



City Council

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

MINUTES

COUNCIL MEETING

MONDAY, AUGUST 15, 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, August 15, 2016.

ROLL CALL

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

Representing the City of Freeport was Michael Phillips, Esq. as Contract Attorney.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Koester.

APPROVAL OF AGENDA

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

MINUTES

The minutes from the regular council meeting on August 1, 2016 and the special meeting on August 8, 2016 were presented. Alderperson Miller moved for their approval, seconded by Alderperson Busker. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Alessa Walker, 526 W. Galena Avenue, Freeport Illinois spoke in support of Larry Williams of Freeport Housing Authority and noted he has been recognized with national award for the impact that the Conversations over Pizza (COPS) program had made in the community. She noted a more diversified candidate could have been presented for the Freeport Housing Board appointment. She stated her concerns over the appointment on the agenda noting the appointee works for Freeport Township.

Deb Elzinga, 1147 W. Lincoln, Freeport Illinois provided public information on the Illinois Hardest Hit Program which is available through the Illinois Housing Development Authority for mortgage assistance to help homeowners avoid foreclosure. This became available August 1 to support working families having trouble making

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mortgage payments due to loss of income. She referred the public to the website for further information at www.IllinoisHardestHit.org and provided a phone number for HomeStart for questions 815-232-6197.

CONSENT AGENDA

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

- A. Approval to Receive and Place on File:
 - 1) City Treasurer's Report of Cash and Fund Balances for period to July 31, 2016
 - 2) City Treasurer's Monthly Investment Report for period ending June 30, 2016
 - 3) City Treasurer's Monthly Investment Report for period ending July 31, 2016
 - 4) Police Department Report of Activities for July 2016
 - 5) Fire Department Report of Activities for July 2016
 - 6) Building Permit Report of Activities for July 2016
- B. Approval of Water & Sewer Bills Payable (Registers #606, 610, 611) --- \$307,563.16
- C. Approval of Motor Fuel Tax Register #0085 --- \$103,490.90
- D. Approval of Payroll for pay period ending August 6, 2016 --- \$401,890.69
- E. Approval of Finance Bills Payable (Registers #602, 603, 607, 608, 609, 612, TBA -- \$514,859.64

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

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

Nays: None

The consent agenda items were approved.

ACCEPTANCE OF THE FOLLOWING APPOINTMENTS/REAPPOINTMENTS

The following was read into the record; "Effective immediately, Mayor James L. Gitz reappoints Gary Erdmier to the Airport Commission. This appointment shall be effective until November 30, 2019. Mayor Gitz further appoints Mr. Erdmier as chairman pursuant to Chapter 276.06 of the City." Aldersperson Klemm moved for approval of the appointment as presented, seconded by Aldersperson Ross. Motion prevailed by a roll call vote of:

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

Nays: None

The following was read into the record; "Effective immediately, Mayor James L. Gitz appoints Jennifer Smith-Norman to the Housing Authority Board to fill a vacancy. This appointment shall be effective until October 31, 2019."

Discussion was held in light to the public comments made this evening whether the council should proceed with the appointment. Mayor Gitz stated he had a conversation with Mr. Williams of the Freeport Housing Authority about City issues and Mr. Williams made no comment as to the appointment. He noted this vacancy is to replace Aldersperson Brashaw.

Aldersperson McClanathan made a motion to move this appointment to the next meeting, seconded by Aldersperson Chesney. Motion prevailed by voice vote without dissent.

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Aldersperson Koester asked for more investigation into the relationship with Freeport Township. Mayor Gitz noted that the Housing Authority Board appointments are appointed by the mayor and confirmed by the council and he is puzzled why in the 11th hour someone would bring up an issue with an appointment.

Aldersperson McClanathan requested more time to consider the appointment. Aldersperson Klemm asked if there were other appointment on the Housing Board that need to be made. Mayor Gitz stated there are others.

ORDINANCES -- FIRST READING

1st READING OF ORDINANCE #2016-38:

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

A petition was filed by Double A Market Inc. for the property located at 605-607 North West Avenue, Freeport, Illinois (PIN 18-14-30-351-007). The relief sought by the documents on file: Approval of a special use permit to allow the sale of alcoholic beverages in a B-3 Commercial and Wholesale Business District Zoning Classification. This ordinance was unanimously recommended to City Council by the Planning Commission in their meeting held on August 4, 2016.

