



City Council

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

MINUTES

REGULAR MEETING

MONDAY, APRIL 4, 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 6:00 p.m. on Monday, April 4, 2016.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Klemm.

APPROVAL OF AGENDA

Alderperson Klemm moved for approval of the agenda, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

MINUTES

The minutes from the regular meeting on March 21, 2016 were presented for approval. Alderperson Brashaw moved for approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Merry Blake, 848 W. Stephenson Street, Freeport, Illinois, spoke against adopting plans for use of the Carnegie Building for City Hall (314 W. Stephenson Street). She stated she attended the meeting regarding the renovations. She recommended against the back door use for the physically handicapped entrance. She stated that City Government should be so that everyone can use the front entry. She proposes the use of the former City Hall building where it has a handicap entrance on Walnut Street.

Tom Klemm, 1016 Bertram Drive, Freeport, Illinois, spoke in regard to the ordinance for discontinuance of the Legal Department. He stated this ordinance allows for an alternative method of doing business in order to save the City dollars in the process. He stated there are still questions but the main significance is that this will bring two major items together – cost savings and accountability on how we do business. He stated he received and reviewed the bills for a local attorney who recently performed work for the City. In these bills he found out how much one attorney was used to perform work, let alone the other seven firms that have performed work for the City as well. He stated it looks like we can't even have a discussion on a business item or a significant piece of legislation without a legal opinion. He stated he has supported this administration on 95% of items but he is at odds as to the agreement of this item. He spoke about other large employers in the City not having an inside counsel. He stated that one thing they have in common is that there is one person designated with the authority as to who calls the attorney and keeps the clock running. He stated it does not restrict the Mayor but makes him and the department heads more accountable. He stated the Mayor is a practicing attorney and perhaps he can resolve an issue or answer a question. He explained this ordinance designates the Mayor to name a replacement

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or firms with a method to start providing our legal work. This will require council approval; however it will allow the Mayor to set up a new way of doing business. We already have at least two local attorneys that are on retainer at reasonable costs and can provide services moving forward with an RFP or selection process if the two are not enough then we have six additional firms that we are using. He explained one of the reasons against this is because we are about to start labor negotiations. He noted we are always in some kind of labor negotiation and they rarely go smoothly. He stated that our current corporation counsel starts negotiations then brings in additional firms to finish. He spoke about the cost savings, his experience negotiating union contracts, and having to pay back pay. He spoke about the advantages and disadvantages of a task force. He stated this ordinance is about cost and how the City conducts business in the future. He is in support of spending less money and consolidating as much work that has been farmed out to eight firms and going with one or two firms. He explained the City has a \$700,000 shortfall that it needs to make up and this is recognized by the Mayor. He spoke in support of moving forward with the ordinance to outsource the Legal Department and it is a prudent decision at this time. He spoke about other municipalities that are outsourcing their legal counsel except for the City of Rockford.

PRESENTATION/HONORARY RESOLUTION

Stephanie Feldt spoke on behalf of the Audubon Society in support of participation in a city-wide cleanup which will be held on April 16, 2016. It is called "Be the Change" and is a grass roots effort to help build stronger neighborhood and to positively brand Freeport by the community picking up litter.

Aldersperson Art Ross presented a plaque from the Freeport City Council to Lowell Dickman for his twenty-one years of service to the Street Department. Mr. Dickman spoke words of thanks to his department director, Tom Dole, and the people that he worked with in the Street Department since 1995.

Mayor Gitz noted we will have an honorary resolution for ABATE at the next council meeting.

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 of Water & Sewer Bills Payable (Registers #518 & 522) --- \$228,025.68
- B. Approval of Payroll for pay period ending March 19, 2016 --- \$417,833.45
- C. Approval of Finance Bills Payable (Registers #516,517,519,520,521) -- \$410,580.82

Aldersperson Busker moved for approval of the consent agenda, seconded by Aldersperson Ross. Motion prevailed by a roll call vote of;

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

Nays: none

ORDINANCES -- SECOND READING

2nd READING OF ORDINANCE #2016-23:

An Ordinance Amending Chapter 238 Entitled "Purchases and Contracts" To Create a New Section 238.25 To Be Entitled "Contracts For Outside Professional Consultants" of the Codified Ordinances of the City of Freeport, Illinois (version B)

The first reading was held on March 21, 2016. A motion to adopt was given by Aldersperson McClanathan, seconded by Aldersperson Chesney and the ordinance was automatically laid over to tonight's meeting. Mayor Gitz stated Ordinance #2016-23 is before the council for final discussion or debate.

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Upon the second reading, Alderperson Brashaw asked about the section referring to the Corporate Authorities as referred to in this excerpt of the ordinance:

Section 1. That Chapter 238 entitled "PURCHASES AND CONTRACTS" is hereby amended to create a new Section 238.25 to be entitled "CONTRACTS FOR OUTSIDE PROFESSIONAL CONSULTANTS" and to read as follows:

"238.25 CONTRACTS FOR OUTSIDE PROFESSIONAL CONSULTANTS.

Notwithstanding the formal contract and bidding procedures set forth in this Chapter (along with any other provision to the contrary contained in this Chapter 238) from time to time, as determined by a majority vote of the ~~City Council~~ **Corporate Authorities**, the ~~City Council~~ **Corporate Authorities** may ~~directly~~ select, retain and contract for outside professional consultants which require technical training or knowledge, including, but not limited to, engineers, auditors, legal counsel, land planners and other professional consultants and the ~~City Council~~ **Corporate Authorities** may appropriate funds to provide for such services."

State Law Reference- Contractual Liabilities; Limitations, 65 ILCS 5/8-1-7.

Corporation Counsel Griffin stated that technically it is not a change; it just mirrors the State Statute. She explained under the City ordinance the City Council is inclusive of the Mayor and in most Cities it is not. She stated the "Corporate Authorities" means the "City Council plus the Mayor" and that is how it is defined. She stated that as we are going through it the State Statutes states "Corporate Authorities" so changing the language to City Council makes it look like it is a change from the State Statutes when it really isn't. Because of this, a memo was drafted last week for the recommended change.

Alderperson McClanathan stated he had a chance to discuss the ordinance with Alderperson Koester and the use of this. Alderperson McClanathan stated keeping in mind his concerns, he recommended making an amendment to the ordinance to raise the threshold on the voting to change the language to strike the word majority and exchange for a 2/3 (two-thirds) majority vote. He stated that is in the spirit of trying to relieve some of those concerns. Alderperson McClanathan moved to amend the ordinance. This motion was seconded by Alderperson Busker. Mayor Gitz repeated the motion to amend the ordinance under line three where it says "as determined by a majority vote of the Corporate Authorities" to insert "two-third (2/3rd)" majority vote. The motion prevailed by a voice vote without dissent. Mayor Gitz asked if there were any further questions on passage of the ordinance as amended.

The motion for passage of the ordinance as amended prevailed by a roll call vote of:

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

Nays: none

Ordinance #2016-23 as amended was passed.

2nd READING OF ORDINANCE #2016-24:

An Ordinance Discontinuing the Legal Department of the City of Freeport and Amending Chapter 234 of the Codified Ordinances of the City of Freeport, Illinois to Provide for the Position of City Legal Counsel

The first reading was held on March 21, 2016. A motion to adopt was given by Alderperson Busker, seconded by Alderperson Chesney and the ordinance was automatically laid over to tonight's meeting.

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Aldersperson Brashaw explained she is not in support of this ordinance. She stated she has reviewed the financial considerations and has spoken to constituents and she believes we should continue with in-house legal counsel.

