



City Council

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

MINUTES REGULAR MEETING Monday, March 3, 2014

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on Monday, March 3, 2014.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Ronnie Bush, Jennie DeVine, Dennis Endress, Sally Brashaw, Michael Koester and Andrew Crutchfield (7). Alderperson Boldt was absent. Corporation Counsel Sarah Griffin was absent. Mayor Gitz introduced Mary Riordan as Special Corporation Counsel for the TIF and redevelopment plans.

PLEDGE OF ALLEGIANCE

The City of Freeport Police Department Color Guard presented the flags. The Pledge of Allegiance was led by Alderperson Klemm. A moment of silence was observed for the passing of Corporal Mark Otto, a twenty-four year veteran officer of the Freeport Police Department. Mayor Gitz provided an expression of sympathy on behalf of the council and staff to the family of Mark Otto.

APPROVAL OF AGENDA

Alderperson Brashaw moved for approval of the agenda as presented, seconded by Alderperson Endress. Motion prevailed by voice vote without dissent.

MINUTES

Alderperson DeVine moved for approval of the minutes of the regular meeting held on February 18, 2014, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Mayor Gitz asked for leave of council to hear from Mr. George Buss who has a conflict later this evening.

George Buss, 760 W. Lincoln, Freeport, Illinois, provided as “empirical data” a large bag containing about 6-8 wet or frozen unwanted and unsolicited newspapers thrown onto his property as testimony to the fact that they are a nuisance. He provided copies of the ‘Shopping News’ which he stated he was told their delivery is “porch delivery” but they are not making it to his porch. He stated he also has called the Journal Standard. Mr. Buss asked council members to make this madness stop as these publications refuse to listen to people when they call and request to have delivery stopped. He referred to the litter which affects not only his neighborhood but has caused neighborhoods throughout the City to make Freeport look trashy. Mr. Buss presented one such unsolicited newspaper which became engaged in the auger of his snow blower and stated it is not the first time.

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Mayor Gitz called Mr. and Mrs. Coffey signed on the sheet and not present at this time.

PRESENTATIONS

City Clerk Zuravel read aloud an Honorary Resolution for Community Development Director Shelly Griswold as she leaves the City for employment in the private sector. Mayor Gitz presented to Director Griswold a plaque and stated that it was a pleasure to work with you. He stated upon the mayor's election he was one of Shelly's critics and now that he has worked so closely with her, he is one of her biggest fans. Alderperson Bush made a motion for approval of the honorary resolution, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

COMMUNICATION TO COUNCIL

The Freeport/Stephenson County Convention and Visitors Bureau Semi-Annual Report dated July 1, 2013 through December 31, 2013 was provided in the council packet by Connie Sorn, Executive Director of CVB. Ms. Sorn provided an overview of the report and council members were provided an opportunity to ask questions of the summary and expense report of the CVB.

An example of the items contained in the report for Marketing is provided below:

Performance Measurement: The Bureau agrees to use its best efforts to increase the hotel-motel tax collection by at least 3% annually.

Performance Result for 2013:

2012 Hotel-Motel Tax Collection, January through December: \$172,760.95

2013 Hotel-Motel Tax Collection, January through December: \$173,689.81

Percent Change: .5% Increase

The report also included results for Product Development, Destination Management and Accomplishments. The goal of the visitor's center is to operate a first class Freeport/Stephenson County Visitors Center Which Impacts the Economy of the Local Communities, Provides Outstanding Customer Service and Is a Sustainable Entity.

- Eight major and five mini Expos were featured at the Visitors Center in 2013. 6,077 of the visitors at the Center looked specifically at the Expos.
- A total of 20,713 visitors were welcomed at the Visitors Center in 2013. 30% of the visitors were local, 64% were from out of town, and 6% were "unknown".
- The 2013 Holiday Gift Expo, which features all locally produced gifts or gifts that highlight our local history or culture, was our most successful Expo of the year as well as the most successful Holiday Expo since the Center opened in 2005. The Expo generated sales of over \$26,000 with just under \$21,000 returned to the not for profit organizations and private vendors who showcased their products.
- In 2013, the Visitors Center had a direct, measurable economic impact of \$10,266 on Freeport and Stephenson County. Another 1,425 referrals were made to specific

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businesses or attractions. These projections are in addition to the impact that the Center's displays and advertising have on our local economy.

Executive Director Sorn explained that the Visitors Center and the Convention and Visitors Bureau are two different entities and the CVB pays rent to the Visitors Center, so we help to subsidize that building. She explained due to building maintenance in the last couple of years the CVB has paid a little more than rent to help subsidize maintenance items. The Visitors Center generates revenue through advertising sales and over the last few years due to the local economy that has been a struggle. She stated there are wonderful businesses and non-for-profits that support them year after year. She explained that the Visitors Center owns the Visitors Center not the CVB.

Discussion was held regarding the traffic volume of the Visitors Center which has had a volume from January through December 2013 of 20,713 individuals stopped at the center which was a .5% increase over 2012. Ms. Sorn explained that the volunteer workers count the visitors and start up conversations with them to find out if they are local or visiting from out of the area. Discussion was held regarding hotels in Freeport and the taxes that they bring in to support the CVB including events in the area.

