



City Council

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

**COMMITTEE OF THE WHOLE REPORT
REGULAR MEETING
Monday, November 9, 2015**

1. CALL TO ORDER

The regular meeting of the Freeport, Illinois, Committee of the Whole was called to order by Mayor James Gitz with a quorum being present at 6:00 p.m. on Monday, November 9, 2015, in council chambers.

2. ROLL CALL

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

City Staff Present: Community Development Director Alex Mills, City Engineer Shaun Gallagher, Public Works Director Tom Dole, Fire Chief Scott Miller, Chief of Police Todd Barkalow, and City Clerk Meg Zuravel. Also present was Michael Phillips, Special Counsel for City of Freeport.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Busker, chairperson of meeting.

4. PUBLIC COMMENTS – AGENDA ITEMS

Steve Carroll, 811 Oak, Freeport Illinois, spoke in regard to view of south end of 716 S. Galena, Dollar Depot and restaurant now located in area. He stated this has been blight in his neighborhood for years. There have been issues with parking, traffic, people urinating on walls, fights, loud cars. He has called on numerous times and signed numerous complaints. Mr. Carroll does not understand why this is being allowed. He stated the lot not striped for parking and it is not handicap accessible. He asked council for help on these issues.

Tom Klemm, 1016 Bertram Ave., Freeport, Illinois, spoke in regard to the articles that have appeared in Freeport Journal Standard over the past weeks. He stated the most frustrating is these items are straight from executive session including all the backup documents. He asked where is the respect for executive session along with the releasing personal information. He asked what happened to privacy. He stated the release of the information is not only a breach of trust but now give the citizens of Freeport, our constituents, a reason to distrust local government which has not been an issue in the past. He noted the job as alderperson is to conduct city business in a civilized manner and that has been a rocky over the past six months. Alderperson Klemm stated we are also charged with setting an image and atmosphere on how Freeport conducts its business and treats its employees. To date some of these items need modifications and we all need to turn this around immediately. All of as council members need to set an image to move Freeport forward and create a positive atmosphere for manufacturers and businesses looking to Freeport for possible relocation. These articles in the front page of paper will cause issues as people look to relocate here. Alderperson Klemm stated the Journal

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Standard has so far printed half the story and that story is what has been given in one executive session. He asked who will give the rest of the story and when and how will it end. He stated as Alderman McClanathan knows from being a lawyer, he would love to be able to present the prosecution side and have the trial go straight to jury. That is just about where we are at. He stated that a very unfortunate side of this is the City lost our Finance Director and that director is at the center of the business structure and we know from past experience the efforts, the issues, and time involved in finding a replacement for any directors position. Alderperson Klemm stated he believes there must be an independent look taken as we shore this department back up and move forward. The financial information that council and citizens analyze is crucial and vital to our future. We must also work harder to support and retain our existing employees. We cannot continue with business as is currently being conducted. We need to be more user friendly and more proactive in producing information for our citizens and prospective clients that may bring their business and employers and taxpayers to the City. He closed by stating all of the negative press in the past two weeks along with the haggling and bickering on council floor does not help establish a positive image of our City. In fact, it leaves a great doubt in our citizen's mind as to what is happening and what lies in our future. Alderperson Klemm stated we need to have the Fire Chief as an alderman as we seem to be spending far too much time fighting fires and very little time planning and discussing what we should do later in the year, three years, and five years.

Alderperson Klemm spoke about items coming to the council at the last minute and note council is also guilty of bringing things forward at the last minute. We need to stop all of the "gotcha items", stop thinking about political aspirations and act as professionals not only on but off the council floor as we conduct city business. He asked everyone to take a step back and take a look at where we are and look at what we need to do to consider getting us back on track. There are no winners and no one has benefited from this situation. There is now one director position unfilled, a lack of trust and plenty of questioning and second guessing among everyone with still nothing resolved. We need to turn the negativity around and the second guessing around. We need to start by treating fellow alderman with respect and the mayor with the respect his position deserves. We need to talk and discuss business in a civil manner. He asked if we cannot do this in a public meeting how can we operate as a functional body. We need to operate in a collaborative manner and work towards common goals to make Freeport a better place to live.

Alderperson Klemm stated as the senior alderman he brings these thoughts to try to get us back on track. Every meeting should run smoother, take less time, and accomplish more. In my ten years as alderman I have seen many positive things happen with expansions of businesses and investments in Freeport. Currently we have projects taking place and others on the horizon. He asked council and the administration to work on what we can do to help make these happen. Let's work as Alderperson McClanathan has to rework the TIF plans to make things work favorably and more positive for downtown building owners. As we conduct tonight's meeting and future meetings let us work on change. Change for change sake is meaningless. Let's make a positive character change as we look at the issues before us. He asked to wait until we get the rest of the information in hand and do what is necessary to resolve the issue and plan a course of action as required and move forward. Thank everyone for your hard work.

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Mayor Gitz invited Pastor Dixie Ditsworth and Pastor Pat Allbritton to the podium. Ms. Ditsworth explained that sadly today we buried Pastor Steve Barr and he was not only the pastor over his church but over the City. She noted there were over 600 in attendance at his funeral. She explained Steve Barr taught on forgiveness and asked the council to forgive one another. Pastor Pat Allbritton provided an invocation.

5. MINUTES

The minutes of the October 13, 2015 regular meeting were presented for approval. Alderman Koester moved for approval of the minutes, seconded by Alderman Ross. Motion prevailed by voice vote without dissent.

6. PRESENTATION BY WATER & SEWER EXECUTIVE DIRECTOR TOM GLENDENNING ON REQUEST FOR APPROVAL OF THE DESIGN-BUILD FINANCE PROJECT WITH ENERGENCS FOR AERATION BLOWERS AT THE WASTE WATER TREATMENT PLANT

Mayor Gitz advised that Director Tom Glendenning has a serious health issue so he is unable to attend this evening. He explained he was going to make an extensive presentation in terms of energy saving grants and expenditures that he will be bringing forth for council approval. Instead City Engineer will provide a brief overview and next week we will review in greater detail.

City Engineer Shaun Gallagher highlighted things that have happened since Director Glendenning presented the energy efficiency processes of the Waste Water Treatment Plant. He noted they presented that information to the Water and Sewer Commission and they approved to move forward on the project under a resolution. It is understand that due to the project expense and the availability of grants, it requires council action. He explained Director Glendenning will bring this to the next council meeting under department head report. He asked if there are concerns about the project to contact him. He also noted several aldermen want a tour of the waste water plant. City Engineer Gallagher explained the project and the design build aspect. He noted it is not the commission's goal to jump past the bidding process and because of the technical requirements there are three potential manufacturers of this equipment in the United States. Director Glendenning has dealt with other two of them and had issues from a customer service standpoint. The one he is looking to do the design build with is a Midwest company allowing them to be within a couple of hours to maintain equipment.

Engineer Gallagher explained the reason the W&S Commission is looking for design-build to be approved at the existing facility is because how it was built and the connectivity within that system makes it very difficult to put together a proper plan and specs without significant expense in the construction costs. He stated obviously the scenario of having a limited number of manufacturers for this product is not ideal but what also needs to be considered is it is important to obtain acceptable equipment that will tolerate high stress and usage at the plant. The best scenario would be to have multiple bidders on a project. He stated Director Glendenning will provide a detailed presentation at next council meeting.

Council was provided an opportunity to ask questions. Alderperson Tom Klemm asked if he is still at all looking at performance contract. Engineer Gallaher explained he approved the contract with vendor

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basically remodeling and micro fitting of existing applications. They have not proceeded as a resolution with the actual intent to purchase. However, this company did present our applications for the energy grants.

7. DRAFT ORDINANCE #2015-53: AN ORDINANCE AMENDING CHAPTER 290 (COMPENSATION AND BENEFITS) SECTION 290.11 (LEAVES OF ABSENCE “VACATION LEAVES”) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT

This ordinance was referred from the October 13, 2015, Committee of the Whole as amended on the floor. Contained in the council packet was a memorandum dated October 29, 2015 and provided to council regarding regulations by the Illinois Department of Labor regulations in regard to accrued vacation. The memorandum stated, “This month’s IML magazine had an interesting article regarding changes to the Illinois Department of Labor (IDOL) regulations which directly affect the current draft of the Vacation Policy ordinance with regard to vacation “carry over”. The article points out a section of the regulations which has been changed by stating:

“The new regulations bar “use it or lose it” vacation policies:

‘An employer cannot effectuate a forfeiture of earned vacation by a written employment policy or practice. . . .’ 56 IAC 300.520.

To cap time off, vacation policies must be revised so vacation ceases to accrue after an employee’s unused days reach a certain amount.”

Corporation Counsel Griffin through her memorandum provided a new draft of the ordinance including changes made on the City Council floor as well as changes to section 6, which incorporate the changes requested on the Council floor with the concept from the changed regulations regarding not having use it or lose it policies.

Below is an excerpt of the amended draft:

ORDINANCE NO. 2015-53

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

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

“290.11 LEAVES OF ABSENCE.

(a) ~~Vacation Leaves.~~

(1) ~~All employees who, as of their anniversary date every year, attain the years of continuous service with the City as set forth below, shall receive vacation with pay as follows:~~

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

(a) Vacation Leaves.

Effective January 1, 2016, all employees shall receive vacation with pay as follows:

From the date of entry to the last day of year 7 – 80 hours yearly at 3.08 hours per pay period.

From the first day of year 8 to the last day of year 13 – 120 hours yearly at 4.62 hours per pay period.

From the first day of year 14 to the last day of year 19 – 160 hours yearly at 6.15 hours per pay period.

From the first day of year 20 forward – 200 hours per year at 7.69 hours per pay period.