Mayor Gitz stated this ordinance was before the council and remanded back to the Planning Commission for a re-hearing. He stated there are new findings that are more specific findings. He asked Director Mills to present and noted there are additional conditions presented by the petitioner.

Community Development Director Alex Mills presented the ordinance and stated at the August 4, 2016 additional testimony was presented in order for the Planning Commission to establish the findings of fact. New testimony included a staff report that recommended approval, as well as that of two objectors with standing, one chiefly concerned with the lighting of the property, the other concerned with a liquor store in general and notwithstanding other nearby stores in operation with similar uses.

Director Mills explained in the August 4, 2016 Planning Commission meeting they established findings of fact related to the parking lot size and appropriate entrance/exit for the property, which did not draw concerns from Freeport Police or Fire, the surrounding retail uses in the area and the rehabilitation of the building from a condemned state to that of an active and useful structure, and the fact that the proposed use is in line with the City's Comprehensive Plan. In making the recommendation for approval, the Planning Commission attached the condition that the property owner works with the City to develop an appropriate lighting plan for the site.

Director Mills read the following findings of fact included with the ordinance;

- The establishment, maintenance or operation of the special use will not be detrimental to, or endanger the public health, safety and general welfare because the property has a large parking lot and has appropriately sized and located vehicle access to and from N. West Ave/IL 26, and City of Freeport Police and Fire Departments voiced no concerns.
- 2) The special use will not be injurious to the enjoyment of other property in the immediate area for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood because other properties in the immediate area are zoned for similar commercial and retail purposes. Furthermore, the property has been rehabilitated from a condemned state to an active useful structure.
- 3) The establishment of the special use will not impede the normal and orderly development and improvement of adjacent property for uses permitted in the district because the proposed special use is not a major shift in relation to the land use envisioned in the Comprehensive Plan, Adopted April 1, 2010.

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Director Mills stated that Planning Commission required as a condition of the Special Use Permit that the petitioner work with the City of Freeport administration to develop an appropriate lighting plan.

Director Mills stated furthermore the petitioner has a willingness to perform landscaping or some other barrier along the south side of the property to prohibit traffic flow to and from the parcel so that access to the property is only to and from the highway and that will be the entrance to the building.

Aldersperson Brashaw asked about the opposition to the petition and whether there was testimony at the Planning Commission meeting. Director Mills explained one of the objectors has a building directly adjacent to the property and they were chiefly concerned about adequacy of the current lighting and they were concerned about vandalism. He stated the Planning Commission placed a condition to address this concern to require a lighting plan. The Planning Commission found that this is a building that has been rehabilitated and now it will be less troublesome as a occupied building. He stated there was another objector from a property west of the property and they submitted a letter that was read. It basically stated Freeport does not need a liquor store and that an additional store would not improve it and we should seek businesses that promote employment for youth to stay in Freeport.

Aldersperson Klemm made a motion to move forward for approval Ordinance #2016-38, seconded by Aldersperson Koester.

Mayor Gitz clarified that the motion includes approval of the Ordinance as presented and the Findings of Fact will be incorporated and it will include the conditions for lighting as set forth in the ordinance. Aldersperson Klemm and Koester both agreed.

Aldersperson Chesney clarified if the Special Use Permit will transfer with the land and not the person correct. He also asked if the two items added with the ordinance for lighting and security that will be worked out with the City in addition to the physical barrier will be on the edge of the north side.

Mayor Gitz stated that is correct. He explained the Special Use Permit does go with land. He explained if this property is sold they would not have to come back automatically and get a brand new special use permit because of change of ownership. Whether they would need a new Special Use Permit would depend whether they were selling it for the same purpose and its anticipated use fell under this Special Use Permit or whether it was permitted under the existing zoning. It doesn't say this property will always be used for this purpose, but it would indicate that the Special Use Permit is granted for this express purpose.