Aldersperson Klemm moved to place the report on file, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

COMMUNICATION TO COUNCIL

The City of Freeport Gain or Loss Summary Current Year Compared to Budget 9 Months Ending January 31, 2014 and City of Freeport Gain or Loss Summary Current Year Compared to Prior Year 9 Months Ending January 31, 2014 was provided in the council packet by Accountant Duane Price. The memorandum stated that the reports detail financial results for the City of Freeport for the first nine months of fiscal year 2014. For the nine month period, the City's incurred expenses exceeded its earned revenue by \$176,136. The first report compares the actual results to the budget for the first nine months and the second report compares the actual results for the first nine months to the actual results of the first nine months of the last fiscal year. The first report showed budget variance of \$62,335. Accountant Price attributed the expense variance to snow plowing overtime, salt, and primarily health care expenses.

Accountant Price provided a status on overtime in the Public Works/Street Department which has incurred \$47,000 in expenses and an amount of \$35,000 was budgeted so we are spending out of the contingency amount. The overtime line item has \$15,000 in contingency. For the salt costs, Accountant Price stated that \$125,000 had been budgeted and, so far, the cost incurred has been \$142,000. For this line item we had \$25,000 in contingency so we are just shy of spending the appropriated amount plus the contingency. He noted that these figures do not include the costs for overtime for the snow event over the previous weekend.

Accountant Price stated that the fourth quarter revenues for income tax are generally higher than the previous quarters so at this time he has a conservative estimate of expecting an excess of \$257,000 in revenue over expenses for the end of the fiscal year. We generally expect to receive \$850,000 in revenue from the sales tax in the fourth quarter.

Council members were provided an opportunity to ask questions on the reports provided. Discussion was held on the amount of deficit under the revenue item for hangar rents in an amount of \$8,000. Accountant

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Price stated that could be made up depending on when the land rent is paid and also when we receive rent payments. Discussion was held as to the revenue item for income tax and Accountant Price explained that there was an estimated 5% growth built into the number and we should expect to meet that amount in 2013. Discussion was held on the video gaming revenue and Accountant Price stated we should come in above what he had estimated because currently we are over \$15,000 in unanticipated revenue.

Accountant Price reported that so far this year the City has collected \$5,300 under the Illinois Debt Recovery through the Illinois Comptroller's office. He stated that some has been collected through paychecks of State workers and other amounts have been collected through income tax before returns are paid.

Aldersperson Klemm moved to place the report on file, seconded by Aldersperson Brashaw. Motion prevailed by voice vote without dissent.

COMMUNICATION TO COUNCIL

Community Development Director Shelly Griswold presented a memorandum to council regarding West Avenue Tax Increment Financing (TIF) Boundary Amendment. The memorandum stated;

“We have some items on the March 3 City Council agenda relating to an amendment to the boundaries of the West Avenue TIF District. We have been working with the developer of the Joann Fabrics Shopping Center, who is in the process of implementing Phase I of a three phase redevelopment project. He has shown us that there is a financing gap for Phases II and III, and has asked us to consider an amendment to this TIF District to include his property.

Our initial discussions have led to the conclusion that we will need to look at other adjacent parcels of land to make the best case for a TIF boundary expansion.

Since the beginning of our discussions with the developer, we have been clear that the costs to amend the TIF boundary would need to be borne by the developer. As a result of these discussions, we have the following items on the March 3 City Council agenda:

1. A resolution approving an agreement with Vandewalle & Associates to provide services related to a West Avenue TIF boundary amendment. Vandewalle did the study and plan for the original West Avenue TIF, which will facilitate getting the amendment done in a timely manner.
2. A resolution approving a reimbursement agreement with the developer in which he will reimburse the City of Freeport for Vandewalle's charges under the agreement.

Time is of the essence with this boundary amendment. The developer would like to move forward with Phase II of his project this summer, but cannot do so until the boundary amendment is complete and he and the City come to terms on a redevelopment agreement. Staff is working on a timeline for the regulatory process for the boundary amendment, and will have that ready and available for the City Council at the March 3 meeting.”

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Aldersperson Brashaw moved to place the memorandum on file, seconded by Aldersperson Koester. Motion prevailed by voice vote without dissent.

APPOINTMENT

The appointment was read as follows; "Pursuant to Section 288.04 (b) of the Codified Ordinances of the City of Freeport, Mayor James L. Gitz hereby appoints Todd Barkalow as Interim Chief of Police for the City of Freeport for up to 90 days." This appointment was dated March 3, 2014. Mayor Gitz stated the first appointment is done by the Mayor for a period of ninety days. This appointment of 90 days is per the Codified Ordinances is subject to council approval. He does have resumes and we are working on the interview process and he would hope to be done with the interview process for formal approval of the Chief of Police by March 2014." Aldersperson Koester moved for approval of the appointment, seconded by Aldersperson Klemm. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