Aldersperson McClanathan asked for further information from Aldersperson Klemm and Chesney on the correspondence received pertaining to the individual that works somewhat with the Legal Department and also works with the City Clerk. He asked if there was any perceptible as it pertains to the ordinance going forward. Aldersperson Chesney stated yes there is. He stated the intent has always been to maintain services for the Office of the Clerk and his hope would be that doesn't change. He stated how that comes out and unfolds in time will be discussed. He stated his preference would be that we maintain some level of service in that particular department; however he is looking forward to seeing those proposals and seeing how it looks.

Mayor Gitz stated it has been alleged several times that there are eight different attorneys that have been used by the counsel so he reviewed for a matter of accuracy those who provide legal services. He stated this list includes the Corporation Counsel of course. He stated the Corporation Counsel was on a disability leave which is allowed by law so the second attorney is Michael Phillips. He stated the third attorney is a contract attorney used for ordinance violations and that is Anthony Coon. He stated the fourth attorney is Bob McCabe and Mr. McCabe was employed for a very specialized complaint that was filed before the EEOC. No one on our staff had the expertise to handle that and it couldn't be handled by Corporation Counsel because she was representing the corporation. He stated that Mary Riordan has been our long-time counsel on TIF issues. He explained the standard attorneys for this corporation called the "City of Freeport" are Ms. Griffin, Mr. Coon, and Mary Riordan. Mayor Gitz explained there was a fraud investigation and arbitration handled by an attorney, Mr. Pirages and he is not a regular. He stated Lisa Salkovitz handled an arbitration because our corporation counsel was a witness and she couldn't be a witness and also handle the arbitration. He stated that Nicole Bauer handled a onetime basis dangerous dog case for Mr. Doak. He stated then finally there is Mr. Prorok who was part of the investigation. He stated the impression that has been created here is that there are all kinds of people. He stated it was flatly falsely alleged that collective bargaining is sort of handled by corporation counsel and then handed off. He stated the only time that collective bargaining matters involved another attorney is when they go to the arbitration process which is specialized and which is frankly if the Corporation Counsel handled this issue, then they would not be doing much of anything else.

Mayor Gitz stated that if you talk to any department head we have here, they will tell you that when there is a demolition on Moseley they made sure that our notices were accurate and there were changes made in it. When the Police Chief has a special issue he refers it to the Corporation Counsel for final vetting. He stated on a daily basis, the Corporation Counsel is responsible for giving advice and input at the question of department heads. He explained the difference of being able to pick up the phone and being able to talk to the Corporation Counsel and making a phone call and hoping someone will return it quickly and when they are they are on the clock. He stated he just wants to make sure the record is clear as to what we are doing. He explained that his and the department position on this is clear that this organization depends heavily on a very small staff so that means it is a whole lot easier to prevent problems than it is to solve them after they become bigger problems. He explained that it has been alleged that no one else uses in-house counsel and it needs to be understood that Galesburg just moved their legal services in-house. He stated they did this because they ran the numbers too. It is alleged that only Rockford does it and that is not so. The City of Belvidere has had in-house counsel for a long time. He explained this has been an unusual year because we have had a lot of issues, a lot of labor negotiations, and a lot of litigation, and even then it does not add up to the figures that have been given. He stated if you are going to subtract the legal assistant, then that also reduces the numbers as to what you are saying the savings to be. He stated he is in favor of that, but the numbers have been used in two different ways. The bottom line here is that he is in favor of budget savings. He has no problem with looking at the Legal Department and reviewing the costs in compared to other years and making a decision. He stated that is not what this ordinance is about. This

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ordinance evolved without the input of the department heads and with no advance consultation or input from the Mayor. He explained that no one has discussed this with the Corporation Counsel to work out the costs and he has an issue with how this unfolds in practice and what you think is going to happen and what the results will be.

Upon no further discussion Mayor Gitz requested a roll call vote for adoption of the ordinance. The motion for passage prevailed by a roll call vote of:

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

Nays: Brashaw (1)

Ordinance #2016-24 was passed.

ORDINANCES -- FIRST READING

1st READING OF ORDINANCE #2016-25:

An Ordinance Amending The Boundaries of the Joint City of Freeport – County of Stephenson Certified Enterprise Zone (*expansion of Helm Group*)

Community Development Director Alex Mills stated the Helm Group is seeking an enterprise zone expansion to construct a consolidated 12,000 square foot, \$1.4 million information technology office building to house their corporate data for their Midwest operation and workstations for their computer aided drafting department. He stated this facility is expected to increase their workforce by adding ten positions. He stated this ordinance amends the boundaries of the enterprise zone to include the additional 1.0 acres that will be included in the zone. The 1.0 acre expansion area is contiguous to the existing enterprise zone boundaries and therefore is eligible for inclusion.

Aldersperson Ross stated he will abstain from voting on this matter as he owns a business in the Enterprise Zone.

A motion to adopt was given by Aldersperson McClanathan, seconded by Aldersperson Miller. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2016-26:

An Ordinance Amending Chapter 1042 (Water Generally) Section 1042.15 (Billing and Collections, Delinquencies, Discontinuance of Service) of the Codified Ordinances of the City of Freeport

Water and Sewer Executive Director Tom Glendenning stated that over the last couple of years the department has been working on methods to take care of delinquent bills and those that have been vacated or have stopped paying them and are gone. He stated we have been using the IDROP system as a method to collect from the income taxes through the State of Illinois. He stated it has been pretty successful with about \$15,000 in collected funds in uncollected Water & Sewer billing. He explained the IDROP system has been going through multiple changes and this revision to this ordinance is due to the latest request by the new administration. He stated there are a few sentences that need to be changed in the ordinance as presented. The following amendment was provided in the packet:

Section 1. That Section 1042.15 “BILLING AND COLLECTIONS; DELINQUENCIES; DISCONTINUANCE OF SERVICE” of Chapter 1042 – WATER GENERALLY of the Codified Ordinances of the City of Freeport, Illinois shall be amended to read as follows:

“1042.15 BILLING AND COLLECTIONS; DELINQUENCIES; DISCONTINUANCE OF SERVICE.

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(h) The late notice to the customer for nonpayment of a bill shall be mailed to the customer fourteen days after the due date of the second billing cycle. If the bill is not paid within seven days after the mailing of the late notice, a third and final notice shall be mailed to the customer. If the bill is not paid within five days after mailing the third and final notice, water service will be discontinued and the bill will be deemed delinquent. Whenever charges for water service furnished by the City become delinquent, the ~~policy of the City shall be to~~ may exercise its option under 65 ILCS 5/11-139-8, as amended, to sue the customer to recover the money due for services rendered to that customer, plus reasonable attorneys' fees to be fixed by the court, and to prosecute such suit to final judgment, or to utilize other means of collection as appropriate."

Director Glendenning explained that Corporation Counsel Griffin thought the only way we could collect would be to change the "shall" to the "may". He explained that the IDROP is a method to collect according to State Statutes and most of these are tenants who have left the area.

A motion to adopt Ordinance #2016-26 was given by Alderperson Brashaw, seconded by Alderperson Miller.

Alderperson Brashaw moved for suspension of the rules for immediate consideration of the ordinance, seconded by Alderperson Miller. Motion prevailed by a roll call vote of:

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

Nays: none

The motion for passage of the ordinance prevailed by a roll call vote of:

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

Nays: none

Ordinance 2016-26 was passed.

