



City Council

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

MINUTES

COUNCIL MEETING

MONDAY, SEPTEMBER 19, 2016 AT 6:00 P.M.

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on Tuesday, September 19, 2016.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Klemm.

APPROVAL OF AGENDA

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

MINUTES

The minutes from the regular council meeting on September 6, 2016 were presented. Alderperson Busker moved for their approval, seconded by Alderperson Ross. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Steve Carroll, 811 Oak, Freeport, Illinois spoke in support of Greta Harrell as appointee for the Housing Authority. He spoke about her qualifications and noted she is a quality candidate.

Windy Pearson, 711 S. Carroll, spoke about being in support of change but she does not believe in nepotism when it comes to appointments on the boards and commissions. She recommended expanding the circle beyond four families for the appointments in an effort to grow and benefit the community by allowing others to have a voice.

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:

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- 1) City Treasurer's Report of Cash and Fund Balances for period to August 31, 2016
 - 2) City Treasurer's Monthly Investment Report for period to August 31, 2016
 - 3) Police Department Report of Activities for August 2016
 - 4) Fire Department Report of Activities for August 2016
 - 5) Building Permit Report of Activities for August 2016
- B. Approval of R-2016-46: Resolution to Request Temporary Closure of Streets Freeport High School Homecoming Parade (Wednesday October 12, 2016 with line up at 4:30 pm)
- C. Approval of Motor Fuel Tax Register #0087 --- \$1,655.40
- D. Approval of Water & Sewer Bills Payable (Registers #631 & 633) --- \$316,729.94
- E. Approval of Payroll for pay period ending September 3, 2016 --- \$408,730.94
- F. Approval of Finance Bills Payable (Registers #627, 632, 634, 635, TBA) ---\$1,082,351.33

Aldersperson Brashaw 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 AN APPOINTMENT TO THE HOUSING AUTHORITY BOARD

Effective immediately, Mayor James L. Gitz appoints Greta Harrell to the Housing Authority Board to replace Sarah Carter whose term has already expired. This appointment shall be effective until October 31, 2020.

Mayor Gitz requested leave of council to hear from Ms. Harrell. Ms. Harrell described her background and job experience with the Freeport School District as the executive assistant to the Superintendent and Executive Secretary to the Board of Education. She stated she looks forward to being appointed to the Housing Authority Board and serving the community in that capacity.

Aldersperson Brashaw and Klemm both stated their support of this appointment.

Aldersperson Klemm motioned to accept the appointment of Greta Harrell to the Housing Authority Board, seconded by Aldersperson Chesney. The motion prevailed by a roll call vote of;

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

Nays: None

ACCEPTANCE OF AN APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION –

Effective immediately, Mayor James L. Gitz appoints Steve Schlamp to the Historic Preservation Commission. This appointment shall be effective until February 28, 2019. Mayor Gitz noted that Mr. Schlamp lives in Royal Oaks which is outside the City limits and also owns a business in downtown Freeport. He stated they checked the code and residency is not a requirement for this commission. Aldersperson Koester motioned for acceptance of the appointment, seconded by Aldersperson Busker. The motion prevailed by a roll call vote of;

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

Nays: None

ORDINANCES -- SECOND READING

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2ND READING OF ORDINANCE #2016-47:

An Ordinance Amending Chapters 220 (Council), 226 (Mayor), 228 (City Clerk), and 230 (City Treasurer) To Fix The Inauguration Date For Elected Officials

Ordinance #2016-47 as provided in the council packet states by establishing the third Monday in May for Calendar Year 2017 it would allow this 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. It also states the Council finds it is in the best interests of the citizens of the City of Freeport, to effectuate the orderly transfer and transition of business by establishing the third Monday in May of each Election Year as the date of the commencement of the terms of office for those City Officials elected during the immediately preceding April.

On the first reading held on September 6, 2016, Alderperson Koester moved for approval of the ordinance, seconded by Alderperson Ross and the ordinance was automatically laid over to the next meeting.

Mayor Gitz explained there are staff members working on a compensation report for the council.

Upon the second reading and no discussion, 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 #2016-47 was passed.

