



## **City Council**

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

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### **MINUTES**

#### **REGULAR MEETING**

**TUESDAY, JULY 5, 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 Tuesday, July 5, 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. (see notation for Alderperson Koester to enter at 6:30 p.m.)

Michael Phillips, Esq. as Interim Corporation Counsel was present.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson McClanathan.

#### **APPROVAL OF AGENDA**

Mayor Gitz stated we will have an executive session (closed session) of the council when the outside attorney and building consultant arrive which will be around 7:00 p.m. and explained, at that time, the City Council will adjourn to executive session since they are paid consultants for the City.

Alderperson Brashaw moved to approve the agenda, seconded by Alderperson Miller. Motion prevailed by voice vote without dissent.

#### **MINUTES**

The minutes from the regular council meeting held on June 20, 2016 were presented for approval. Alderperson Brashaw moved for their approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

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

There was no one signed on the sheet for agenda items this evening.

#### **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) Notice of Application for Permit to Manage Waste at Freeport Municipal Landfill No. 4  
Submittal of Assessment Monitoring Report received on June 27, 2016

- 2) Illinois Department of Transportation letter dated June 24, 2016 regarding funding of projects

B. Approval of Water & Sewer Bills Payable (Registers #579) --- \$382,168.07

C. Approval of Payroll for pay period ending June 25, 2016 --- \$409,792.36

D. Approval of Finance Bills Payable (Registers #572, 575, 576, 577, 578, 581, TBA) -- \$637,827.33

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Alderson Busker moved for approval of the consent agenda, seconded by Alderson Ross. The motion to approve the Consent Agenda prevailed by a roll call vote of;

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

Absent: Koester

Nays: none

The consent agenda items were approved.

**ORDINANCES -- THIRD READING**

**3<sup>rd</sup> READING OF ORDINANCE #2016-36:**

**Appropriation Ordinance, Fiscal Year 2016-2017 For the City of Freeport, Illinois (*Exhibit A as of 06/03/2016*)**

**The first reading was held on June 6, 2016.**

A motion to adopt was given by Alderson Koester, seconded by Alderson Klemm. The second reading was held on June 20, 2016. Alderson Koester moved to layover the ordinance to this meeting, seconded by Alderson Busker, and this motion was approved by majority vote.

City Clerk Zuravel noted accompanying the Appropriation Ordinance were the following documents dated June 30, 2016 including;

- [Summary of the FY2017 spending plan](#)
- [List of changes from 6/6 to 6/30 Appropriation](#)
- [5 year Capital Equipment Fund Plan – Fund 31](#)
- [5 year Fire Improvement Fund Plan – Fund 32](#)
- [General Fund Spending Plan](#)
- [All Other Funds Plan](#)
- [FY 2017 Appropriation Ordinance Exhibit A June 30, 2016 \(as amended\)](#)
- [Explanation of Other Technical Services account as requested by Alderman McClanathan](#)

Finance Director Guary Bernadelle stated he provided the documents to the City Council on Friday with changes as requested by Alderson McClanathan. There was a document he has prepared today based on a request he received this morning. Director Bernadelle handed out the document and it is provided on the following page.

Director Bernadelle explained that the request was to add in a Police Officer (Police Department - 51) for \$40,824 and to put back in the \$39,000 the amount that was removed from the Management Information Systems (Line Item 01-62-521, 01-62-744, 01-62-755 for computer & network consulting, hardware, and software), as well as to remove \$5,000 from the contingency line item (Other Indirect Government Services line item 01-62-591) for fireworks and add it into the line item for Snow Removal Supplies (line item 01-44-622). Additionally there has been a request by Chief of Police Barkalow to place into the budget an increase in the line item amount from \$15,000 to \$30,000 under the DUI Equipment Forfeitures 05 Grant (Line item 05-31-597 and 05-31-341) to allow for purchases under that fund for a replacement server.

Chief Barkalow stated that as of June 29, 2016, the Police Department mobile vision server that houses all the video recording from the squad cars is on its last leg. He explained the use of the recording devices in each of the vehicles and stated the data uploads automatically to our server room which houses the ability to load the data onto DVD Disks. He explained the server is eleven years old and a new server is estimated at \$17,342 and he proposes to use the DUI restricted funds for this purchase. He has funds available for this purchase (\$20,000) but the amount needs to be placed in the budget before it can be spent. It has been recommended to change the budgeted item from \$15,000 to \$30,000 to allow for this expenditure for the server.

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Director Bernadelle provided a document titled as "City of Freeport, Proposed Changes, as of 7/5/2016". It provided the following text:

**City of Freeport, IL  
Proposed changes  
As of 7/5/2016**

The following changes, if adopted, will affect the General Spending Plan and the Appropriation.