1st READING OF ORDINANCE #2016-27:

Adoption Of An Ordinance Of The City Of Freeport, Stephenson County, Illinois, Providing For The Issuance Of General Obligation Bonds, Series 2016, Providing The Details Of Such Bonds And Bonds For A Levy Of Taxes To Pay The Principal Of And Interest On Such Bonds, And Related Matters

Mayor Gitz noted for the record this ordinance replaces Bond Series 2015B from September 21, 2015 that was never issued due to the audit not being completed in a timely manner.

An excerpt of the ordinance provided in the packet is as follows:

WHEREAS, the City of Freeport, Stephenson County, Illinois (the "**Issuer**"), is a home rule unit pursuant to the provisions of Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois and accordingly may exercise any power and perform any function pertaining to its government and affairs, including as supplemented and amended under and as provided by the Illinois Municipal Code (Section 5/1-1-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes, as supplemented and amended, including by the Bond Authorization Act, the Registered Bond Act, the Bond Replacement Act, and the Local Government Debt Reform Act, collectively, the "**Act**"); and

WHEREAS, the City Council of the Issuer (the "**Corporate Authorities**") hereby determines that it is essential that the Issuer undertake the acquisition, construction and installation of various capital related projects, and related facilities, improvements and costs (the "**Project**"), and

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WHEREAS, the Corporate Authorities have heretofore and it hereby is determined that not to exceed \$2,500,000 General Obligation Bonds, Series 2016 (the **"Bonds"**), to finance the Project, and to pay related costs of issuance, and under and pursuant to this ordinance it is necessary and desirable that the Issuer issue the Bonds for such purpose; and

WHEREAS, the Issuer proposes to enter into a Bond purchase arrangement (when fully executed or closed upon, as applicable, the **"Bond Purchase Agreement"**) with a financial institution, investment bank or other qualified purchaser (the **"Purchaser"**) concerning the sale and purchase of the Bonds, and the Bonds are to be as described and authorized in this ordinance and, as applicable, the Issuer's term sheet, request for proposals, official statements, or other offering document (in preliminary form and as supplemented to be final, as applicable, if at all, the **"Offering Document"**) in connection with the offering of the Bonds for public or private sale, as supplemented by, as applicable, a Continuing Disclosure Certificate and Agreement (the **"Disclosure Agreement"**) related to the Bonds under Rule 15c2-12 (**"Rule 15c2-12"**) of the Securities Exchange Commission (**"SEC"**); and

Mayor Gitz called John Vezzetti of Bernardi Securities to the podium for presentation. Mayor Gitz stated that Bernardi Securities has been retained for bond issuance and refunding of bonds and it is not the first time that Mr. Vezzetti has been before us. He explained that because we are asking simply for a change of date for the issuance of bonds we should ask him to present on this ordinance.

Mr. Vezzetti stated that on the council agenda is a bond ordinance that mimics the 2015B Bond Ordinance that was passed by the council last September in conjunction with the 2015A Bond Ordinance which was part of a refinancing process. He stated this ordinance allows for a 2016 Series issuance and within in the title you will notice that the bonds are now declared as 2016 bonds, instead of the 2015 bonds because we are in a new calendar year. He stated that is the most subjective change to the ordinance and he is here to answer any questions. He stated this ordinance does allow Bernardi Securities to get into the market place and sell bonds for the City. It allows the same bond attorney to pass opinion upon the ordinance as it is presented within the offering documents. He stated nothing really changed except for putting 2016 in the title rather than 2015B.

Aldersperson Chesney asked why it did not go to market in October 2015. Mr. Vezzetti explained they proceeded with the sale of the refunding bond (the 2015A) which saved the City \$700,000 in interest payments. He stated the 2015B Bond Issue (now called the 2016 Series) was to be issued no earlier than 15 days after that sale which took place and was finalized on November 12, 2015. Because the 2015 audit was not completed by the projected date to go for sale of the 2015B bonds, they were not able to sell the bonds at that time.

Aldersperson Chesney asked about the interest rates on the bonds because the thought was the interest rates were going up. Mr. Vezzetti stated that the interest rates have gone down since that date.

Aldersperson McClanathan asked if this amount was the same as the prior authorization. Mr. Vezzetti stated that is correct.

A motion to adopt Ordinance #2016-27 was given by Aldersperson McClanathan, seconded by Aldersperson Busker.

Aldersperson McClanathan stated that because nothing substantially has changed and the discussion was held during the last presentation of the bonds, he feels comfortable moving forward with the passage this evening.

Aldersperson McClanathan moved for suspension of the rules for immediate consideration of the ordinance, seconded by Aldersperson Chesney. Motion prevailed by a roll call vote of:
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Nays: none

The motion for passage of the ordinance prevailed by a roll call vote of:

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

Nays: none

Ordinance 2016-26 was passed.

1st READING OF ORDINANCE #2016-28:

An Ordinance to Supplement the Appropriation Ordinance Fiscal Year 2015-2016 For The City of Freeport, Illinois (Fifth Supplemental)

Mayor Gitz explained this is the first cut of the supplemental appropriation ordinance before the end of the fiscal year and because of items that are unknown at this time, there will be changes pending. He stated it is typical at the end of the fiscal year to make these adjustments to bring the line items into balance, so this is the first cut of this.

Aldersperson Chesney asked if the intent is to put this on the floor for a first reading with the acknowledgment that there will be amendments. Mayor Gitz stated that would be his preference. Aldersperson Chesney requested staff to provide information in a memo format as to why these items moved.

A motion to approve the first reading of Ordinance #2016-28 was given by Aldersperson Chesney, seconded by Aldersperson Busker. The ordinance was automatically laid over to the next meeting.

RESOLUTIONS

RESOLUTION R-2016-15:

Resolution to Authorize an Amendment To Intergovernmental Agreement for the Operation of an Enterprise Zone (*expansion of Helm Group*)

Provided in the council packet was the following description for the resolution by Community Development Director Alex Mills, "The Helm Group is seeking an enterprise zone expansion to construct a consolidated 12,000 square foot, \$1.4 million Information Technology Office Building to house their corporate data for their Midwest operations and workstations for their computer aided drafting department, which will allow them to expand their CAD workforce in Stephenson County from 13 CAD technicians to 23 CAD technicians. This expansion will include the construction of a new 12,000 square foot, \$1.4 million facility and the installation of \$150,000.00 in new capital equipment. The Resolution To Authorize An Amendment To Intergovernmental Agreement For The Operation Of An Enterprise Zone is necessary for the City of Freeport to formally indicate approval of expansion of the Intergovernmental Agreement itself. Stephenson County, City of East Dubuque, Village of Hanover and Jo Daviess County must also pass an identical resolution to indicate their support as well. This action authorizes amending the agreement to include the proposed expansion area. "

Mayor Gitz stated that it makes sense to defer action on this resolution until the next meeting to correspond to the timing of the Ordinance on the same subject. Director Mills agreed that they work in concert with each other.

RESOLUTION R-2016-16:

Resolution to Approve An Intergovernmental Agreement Between the City of Freeport, Illinois And The Freeport Park District For Crack Sealing Improvements

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City Engineer Shaun Gallagher presented the resolution stated this is a culmination of what he has tried to do with the street maintenance program by trying to gain an extra advantage in bidding in higher quantities for the Crack Sealing Program. City Engineer Gallagher explained that he will utilize a summer intern to assist with the construction inspections services on this project.