APPOINTMENT

Mayor Gitz provided a memorandum dated March 3, 2014 that was read into the record: "Mayor James L. Gitz, do hereby appoint the following persons to the Steering Committee for City Hall Public Outreach: Andrew Crutchfield, Tom Klemm, Chris Fye, Marilyn Smit, Joy Sellers, and Shaun Gallagher. There is one other person I would like to appoint. I will work over the weekend to confirm his interest and commitment. This Task Force is intended to guide the process and interact with the City's consultant and City staff in determining appropriate methods to receive effective input from the public on the City Hall relocation process." Aldersperson Crutchfield moved to accept the above stated appointments and to designate the purpose of the committee, seconded by Aldersperson Endress. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

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;

A. Approval to receive and place on file:

1) Fire Department Report on Activities for January 2014

B. Approval of Resolution R-2014-11: Resolution to Approve Temporary Closure of Streets for Memorial Day Parade

C. Approval of Water and Sewer Bills Payable (Register #99) --- \$165,606.76

D. Approval of Payroll for pay period ending February 22, 2014 --- \$407,305.41

E. Approval of Finance Bills Payable (Registers #98, 100, 101, 102) --- \$523,613.70

Aldersperson Koester moved for approval of the consent agenda as presented, seconded by Aldersperson Endress. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

The consent agenda items were approved.

OTHER

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BIDS OPENED AND READ ALOUD for Sale of Property Owned by the City of Freeport located at 101 South Liberty Avenue, Freeport Illinois commonly known as Building D of Rawleigh Complex PIN 18-14-31-232-002 formerly in use as a manufacturing facility and now being leased for multiple uses. Bids due at 10:00 am on March 3, 2014 [view publication notice](#)

City Clerk Zuravel opened a sealed envelope containing a document known as the City of Freeport bid form which stated (portions underlined were completed by the submitter):

“I (we) hereby submit a bid and offer to purchase certain real property owned by the City of Freeport. This bid is submitted with the knowledge that there are both current and proposed easements and conditions, commitments and restrictions on the property.

The property is identified in the tax office as: Parcel ID# 18-14-31-232-002
Street Address: 101 S. Liberty Avenue, Freeport Illinois
My (our) bid for the property is: \$100.00

If this offer is accepted by the City of Freeport and the bid is not upset after advertisement as by law required, **and after the City Council approves the replatting of the Rawleigh Complex including this property**, I (we) request the City of Freeport prepare a quitclaim deed in the following name (s) as Grantee (s): Alber Properties, 101 S. Liberty Ave., Freeport, IL 61032

Upon notification that my (our) offer is accepted and there have been no upset bids, I (we) will pay the balance of the purchase price in full by cash or certified check. I (we) understand that I (we) will be responsible for all expenses involved in recording the deed. I (we) understand the agreement of purchase stated in the bidding document and accept the property in accordance with the conditions stated therein.

Name: Peter Alber

Address: 302 Market Street, Rock City IL 61070

Telephone: 815-xxx-xxxx (*personal cell phone provided on document*)

Signature: signed by Peter P. Alber and dated: 02/24/2014

A letter contained in the envelope was also read aloud addressed to City Council Members and signed by Peter P. Alber stating, “When going through the proposed bids for the Rawleigh Complex D Building, please take into consideration the money that I have already invested into the building. Although my bid may be low, I have been providing and also borrowing a tremendous amount of money to rehab this building. I have roughly put in \$200,000 of work so far. This money was used for plumbing, electrical, windows, labor, masonry work, HVAC systems, etc. Thank you.”

CLOSED SESSION (EXECUTIVE SESSION)

Mayor Gitz stated that we will now go into executive session to discuss the bid and setting the price for sale of property owned by the public body. The following was read aloud into the record, “Pursuant to 5 ILCS 120/2 (c) (6) The Setting Of A Price For Sale Or Lease Of Property Owned By The Public Body.”

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At 7:09 p.m., Alderperson Brashaw motioned for council to enter executive session, seconded by Alderperson Koester. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Council members left council chambers to move to the conference room.

At 7:21 p.m., Alderperson Koester motioned for council to return from executive session, seconded by Alderperson DeVine. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

ACTION ON ACCEPTANCE OF BID FOR SALE OF PROPERTY OWNED BY THE CITY OF FREEPORT LOCATED AT 101 SOUTH LIBERTY AVENUE, FREEPORT ILLINOIS, COMMONLY KNOWN AS BUILDING D OF RAWLEIGH COMPLEX PIN 18-14-31-232-002

Community Development Director Shelly Griswold stated that if the council is so inclined to take action to accept the bid by Mr. Alber, staff recommends that if you do so by making it subject to the full execution of a Sale and Purchase Agreement as attached to Resolution #2014-12. Alderperson Koester made a motion to approve with the recommendation from Director Griswold of the addition, seconded by Alderperson Endress. Mayor Gitz stated this is an acceptance of the bid subject to the condition that it adheres to the execution of the Sale and Purchase Agreement, which is a later item on the agenda. Mayor Gitz explained to the public that Mr. Alber has previously been the lessee of the building and has made a substantial investment and there is a further development agreement that makes obligations for additional investments into this building so the nominal consideration here is recognition that the true cost of the building is all the improvements that are to be made as part of the sale and purchase agreement that council will see later on the agenda. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2014-09:

AN ORDINANCE AMENDING CHAPTER 1442, PERMITS AND FEES OF THE CODIFIED ORDINANCES FOR THE CITY OF FREEPORT, ILLINOIS

This ordinance adds language that will prohibit property owners and contractors from pulling building permits if they are in default or indebted to the City.

