



City Council

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

MINUTES

REGULAR MEETING

TUESDAY, JANUARY 19, 2016 AT 6:00 P.M.

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 6:02 p.m. on January 19, 2016.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Peter McClanathan, Art Ross, Jodi Miller, Patrick Busker, Mike Koester, and Andrew Chesney (7). Alderperson Sally Brashaw was absent.

Representing the City of Freeport as special counsel was Michael Phillips, Esq.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Miller.

APPROVAL OF AGENDA

Mayor Gitz requested to move forward on the department head reports by Director Glendenning and City Engineer Gallagher immediately after the FDDF presentation. Alderperson Koester moved for approval of the agenda as presented, seconded by Alderperson Busker. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

There was no one signed on the sheet for public comments on agenda items.

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The minutes from the regular meeting on January 4, 2016 were presented for approval. Alderperson Koester moved for approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

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 December 31, 2015
- 2) City Treasurer's Report of Cash and Fund Balances for December 31, 2015
- 3) Building Permit Report for December 2015

B. Approval of Motor Fuel Tax Fund Bills Payable (Register #077) -- \$73,066.93

C. Approval of Water & Sewer Bills Payable (Registers #468, 470, 473, 474) --- \$346,000.95

D. Approval of Payroll for pay period ending January 9, 2016 --- \$406,471.25

E. Approval of Finance Bills Payable (Registers #467, 469, 471, 472, 475, 476, 477) -- \$611,412.90

Alderperson McClanathan moved for approval of the consent agenda, seconded by Alderperson Klemm. Motion prevailed by a roll call vote of;

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

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Nays: none

PRESENTATION OF NORTHWEST ILLINOIS DEMOGRAPHIC DATA ON ECONOMY & WORK FORCE

Dave Young, Director NIDA and Lisa McCarthy, Director TCEDA provided statistical data on demographics and economic development in northwest Illinois. The population trend for Stephenson County has been trending downward from 2006 to 2014 as provided by the US Census Bureau. They reviewed the population educational attainment for population 25 years of age and over and it showed the highest percentage of the population having a high school degree/GED (37.1%), next having some college or associate degree (34.9%) and 18% having a bachelor's degree or higher. They compared those to the United States and Illinois averages. Unemployment rates since 2010 have dropped but not as quickly as the United States and Illinois averages. Mr. Young stated that a lot of the growth is taking place in the County in value-added-agriculture. Berner Foods has gone from 300 to 600, Pearl Valley Eggs has doubled production and has gone from 100 to 210 and most of the cheese companies have added 20-25% in the last three years. They are pulling labor predominantly out of Freeport mostly Hispanic labor used to working in ag environment. He stated Freeport is feeding that housing market for those workers. He stated as companies grow they need to hire a higher level of talent such as mid-management and accounting functions and explained the opportunity is to understand the challenges of these companies for hiring and for their housing needs. Council members were provided an opportunity to ask questions of Ms. McCarthy and Mr. Young. Discussion was held on the Thompson prison, housing markets and action plans of NIDA to help the City grow.

PRESENTATION BY FREEPORT DOWNTOWN DEVELOPMENT FOUNDATION REGARDING 2015 REPORTING

Danielle Rogers provided the year end 2015 for Freeport Downtown Development Foundation (FDDF). She reviewed the accomplishments of the marketing, finance, riverfront and streetscape committees of FDDF. The marketing committee developed new downtown Freeport rack cards, attended two job fairs on behalf of downtown businesses, spent \$12,000 in marketing downtown Freeport businesses and its events and wrote 50 articles in local daily newspaper along with various other items which included 100 volunteers hours for planning and execution. The Finance committee mailed 190 Special Service Area surveys, updated vacant building list and contact information, provided Special Service Area presentations to both business owners and at City Council meeting and coordinated over 100 volunteer hours for planning and execution. The Riverfront Business District developed a welcome map, signage and landscaping installed on the corner of Stephenson and Liberty, participated in the partnership in Jane Addams Trail grand opening celebration, coordinated 12 new pretzel-shaped bike racks coordinated new downtown shared bike lane and they coordinated 150 volunteer hours for planning. The Streetscape and Beatification Committee hosted two downtown clean ups, partnered with Taylor Park 3rd grade students on spring flower planting, expanded and funded a hanging flower basket program with FACC, coordinated 80 new downtown light pole banners and coordinated 300 volunteers for planning and execution. Other committees reported were the promotions and events, Music on Chicago, Cruise Night and Pretzel City Brewfest. These events had an economic impact of over \$300,000 to the community and all of this was done by volunteers. FDDF suggested implementation in 2015 of new bike racks, new banners, bike lanes, and welcome signs. Their revenue equated to \$146,053 and expenses of \$139,661 in 2015. The City's share from the Downtown TIF was \$50,000. Ms. Rogers reviewed that looking ahead they will work on a mentoring program, promote the downtown and events through \$15,000 in forecasted expenses, coordinate twelve events and introduce the Pretzel City Kitchen. Council members were provided an opportunity to ask questions of Ms. Rogers. Discussion was held on the City's contribution to FDDF from the Downtown TIF. Ms. Rogers explained FDDF has three major fundraisers throughout the year and the other twelve activities are to draw people to the downtown. She explained those other events aren't necessarily a funding source so the funding source is necessary for marketing of the events, rack cards, billboards, and newspaper ads.

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DEPARTMENT HEAD REPORT FROM WATER & SEWER AND CITY ENGINEER

Mayor Gitz requested a department head report from Water & Sewer Executive Director Tom Glendenning and City Engineer Shaun Gallagher.