The resolution provided an attached Intergovernmental Agreement providing for the following:

CITY and PARK DISTRICT (herein sometimes individually referred to as "Party" and collectively referred to as the "Parties") each agree as follows:

1. City.

- a. The CITY agrees to prepare all contract documents necessary for bidding and award for contract 16-00000-02-GM, the 2016 City of Freeport Crack Sealing Program, which shall include crack sealing several areas of Krape Park, Read Park, and the District office parking lot, under ownership of the PARK DISTRICT, as of the effective date of this agreement;
- b. The CITY agrees to provide construction inspection services during the course of the project to ensure quality and oversight of the contract. A negotiated inspection fee of six (6) percent of the final contract price will be paid to the CITY for construction inspection by the CITY;
- c. The CITY agrees to complete the project prior to July 1, 2016, as outlined in the contract documents containing a completion date of June 6, 2016;

2. Park District.

- a. The PARK DISTRICT agrees to pay the contract unit price for all pay items relating to crack sealing, as awarded by the CITY, for the maintenance of various pavements. These improvements are estimated at \$7,200 to the PARK DISTRICT;
- b. The PARK DISTRICT agrees to pay to the CITY its share of construction inspection services, based on the formula set forth in paragraph 2.(a) above, for which the CITY is responsible per 1.b. above. At this time the estimated cost for construction inspection services is \$432.00 to the PARK DISTRICT

Aldersperson Brashaw moved for approval of Resolution R-2016-16, seconded by Aldersperson McClanathan. Motion prevailed by a roll call vote of;

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

Nays: none

The next item on the agenda was moved forward from the Department Head reports.

City Engineer

Approval of 2016 Crack Sealing Program for apparent low bidder Countryman, Inc. in the amount of \$38,464.40 for bids opened March 24, 2016 for contract 16-00000-02-GM

City Engineer Gallagher stated on March 24, 2016, the City of Freeport held a bid opening for this year's Crack Sealing Program. The three (3) bids were submitted by SKC Construction, Inc., Countryman, Inc., and Freehill Asphalt, Inc. The apparent low bid was submitted by Countryman, Inc. for the amount of \$38,464.40. The increase in bid prices over the engineer's estimate is likely due to the smaller quantity bid, as we will now be caught up with our crack sealing program. In an effort to reduce costs by bidding a larger project, approximately \$7,200.00 of the bid amount will be covered by a pending intergovernmental agreement with the Park District.

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The following was noted by the Illinois Department of Transportation (IDOT) prior to bidding: Due to the possibility of a bid complaint for your agency's project, as it relates to the "Apprentice or Training Program Certification," the department will not concur with the award of any contract until the eight calendar day following the letting; therefore, the local authority shall not proceed with the award for eight (8) calendar days.

City Engineer Gallagher stated based on this low bid, it is his recommendation to award contract 16-00000-02-GM to Countryman, Inc. for \$38,464.40 barring any bid protest in the eight (8) calendar days following the bid opening, as allowed by IDOT. It was confirmed that we are past the eight calendar days for the bid protest. City Engineer Gallagher confirmed and he would not expect one because there is no apprenticeship training program since this does not require heavy highway equipment operators.

Aldersperson McClanathan moved for approval of the bid as recommended by the City Engineer, seconded by Aldersperson Klemm. Motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: none

RESOLUTION R-2016-17:

Resolution to Approve Agreement With Winter Construction, Inc. For Design-Build Services

The resolution provided in the council packet provided the following which also included an AIA Document A141-2014, Standard Form for Agreement Between Owner and Design Building between the City of Freeport and Winter Construction:

WHEREAS, on December 15, 2014 the City Council authorized the City Administration and staff to negotiate a Design-Build contract, with the intention of repurposing the Carnegie Library, located at 314 W. Stephenson Street, to be utilized as City Hall; and

WHEREAS, on August 17, 2015 the City Council approved Winter Construction, Inc. for a design-build contract for the Design-Build Service.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FREEPORT that it does hereby authorize the Mayor to execute the documents as shown in Attachment A hereto, being the Standard Form of Agreement Between Owner and Design-Builder with Exhibits and conditions for renovation of 314 W. Stephenson Street, Freeport, Illinois.

City Engineer Gallagher stated that when Phase I of the project was approved by the council it was agreed to put together a true cost estimate. That was presented at a public meeting last Wednesday and previously presented to the City Council. We have also moved forward with the Asbestos Abatement and that has been completed. The complete layout with the budget was approved by City Council and reviewed by staff with information conveyed to the citizens. The next phase of the project is the proposal with the owner's budget for the work to be provided by the Design Builder in the amount of \$2,150,000. He explained that this we lowered from the original \$2.2 million dollars which the council originally requested to be the budgeted amount. The Submission of the Design-Builder Proposal is June 13, 2016 with a substantial completion date provided as December 26, 2016.

City Engineer Gallagher explained that the biggest challenge of the design was the number of things that could be done on a new building concept that would be easier and cheaper to do but in retro-fitting it into this Carnegie building in order to address the ADA concerns of what is ADA Compliant. They addressed these issues in the rear

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entrance by making that entrance more prominent and making it wheel chair accessible. It also required that they make doors interlocking for ADA Compliance and to make the hallways wider. He explained these items are very expensive with the budget we have been given. City Engineer Gallagher reviewed the items discussed at the public meeting including the bonding, exterior lighting, fire suppression system, the security within the building, and they reviewed the budget and the scope of services with the public in attendance at the meeting. He stated some of the suggestions received at the meeting have been reviewed by City Engineer Gallagher and Mr. Scott Winter because we want to make sure that the people's voice is heard.

City Engineer Gallagher stated the agreement contained in the packet is Phase II of the project as we dive deeper into the design and begin to bid out some of the subcontracts. This will be done with a better knowledge of what this project is going to be. We project a final cost of \$2.15 million budget. This is a contract or agreement with the City of Freeport and Winter Construction for the restoration of the Carnegie building (314 W. Stephenson Street) for use as City Hall. He stated what is specific about this when we talk about Phase I, Phase II and Phase III. This represents Phase II, where we dive deeper into the design. This is the engineering expense, the architectural expense to get a working project out on the street – bid and ready to go. Also included is an addendum that outlines all those improvements that outlines the \$2,068,635.00 which is once Scott Winter completes his final design and we bid those thing, then we will come back to the council for execution of that. He explained this is Phase II and then the actual construction is the Phase III (which is the addendum). He explained that we may see some savings from as we get deeper into the engineering perhaps we find a few things that can be cut or bids come back positive, we can redirect the amounts back into the project at that time so we can give you the final dollar amount so that does not have to be approved tonight.

The floor was opened to Scott Winter and he noted this is a similar contract to the one used for the Airport. He explained that this document is set up in a two part process for the design and then they provide the proposal in the final cost of the project. The amendment is executed after the proposal once agreed to by the parties. He explained what they have done to date is a part of this first Phase of this contract by doing the programming and establishing the scope, so we are really half way through the first part of the contract agreed to by the letter of agreement. This allows us to continue down that path without having to commit to the \$2.15 million dollar value or whatever number you decide when we are finished with this phase for the design and budgeting. Scott Winter stated he did take dollars out of the A&E percentage to get that dollar amount lowered.

Alderpersion Brashaw moved for approval of Resolution R-2016-17, seconded by Alderpersion Ross.

Discussion was held on the ADA rear entrance and it was explained that the entrance will become more prominent as the entrance. City Engineer Gallagher explained the rear entrance will become the main entrance. He explained the offices as part of the layout to be located on each floor and the wheel chair access. It was explained that the ramp will be in the rear entrance and although two wheel chairs would not fit side by side on it, the code minimum is three feet between the railings that the ramp is five feet wide so it is wider than a normal ADA accessible ramp. It was explained the have made every effort to the best of their ability to make it ADA accessible. Also discussed was the parking accessibility outside the building.