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

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

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

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

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

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

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

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

“(6) Employees covered under this Chapter shall cease accruing vacation hours once they reach five (5) weeks unused vacation hours as determined on their respective anniversary dates subsequent to November 1, 2017, with the following exceptions:

(a) The Fire Department sworn personnel shall cease accruing vacation hours once they reach 72 hours over their annual accrual rate, mirroring the time allowed under the Fire Union Contract; and

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

The remainder of the ordinance was template.

Mayor Gitz referenced the memorandum by Corporation Counsel Griffin in regard to legal issues identified and stated amendments from the last council meeting were incorporated.

Special Corporation Counsel Michael Phillips summarized the new regulation from the Illinois Department of Labor that forbids the “use it or lose it” from past is forfeited. He stated instead adopting a policy that stops earning vacation time after an employee reaches certain level of unused vacation time is preferred. One purpose of this ordinance is to switch to new system that Illinois Department of Labor will adopt. The second issue is when you earn it. He noted you need to make clear you must work whole year at your entry level to your next step in order to qualify for vacation time. This is in compliance with a memorandum of law received from Ancel Glink and further was arbitrator decision on this exact point in 1999 involving a former police officer who claimed as soon as he started that he is entitled to eight years vacation and the arbitrator rejected that no you must complete the eight years before you get the increase.

Aldersperson Miller spoke about clarifying the paragraph regarding effective date of change. In speaking with a few employees, one who handles payroll, this needs to be scratched before we are front loading. She will provide a copy. If anniversary is November 1, you are front loaded on anniversary and could give the appearance that you are double dipping which we do not want to do to protect the tax payers. She proposed that we put in “all personnel start accruing on anniversary date as of January 1, 2016” that way what they have earned to that date of termination is what they will receive, not the whole year. She asked if this goes into effect January 1 and if an employee chooses to quit or is fired how then how we will handle that. She stated any unearned vacation should not be paid out as part of a separation package. They will only be paid what they have earned to that point. Aldersperson Miller stated she wants to protect employee and City.

Alderman McClanathan stated a letter of clarity of actual process would be helpful. Once we start accrual we will put language in that employees not entitled going forward to vacation not earned.

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Alderperson Miller advised she would like it to state all personnel start accrual on their anniversary date in 2016. Any unearned vacation will not be paid out as part of a separation package.

Alderman Koester asked what is the cap we are putting on the new regulation regarding use it or lose it and whether we are putting the cap on the maximum hours.

Special Counsel Phillips explained that it is in paragraph six. He stated it talks about the maximum of what you can accrue. An employee would cease accruing vacation hours once they reach five weeks unused vacation hours as determined on the respective anniversary dates subsequent to November 1, 2017. Illinois Department of Labor forbids use it or lose it draft so the way it is written is that employee stops earning vacation.

Mayor Gitz explained he thinks we are all on same page as to what we want to achieve however, still some confusion. Vacation is not being front loaded. There has been ambiguity on less than year vs year. Notice language is being changed from 1 year to 7 years in the hours as an example. 1999 arbitration states that you have to work fully all the way through seven years in order to accrue the next level. Clarification comes in paragraph A where it makes it clear that is pro-rata basis. The asterisk (*) is considered somehow double dipping, and he stated with all due respect he does not think that that is what is happening. The effective date of this ordinance when it goes into effect you are going to have a series of employee with different anniversary dates. Whatever you have accumulated from your anniversary date to the time this takes effect you are credited it and that is to bring it into compliance. Not an extra, simply bringing it into compliance. If there is confusion special counsel and those that have worked on this can clarify and to bring it before the council before it has final passage.

Mayor Gitz explained paragraph 6 sets your limitation. That provides after you have accumulated up to that level you don't accrue any more so that when someone walks out the door they don't walk out with the City owing them several thousand dollars that were unanticipated. The catch all is that the exit rate of compensation is not the rate from what it was when accrued but from current rate. That is the reason behind this change.

Alderman Koester explained after 24 years under old system he is trying to understand. If you accumulate X amount of hours you don't have to use it, you just can't accumulate any more until you use it. Special Counsel Michael Phillips stated yes that is correct.

Alderperson Miller stated she has a document to prove this is being front loaded and will bring to next meeting.

Alderman Chesney stated he has question for Special Counsel and asked if there is a way to move aside and write an ordinance that shows it triggers on somebody's anniversary date.

Special Counsel Phillips explained there are ways to write this but he would have to know the effect it would have on operations and record keeping. There are always ways to write ordinances but you have to be careful when dealing with employment law. He reiterated that you could write but would need more information from people who would administer it how that would affect them.

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Alderman Chesney explained we all are in agreement that we want to prevent any double dipping or perceived double dipping, so if we were to send to this to the floor as is and then any amendments could be worked out with two alderpersons, and then we could see the letter from Alderperson Miller. He recommended sending to floor and then amend as needed and noted we need to work with Special Counsel to make sure it is in compliance.

Alderman Koester stated in paragraph six, it mentions Fire Department and Police Department keeping in line with union contract and noted there are others not in union contract. Should we add that line regarding union contract since it is not in there now.