Director Glendenning explained that on January 18, 2016 on the Martin Luther King Day holiday there was a water system breach from a 16" water main at the Water Treatment Plant. This was a main distribution line which was a high flow unit. Because of this break, there was a loss of pressure due to the extreme loss of water. It released two and one half million gallons from that break in a very short period of time. It was 10's of 1,000's of gallons and it drained all the water from Carroll tank. Director Glendenning explained because of this break, the Water & Sewer Commission issued a city-wide boil order. He explained a boil order was strictly precautionary measure. We are a chlorinated water supply. At no time was our water supply contaminated or in danger during that period of time. He stated there is information circulated that this requires filters to be replaced and this is propaganda is not true. He explained the schools needed to be closed for a day and services at restaurants had to be suspended. He worked very closely with Snak King to keep them up and running.

Director Glendenning stated the cause is from old infrastructure and it did not have to do with frost in the ground.

Director Glendenning stated moving forward he will be review protocols and emergency response methods. They will review tools to communicate better in the future.

Director Glendenning stated he has been in contact with the Illinois Environmental Protection Agency and they are in agreement with his protocol for the water main break and boil order. He explained we are here to protect the community based on the Environmental Protection Agency rules. The Commission passed the report card for this incident with great standards and grades.

Director Glendenning provided compliments to the operations and construction staff. He explained this large of a break could have left the City without water for a day and a half. The crews worked to get the system back up with reasonable pressure in a couple of hours and back to full pressure in about four hours. He thanked the assistance of the Freeport Police and Fire departments and stated that a call was put out to the region response team and they were ready, if it was necessary, to have reserve shuttle tankers surrounding the Freeport area.

Director Glendenning noted his crews are handling another 12" water main break near the Freeport High School football field today. School will be open tomorrow but there was a boil order was given for the affected block.

Director Glendenning stated because of the water main break they were in constant contact with FHN because of the effect on the hospital. The school district was closed due to the Martin Luther King holiday. The Water & Sewer Commission notified area businesses of the boil order. Social media was used which went out to media notification listing. City Engineer Gallagher explained the use of Twitter account to notify media and his communications with FHN. The break occurred at 7:30 am to 7:40 am and the notification went out to the hospital by 8:15 am. In about an hour and one half time frame we went from a catastrophe to full media notification with correspondence with the hospital (which continued daily) until a time that the boil order was lifted.

Director Glendenning stated that the infrastructure is and should be the number one priority on everyone's mind and they will need to work together on a phased in program and to work toward State and Federal funding dollars. Discussion was held on council members continuing their education of the infrastructure of the Water & Sewer Commission. Director Glendenning stated over the next year he will work on educating the corporate authorities on the issues facing the utility and the infrastructure requirements.

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APPOINTMENT TO THE BUILDING COMMISSION

The following was listed on the council agenda and read into the record: "Effective immediately, Mayor James L. Gitz hereby appoints Michael Leslie, a licensed professional engineer and licensed structural engineer, to the Building Commission."

Mayor Gitz stated this appointment was moved for approval of confirmation on a motion by Alderperson Koester and a second by Alderperson Klemm at the council meeting on January 4, 2016. It was then sent to the Committee of the Whole for further discussion. This appointment was recommended to council by the Committee of the Whole on January 11, 2016. Mayor Gitz called Mr. Leslie to the podium.

Alderperson Chesney explained when the appointment was first presented he would have liked to be able to review the resume ahead of the meeting and it in no way reflects Mr. Leslie's ability to serve on this commission. Mr. Leslie thanked the council for the opportunity to serve on the commission.

Mayor Gitz stated there was a motion for approval by Alderperson Koester and a second by Alderperson Klemm at the last meeting and asked for a roll call vote to approve the motion. The motion prevailed by a roll call vote of; Yeas: Klemm, McClanathan, Ross, Miller, Busker, Koester and Chesney (7)
Nays: none

ORDINANCES -- SECOND READING

Provided in the council packet was a memorandum from the Finance Department consultant, Duane Price, former City Accountant dated December 30, 2015 addressed to Mayor Gitz and City Treasurer Buss. Mr. Price's memo stated there are five ordinances abating the real estate tax levies for the 2015A, 2014A, 2014B, 2013, and 2013A bonds on the council agenda. He explained when we do a bond issue, we pass an ordinance authorizing the issuance of the bonds. That ordinance creates a tax levy for the annual debt service for each of the years of the life of the bond. Each year at this time we abate the tax levy for the coming year because we do not want this put on the real estate tax bills. Mr. Price explained we have revenue sources that we use to pay the debt service. Depending on the bond, the money we use to pay the debt service comes from:

- Downtown TIF for the money borrowed for the Rawleigh building,
- General Fund for the bonds for the new library,
- Fire Capital Improvement Funds for the bonds for the new fire station, and
- Sanitary Sewer Fund and the Storm Sewer Fund for money borrowed for projects that they have done.

Special Counsel Phillips explained when we abate these bonds we have to have enough money set aside to pay the total debt service for the coming fiscal year. These are backed by the full faith and credit of the City and the City requests the County Clerk to take off the real estate taxes. Mr. Phillips explained the City needs to pass the ordinances by the end of January.

A letter provided with each of the bond abatement ordinances contains a letter written by Mayor James L. Gitz that the City of Freeport has such funds as necessary to make the July 1, 2016 and January 1, 2017 debt service payments. This abatement should be issued to the Stephenson County Clerk and Recorder.