The adoption of Resolution R-2016-17 prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: none

City Engineer Gallagher stated that for his department head report that there has been work completed on the replacement of street lights along Galena and Carrol Streets. He has asked the Police Department to review the lighting in these areas to make sure that it gives the expected results.

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City Engineer Gallagher provided an update on tree removal for the Water & Sewer Phase B project. He stated there will be no additional tree removal. They have begun the construction on Burchard and Lincoln will be shut down tomorrow for the project. They will begin the project on Monroe Drive, Prairie, Knox and Carthage. Alderperson Brashaw asked what area of Lincoln. City Engineer Gallagher explained that Lincoln Boulevard from McKinley to Burchard will be closed tomorrow for the water main project.

RESOLUTION R-2016-18:

Resolution to Approve A Consulting Agreement With Bernie Mrugala To Provide Services Related to Financial Operations

Provided in the council packet was the following resolution and accompanying agreement terms:

WHEREAS, the City Council of the City of Freeport has determined that it would be in the best interests of the City to retain a consultant to assist the City in Financial Services while we are seeking a Finance Director.

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

Section 1. That the foregoing recitals shall be and are hereby incorporated in this Section 1 as if said recitals were fully set forth.

Section 2. That it does hereby authorize entering into the contract with Bernie Mrugala for consulting services as generally outlined in the attached document.

Section 3. That the Corporate Authorities hereby authorize appropriate City officials or employees as may be required or convenient, to sign on behalf of the City of Freeport the said Agreement and any other document necessary or convenient to fulfill the intent of this Resolution.

Section 4. 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 5. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Section 6. 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 7. That any resolution or motion in conflict with this Resolution is hereby repealed insofar as it conflicts with this Resolution.

AGREEMENT FOR CONSULTING SERVICES FOR VARIOUS FINANCE PROJECTS BETWEEN BERNIE MRUGALA AND THE CITY OF FREEPORT

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THIS AGREEMENT entered into as of (Date to be inserted), 2016 by and between Bernie Mrugala, ("Consultant") and the City of Freeport ("City"). WHEREAS, the City Council of the City has determined that it would be in the best interests of the City to obtain a financial consultant to assist the City with various projects generally relating to City finances, operations, and efficiencies in order to improve operational aspects of service to our citizens and to work to improve the ongoing financial condition of the City, in the Interim Period while we are seeking a Finance Director. NOW, THEREFORE, the parties hereto agree as follows:

SERVICES PROVIDED. That Consultant shall for the period of this Agreement provide services to the City in the following general areas, subject to the direction of the Mayor:

- Balance FY 2015 Bank Accounts;
- Review FY 2015 and FY 2016 Water and Sewer posting issues;
- Review current systems setting for posting definition errors;
- Assist with the FY 2017 Budget/Appropriations process;
- Balance 2016 Bank Accounts and other General Ledger account balances;
- Prepare Financial Statements;
- Assist with Final FY 2016 Supplemental Appropriations for end of year;
- Review LOCIS and CIVIC software interface and make recommendations to Mayor; and
- Other specific Finance related projects as specifically designated by the Mayor and agreed upon by the parties.

2. COMPENSATION. Consultant shall be compensated at the hourly rate of \$50.00 per hour, based upon invoices submitted to and approved by the Mayor.

3. TERM. The term of this agreement will be retroactive to December 28, 2015 and shall continue through May 31, 2016. Such term shall be renewable by mutual agreement of the Consultant and the Mayor on a weekly (seven (7) calendar day) basis thereafter, but not longer than an additional total 90 day period of time, without approval of City Council.

4. TERMINATION. Either Party may terminate this Agreement upon giving the other Party a seven (7) calendar day written notice thereof or as otherwise mutually agreed to by the Parties.

Aldersperson McClanathan moved for approval of Resolution #R-2016-18, seconded by Aldersperson Ross. The adoption of Resolution R-2016-17 prevailed by a roll call vote of;

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

Nays: none

OTHER

REPORTS OF DEPARTMENT HEADS

Water & Sewer

Director Glendenning explained further the IDROP collection by the State of Illinois. He stated it provides the ability for the City to collect on unpaid debt through the State of Illinois Comptroller's office by their deduction of an amount from income tax rebates or through wage garnishment of State of Illinois employees.

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Fire Chief

Approval of authorization to purchase of two defibrillator/monitors to upgrade all fire department fire and ambulance vehicles to be paramedic equipped

Fire Chief Miller stated this is request from the Fire Department for approval of two (2) defibrillator/monitors. This request was made to upgrade all FD fire and ambulance vehicles to be paramedic equipped. This measure is in response to a local private ambulance company ceasing operations. This equipment will provide the ability for fire personnel to deliver advanced life support treatment in the event an ambulance is not immediately available.

Fire Chief Miller requested approval to purchase one (1) refurbished Zoll X Series defibrillator/monitor from Zoll Medical Corporation. This would be a sole source purchase from this vendor. This is the model that is currently on each frontline ambulance. This would be placed on the reserve ambulance and make the ambulance available if sufficient staffing permits. Fire Chief Miller also requested approval for a Zoll E Series refurbished defibrillator/monitor. This would be an older monitor (similar to what is on the other fire apparatus) from a third party vendor with a one year warranty. He noted that the purchase price of the X Series defibrillator/monitor (ambulance equipment) is: \$25,981.88. Sole source from Zoll Medical. The purchase price of this defibrillator/monitor new is: \$30,828.38. Consideration of the refurbished unit represents a cost savings of \$4,846.50. The purchase price of the older E Series defibrillator/monitor (fire engine equipment) is: \$2,510.00 (using three quotes). The purchase of this equipment would come from the Fire Capital Improvement Fund. Sufficient funds exist that were allocated for in-vehicle dispatch computers (mobile data terminals). Fire Chief Miller provided that he will be requesting funding for mobile data terminals in fiscal year 2016-2017.

Alderson Busker moved for approval of the purchase as recommended by Fire Chief Miller one (1) refurbished Zoll X Series defibrillator/monitor from Zoll Medical Corporation in the amount of \$25,981.88 sole source from Zoll Medical and also the purchase of a Zoll E Series refurbished defibrillator/monitor in the amount of \$2,510.00. This motion was seconded by Alderson Ross. The motion prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: none

Discussion on sale of vacant fire station located at 1819 S. West Avenue, Freeport Illinois

Fire Chief Miller reported today we received the appraisal for the former Fire Station #3. Mayor Gitz stated on the appraisal that we have (and he prefers not to quote it in open session), there is a further report coming on the separation of the parcel into two parts. He stated this will be discussed at the Committee of the Whole. He explained that because of State Statutes that if the property is listed the accepted price can be no less than 80% of the appraised value and this is considerably higher than the bids received.

Fire Chief Miller expressed gratitude to the Red Cross for their assistance and installment of smoke detectors in specific area in town and they were handing out fire safety materials.

Community Development

Community Development Director Mills reported that the credit card reader is now in service for the building permit.

Approval of Bid for Mowing of Properties with Tall Grass and Weed CD-002-16

Director Mills stated that on March 30, the Community Development Department held a bid opening for 2016 mowing services for properties in violation of the City of Freeport Codified Ordinance Chapter 694 – Weeds and Grass. The three bids received were submitted by L & L Lawn Maintenance, T & L Preservation Services, LLC, and

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TNT Services. The apparent low bid was received by T & L Preservation Services, LLC at \$15.00 per hour per person. Nuisance Inspector Homer has indicated that T & L Preservation Services, LLC has provided responsive and satisfactory service as a contracted mowing firm for the City of Freeport in 2013, 2014, and 2015. Based upon this recommendation and the low bid of \$15.00 per hour per person received, Director Mills recommended award of the 2016 mowing services to T & L Preservation Service, LLC. He provided a copy of the bid tabulation in the council packet showing the other bids as \$20.00 per hour and \$32.50 per hour.

