within the City which is received by the City no later than October 1st of any year during which the City is providing leaf collection services to the residents of the City, the Division of Streets, or any other agency or division that the City utilizes to remove leaves, shall remove leaves deposited adjacent to the curb line on private streets, at the same cost as it directly charges property owners on public streets and at the same collection times as other streets in the area, provided both of the following conditions are met:

1. The private street is of a sufficient width for the leaf collection vehicle to travel on and operate. The Division of Streets shall not be required to provide leaf collection on private streets which are not of a sufficient width or do not provide sufficient space for the leaf collection vehicle to turn around, if necessary; and
2. The owner(s) of privately owned streets executes and provides the City with a waiver agreement releasing the City from any liability for damage to property which the City may be exposed to as a result of providing the leaf collection service on private streets.”

**Section 2.** That said waiver and indemnification agreement to be provided by the owner(s) of private streets shall generally be in form and substance as follows:

“The Undersigned, owner of the privately owned streets depicted in Exhibit A, attached hereto and incorporated herein, does hereby acknowledge that the Undersigned has requested that the City of Freeport provide leaf collection services along the curb line on said privately owned streets. In exchange for such services, the Undersigned hereby agrees



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to waive any and all causes of action which it may have against the City for any damages to said streets which may be caused by the City, its employees, agents, or contractors associated with providing said leaf collection services. This Release and Agreement shall be binding upon, and shall inure to the benefit of, the Undersigned and of the City, and their respective heirs, personal representatives, successors, executors, administrators, shareholders, directors, officers, employees, agents, attorneys and assigns. This Agreement shall not be assignable, in whole or in part, by the Requestor.

Date:

/s/ Undersigned's Signature"

Aldersperson Klemm moved to suspend the rules for immediate consideration. This motion was seconded by Aldersperson Busker. Mayor Gitz asked for a roll call vote for suspension of the rules.

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

Nays: Chesney (1)

Mayor Gitz stated the ordinance is now on the floor for immediate consideration. Motion prevailed by a roll call vote of:

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

Nays: none

Ordinance #2015-63 was passed.

**1<sup>ST</sup> READING OF ORDINANCE #2015-64:**

**AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.01 (CLASSIFICATION PLAN) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT TO ADD EVIDENCE OFFICER TO POLICE DEPARTMENT GROUP**

This ordinance was recommended to the council by the Committee of the Whole in the meeting held on November 9, 2015 on a motion by Aldersperson Miller, second by Aldersperson Chesney and approved by majority vote. Provided with this ordinance was a memorandum from Chief of Police Todd Barkalow which explained he recently received a resignation letter from Officer Laura Hornung. Due to financial considerations, she moved her retirement date ahead eight weeks. Officer Hornung is currently assigned as the department's evidence officer. Chief Barkalow recommended that the position be handled by a civilian with a part-time schedule. By filling this position with part-time it will save the City resources and legacy costs, while not utilizing a sworn officer, who otherwise could be on the street. He asked that the position include a requirement of a former sworn officer with preference to a former Freeport Police Officer who obviously has been properly vetted.

Aldersperson Klemm moved for adoption of the ordinance, seconded by Aldersperson Koester. It was asked whether Chief Barkalow has a necessity fill this position in the near future. He stated yes it would be beneficial to the hiring process because his evidence officer is leaving soon and this will allow for advertising of the position.

Aldersperson Brashaw moved to suspend the rules for immediate consideration. This motion was seconded by Aldersperson Miller. Mayor Gitz asked for a roll call vote for suspension of the rules.

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Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Koester (7)  
Nays: Chesney (1)

Chief Barkalow stated he contacted the Ottawa, Dixon, DeKalb and Peoria Police Departments and they have a civilian as the evidence officer.

Mayor Gitz stated the ordinance is now on the floor for immediate consideration. Motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none  
Ordinance #2015-64 was passed.