Community Development Director Shelly Griswold presented the ordinance and stated that she provided a memorandum which explains that this ordinance adds language that will prohibit property owners and contractors from pulling building permits if they 1) are in default under the provision of the City of Freeport Business Regulation and Taxation Code; or 2) are indebted in any manner to the City. She provided that our current ordinances already have these two requirements in place for applicants for City licenses (liquor licenses, contractor licenses, etc.) so that if an applicant owes the City of code violation fines or is in arrears in other payments to the City, they are not able to get a license. This ordinance will make the same true for building permits. Director Griswold explained if a building owner, for example, owes the City for outstanding code violation fines, he or she will not be able to get a building permit for

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the property until the fines are paid. She stated that this would also hold true if they owed the City for outstanding water bills.

Aldersperson Klemm made a motion to move forward the ordinance for adoption, seconded by Aldersperson Koester. Director Griswold stated it would be a great favor to staff if you were to pass this ordinance this evening because we do have a timely issue and this will help.

Aldersperson Crutchfield moved for suspension of the rules to waive the second reading of the ordinance, seconded by Aldersperson Klemm. Mayor Gitz stated the motion for immediate consideration is non debatable. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Discussion was held as to how much someone would owe the City before they were not able to pull a building permit. Director Griswold stated that if this was your monthly water bill and it was owed it would not count unless the person was delinquent or in arrears on their account and the person would not be able to pull a building permit until this was made up on to the account.

The motion for passage of Ordinance #2014-09 prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Ordinance #2014-09 was passed.

1st READING OF ORDINANCE #2014-10:

AN ORDINANCE GRANTING EXCEPTION TO CHAPTER 670 “PEACE DISTURBANCES”, SECTION 670.05 (NOISE) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS, WITH REGARD TO THE IDOT RESURFACING PROJECT OF A PORTION OF IL 26 FROM US BUSINESS 20 TO EMPIRE STREET

Illinois Department of Transportation has requested that the City of Freeport approve a modified construction schedule for the repaving of IL Route 26, based on the amount of traffic traveling through the work zone – view memorandum

City Engineer Gallagher provided a written memorandum dated February 24, 2014 regarding IL Route 26 Mill and Overlay US Business 20 to Empire Street and provided in the council packet as written;

“The Illinois Department of Transportation has requested that the City of Freeport approve a modified construction schedule for the repaving of IL Route 26, based on the amount of traffic traveling through the work zone. Due to the estimated 30 working days needed to complete the project under normal conditions, IDOT recommends one of the following options:

- 1) Day-time work with peak hour restrictions – the contractor will be limited to work Monday through Thursday from 6 am to 2 pm, Friday from 6 am to 1 pm, and Saturday from 6 am to 1 pm. This will allow for all lanes of traffic to be open to traffic during peak hour traffic volumes, therefore minimizing delay and queue. With these restrictions the contractor will only be able to work 0.5 working days per calendar day. The project will take about 3 months to complete under daytime work restrictions.

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- 2) Night-time work – By allowing the contractor to work at night, the project can be completed in 30 working days or less. It will also minimize traffic delays since no work will be performed during peak hour traffic times.

At this time, it is anticipated that the project will have a bid date of June 13, 2014. Under normal circumstances, construction will likely get underway shortly after the July 4th holiday. It is feasible that with a 30 working day calendar, the contract could be completed by the week of August 18th, whereas the alternative of daytime peak hour restrictions could extend the project out past the week of September 29th. The option of normal construction operations from 7 am to 7 pm, Monday through Friday is not recommended due to the 15,000 vehicles per day (5% truck traffic) that travel this route.

It is my recommendation to adopt an ordinance allowing for night time construction through the duration of the project based on the following:

- Faster completion of the project
- Reduced day-time conflicts for emergencies – police, fire and hospital
- Reduced probability of work zone accidents with moving traffic and equipment
- Reduced conflicts/delays/accidents with walking pedestrians
- Improved material performance from lower night time temperatures
- Longer cure times for pavement without compromise from traffic
- No additional expense to the City, project paid for by Illinois Department of Transportation
- Faster movements for traffic through daytime traffic control
- Reduced conflicts with homeowner access to driveways
- Potential of completion prior to the start of school

Although noise is an unfortunate side effect to night time construction, the bulk of the project should only inconvenience each City block by 2-5 working days throughout the contract. Typical construction hours for the project will likely range from 6 pm to 7 am, Monday through Friday. In the event that an operation should generate noise above and beyond an acceptable limit, we will work with IDOT and their contractor to move this operation to the early evening or perhaps weekends.

Information regarding this issue should be delivered to each residence prior to final adoption, however we will be moving forward with IDOT on this issue. I will begin drafting a letter to each business and residence that will be affected by the construction, explaining the benefits of the modified construction schedule.”