Aldersperson Klemm moved for approval of the purchase as recommended by Director Mills for T & L Preservation at \$15.00 per hour per person, seconded by Aldersperson McClanathan.

Aldersperson Chesney asked about the 227 properties that seem to be owned by the City of Freeport (noting many are owned by the airport and would not qualify) and asked what the plan is to transfer the property to private ownership. Director Mills stated there was a discussion on the staff level and there are approximately twenty-mid twenty of saleable properties that don't require easements. He explained there are many that are Water & Sewer parcels and can't be sold or built upon. He explained for the council the properties that could be considered for resale. He stated he will work to prepare a process and look at an approach to get a property in the hands of perhaps a neighbor or an adjacent property owner. Mayor Gitz requested Aldersperson Chesney to review with him his listing of properties as to why there is a disparity of numbers. Mayor Gitz also explained that most of the properties that the City has demolished a house do not necessarily come under ownership of the City.

Upon no further discussion, the motion to accept 2016 mowing service bid prevailed by a roll call vote of;

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

Nays: none

Approval of Bid for Demolition of Blight Reduction Program (BRP) Properties included in Bid Packet CD-003-16

Director Mills presented the bids for CD-003-16 Award – Demolition Services for 11 Residential Properties. He stated on March 30, 2016, the Community Development Department held a bid opening for Bid CD-003-16 – Demolition Services for 11 Residential Properties. Of the properties to be demolished, 9 are being targeted for demolition through the IHDA Blight Reduction Program #1, and 2 are to be demolished via use of budgeted city funds and the “fast track” legal process. In an effort to gain better pricing, the bid was structured so that bidders could submit individual pricing for demolition of any number of properties, a package price for demolition of all 11 properties, or both. Bidders were made aware that in the event that the total of the lowest individual bids received was less than the lowest package price received, the demolition bids would be awarded individually. After tabulating all 9 bids received, this was determined to be the case. The bid tab was provided in the council packet. It stated all bidders are registered contractors with the City of Freeport. Director Mills provided the bid tab which contained the following recommendation for the award of bids:

Kleckner Excavating - \$46,500	JMP Trucking, Inc. - \$23,150	G & G Construction & Excavating - \$9,850
430 S. Adams	427 S. State	102-104 E. Iroquois
409 E. Shawnee	615 S. Benton	-
415 E. Pleasant	111 E. Iroquois	-
516 S. State	850 W. Douglas	-
520 S. State	125 N. Foley	-

With the following conditions of award for JMP Trucking, Inc. and G & G Construction & Excavating:

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JMP Trucking must demolish 427 S. State, 615 S. Benton and 111 E. Iroquois in a manner so that one demolition has been completed no later than May 1st, one has been completed no later than May 15th, and one has been completed no later than June 1st. Failure to follow these conditions of award will result in contract termination with payment to be made only for work completed. Written approval to deviate from these conditions of award must be received from the Community Development Director. G & G Construction and Excavating must provide electronic copies of all certified payrolls for their employees and their subcontractors within three (3) working days of demolition completion. Handwritten copies of certified payrolls will not be accepted.

Alderson Brashaw asked if the bids are awarded can they start on these immediately. Director Mills stated that the asbestos abatement and land surveys must be completed first. He explained these are required as part of the grant. Alderson Brashaw asked for how Director Mills arrived at the low bid. Director Mills stated they were evaluated separately to determine the low bid on each property then grouped by contractor.

Alderson McClanathan moved for approval the low bids for the properties subject to the conditions placed on page two of the demolition bid tabulation award memorandum. Director Mills noted that because of the bids there is a savings of \$21,000 from the original estimate for the demolition which will give money to leverage this program. Mayor Gitz noted many of these houses are under the BRP program, but not all of them. Upon no further discussion, the motion for the award of bids prevailed by a roll call vote of;

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

Nays: none

Approval of Bid for Asbestos Testing and Abatement Services for Bid Packet CD-RFP-001

Director Mills stated that on March 28, 2016, the Community Development Department held an opening of the proposals received for Asbestos Testing and Abatement Services. These services were solicited as being primarily for residential structures pending demolition, and included sampling and lab testing for asbestos containing materials, as well as abatement services to remove said materials from the structures as necessary. Two (2) proposals were received – one from Ironwood Environmental, Inc. of Belvidere and one from Bay Remediation, LLC of Chicago. A third proposal was received after the opening had occurred and was not opened or read. Director Mill and Dole jointly reviewed the proposals and evaluated them based upon the following criteria: firm experience, experience and education of personnel assigned to the City, previous work of a similar nature, and cost. It was quickly apparent that both firms are well qualified to perform the solicited services and maintain well trained and experienced staff. Furthermore, both firms have completed a great deal of similar work to what is desired for the City. Therefore, the determining factor between the proposals was price. Ironwood Environmental and Bay Remediation were both very similar and competitive in cost for testing and abatement services. However, after close review of the submitted rates, it was determined that those provided by Ironwood Environmental were more inclusive than those provided by Bay Remediation – an example being that the flat rate Ironwood Environmental provided for sampling did not include any additional labor costs, whereas the rate provided by Bay Remediation would also require consideration of the hourly rate for the individual performing the sampling. Other information provided by Ironwood Environmental with regard to rates provided an extra level of detail that was not included in the Bay Remediation proposal. Both companies have performed work for the City of Freeport recently, and I am confident that both would provide exceptional services going forward. I am recommending award to Ironwood Environmental on the basis of the competitive and projectable costs and rates provided. Their services would be retained for a one (1) year period, with optional one (1) year extensions to occur thereafter if both parties are in agreement. Their services will be utilized as needed for demolition projects and will be funded through grant funding or a budgeted demolition line item, as applicable.

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Aldersperson Chesney requested a rate breakdown. Director Mills stated the rate breakdown was not provided but he can review it for the council. He explained that there were not provided on an apples to apples basis so he needed to analyze them to see how they compared to each other. He reviewed the pricing per sample and the man hour for each of the companies for the council.

Aldersperson Chesney asked about approving a contract beyond the mayor term. Corporation Counsel Griffin stated she was thinking the exact same thing and recommended the acceptance for a one year period and coming back to council for the extension versus and automatic extension.

Aldersperson Chesney made a motion to award to Ironwood Environmental and for their services retained for a one (1) year period and striking the language with a one year extension. This motion was seconded by Aldersperson Brashaw. Upon no further discussion, the motion for the award of bids prevailed by a roll call vote of;
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: none

Approval of Bid for Land Surveying Services for Bid Packet CD-RFP-002

Mayor Gitz called City Engineer Gallagher to the podium.

Director Mills provided a written memorandum which stated on March 28, 2016, the Community Development Department held an opening of the proposals received for Land Surveying Services. These services were solicited as being primarily for residential boundary surveys, and also included preparation of easements and simple subdivision of parcels. Six (6) proposals were received for land surveying services. Director Mills and City Engineer Gallagher jointly reviewed the proposals. Director Mills noted that the Illinois' Local Government Professional Services Selection Act (50 ILCS 510) prohibits the utilization of cost as a determining factor in selecting a professional service such as surveying.