ORDINANCES -- FIRST READING

1ST READING OF ORDINANCE #2016-48:

Special Ordinance for Variation Permit or Amendment of Codified Ordinances of Freeport, Illinois
A petition was filed by Don and Katherine Carpenter for the property located at 1402 Morningside Drive, Freeport, Illinois (PIN 18-19-05-228-001). The relief sought by the documents on file: change of zoning from M-1 (Limited Manufacturing District) to R-3 (One Family Residence District). This ordinance was unanimously recommended to council by the Planning Commission in their meeting held on September 8, 2016 and there were no written objections filed on the petition therefore council may take final action this reading.

Community Development Director Alex Mills presented the ordinance for amendment to the zoning code for 1402 Morningside Dr. He stated the City of Freeport Planning Commission on September 8, 2016 held a public hearing voted unanimously (5-0) to recommend to city council the rezoning of a parcel located at 1402 Morningside Dr. The staff recommendation to the Planning Commission was in favor of the rezoning. The parcel is owned by Don and Katherine Carpenter, who intend to sell the parcel to a member of their family. The land contains a ranch-style home and an accessory storage building. The current M-1 Limited Manufacturing zoning of the parcel is prohibitive of banks making a home loan to a prospective buyer, and thus is not conducive to any sale of the land taking place. Furthermore, the current zoning does not technically permit a residential use, whereas the proposed R-3 One Family Residence District does permit such a use.

Alderperson Klemm stated he was present at the Planning Commission meeting and this ordinance would clean up the petitioner's paperwork in order for the buyers of the property to obtain a loan from a bank. He recommended changing the zoning from M-1 to R-3.

Alderperson Brashaw asked about the zoning of the surrounding properties. Director Mills explained the parcel directly to the north is an R-3 and the owner owns a lot to the south that is located in the County but not in the

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City and he explained it is used for agriculture. Alderperson Brashaw asked if the garage on the property will be used for a business purpose. Director Mills explained it will be used for storage of household goods.

Alderperson Klemm motioned to move forward the ordinance for approval, seconded by Alderperson McClanathan. The motion prevailed by a roll call vote of;

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

Nays: None

Ordinance #2016-48 was passed.

1ST READING OF ORDINANCE #2016-49:

An Ordinance Amending Chapter 1442 – Administration Generally, Section 1440.03 (Appeals) of the Codified Ordinances of the City of Freeport, Illinois

Community Development Director Mills presented the ordinance which is a recommendation by Building Commission as to modification of appeal process. At the regular meeting held September 14, 2016, the Building Commission voted unanimously (5-0) to forward a recommendation in the form of a draft ordinance to the city council. The recommendation is for an alteration of Section 1440.03 of the City's Codified Ordinances, which specifically addresses the timing to file an appeal to a decision of the Building Commissioner. The ordinance as currently written provides five (5) working days from the date of a decision for an appeal to be filed. The adopted building codes (such as the International Property Maintenance Code) provides for twenty (20) calendar days. Since our City Ordinance overrides the adopted codes, the five (5) working day provision is enforced and in effect. The Building Commission recommended the amendment from five (5) working days to fourteen (14) calendar days to allow more flexibility for service to occur from the date of the decision. Director Mills explained it does not alter the fact that an appeal could be filed on the following day by a diligent owner, contractor, or other aggrieved party. Unchanged is the prescribed timeline in which the Building Commission must then hear the appeal – seven (7) working days from the date the appeal is filed, and the Building Commission must render a decision within five (5) calendar days of hearing of the appeal. Furthermore, a change to fourteen (14) calendar days eliminates any distinction between working and non-working days (such as weekends and holidays), and also moves the appeal window closer to the twenty (20) day calendar day provision found in the adopted codes.

Upon the first reading, Alderperson Koester motioned to move forward the ordinance for approval, seconded by Alderperson Klemm.

Alderman Chesney asked whether there was discussion of working days versus calendar days. Director Mills stated the thought process by going to calendar days if a decision has been made by the Building Commissioner that somebody feels they do not agree with, fourteen calendar days would say that even if it is Columbus Day you still need to be working on the appeal process or fix your problem. He explained with five working days you need to consider City holidays and some people may not know them but most people know how to count 14 calendar days. Alderperson Chesney suggested more time for people to retain legal counsel and he feels more comfortable with working days versus calendar days.

Alderperson Brashaw asked Director Mills if he thought 14 calendar days is sufficient to hire legal counsel in order to appeal a decision. Director Mills stated he does feel 14 calendar days is sufficient and referred to the adopted code being 20 (twenty) calendar days. With this proposed change it would allow a longer window compared to the five working days as currently written.