Special Corporation Counsel Michael Phillips advised he would have to look into it. Union contract would take precedence over ordinance and noted he will look into it.

Alderperson McClanathan explained as our special counsel indicated when talking about union employees this is out of our control. There is difference in what you are indicating that we can address next week. Section A and B are exceptions rather than the general rule.

Alderperson Koester made a motion to move this to council floor. This motion was seconded by Alderperson Chesney. Motion prevailed by voice vote without dissent.

8. Draft Ordinance #2015-57, An Ordinance Amending Chapter 290 (Compensation and Benefits) Section 290.01 (Classification Plan) of the Codified Ordinances of the City of Freeport (Positions Not Covered) -- This ordinance was referred from the October 19, 2015 council meeting.

There was discussion on merit and council asked for more specific information for December Committee of the Whole. Mayor Gitz recommended dealing with the City Accountant position and adding a grade as recommended by the Human Resource Manager.

Alderman Koester explained that he requested this to be brought to Committee of the Whole not specifically for discussion as what was going on he did not feel it was appropriate to be voted on. He recommends moving it back to council and refrain from passage until investigation is completed. Alderman Chesney advised he agreed in light of what is happening and to send to December Committee of the Whole.

Alderman Miller asked City Clerk Zuravel if it was a typo that this reads only with the approval of "this" council and asked if this would that make it void if it wasn't this city council in the future.

City Clerk Zuravel referred this to Alderman McClanathan as it is written the way he requested it.

Alderman McClanathan explained before we move on from the topic, mayor had suggested having a draft ordinance for next week just addressing the city accountant for purposes furthering discussion as necessary. Alderperson McClanathan stated, "I will make a motion that this is the direction we want to take." This motion was seconded by Alderperson Miller.

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Alderman Busker repeated the motion and started to say we have a motion and a second to see an ordinance drafted. Alderman Chesney interrupted Alderman Busker and stated, "I would just note that I would make the motion to amend the motion that we would adopt Alderperson Miller's pay grade recommendation.

Alderperson Brashaw stated I am not prepared to second that yet. She asked to have the motion repeated so she knows what is going on here.

Alderman McClanathan stated my motion was in regard to just forwarding a draft to take the city accountant position and removing it from the exempt positions and putting it back in the regular schedule. The amendment that I think Alderman Chesney was referencing was to include in the draft a certain grade in regards to pay. Alderman McClanathan stated I do not have it in front of me so I am not sure what exactly that will be but I believe those are the two motions.

Alderperson Miller stated, "If you want to be specific, I said that would be a grade 20 and that would be compatible with her degree and the skills and that is compatible and you can ask HR."

Alderman Brashaw asked who actually handles those pay grades and decides who gets put into a pay grade classification and asked Special Counsel or Mayor Gitz to add to that. Special Counsel Phillips explained yes there is an ordinance on it – you do when you pass an ordinance saying we assign this position to this pay grade and that is why we have pay grades. It is usually done by action by ordinance which is passed by the city council and approved by the mayor. That is normally how those are assigned and those positions that have their own separate ordinance such as this one that you are talking about here and as I understand it is drafted into an ordinance for the position as the city accountant so at that point you are specifying what you want that to be and what labor grade they are determines what they will get paid. Alderman Brashaw said thank you. She then added Alderman Miller came up with this by talking to HR and asked if she gave you recommendations.

Alderperson Miller explained yes she agrees that is where she should be.

Alderman Brashaw stated, "With that understanding I will second Alderman Chesney's motion."

Alderman Busker stated ok first up there is an amendment and we need to vote on the amendment.

Alderman Koester stated that it has to be asked if this at a pay grade 20 what is the pay difference between that and what she is making shown on the sheet and how does that affect the budget. How much of a raise is this going to give her and where the money is going to come from?

City Clerk Zuravel clarified so what you are asking for is the Human Resource manager Debra Milliman to quantify that amount. Alderman Koester advised yes please.

City Clerk Zuravel clarified her notes and stated we have a motion on the floor that we should draft an ordinance to amend chapter 290 making a change in the accountant position by removing it from exempted positions and placing it into the salary charts and whether or not is a 15 or a 16 or wherever it falls in it would show it would be double underlined showing the date changes and then moving it to a 20.

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Alderman Busker we have a motion on the floor and a second and asked for a roll call vote on that.

Motion prevailed by a roll call vote of:

Yeas: Busker, Brashaw, Koester, Chesney, McClanathan, Ross, and Miller

Nays: Klemm

Motion prevailed by a vote of 7-1.

The salary charts and chapter 290 were explained further at the end of meeting.

9. Draft Ordinance #2015-62, An Ordinance Amending Chapter 220 (Council) To Add Section 220.12 (Council Access) And Amending Chapter 288 (Officers And Employees Generally), Section 288.10 (Inspection Of Records) Of The Codified Ordinances Of The City Of Freeport --
as referred from the November 2, 2015 City Council Meeting view item 9

Alderman Chesney stated that Special Counsel Phillips as well as Attorney Pirages provided the amendments. He made a motion to send to Council meeting next week the amendments as provided today. This motion was seconded by Alderman Koester.