**1) Adding an entry level Police Office (October 2016)**

G/L numbers	Descriptions	FY2016 6/3/2016	Add	Amended 7/5/2016
01-51-414 Police		2,042,901.73	\$ 26,286.75	2,069,188.48
01-51-451	Health Insurance	1,049,065.33	\$ 12,685.17	1,061,750.50
01-51-452	Life Insurance	8,064.00	\$ 74.00	8,138.00
01-51-453	Unemployment Ins.	10,854.00	\$ 162.00	11,016.00
01-51-454	Worker's Compensation	114,586.56	\$ 973.00	115,559.56
01-51-463	Medicare	54,635.53	\$ 380.92	55,016.45
01-51-485	PEHP Contributions	45,038.84	\$ 262.50	45,301.34
01-51-481	Clothing Allowance*	49,200.00	\$ -	49,200.00
			<u>\$ 40,824.34</u>	

\* Included in the number

**2) Management Information Systems.**

Add back the original \$ 39,000.

01-62-521	Computer & Network Consulting	15,000.00	\$ 5,000.00	20,000.00
01-62-744	Hardware	16,000.00	\$ 19,000.00	35,000.00
01-62-755	Software	60,000.00	<u>\$ 15,000.00</u>	75,000.00
			<u>\$ 39,000.00</u>	

**3) Contingency dollars from Interdepartmental**

01-63-591	Other Indirect Government Svcs.	15,000.00	5,000.00	10,000.00
01-44-622	Snow Removal Supplies	-	5,000.00	5,000.00

The following change, if adopted, will affect All Others Spending Plan and the Appropriation.

**4) Additional changes to all other funds budget**

**DUI Equipment Forfeitures ( 05-Grant)**

G/L numbers	Descriptions	FY2016 6/3/2016	Add	Amended 7/5/2016
05-31-598	Special Revenue Acct	15,000.00	15,000.00	30,000.00
05-31-341	DUI Equipment Expense	15,000.00	15,000.00	30,000.00

The Police Chief will explain.

Council members were provided the opportunity to ask questions to Chief Barkalow regarding how the server works and how the vehicles record data for the Police Department. Chief Barkalow explained there is a 30 second rewind to record data contingent upon lights and sirens or an accident of that vehicle.

Aldersperson McClanathan stated the last formal motion of placing the Appropriation Ordinance on the floor for approval included the Appropriation Ordinance Exhibit A dated June 3, 2016. Aldersperson McClanathan asked if

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procedurally there need to be made a motion to amend Ordinance 2016-36 by incorporating the Exhibit A dated June 30, 2016 amendments and then handle the changes (dated July 5, 2016) separately. Mayor Gitz agreed that the first step would be to amend the Appropriation Ordinance with the June 30, 2016 Exhibit and Spending Plan and then proceed to the second amendment.

Aldersperson McClanathan moved to amend the Appropriation Ordinance and Spending Plan with all the changes incorporated into the June 30, 2016 documents. This motion was seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

Aldersperson McClanathan stated subsequent to the June 30<sup>th</sup> document, as the Mayor has indicated, we have had further discussions with a variety of individuals and through that there were some proposed things put back into the budget which included: 1) add an entry level police officer which will be starting a salary in the fall of 2016, 2) add the dollars back into the budget for the management information system server and hardware 3) removing the contingency funding for the fireworks and putting it back into the contingency for snow removal, and 4) to add dollars in the DUI expense fund for a server.

Aldersperson McClanathan referred to a second document provided by Director Bernadelle titled as "City of Freeport, IL, General Fund Budget 2017, Summary as of July 5, 2016". It provided the following summary:

VERSION OF 6/15 SUMMARY	Spending Plan	Contingency	Appropriation
Total Revenue	21,661,500.00	580,000.00	22,241,500.00
Total Expenses	21,594,867.45	728,550.00	22,323,417.45
Over/(Under) funded	66,632.55	(148,550.00)	(81,917.45)

  

VERSION OF 6/30 WITH ALL THE ABOVE MENTION ADJUSTMENTS	Spending Plan	Contingency	Appropriation
Total Revenue	21,596,371.00	580,000.00	22,176,371.00
Total Expenses	21,545,960.31	728,550.00	22,274,510.31
Over/(Under) funded	50,410.69	(148,550.00)	(98,139.31)

Aldersperson McClanathan made a motion to approve Appropriation Ordinance 2016-36 and the accompanying Spending Plan by increasing and then asked City Clerk Zuravel if it should be said in aggregate or would you like the line by line. Mayor Gitz stated it will be sufficient for our record to refer to it as handout #1.