**1<sup>ST</sup> READING OF ORDINANCE #2015-65:**

**AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.01 (CLASSIFICATION PLAN) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT REGARDING CITY ACCOUNTANT**

This ordinance was recommended to the council by the Committee of the Whole in the meeting held on November 9, 2015 on a motion by Alderperson McClanathan, second by Alderperson Miller. It was recommended by Alderperson Chesney to place the position as a labor grade 20 and this was seconded by Alderperson Brashaw. This draft ordinance was recommended to council by a majority of the Committee of the Whole (7-1).

Mayor Gitz stated this ordinance comes to council with a recommended pay grade that has had some discussion in regard to the advisability of the pay grade. He asked Debra Milliman, Human Resource Manager to the podium. Mayor Gitz stated it is recommended that the appropriate pay grade is different than the labor grade 20. He asked for the pleasure of the council.

Alderperson Brashaw asked for the input from Human Resource Manager Debra Milliman based on the memo that she sent to council.

Ms. Milliman stated she had a further discussion with the person who is actually doing the responsibilities. She stated based on a number of different things, we decided that a labor grade 15 would be more appropriate at this time. She stated if you look at the memo the reasons behind the change is to compensate the current employee appropriately based on the education and experience and to comply with the current Fair Labor Standards Act. She explained by moving her back on the chart she would be eligible for overtime or comp time. Her position according to the FLSA really does not meet all the requirements to be an exempt position. That is first and foremost. Secondly, comparison of former City Accountant and Accounting Clerk job descriptions deemed the current position to be a combination of both, meaning, all of the Accounting Clerk responsibilities and a portion of the City Accountant responsibilities are being performed by the present employee. Ms. Milliman explained those statements were discussed with the current employee and she is in agreement with all this as well. She stated the labor grade 15 was decided on between the person doing (the work) and herself based on previous positions. Ms. Milliman explained the City used to have an accounting clerk, the most recent one was at a labor grade 10 and the previous City Accountant was a labor grade 24. Ms. Milliman stated however that person did quite a few other things than what Michelle is doing now. She stated he acted as Director of

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Finance, whenever we were without one. She stated they reviewed the job description and there were number of things that she was not doing. Her memorandum explained that the salary at a labor grade 15 would result in an immediate increase from a \$35,006 to \$38,646 (increase of \$3,640). In February 2016, (one year longevity) this would increase to \$40,560. She provided a comparison if the position was defined as a labor grade 20 resulting in a \$11,211 difference.

Aldersperson Brashaw made a motion by stating; "Based on your recommendations, I move to change the Ordinance #2015-65 from the recommendation from a grade 20 to a grade 15." This motion was seconded by Aldersperson Koester. Mayor Gitz asked for discussion on the amendment.

Aldersperson Miller asked if you are labeling it as the City Accountant. Ms. Milliman stated we are considering changing the title to Deputy City Accountant.

Aldersperson Miller asked Ms. Milliman if she is recommending this department have three people. Ms. Milliman stated that needs to be determined by the next Director of Finance and they need to come in and do an assessment of the situation and she can't make that determination. Aldersperson Miller asked if there would be a director and an accountant and Michelle as the deputy. Ms. Milliman stated if that is what the director decides and adjustments can be made to this as well at that time.

Aldersperson Chesney asked for a point of clarification. He asked Aldersperson Brashaw if she was recommending that we adopt the proposal by the administration. Aldersperson Brashaw stated yes to lower the grade from a 20 to a grade 15. Aldersperson Chesney stated that would be for the Deputy City Accountant and the City Accountant would be a grade 20 as presented by the mayor in his memo. Aldersperson Brashaw stated she believes that is how she understands it. Mayor Gitz stated he does not have a recommendation on the Chief City Accountant and he has a suggested pay grade for this nor does he have a position for a chief city accountant and deputy accountant. He stated what he is seeking at this time is what is the appropriate pay grade for this person's skill sets and if you recall the discussion we had here is that as pay grade 20 there is an expectation for a one for one match up with Mr. Price but they were doing a lot of different things. The reality is that for Ms. Richter at this point in time is doing payroll, she is doing accounts payable and she is doing accounts receivable and doing a great job but she is the first to tell you that she is not equipped to be the City's Chief Accountant. At some point into the future she may grow into that. At this time he is relying on HR to tell me what the appropriate pay grade and when we are setting these pay grades at the council we have to cognizant of the collateral issue that if we don't get it right on what is the appropriate pay grade then it puts other things that are the pay grade in other departments in a peculiar position. He stated we have some time to talk about the Chief Accountant and his recommendation would be we discuss it at another time.