Alderperson Klemm stated he made the motion for the 14 calendar days with the thinking to keep the process moving. If you put it out twenty days and then somebody appeals it and then you are talking about considerable

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amount of time down the line. He explained you are talking about a person writing a letter stating they do not agree with this and you have met the fourteen days at that point.

Aldersperson Brashaw read aloud: "1440.03 APPEALS; Any person directly aggrieved by any decision of the Building Commissioner may appeal such decision to the Building Commission. The appeal shall be made by giving written notice of such appeal to the Building Commissioner within ~~five working days~~ fourteen (14) calendar days after the decision is made and announced."

Aldersperson Brashaw asked for an example that could be in the process of being appealed. Director Mills stated that if a stop work order was issued and the contractor felt the codes were not being read properly by the Building Inspector or follow the method they were using to repair they could then appeal to the Building Commission to say they do not agree with this decision and why and then the Commission would decide. Another issue would be with a condemnation and someone might disagree that the building is fit for occupancy and this can be appealed to the Building Commission.

Aldersperson Klemm explained an example of a property that was condemned and there were many photos to prove the property was uninhabitable between the electric, plumbing, roof and mold and the Building Commission agreed that it was not safe for a person to be living in there.

Aldersperson Klemm asked Director Mills if this needs to be moved forward this evening. Director Mills stated it can wait until the next meeting and until it is passed we will be working under the five working days provision unless you want to change it right now otherwise it can wait until the next meeting.

Aldersperson Klemm made a motion to move it forward to second reading this evening. This motion was seconded by Aldersperson Koester. Mayor Gitz stated the motion is to suspend the rules for immediate consideration.

City Clerk Zuravel noted a scrivener's error in the title that the Chapter should be 1440 as provided in the Section number and not 1442. The motion prevailed by a roll call vote of;

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

Nays: None

Mayor Gitz stated Ordinance #2016-49 is now before the council for consideration.

Aldersperson Koester asked if it is general practice to go with working days or calendar days. Director Mills stated the International Building Code which we follow says twenty days so that is twenty calendar days. We have been using the five working days since 1989.

Aldersperson Chesney stated that working days will be more difficult for a person and we would want as long as what is reasonable for someone to have an appeal to come before the Commission. He believes the narrow window impacts the appeal process. Aldersperson Chesney asked if we are more stringent than the codes. Director Mills stated this is slightly stricter.

Aldersperson Chesney made a motion to amend it to twenty days, seconded by Aldersperson Busker. Mayor Gitz clarified if this would be twenty calendar days or twenty working days. Aldersperson Chesney clarified the motion to be twenty calendar days.

Discussion was held on the appeal on property for condemnation and the difference between fourteen days and twenty days could have on the process with Aldersperson Chesney asking for it to be more business friendly.

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Aldersperson Ross asked whether an emergency clause should be put in it. Mayor Gitz stated if we had an emergency on a demolition then an emergency clause would not apply because we have other means written in the code.

Aldersperson McClanathan stated he would be open to waiting a couple of weeks.

Aldersperson Klemm stated currently we have less time so if we put it off we can still continue as it is written now so perhaps what needs to be done would be to withdraw the suspension of the rules.

Aldersperson Chesney stated he does not have a preference in the action on the bill before us or to defer action but this is really about a preference to allow people more time to file a grievance with the City. He added the mayor cleared up the point if it is a critical situation, then we have a mechanism to respond.

Mayor Gitz stated either way the City would be ok with the decision to move forward tonight or to wait two weeks.

Hearing no additional motions, Mayor Gitz stated we have on the floor an amendment to the ordinance to twenty calendar days. Aldersperson Klemm asked to call the roll on the amendment. The motion prevailed by a roll call vote of;

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

Nays: Koester (1)

The amendment to the wording passed 7-1 (changing from fourteen calendar days to twenty calendar days).

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

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

Nays: None

Ordinance #2016-49 was passed.

Aldersperson Klemm stated that the Building Commission discussed both sides of this and the main consideration was that no one could be in a building when it was condemned.

1ST READING OF ORDINANCE #2016-50:

An Ordinance Granting A Variance to Chapter 692, Section 692.01 (Discharging Firearms and other Weapons) of the Codified Ordinances of the City of Freeport, Illinois

Mayor Gitz stated that we are in receipt of a request from The Freeport Club as they have done traditionally in years past to allow for bow hunting on their property according to State regulations and within the time period allowed for bow hunting in Illinois. Mayor Gitz stated the archery season is from October 1, 2016 to January 15, 2017. Mayor Gitz stated that this ordinance accompanies a request to give notice to surrounding property owners.