Alderman Brashaw requested clarification as we have three drafts before us.

Alderman Chesney clarified the one provided tonight.

Alderman Koester clarified that the purpose behind this is to rectify any issues there may be to be able to have access to information as needed.

City Clerk Zuravel stated that we have a motion by Alderman Chesney and seconded by Alderman Koester to adopt ordinance as drafted by Special Counsel. Motion prevailed by a roll call vote of:

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

Nays: None

Motion prevailed by a vote of 8-0.

10. Draft Ordinance # 2015-xx, An Ordinance Amending Chapter 1020 Entitled "Street Generally", Section 1020.12 (Depositing Of Leaves On Curb Line For Collection) Of The Codified Ordinances Of The City Of Freeport, Illinois *view item 10*

City Clerk Zuravel noted a version drafted by Special Counsel Phillips was emailed to council today and placed on the desks.

Alderman Koester clarified that leaves were historically collected in several trailer parks in the city. This clearly puts guidelines on how this can be requested and service received from the City. Director Dole advised that so far only one private park has requested the service.

Alderman Brashaw asked if speed bumps in these parks cause harm to City owned equipment. Director Dole stated that they are aware of them so no.

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Aldersperson Miller asked if anyone was being left out since the 1st of October has passed. Director Dole advised only request was received from Knollwood and they are done.

Alderman Koester recommended that once this is passed that we should find a way to publicize so these areas know what is available to them.

Aldersperson Chesney moved to adopt the version provided by Special Counsel Phillips, second by Aldersperson Koester. Motion prevailed by a roll call vote of:

Yeas: Busker, Brashaw, Koester, Chesney, Klemm, McClanathan, Ross, Miller

Nays: None

Motion prevailed by a vote of 8-0.

11. Recommendation by council regarding an additional position in the Freeport Police Department titled "Evidence Officer (Civilian position)", labor grade 19 *view item 11*

Chief Barkalow referenced the memo he had sent with attachment of proposed job description. He stated he recently received resignation of current Evidence Officer that has been with us for 25 years for the end of this month. Instead of taking sworn officer off the street he proposes that along with other departments to hire on part time basis as civilian position with no police powers. Utilizing best practices will cut down on hourly compensation and will cut down on Legacy costs. Recommendation is a pay grade 19 at 19 hours a week for an annual salary of \$22,000.00 and that this position would have flexibility to affectively address needs of department.

Alderman Koester asked if person that was doing this will be replaced by another officer and will this be an additional position.

Chief Barkalow responded that the current Evidence Officer only does that function and does not have a beat. She was counted as part of the 47 officers and that will go down to 46 and reiterated that he is proposing to go to a part time civilian to cover the position.

Mayor Gitz advised that we are trying to fulfill a duty in another way to save money and if the budget permits and if the State issues are resolved we can look at adding another officer position at that time.

Alderman Koester stated he just wanted to clarify where the funds were coming from in the budget.

Chief Barkalow stated they were replacing the retiring full time officer and hiring a part time position so they would be saving money.

Aldersperson Brashaw asked if the education and experience requirements for this position of either being a past law enforcement or has law professional experience with experience with evidence software was to protect evidence and to provide knowledge for court hearings. That this person would have knowledge but could perhaps be retired and not needing to seek full time benefits. Chief Barkalow advised that is correct.

Alderman Klemm stated he would like to see the difference between pay grade 16 and 19.

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Alderman McClanathan asked if part time hours are enough to handle if they would be summoned to court.

Chief Barkalow advised that you never know until you try it and he feels they have thought things out.

Alderman McClanathan stated his preference is for someone with law enforcement experience and noted with evidence if something happens it can result in the loss of a case. He appreciates the wisdom of that.

Alderson Miller stated her she is sorry to hear of her resignation and clarified if this need to be recommended to council. Chief Barkalow stated yes and then they would work with HR to get the next steps to go ahead and proceed to get someone hired.

Alderson Miller made a motion to go ahead and proceed with putting this on the floor for the next council meeting. Alderman Chesney seconded the motion. Motion prevailed by voice vote without dissent.

Alderson Brashaw asked if retiring evidence officer will be available to help with training.

Chief Barkalow responded that was his intent. If we hire a former Freeport police officer that learning curve will greatly increase.

12. Discussion of Service Agreement for Transportation System/5311 Program for FY 2016

Director Mills read his November 19, 2015 memo that he sent to Mayor Gitz and City Council in regard to the "Request-for-Proposals for Transit Operations and Dispatch". On May 28, 2015, city council requested that a transit update be provided at tonight's meeting. At this time, the city is preparing draft request-for-proposals (RFPs) for Pretzel City Transit for 2016-2017. There are two draft proposals – one for operations, and one for dispatch services. The RFPs are drafts only at this point, and we will shortly begin the process of back-and-forth revision and conversation with IDOT on the RFPs themselves. The process of finalizing the RFPs to meet IDOT approval will likely take several months to accomplish. The timeline is that the RFPs will be completed in the spring of 2016. The city will then release the RFPs, and will receive and evaluate proposals. The city will then select a provider thereafter. In the meantime, current operations will continue without interruption, and the citizens of Freeport and Stephenson County will continue to have their transit needs served.