Aldersperson Klemm recommended the position for a deputy clerk to be a grade 15 and he would like to see her move forward in the future so she has the ability to move up.

Aldersperson Chesney stated he is in support with the mayor's amendment on this and what we would accomplish with the mayor's amendment is that we have three positions for accountant; there is a deputy city accountant, a city accountant and also the finance director. His concern is if we put the city accountant position down to a pay grade 15 there is a glass ceiling. If we adopted the mayor's amendment where there would be the move to that position as a pay grade 15, then we would have an open city

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accountant classification 20 and a finance director position. Ms. Milliman stated it is possible and she recommended getting a new director of finance and having them determine what the needs are. Alderperson Chesney stated if we pass the mayor's amendment the plan is to move her to the deputy city accountant, pay grade 15. Ms. Milliman stated correct.

Alderperson Brashaw stated she would like to amend the amendment to reflect a change in the title of the current city accountant to the deputy city accountant and to, as she said before, change the pay grade to a 15. Mayor Gitz stated the version already indicates that it is a deputy city accountant and he does not think that we have to amend the amendment. Mayor Gitz stated we have an amendment on the floor to create a labor grade 15 and the designation of a deputy city accountant. Motion prevailed by voice vote without dissent. Mayor Gitz stated this is unanimously approved. He stated we have the ordinance as amended on the floor. Mayor Gitz asked if we had a previous motion for approval. City Clerk Zuravel asked for clarification if we had a second on that motion amending the motion. Alderperson Brashaw so moved. Mayor Gitz stated Alderman Brashaw moves for approval of the amended ordinance. This motion was seconded by Alderperson Klemm.

Alderperson McClanathan asked for information on the FSLA and whether there was an issue. Ms. Milliman stated she thinks it could and they are looking at that law and they are laying down some salary requirements that they have to be above and even the way it stands right now it is unclear if she would pass that.

Mayor Gitz explained the history behind the position and stated that we didn't really have position other than clerical for accounts payable, payroll and accounts receivable. We created in sense a position and we also had budget issues at that time so there was an identified salary with legacy costs with a range and we want to be true to that. We want to be sure to recruit a person and we have a person that is good with the specific responsibilities and this is in accord with what we had originally discussed with this position.

Alderperson Chesney asked with the position of the city accountant how long the person has been with the City. Ms. Milliman stated it will be a year in February. Alderperson Chesney asked if that person received a six-month-longevity. Ms. Milliman stated not a six-month-longevity no there was an increase given at six months though. He asked for further clarification. She stated it was an agreed upon amount at the time that she was hired.

City Clerk Zuravel asked for clarification for the next council packet because we have an ordinance that has the position as a 20 and another ordinance that has positions with a 15 and a 20 and which ordinance are we putting in the council packet the next time. Mayor Gitz stated we aren't putting anything in the council packet we are adopting the deputy city accountant at a grade 15. He conferred with Mike Phillips, special counsel. Mayor Gitz corrected himself stating we are going to a first reading on this so you are correct. Ms. Zuravel clarified that there is nothing for the City Accountant as a 20. Mayor Gitz stated that is correct. Mayor Gitz stated this will be automatically held to the next meeting for second reading.

Alderperson Klemm asked if we move this forward this evening it would take effect earlier for the next pay. Mayor Gitz stated yes would you like to move it forward for immediate consideration. Alderperson Klemm made a motion to move it forward, seconded by Alderperson Koester. Mayor Gitz stated Alderperson Klemm made a motion for immediate consideration and this was seconded by Alderperson Koester. A roll call vote was taken as follows:

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Yeas: Koester, Klemm  
Nays: Chesney

Aldersperson McClanathan asked for a point of order. If we were to suspend the rules tonight it is important that we have clarity as to which ordinance we are proceeding with and asked City Clerk Zuravel what she has as the final version. City Clerk Zuravel stated she would take ordinance from the packet and labeled as "290 City Accountant Rec by COW 11/9/2015", change the title to deputy accountant and change the grade to add a 15 deputy accountant and at the bottom since no one has talked about it for the "positions not covered", the city accountant would be removed.

Aldersperson Chesney stated no that is not what we said.

Aldersperson McClanathan stated, "I will give you a no vote and we can always change it next time."

Aldersperson Ross voted no. Aldersperson Miller vote no. Aldersperson Busker voted no. Aldersperson Brashaw vote no.

Mayor Gitz stated that motion fails and this ordinance will be held over to the next meeting for a second reading.

Aldersperson Chesney stated I thought that we had adopted the mayor's recommendation as provided to the council.

Mayor Gitz stated well I think you adopted the recommendation but you did it in a roundabout way by amending the original ordinance to basically reflect the recommendation. Mayor Gitz stated there were two versions of the ordinance the one that was brought onto the floor was a grade 20 and the amendment changed it to a 15 and I don't have a problem going to the next reading. He stated he will ask the HR to get together with the clerk and review the motions to make sure there is no ambiguity.

Aldersperson Chesney asked Ms. Milliman whether the Finance Director position has been posted. Mayor Gitz stated, "No it has not." Ms. Milliman stated no. Mayor Gitz stated the reason it has not been posted can be discussed under new business.

**RESOLUTIONS**

**RESOLUTION #R-2015-64:** *see page 8*

**RESOLUTION #R-2015-65:** *see page 9*

**RESOLUTION #R-2015-67:** *see page 8*

**RESOLUTION #R-2015-66:**

**RESOLUTION OF AUTHORIZATION TO UTILIZE CITY FUNDS TO SUPPLEMENT AN  
"ASSISTANCE TO FIREFIGHTERS GRANT" FOR THE PURCHASE OF 30 SELF-  
CONTAINED BREATHING APPARATUS AND ACCESSORIES FOR USE BY THE FREEPORT  
FIRE DEPARTMENT**

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Fire Chief Scott Miller provided a memorandum stating in the current budget, the Fire Department has funding for the purchase of twenty six (26) self-contained breathing apparatus (SCBA) to replace outdated units that are fourteen (14) years old and approaching the end of their useful life. Most of this purchase is grant-funded, with only a small portion payable by the City. After multiple years of applying for an "Assistance to Firefighters Grant," the Fire Department was awarded a sum of \$160,796 with a 10% required match of \$16,079 for a combined total purchase budget of \$176,875. Chief Miller explained members of the department tested equipment from two (2) major manufacturers of self-contained breathing apparatus. After consideration of all options, it was determined that continuing with the same manufacturer as our present equipment, Mine Safety Appliances (MSA), best met the needs of the department as well as all of the safety requirements. MSA sells only through a network of authorized dealers. The local dealer for the northern Illinois region is Air One Equipment of South Elgin, Illinois. Air One Equipment also currently holds a competitively bid joint purchasing contract for MSA SCBA equipment, awarded by the Houston-Galveston Area Council (HGAC), of which the City of Freeport is a member. The HGAC purchasing cooperative provides competitively bid items and equipment to public safety entities, municipalities, and select not-for-profit agencies. This organization specializes in high ticket, capital intensive products and services that require technical, detailed specifications and offers an expedited procurement process which would otherwise take much administrative time. In addition to the twenty six (26) SCBA units being replaced through the AFG Grant, Air One Equipment will provide a trade in allowance for our current equipment. I am requesting to apply these proceeds to acquire four (4) additional SCBAs to serve as emergency equipment for a "Rapid Intervention Team." These additional units were not approved by the AFG grant award.

Chief Miller reviewed the above stated memorandum and requested approval to utilize the competitively bid MSA contract offered through the HGAC purchasing cooperative to purchase twenty six (26) SCBAs and accessories funded by the AFG grant, and an additional four (4) SCBAs and accessories provided through a trade in allowance from Air One Equipment for our old equipment. He stated the total purchase amount is \$175,985 and is \$890 under budget.

Aldersperson Busker moved to adopt the resolution as presented, seconded by Aldersperson Koester. Aldersperson Koester asked for clarification of the number of breathing apparatuses. Fire Chief Miller explained that 26 have been authorized through the firefighter grants and four have been requested for the Rapid Intervention Team that is equipment that is identical and compatible with equipment that we are looking to purchase now and that equipment is assembled in case a firefighter needs immediate rescue so there are four additional air tanks is part of the rapid intervention team and that is not considered by the AFG grant. Motion prevailed by a roll call vote of:

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

Nays: none

Resolution R-2015-66 was adopted.

**OTHER**

**REPORTS OF DEPARTMENT HEADS**

**Community Development**

Director Mills was present and had no report.

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**Public Works**

Director Dole was present and had no report.

**Library**

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

**Fire**

Fire Chief Scott Miller had no further report.

**Police**

Chief of Police Todd Barkalow provided information on the Civilian Police Academy and “Shop with a Cop”.

**Water and Sewer**

Water and Sewer Executive Director Tom Glendenning was not present at this time.

**City Engineer**

City Engineer Shaun Gallagher provided an update on the Phase B project. They are 11% in to contract number 1 so they have the water main in the ground from approximately Stephenson Street to a little past the Staver intersection on Harlem Avenue. Today they completed six of the water main services. He explained what they can complete before winter and what to expect of the project when they pick it back up in the spring. He explained the compaction of the surface and how they have to lay it out and dig it back up so it is a process that will be compacted again in case people call and ask.

**Former City Hall Building – Department of Labor**

City Engineer Gallagher provided a council action item which was discussed at the Committee of the Whole meeting on November 9, 2015. He stated what is in the packet is the same contract and he did reach out to Prairie Forge and they indicated for approximately 10 man hours they can provide a detailed demolition estimate as well. He estimated it would be about \$85.00 per hour for an estimator and seeing that it was under \$1,000 he did not feel that it was necessary to submit a new contract because we may encounter incidentals as part of the contract moving forward. The item on the agenda stated: Approval of letter of agreement with Prairie Forge Group for building investigation at old City Hall Building located at 230 W. Stephenson Street, Freeport Illinois. Included in the packet was cover memo along with corresponding project background, project scope and firm information. Alderperson Chesney asked if part of this bid process is also you said in our previous meeting that it will also include the cost of demolition and asked if that still holds true. Alderperson McClanathan moved for approval, seconded by Alderperson Koester. Motion prevailed by a roll call vote of:

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

Nays: None

**MAYOR’S REPORT**

Mayor Gitz provided a report on the Finance Director position and stated he has not posted the position because he is working on different options to give us immediate capacity. If he truly felt that advertising would move this along at this point he would. But he does not think it would. He is also having discussion with the auditors and there are a lot of issues right now that need taking care of and he is looking for them

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for guidance on these issues and this will be determined by what our needs are and then we will come back to the finance position. In regard to the levy he thinks it is a good option to have a special meeting. What the proposals provided this evening are the actuarial recommendations under the GASB rule. He and the staff will be working on different proposals. He reviewed other revenue sources and asked special counsel if there are issues and what we are obligated to do under the pension systems. He asked council members to present any questions they have on the levy and to provide them to him on email.

Aldersperson McClanathan asked when we will have a determination as to the EAV. Mayor Gitz stated that is one of the questions he will be asking the county.

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Aldersperson Koester asked about setting a date on the Fourth of July fireworks. Mayor Gitz stated that is up to you but there is a strong opinion about having it on the 4<sup>th</sup>. Mayor Gitz stated as far as the cost, who is working on it and the actual event that is up to the people working on it to provide their recommendations. Aldersperson Koester stated the 4<sup>th</sup> of July is Monday and he asked if the general consensus is to have it on the weekend or on that actual date.

Aldersperson Chesney stated he has no preference on fireworks. Aldersperson Chesney provided his view of the report that was provided in the executive session. He stated what we have seen is a lot of broken policies that have potentially cost the tax payers a ton of money. He stated this report was a justification and he would argue much less an investigation. He reviewed the timetable for the investigation and how things proceeded. He agreed with Aldersperson Miller and stated this stinks. He spoke about the findings of Chuck Prorock and that the official position of the city is that we didn't sign an agreement. There is very little documentation to substantiate why somebody got the raises that they got so what we are essentially saying is a handshake agreement is binding when it could cost the tax payers \$300,000 plus. He spoke about the city not signing the agreement so essentially we didn't hire that person. He spoke about the management letter and his opinion on that process. He provided his opinion on hiring an investigative attorney without council oversight or input. He spoke about his disappointment with the attorney not interviewing this city council. He stated the only reason the public found out about this is because of the present city council and because the director felt safe when she went to the council because she knew we could protect her with the two-thirds vote. He again reviewed the retainer agreement with Chuck Prorock.

Aldersperson McClanathan spoke about the information provided this evening that provided some clarity on certain things. He stated there are some additional questions that should be analyzed and we will be diligent and follow up as necessary.

Aldersperson Ross spoke about issues at Album and Lewis regarding casket vaults sitting on the property. He spoke about illegal dumping in the area and noted that it needs to be cleaned up before the snow hits.

Aldersperson Miller stated that Aldersperson Chesney stated things well. She recommended if the 4<sup>th</sup> of July was a Monday then the fireworks would be a better option to have them on a Friday, Saturday or Sunday. She provided information on a 4<sup>th</sup> Ward Neighborhood Watch at the Lincoln Mall at 6:00 p.m. on next Monday. She distributed a memo regarding vacation accrual that she referred to at the Committee of the Whole. She noted she will not be in attendance at the next meeting.



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Aldersperson Busker stated he has heard from constituents that if you are not going to have the fireworks on the 4<sup>th</sup> you might as well not celebrate it at all. He provided information on a 5<sup>th</sup> Ward Neighborhood Watch at the First Church of the Nazarene on Tuesday. He reminded people if you see a city emergency vehicle on the side of the road to give them room.

Aldersperson Brashaw recommended having the fireworks on the 3<sup>rd</sup> of the 4<sup>th</sup> or whichever we can get the best deal on if there is a discount provided. She noted the weekend would be nice too. She provided information on the 1<sup>st</sup> and 6<sup>th</sup> Ward Neighborhood Watch on November 24<sup>th</sup> at 6:00 pm at Schwarz Funeral Home.

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

Mayor Gitz spoke about the report filed by Attorney Jim Pirages. He stated he does have a history with the City including work with Mayor McLeRoy and Mayor Weis. He reviewed that there have been 15 audits, 15 budgets approved by council, we have had two different mayors. He stated that what happened with the past administration is somehow supposed to be with this administration. He noted there have also been five Finance Directors. He stated these allegations have been properly investigated. He spoke about the investigation and allegations made by Aldersperson Chesney. He asked when the City can get on with the business at hand. Mayor Gitz asked the council to think long and hard about what they do next because there is enough for a couple of different lawsuits. He stated as for the audit firm that is a complete fabrication and misstatement as to what happened with the management letter.

Upon motion duly made and seconded, the meeting was adjourned at 10:15 p.m.

*s/ Meg Zuravel*

Meg Zuravel  
City Clerk