Enclosed with the ordinance was the following request from The Freeport Club: "The Freeport Club would like to request permission from the City of Freeport to vary from City Ordinance Chapter 692, specifically Section 692.01 (Discharging Firearms and other Weapons), to allow bow hunting on the Freeport Country Club property, as we did in 2012, 2013, 2014 and 2015. We are requesting this permission for the dates of the Illinois Department of Natural Resources distinguished archery deer season: October 1, 2016 through January 15, 2017. Enclosed you will find a map of our property as well as a letter from the Illinois Department of Natural Resources."

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Provided in the council packet was a letter from the Illinois Department of Natural Resources and their District Wildlife Biologist, Jeff Horn stating the following; "This letter is in reference to the proposed bow hunt at the Freeport Club in Freeport, IL. The Illinois Department of Natural Resources supports the bow hunting program and views it as a good management tool to insure a healthy deer population on the golf course. If there are any questions, feel free to contact me."

Aldersperson Koester moved to approve the ordinance as presented, seconded by Aldersperson Brashaw.

Aldersperson Klemm made a motion to suspend the rules for immediate consideration. This motion was seconded by Aldersperson Brashaw. The motion prevailed by a roll call vote of;

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

Abstain: Chesney (1)

Nays: None

Aldersperson McClanathan asked in order to implement this ordinance it needs the blessing of the DNR. Mayor Gitz stated that is correct. Aldersperson McClanathan asked whether the DNR regulates throughout the City in regard to variances of this form. Mayor Gitz stated there is interplay between the State regulations and our local ordinances and normally we do not allow people to run around with bows and arrows shooting at things. He stated we take special exception for deer at certain times of the year and this ordinance has been approved every year for the last twenty years.

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

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

Abstain: Chesney (1)

Nays: None

Ordinance #2016-50 was passed.

RESOLUTIONS

RESOLUTION R-2016-47:

Resolution To Approve An Intergovernmental Agreement Between The City Of Freeport, Illinois, And The Forrestville Valley Community Unit School District 221 For The Use Of The Voluntary Services Of A City Engineer And City Equipment To Design And Oversee The Building Of A Softball/Baseball Field Complex

Mayor Gitz noted when the council packets were distributed a copy of the agreement provided by the attorneys for Forrestville Valley and since that time Attorney Phillips has made a couple amendments and that is the copy that is before the council this evening with his changes underlined in the attachment.

Mayor Gitz stated the work performed by City Engineer Gallagher will be without compensation.

Attorney Phillips referred to the council to Exhibit 1 attached the the resolution and noted the following paragraph that he amended:

"THEREFORE, in exchange for the mutual covenants and promises contained herein, the CITY and SCHOOL DISTRICT (herein sometimes individually referred to as "Party" and collectively referred to as the "Parties") each agree as follows:

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1. City.

- a. The CITY agrees to permit ~~a~~ its CITY Engineer, Mr. Shaun Gallagher, who is also a resident and an elected official of the SCHOOL DISTRICT, to volunteer his expertise and time for purposes of designing and oversight of the building of softball/baseball field complex in the SCHOOL DISTRICT, but the time of said volunteering shall only be during hours which Shaun Gallagher is not performing his official duties as the City Engineer of the CITY; and
- b. The CITY agrees that there will be no charge to the SCHOOL DISTRICT for the design and oversight services provided on a voluntary basis by CITY Engineer Gallagher, but the CITY shall be reimbursed by the SCHOOL DISTRICT for any and all expenses reasonably incurred by the CITY during Shaun Gallagher's use of CITY equipment for the benefit of the SCHOOL DISTRICT as more fully described in Section 2.a. below.

2. School District.

- a. The SCHOOL DISTRICT agrees to pay all of the costs incurred by the CITY for the design and oversight of the building of the softball/baseball field complex. Such costs shall include any actual costs to the CITY, on a time and material basis, for the use of its CAD and technical equipment needed to complete the project;
- b. The SCHOOL DISTRICT agrees to indemnify and hold the CITY harmless for (1) any liability arising out of the services provided by any CITY employee, including but not limited to the foresaid CITY Engineer, in furtherance of this Agreement, and (2) any liability arising out of the use of the CITY's Computer-Aided Design (hereinafter, "CAD") software or other technical equipment in furtherance of this Agreement. The SCHOOL DISTRICT also hereby fully waives and unconditionally releases, acquits and discharges the CITY, its officers, agents, assigns, employees and attorneys from any and all claims, complaints, causes of action, demands, suits, liabilities or obligations of whatever kind or nature, whether known or unknown, arising out of or based in whole or in part upon events occurring to the present date, including but not limited to any and all claims arising from the services permitted or required hereunder by the CITY Engineer."