2nd READING OF ORDINANCE #2016-01:

An Ordinance To Abate The 2015 Real Estate Tax Levy For The Repayment Of The General Obligation Bonds, Series 2013

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An excerpt of the Ordinance #2016-01 provided in Section 1: That it does hereby abate the 2015 tax levy only in the amount of three hundred seventy-five thousand four hundred dollars and 00/100 (\$375,400.00) for real estate taxes payable in 2016 for the refunding of the City's General Obligation Bonds, Series 2013 levied in such bond ordinance and further that it hereby directs the Stephenson County clerk, not to extend any levy for the repayment of said bonds for 2015 real estate taxes to be paid in 2016.

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson Koester, seconded by Alderperson Klemm and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-01 was passed.

2nd READING OF ORDINANCE #2016-02:

An Ordinance To Abate The 2015 Real Estate Tax Levy For The Repayment Of The General Obligation Bonds, Series 2013A

An excerpt of the Ordinance #2016-02 provided in Section 1: That it does hereby abate the 2015 Tax Levy only in the amount of eighty-seven thousand two hundred ninety-five dollars and 00/100 (\$87,295.00) for real estate taxes payable in 2016 for the financing of a new fire station as levied in the General Obligation Bonds, Series 2013A, as levied in such Bond Ordinance and further that it hereby directs the Stephenson County Clerk, not to extend any levy for the repayment of said Bonds for 2015 real estate taxes to be paid in 2016.

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson McClanathan, seconded by Alderperson Brashaw and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-02 was passed.

2nd READING OF ORDINANCE #2016-03:

An Ordinance To Abate The 2015 Real Estate Tax Levy For The Repayment Of The General Obligation Bonds, Series 2014A

An excerpt of the Ordinance #2016-03 provided in Section 1: That it does hereby abate the 2014 Tax Levy only in the amount of seven hundred seventy-two thousand five hundred seventy-five dollars (\$772,575.00) for real estate taxes payable in 2016 for the repayment of the General Obligation Bonds, Series 2014A as levied in such Bond Ordinance and further that it hereby directs the Stephenson County Clerk, not to extend any levy for the repayment of said Bonds for 2015 real estate taxes to be paid in 2016.

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson Brashaw, seconded by Alderperson Busker and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-03 was passed.

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2nd READING OF ORDINANCE #2016-04:

An Ordinance To Abate The 2015 Real Estate Tax Levy For The Repayment Of The General Obligation Bonds, Series 2014B

An excerpt of the Ordinance #2016-04 provided in Section 1: That it does hereby abate the 2015 tax levy only in the amount of two hundred thirty-four thousand two hundred thirty-three dollars and 00/100 (\$234,233.00) for real estate taxes payable in 2016 for the refunding of the City's General Obligation Bonds, Series 2014B levied in such bond ordinance and further that it hereby directs the Stephenson County clerk, not to extend any levy for the repayment of said bonds for 2015 real estate taxes to be paid in 2016.

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson Busker, seconded by Alderperson Klemm and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-04 was passed.

2nd READING OF ORDINANCE #2016-05:

An Ordinance To Abate The 2015 Real Estate Tax Levy For The Repayment Of The General Obligation Bonds, Series 2015A

An excerpt of the Ordinance #2016-05 provided in Section 1: That it does hereby abate the 2015 tax levy only in the amount of four hundred ninety-eight thousand four hundred twenty five dollars and 00/100 (\$498,425.00) for real estate taxes payable in 2016 for the refunding of the General Obligation Bonds, Series 2015A levied in such bond ordinance and further that it hereby directs the Stephenson County clerk, not to extend any levy for the repayment of said bonds for 2015 real estate taxes to be paid in 2016.

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson McClanathan, seconded by Alderperson Ross and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-05 was passed.

2nd READING OF ORDINANCE #2016-06:

An Ordinance To Approve the Editing and Inclusion of Certain Ordinances As Parts of the Various Component Codes of the Codified Ordinances of the City of Freeport, Illinois (May 19, 2014 to November 16, 2015)

The first reading was held on January 4, 2016. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Ross and it was automatically laid over to tonight's meeting. Upon the second reading and no discussion the motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-06 was passed.

2nd READING OF ORDINANCE #2015-53:

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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

The first reading was held on December 21, 2015. A motion to adopt was given by Alderperson Miller, seconded by Alderperson Chesney. The ordinance was forwarded to the Committee of the Whole for further discussion. At the Committee of the Whole meeting held on January 11, 2016, an amendment version of the ordinance marked as Option B (dated 01/06/2016) was recommended to council. The ordinance as written and marked as Ordinance #2015-53 Option B as amended by Special Counsel Phillips 01/6/2016 is provided as follows:

ORDINANCE NO. 2015-53-B (As amended by Special Counsel Phillips on January 6, 2016)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS as follows:

Section 1. That Chapter 290 – COMPENSATION AND BENEFITS, Section 290.11(a)(1) and entitled "LEAVES OF ABSENCE. Vacation Leaves" and 290.01(a)(7) of the Codified Ordinances of the City of Freeport, Illinois shall be respectively amended and created to read as follows:

"290.11 LEAVES OF ABSENCE.

(a) Vacation Leaves.