The memorandum stated all firms are well qualified to perform the solicited services and maintain well trained and experienced staff. Many firms have completed similar work to what is desired for the City, although it became apparent some performed this work more regularly than others. This frequency became a determining factor between the proposals, and the top three (3) firms were selected for follow-up.

Director Mills explained that the survey work requested by the City must be completed in a timely and occasionally expedited manner, so he made inquiries with Fehr-Graham, Willet-Hoffman & Associates and Arc Design Resources Inc. as to their typical response time when receiving a survey request and the typical turnaround time to produce such a survey. Director Mills stated he asked whether ordering a larger versus smaller quantity of surveys at a given time would affect the response times. He stated quantifiable answers were given.

Director Mills stated in his memorandum, "Given their qualifications and experience, I believe all firms would provide accurate and appropriate survey services. However, based upon the responses I received, I am recommending award to Arc Design as the primary contractor on the basis of the most responsive service and shortest turnaround time when completing survey work. In addition, I am recommending award as secondary contractor to Willet-Hoffman, based upon their response and turnaround times provided. Having a secondary award would allow the City to complete the necessary land surveying operations in the event that many such operations were needed at the same time and one firm was unable to accomplish all work itself."

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Director Mills explained the land surveying services will be utilized as needed for demolition projects and will be funded through grant funding, as applicable, or through the appropriate budgeted line item if the services are for easements or simple subdivision and are related to another City project.

Aldersperson Klemm stated he has spoken to both Director Mills and Engineer Gallagher about this. His concern is that we do not have the numbers and if we have a Rockford firm, a Freeport firm, and a Dixon firm then how much are we paying for travel time or is that included. He stated he does not want to slow up any process but he would like to move this to the Committee of the Whole and get a couple questions answered. Mayor Gitz suggested having the questions answered now. Aldersperson Klemm agreed. Mayor Gitz suggested answering the questions before entertaining a motion.

Mayor Gitz asked if this is unit pricing and whether travel is involved. Director Mills explained that by awarding to the primary and secondary you are authorizing us to negotiate. City Engineer Gallagher stated the way he would look at this is because they are all licensed and the individuals that responded to the RFP process we threw out cost because it is difficult to evaluate it with the scenario that we looked at was obviously for the first round which was a weed out and to look at the primary top three candidates based on their qualifications. He stated he thinks they did that without the piece that you are referring to because anytime that we go into negotiation it would be anticipating, as in the past when we've done a lump sum fee, so it doesn't matter where you are at with a lump sum fee for that project. He stated we could do time and material not to exceed but then you are opening the door for fees to get out of hand. He explained when we look at these per lot, something like what Alex is looking at for the BRP program, then he would do a lump sum fee for a property or a group of properties. He recommended doing this to give the best value regardless of which firm you go with.

Aldersperson Klemm stated yea I guess so. He stated he understands where you are coming from but we don't even have that. We don't have a lump sum fee or anything. His understanding that a couple of these houses are listed and there is already a signed contract with a local firm in town. He stated he doesn't have a concern with a price on each property, you know whether it is x or y as far as size goes, if he had a business that was in the City of Rockford, that guy is getting paid to come to Freeport along with his vehicle regardless of what he does. His concern is that if we have a lump sum agreement with them then that is fine. He stated at the moment, we don't have it so you can go back and do that.

Mayor Gitz stated we had to have appraisals for some of the BRP properties and we had to wait an unusual amount of time in order to get results from our local firm. The BRP process as you can expect has a lot of moving parts and it is fairly complicated. He stated we can maybe separate this out. The primary concern with the BRP is time. Mayor Gitz stated he is more concerned about time when it is a reimbursable cost than he is about who is geographically located where because it is a recoverable cost. He stated secondly and, he will refer to the City Engineer on this, but we have got two big projects going on, so that if someone is working hard on a water project, like Mr. Gallagher has shared with us, we may find ourselves in competition with ourselves. He stated please take into account when we get appraisal services we are trying to simplify the process to get the things done that we need to get done.

City Engineer Gallagher stated he echoes that statement and explained that for the Water & Sewer projects and the survey work and topo's of all those projects they have used almost exclusively Fehr Graham. This proposal wasn't an outsourcing of those projects. You have Phase B and you have street program projects. Those are the type that we use that consultant which has historically been Fehr Graham. He stated because of the use on all of these projects he is concerned about the resources for other departments. He stated that doesn't mean that you exclude a firm based on that but we have a significant amount of work this summer for Fehr Graham and he

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certainly would not want to hold up a demolition based on that. He clarified that certainly doesn't mean they aren't qualified.

Aldersperson Chesney stated he echoes the concerns of Alderman Klemm. He stated he spoke to City Engineer Gallagher about his concerns. He spoke in support of keeping business local as long as it is competitive. He stated the feedback that he received is the way this particular memo was written implied that our local firm was not going to be as reactive. The information that he is getting is the people who are giving you this information are not the principals of the company. In their words they will move heaven and earth for the City of Freeport. He stated he has a little issue with not giving the business to a local firm and they assured us they are going to close these lead times for us as they committed to us. He spoke about their support of the Chamber of Commerce. He spoke about the purchasing policy which states to give the local preference when there is a situation like this. He recommended flushing this out more specifically before he would feel comfortable awarding this particular work to Rockford firm and bypassing the local opportunity.

Director Mills explained that we have to have eight demolitions completed by June 30, 2016. He explained that when asked the question, Fehr Graham our local firm, regarding a large order of surveys versus a small order and the response times and how would this affect you. He explained the turnaround times that he was provided. He explained that he received information that Arc Resources would have five day, Willet Hoffman 7 days and Fehr Graham 10 days.

Aldersperson Chesney stated what he would like to see if we could move this to the COW. He stated in this particular situations it would be prudent to speak to one of the principals. He explained they have assured him that if it is a quality issue that is a separate concern as it would be if it was a cost concern but if it is a lead time, they will move heaven and earth for the City of Freeport. He recommended speaking to the principals before awarding the contracts. He spoke about his concerns of a practice of taking dollar amounts outside the City of Freeport if we don't have to and Fehr Graham has shown that they can produce to a level that meets and exceeds our expectations.

Mayor Gitz stated before we take a motion on this he asked for further information from Director Mills regarding the time concern. Director Mills stated we did keep calling the same firm so that it was decided that we need to go out for a request for proposals. He spoke about response time issues that he has experienced and given the nature of this project we have concerns on those time delays.

City Engineer Gallagher stated per our review, we did recommend three firms that were determined by response times so he would recommend that given that there is a current usage of Fehr Graham for the other programs in addition to the BRP Program that council may want to move forward so not to delay with the top three candidates and we can access a better way. He stated perhaps at the Committee of the Whole we can review those processes.

Aldersperson McClanathan asked City Engineer Gallagher if he is suggesting that we say we will go with the three so that in the interim until we flushing out for a policy. City Engineer stated right that our overall concern is turnaround time so obviously two firms versus three firms would not change that. He stated we could speak to the partners and look at a better way of formalizing either which ones receive the ultimate work or the priority for which those offices receive. Because at the same time, as he said before, we are using one firm exclusively on a large portion of million dollar projects and that has to be factored in here. He stated he does not think that Alex's intent was to exclude someone based on turnaround time it was simply to look at the rest of the City and our obligation to the BRP Program. He explained that accepting three firms at this time would make the most sense.

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Aldersperson Chesney stated his concern about how the memo reads. Director Mills stated it is certainly the council's option and this is just a recommendation that we made so tonight if you want to accept Fehr Graham's proposal it would not disturb anything. He understands the premise of going with the firms and they provide very quality services. Director Mills spoke about his concerns about the turnaround time.