Attorney Phillips referred to his underlined amendments and stated he has been told by City Engineer Gallagher he will not be compensated for his service and it will not be performed during City working hours but on his own time. He is volunteering his time to the School District because he is a resident of the Forrestville Valley School District. He explained the reason there was a conflict of interest concern because he is also an elected official of the Board of Education. He also noted the City has been released from any and all claims by the School District against the City or any of its officials or employees. He explained that is not going to affect third parties if someone claims liability but the City's Illinois Risk Management Agency should extend and should protect the City. Attorney Phillips stated there is no money being provided to Shaun Gallagher for direct or indirect compensation for his services.

City Engineer Shaun Gallagher presented the resolution to approve an Intergovernmental Agreement between the City of Freeport and the Forrestville Valley School District for the design and supervision of a new softball/baseball sports complex. The origin of such an agreement stems from my personal involvement with the Forrestville Valley School District as a School Board Member, as well as our goal of partnering with other Governments to reduce our overall municipal expenses. Although I plan to donate my time in helping the District construct the new facilities, my professional liability would not be transferable, nor should would my ability to use design software owned by the City to assist in such work without this agreement.

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This Resolution would allow me to work on behalf of the District as a professional engineer, while allowing me to donate my time after hours. In return, the City of Freeport would receive compensation for expenses accumulated from the use of GIS and AutoCAD software and any large format printing used in the design process. Similar to past agreements with the Freeport Park District, the City has an opportunity to cover long-term software licensing costs and other operating expenses with the approval of this agreement. Although it is difficult to estimate the potential reimbursement to the City at this time, it is likely to exceed \$3,500 over the duration of the project, with a substantial benefit to the District. City Engineer Gallagher noted other local agencies have contacted him about intergovernmental agreements for engineering related services, which could provide additional cost-sharing savings in the future.

City Engineer Gallagher reiterated this is a volunteer project and he will not accept compensation. He will be working on his free time and will not mix work because it will be done on weeknights or weekends. He stated he believes that because the City of Freeport paid for the Auto-CAD software and services and if he is going to use them outside these walls then he should ask for some sort of reimbursement back to the tax payers and this agreement provides for that method. He explained the Forrestville Valley School District will reimburse to the City for the time he uses the software. This agreement is written for a four year term because the project could take a long time due to it being a volunteer-based project with fundraising efforts. This reimbursement could be enough to pay for the CAD annual license that the City currently pays for the next four years. He stated the way this agreement was written transfers the risk back to the school district.

Alderman Miller stated there was a section that seemed contradictory in terms of volunteerism between the title using "Voluntary Services" and Section 2.a.

Mayor Gitz stated the voluntary services relates to the time of the City Engineer and not to the equipment. He stated the title is descriptive as a summary not legally binding so if the council thinks there is an ambiguity in the agreement in itself. City Engineer Gallagher stated the intent was for him to be able to volunteer his professional services and anything beyond that associated with the City of Freeport would be reimbursed.

Alderman Miller asked for a definition of technical equipment. City Engineer Gallagher stated it would be the plotter for large scale prints; GIS; CAD time and computer use; or a level used in surveying that might be utilized for a layout. Those would be cost-shared back to City.

Alderman Miller stated her concerns of City Engineer Gallagher using his computer and CAD software system out of the City. Alderman Miller stated she thinks this could open a huge can of worms as to where it will stop for other employees and used the example of not wanting a Forestry worker to use a truck out of town. She asked where you draw the line and where does it quit.

Mayor Gitz stated if everyone did it then it could be a problem. Each member of the council has to ask themselves is this a problem or a precedent you do not want to set. He answered for himself in this particular case it is a small school district which very well could be working with a very tight budget based on the State of Illinois and he looks to the purpose here where the City Engineer who is a resident of that district, who has volunteered to use his time and talents on behalf of the district that his children attend. Much the same way that you or I attend to our children or grandchildren. His family spends quite a bit of time helping with the tumbling team. Mayor Gitz stated as long as it is on his time and as long as we are reimbursed for the use of the equipment then he provides his support. He stated if we had to cross this bridge all the time, his answer might be different but he looks to the intent and the fact that there is no

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compensation involved here. The compensation issue is very important and he is ok with it if the council is ok with it.