Aldersperson McClanathan moved to amend Appropriation Ordinance 2016-36 by the proposed changes in the two page document titled as City of Freeport, Illinois proposed changes as of 7/5/2016 and incorporates the changes for adding an additional police officer, management information systems in the amount of \$39,000, contingency dollars from interdepartmental, and the additional change to the special revenue account for DUI for the equipment expense. This motion was seconded by Aldersperson Chesney. Mayor Gitz stated there is a motion and a second to further amend the Appropriation Ordinance and Spending Plan by all the proposed changes in document that is entitled, "City of Freeport, Proposed Changes, as of 7/5/2016".

Mayor Gitz asked if there were comments by the Department Heads and City Council.

Public Works Director Tom Dole referred to some of the cuts that were made in his department. As he has said during these budget discussion, he can run his department with limited staff and less members and can somewhat agree with some of the cuts. However, he does want to caution the council on the couple of things with the cuts

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that were made. The first item he referred to was salt. He appreciates putting \$5,000 back in which should help. In a memo earlier last month, he stated the price of salt has not come back from the State and he will not get that until Mid-to-late-August which is the per ton price. We have gone as high as \$132 per ton and as low as \$70 per ton. The State handles the bidding process so that number is unknown. He also does not know if we will have an extreme winter and how much salt we are going to use. If we have a strong winter and the per ton cost is high then the budgeted amount that he had in there was a safeguard. He agrees that it was a little high but he has to project that and he hopes we survive the winter with the materials that are budgeted. He stated there was also a cut in the equipment supplies to his budget which in his fleet. He stated his equipment is getting antiquated as it gets older and he does have intention of purchasing some new equipment. With the older equipment the repairs are more frequent and nothing is cheap. He explained that if we have an extraordinary winter it will cause those parts to break down and repairs to be more frequent. He stated he has not gone over budget on that line item and hopes that cut does not affect his fleet and its capability to perform its role.

At 6:27 p.m., Alderperson Koester entered council chambers bringing the number of alderman present to eight.

Director Dole stated the other item is in the government building line item. When it comes to contracted building repairs, that covers all buildings owned by the City including the old City Hall, Police Department, Fire Stations, City Yards, Rawleigh building, the Art Center and the list goes on. He stated old buildings require more maintenance and a lot of the repairs are contracted. We need to be careful how we spend that money and hope there is not a catastrophe that costs a lot of money.

Director Dole stated the last item that was cut was his personnel. He stated everyone talks about staffing levels. Everyone wants another Police Officer, he gets it, he does too, same thing with the Fire Department. He noted when a winter storm hits or a windstorm or a flood occurs, his staff is the emergency responders as well. He can get by with one person less but his main comment remains; less people equates to less service. The level of service is affected by the number of people working in his department. Currently he is down four people so the service is dropping back. When this is all said and done he will be down one person. He asked for the Council's consideration. When the level of service is down it is because he has to do the work with less people and it slows things down.

Mayor Gitz asked if there were any further discussion on the amendments.

Alderperson Chesney asked Director Bernadelle if he was comfortable with the projections on revenues. Director Bernadelle stated he is not that comfortable with the revenue numbers because they were provided before he came here and he hopes they are not aggressive. Mayor Gitz explained that the State sales tax numbers are based on estimates provided by the Illinois Department of Revenue to the Illinois Municipal League. He stated the State of Illinois has approved part of the budget packet to distribute receipts from video gaming and motor fuel tax in order for municipalities to receive those dollars.

Alderperson Busker asked about the grant for the boat dock. Mayor Gitz stated we can answer that after the amendment is taken care of.

Alderperson Koester stated that majority of contingency dollars for fireworks are not needed. The majority of the funds were raised. They will need some money from the contingency but for the most part the money was raised.

Mayor Gitz stated we have a motion before us to adopt the 7/5/2016 amendments to the Appropriation Ordinance and Spending Plan. City Clerk Zuravel stated the motion was by Alderperson McClanathan with a second by Alderperson Chesney. Motion prevailed by roll call vote of:

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

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Nays: none

Mayor Gitz stated we now have the document with the Appropriation Ordinance and the Spending Plan for approval as amended. He asked if there were further discussion.

Aldersperson Chesney provided information on working on the budget and the process it took. He noted Aldersperson McClanathan has taken on a tremendous role in budget debate and he thanked him for his role. He stated the City Council has gone through line item by line item of this budget and a series of different times there was discussion of moving two firefighters and those have been reinstated. There has been negotiations and compromise on how we are going to pay for those. Many people have never touched the Fire Capital Improvement Fund. He is happy to learn Alderman Koester as well as the Fire Chief were all willing to come on board to strike a compromise so we could reinstate those two firefighters. Then there was also some interest by Aldersperson Klemm to add a Police Officer and that is in the present budget. He explained there are some things that are not in the budget. He understands that it may not be possible today, but there is no tax relief or no cut of any kind that will be passed along to our constituents. What we took last year is going to be relatively the same as what we will take this coming year. He noted this is not the relief. He provided information on the pension costs that were offset.