Aldersperson Chesney asked for information on the physical barrier and what he expects that to look like. Director Mills stated he would refer to the landscaping and screening ordinance on file and he would also look for direction from the Elgin code which provides samples for parking lots improvements and barriers so we would marry those two things together.

Aldersperson Miller asked for information whether a petitioner typically puts money into a property before they obtain the Special Use Permit. Director Mills stated that in the initial conversations with the petitioner and when the petition was filed they were making the building repairs however they did not say what the use was and he can't say whether it is usual or unusual for the timing.

Aldersperson Miller asked Chief Barkalow whether he was comfortable with the store and its location. Chief Barkalow stated yes.

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Aldersperson Busker requested further clarification from Director Mills what is intended to keep people from driving into the other areas. Director Mills described that they have plan to install curbing landscaping to prevent someone from driving through the parking lot. Aldersperson Busker asked about the boundary line. Director Mills stated the boundary line it approximately where the sign is located for the Salvation Army and he would have to check the pins to determine the actual location.

Aldersperson McClanathan asked procedurally whether a simple majority is needed for passage. Mayor Gitz answered yes it does not require the vote of six alderman.

Aldersperson Chesney asked whether the applicant understands and agrees with the additional provisions put in place. Director Mills stated that is correct.

Upon no further discussion, the motion for passage of the ordinance prevailed by a roll call vote of:

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

Nays: McClanathan and Brashaw (2)

Ordinance #2016-38 was passed.

1st READING OF ORDINANCE #2016-46:

An Ordinance Amending Chapter 874 (Regulation of Tobacco Products) of the Codified Ordinances of the City of Freeport

Chief of Police Todd Barkalow presented the ordinance stating back in 2014 the Tobacco Ordinance was implemented as part of the Public Safety Plan. This ordinance amends Chapter 874 (Regulation of Tobacco Products) of the Codified Ordinances of the City of Freeport and it was prepared by contract attorney Michael Phillips. This ordinance amends section 874.09 – Prohibited Sales and describes it shall be unlawful for any person, including the licensee, to sell or distribute a tobacco product, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package that bears the health warning required by federal law.

Chief Barkalow explained this provides the needed leverage that the City does not currently have in addressing this issue. He explained the selling of single cigarettes has long been a complaint of local citizens who live in the area of tobacco stores. While stipulating that the sale of single cigarettes seems minor, this sends a clear message to local dealers that even small infractions will not be tolerated. Those that sell single cigarettes are skirting the Illinois Tax code and also allowing minors to afford cigarettes. Without this amendment, the Freeport Police Department would need to issue a “Notice To Appear” citation with a small fine. Chief Barkalow stated the prospect of a retailer losing their Tobacco Dealer License for a specified time carries more weight and noted the violations will be handled at the discretion of the Licensing Officer ranging from written warnings, suspension, or even revocation in extreme or chronic cases.

Aldersperson Klemm moved for approval of the ordinance as presented, seconded by Aldersperson Chesney.

Aldersperson Miller asked about the timing of the ordinance whether Chief Barkalow would like to move forward on this ordinance. Chief Barkalow stated he will use the time to notify the tobacco retailers of the pending change and it will take a couple of weeks to notify them.

Aldersperson McClanathan asked how this ordinance relates to the State Statutes. Chief Barkalow explained that it is illegal to sell single cigarettes per the Illinois Department of Revenue and by adding this wording it brings our ordinance in line with the State law.

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

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

Nays: Koester (1)

Aldersperson Koester noted that he is not against the ordinance but he would have liked to allow more time for the notice.

Upon no further discussion, the motion for passage of the ordinance prevailed by a roll call vote of:

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

Nays: None

Ordinance #2016-46 was passed.