Mayor Gitz stated the engineer's recommendation to resolve this in order to move this along is to accept all three firms. He stated then we can work on the policies and asked if that is acceptable to council.

Aldersperson Klemm asked Mayor Gitz to repeat that statement because he did not hear him.

Mayor Gitz stated there were six firms if he recall originally and three were in the memo and there is nothing that says you can't accept those three firms with the understanding that we will whittle this further on references in the COW. We would like to not lose 14 days. We would like to get this moved along so that we can keep to the BRP schedule. The modification is to accept all three – Arc, Willet Hoffman, which by the way is a local firm as well, and Fehr Graham.

Aldersperson Brashaw stated she is speaking with a very small amount of knowledge because she has a brother-in-law who is a surveyor and she knows that the survey firms do get booked up. She stated it is well advised to have more than one firm on-call and you can favor one firm over another depending on what the bids are.

Aldersperson Brashaw stated she too would like to move this forward because of the time constraints based on Engineer Gallagher's recommendation to accept Fehr Graham, Willet-Hoffman & Associates and Arc Design Resources, Inc. as those three surveyors would be an ideal thing and she would like to make a motion to put that forward. She stated that is with the understanding that we will iron out a few of the wrinkles at the next COW meeting. Mayor Gitz asked Corporation Counsel if that is sufficient specificity for a motion. The motion was seconded by Alderman Klemm. Mayor Gitz stated we have a second by Aldersperson Klemm.

Aldersperson Chesney asked for clarification as to describe what it would look like at the COW meeting...speak to lay out some of the details as to what that looks like. Are we going to agree on something at the COW or are we, my concern is that we can put all three of these particular firms in place but then only two be used. So are we just... what are we at the COW going to discuss that is going to give the preference that, providing that the lead times shrink as we think that they are, going to be the ones that are hired.

Mayor Gitz stated we will discuss at the COW whatever you like in terms of the criteria and he is not sure what the council wants to do either but his sense from discussion is that there is a questions about what firms will have preference under what conditions. This has been a useful discussion. There is clarification that needs to be provided by the firms so if we accept the three firms we can at least keep things moving in the interim and at the same time prioritize according to criteria that is comfortable with both the staff and council. He stated he just wants to find a way to get to yes.

Corporation Counsel Sarah Griffin stated she has a point of clarification. She stated Aldersperson Brashaw's motion does not include taking it to the Committee of the Whole as well. It only included giving it to all three.

Mayor Gitz stated but we will do that anyway because that is where the council wants to go with this.

Director Mills stated that assuming that all three are accepted then now we can discuss it further at the COW but his understanding is that for professional services selection that now that you have selected all three that price can be a considered now as a factor now that they are accepted. Mayor Gitz stated if that is what council tells us

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so we are all on the same page and time truly is of the essence on this, not on some projects but on the BRP—time is our enemy. Time is our constant adversary in getting this done because there are so many moving parts.

Mayor Gitz reiterated the motion is to accept all three and to have this as a COW item and he will try to make sure that everybody's ideas and prioritizations are incorporated prior to that discussion so that we have the material for it.

Aldersperson McClanathan stated in keeping with what Corporation Counsel said, "I will formally ask to put this on the Committee of the Whole." This was seconded by Aldersperson Brashaw.

Aldersperson McClanathan asked if there are any legal problems in proceeding in this manner. Corporation Counsel Griffin stated she has no idea this is not a statute that she has read before either and she was not privy to the bid process so she would have to look at this further.

Aldersperson Klemm stated his thanks to Engineer Gallagher and Director Mills for your input into this and staying with us and we do understand your concerns. If you can't get somebody to do something, well guess what you got a problem there too.

Aldersperson Chesney asked Director Mills if between now and the next meeting will you be able to flush out any concerns that you may have about lead times with Fehr Graham by speaking directly with the principals and, as a courtesy, if there is anything contrary to what we discussed that you let him know.

Mayor Gitz asked for a roll call vote on the motion on the floor. The motion to accept all three firms previously stated for survey services prevailed by a roll call vote of;

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

Nays: none

Police

Chief of Police Todd Barkalow provided information on the Civilian Police Academy that will begin on April 12, 2016. He encouraged participation and noted the curriculum as being very beneficial to learn the different roles of the police and judicial system. He reminded motorists that if there are no lights functioning due to power outages that means the intersection is a four way stop.

Public Works

Public Works Director Tom Dole provided a written report of functions including tree trimming and stump removal. Aldersperson McClanathan asked about an ash tree removal program. Director Dole stated we do not have a specific program for ash trees. He stated we have a list of tree removals that we are working on every day and those may be ash trees but he is not tracking that specifically. He added that ash tree spraying is very expensive.

Library

Director Carole Dickerson reported that the Freeport Public Library has been the recipient of an Illinois Per Capita Grant. Although the grant is less than previous years, this year it is \$19,000 and in years past it was \$32,000 and the reduction is due to state budget cuts. She is very grateful for the grant and is made possible due to Jesse White's influence. She is very pleased. She provided a handout for three programs for a month long series of programs sponsored by FHN. Illinois women paintings will be on display at the Art Museum and she encouraged participation in two of the programs sponsored with the exhibit.

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Legal Department

Mayor Gitz asked City Clerk Zuravel to first pass out a letter to council. He asked City Clerk Zuravel to read a letter from Corporation Counsel Sarah M. Griffin into the record. The letter was dated April 4, 2016 and addressed to Mayor Gitz with carbon copy to City Council.

The below letter was read aloud:

"It is with mixed emotions that I am resigning from my position as Corporation Counsel. I have accepted another offer of employment. I hope you understand that without knowing the outcome of tonight's 2nd reading of the ordinance to eliminate my department, I was left in an untenable position. If the ordinance passes, I am not only out of a job as of April 30, but out of insurance. I don't know too many people, who absent a paycheck, can come up with a \$2,170.00 payment to COBRA each month – I know that I am not one of them. I did not have the luxury to wait around and see what the Council would do. My last day of work will be April 15, 2016, with an effective resignation date of April 30, 2016." The letter was signed by Sarah M. Griffin.

MAYOR'S REPORT

Mayor Gitz stated he has said all that he has to say about the council action on the Legal Department.

Mayor Gitz provided a report on the electrical outages and stated the primary source was an Elroy Relay System. He spoke about the impact to area business. He stated at the Committee of the Whole there will be the first presentation of the City's budget for next year. He will be working on small group session to discuss the budget as recommended by Alderperson Miller. He thanked the council for moving forward with the bond ordinance so that the design portion of the City Hall project can begin. He invited those present to enjoy some cupcakes.

Mayor Gitz expressed his appreciation to Corporation Counsel Sarah Griffin for her many years of service to the community.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Alderperson Busker stated he has been asked to look into having separate committees on the council to alleviate the time spent in the meetings. He would like to look into this further in the next couple of weeks.

Alderperson Brashaw recognized Highland Community College who was selected as a top three in the State of Illinois as the best community colleges. She stated Freeport is very proud of that. Alderperson Brashaw stated that she would like to say good bye to Corporation Counsel Sarah Griffin and that she will be missed.

Alderperson Chesney recognized the attention given by Chief Barkalow to answer questions and his response to requests.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich, Freeport Illinois, spoke of a meeting he will attend at RAMP. He thanked Mayor Gitz for the cupcake. He stated he will miss Sarah Griffin. She does a good job doing the City stuff.

Upon a motion duly made and seconded, the meeting was adjourned at 8:40 PM.

s/ Meg Zuravel

Meg Zuravel
City Clerk