Alderson Koester acknowledged volunteerism is necessary in today's economy due to tight budgets and provided his support of Engineer Gallagher's effort to help the school district and he read the following from the cover page as he is quoted to say, "In return, the City of Freeport would receive compensation for expenses accumulated from the use of GIS and AutoCAD software and any large format printing used in the design process, similar to past agreements with the Freeport Park District. The City has an opportunity to cover long-term software licensing costs and other operating expenses with the approval of this agreement." Alderson Koester stated he likes that fact that he can volunteer and the City can be reimbursed for the use of the software license.

Alderson Koester moved for adoption of Resolution R-2016-47 as presented, seconded by Alderson McClanathan.

Alderson Chesney asked how many City hours Engineer Gallagher anticipates will be dedicated to this project. City Engineer Gallagher answered it should be none. Alderson Chesney used an example to what if we had some street workers want to go work in Loran Township and take our truck and we don't want to create a slippery slope. He asked why we would rent out to a school district that is in Ogle County if it is not in line with our priorities. He asked what we do when two City workers want to borrow a couple of truck and wants to work in the Florence Township and they want to do this on the side and reimburse us. He asked if we are going to be tasked with another agreement with Florence Township or are we just going to selectively decide when we are going to exercise discretion or not. He stated this is an unprecedented move that we would enter into an intergovernmental agreement for loaning our equipment to a taxing body that we don't overlap with.

Mayor Gitz stated he thinks there is a difference between truck and regular equipment and the use of the equipment for design. He spoke about promoting working together with other taxing bodies so it is not unprecedented for us to work with another taxing body such as the Park District and aggregate our bids like on the street program. Now that is a different situation to say it is without precedent is not entirely accurate. It is up to the council to decide. Mayor Gitz stated to him if the City Engineer can help the school district and people benefit from it and we have no direct cost, then he is ok with that. It is far more transparent to bring this to the council and to say these are the things we have identified as issues and here is the amendment to take care of it. If the City Council says no then no means no. If we do approve this then all it says is under certain circumstances if people want to volunteer their time we are willing to allow that providing we don't have liability.

Alderson McClanathan asked City Engineer a series of questions for which he answered that he is a salaried position for the City, he does not receive overtime pay for excess hours worked, any hours that he works in excess of his forty hours a week is essentially a donation to the City, he estimates he works over fifteen hours in a day (7 am to 6:00 pm with no lunch plus the hours at home from about 9:00 pm to sometimes 1:00 am) working on City projects. City Engineer Gallagher stated that is his schedule since January. He takes City projects home to work on from his lap top and this has the CAD software on it. Alderson McClanathan asked if the time he will be working on this will be volunteer time in excess to the City time and whether the City equipment used will be the use of a lap top, software and a printer. City Engineer Gallagher stated that is correct. Alderson McClanathan asked him if the equipment that he uses the City will then be reimbursed for and no other equipment will be used. City Engineer Gallagher stated that is correct. Alderson McClanathan asked City Engineer Gallagher if he could have done this project in his own free time using the equipment that he had at home with the software and unless it popped up in the media somewhere we would be none the wiser. City Engineer Gallagher stated that is correct

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but it was important to him to bring this forward since he is directly competing with consultants. He will be working on a project with resources that are not his and he feels he needs the council approval. Alderperson McClanathan asked since some of these duties are out of the scope of work that you do for the City could this make you a better engineer and a more useful asset to the City moving forward. City Engineer Gallagher stated he hopes for and he is learning a lot about ball diamonds so it could be useful to the Park District. Alderperson McClanathan stated his support based on the significant amount of hours City Engineer Gallagher gives over and above his work hours to the City and because the City will be reimbursed knowing that it might be a slight precedent but it will be a high hurdle for others to meet these parameters.

Alderperson Brashaw asked if there would need to be additional liability insurance purchased for the engineer to do this project. Attorney Phillips stated he is not aware of any additional liability insurance that will need to be purchased. He stated the school district is not only releasing the City from any and all claims but it is also going to indemnify the City for any and all losses we may suffer as a result of this contract.

Council members stated their support or provided their concerns of the project.

Mayor Gitz requested a roll call vote on the motion for approval of the resolution and its accompanying agreement. The motion prevailed by a roll call vote of;

Yeas: Klemm, McClanathan, Ross, Busker, Brashaw, Koester (6)

Nays: Miller and Chesney (2)

Resolution R-2016-47 was adopted.

OTHER

REPORTS OF DEPARTMENT HEADS

476 S. ADAMS PETITION FOR AMENDMENT TO ZONING

Community Development Director Alex Mills stated we are looking for a motion to accept recommendation of denial of petition for amendment to zoning at 476 S. Adams. He provided the following memorandum; "After the regular meeting of the Planning Commission held June 9, 2016, Special Counsel Phillips returned a proposed ordinance to the Planning Commission due to insufficient findings of fact to support the decision of that body in recommending approval to City Council. The petitioner has since been notified via phone and in person by the Community Development Department of the necessity of attending subsequent Planning Commission meetings where a public hearing would be held so that they could represent their petition in person as required. The Planning Commission has held two regular meetings (August 4 and September 8, 2016) and has attempted to hold a public hearing at each regarding the petition to amend the zoning of 476 S. Adams. Without the attendance of the petitioner at either meeting, the Planning Commission has been unable to hear testimony and thus unable to make necessary findings of fact and a subsequent recommendation for approval or denial to the City Council. As the petitioner appears to have effectively abandoned their petition, the staff recommendation is for denial of the petition." Director Mills explained because the petitioner did not attend the Planning Commission meeting they were not able to give hear the testimony in order to give their findings. They consider this effectively abandoned due to lack of attendance on the part of the petitioner and for the City Council to deny this petition.

Alderperson Klemm moved for denial of the petition for amendment to zoning at 476 S. Adams. This motion was seconded by Alderperson Ross for the denial of the petition. Motion prevailed by roll call vote of:

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

Nays: None

**MINUTES COUNCIL MEETING
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APPROVAL OF THE AWARD OF BID FOR LEAF WASTE DISPOSAL TO DICKMAN FARM SERVICE FOR AN AMOUNT OF \$40,000

Public Works Director Tom Dole requested approval of the contract for leaf waste disposal to Dickman Farm Service for an amount of \$40,000 for the 2016 leaf season. Director Dole explained a bid was received from Mark Binger on August 23, 2016 and it was been withdrawn on September 6, 2016. Director Dole recommended approval of the bid from Dickman Farms.

Alderperson Brashaw moved for acceptance of the bid from Dickman Farms in the amount of \$40,000 for leaf waste disposal for the 2016 season, seconded by Alderperson Miller. Motion prevailed by roll call vote of:

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

Nays: None

It was noted leaf season typically begins the 2nd or 3rd week of October and continues until the first measurable snowfall.

Alderperson Chesney asked about the cost of leaf pickup for a fiscal year. Director Dole stated last year the labor hours amount to 1,981 labor hours and then you have to add in the equipment cost and the waste disposal cost so he estimates it is upwards of \$90,000 for the season.

Alderperson Chesney asked about the tree trimming list and noted we are about 2.5 years behind. He asked about the money that was allocated for tree trimming. Director Dole stated he has created a list of about 16-20 highest priority removal of trees that we can't reach. He noted he cut the list in half so he has ten that he sent out to private contractors to get an idea of dollars per tree. He has received back two bids. The goal is to contract out about six to ten trees to determine how much that is going to cost us. These are the highest priority trees that we can't reach and we are waiting for numbers to come in.

Alderperson Chesney asked about the roof for the paint room. Director Dole stated he was money in the budget to do a small roof repair.

Finance

Finance Director Bernadelle stated he has received word from the auditors that October 4th will be the expected date for the first draft of the audit.

Police

Chief of Police Todd Barkalow stated that we will have an official swearing in ceremony on September 21st. One of the new hires is local and one is from Pecatonica. They will start in the academy on September 25th. He provided information on a Canine Class hosted by the Freeport Police Department and there will be officers and their canines from other agencies present here in Freeport.

Fire Department

Fire Chief Scott Miller provided information on the Citizens' Fire Academy to be held on Wednesday's beginning on September 28, 2016 through November 9 from 6:30 pm to 8:30 pm at the Central Fire Station. Each week different topics will be led by members of the Freeport Fire Department. Chief Miller stated the applications will be placed on the website and will also be available at the Central Fire Station on South Street.

Alderperson McClanathan asked about the property for the former fire station. Mayor Gitz stated we are waiting on an updated appraisal value as to whether part of the property can be lifted out of the flood plain. The

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conclusion is no we can't and that is somewhat of a surprise. We have asked the appraiser to give us the updated appraisal so we can proceed. We have been in discussion with someone on purchase and on rental for purchase so we will be bringing things to the council in October.

Aldersperson Koester asked about reaching out to companies for a possible cell phone tower site to obtain the rental for that property. Mayor Gitz stated this is being investigated.

Water and Sewer

Water and Sewer Director Glendenning provided information on the Burchard tank disinfection. This is needed in order to calibrate the level sensors. Once it is cleaned and done it will be brought to a static level. There are a multitude of valves that were put in and we are putting in now on the Phase B project to control the two systems. We will begin to increase the pressure on the system to determine whether they work or not and then he estimated the static pressure could be raised in the spring 2017 to bring it up to full power. This will be a very intense operation to bring this on to the system and this is a formality to get to the spring.

Aldersperson Klemm thanked Director Glendenning for the heads up on the closure of Stephenson Street for the valve replacements for this morning.

City Engineer

City Engineer Gallagher provided an update on the Phase B project on Laurel Street. The last driveways were finished on Laurel. There is a section on Haven Court and Concord where they are working on bypassing a section for storm sewer improvements and that project is for later this week. They have started black dirt restoration on Park Crest today so that project should wrap up in the next two to three weeks. They will also have a loop to complete on Concord. They discovered the south end of Concord was not connected to the water main and we want to connect that with this project while we have that opportunity.

City Engineer Gallagher explained they have completed the work on Contract #3 so Empire Street was restored over the last two weeks, Empire Court, Carriage Hill and Stephenson Street those are cleaned out. Now they are doubling back on all the streets they left this summer which will be Harlem Avenue, Burchard, Lincoln, Jefferson, Monroe, Monroe Drive, Prairie and those will need a different seeding technique due to the weather and heat. That is a contractor responsibility for that restoration. A priority has been on Empire because of the traffic and getting that restored in time for school, now we are completing that restoration.

City Engineer Gallagher stated they are working to replace 52 valves which are all pertinent to the actual shut down within the pressure zones. You will see more intersection closings but we have most of the big ones out of the way. Over the next two weeks we will complete the section on Pearl City Road in front of Parkview to get their new water service in place and tied together for them. Then we will jump back to McKinley, Burchard and Empire as those are the last one mile of water main to complete in this project.

Library

Director Dickerson provided a report on the 2016 Local History Series that will be hosted by the Freeport Public Library Foundation and free to the public on topic including a book signing by a local author for the book entitled, "Throw Away Sisters".

Mayor's Report

Mayor Gitz provided an update on the 911 Committee for naming of the members. He suggested council members should drive by the former Modern Plating Brownfield site on Album and Hancock for ideas of future use. Mayor Gitz stated the hot patch plant could be closing soon so please turn in priority areas. He will be

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attending the Illinois Municipal League as a member of the board. Mayor Gitz provided information on upcoming events including Pretzel City Brewfest and Tour De Freeport.

COUNCIL REPORTS

Aldersperson Klemm thanked Director Mills for information on building status. He noted the Madmen will be working on the Gladewood Bridge for clean up and trimming around that area.

Aldersperson Ross provided information on a recently held Neighborhood Watch meeting featuring a visit by canine Otto.

Aldersperson Miller provided information on the Tour De Freeport which will feature many interactive areas throughout Freeport which will add interest to the bike ride around Freeport. There are still some tickets left for Pretzel City Brewfest which will be held in the afternoon on Saturday so there are a lot of fun activities in the downtown going on this weekend.

Aldersperson Busker stated there will be 5th Ward Neighborhood Watch Meeting on September 20, 2016.

Aldersperson Koester provided information on a 3rd Annual Mail Run held as a flight scavenger hunt at the Albertus Airport. He stated this is done by pilots hand plotting their routes and photographing places on a map to come within so much time from their projected time.

Aldersperson Chesney wished Mayor Gitz a happy birthday.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich, wished Mayor Gitz a happy birthday.

Upon a motion duly made and seconded, the meeting was adjourned at 7:53 PM.

s/ Meg Zuravel

Meg Zuravel
City Clerk