RESOLUTIONS

[RESOLUTION R-2016-42: view plan](#)

RESOLUTION ADOPTING THE 2016-2021 STEPHENSON COUNTY MULTI-HAZARD MITIGATION PLAN

Provided in the council packet was a memorandum written by Community Development Director Alex Mills which stated in September 2015, the City of Freeport received a grant from IEMA to update the 2008 Stephenson County Multi-Hazard Mitigation Plan. Blackhawk Hills Regional Council provided facilitation, technical, and drafting services in conjunction with support of the Stephenson County Emergency Management Agency and the Community Development Department. The updated plan was produced with the input and cooperation of governmental and community leaders throughout Stephenson County. Key action items for the City of Freeport are listed in Table 4.8 (pg. 106-108) including:

- Explore Community Rating System as part of National Flood Insurance Program
- Continue land and property identification and acquisition in/nearby floodway/floodplain (voluntary basis)
- Create re-use (no-use) plan for acquired land/property in floodway/floodplain
- Identify intersections and roadways prone to flooding
- Connect warning sirens to countywide system
- Pursue StormReady certification
- Digitize paper record and distribute to libraries
- Update future land use map/comprehensive plan
- Develop a social media and website strategy
- Support NINGA and NG-9-1-1 implementation (Next Generation 911)
- Adopt continuity of government plan and update public works recovery plan
- Revisit and update mutual aid agreements
- Relocate and rebuild water production facility away from railway

Three primary reasons for updating and adopting the plan exist:

- By identifying key action items through the Multi-Hazard Mitigation Plan, the City of Freeport can begin taking steps to be more resilient and better prepared in terms of response to and recovery from disaster events.
- With an updated and adopted plan, the City will be better positioned to receive State and Federal funding in the event of a disaster.

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- With a plan in place, grant opportunities are increased for State and Federal resources to reduce, mitigate or otherwise address disaster concerns

Mayor Gitz explained the Stephenson County Multi-Hazard Mitigation Plan was presented extensively last week at the Committee of the Whole meeting when Robert Baker of the Stephenson County Emergency Management Agency was present to answer questions for council members.

Aldersperson Busker moved for adoption of Resolution 2016-42, seconded by Aldersperson Brashaw. Motion prevailed by a roll call vote of:

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

Nays: None

Resolution R-2016-42 was adopted.

RESOLUTION R-2016-43:

RESOLUTION APPROVING RIVERFRONT ENTERPRISE AREA PLAN AND THE RIVERFRONT AREA ENTERPRISE IMPLEMENTATION STRATEGY ADDENDUM [view strategy draft](#) [view plan draft](#)

Community Development Consultant Shelly Dunham provided a written memorandum which stated in 2012, the City of Freeport applied for a USEPA Brownfields Area-Wide Planning Grant in order to support renewal and revitalization efforts in the City's riverfront areas, including downtown, the east side, the arcade, and the third ward. The goal of the area-wide plan, from its inception, has been to support and build on existing efforts to revitalize the riverfront area. The intent has been to make this a community-driven plan. To that end, the City and its consultants, Fehr Graham and Skeo, have devoted considerable time and effort engaging the people of Freeport and most importantly those who are directly impacted by this plan. Ms. Dunham wrote she applauds the commitment of Mayor and City Council to fully and meaningfully engage the community in this and other planning efforts. She continued, "So often, communities make plans in a vacuum, asking for public opinion but not necessarily incorporating the needs and views of the public in the plans and work. The result of this effort, however, is a plan that truly is a product of the citizens of Freeport. It incorporates efforts already underway in the community. It supports projects that already have the passion and commitment of people and groups in Freeport. It supports goals and plans for which the Mayor and City Council have demonstrated commitment in time, funding, and human resources. Things like blight reduction and neighborhood revitalization, downtown investment, arts and culture, recreation and riverfront redevelopment, and more."

Mayor Gitz noted at the Committee of the Whole meeting the plan was reviewed by Ms. Dunham.

Ms. Shelly Dunham introduced a resident who has been closely involved in the planning effort. Ms. Jessica Modica explained she was on the planning efforts for the City Centre plan and the development of the action plan. She explained how they have begun the process to revitalize the downtown and the listing has been provided in the plan under the action plan for Downtown Revitalization.

Aldersperson Chesney moved for adoption of Resolution 2016-43, seconded by Aldersperson Busker. Motion prevailed by a roll call vote of:

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

Nays: None

Resolution R-2016-43 was adopted.

OTHER

REPORTS OF DEPARTMENT HEADS

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Fire Department

Award of Bid for purchase of Fire Department Vehicle for a sport utility vehicle from the Suburban Purchasing Cooperative via Currie Motors in the amount of \$26,206.00.