Alderson Brashaw asked if there was any news from the state on funding. Director Mills stated not at this time. They were told to submit quarterly reports for reimbursements. Alderman Klemm asked when the current contract was up. Director Mills advised June 30, 2016.

13. Recommendation to council regarding Jane Addams Trail Property Transfer

City Engineer Shaun Gallagher advised that we were notified in 2014 of the loss of ITEP grant and he was in discussions with the mayor regarding acquisition of 43 construction and permanent easements. In those discussions he spent time with Bob and Mary Ostendorf who owned the majority of the trail area. Once they donated the majority of the section for the trail they were left with a narrow strip of

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land that was left land locked a small sliver of land left unusable by them that was .068 acres at a cost of \$5,800 an acre. A boundary survey was completed after construction of the trail with the benefit of insuring that the trail would be on our property. The benefit of this at time was receiving additional development in that corridor to loop the water main. We have a lift station in that area as well that will provide some connectivity without have to go on the State right of way. This was acceptable and are trying to circle back to close up loose ends. Question 1) Is that something that you are willing to honor given proper notification to owners 2) Given the .068 acres at \$5,800 an acre not sure it is cost benefit to do appraisal.

Alderson Brashaw asked if the reason for an appraisal was for a write off.

City Engineer Shaun Gallagher explained that appraisal was recommended at the time because didn't know how much property would be acquired and wanted to keep from spiraling out of control and added due to purchase price he does not feel necessary at this time.

Alderson Brashaw asked if the small strip of land that city is going to take ownership could be planted with prairie grass or flowers.

City Engineer Shaun Gallagher advised we would have priority to do what we wanted. He stated we could plant trees on north and south ends or prairie grass and flowers. The majority of section is taken by trail itself.

Alderman Klemm advised he didn't think an appraisal cost would be that much.

Engineer Gallagher advised he didn't believe it would be more than a few hundred dollars.

Alderman Koester made a motion to move this to council for recommendation for approval. Motion was seconded by Alderman Klemm. Motion prevailed by voice vote without dissent.

Alderman Busker asked if this would be with or without appraisal.

Alderman Chesney stated his preference would be if appraisal is under \$500 would be worth it to determine fair market value.

Alderman Klemm was in agreement and advised would be good to have paper trail.

Alderman McClanathan stated we are talking less than 7/10 of an acre at \$5,800 acre.

14. Recommendation to council regarding 230 W. Stephenson Street (former City Hall building)
Inspection Services

City Engineer Shaun Gallagher provided an update from where we left this last time and noted it is needed for clarification of access. A review of the files contained in the offices of the Mayor, City Clerk, and Legal resulted in a document that specifically indicated some access issues. This was reviewed by Special Counsel Phillips.

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Engineer Gallagher stated in the letter to the Illinois Department of Labor there is agreement of Long Term Action Plan it showed City employees in the building since November of 2011 and with no employees of the tenant in the building after April 5, 2012, the City intends to remove the canopy that had been temporarily serving the tenant, fence off that portion of the building, and post No Trespassing signs within thirty (30) days of the tenants removal from the building. The City Council has passed a Resolution of Support for a Community Coalition which intends to study the feasibility of rehabilitation/renovation. The City intends to work with the Community Coalition to determine whether to attempt renovation or rehabilitation. The City further intends to keep employees and the public out of the building unless and until such time as the building has been renovated or repaired and the hazards have been rectified.

Since then the Coalition met and indicated City Hall best use was for City Hall. We received notice from Gary Anderson that the foundation improvements were complete, it was back filled, and the sidewalk replaced. This is where the documentation ends. Engineer Gallagher explained we took down the fence based on foundation issues but since foundation fence was not part of the original citation, and the reason why it was originally put up was because of falling hazards. Then if you fast forward a couple of months later City Engineer provided Mayor Gaulrapp a special report from McClure Engineering which council then asked McClure should put the fence back up and their structural opinion at that time was yes, put the fence back up. They were not knowledgeable of the info from the Department of Labor. The intent is to keep everyone that is not an employee of maintenance out of the building which would exclude appraisers.

Special Counsel Phillips confirmed that.