- (1) All non-bargaining employees who, as of their anniversary date each year, attain the years of continuous service with the City as set forth below, shall earn vacation hours with pay as follows:

<u>Continuous Service</u>	<u>Vacation Earned</u>
Less than 1 year	8 hours for each month of cont service, to a maximum of 80 hours
1 year to 7 years	80 hours
8 years to 13 years	120 hours
14 years to 19 years	160 hours
20 years and up	200 hours

- From the date of entry to the last day of year 7 – 80 hours yearly at 3.08 hours per pay period.
- From the first day of year 8 to the last day of year 13 – 120 hours yearly at 4.62 hours per pay period.
- From the first day of year 14 to the last day of year 19 – 160 hours yearly at 6.15 hours per pay period.
- From the first day of year 20 forward – 200 hours per year at 7.69 hours per pay period.

An Employee hired in 2015 shall continue to earn 8 paid vacation hours per each complete month of work for the City, until such time as he or she has earned a total of 80 paid vacation hours. He or she shall then cease to accrue any additional paid vacation hours until his or her one year anniversary date in Calendar Year 2016, at which time he or she shall begin the accrual method for paid vacation hours as stated above.

The Fire Chief and the Police Chief are delegated the authority to adopt rules to implement this paragraph so that the same shall apply equitably to sworn personnel in his or her Department with regard to amount of accrual of paid vacation hours.

Part-time permanent employees shall earn vacation and holiday pay on a pro-rated basis to that of a full-time employee.

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* On the effective date of this change, each employee shall be credited with the amount of vacation on a pro-rata basis since their last anniversary date.

(2) Absence on account of sickness, injury or disability in excess of that hereinafter authorized for such purpose may, at the request of the employee and within the discretion of the department head, be charged against vacation leave allowance. Nothing in this paragraph shall be construed to override or be in conflict with the City's FMLA policy.

(3) Each department or office head shall keep records of vacation leave allowances and shall schedule vacation leaves with particular regard to the seniority of employees, to accord with operating requirements and, insofar as possible, with the request of the employee.

(4) During the vacation herein provided for, the employee shall be entitled to full pay for such period at the regular rate of compensation, provided, however, that hourly employees shall be compensated on the basis of straight time for eight hours per day, forty hours per week, and no vacation benefits shall be paid on the basis of time and one-half.

(5) In the event that a paid legal holiday as prescribed in this chapter falls during the vacation period herein provided for, the vacation period shall be extended one working day.

~~—(6) At least thirty days must elapse from the date of termination of a vacation taken in one vacation year before an employee may take a vacation in the succeeding vacation year.~~

(6) Employees covered under this Chapter shall cease accruing vacation hours once they reach five (5) weeks unused vacation with the following exceptions:

(a) The Fire Department sworn personnel who are scheduled to work 24 hour shifts, shall cease accruing vacation hours in excess of one year's total accrual plus 72 vacation hours, up to a maximum of 456 hours. Notwithstanding the immediately preceding sentence, such sworn personnel shall utilize all vacation hours earned during a Fiscal Year within that same Fiscal Year, other than a maximum of 72 hours which may be utilized in a subsequent Fiscal Year. Those sworn personnel scheduled to work 8 hour shifts shall cease accruing vacation hours upon reaching five (5) weeks unused vacation (200 hours); and

(b) The Police Department sworn personnel shall continue to mirror the Police Union Contract that an employee shall cease accruing vacation hours in excess of the lesser of two years accrual or 302 hours; and

(c) On the effective date of this Amendatory Ordinance, any City employee subject to this Section who shall have attained more than five weeks of unused vacation hours shall not lose or forfeit those hours in excess of the said five week limit, but said employee shall not accrue or earn any additional paid vacation hours until said employee's total of unused paid vacation hours is less than the said five weeks limitation."

The remaining sections contain template ordinance wording.

Special Counsel Michael Phillips provided a summary of the differences in wording between the original version A and Version B (as amended on January 6, 2016).

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**DIFFERENCES IN WORDING BETWEEN ORIGINAL VERSION A AND
VERSION B (AS AMENDED ON JANUARY 6, 2016 BY SPECIAL COUNSEL)
OF THE VACATION HOURS AMENDATORY ORDINANCE [Section 290.11(a)]**

Issue	Original Version A	Version B Amended on January 6, 2016
Delay in Accrual of Paid Vacation Hours after Employee's CY 2015 Anniversary Date of City Employment	Specific Bar to Earning or Accrual of Paid Vacation Hours from CY 2015 Anniversary Date of City Employment until CY 2016 Anniversary Date of the same	Provision Deleted
<i>Pro Rata</i> Lump Sum Award of Paid Vacation Hours on Effective Date of Amendatory Ordinance	No Such Provision in this Ordinance –	Provision Inserted for Lump Sum Award for time period between CY 2015 Anniversary Date of City Employment to Effective Date of this Amendatory Ordinance
Sworn Command Fire Department Staff's Carryover of Unused of Paid Vacation Hours (Fire Chief, 3 Battalion Chiefs & Fire Inspector)	Limited to no more than 72 (stops accruing paid vacation hours when have a total of 72 unused Vacation hours)	<ul style="list-style-type: none"> - Allows Battalion Chiefs only (Fire Chief and Fire Inspector scheduled for 40 hour workweeks whereas Battalion Chiefs work 24 hour shifts) for Carryover of their Paid Vacation Hours earned in a Fiscal Year plus an additional 72 hours of unpaid vacation hours (could be as many as 456 hours) - Fire Chief and Fire Inspector accrue vacation only until they have amassed a total of 200 hours of unused Paid Vacation Hours – Requires Command staff to utilize all but 72 Paid Vacation Hours in the same Fiscal Year as when earned -
Civilian City Employees accrue vacation only until they have amassed a total of 200 hours of unused Paid Vacation Hours	Section 6(c) No forfeiture of already earned Paid Vacation Hours, and if have already accrued more than 200 hours of unused Paid Vacation Hours, then do not accrue any additional Paid Vacation Hours until Employee's unused Paid Vacation Hours is less than 200 Hours	Same provision as in the original Version A

Upon the second reading, Alderperson McClanathan requested Special Counsel Phillips to clarify further section 6(c) and the caps to make sure that if an employee earned the vacation then they still keep it at this time. Special Counsel Phillips explained that there will be no forfeiture. Alderperson Klemm asked if an employee was in the position of being where they were going to retire within the City at an X amount of time is there anything that they would have to do to use that down or anything else extraordinary to do it if they had a fair amount of weeks. Special Counsel Phillips stated if they are intending to retire at a future date they may want to use vacation in that situation they would have to talk to their supervisor or department head to make sure that it is available for the department to schedule prior to the departure date. Alderperson Klemm clarified that if an employee wants to take with them x amount of weeks they could do that and be paid for it. Special Counsel Phillips stated absolutely as long as it is earned.

Alderperson Miller stated this ordinance does what was intended to have accruals and caps. She asked the opinion of Special Counsel Phillips as to whether Option B is the legal way to go. Special Counsel Phillips explained of the two proposal options, Option B is much more legally defensible proposal to be adopted.

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Aldersperson Miller made a motion for adoption of Ordinance #2015-53 - Option B (as provided by Special Counsel Phillips dated 01/06/2016), seconded by Aldersperson Busker. Mayor Gitz requested a voice vote on the motion. The motion prevailed by voice vote without dissent. Mayor Gitz stated it is an unanimous vote.

Mayor Gitz asked for a roll call vote to adopt Ordinance #2015-53 as amended using Option B. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Miller, Busker, and Chesney (6)

Nays: Koester (1)

Ordinance #2015-53 was passed.

ORDINANCES -- FIRST READING

1st READING OF ORDINANCE #2016-07:

An Ordinance Directing the Sale of Surplus Real Estate Containing the Vacant Fire Station Located at 1819 South West Avenue in the City of Freeport, Illinois

The ordinance as presented provided for the following under whereas clauses:

- WHEREAS, Illinois statute (65 ILCS 5/11-76-2, as amended) authorizes the City Council to enact an Ordinance directing the sale of surplus real estate now owned by the City of Freeport; and
- WHEREAS, the City of Freeport currently owns a parcel of real estate with a common street address of 1819 South West Avenue in the City of Freeport, County of Stephenson and State of Illinois (hereinafter referred to as the "Property") and upon which there is located an one-story, building formerly utilized as a fire station by the City of Freeport (hereinafter, the "Vacant Fire Station") and said Property also contains a fire training facility to the east of the current Vacant Fire Station; and
- WHEREAS, the fire training facility on said Property contains two wooden training towers, two one-story storage building, a concrete above-ground and below-ground water pump testing pit, and a fire hydrant (hereinafter, the "City Training Facility"); and
- WHEREAS, the Property is currently unused by the City other than for the purposes of storage of personal property owned by the City and for fire training purposes and
- WHEREAS, this City Council hereby specifically finds that the Property to be surplus real property and of no value to the City of Freeport; and
- WHEREAS, as an alternative to the sale of the Property as a single unit, the City Council hereby reserves the right to legally subdivide the Property into two parcels, one containing the Vacant Fire Station and one parcel containing the City Training Facility, and then to receive separate bids for each such parcel; and
- WHEREAS, the sale of the Property, whether as a single unit or subdivided into two separate parcels, is expressly conditioned upon the new Buyer being an entity who will annually pay real estate taxes upon the Property and who will only utilize the Property for a lawful private purpose; and
- WHEREAS, should the City of Freeport decide to reject all bids for the City Training Facility and thus to retain ownership and use of said City Training Facility, any sale of the Vacant Fire Station shall be expressly conditioned upon (A) the Buyer granting to the City a permanent easement across the northern border of the parcel containing the Vacant Fire Station to access the City Training Facility from a public highway known as South West Avenue and (B) the Buyer granting to the City an irrevocable license (or other legal document) granting the City the right to park motor vehicles on the east portion of the parcel containing the Vacant Fire Station while training activities are occurring on the City Training Facility; and
- WHEREAS, this City Council has reviewed the document entitled "NOTICE OF SALE Of Property Owned by the City of Freeport And Invitation to Bid Thereon," a true and complete copy of which is marked as "Exhibit A," attached hereto and incorporated by reference as if fully set forth herein; and

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- WHEREAS, this City Council hereby finds that the sale of the Property under the above stated conditions to be in the best interests of the citizens of the City of Freeport.

Special Counsel Mike Phillips explained this ordinance starts the process to allow the City of Freeport to sell the property located at 1819 South West (the vacant fire station) as described by receipt of sealed bids and subject to the bidder's compliance with the conditions as stated. He explained it has the option to be sold as one complete parcel or to be divided into two parcels. The western portion would include the vacant fire station and the eastern portion would include the fire training facility. The City has to publish once a week for three consecutive weeks the "notice of sale" with the first publication to be at least 30 days prior to the opening of the bids. He explained sealed bids will be opened during the regular monthly meeting of the City Council. At that time the council will decide to accept or reject the bids or postpone for further consideration. This will be bid in the alternative with one buying the entire parcel or just to buy a portion of the parcel. He explained in the eastern portion there are two towers used for training purposes and there is a cement pit that goes above ground and below ground for testing of fire pumps. There is a driveway along the north edge of the parcel that you can access the fire training facility area from West Avenue. Special Counsel Phillips explained that if it would be sold as two separate parcels there would have to be an easement provided as part of the sale of the western parcel to allow for the eastern parcel training facility to get access to and from the area. The City has to publish once a week for three consecutive weeks the "NOTICE OF SALE of Property Owned by the City of Freeport and Invitation to Bid" provided with the ordinance and as required by 65 ILCS 5/1-76-2. The first publication has to be at least 30 days prior to the opening of the bids. He explained sealed bids will be opened during the regular monthly meeting of the City Council of the City of Freeport on Monday, March 7, 2016. Fire Chief Miller explained that selling public property is an intricate process and these are the items we have to take to accommodate the requirements set forth.

Aldersperson Koester requested further information on the parcels. Special Counsel Phillips stated that a contract would need to be approved by the council and that contract could state the owner of the building has a first right to the property if the City should ever find a new training facility.

Aldersperson Busker moved to adopt Ordinance #2016-07 as presented, seconded by Aldersperson McClanathan.

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

1st READING OF ORDINANCE #2016-08:

Special Ordinance for Variation Permit or Amendment of Codified Ordinances of Freeport, Illinois

A petition was filed by Bowen Oil Company for the property located at 511 East Stephenson Street, Freeport, Illinois (PIN 18-14-31-227-005, PT NE ¼ SEC 31 T26N R8E of 4th Principal Meridian and PT NW ¼ SEC 32 T26N R8E of 4th Principal Meridian). The relief sought by the documents on file: zoning map amendment from M-3 (Heavy Industrial District) to B-3 (Commercial and Wholesale Business District). This ordinance was unanimously recommended to council by the Planning Commission in their meeting held on January 7, 2016 and there were no written objections filed on the petition therefore council may take final action this reading.

Director Mills stated the petitioner requested zoning change in order to have the opportunity to sell package liquor goods for off premises consumption. Director Mills stated this is a permitted use under a B-3 zoning land use plan in this commercial corridor. He explained that the next ordinance to be presents is for a special use permit within this zoning classification.

Aldersperson Koester made a motion for approval of the ordinance as presented, seconded by Aldersperson Klemm.

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Aldersperson Chesney asked about the cancellation of the Planning Commission meetings and asked about the plan to address the quorum problem. Mayor Gitz cautioned the council that for zoning issues, this is considered a tribunal and we need to restrict ourselves to the subject at hand and this can be discussed under department head reports.

Aldersperson Chesney asked how long Bowen Oil Company has been working with the City to get this particular variance approved. Director Mills stated Mr. Bowen contact him in early December.

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

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

Nays: None

Ordinance #2016-08 was passed.

1st READING OF ORDINANCE #2016-09:

Special Ordinance for Variation Permit or Amendment of Codified Ordinances of Freeport, Illinois

A petition was filed by Bowen Oil Company for the property located at 511 East Stephenson Street, Freeport, Illinois (PIN 18-14-31-227-005, PT NE ¼ SEC 31 T26N R8E of 4th Principal Meridian and PT NW ¼ SEC 32 T26N R8E of 4th Principal Meridian for approval of a Special Use Permit under Section 1252.01(b)(11) "Package liquor stores and any establishment selling alcoholic beverages for consumption on or off the premises", per 1252.05(b)(1)(B-3 Commercial and Wholesale Business District) of Chapter 1252 (Business Districts) of the City of Freeport Codified Ordinances to allow the sale of alcoholic beverages in a B-3 Commercial & Wholesale Business Zoning Classification. This ordinance was unanimously recommended to council by the Planning Commission in their meeting held on January 7, 2016 and there were no written objections filed on the petition therefore council may take final action this reading.

Community Development Director Alex Mills presented the ordinance by stating the Planning Commission voted unanimously to recommend the petition to council to allow a special use permit to allow sales of alcohol for off-premises consumption per 1252.05(b)(1)(B-3 Commercial and Wholesale Business District) of Chapter 1252 (Business Districts). Aldersperson McClanathan asked whether a B-3 is more consistent with the use that is already in place. Director Mills stated the use is a gas station and the special use permit is common for other gas stations in the community that sell package liquor.

Aldersperson Klemm moved for approval of Ordinance #2016-09 as presented, seconded by Aldersperson Busker. The motion prevailed by a roll call vote of;

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

Nays: None

Ordinance #2016-09 was passed.

1st READING OF ORDINANCE #2016-10:

Special Ordinance for Variation Permit or Amendment of Codified Ordinances of Freeport, Illinois

A petition was filed by Fraternal Order of Eagles Aerie #679 for the property located at 1200 West Galena Avenue, Freeport Illinois (PIN 18-13-25-383-023) for approval of a special use permit under Section 1252.01(b)(10) "Restaurants with outdoor serving areas; however, if alcoholic beverages are to be served, such restaurant must be in compliance with Section 806.17", per 1252.05(b)(1) (B-3 Commercial and Wholesale Business District) of Chapter 1252 (Business Districts) of the City of Freeport Codified Ordinances to allow the sale of alcoholic beverages in an outdoor restaurant area in a B-3 Commercial and Wholesale Business District Zoning Classification. This ordinance was unanimously recommended to council by the

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Planning Commission in their meeting held on January 7, 2016 and there were no written objections filed on the petition therefore council may take final action this reading.

Mayor Gitz explained he has pulled this item from the agenda because Special Counsel Phillips needs to incorporate special conditions and stated this item will be presented at the next meeting.

1st READING OF ORDINANCE #2016-11:

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 868 (TAXICABS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT [view changes version 1 to 3](#)

Mayor Gitz explained Special Counsel Phillips worked on this over the weekend and there may be additional changes as necessary from the discussion this evening.

Special Counsel Phillips reviewed ordinance marked as draft# 3 dated January 19, 2016. He explained that currently the way the ordinance is written the City would issue a taxi driver license, a taxi license on the vehicle and a taxi dispatch service for the operator. He explained this ordinance removes the dispatch license, adds a discrimination clause, and amends the section disqualifying an applicant due to a felony. Special Counsel Phillips stated he reviewed thirteen different communities and he recommends having two sections for criminal convictions which would disqualify a taxi cab operator and other ones that disqualify a taxi driver license. He basically used the wording from Bloomington and Elgin to draft our new wording. He stated he added wording if a person was on the sex offender list and the violent crime list it would make them not eligible to obtain a license. He took the recommendation of Alderperson Brashaw regarding criminal convictions to make a strong effort to protect the people by these restrictions.

Council members were provided the opportunity to ask questions and discussion was held on the application fee being removed, the location of a business as to whether it was necessary to require a local presence, and the number of year's necessary for rehabilitation for a felony conviction. Police Chief Todd Barkalow stated it would be useful to have a local contact. Special Counsel Phillips stated he used the wording to change the description of the business office from "principal office" to "local office" to make it less restrictive.

Alderperson Koester made a motion to refer this to the next meeting of the Committee of the Whole. This motion was seconded by Alderperson Chesney. Alderperson Klemm recommended that this ordinance be moved to the next meeting of the council instead of the Committee of the Whole. Alderperson Koester amended his motion to refer it to the next city council meeting.

Mayor Gitz asked if it was the will of the council to bring it back to the next City Council meeting and you can decide at that time if you want to approve it for a first reading or send it to the Committee of the Whole. Council members nodded in agreement and there were no further motions on the floor.

Mayor Gitz requested those council members who have raised issues, notwithstanding the local office, or if a council member has criminal convictions that they are not comfortable with, they should itemize what the proposed solution would be and forward that information to Special Counsel Phillips. He stated that way, if we have consensus, it will make getting to "yes" a little easier.

OTHER

DISCUSSION OF WHISTLEBLOWER POLICY

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It was noted there were two sample policies included in the packet. Mayor Gitz stated that sample number one had input from the HR manager and the second sample originated from Freeport School District #145.

Aldersperson Chesney asked for information from Special Counsel regarding his viewpoint of the policy based on the legality of the wording. Special Counsel Phillips explained he had not had a chance to review or to do further investigation regarding what other municipalities are doing. He cautioned the council about not rushing into establishing a policy until he has had a chance to review because it is a complex matter and has complex issues.

Aldersperson Miller and Koester recommended sample #1. Aldersperson Koester recommended review of the legalities of the policy.

There was no motion for action on this discussion item, it was recommended for consideration of sample number 1 based on review for legalities. Mayor Gitz stated based on recommendations from council and review of the legalities it can be drafted for the next council meeting.

Aldersperson Chesney asked what in our ordinance requires that in order to get activity or in order to get legislation put forward by corporation counsel that there has to be an advisory vote on the floor. Special Counsel Phillips explained under the Illinois rules of professional responsibility adopted by the Illinois Supreme Court in 2010; the attorney position for an organization represents the organization as a whole. Therefore it is the governing body that has to direct it to do certain things that they want done. He explained individual aldermen or alderwomen do not have the authority by themselves to do it. If it is done as a body as a whole, not individual people, that is how it is laid out. He explained there are certain ethical restraints and guidelines that have been laid out. He explained he had the same conversation with the city council in 1989 that he works for the council as a whole. He will work on the ordinance but he wants a chance to review the "whistle blower" as it pertains to the State of Illinois and he needs a chance to vet if properly.

Mayor Gitz stated there will be draft for the council the first meeting in February.

OTHER

REPORTS OF DEPARTMENT HEADS

Police

Chief of Police Todd Barkalow provided an update on three squad cars that have been purchased and prepared for the streets. They have received the body worn cameras and they are waiting on charging stations from VieVue and this Thursday they will participate in the webinar training. On January 27, 2016 there will be a Conversation over Pizza held at the Westview Community Building.

Fire

Fire Chief Scott Miller provided a report on what the Fire Department performed to prepare for the water shortage. They took advantage of the county-wide notification system and communicated to all the area departments and they were prepared to truck in water to any location if it was necessary. Initially the department identified hydrants that would be available to us to fill back up our tanks if necessary. There was cooperation from Cedarville to the north and Titan Tire to the east.

Chief Miller cautioned the public using space heaters to heat their homes or to try to thaw out a vehicle. He asked people to keep in mind safety and to use caution.

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Public Works

Public Works Director Tom Dole provided an activity report to council. The Public Works crew worked on a demolition for the Blight Reduction Program at 923 S. State.

Aldersperson McClanathan asked what citizens should do to report a pot hole. The phone number for the Public Works/Street Department is 815-235-8210 and the office clerk will log it in. Director Dole explained that he is having crews work the plow routes and refill pot holes on a street by street basis. They are working on priority routes first.