Aldersperson Koester spoke about his conversation with constituents revolves around most people willing to pay a little more to have the services stay the same. He recommended looking at what it takes to run the City.

Aldersperson Chesney spoke about looking at the Spending Plan and the contingency and wondered if we should meet at 5:30 pm before the next meeting of the Committee of the Whole. He stated there is agreement that the numbers are where they need to be but asked if it was in one document.

Mayor Gitz stated the Appropriation Ordinance has to be approved by the end of July. He stated this has been before the council for several months we know the numbers. With the new amendment it can be added into the totals. We know the spending plan in detail and we know that the spending plan balances with the expenses. He stated it is the will of the council if you want to review it again.

Aldersperson Chesney stated that there is one item that has not been addressed and that is who will authorize the spending under the contingencies. Historical practice has been that the City Council would have final authorization on contingency matters deemed inside the City's control. Health insurance and emergencies would defer to the Finance Director. In the budget this year, it does not have what role of the City Council plays in the contingency money.

Mayor Gitz stated it can be done two ways. It can have provisos as to a dollar limit or the council can identify all the items that they want to have come to it. He stated it is a simple matter to add the list as it was a year ago.

Aldersperson Chesney stated he is generally comfortable with the budget as well as the Spending Plan if we were to offer an amendment that would give discretion to the contingency item. His question is there are a few items such as health care that while they may come before the City Council, there is very little we can do if we have increased claims so are we creating an unnecessary burden on the administration if we do put contingency largely in the City Council or do you want to have the understanding that we put it under the City Council's authority but that some of these are rather routine.

Mayor Gitz stated that can be argued either way. He stated he would hope if there is an emergency we would be able to sort that out. He stated that problem with health care is there can be a flood of expenses that come in the last month.

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Aldersperson McClanathan stated that last year the health care did not have to come before the council but everything else pretty much did.

Aldersperson McClanathan moved that healthcare line items would not need to come to the council and can be spent by the Finance Director from the contingency and other contingency line items must come before the council. This motion was seconded by Aldersperson Chesney. Motion prevailed voice vote without dissent.

Aldersperson Miller asked about Director Dole's staffing level. Director Dole stated that he had two senior employees retire who together had about 51 years of experience. He has one person currently on long term medical leave. He does not know an expected return date. He stated last Wednesday he had another employee resign. That is four employees he is down at this time. He had authorization to bring back one from the retiree positions and not the other one. With this current resignation last Wednesday, he got authorization to fill that position as well so you will see two positions posted. That leaves him with one on medical leave and down one from a retirement.

Aldersperson Chesney stated this is generally a balanced budget and there are items that can be negotiated within the administration. If there are line items that need to be moved to provide you with the manpower or efficiencies that can be had, what this is saying is the max dollar that the City is comfortable spending. He stated what this does not say that you unequivocally cannot have another person however if you want that to take place there are a few things that are going to have to happen either an efficiency in one area or a sacrifice in another area. He reviewed ways that it could be authorized.

Aldersperson Ross asked about the tonnage of salt. Director Dole explained about the consortium bidding process through the State and noted that because there are a number of municipalities that join in they receive pricing per ton rated by volume. He explained that he is required to order 80% of what they requested and they can go over 20% of what they requested at the same price. Once you lock in the price then you are good. Aldersperson Ross asked if there was any way to obtain pricing earlier. Director Dole explained that this process works for the best pricing.

Aldersperson Klemm stated the spending plan and the way it has been monitored by 5-7 years there has been discussion on it if there were any issues. With the amendment that was added he did not think we need to have another meeting.

Aldersperson Chesney stated he is relatively comfortable voting on it tonight although he is suspicious of the revenues.

Aldersperson Brashaw requested a written copy when the amendments are incorporated for the signed ordinance.

Aldersperson Klemm stated there are a couple of items he would like to discuss with the Mayor. He spoke about not moving forward on a street sweeper for a while.

Mayor Gitz stated the contract language contains a poison pill which does not allow outsourcing and he will keep in mind not moving on the street sweeper for a while. He would like to see the present equipment sustain itself for another year.

Chief Barkalow stated the discussion on the budget has been ongoing for quite a while now. He noted that he and the other department heads have tried their best to be good stewards of the City's money. As he looks at this appropriation and spending plan, there are some areas that he has concerns about. He stated he might be here again asking for contingency money to be released and he would almost feel like he is a bad steward for doing

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that if it is interpreted that he miss-spent the money that he asked for and now he is asking for more. This is not the case. He referred to the non-bargaining overtime line item. Those dollars are for his five sergeants. Those are his five captains; they are his five quarterbacks. When the worst-case scenario happens, that is who he is counting on. The better we do our job then that amounts to more court cases. That number is hard to predict and that makes up the overtime budget. He stated the gasoline line item makes him nervous. He stated he wants to go on the record if he is back here asking for some of the contingency. We are cutting it all pretty thin and he does not want you to get the wrong idea on their spending. They will continue to be resourceful.