Alderman Chesney made observation that unless we broke rules he certainly had access to City Hall prior to being an elected official. He thinks everyone would be in agreement that with some sort of liability waiver we could work to get access issues resolved. He stated putting access aside we decided about six months ago that former City Hall is no longer viable option for new City Hall which brings us two options with the first being to place for resale and the second to demo. First step is to see what options we have. What would costs be? What is the plan? What is our threshold? At what point do we say it is unaffordable and no longer of value to tax payers? Do we mothball it, winterize it? We are likely to come back with a shot at removing the fence from \$75,000 to \$150,000 and then what do we have? A \$150,000 asset with, on top of a maintenance disaster and don't even know if we have a market. We are told we need to be good stewards of our buildings but at a certain point if you market a couch long enough on eBay and Craigslist and nobody buys it at a certain point it becomes junk so I don't know if it is junk and as Alderman Klemm correctly is pointing out we've never put it for sale. So now I hear that we are not going to put it for sale as we have an access issue so here is how I see it playing out; we're going to spend \$15,000 to see what it is going to cost, then spend \$150,000 and then it is going to sit and then no market as we haven't even seen if it's been tested so we're going to have a \$150,000 removal of a fence. He challenged council to think about this we haven't even put the fire station up for sale and we have had unbelievable feedback. This has been vacant for five years. To my knowledge we haven't had one person take a look at this. We have a group of people that are interested in saving it and I think they would be the most logical people to go and say if you want to fix it, no problem, I'll give it to you for a buck and we'd happy to give you x number of dollars to renovate this building. Alderperson Chesney closed by stating he thinks we are playing Russian roulette with our money.

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Alderman Koester stated that he has spoken to the Save City Hall people about taking over and redoing it and unless something has changed they are not interested in doing it. We need to decide either to put money into it or tear it down. He would like to know how many of the houses in Freeport started out that way, needs work, that doesn't happen, and then we end up tearing it down. He stated he has been through building and has seen the damage.

City Engineer Shaun Gallagher explained his expectations moving forward that obviously, if we were going to pursue demolition, he wouldn't waste your time with this but if that isn't the case he would recommend evaluation of the structure and bring back list of repairs. If we sell the building the first thing a buyer would ask is how long it is going to take to take the fence down. This way, you would know that and information would be beneficial in the future.

Alderman Klemm asked if we have official cost to tear down, he has heard the figure of \$500,000 thrown out there. He asked if that is correct or do we need to do RFP to get realistic costs. Is there any way we can get a real figure on that. He recommended talking to a couple of local realtors to get their opinions on if there really is any market.

Alderman Chesney explained that he sees three options. If we demo it that would cost say \$300,000 which we would spend anyways. If we say that isn't the choice then we would maybe have two other options; we could spend \$300,00 to stabilize the building and hope that we have a qualified candidate to take it over or we cannot spend \$300,000 and front load the improvements or offer that \$300,000 to a qualified buyer. If say, the children's museum wants to take it over then use the \$300,000 it would take to take it down we would be happy to give them \$300,000 providing they do X, Y, and Z first. I like that because then we are not front loading the transaction. If you spend \$200,000 to stabilize the building then you have effectively taken demolition off the table. Now you have one option, to find a qualified buyer. It is going to be a permanent landmark in the City of Freeport, owned by the City of Freeport unless you willing to shovel x number of dollars in as incentive money to get somebody in the private sector or the nonprofit to take it and I don't think in this market you are going to find it. It's a preference of where you want to spend your money; on the front end or the back end. My preference is to spend the money on the back end and we wait for a qualified candidate but it's obviously the will of the Council.

Alderman McClanathan understands idea regarding front and back load however, note that the proposal was to go through Prairie Forge for \$15,000 to \$16,000 and what that would do is give us that number and further educate us on the decision if we would go forward. The \$15,000 as opposed to guesses is probably money well spent.

Alderman Koester stated that if we are going to demo the building there is a lot of old beautiful doors, trim, and woodwork that could be used in the Carnegie Library. He suggested setting a time frame so that we could utilize those items in the new City Hall.

Alderson Miller echoes with everything that Mr. Chesney said about not front loading. She does not want to see \$150,000 put to the ground.

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Alderman McClanathan appreciates the comments hearing a clear preference not necessarily to spend x number of thousand dollars but do you have a disagreement with spending \$15,000 to \$16,000 to perform an analysis to give us a more exact figure.

Alderman Chesney agreed by stating not at all and added it is responsible thing to do to know what we are dealing with but he is hesitant that number is going to come out north of \$100,000. He stated let's assume he is wrong and this is \$75,000. He asked the council before we spend \$15,000, what are we prepared to do. Are we going to demo it, front load it, or do it on the back end. We need to make that decision before we spend \$15,000 unless it is just a way to prolong it more. He stated he thinks it is important to decide up front what we do next. At what point are we saying enough is enough.

Alderman Koester stated that in the past we have spent a lot of money and if we spend much more we are committed. We need to decide if we are going to save it or destroy it.

Mayor Gitz advises this is a Council decision. You brought your recommendation which is modest in its request and gives you certainty. I'm surprised at the conversation that has become we have to decide the fate of this building right now. Have to decide if this gives us a high cost number let's not go there. \$15,000 tells you where you are at with the building. From there you have more information to decide the next steps. I think we ought to go with fact statements and not just surmise well let's fight the \$150,000 spending war. There is nothing wrong with having an ongoing conversation about the fate of the building but the immediate request from the City Engineer is to ascertain where we are and what we need to do for next steps. This is not new money but this is money on a limited scale that was anticipated from the bond sale that is just about to happen. This is a modest investment for the information you get which allows you to make a decision and gives you certain measure of information to use in explaining yourself to the public. We are going to have a lot of explaining to do to people who say I thought you said that we would make a reasonable effort to repurpose this building. This expenditure makes a lot of sense.

Alderman Chesney stated he wants to know the plan before we commit to spending the \$15,000. Preference is to stabilize the building and then if someone comes to us we can offer them an incentive package.

Alderson Brashaw states that respectively we have been discussing this for four years and I am trying chose the less of many evils in throwing money away. She agreed with Alderman McClanathan that this is not a waste to spend \$15,000 to come up with a plan. When this city building becomes a private entity they would not have to pay prevailing wage to bring building up to code according to our ordinances.

Special Counsel Phillips confirmed if not City owned but privately owned no, they do not have to pay prevailing wage. A recent seminar at the Freeport Public Library if they are under TIF benefits they may have to pay prevailing wage.

Alderson Brashaw advised that may change the winds of progress. She stated she still thinks the \$15,000 would be well spent so that the new owner could look at it and see what would be required by legislation.

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City Engineer Shaun Gallagher circled back to the demo estimate that was completed by him of approximately \$385,000 to demo the building and provide shared wall with adjacent property so we don't create another Jackowski scenario and for façade improvements and to back fill with asphalt. He did discuss this with Prairie Forge and they were in agreement that this made sense. If council wants a second option he can have that written in.

Alderson Brashaw asked if the demolition were to occur would this be done by city workers or an outside contractor.

City Engineer Shaun Gallagher stated that this would be outside contractor and it would be a strategic historical demolition where items in the building would be salvaged such as the doors and things that Alderman Koester had referred to. They won't come in with a wrecking ball. This will be a very technical demolition and also have a buyer as Peoria has told me that they would be interested in the sand stone to purchase.

Alderson Brashaw stated that she does not want to see the building torn down. Could the building be sold prior to the demo to a qualified contractor so that prevailing wage would not have to be paid.

Chief Engineer Gallagher advised this could probably be pulled off with a lot of technicalities to think out.

Alderman Klemm asked if they were going to provide costs for all the things that are wrong or just a list of the items they find.

City Engineer Gallagher explained the way this was broken out was to leave it open ended mostly because they do not know the level of deterioration. He stated McClure was very concerned three years ago when they looked at the deterioration in this area. They also want to bring back what they find to council to determine what they bring back is your satisfactory solution. We can provide an estimate but we don't want to provide an estimate that kills the project.

Alderman Klemm asked if the markings were going down or moving at all. Chief Engineer Gallagher stated last time he did those readings was last fall and there had been no significant movement. As part of this I told Prairie Forge that he wants those bench mark readings.

Alderman Chesney stated he wants to see a firm quote on the demolition so then we know what the cost would be.

Alderman McClanathan made a motion to move this to council for recommendation for approval. Motion was seconded by Alderman Klemm. Motion prevailed by voice vote without dissent.

15 .PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich asked for update on Okey Dokey and Bookie's Tap. Mayor advised they are working on these.

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Jessica Moore stated her parents live at 703 Avon and she lives in Fort Worth now but graduated as a fighting Pretzel. She stated her thanks to the council as she has never been to a city council meeting. She was here today at Steve Barr's funeral and talked to Jodi Miller and said she wanted to see what goes on. She thanked Mayor Gitz for what he is doing as seems like a very thankless job.

City Clerk Zuravel explained she just reviewed chapter 290 and then her brain clicked what happened with the Accountant position. She stated she would like to clarify the accountant position further. When Duane Price was in the position of City Accountant it was a 24. And when Director Haggard wanted to hire another person the intent was to pull that off of the charts so it was pulled off the charts, removed from the listing and it was not given a grade. So to put that back on listing then it would have to come in with a grade so it was recommended as a grade 20 based on Director Haggard's evaluation of the position and there is a position guide written for that. So that does help clarify things, it was a 24 at one point in time. City Clerk Zuravel read aloud the other positions in the Professional Group Class (3) Professional Group (40 hrs./week* with the exception of the Rental Property/Crime Free Housing Specialist)

<u>Class Grade</u>	<u>Class Title</u>
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17	Rental Property/Crime Free Housing Specialist (19 hours/week)
19	City Attorney
20	Community Development Specialist
20	Human Resources Manager
20	Transit Coordinator
24	Community Development Director
24	Human Resources Director
24	Hearings/Grant Administrator

Alderperson Klemm passed on a compliment to Chief Miller in regard to the professionalism of the responders to a medical emergency at a local restaurant.

16. ADJOURNMENT

Upon a motion duly made by Alderperson Koester and seconded by Alderperson Ross, the meeting was adjourned at 8:15 p.m.

S/ Diane Kahly

Diane Kahly, Deputy City Clerk