On August 10, 2016 sealed bids for one new sport utility vehicle were opened at City Hall. Present for the bid opening were Finance Director Guary Bernadelle, Battalion Chief Blackburn, Deputy Clerk Kahly, Fire Department Administrative Assistant Denise Scudder. There was one sealed bid received for the vehicle from Kayser Ford-Madison, Wisconsin. After reviewing the bid, it was determined that the bid met bid specifications and the amount for purchase was \$27,296.00 with a delivery of 60-70 days.

Fire Chief Miller explained that he hand delivered bid packets to local dealers. He stated he also received the Suburban Purchasing Cooperative (SPC) standing bid in the amount of \$26,206.00 through Currie Motors of Frankfort, Illinois. Fire Chief Miller recommended the acceptance of the standing bid from the Suburban Purchasing Cooperative through Currie Motors. It will be a 2017 Ford Explorer.

Aldersperson Koester moved for approval of the Suburban Purchasing Cooperative through Currie Motors in the amount of \$26,206.00. This motion was seconded by Aldersperson Ross.

Aldersperson Busker asked for further information on outfitting the vehicle for the Fire Department. Chief Miller stated in the Spending Plan he had budgeted for \$36,000 in anticipation of the vehicle cost plus the costs of a light bar, sirens, radio etc. Aldersperson Busker asked about the color. Chief Miller explained that the red color came out more orange so he will go with white.

Aldersperson Miller asked whether Chief Miller had budgeted for this expenditure thinking that he had delayed the purchase for hiring of personnel. Chief Miller noted that when funds were transferred from the Fire Capital Improvement Fund in an agreement to move forward with the hiring of a firefighter that the budget for capital equipment remained intact. When budgeting for the vehicle within the Fire Department Spending Plan for capital purchases, it allowed for the price of a vehicle plus the amount necessary to equip the vehicle with light bars and radio equipment. He explained the funds are allocated in the Appropriation Ordinance in the fund for Fire capital equipment. Aldersperson Koester noted that he remembers keeping the dollars in the fund when the agreement was made to transfer the dollars necessary from the Fire Improvement Fund for the manpower.

Discussion was held that the vehicle to be used for the Battalion Chief will be a ruggedized Ford Explorer and Chief Miller stated that means one without carpeting or stereo system. They will be using the current vehicle as part of the fleet as an operations vehicle.

The motion for award of the bid sport utility vehicle from the Suburban Purchasing Cooperative via Currie Motors in the amount of \$26,206.00 prevailed by a roll call vote of:

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

Nays: None

Fire Department Head Report

Fire Chief Scott Miller explained the roofing work at Station #1 will be done prior to the start of school. He thanked the Public Works Department for tree trimming in order to start the project and Freeport Industrial Roofing for adjusting their scheduled to have it completed by the time Carl Sandburg starts back to school.

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Police

Chief of Police Todd Barkalow provided information on the successful event hosted in Freeport for Cruise Night over the weekend. He stated that there were 1,100 vehicles that participated in Cruise Night with over 10,000 people in attendance enjoying the event in downtown Freeport. There were 25 Law Enforcement Officers supported by the Freeport Police Department, auxiliary and our canine unit and the Stephenson County Sheriff and reserves. He stated it was a very successful event and he complimented the organizers of the event. They will begin the planning for next year's event.

Water

Director Glendenning provided an update on activities of the Water and Sewer Commission. They have been very busy with projects. In addition, last week there was a sanitary force main break that caused a discharge to waterway that has been reported Illinois Environmental Protection Agency. This is the seventh time for this line and it is another spun cast pipe causing the issues.

Director Glendenning provided the gallons lost compared to how much is chemically treated by the water plant. The treatment plant processed almost 87 million gallons of water and we sold 65 million gallons of water so we lose over 21 million gallons through breaches in the system.

City Engineer

City Engineer Gallagher provided a written update on the Water and Sewer projects noting there is a push to get the projects completed prior to the start of school with Empire Street project completion of the curb. They will be completing the curb at all the intersections and inlets along with the installation of the driveways. Next week they will shape the path and pave the path, parking lane wedge and all the intersections. He also provided updates on Park Crest, Laurel Street and the area near Lincoln Douglas School with plans to have the improvements done by Friday. The following week they plan to work on storm sewer and begin preparing for curb from one end of the project to the other. Other water improvements this week and next will include water service installation on Stephenson Street, so they can pave Stephenson prior of the start of school. Water and Sewer will make connections at Stephenson and Park Boulevard which will require partial closure of the intersection in the coming weeks. They will begin heading west down Pearl City Road with the new 16" watermain in front of Parkview.

The City Street program is approximately 50% complete. The project involves milling Moseley Street tomorrow and paving it shortly thereafter. They have completed storm sewer improvements on Fruit and Illinois Street so they will likely mill and pave that section in the coming days as well. Park Lane Drive and Empire Street were completed today and last week. Later this week or early next they will be finishing the ADA curb ramps at Knox, Carthage, and Platteville Court and get that section milled and paved. It is their intent to finish street program improvements prior to August 26, 2016 so that these routes are open for the start of school.

City Engineer Gallagher provided information for seeding of properties and noted many of the routes will be worked on prior to Labor Day to begin correcting those issues now that the intense heat has passed. The contractor is required to establish grass on all these routes so this is not the responsibility of the homeowner should there be any calls.

It was noted that City Engineer Gallagher communicated that the Tutty's Crossing boat dock will be installed on August 16, 2016.

Finance

Finance Director Bernadelle explained he has been working with Director Glendenning on the assets for the Water and Sewer Commission for the audit. They are also working on the capital assets. At this point he cannot provide

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a date when the audit will be complete but the schedule is on track. The auditors have stated they will send the draft letter to him as soon as possible.

Community Development

Community Development Director Mills provided an update on the City of Freeport and RAMP collaboration on the 2016 Downtown Accessibility Improvement Program. The program is designed to provide financial incentives to facilitate improvements to increase the accessibility of buildings located within the Downtown Tax Increment Financing District (Downtown TIF). The grants are provided in recognition that the requirements of the Americans with Disabilities Act of 1990 (ADA) may present compliance challenges for buildings located in Freeport's downtown and that financial assistance may help initiate improvements on behalf of building owners and businesses. The City has allocated \$15,000 for 2016 Downtown Accessibility Improvement Grants with the goal of increasing investment in downtown Freeport and prioritizing barrier removal and open doors for all who live in the community. He noted that the application will first go to the Historic Preservation Commission before coming to council on a scheduled date in October.

Aldersperson Brashaw asked about the grant awards. Director Mills explained depending on the applications the grants are up to 75 percent of the total cost of qualified interior and/or exterior rehabilitation for grants up to \$7,500.

Public Works

Public Works Director Dole stated he placed an ad in the Journal Standard for bids for leaf disposal. He will present the bid tabulation at the next council meeting. Director Dole stated he is working on bid specification for two utility trucks replacing a 1997 F 350 truck and a 1999 Dodge Ram 150. He will be bidding those vehicles soon. Director Dole stated he recently hired two new workers one started today and one starts next week.

Director Dole provided an update on the parking lot project at the corner of State and Main. He stated what started as a small repair to the sidewalk turned into a collapse of an underground vault area that had to be filled and then repaired because there was a void there. They have also added a decorative planter box. He was asked about the size of the project and Director Dole explained that within his line items for concrete, blacktop, and paving it was within his budget. His intent was to fix it once and fix it right.

Director Dole stated his crews have been busy preparing the downtown for Cruise Night. When they get the word they will begin the floor work at the Carnegie Building to install a concrete floor and raise the height of the floor by three inches to accommodate the elevator. He stated first the construction crew will rough in the elevator and call him when they are ready for the concrete work.

Library

Director Dickerson provided a report of the success Cruise Night lot in the Freeport Public Library where there were 66 vintage vehicles on display. She provided information on the History Series program featuring R.J. Lindsey as Dr. Benjamin Franklin on August 24, 2016.

Director Dickerson stated she and the Library Board have been working on an RFP for the Gallery Café Operator. She will miss Sandy Schubert who ran the Gallery Café for years and provided cookies for their programs.

MAYOR'S REPORT

Report by Contract Attorney on the date to set compensation for elected officials for next term of office (at issue is the City Manager question on the November 8, 2016 ballot).

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Contract Attorney Michael Phillips provided a report stating the important dates to remember are November 8th which will be the date the referendum will be held; provided the judge finds the petitions are legally sufficient. The other important date is April 4th which is the date of the municipal election. Contract Attorney Michael Phillips explained pursuant to the State of Illinois Municipal Code section 3.1--10 that salaries must be fixed 180 days before the beginning of the terms of office of the officers whose compensation has to be fixed. He stated we have three aldermen up for election as well as a Mayor, City Clerk and City Treasurer. The compensation has to be fixed 180 days prior to the commencement of the term. He noted the election results for the April election will not be out until April 18, 2017 so the way the ordinance is currently written the earliest the terms could commence would be the first meeting in May 2017. He stated there are council meetings scheduled May 1st and 15th. Following the way the ordinance is currently written compensation would need to be set November 2nd and date would be prior to the referendum results.

Contract Attorney explained the City Council could establish the third Monday in May 2017 or May 15th as the beginning of the term of office for elected officials and this would allow the City Council to learn the official results of the City manager Referendum scheduled to be held on November 8, 2016 before setting the compensation for those City Officials elected by the April 4, 2017 General Municipal Election. They can find that it is in the best interests to establish the third Monday in May as the date of the commencement of the terms of office for those City Officials elected April 2017. He stated the first meeting in June is the latest the term can commence.

Aldersperson Chesney suggested that the first meeting in September council should give the directive to have that date set so the council can see the results of the City manager referendum before setting the salaries.

Aldersperson Koester requested a draft of the ordinance at the September 6, 2016 council meeting. Attorney Phillips acknowledged the request.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Koester spoke about the success of Cruise Night and he was able to sell raffle tickets for the 2017 Fireworks Committee.

Discussion on Request for Proposals – Legal Services, General Municipal Law (referred from August Committee of the Whole)

Aldersperson Chesney spoke about his concerns for the lack of feedback on behalf of Mayor Gitz on his draft of the request for proposals for legal services.

Mayor Gitz provided his concerns in switching labor union negotiation legal services. He stated that the fees charged by Attorney Phillips are reasonable at \$125.00 per hour for the first 20 hours and at a rate of \$150.00 for hours after the first 20 hours and for litigation. Mayor Gitz stated his position on the two key legal persons he has chosen has not changed.

Aldersperson Chesney stated his reasons for going out for RFP was to know what to budget for legal services for 2017-2018 and to have quotes available to us.

Mayor Gitz stated that most attorneys charge around \$200.00 per hour and he has a lot of familiarity with most attorneys in Northwestern Illinois. He spoke in support of the current attorney he has hired because he has won six arbitrations and has success in negotiations. He stated he will try to obtain billing rates of other municipalities.

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He stated he would be interested in looking at the market for TIF attorneys but he is not interested in a RFP if it has to do the labor negotiations.

Aldersperson McClanathan stated it would be useful to begin the RFP process for tax increment financing work.

Aldersperson Chesney moved to refer this item to the September 6, 2016 council meeting, seconded by Aldersperson Klemm. Motion prevailed by voice vote without dissent.

Aldersperson Koester recommended preparation of a rough draft of a RFP for a TIF Attorney by the next council meeting. Mayor Gitz agreed that he could provide his thoughts on that.

Council members provided their compliments to the organizers of Cruise Night and noted it was a successful event.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Windy Pearson, 711 S. Carroll, Freeport Illinois stated it is important to be able to trust your unit of government. She commented about the difference new lighting makes in the area of State and Galena and appreciated the community policing efforts led by Chief Barkalow. She referred to her experience on a committee in proactively seeking change with the Police Department and the Department of Justice.

Tom Teich, Freeport Illinois, stated there will be Special Olympics held on August 20th and 21st for bowling at Freeport Lanes.

Upon a motion duly made and seconded, the meeting was adjourned at 8:35 PM.

s/ Meg Zuravel

Meg Zuravel
City Clerk