Aldersperson Koester stated he understands the budget is bare-bones and if an emergency comes up then the council will understand the situation.

Aldersperson Koester made a motion to approve the Appropriation Ordinance as amended. This motion was seconded by Aldersperson Ross. Mayor Gitz stated we do have a motion on the floor for approval and then there were amendments to it so now we are in discussion stage before we take the roll call for passage.

Aldersperson Klemm commented to Chief Barkalow that the important thing is to keep things safe. Do your jobs as you need to do it and we will have to deal with things as they come down the line. Do the patrols as you need to do them and keep your officers safe.

Fire Chief Miller stated he knows there is a lot of work that went into this budget preparation. There has been a lot of review and research done with the spending plan and all of its associated documents. He also feels we can do our best to work within this framework of the spending plan. He noted under Fund 52 for Fire Bargaining it states the numbers are for "current positions plus longevity plus \$50,000 for contingency". He was looking at previous versions of the budget and if something bad happened due to long-term injury or disability he could have staffing issues. He pointed out that the \$50,000 that was in contingency has since been removed. However the narrative is still in there but the dollar allocation is not there. He stated he wanted to call that to the attention of the council if we had an issue that we need to come back to the City Council.

Aldersperson McClanathan stated that as the Mayor pointed out and Aldersperson Chesney pointed out we did not do the Spending Plan in a separate resolution form this year and obviously the Appropriation Ordinance has the Spending Plan as part of it.

Aldersperson McClanathan moved that the Spending Plan as included in the Appropriation Ordinance, Ordinance 2016-36 be adopted as the formal spending plan as a part of the Appropriation Ordinance as having been amended this evening. This motion was seconded by Aldersperson Klemm. Mayor Gitz stated we will take that as part of your original motion and amend it so it goes together as a single amendment.

Mayor Gitz stated that he hopes the council knows that the departments treat the spending plan with great care and not as a ceiling as to this is what I get to spend. The evidence in the success in that for the last several years they have managed to come within the spending plan with a few contingencies and often return money into the budget. This is no different except that the Spending Plan is wound so tight that as you heard from some of our departments we do not know if this will all work. If it doesn't work it is not because people did not try because either there was extraordinary circumstances arise or it means that we did not get the budget process quite right with our best estimates. We will do our best to make this process work when moving forward. He explained budget processes are a matter of resources and we all know from the process that the amount of money that we have for our streets and their maintenance is inadequate. That is a discussion for another day. He provided his thanks to the council for the many discussions and attention to this budget. He thanked Director Bernadelle for his work on the budget documents and seeing this process through since starting in his position. If this all works he will give credit to the Finance Director and the City Council.



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Upon no further discussion, Mayor Gitz requested a roll call vote on the passage of Ordinance 2016 as amended along with the Spending Plan. Motion prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none  
Ordinance 2016-36 was passed.

Mayor Gitz noted that it is now 7:00 p.m. and we have asked for an Executive Session because the Attorney Guare is present.

**CLOSED SESSION (EXECUTIVE SESSION)**

The following was read into the record by City Clerk Zuravel, "an Executive Session Executive Session (Closed Session) is called pursuant to 5 ILCS 120/2 (c) (2) Collective negotiation matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees and 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.

At 7:02 p.m., Alderperson Busker made a motion to enter closed session, seconded by Alderperson Koester. Motion prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, Koester and Chesney (8)  
Nays: none

The City Council took a five minute break before returning to open session.

At 8:50, Alderperson McClanathan made a motion to return from closed session, seconded by Alderperson Busker. Motion prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Miller, Busker, Brashaw, Koester and Chesney (7)  
Absent: Ross (1)  
Nays: none

Shortly thereafter Alderman Ross returned to council chambers.

**ORDINANCES -- SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE #2016-35:**

**An Ordinance Amending Chapter 242 Entitled "Fire Department", Section 242.53 (Fire Department Capital Fund) of the Codified Ordinances of the City of Freeport, Illinois (*version as amended June 15, 2016*)**

The first reading was held on June 20, 2016. A motion to adopt was given by Alderperson Chesney, seconded by Alderperson Miller and the ordinance was automatically laid over to tonight's meeting.

Chapter 242 of the Codified Ordinances is amended by this ordinance as follows:

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

**Section 1.** That Chapter 242 entitled "FIRE DEPARTMENT", Section 242.53 (FIRE

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DEPARTMENT CAPITAL FUND) is hereby amended to read as follows:

**"242.53. FIRE DEPARTMENT CAPITAL FUND.**

(c) Notwithstanding anything to the contrary in subsection (a) above, during Fiscal Year ~~2009/2010~~ 2016-2017 only, a sum not to exceed ~~two hundred sixty-five~~ seventy-five thousand dollars ~~(\$265,000)~~ (\$75,000) shall be transferred to the General Corporate Fund of the City. In addition to the funds transferred to the General Corporate Fund of the City by the immediately preceding sentence, during Fiscal Years 2016-2017 and 2017-2018 only, a further sum equal to sixty percent (60%) of the income generated from ambulance fees during those Fiscal Years shall be transferred to the General Corporate Fund of the City."

Upon the second reading and no discussion, a roll call vote was taken for passage of the ordinance. Motion prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-35 passed.

**RESOLUTIONS**

**RESOLUTION R-2016-38:**

**Resolution To Approve the Use of Tax Increment From The Downtown Redevelopment Project Area For The Schematic Design of a Civic Plaza In the Freeport Art Museum Lot In the Downtown Freeport**

This resolution was recommended to the council by the Committee of the Whole meeting in June 2016. It was presented at the meeting on June 20, 2016 and laid over to tonight's meeting.

Aldersperson McClanathan moved for approval of Resolution R-2016-38, seconded by Aldersperson Chesney.

Mayor Gitz noted in the memorandum of understanding there is form content wording that he would like Interim Counsel Phillips to address because the City is not the owner. There were modifications that he understood were being prepared consistent with the financial provision. Aldersperson McClanathan as long as they are substantive regarding the names on certain things to make it legally compliant he is fine with that. Mayor Gitz requested that we move this forward with the spirit of the resolution and allow Attorney Phillips to make his changes.

Aldersperson Klemm asked through the process are we developing a similar thing at Tutty's Crossing.

Aldersperson McClanathan requested representatives to come forward for presentation.

Aldersperson Brashaw asked if they are applying for more grants.

Jessica Modica of the Freeport Art Museum explained there are a series of grants they intend to apply for the first grant is due September 12<sup>th</sup> and it is an NEA "Our Town" Grant for creatively thinking. She noted there is a section in the grant for design projects which included a civic plaza. She will also apply for another grant that is for rural design that is due in January. She is looking into several other grants on the federal level.

Aldersperson Brashaw asked if they receive the grants whether it will pay back the TIF money. Ms. Modica stated she is not sure on that. She knows that some grants require a match from the municipality and some don't so she does not know.

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Ms. Modica stated she has not been privy to the detailed plans for Tutty's Crossing but to the best of her knowledge this is completely different from those elements which are being included for Tutty's Crossing. One of the primaries as to why they started is because we noticed that people were already using this space for festivals, celebrations and other people using it on a daily basis. That is why they want to create a civic space that can be used by the community that would effectively bring them together.

Alderperson Busker stated that Post Office workers use the lot on a daily basis for parking and wondered if this will continue to be allowed. Ms. Modica stated she is not sure if that lot will be used for parking or whether it will be used for some other action. She noted that Ms. Winter would need to draw up the plans before that can be determined. There will be two meetings of stakeholders to gather feedback

Discussion was held on the grants and the design plan to create a civic space on the Freeport Art Museum lot in the downtown at the corner of Douglas and Chicago.

A section of resolution R-2016-38 is provided below:

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

**Section 1.** The foregoing Recitals are not mere preparatory language, but are an integral part of this Resolution and shall be and are hereby incorporated in this Section 1 as if said Recitals were fully set forth herein.

**Section 2.** Subject to City Council approval of and the execution of a proposed Agreement between the City and Winter Design, Inc. to be drafted hereafter as well as the City appropriation for said purpose, the City Council hereby approves Winter Design, Inc.'s "Cost Proposal - Memorandum of Understanding," Exhibit A hereto, and the therein described payment of a maximum sum of Nine Thousand Seven Hundred Fifty Dollars and No Cents (\$ 9,750.00) to purchase the architectural services of preparing a Schematic Design of a Civic Plaza in the Freeport Art Museum lot in downtown Freeport. The City reserves the right to terminate or reduce the payment under this Resolution if for any reason beyond its control, insufficient revenues are available from the City's appropriated funding mechanism(s) to pay for the services to be provided by Winter Design, Inc.

**Section 3.** That this City Council does hereby authorize the Mayor, the Interim Corporation Counsel and any other City official or employee as may be necessary to execute the Memorandum of Understanding with Winter Design, Inc. and then to present the same to the City Council for its review and approval.

**Section 4.** That the Mayor, the City Clerk and any other City official or employee as may be necessary or convenient are hereby authorized to provide such additional information as may be required to accomplish the Project.

**Section 5.** If any section, paragraph, clause or provisions of the Resolution shall be held invalid, said invalidity shall not affect any other provision of this Resolution.

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

The motion for adoption of the resolution prevailed by a roll call vote of;  
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)  
Nays: Koester (1)  
Resolution R-2016-38 was adopted.

**OTHER**

**APPROVAL FOR SKY CONCERT COMMITTEE TO BEGIN PLANNING AND FUNDRAISING FOR 2017 EVENT**

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Aldersperson Koester requested permission to move forward with the Sky Concert Committee and to continue fundraising for the 2017 event.

Aldersperson Koester provided an accounting to date of the fundraising efforts. They had expenditures of \$22,201.81 and an income to date of \$15,079.02. They had asked for \$5,000 from the budget and they will ask for another \$2,100.00 from the contingency. He spoke about plans for the event for next year and they hope to have their fundraising done in January or February so they will know how much money they have to spend on the event.

Council members provided their praises for the Sky Concert celebration and salute to veterans held at the Stephenson County fairgrounds on July 3rd. They wished the committee good luck for fundraising for next year.

Aldersperson Ross moved for approval for sky concert committee to begin planning and fundraising for 2017 event, seconded by Aldersperson Busker.

It was noted that there were some complaints with the event conflicting with the Krape Park's "Music in the Park" on Sunday evening. Aldersperson Koester noted there have been issues with the date of the fair as well and the committee will work through those items as it moves forward. He will keep the council informed of their progress.

Upon no further discussion, the motion prevailed by voice vote without dissent.

**REPORTS OF DEPARTMENT HEADS**

**Finance**

Director Bernadelle stated he as happy to have the budget passed this evening and thanked Aldersperson McClanathan for his work. He will now start working on the audit full time.

**Community Development**

Director Mills was present and had no report.

**Fire**

Fire Chief Miller stated the new ambulance is now in service as of June 23, 2016. They now have two newer ambulances in service with the older one in reserve. Chief Miller stated there was a kitchen fire on Powell that was caused from leaving combustibles on the stove and then their pet turned on the ignitor on stovetop. He cautioned residents to keep their stovetop clear of combustibles.

**Police**

Chief of Police Todd Barkalow spoke about his manpower with 46 officers means there are 7-8 officers on the street. He reported incidents over the 4<sup>th</sup> of July weekend including 373 police calls, seven felony arrests, 35 misdemeanor arrests, two DUI's, one suicide, a business burglary, a very serious domestic battery, a major 1057 that involved a fire hydrant and multiple fireworks reports.

Aldersperson Koester thanked the Police and Fire Chiefs for participating in the Sky Concert pre-celebration event and to their departments for all their assistance with making the fireworks a success.

Aldersperson Chesney asked whether auxiliary could be armed if we obtained the insurance. Chief Barkalow said he would provide further information but it does not have be do with insurance as much as it has to do with the Stephenson County Sherriff uses reserve police officers. He explained about training which would be a part time academy training that we would have to send auxiliary to.

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**Water**

Director Glendenning provided an update on hydrant flushing. He apologized because they have stirred up quite a bit of rust from flushing 140 miles of pipe. He stated if residence has issues with the iron deposits, they can call the Water and Sewer dispatch number. He is in the processes of preparing the tri-annual testing for lead and copper so the letters will be mailed in the next couple of weeks.

Aldersperson Klemm asked about water pressure and Director Glendenning stated that there is a test that can be done on an outside faucet. Aldersperson Klemm stated he will provide a list to Director Glendenning on the six properties.

**Public Works**

Director Dole provided to the council written reports. He had no further report at this time.

**Library**

Director Dickerson was present and had no report.

**MAYOR'S REPORT**

Mayor Gitz congratulated Aldersperson Koester and the Sky Concert Committee for an expanded celebration. He noted with great surprise the fundraising that was accomplished. He provided his appreciation for the passage of the Appropriation Ordinance and recognized it will be an ongoing effort moving forward. For next Committee of the Whole there will be a report on Water Rates and a presentation on the 5 year MFT Street Program Plan. He provided an overview of the Brownfield project on Album Street and stated there will be a presentation at the next Committee of the Whole. Mayor Gitz provided information on the temporary liquor licenses issue for renewal of three licenses that have issues needing to be resolved or investigated.

Aldersperson Chesney spoke about the timing of the temporary liquor license and noted that our licensees could have been better notified that this was coming. He stated his dissatisfaction about Mayor Gitz telling alderspersons not to discuss the issue and then turning around to write about it in a newspaper article.

Mayor Gitz and Alderman Chesney reviewed their opinions on recent events with legal issues of the City.

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Aldersperson McClanathan thanked all involved with the budget especially working with Director Bernadelle and Mayor Gitz to get the last couple changes completed. He provided his thanks for the fireworks committee.

Aldersperson Ross thanked Director Bernadelle and Aldersperson McClanathan for the work done on the budget. He offered to go door to door and provide notices for the Album Street demolition.

Aldersperson Brashaw stated her concerns on vehicles driving over the speed limit on Stephenson from Kiwanis to Park. She stated there have been many accidents and near misses at the intersection on Greenfield.

Aldersperson Koester provided credit to the Fireworks Committee along with the Stephenson County Fair Board and Jerry Kubatzke. He thanked the Free Fall Band for coming through and playing at the last minute. He requested any volunteers to help with the committee for next year to contact committee members because they can use additional help.

Aldersperson Klemm thanked the persons involved with bringing the budget numbers together.

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

James Monroe, 717 Santa Fe Drive, Freeport, Illinois, spoke about being present at the meeting and noted there is a need for more transparency in city government. We need to be more professional on how we address our businesses leaders. He stated he started a business and he is going against competitors that are \$50 to \$100 million dollar companies and he asked why he would put it in Freeport. He provided his concerns for the engagement of those in the room and we need to get back on track. He stated the things that are going on with Logan's and the Country Club should not be aired out in the paper. He stated today he spent the time conversing with media companies in Chicago specifically about some of the blighted houses in our community that have been destroyed or taken down by the City at tax payer dollars. He spoke about reports and an investigation that needs to be conducted with Z Enterprises. He stated we need to look around as to what we are doing in this community or we are going to lose it. You can't come into a community that doesn't support its local businesses and that is the only way we can grow. The business that he is looking to start is a weather company that is technology driven and it would bring bright minds into this community and make it a great place.

Michelle Magee, 1257 W. Logan Street, Freeport, Illinois, stated she is one of the shareholders for Logan's Bar & Grill. She stated she is here this evening to reinforce they are a reputable business here in town. At the restaurant they are one big family. She stated they want to know why they were not given the respect of a phone call. This issue with their renewal license issue blindsided them because they have not been told what the issue is. They have been shut out of discussions. They try their best to support the community through positivity and community-minded events. She stated her attorney contacted both the City's attorney and Mayor Gitz and was given the run around by both so what is so secretive about this issue that one lawyer can't talk to another. She spoke about the amount of dollars that will be spent on attorney fees that could instead have been put back into the community for their staff wages. If there is a mix up with ownership documents then why couldn't someone call her to meet. If they have done something wrong, let them know to work with them. She recommended saving the cost of attorney fees and work together to get this resolved.

A petition of over 114 signatures was presented in support of Logan's Bar & Grill consideration. It stated the following; "We the undersigned below writing this reference for Michelle Magee-King, who is the co-owner/manager of Logan Bar and Grill in Freeport, Illinois. Michelle, with her staff, has worked on events together in Freeport over the last six years and it has always been a pleasant, professional experience. Michelle is a very passionate individual who is committed to helping make Freeport a better place to live and do business. She is also an extremely hard worker who is organized and has exceptional attention to detail. Her willingness to collaborate is an example of how she understands that in order for all businesses to succeed, we need to work together. We the undersigned are concerned citizens who urge our leaders to act now and would ask that the Liquor Commission consider extending her liquor license for the full time frame so that she may continue to do the good work our city has come to expect from the establishment she runs." Another petition was presented of another nine pages of non-Freeport residents.

City Clerk Zuravel read letters in support of Logan's Bar & Grill from the following:

- Kim Grimes, 27 W. Stephenson Street, Freeport, Illinois, spoke in support for Michelle Magee, owner/manager of Logan's Bar and Grill and stated this is a very successful small business.
- Tiffany King, 27 W. Stephenson Street, Freeport, Illinois, spoke in support for Michelle Magee, owner/manager of Logan's Bar and Grill and stated they help Freeport by hosting various fundraisers.
- Michael Caruso of Lost Karma, spoke as a member of a band in support of Logan's. There are recognized for their food and entertainment and employ many staff members and bands. The City of Freeport would lose a key attraction and a solidly run business if it is forced to close

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- Danielle Rogers, 132 N Park Blvd, spoke in support of Michelle Magee who is the owner/manager of Logan's Bar & Grill. She stated they have worked in conjunction on many events and encourages the continuation of their liquor license.
- Delbert Bunker, spoke in support for Michelle Magee, owner/manager of Logan's Bar and Grill. He stated during this economic time, the City should do everything it can to support business.

Tom Teich, spoke in support of keeping Logan's open.

Upon a motion duly made and seconded, the meeting was adjourned at 9:55 PM.

*s/ Meg Zuravel*

Meg Zuravel  
City Clerk