City Engineer Gallagher presented the ordinance by stating it has been discussed with IDOT and this project has been moved up because we anticipated it in 2015 or 2016 but in an effort to get this moving, IDOT has requested to move this forward in order to make a June letting this year. He stated he understands that no option will be preferred or will be to anyone’s liking but in order to keep things moving on the construction site throughout the better part of the summer it is up to the City to find the best way to do that with the least amount of impact. IDOT has requested a modified construction schedule which conflicts with our noise ordinance by working at night or to do half day non-peak hours which extends the construction time and is a less efficient work schedule. City Engineer Gallagher recommends the second option stated in the memorandum in order to shorten the construction schedule and adopt an exception to the Peace Disturbances ordinance to limit the project from twelve weeks to a 30

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working day calendar. He stated he hopes that the project can be completed before Labor day. He stated the disadvantage is the noise to existing residences in the area.

Aldersperson Klemm made a motion to move forward the ordinance for passage, seconded by Aldersperson Endress. The ordinance was automatically laid over to the next meeting.

At this time, Mayor Gitz asked for leave of council to hear from a public commenter who had small children accompanying her due to the lateness of the meeting. The council nodded for approval.

PUBLIC COMMENTS

Ann Coffey, 710 S. Beaver Avenue, Freeport Illinois, stated she purchased a home less than two weeks ago. She stated the home has a number of electrical code violations. She read from the real estate contract that was signed, "neither seller nor any other authorized agent or representative of seller has received prior to seller's execution of the contract any notice from any governmental body describing or relating to any alleged violation at the premises or any applicable zoning, building, dwelling, fire, electrical, health and safety, environmental protection, or similar laws or statutes ordinance codes, code, rules or regulation which are uncured or are uncorrected as of the seller's execution of the contract." Ms. Coffey stated the spirit of this contract is health and safety. She stated we unknowingly purchased a home with numerous code violations and electrical code violations which are serious code violations and dangerous code violations. Ms. Coffey stated the gentleman that sold the premise was Restoration and Adjusting, Inc. and his business address was 710 S. Beaver. She stated we are asking Choice Realty and the seller to bring that premises up to code in accordance with the paragraph 20 of the real estate contract. She stated it is astounding that this was able to be sold with such code violations. She stated no permits were pulled for the property.

Mayor Gitz stated we will set up a meeting with our Community Development Director and he does not promise that the City can do anything but what the City can do will be communicated to the council.

RESOLUTIONS

Subject to the outcome of any action on acceptance of bid under item #13 on the council agenda;

RESOLUTION #R-2014-12:

RESOLUTION TO APPROVE SALE AND PURCHASE AGREEMENT WITH ALBER PROPERTIES, LLC AND PROTO CUTTER, INC. FOR THE PROPERTY LOCATED AT 101 SOUTH LIBERTY AVENUE, FREEPORT, ILLINOIS (PIN #18-14-31-232-002), COMMONLY KNOWN AS "RAWLEIGH BUILDING D"

Community Development Director Shelly Griswold presented the resolution to approve Sale and Purchase Agreement With Alber Properties, LLC and Proto Cutter, Inc. for the property located at 101 South Liberty Avenue, Freeport, Illinois (PIN #18-14-31-232-002), Commonly Known As "Rawleigh Building D." Director Griswold explained that the council earlier this evening has approved a bid that was subject to the execution of this agreement attached to this resolution. She stated in the council packet was the resolution, the sale and purchase agreement and the exhibits including the legal description and the covenants, conditions, and restrictions of the property. Director Griswold stated this authorizes the Mayor to execute The Sale and Purchase Agreement, as shown in Attachment A, or an Agreement substantially similar in form and content as Attachment A, is hereby approved by the City Council of the City of Freeport. The Mayor is authorized to enter into such agreement, which includes terms which set the following preconditions on the transfer of title:

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- (a) that the City receives a No Further Remediation letter for the property from the Illinois Environmental Protection Agency;
- (b) that the document containing Conditions, Commitments and Restrictions as defined in paragraph 4.03 of Attachment A is approved by the City Council and recorded against the property; and
- (c) that the Plat for the Rawleigh Complex, now in development, is recorded.

She stated that this would not be fully executed until these things happen.

Director Griswold had also provided in the packet a memorandum dated February 26, 2014 addressed to Mayor Gitz regarding the Sale and Purchase Agreement and Next Steps, "Following is a summary of the terms of the Sale and Purchase Agreement for Rawleigh Building D and a list of next steps in the process.

Summary of Terms

- City agrees to transfer title to the building to the developer subject to the terms and conditions of the agreement
- Developer agrees to make certain repairs to the building (worth at least \$300,000), including
 - Install new electrical service
 - Install a new roof
 - Fix damaged masonry
 - Conduct aggressive clearance testing on floors 3-6 and provide proof of same to City prior to entering or occupying those floors
 - Obtain any required special use permits
- Developer agrees to provide evidence to City of payment for the repairs listed above
- Developer agrees to a set of uses listed in the sale and purchase agreement, some of which require a special use permit
- Developer agrees to have at least 20% occupancy of the building by 12/31/2014 and at least 30% occupancy of the building by 12/31/2015; then maintain 30% occupancy for at least four years
- City has right of first refusal if the developer receives a written offer to purchase the building
- There is a set of Covenants, Conditions & Restrictions attached to the agreement
- There are preconditions to the transfer of title, including
 - The city must receive an NFR for the Rawleigh Complex;
 - The City Council must approve the CC&Rs; and
 - The new Plat must be recorded.
- The following would constitute a major default by the developer
 - Failure to complete the repairs in accordance with the agreement;

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- Failure to achieve and maintain required occupancy levels;
- Failure to pay, in a timely manner, property taxes on the property; or
- Unauthorized transfer of the title to the building
- In the event of a major default, the city has the right to reclaim title to the building

Next Steps and tentative timeline

- Complete preliminary and final plats (early March)
- File applications for preliminary and final plats (early March)
- File application for special use permit (early March)
- Hold public hearings on plats and special use permit (early April)
- City Council action on plats and special use permit (mid-April)
- Record plats and covenants (mid-late April)
- Real estate closing (late April, early May – once plat and covenants are recorded)

Aldersperson Klemm moved for approval of the resolution #2014-12 as presented, seconded by Aldersperson Endress. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-12 was approved.

RESOLUTION #R-2014-13:

RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT FOR CERTAIN COSTS RELATING TO THE PREPARATION OF A REVISED ELIGIBILITY REPORT AND REDEVELOPMENT PLAN AMENDMENT FOR A PROPOSED BOUNDARY AMENDMENT TO THE WEST AVENUE TAX INCREMENT FINANCING DISTRICT

Note – refer to Communication to Council provided by Community Development Director Shelly Griswold on page 4 of minutes

Mayor Gitz stated that this resolution is for the owner, JJ Freeport Venture I LLC, to pay the costs for a revised West Avenue TIF report for possible expansion. Aldersperson Koester moved for approval of the resolution #2014-13 as presented, seconded by Aldersperson Klemm. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-13 was approved.

RESOLUTION #R-2014-14:

RESOLUTION AUTHORIZING AN AGREEMENT WITH VANDEWALLE & ASSOCIATES FOR CERTAIN COSTS RELATING TO THE PREPARATION OF A REVISED ELIGIBILITY REPORT AND REDEVELOPMENT PLAN AMENDMENT FOR A PROPOSED BOUNDARY AMENDMENT TO THE WEST AVENUE TAX INCREMENT FINANCING DISTRICT

Mayor Gitz stated this is the resolution to authorize Vandewalle and Associates to prepare the revised eligibility report and redevelopment plan for a proposed boundary amendment to the West Avenue Tax

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Increment Financing District. Alderperson Koester moved for approval of the resolution as presented, seconded by Alderperson Endress. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-14 was approved.

RESOLUTION #R-2014-15:

RESOLUTION TO ENTER INTO A REVISED AGREEMENT WITH VANDEWALLE & ASSOCIATES FOR SERVICES RELATED TO THE RIVERFRONT ENTERPRISE INITIATIVE AND THE USDA FARMERS MARKET PROMOTION PROGRAM GRANT

Community Development Director Shelly Griswold presented the resolution which she stated is similar to the resolution passed last year to authorize an amended agreement with Vandewalle & Associates for the USDA Farmers Market Promotion Program grant. At this time, because the grant will close out in June 2014, and because of the nature of the work that remains, it will be necessary to shift some of the remaining tasks to Vandewalle & Associates to complete. Director Griswold stated we will anticipate having a resolution authorizing an agreement with the University of Illinois Extension for tasks relating to this grant on the March 17, 2014, City Council agenda.

Alderperson Brashaw moved for approval of the resolution as presented, seconded by Alderperson Koester. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-15 was approved.

RESOLUTION #R-2014-16:

RESOLUTION FOR THE AGREEMENT BETWEEN THE CITY OF FREEPORT AND TERRACON CONSULTANTS, INC. FOR GEOTECHNICAL ENGINEERING SERVICES – 2014 MFT PROGRAM (SECTION NO. 14-00000-01-GM MILL AND OVERLAY PROGRAM)

City Engineer Shaun Gallagher provided a written memorandum dated February 25, 2014 which stated that per his request, Terracon Consultants, Inc. has prepared a proposed agreement to perform geotechnical engineering services for the City of Freeport. Prior to selection of roadways for future improvements, it is recommended that additional investigations be completed, due to potential unknown subsurface issues. In order to correctly identify streets for resurfacing or reconstruction, City Engineer Gallagher has requested a proposal for 20 soil borings to be performed on numerous streets in need of repaving. The point of performing these borings is to determine the materials, depths, and overall condition of our roadways, to a depth of five (5) feet. This will aid in properly identifying existing conditions and allow us to more accurately prescribe a suitable repair. In an effort to not waste Motor Fuel Tax dollars on inadequate repairs, soil borings provide the staff with additional insight in order to make good long-term decisions on whether to simply repair a roadway or replace a roadway. Along this same concept, this summer City Engineer Gallagher will be working with our water and sewer crews on documenting pavement conditions during watermain excavations, so that some of this information can be gathered without the expense of soil borings. City Engineer Gallagher stated the more information we can gather on the state of our infrastructure, the more responsible our future decisions will be.

Alderperson Klemm moved for approval of the resolution as presented, seconded by Alderperson Brashaw. The motion prevailed by a roll call of;

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Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-16 was approved.

RESOLUTION #R-2014-17:

RESOLUTION FOR THE AGREEMENT BETWEEN THE CITY OF FREEPORT AND FEHR GRAHAM FOR CONSTRUCTION ENGINEERING SERVICES - 2014 MFT PROGRAM (SECTION NO. 14-00000-02-GM CRACK SEALING PROGRAM)

City Engineer Shaun Gallagher stated this authorizes Fehr Graham to perform construction engineering relating to crack sealing program for time and material not to exceed \$3,500.00 with the City retaining the right to perform select services within the Engineering Agreement at no penalty or adjustment to the individual costs provided in the agreement. He stated the funds will be allotted from the Motor Fuel Tax fund for this crack sealing program. Alderperson Koester moved for approval of the resolution as presented, seconded by Alderperson Klemm. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-17 was approved.

RESOLUTION #R-2014-18:

RESOLUTION FOR THE AGREEMENT BETWEEN THE CITY OF FREEPORT AND FEHR GRAHAM FOR CONSTRUCTION ENGINEERING SERVICES - 2014 MFT PROGRAM (SECTION NO. 14-00000-03-GM MICRO-SURFACING PROGRAM)

City Engineer Shaun Gallagher stated this authorizes Fehr Graham to perform construction engineering relating to micro-surfacing program for time and material not to exceed \$3,500.00 with the City retaining the right to perform select services within the Engineering Agreement at no penalty or adjustment to the individual costs provided in the agreement. He stated the funds will be allotted from the Motor Fuel Tax fund for this crack sealing program. Alderperson Klemm moved for approval of the resolution as presented, seconded by Alderperson Endress. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)

Nays: none

Resolution #R-2014-18 was approved.

OTHER

REPORTS OF DEPARTMENT HEADS

Community Development

Director Griswold stated she provided an overview of the Rental Property Registration ordinance on the council desks. The memorandum dated March 3, 2014 to the City council describes the status of the project to implement the Rental Property Registration. Below is an excerpt of Director Griswold's memo;

- Back in December, we posted a compliance checklist and a copy of the crime free lease addendum language on the City's website. There have been two revisions to that document 1) the addition of "date" fields for both landlord and tenant; and 2) the addition of guest banning language to the crime free lease addendum. The revised document will be "live" on the City's website tomorrow. I have attached a copy for your information.

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- We recently mailed a letter to owners of all property that are likely to be rental properties. A copy of that letter is attached for your information. You'll note that the telephone number and email address are listed on the letter for the part-time community development employee charged with coordinating the registration process and acting as liaison between the department and landlords. That employee is scheduled to begin work tomorrow.
- We have begun accepting rental property registrations in paper form. I am attaching a copy of the form for your information. Back in January, we submitted the data files to the crime free software provider, and he is ready to begin training our new employee this week. However, before online registration can "go live", we have to have credit card processing up and running. That implementation process, being managed by the finance department, is currently underway, but not completed. As soon as the credit card process is live, we will be ready to get online registration going as well.
- The police department's employee, who will coordinate the "crime free" components of the ordinance, is scheduled to begin employment at the beginning of April.
- April 1 is the deadline for registration of rental properties.

Discussion was held regarding the implementation fee if registration is done manual. Director Griswold stated that it is more work for the City but unfortunately that is where we are at with it so there is no additional fee charged for the manual entry. Discussion was held as to the budget for the rental property registration and Director Griswold stated that, so far, the work has been performed by her and no staff time has been charged to date. She will be training the employee on Tuesday and Thursday and will begin registering this week if people want to stop in to the office to do so.

Finance Department

Accountant Duane Price stated that he has begun the budget process so he should have the initial documents to council in April.

Public Works

Public Works Director Tom Dole stated that overtime and salt for this past winter season which has been quite expensive to the City. With this weekend's snow event he would estimate that we maxed out on the overtime because there was \$2,700 left in budgeted overtime plus the contingency. He stated each hour for a snow event costs about \$350.00 per hour and the last snow took about six hours to plow every route costing us \$2,200.00. Director Dole felt good about the salt quantity he has on hand and currently he has \$8,000 left in the budget for those purchases.

Director Dole provided an update to a demolition performed by the Public Works Department of a house on the corner of Galena and Iroquois. Due to the snow, they were only able to haul away 50% of the debris and will need to come back to take the remaining debris away. His crews will also be busy filling potholes as weather permits.

Library

Freeport Public Library Director Carole Dickerson was present and had no report.

Fire

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Fire Chief Scott Miller provided a demonstration of the pet masks donated to the Freeport Fire Department by Invisible Fence® Brand of Northwest Illinois. Invisible Fence has donated a total of five pet oxygen mask kits and this donation is just a small part of Invisible Fence® Brand's Project Breathe™, which was established with the goal of equipping every fire station in America and Canada with pet oxygen masks. These masks allow firefighters to give oxygen to pets who are suffering from smoke inhalation when they are rescued from fires and often save pets' lives.

Police

Interim Police Chief Todd Barkalow was present and had no report.

Water and Sewer

Water and Sewer Director Tom Glendenning stated that he is pleased to report that Well #9 is operational today. It has been running for about six hours now and has been pumping 1,500 gallons per minute into the distribution system. This well will become an important raw water source to the City of Freeport and will allow the Commission to do repairs at the Water Plant. It is also especially important since the department has been experiencing so many water breaks due to the frost level in the ground. Director Glendenning reported that there have been over 20 breaks so far this year and also had two since the last meeting of the council. He explained that we are not over it as the frost is so deep he expects there to be breaks attributed to frost for another month.

City Engineer

- Motion to Approve City Engineer Recommendation for Acceptance of Bid for Crack Sealing as submitted by SKC Construction, Inc, West Dundee, Illinois, for an amount of \$43,453.86 for the 2014 Program with motion to include a statement that it is contingent upon Illinois Department of Transportation's (IDOT's) approval of bid eight calendar days following the letting

City Engineer Gallagher provide a bid tabulation showing two bids from Behm Pavement Maintenance in the amount of \$53,728.20 and from SKC Construction, Inc. in the amount of \$43,453.86. He provided a written memorandum to council stating that on February 20th, the City of Freeport held a bid opening for this year's Crack Sealing Program. The two (2) bids received were submitted by Behm Pavement Maintenance, Inc. and SKC Construction, Inc. The apparent low bid was submitted by SKC Construction, Inc. from West Dundee, Illinois, for the amount of \$43,453.86. The following was noted by the Illinois Department of Transportation (IDOT) prior to bidding: Due to the possibility of a bid complaint for your agency's project, as it relates to the "Apprentice or Training Program Certification," the department will not concur with the award of any contract until the eight calendar day following the letting; therefore, the local authority shall not proceed with the award for eight (8) calendar days.

City Engineer Gallagher stated based on this low bid, it is his recommendation to award contract 14-00000-02-GM to SKC Construction, Inc. for \$43,453.86 barring any bid protest in the eight (8) calendar days following the bid opening, as allowed by IDOT. Alderperson Klemm moved for approval of the resolution as presented, seconded by Alderperson Brashaw. The motion prevailed by a roll call of; Yeas: Klemm, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (7)
Nays: none

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MAYOR'S REPORT

Mayor Gitz wished Director Griswold well in her new job in the private sector. Mayor Gitz stated that he is in the process of doing three simultaneous searches for the positions of Police Chief, Finance Director and Community Development Director. He hopes to have completed and filled two of these positions by the end of the month and will do his best to keep the council abreast of the progress.

Mayor Gitz stated there has been an ongoing dialogue with the staff and the Northwest Illinois Development Alliance and they are seeking to make their goals congruent. He will be sharing that information with the council. Mayor Gitz stated we have ongoing demolitions and there are cases which are pending and there are three cued up right now for demolition. He stated they divide into categories with one being properties that are abandoned with the property causing serious life and safety issues and then there are properties that have a title holder and these title holders are taken to court for a judgment against them to cover the expenses. We just received a judgment for a home on Lincoln (near West Street) but it will take some time because of the tipping expense due to the amount of brick.

Mayor Gitz stated on behalf of the family of Corporal Mark Otto that they appreciate the sympathy and support provided to their family.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

Council members were provided an opportunity to discuss matters of public concern or to make announcements for their wards.

- Alderperson Klemm provided to Community Development Director Griswold his appreciation for her dedication to the City of Freeport.
- Alderperson Bush wished Director Griswold good luck and he will miss her.
- Alderperson DeVine stated she will miss Director Griswold and wished her good luck.
- Alderperson Endress told Director Griswold he will miss her. He spoke about the problem of the newspapers being thrown around and causing litter in the neighborhoods. Alderperson Endress congratulated the Highland Community College women's bowling team for finishing second in the nation.
- Alderperson Brashaw stated she will miss Director Griswold. She stated when she was on the Planning Commission; Director Griswold worked very hard to bring the Comprehensive Plan to fruition when it was published in 2010. Alderperson Brashaw thanked staff members for their assistance in assembling the forms for the Rental Property Registration.
- Mayor Gitz stated that he will have a resolution drafted for the Committee of the Whole because of the difficulties in dealing with the publications that are strewn all over the neighborhoods. He spoke about the carriers being paid to toss publications on people's lawns. He stated my hope is to engage the parties involved to be able to solve this.
- Alderperson Koester thanked Director Griswold for the work she has done for Freeport and, in particular, for bringing the abandoned property on Lincoln closer to being resolved. He encouraged support of the upcoming election on March 18th to let politicians know who you want.
- Alderperson Crutchfield wished Director Griswold well and stated he has learned a lot from her.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

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Tom Teich, 653 Jefferson Street, Freeport Illinois, stated that he will miss Director Griswold. He asked about a business that closed on south Galena and Director Griswold stated there will be a car sales office in that location.

Upon motion duly made and seconded, the meeting was adjourned at 8:23 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk