



City Council

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

MINUTES REGULAR MEETING Monday, March 17, 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 17, 2014.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Shawn Boldt, Ronnie Bush, Jennie DeVine, Dennis Endress, Sally Brashaw, Michael Koester and Andrew Crutchfield (8). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Boldt.

APPROVAL OF AGENDA

Alderperson Koester 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 March 3, 2014, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Perry Cowan, 1341 Empire Court, Freeport, Illinois, stated he is a member of “Madmen” who work on community service projects. He stated their support of Ordinance #2014-11 to regulate the distribution and placement of handbills and newspapers. He spoke about the newspapers that get thrown out in the streets in an improper fashion. He asked for the council support so that Freeport does not have litter and eyesores around the City because of newspaper delivery on lawns and vacant property. Mr. Cowan stated that the “Madmen” are working to on organize a cleanup on April 22, 2014 and they hope to engage the citizens in a City-wide clean-up. He concluded by stating that the last thing they want to do is to clean up the City and to see their work be reversed by newspapers and handbills being thrown all over.

Andrew Reid, 3977 N AYP Road, Lena Illinois, spoke in support of the Ordinance #2014-11 regarding nuisance violations and newspaper/handbill deliveries. He spoke about the problem of litter caused by newspaper delivery on lawns and vacant property. He encouraged support of the City-wide clean-up efforts.

Alderperson Klemm spoke as a member of “Madmen” and stated with the assistance of people like the group “Madmen” we will continue with the administration’s effort to clean up the City’s corridors.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

PRESENTATIONS

Presentation by Mike Mudge of Rock River Energy Services regarding Electrical Aggregation Program Update

Michael Mudge, Rock River Energy Services Company, 2047 S. Illinois Route 2, Oregon, Illinois provided an update on the electrical aggregation program. He stated that currently there are 6,545 accounts for small business and residences which are on the community electric aggregation plan and they receive their electricity at 4.76 cents per kilowatt. There are over 3,000 still on the ComEd rate which is 6.04 cents per kilowatt. The average user uses 690 kilowatts per hour. In the last twenty months there has been \$2.3 million dollar difference between the community rate and the ComEd rate that was on the books so that is a net savings to the community to be put back into the community for other things.

Mr. Mudge stated that Rock River Energy will be working with the City of Freeport this summer to extend the aggregation program because the contract is up in August 8, 2014. He stated that we will need to go out and solicit new bids and get a new supplier chosen. Mr. Mudge explained that the new supplier will take care of sending out the new letters and people once again will be able to opt out of the program or to sign up to be in the program if not currently in. For the next council meeting there will be resolution to extend the aggregation program.

The floor was opened for council to ask questions of Mr. Mudge. Corporation Counsel Griffin explained that Rock River Energy Services is not the supplier and they are the consultant brought in to assist with going out for bids and the RFP process. Currently, First Energy Solutions is the energy supplier and his fees are paid from the supplier's kilowatt hours. Alderperson Boldt asked if it states specifically on the ComEd bills and Mr. Mudge stated that it states on the bills who your supplier is and the rate. The aggregation supplier rate is 4.76 cents per kilowatt hour.

Mayor Gitz stated there are several steps coming down the pipe such as going out for RFP's and that will be worked on this summer. Mr. Mudge explained that the customers that are not on the aggregation program and continued with the ComEd rate will also at that time have the option of joining the aggregation community program.

Alderperson Koester spoke about electric aggregation and the feasibility of it continuing in the future and Mr. Mudge stated there is a grid program which will be coming and that will be a game changer but he considers the smart readers as a phase 3 and that will be 3-4 years out and ComEd would need to get all new meters installed. By having those readers it would allow a person to select when they want to use electricity during the lower time periods of usage.

Mr. Mudge stated they have received many calls where the communities we work with are having their residents contact them stating they received phone calls from solicitors stating their community programs are coming to an end and they need to sign up with them.

Mike Mudge stated that Rock River Energy Services asked the City of Freeport to place a notice on their website. He asked City Clerk Zuravel to provide a status. She stated that the Police Department's Facebook page received over 3,000 hits as the below information was provided to the public;

MINUTES
REGULAR MEETING
Monday, March 17, 2014

“The City of Freeport’s current electrical aggregation program will end with your August 2014 meter reading date. This program has given you a rate of 4.76 cents/kWh through the supplier, First Energy Solutions. In the next few months the City of Freeport will be reviewing bids for the renewal program that will begin in August 2014. Don’t be pushed by alternative offers until the City has information for you. There is plenty of time to evaluate your options towards June.

At this time, there are still many solicitations from other suppliers that you may be receiving. Your account can be switched to another supplier by simply releasing your 10 digit account number over the phone. If the offer is not lower than the current City rate or even that of ComEd, the program will not currently be a savings to your account. The current ComEd price to compare is 6.04 cents/kWh.

If you have any questions pertaining to your account, please feel free to contact the City of Freeport’s aggregation consultant, Rock River Energy Services at 815-732-4603.”

Proclamation regarding March 2014 as American Red Cross Month

Yvonne Knight-Wandel, a representative of the Local Chapter of the American Red Cross, read aloud a proclamation regarding March 2014 as American Red Cross Month. Mayor Gitz spoke about the work of the American Red Cross and provided on behalf of the council their appreciation for their service to the community.

Proclamation regarding April 1, 2014 as National Service Recognition Day

Mike Shore, executive director of the Highland Community College Retired and Senior Volunteer Program read aloud a proclamation regarding April 1, 2014 as National Service Recognition Day. Mr. Shore stated RSVP has served the community for 40 years and there are almost 400 volunteers registered in the program and there were 72 agencies which benefited from the RSVP volunteers during the last year. He spoke about the funding cuts by the State of Illinois which may take away 2/3 of the funding for this program. Alderperson Brashaw congratulated the RSVP volunteers on their service to the community and asked Mr. Shore to keep the council posted about the funding for the program.

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) City Treasurer’s Monthly Investment Report period through February 28, 2014
- 2) City Treasurer’s Report on Cash and Misc. Fund Balances through February 28, 2014
- 3) Community Development Report on Activities for February 2014 including building permits, electrical, HVAC, Plumbing and Sign Permits

B. Approval of Water and Sewer Bills Payable (Register #104, 105, 106, 110) --- \$530,821.23

C. Approval of Payroll for pay period ending March 8, 2014 --- \$411,261.13

D. Approval of Finance Bills Payable (Registers #103, 107, 108, 109, 111, 112) --- \$525,435.49

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

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

Nays: none

**MINUTES
REGULAR MEETING
Monday, March 17, 2014**

The consent agenda items were approved.

ORDINANCES – SECOND READING

2nd 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 (West Avenue from Galena Avenue to Empire Street), based on the amount of traffic traveling through the work zone. The first reading was held on March 3, 2014. A motion to adopt was given by Alderperson Klemm, seconded by Alderperson Endress and the ordinance was automatically laid over to tonight’s meeting.

This ordinance provides that under Chapter 670 “Peace Disturbances”, Section 670.05, (NOISE) of the current City Ordinances it states that erection, demolition, alteration or repair of any building project or roadway, other than between the hours of 7:00 a.m. and 8:00 p.m. on any day, is a specifically prohibited act. Under that same section an exception can be made in case of urgent necessity in the interest of public health and safety, with a permit from the Public Works Director. The Illinois Department of Transportation (IDOT) will be resurfacing a portion of IL 26 from US Business 20 to Empire Street in Freeport during 2014. IDOT 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. This ordinance states that the City Council does hereby make a determination that the resurfacing of IL 26 from US Business 20 to Empire Street in Freeport is of urgent necessity and it is in the interest of public health and safety, to grant an exception pursuant to Section 670.05 (c) (10) of Chapter 670 of the Codified Ordinances of the City of Freeport and hereby directs the Director of Public Works to grant a permit for a modified construction schedule for such construction.

City Engineer Gallagher provided a memorandum explaining the situation of the construction project which stated, “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.
- 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.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

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.”

Upon the second reading of the ordinance, Alderperson Klemm stated that since the last meeting when the ordinance was placed on the floor, the administration delivered letters to residents along that corridor explaining the work schedule. Alderperson Klemm stated that he has had a positive response from the citizens he spoke with once they learned the project would be going from 90 days to 30 days for the construction on the project.

City Engineer Gallagher presented that 150 letters were sent out and he received two phone calls asking for more information on the project. He provided information on the calls. He stated at this point he does not foresee an issue. City Engineer Gallagher stated that this is an exception for the time period of this project and any other projects would need to be brought to council. Discussion was held as to whether traffic will be diverted from Illinois Route 26 and City Engineer Gallagher stated there would not be an approved detour route that instead they will alternate between the lanes and the traffic would be diverted through the existing three lanes that are there by moving from the outside to the middle and alternating

**MINUTES
REGULAR MEETING
Monday, March 17, 2014**

during the course of the project. He stated there would not be a detour although there may be more local traffic on side streets as local traffic tries to avoid the area. Upon no further discussion, Mayor Gitz asked for a roll call vote for passage of the ordinance. The motion for passage of the ordinance prevailed by a roll call of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

Nays: none

Ordinance #2014-10 was passed by council.

2nd READING OF ORDINANCE #2014-11:

AN ORDINANCE AMENDING CHAPTER 658, (NUISANCES), SECTION 658.14 (DISTRIBUTION AND PLACEMENT OF HANDBILLS AND NEWSPAPERS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

The first reading was held on March 10, 2014. A motion to adopt was given by Alderperson Bush, seconded by Alderperson Boldt and the ordinance was automatically laid over to tonight's meeting.

Mayor Gitz stated that the ordinance is on the floor with a motion by Alderperson Bush and a second by Alderperson Boldt. Corporation Counsel noted that the version on the floor was provided at the last meeting in paper form and it is the correct version. She stated it was also posted on the City of Freeport website and provided to council members in paper form again.

The ordinance is printed as follows with the double underlined being the wording that was added and the language that was superseded shown as strikethrough.

"ORDINANCE NO. 2014-11, AN ORDINANCE AMENDING CHAPTER 658 (NUISANCES), SECTION 658.14 (DISTRIBUTION AND PLACEMENT OF HANDBILLS AND NEWSPAPERS) OF THE CODIFIED ORDINANCES FOR THE CITY OF FREEPORT ADOPTED BY THE CITY COUNCIL OF THE CITY OF FREEPORT, ILLINOIS

WHEREAS, the City Council of the City of Freeport declares that handbills and newspapers which are deposited on property in such a manner as to be exposed to the elements can cause unsightly litter which detracts from the aesthetics of the neighborhood, are a nuisance to the public health, safety and welfare; and

WHEREAS, the City Council of the City of Freeport declares that handbills and newspapers which are deposited on property in such a manner as to cause problems with snow removal or damage to snow removal equipment are a nuisance to the public health, safety and welfare; and

WHEREAS, the City Council of the City of Freeport declares that handbills and newspapers which are deposited on property in such a manner as to create hazards for pedestrians or inhibit handicap accessibility are a nuisance to the public health, safety and welfare.

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

Section 1. Section 658.14 entitled "Distribution and Placement of Handbills and Newspapers" of Chapter 658 entitled "NUISANCES" shall be amended as follows:

"658.14 DISTRIBUTION AND PLACEMENT OF HANDBILLS AND NEWSPAPERS.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

- (a) Distribution in General. Any person may hand, without charge to the receiver, any noncommercial handbill to any person willing to accept it.
- (b) Placement on Vehicles. No person shall throw, affix or deposit any handbill in or upon any vehicle, without the express consent of the owner of such vehicle.
- (c) Placement on Vacant Premises. No person shall throw or deposit any handbill or newspaper in or upon any private premises which are continuously uninhabited or vacant.
- (d) Placement on Posted Property. No person shall throw, deposit or distribute any handbill or unsolicited newspaper upon any private premises, if requested by anyone thereon not to do so or if there is on such premises a sign bearing the words "No Trespassing," "No Peddlers or Agents," "No Advertisement" or any similar notice indicating that the occupants desire not to be molested or have their privacy disturbed.
- (e) Distribution to Inhabited Private Premises. Handbills may be distributed to inhabited private premises which are not posted if the same are so placed or deposited, other than in a mailbox, as to prevent the materials from being carried by the elements.
- (f) Newspapers. No newspaper shall be delivered or placed upon sidewalks or other public property. No newspapers shall be delivered or placed upon inhabited private property unless placed in a designated receptacle or in such a manner so as to prevent the contents thereof from being exposed to the elements. Non-subscribed newspapers shall only be delivered or placed in designated receptacles or the doorstep of such location. Newspapers shall be delivered or placed upon private property so as to prevent the contents thereof from being carried by the elements.
- (g) Size. Any handbill permitted to be distributed by this section, whether commercial or noncommercial, shall not be less than six square inches nor more than forty-eight square inches in size.
- (h) Violations. Any non-compliance under this Section 658.14 shall be considered a violation of this Chapter and any individual and any entity in control of distribution of such materials by the individual may be held jointly and severally responsible for any violation(s) hereunder."

Section 2. All other provisions of Chapter 658 shall remain as currently set forth.

Section 3. This Ordinance shall be effective immediately upon its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

Section 4. This Ordinance is expressly adopted pursuant to the Home Rule Powers of the City of Freeport under Section 6 of Article VII of the Illinois Constitution of 1970.

Section 6. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 6. If any section, clause or provision of this Ordinance is declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this City Council hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted."

Aldersperson Brashaw asked Mayor Gitz if he has had any comments on the ordinance and Mayor Gitz stated there have been numerous complaints by residents and it is a misnomer to attribute this to the Journal Standard which is distributed by subscription. He stated the issue is with a publication called the "Scene."

Aldersperson Koester stated he has had calls from constituents on this particular problem and several of them have come up with their own solution by putting up mail boxes supplied by the Journal Standard or they place hooks on their door for the "Shopping News" or the local advertiser. By adding these items to

MINUTES
REGULAR MEETING
Monday, March 17, 2014

their property it has eliminated some of these problems with delivery and he is hoping others will do the same to help eliminate the excess on their property.

Aldersperson Klemm spoke about the usual issue every Wednesday afternoon when a certain newspaper is delivered. He stated that in his neighborhood there are 50 condominiums and this certain delivery of the newspaper amounts to 32 newspapers being placed centrally in a driveway with no attempt to put them any place else and this happens on a weekly basis. Aldersperson Boldt stated that along Park Crest and Laurel the delivery of this publication amounts to the delivery person throwing bags into yards, not by their mailboxes but in bags thrown along the curb.

Mayor Gitz stated this has been drafted with sensitivity to the case law that is out there and one of the reasons there is whereas clauses is because we do not consider a newspaper to be litter. He stated we understand the first amendment right to distribute information and this is every effort we have to make it constitutional.

Aldersperson Bush stated that in his ward it is the same issue as Aldersperson Klemm and Aldersperson Boldt talked about and it will be worse once the snow melts and the newspapers are uncovered. He spoke about talking to people in the neighborhood watch to stand up for our position. Aldersperson Crutchfield stated that he has seen issues with vacant properties and someone throwing handbills into vacant building and yards so who should be called. Corporation Counsel Griffin stated that it is under the Nuisance Inspector. Mayor Gitz stated if there are issues please forward to his email address.

Mayor Gitz stated he will be communicating with the publications to inform them that the ordinance has passed and what it means and this is the resolution that has been approved and we would appreciate their adherence to it and if you have any questions, please call us and we would be happy to meet with you. He stated that the distributors have recently had some improvements in this area but there is a lack of uniformity and if this continues then we will begin citing them. He stated we will also have staff meetings in order to enforce this in a uniform way.

Aldersperson Boldt asked about properties where 10-15 circulars have piled up on vacant properties and he wondered if we are passing this now can we go back and have them pick up or clean up the properties where there are piles at a doorway. Mayor Gitz stated keep in mind this is an amendment to an existing ordinance so as it relates to vacant properties we already have an ordinance on the books so it is not like "ex post facto" because when these are delivered to vacant properties it is already a violation of the ordinances. Mayor Gitz stated what we are doing with this ordinance is cleaning up the rules of the road as it applies to non-subscription newspapers or circulars that are delivered to properties and may not be delivered in an organized manner.

Upon no further discussion, Mayor Gitz asked for a roll call vote on Ordinance 2014-11. The motion for passage of the ordinance prevailed by a roll call of;

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

Nays: none

Ordinance #2014-11 was passed.

ORDINANCES – FIRST READING

**MINUTES
REGULAR MEETING
Monday, March 17, 2014**

1ST READING OF ORDINANCE #2014-12:

AN ORDINANCE AMENDING THE BOUNDARIES OF THE JOINT CITY OF FREEPORT – COUNTY OF STEPHENSON CERTIFIED ENTERPRISE ZONE OF THE CODIFIED ORDINANCES FOR THE CITY OF FREEPORT, ILLINOIS – [view timeline](#)

This ordinance amends the Enterprise Zone to allow and assist Prairie Ridge of Galena, LLC to add approximately 7.18 acres MOL to the current Enterprise Zone boundaries

The ordinance includes that the Freeport/Stephenson County Enterprise Zone Committee has requested that the City of Freeport, the County of Stephenson, the County of Jo Daviess, and the Village of Hanover consider the expansion of the said Enterprise Zone by 7.18 acres, more or less, of contiguous territory. The State of Illinois Department of Commerce and Economic Opportunity (DCEO) has agreed to expand the total size of the Enterprise Zone from its current 10.2799 square miles to 10.2911 square miles if the proposed expansions are granted by the Stephenson County Board, the Freeport City Council, the Jo Daviess County Board, and the Hanover Village Board. The expansion of the Enterprise Zone will allow and assist Prairie Ridge of Galena, LLC as formed by a local group of investors who are seeking to develop a Senior Living Facility. Prairie Ridge is a for-profit, Limited Liability Corporation. The expansion of the Enterprise Zone will allow Prairie Ridge to build, own and operate a Senior Living Community. The Senior Living Community would consist of 60 independent living apartments with full services, including all utilities, meals and access to additional services including those provided at the Midwest Medical Center. Prairie Ridge would make initial investments of approximately sixteen million dollars (\$16,000,000) including land, construction and equipment costs. Prairie Ridge anticipates constructing a three level, multi-unit facility consisting of approximately 73,000 square feet. Construction, would begin if the boundaries of the Enterprise Zone was approved, in early 2014. The facility is expected to create 12 full time equivalent positions, with an annual payroll of four-hundred-fifty thousand dollars (\$450,000) or more per year. Prairie Ridge anticipates 50 to 100 prevailing wage construction jobs during construction phase of the project. This Senior Living Facility will add approximately 7.18 acres, MOL, to the current Enterprise Zone boundaries.

City Engineer Gallagher presented the ordinance that this is for a Senior Living Facility which would be a half mile north of Galena on Route 20 and it is located in Jo Daviess County. He stated this was brought forward to council as recommended by the Enterprise Zone Committee. There was a public hearing for this as well on March 13, 2014. He stated this is on the agenda as an automatic layover for passage at the April 7th meeting.

Present at the meeting were two representatives from Prairie Ridge and Mayor Gitz asked for leave of council to hear from them. Marty Johnson, 28 Vista Ridge, Galena Illinois, stated he is one of seven board members of the Prairie Ridge LLC which was formed two and one half years ago and after market studies indicated interest in a facility and currently there is interest of 150 people on a list. He stated the the amendment of the Enterprise Zone is important for this project moving forward and this project could be the largest investment into Jo Daviess County since the Galena Territories was built. He stated this is all private investment and financing will be facilitated by the Enterprise Zone expansion.

Alderpersion Klemm made a motion to move forward for passage the ordinance as presented, seconded by Alderpersion Crutchfield.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Discussion was held as to the timeline and the other public bodies where this needs to have this same document passed and Mayor Gitz stated we are consistent with the timetable. The ordinance was automatically laid over to the next meeting.

1ST READING OF ORDINANCE NO. 2014-13:

AN ORDINANCE AMENDING CHAPTER 876 (RESIDENTIAL RENTAL PROPERTY REGULATION) OF THE CODIFIED ORDINANCES FOR THE CITY OF FREEPORT, SECTION 876.02 “REGISTRATION OF LANDLORDS AND RENTAL PROPERTIES” AND SECTION 876.06 “RENTAL AGREEMENTS—REQUIRED TERMS” SUBSECTIONS (A) AND (C) EXTENDING THE DATE FOR IMPLEMENTATION TO JUNE 2, 2014

This ordinance amends the Rental Property Registration date to allow landlords with multiple properties the convenience of completing the registration forms online and to pay with a credit card. Administration requests suspension of council rules for passage this evening

Contained in the council packet was a memorandum from City Engineer Shaun Gallagher as the Interim Community Development Director regarding Rental Property Registration and the memorandum is provided as follows;

“Staff has continued to expedite the various tasks needed to complete the Residential Rental Property Registration over the past four months. As our April 1st deadline nears, it is clear that not all functions of the online service will be available in time. In order to provide good customer service and allow landlords with multiple properties the convenience of completing the formwork online, it is my recommendation to extend the deadline to June 2, 2014.

Most recently we have experienced delays in coordinating the process for credit card payment with the rental property software and our City of Freeport website. Once these issues have been resolved, there will be extensive testing completed, in order to ensure that the database and credit card system work without additional errors. We currently anticipate that this work will be completed within the next two (2) weeks, with additional testing to follow.

As we finalize the software program, it is in the best interest of the City of Freeport to allow for credit card transactions and online registration. Although we are nearing completion, the current deadline will not provide landlords with sufficient time to use this service prior to April 1st. Extending the deadline out two (2) months will allow staff an opportunity to respond to the numerous questions we have received regarding the program and provide online access well in advance of the deadline. It is important that everyone has an equal opportunity to register at their convenience, whether that is in person or online.

Moving forward, as administrator, it is my intent to see this process to completion. I will coordinate all the remaining pieces to ensure we are up and running as soon as possible. There will also be a constant focus on customer service until these issues are resolved and the registration is complete.”

The ordinance as written provided under Section 876.02 entitled “Registration of Landlords and Rental Properties” of Chapter 876 entitled “RESIDENTIAL RENTAL PROPERTY REGULATION” shall be amended as follows: “876.02 REGISTRATION OF LANDLORDS AND RENTAL PROPERTIES. Registration required. It shall be unlawful for an owner of a residential rental structure to rent that residential rental structure or unit thereof, either entirely or in part, to another person for occupancy as a residence, unless the owner shall have registered the residential rental structure and/or unit thereof with

MINUTES
REGULAR MEETING
Monday, March 17, 2014

the City of Freeport on or before June 2, 2014 ~~April 1, 2014~~.”. In the ordinance each section where April 1, 2014 was written there was an amended date of June 2, 2014 provided.

Aldersperson Boldt made a motion to move the ordinance to the floor for passage, seconded by Aldersperson Bush. Aldersperson Boldt asked about the software vendor and City Engineer Gallagher stated that we have access to the website but not community access and one of the things that we are working on is to have a web-link so that we can have secure access in order to make this feasible so that this information will be secure.

Aldersperson Boldt made a motion to suspend the rules for passage of the ordinance this evening, seconded by Aldersperson Klemm. The motion suspension of the rules prevailed by a roll call of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)
Nays: none

Before a vote was taken on passage of the ordinance, discussion was held as to the methods of notifying the public as to this amendment. Mayor Gitz stated the staff has been making contact with each person requesting a call back. He stated that even though the Rental Property specialist is working part time, we are supplementing with additional administrative staff to bring it up to full-time coverage. He stated we will also place notice on the City of Freeport website and possibly be doing another mailing. He stated that paper copies continue to be available on the website and in the Community Development Department for landlords to register and staff will manually enter each one.

The motion for passage of the ordinance prevailed by a roll call of;
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)
Nays: none
Ordinance #2014-13 was passed by council.

RESOLUTIONS

RESOLUTION #R-2014-20:

RESOLUTION TO AUTHORIZE AN AMENDMENT TO INTERGOVERNMENTAL AGREEMENT FOR THE OPERATION OF AN ENTERPRISE ZONE

The resolution was presented by City Engineer Gallagher who stated that this resolution authorizes and amendment to the Intergovernmental Agreement for the operation of an Enterprise Zone. He stated this goes along with the ordinance on council agenda previously presented.