Community Development

Director Mills provided an update on Planning Commission meetings and stated there were no meetings in October and November because there were no petitions filed for agenda items. He explained the petition paperwork from Bowen Oil was received and because of his error in publishing the notice as a B-1-1 instead of a B-3 that initial meeting was cancelled and rescheduled with communication to the Planning Commission chair and Mr. Bowen. It was scheduled for the January meeting along with the Eagle Club petition. One request of the Planning Commission was to receive a packet ahead of time and they will be provided for the next meetings. As the Building Commission becomes active they will be reviewing the fee structure in addition to the building codes for electrical, HVAC, and construction. The intent is not to raise or lower the fees but to consolidate the structure or to review having a flat fee. He would also like to pursue online credit card payments to assist businesses in applying for a building permit.

Aldersperson Chesney spoke about the Comprehensive Plan and whether the commission will be meeting in the future to review this plan. Director Mills stated the last Comprehensive Plan was written in 2010 and there was quite a lot of work that went into it. Mayor Gitz explained that typically a Comprehensive Plan costs the City upwards of \$20,000 and municipalities rely on experts for this. It is not something that the Planning Commission would write and if it is the will of the council to rewrite the plan we can do it as long as we have the resources. Director Mills explained that the Planning Commission can review the plan and make suggestions if a change needs to be made but the majority of the petitions are changes in zoning or special use permits.

Aldersperson Koester asked Director Mills to look into online credit card payments. Director Mills explained he has plans to look at the building permit fees and that needs to be done first in an effort to implement paying for a permit online. He is interested in using the EPay program of the Illinois comptroller's office for payment.

MAYOR'S REPORT

Mayor Gitz stated there will be Planning Commission and Housing Authority appointments coming to the council. The auditors have been working on the audit all this week to get issues resolved in an effort to bring that to a conclusion. There will be an end of the year report being prepared for each of the departments and the intent is to have it ready in February. He reported on the Blight Reduction Program grant and the first house was taken down because it was privately owned. The next set of priorities for the BRP is tax sale properties. Mayor Gitz explained taking the title for a tax trustee property is a very involved process that they are working their way through. He has asked for a legal opinion to cut through the process with the tax trustee and conveying a property to a not-for-profit.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Miller provided information on the next Neighborhood Watch meeting scheduled for January 25, 2016 at the Lincoln Mall.

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Aldersperson Busker requested looking into allowing the reports by departments to be moved up to the beginning of the council meeting so a department head could leave due to the late hour of the meetings. Mayor Gitz stated he will discuss with staff because most of the time our council meetings were not as lengthy as they have been.

Aldersperson Klemm spoke about the next step for houses for the BRP program and who to talk to about grant related houses. Mayor Gitz stated he should direct questions to Director Mills. Aldersperson Klemm asked for information on testing of properties for asbestos and the next steps on the Okey Dokey property and the Endzone. Mayor Gitz provided an update and noted that upon an inspection of the property at the Endzone the items of any value were already removed from the building previously.

Aldersperson McClanathan stated he echoes Aldersperson Busker's comments about the department heads having to stay late hours and he would like that to be tweaked as necessary. He provided the council's thanks to the Water & Sewer Commission, the Police Department, and the Fire Department staff members for the work they did during the water main break. Mayor Gitz provided his compliments to Director Glendenning for his dedication on the amount of work accomplished.

Aldersperson Ross added his thanks to the crews for work they did in a very short amount of time.

Mayor Gitz stated there is a circular being distributed by a medical provider regarding the boil order and as noted by Director Glendenning that the boil order was a precautionary. He explained that there is not a need to replace water filters in an interest of safety. There was confusion as to whether it was ok to bathe during that time he explained it is ok and baking is ok but using the faucet for internal consumption is what it applied to. The public needs to have faster and better communication and there will be additional information posted. He asked for input from the council as to the concerns of the public.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Ronda Scott, 134 N. Harlem Avenue, Freeport Illinois spoke about the future of Freeport and that it is dependent on many issues and whether our children return to Freeport after college. She stated the concerns about clean water and filling pot holes are important but just as important is the role of the council in saving the former City Hall building and to bring it back to a functional building. She stated we do not want to spend any money on renovations on any building other than the former City Hall building. She spoke about the public survey and its results. She stated our mayor campaigned that we would restore our Freeport and she does not know how tearing down City Hall fulfills that pledge. She recommended moving offices back the former City Hall building and replacing the carpet and painting. She stated there is no reason why the City Council can't discuss returning there and we don't have the funds available to rehabilitate another building. She spoke about property taxes going up and the funds that go from the TIF's back to rich retail developments. She stated the original intent of TIF's were to improve blighted areas not to build new strip malls. Ms. Scott recommended reviewing TIF plans to see where the money is going.

Tom Teich, Freeport Illinois spoke about demolition needed at the former Bookies Tap and its progress. He stated he will participate in the Special Olympics the first week in February at Chestnut Mountain Ski Resort.

EXECUTIVE SESSION (CLOSED SESSION)

The following exception was read aloud by Mayor Gitz:

"Pursuant to 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."

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At 8:58 p.m., Alderperson Busker made a motion to enter closed session, seconded by Alderperson Koester. The motion for adoption of the resolution as amended prevailed by a roll call vote of;

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

Nays: none

Mayor Gitz noted that Community Development Director Alex Mills will attend the closed session.

At 9:12 p.m., Alderperson Koester made a motion to return from closed session, seconded by Alderperson Klemm. The motion for adoption of the resolution as amended prevailed by a roll call vote of;

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

Nays: none

On the council agenda was the following; "approval of proposed settlement agreement as recommended from executive session (closed session)." There was no council action on this item.

Upon a motion duly made and seconded, the meeting was adjourned at 9:13 p.m.

s/ Meg Zuravel

Meg Zuravel
City Clerk