Resolution #R-2014-20 provides that the Intergovernmental Agreement for the Operation of an Enterprise Zone between the City of Freeport, a Municipal Corporation and a home rule unit of local government of the State of Illinois (hereinafter referred to as the “City”) and the County of Stephenson, a body politic and corporate and a unit of government of the State of Illinois, (hereinafter, the “County”), was executed on December 18, 1989. Section 2 of the Agreement includes a Description of the Zone; and the City of Freeport, Village of Hanover, Jo Daviess County and Stephenson County wish to add 7.18 acres, more or less, to the City of Freeport-Stephenson County Enterprise Zone. The expansion of the Enterprise Zone will allow and assist Prairie Ridge of Galena, LLC as formed by a local group of investors who are seeking to develop a Senior Living Facility. Prairie Ridge is a for-profit, Limited Liability Corporation.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

The expansion of the Enterprise Zone will allow Prairie Ridge to build, own and operate a Senior Living Community. The Senior Living Community would consist of 60 independent living apartments with full services, including all utilities, meals and access to additional services including those provided at the Midwest Medical Center. Prairie Ridge would make initial investments of approximately sixteen million dollars (\$16,000,000) including land, construction and equipment costs. Prairie Ridge anticipates constructing a three level, multi-unit facility consisting of approximately 73,000 square feet. Construction, would begin if the boundaries of the Enterprise Zone was approved, in early 2014. The facility is expected to create 12 full time equivalent positions, with an annual payroll of four-hundred-fifty thousand dollars (\$450,000) or more per year. Prairie Ridge anticipates 50 to 100 prevailing wage construction jobs during construction phase of the project. This Senior Living Facility will add approximately 7.18 acres, MOL, to the current Enterprise Zone boundaries. This resolution states that the Illinois Department of Commerce and Economic Opportunity (referred to as "DCEO") requires that Section 2 of the Agreement must be amended to include the description of the 7.18 acres, more or less, to be added to the City of Freeport-Stephenson County Enterprise Zone in addition to the approval of all four units of government, City of Freeport, Village of Hanover, Jo Daviess County and Stephenson County, adopting ordinances amending the boundaries of the joint City of Freeport-County of Stephenson Certified Enterprise Zone.

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

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

Nays: none

Resolution #R-2014-20 was approved.

RESOLUTION #R-2014-21:

RESOLUTION TO APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FREEPORT, ILLINOIS AND THE FREEPORT PARK DISTRICT FOR MICRO-SURFACING STREET IMPROVEMENTS

City Engineer Gallagher presented the resolution for pavement maintenance which provides a benefit for both entities to be able to bid a larger project for micro-surfacing and it is typically out-sourced. This is set up so the City of Freeport will provide for some minor pavement patching into Krape Park and they will double back on the contract for the proposed improvement and also pick up inspection fees. He stated this is the same program that we attempted to due fall of 2013 which due to lateness of the season there was limited construction window we did not received the pricing that we wanted.

This resolution provides for in the intergovernmental agreement with the following excerpts:

- The City agrees to prepare all contract documents necessary for bidding and award for contract 14-00000-03-GM, the 2014 City of Freeport Micro-surfacing Program, which shall include micro-surfacing the north entrance of Krape Park to Park Boulevard, under ownership of the Park District, as of the effective date of this agreement.
- The City agrees to provide construction inspection services during the course of the project to ensure quality and over site of the contract. A negotiated inspection fee of five (5) percent of the final contract price will be paid to Fehr Graham for construction inspection by the CITY;

MINUTES
REGULAR MEETING
Monday, March 17, 2014

- The City agrees to provide maintenance assistance for minor asphalt patching prior to the application as part of the City's routine maintenance schedule;
- The City agrees to complete the project prior to September 30, 2014;
- The PARK DISTRICT agrees to pay the contract unit price per square yard for micro-surfacing, single pass, as awarded by the CITY, for the north entrance to Krape Park to Park Boulevard. At this time it is estimated that the scope of work will cover 3,300 square yards, for an estimated price of \$9,900 to the PARK DISTRICT;
- The PARK DISTRICT agrees to pay an additional \$1,500 for the preparation of contract documents, as well as time and material for asphalt patching prior to be completed by the CITY prior to the micro-surfacing application;
- The PARK DISTRICT agrees to pay to the CITY its share of construction inspection services, based on the formula set forth in paragraph 2.(a) above, for which the CITY is responsible to pay Fehr Graham per above. At this time the estimated the cost for construction inspection services is \$500 to the PARK DISTRICT.

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

Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

Nays: none

Resolution #R-2014-21 was approved.

OTHER

At this time Aldersperson Koester left council chambers bringing the number of council members present to seven (7).

REPORTS OF DEPARTMENT HEADS

Community Development/City Engineer

[Request for City Council action to approve](#) to release \$25,000 Contingency in the Building Department Line Item 01-53-564 "Demolition"

City Engineer Gallagher presented a written memorandum dated March 13, 2014 as follows:

"To date we have spent \$97,000 of our current \$100,000 demolition budget. Due to ongoing attorney fees and potential tipping fees this April it is recommended that council approve the release of \$25,000 in contingency funds.

Since our first demolition on September 13, 2013, the City of Freeport has removed 17 (seventeen) dangerous and unsafe structures over the past seven months. At this time, we have four (4) additional demolitions scheduled for this spring to be completed by our Public Works Department. The schedule for in-house demolitions will continue to fluctuate depending on the weather, staffing levels, snow removal, and emergencies.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Although not all demolitions can be completed in-house due to safety concerns, only two (2) were completed through a local contractor. The ability to utilize our Public Works Department in residential demolitions is a significant cost savings over contracted work that can range from \$10,000 to \$20,000 per residential structure.

Based on the past seven months, the average cost per in-house demolition is \$7,300 of that \$3,400 is for tipping fees and \$3,900 is for materials and labor by Public Works. We have also worked out an agreement with Nicor which will no longer charge the City of Freeport for a utility disconnection in relation to a property demolition. Currently all utility disconnections are being provided free of charge by each utility, which is a significant savings to the program.

Alderperson Bush moved for approval to release the funds from contingency (\$25,000 for Line Item 01-53-564) for demolitions, seconded by Alderperson Endress. Alderperson Crutchfield stated that people are notices the clean-up of neighborhoods and provided good job to Public Works and Community Development. The motion prevailed by a roll call of;

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

Absent: Koester (1)

Nays: none

Finance Department

Accountant Duane Price provided that he has been working on budget worksheets with all the departments and should have a first draft ready for the Committee of the Whole meeting in April.

Public Works

[Request for approval for acceptance of bids](#) for MFT Material from Martin & Company and Conmat, Inc. Public Works Director Tom Dole presented the Motor Fuel Tax Fund – Material Bid Tabulation which stated on an annual basis the City of Freeport sends out a request for bids for materials used by the Public Works Department such as hot mix, cold patch and miscellaneous aggregates. Three bids were received and opened on March 12, 2014. The bid for Rock Road Companies did not include both products and it was a high bid. Director Dole stated typically, we award most bidders in this process to make it convenient for the department for daily operations. My recommendation is the acceptance of Martin & Company with a bid of \$46.00 unit price (\$69,000 total) for bituminous mix complete and a bid of \$4.00 per unit price for bit patch mix and Conmat, Inc. bids with a bid of \$52.50 unit price (\$78,750 total) for bituminous mix complete and a bid of \$4.95 per unit price for bit patch mix for the MFT Material Bids. Alderperson Klemm made a motion to move forward the recommendation of Director Dole, seconded by Alderperson Crutchfield. The motion prevailed by a roll call of;

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

Absent: Koester (1)

Nays: none

Library

Public Library Director Carole Dickerson was not present.

Fire

[Purchase of Two \(2\) Zoll Cardiac Monitor Defibrillators](#)

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Fire Chief Scott Miller presented the following for purchase of Two (2) Zoll Monitor Defibrillators

“The Fire Department is seeking authorization to purchase two (2) Zoll Cardiac monitor defibrillators. This item was budgeted for the 2013-2014 fiscal year. Department paramedics were issued a monitor to evaluate for 90 days and found its performance to be excellent. This is the same brand equipment we presently have and functions similarly. The new defibrillators will have greater capabilities than the present models we have. Some of the new features are 12 lead tracing capabilities, capnography, pulse oximetry, and blood pressure monitoring. Chief Miller provided a letter from the Project Medical Director at Swedish American Hospital supporting the purchase of this equipment and further stating it will be required for our ambulances in the future. The existing defibrillator-monitors will be placed on the outlying fire engines making them Advanced Life Support (Paramedic) engines. The representative from Zoll has approached the Fire Department with a discounted quote if we purchase the two (2) monitors by the end of March. The list price for two monitor defibrillators is \$86,661. The discounted price if purchased prior to March 31st is \$59,030.40. Also included is preventative maintenance and a 3 year extended warranty. The budget currently has \$40,000 identified for the purchase two (2) defibrillator-monitors and would need to be increased by \$19,030.40. This purchase would be funded by the Capitol Improvement Fund.”

Fire Chief Miller stated he recommends the sole source purchase from Zoll Medical Corporation, two (2) X Series monitor-defibrillators including 12 Lead capability, capnography, pulse oximetry, and blood pressure monitoring. Zoll has agreed to accept 50% payment net 30 days and 50% net 120 days. This would allow us to pay the current budget shortage after May 1st in the 2014-2015 fiscal year.

Aldersperson Klemm made a motion to waive the standard bidding requirement for the purchase of the Zoll Monitors since there is such a difference in the cost it is advantageous for the department to take advantage of it now, seconded by Aldersperson Endress. The motion prevailed by a roll call of;

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

Absent: Koester (1)

Nays: none

Aldersperson Klemm made a motion to approve the purchase of Two (2) Zoll Cardiac Monitor Defibrillators in the amount of \$59,030.40, the discounted price. This motion was seconded by Aldersperson Endress. The motion prevailed by a roll call of;

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

Absent: Koester (1)

Nays: none

Aldersperson Crutchfield asked how long a monitor typically will last. Chief Miller stated that it depends on the technology of the monitors since there are enhancements that the monitors need to bring them in line with the state of the art technology in the medical field. So it is not so much as long as it last but the enhancements and the capability that you want to keep up with technology.

Police

Interim Chief of Police Todd Barkalow was present and has no further report.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Water and Sewer

City Engineer Shaun Gallagher presented the Water and Sewer report for Director Glendenning who was presenting at a conference this week. City Engineer Gallagher stated that the 16" line that was thought to be leaking at the Water Treatment Plant was determined to be the connecting small service lines instead of this large hard-to-get-to pipe. So that issue has been diverted and solved.

City Engineer Gallagher stated that he has reviewed the Jane Addams Trail project plans and those were sent to Illinois Department of Transportation for the April 25, 2014 letting. He stated we also reviewed all the easements that were needed and those were sent to IDOT last Thursday.

In regard to the Jane Addams Trail Project, City Engineer Gallagher reviewed the project files dating back to 2001 and upon review of all the engineering reimbursement payments and compiling it to make sure all the members had paid for what needed to be paid. City Engineer Gallagher has sent out invoices to the trail members who are the other taxing bodies for their share of the project dating back to 2001. He stated because of this review, it was found that we had not requested reimbursement for ourselves for the grant. He has requested \$174,000 invoiced to the other taxing bodies and also there is \$60,000 that was engineering services that was not invoiced back to the grant from IDOT. City Engineer Gallagher stated that if bids come in successfully we might actually see a \$300,000 reimbursement for other engineering that is still outstanding but that amount will depend on construction bid prices. He stated Orangeville is now completely paid as of today's invoices and, in addition, they paid their remaining share of the construction costs so they actually pre-paid. The County has provided a partial payment because the original invoice to them was not correct so that has been modified and they have that amount on their next meeting agenda. For the Freeport Park District they have their invoice to approve at the next public meeting. He stated that money will come back to the Motor Fuel Tax Fund account which has made those payments for the last fourteen years.

Aldersperson Boldt asked about right-a-ways and trails. Mayor Gitz stated the Jane Addams Trail is built upon two different types of easements one is a construction easement and the other is permanent easement. He stated these tend to work differently then purchasing a right-of-way. He stated that there is part of that section that we may swap for a roadway. Aldersperson Boldt stated that was for rail beds and Mayor Gitz stated if your read the fine print the railroads maintain a right to retake that land if they so wish. City Engineer Gallagher stated the property owners do receive a letter for their donation for the easements and in the future we will acknowledge their contribution to the trail system.

OTHER

MAYOR'S REPORT

Mayor Gitz we have received all the easements we need for the Jane Addams Trail project so it should be on an April bid letting barring any unforeseen issues with the Illinois Department of Transportation. In addition we have made inquiries into further intergovernmental agreement grants for the Pecatonica Prairie Path going east. He stated that we have received word that we have been short listed and are on the final list for approval but it depends on the Illinois governor and the Illinois Secretary of Transportation. He stated given this is part of the Grand Illinois Trail the odds of us securing the money is pretty good. The other items he mentioned were appointments and the pending appointment of a Chief of Police and a Community Development Director. He stated he is working on the first round of interviews by the end of next week. He stated there is a candidate that we like for the Community

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Development but we will defer to finish the interviews before making that decision. Mayor Gitz stated there is interest on the Steering Committee for the City Hall building outreach process. He stated we are working on the charge for that committee and we will decide to set up their first meeting and we would like to see that by early next week a report will be coming on it.

Mayor Gitz spoke about organizations interested in cleaning up the corridors. There is a committee working on downtown beautification. Mayor Gitz stated he would like to see the Jackowski building have a new face on it. He will have a letter going out on that and it may be quite a process.

He would like to have the annual report published and we are struggling with costs issues and we may be publishing a limited number and instead mailing a postcard in which a request will be mailed.

Mayor Gitz spoke about volunteer efforts and the benefit of the RSVP as Mr. Shore presented this evening.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

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

- Alderperson Boldt spoke about two neighborhood watch meeting in his area this week one on Farmdale and one at Douglas Village.
- Mayor Gitz spoke about the Northern Illinois Mayor's Association meeting which will be held on Thursday at Cannova's restaurant and he recommended viewing the presentation.
- Alderperson Bush stated there is an Arcade area neighborhood watch meeting on Thursday at 6:00 pm.
- Alderperson Endress stated the 5th Ward will have a neighborhood watch tomorrow at the First Church of the Nazarene at 6:00 pm.
- Alderperson Brashaw spoke about the Northern Illinois Chapter of the United Way fundraiser dinner to be held at the Masonic Temple on Saturday.
- Alderperson Klemm spoke about the good thing to have neighborhood watches and he commended Director Dole on the patch work that has been done on the streets and their timely filling of pot holes this time of year. Alderperson Klemm asked about polling places and Mayor Gitz stated that information is available from the Stephenson County Clerk.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

Frank Thurman, 1405 S. Walnut, Freeport Illinois, spoke about persons walking in the street he said sometimes they walk six people across. He asked the Freeport Police Department to stay on it and to fine people because the streets are for cars and not for people that are out there jogging they can go out to Highland for that. He then talked about the indecent dress of people with their pants hanging low. He thanked Director Dole for the awesome job his crews did this year for snow plowing.

Tom Teich, 653 Jefferson Street, Freeport Illinois, spoke about a Boy Scout meeting that he wanted the Mayor to attend. He congratulated Tony Saga on his first place finish at the Special Olympics over the weekend.

MINUTES
REGULAR MEETING
Monday, March 17, 2014

Frank Thurman stated that he has had newspapers caught in his snow blower this winter. He stated they have a contract and we need to have delivery on the porch stoops. He stated that along Walnut and Homer they throw newspapers all along the curb.

Aldersperson Boldt thanked the Mayor for speaking at the Young At Heart group.

Upon motion duly made and seconded, the meeting was adjourned at 7:30 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk