



## *City Council*

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

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### **MINUTES REGULAR MEETING Monday, June 16, 2014**

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#### **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, June 16, 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 Bush.

#### **APPROVAL OF AGENDA**

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

#### **MINUTES**

The minutes from June 2, 2014 regular meeting and the June 9, 2014 special meeting were presented. Alderperson DeVine moved for approval of the minutes, seconded by Alderperson Brashaw. Motion prevailed by voice vote without dissent.

#### **PUBLIC COMMENTS – AGENDA ITEMS**

There were no public comments on agenda items this evening.

#### **PROCLAMATION/PRESENTATIONS**

A proclamation was read aloud proclaiming Juneteenth Day as June 19 through June 22, 2014 in the City of Freeport, Illinois, and urging citizens to learn more about our common past to better understand the experiences that continue to shape our nation.

Chief of Police Todd Barkalow introduced three new officers of the Freeport Police Department. Patrolmen Dan Stott, Bobby Robbins, and Jon Johannsen were introduced. Chief Barkalow stated they were sworn in on September 24, 2013 and graduated from basic Police Training Institute (PTI) on December 19, 2013, after ten weeks of intensive training in Champaign Illinois. The three officers have recently completed their required field training where they were taught local booking procedures, investigations, and City Ordinances on a one-on one basis with a Field Training Officer (FTO.). Chief Barkalow stated the next four patrol officers will graduate on June 26, 2014 and will soon begin their field training.

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**CONSENT AGENDA**

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

- A. Approval to receive and place on file:
  - 1) Community Development Monthly Activities Report for May 2014 including Building, Electrical, HVAC, Plumbing and Sign Permits
  - 2) City Treasurer's Monthly Investment Report for period ended May 31, 2014
  - 3) City Treasurer's Report of Cash and Fund Balances for period ended May 31, 2014
- B. Approval of Motor Fuel Tax Fund Bills Payable (Register #0043) --- \$47,931.09
- C. Approval of Payroll for pay period ending May 31, 2014 --- \$412,178.89
- D. Approval of Finance Bills Payable (Registers #165, 167, 168, 170, 171) --- \$208,033.86

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

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

Nays: none

**COMMUNICATION TO COUNCIL**

A memorandum addressed to Mayor Gitz was presented by Cynthia Haggard, Director of Finance, regarding Garbage Rate Increase per the consumer price index. The memorandum stated; "Effective July 1, 2014, upon your approval, the garbage rate needs to increase from \$12.02 to \$12.25. The garbage rate consists of three charges 1) basic rate 2) collection fee, and 3) bad debt fee. The base rate or minimum monthly charge assessed by the City to each residential dwelling for basic household waste collection and disposal and recycling services needs to increase two percent from \$11.36 to \$11.59. The base rate is determined by the change in CPI. The measurement date for the change in CPI is April and this amount was 2% (calculations provided)."

The July 1, 2014, garbage rate is \$12.25 as follows:

Description	Current Rate	% Increase/ (Decrease)	Proposed Rate
Base Rate	\$11.36	2.00	\$11.59
Collection Fee	\$0.15	---	\$0.15
Bad Debt Fee	\$.51	---	\$0.51
	\$12.02	---	\$12.25

Mayor Gitz provided that the above stated information is presented as an annual adjustment per the contract. He explained this change is made automatically and it does not require council approval and they are presenting this to keep the council apprised of the base rate change. Finance Director Haggard summarized her communication that the garbage rates will be increased \$0.23 as this is an increase of 2% based on the consumer price index (CPI). She stated if the CPI was a negative, amounts would decrease. This will be money in and money out as it is collected for the haulers through the Water and Sewer billing and then will be paid out per household charge to the contractor.

Discussion was held as to the City paying the contractor for every household in the City whether it is vacant or occupied. Clarification was made by Mayor Gitz that if a house has been vacant for a period of

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six months, there is a condition to that and the rates do apply to dwelling units of less than four unit. He asked for a motion to place the document on file. Mayor Gitz stated he is working on a case for a multiplex property in which they are stating that they are billed by the City and also paying the hauler but he is looking into that issue by next week and depending on the outcome they may have a refund coming. We may look to the Finance Director for an adjustment to the bad debt fund. Discussion was held about a property which had been a duplex but is now a single family dwelling and how the resident can have the billing adjusted. Alderperson Brashaw moved to place the communication on file, seconded by Alderperson Boldt. Motion prevailed by voice vote without dissent.

**ORDINANCES – SECOND READING**

**2<sup>ND</sup> READING OF ORDINANCE NO. 2014-26:**

**AN ORDINANCE TO APPROVE A CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF FREEPORT AND COMCAST OF ILLINOIS/INDIANA/OHIO, LLC**

The first reading was held on June 2, 2014. A motion to move forward the ordinance for approval was given by Alderperson Brashaw, seconded by Alderperson Boldt and the ordinance was automatically laid over to tonight's meeting. Upon the second reading, discussion was held as to the difficulty in customer service as it relates to Comcast service now that the office was closed in Freeport. The council members stated their dissatisfaction in sending and receiving equipment and the time it takes for repairs.

Comcast representative, Joan Sage, was asked to the podium for questions from the Council. Ms. Sage stated she incorrectly spoke about shipping charges being free of charge at the last council meeting. She stated she forwarded a follow up email, which was distributed to council, as follows:

“Thank you for the opportunity to speak at Council last Monday evening. Here is further information and clarification regarding shipping charges for cable equipment.

- 1) There is no charge for returning cable equipment (for instance, when cancelling service). A customer need only call into our customer care number and request a box with a paid return label be sent to the customer.
- 2) There is a shipping charge for sending equipment for new cable service to a customer.
- 3) If the customer changes their service and needs a new box or modem shipped to them, there is a charge. However that shipping box will also come with paid return label so the customer can return the “old” equipment to us at no charge.

For future reference, when your residents, who are Comcast customers, call you with cable concerns, please refer them to our 24/7 customer service line (1-800-Comcast /1- 800-266-2278). If for some reason there is still a problem, it is best (and quickest) to send me an email detailing their concern along with their name, address and phone number on their account. I will send to our team, who will take action. If you have further questions, please feel free to contact me. Ms. Joan Sage, Joan Sage, Government & Regulatory Affairs Manager”

Discussion was held about the hardship to residents because of the closing of the Freeport office of Comcast. Council members explained issues people have had with trading in equipment and obtaining new receivers. Discussion was held on the difficulty of getting equipment and service personnel from Rockford with council members providing examples of service interruptions and having to go a couple of days without working equipment.

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Corporation Counsel Griffin stated the agreement with Comcast expires and June 20, 2014, and they have been talking with them for eighteen months and this is a standard Mayor's suburban contract. She explained if the contract expires they no longer have the rights to use our streets or the rights of ways and it would basically shut them down. This is not business that the City has sought, they come to us if they want to utilize the City streets to provide service. Mayor Gitz explained that this is a voluntary service and is offered pursuant to the franchise agreement and, like the council, he does not necessarily agree with the rules. He explained that the latitude for a City to negotiate the terms for service and the price and to some degree what programming has all been taken away from us by Congress. He stated there is not happiness in other Cities either. He stated the real choice tonight is whether the agreement before you is an agreement you think is fair, provides basic terms of service and if we don't approve it he is not sure if everything will go dark on Friday or not, but it does put us in an awkward situation. He asked council to think about that when deciding what to do. Mayor Gitz stated he will make note of the different issues raised and will provide those noted to the Comcast government representative. The motion to approve the ordinance prevailed by a roll call vote of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw (5)

Nays: Boldt, Koester and Crutchfield (3)

Ordinance #2014-26 was passed.

**2<sup>ND</sup> READING OF ORDINANCE NO. 2014-27:**

**AN ORDINANCE TO ASCERTAIN THE PREVAILING RATE OF WAGES FOR LABORERS, WORKMEN AND MECHANICS EMPLOYED IN PUBLIC WORKS OF THE CITY OF FREEPORT, ILLINOIS**

The first reading was held on June 2, 2014. A motion to move forward the ordinance for approval was given by Alderperson Klemm, seconded by Alderperson Crutchfield and the ordinance was automatically laid over to tonight's meeting. Upon the second reading Mayor Gitz presented that this ordinance sets new rates for prevailing wage the government entities must follow per State Statutes. The motion prevailed by a roll call vote of;

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

Nays: none

**2<sup>ND</sup> READING OF ORDINANCE NO. 2014-29:**

**AN ORDINANCE AMENDING CHAPTER 876 (RESIDENTIAL RENTAL PROPERTY REGULATIONS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT**

The first reading was held on June 2, 2014. A motion to move forward the ordinance for approval was given by Alderperson Klemm, seconded by Alderperson Crutchfield. The ordinance was then forwarded to the Committee of the Whole meeting held on June 9, 2014. After discussion was held at the Committee of the Whole meeting, Alderperson Koester moved to recommend the ordinance to council, seconded by Alderperson Bush and the motion was approved by majority vote.

Upon the second reading, discussion was held on proposed amended wording placed on council desks this evening which was "bolded and double underline" compared to the previously presented double underlined portion in Section 876.01:

- a. Residential Rental Structure. A "residential rental structure" is any apartment, rooming house, boarding house, dwelling, multi-use dwelling structure (excluding hotels, motels, assisted living facilities, residential care homes, and nursing homes, all as defined elsewhere in these codified

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ordinances) - and any mobile home – located within the corporate limits of the City of Freeport that the owner thereof rents, either entirely or in part, to another person or persons for occupancy as a residence, regardless of the zoning of the property. If there is more than one unit within such structure, it shall be identified by the term “residential rental unit”. A property which is the subject of a land contract will be considered a residential rental structure unless conversion of the title has taken place as shown through the filing of such document in the Stephenson County Recorder’s office and taxes are being assessed in the name of the purchaser. Notwithstanding the filing of a land contract in the Stephenson County Recorder’s office and the assessment of taxes, a purported land contract shall be considered a rental if the transaction is in excess of thirty years. In lieu of providing proof as stated above, a land contract will not be considered a rental property if the seller provides evidence to the Finance Director and the Corporation Counsel that clearly establishes that the property is treated for tax purposes as interest income.”

Discussion was held as to whether this wording would close the loop hole of land contracts and those parties where the person was using excessive time periods in land contract in order to not register. Mayor Gitz stated that we indicated to council that we would try to clean up the language and there are some people who are trying to take themselves out of the realm of the ordinance and we are fully prepared to take them to court based on the contract when they put the tenants name on the title and to take themselves outside this ordinance. He stated we are trying to catch that net of those people who are playing games with the ordinance for their own benefit. He stated that it is up to council as to whether they want to amend the original ordinance. Council provided their opinion on the amended wording and asked for further clarification from Mayor Gitz. Corporation Counsel Griffin stated that in the last meeting a public commenter offered up to have everyone provide a copy of their taxes and it should not be a requirement for the City to ask for copy of the taxes especially if they do not want us to see their earnings, it would be a perfectly valid way to prove it but we can’t require it, so that is why it is an option. It is a way to say or provide proof of the taxes. Mayor Gitz stated that most legitimate land contracts will record it. He stated that if I was purchasing a piece of property on a land contract then I would want it recorded. He then explained case law and whether it is a contract or not. He explained that by recording it then it would put all the third parties on notice that the seller has an interest in the property and the buyer has an interest in the property so for lots of reasons by not recording it is not very wise even though he understands the practical issues that accompany this. He stated what we have done is to provide an option outside of recordation that would allow you to clearly establish that this is a contract in its truest sense.

Aldersperson Bush moved to adopt the amended ordinance on the floor for approval. This motion was seconded by Aldersperson Endress. This motion prevailed by voice vote without dissent.

Mayor Gitz stated this amendment is now added to the ordinance. He asked if there was any further discussion on the ordinance itself. Aldersperson Bush called the question. The motion to approve the ordinance prevailed by a roll call vote of;

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

Nays: none

Ordinance #2014-29 as amended passed on the second reading.

**ORDINANCES – FIRST READING**

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**1<sup>ST</sup> READING OF ORDINANCE NO. 2014-30:**

**ORDINANCE FOR VARIATION, PERMIT OR AMENDMENT OF CODIFIED ORDINANCES OF FREEPORT, ILLINOIS** - Type of Relief: A variance to Section 1268.07 (Accessory Structures) of Chapter 1268 (Supplemental Regulations) of the City of Freeport Codified Ordinances to increase the height of an accessory building from fifteen feet to twenty- six feet; Owner or Applicant: Park Hills Evangelical Church; Address or Description: 2525 W. Stephenson Street, Freeport Illinois. The Board of Zoning Appeals unanimously recommended the variance to council at their meeting held on June 5, 2014 and there were no written objections filed.

Mayor Gitz stated that he provided a communication to council members and he is requested that this ordinance be directed back to the Board of Zoning Appeals due to the height of the variation in a residential district. Community Development Director Jim Brown stated that if the council has further questions on the height of the building then, if they so choose, they can return it back to the Board of Zoning Appeals. Alderperson Klemm state he had been present at the Board of Zoning Appeals public hearing and it had been presented through sketches and drawings by the petitioner where it would be placed on the property and that the garage was needed to hold a bus and to clean up the area where they put their busses and move some stuff around to change some other sheds and it would be a good facility for them. The height of the garage would need to be 26 feet to accommodate the height of the bus and the height needed for the door. He stated that this particular property sits eleven feet higher than the neighboring property. He was wondering if it could be built to be about 20 feet high instead of the proposed 26 feet high.

Discussion was held as to sending the ordinance back to the Board of Zoning Appeals for a second look in order to avoid setting a precedent on variance as to the height of accessory buildings. Alderperson Boldt made a motion to send back to the Board of Zoning Appeals, seconded by Alderperson Brashaw. Discussion was held as to whether there were overview photos presented at the public hearing and Director Brown explained that the commissioners saw an overhead photo through the GIS. There were also several ground level photos and drawings were presented where it would set on the site. He stated the petitioners had fulfilled their obligation for notices to the adjacent properties and owner of record about the hearing. Director Brown stated he had a conversation with Park Hills Church that they had fulfilled the notice. Discussion was held as to the height of a garage typically need for a vehicle the size of a bus. Alderperson Koester stated he thought the average height of a bus was about 10 to 13 feet. The motion to send the ordinance back to the Board of Zoning Appeals for further discussion prevailed by voice vote without dissent.

**RESOLUTIONS**

**RESOLUTION #R-2014-45:**

**RESOLUTION FOR THE AGREEMENT BETWEEN CITY OF FREEPORT AND FEHR GRAHAM FOR CONSTRUCTION ENGINEERING SERVICES – 2014 MFT PROGRAM (SECTION NO. 14-00000-01-GM MILL & OVERLAY PROGRAM)**

City Engineer Gallagher presented a written memorandum as follows regarding the 2014 Street Inspection Contract Mill and Overlay Program, Section 14-00000-01-GM: “The 14-00000-01-GM section number will cover costs for our mill and overlay program, which has been successful over the years in providing a renewed surface to our streets. As part of this work, we contract out construction inspection services to

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Fehr Graham in order to meet Motor Fuel Tax requirements for documentation and ensure that proper construction techniques are followed in accordance with the 2012 edition of the “Manual on Uniform Traffic Control Devices for Streets and Highways” and the City’s contract requirements. The inspection contract proposed covers road work on Railroad Avenue, Ringold Street, Brick Avenue, Walnut Avenue and Maple Avenue. The resolution attached is a contract valued at 6% of the final construction cost, estimated at this time to be \$17,410.00. A percentage contract is used in order to allow the City to add additional streets into the program, should bids become exceptionally favorable, without renegotiating inspection services. As part of the contract, Fehr Graham will also provide materials testing for concrete and asphalt.”

Aldersperson Boldt moved for approval of the resolution as presented, seconded by Aldersperson Klemm. The motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)  
Nays: none  
Resolution #R-2014-45 was adopted.

**RESOLUTION #R-2014-46:**

**RESOLUTION TO AUTHORIZE APPOINTMENT OF COMMUNITY DEVELOPMENT DIRECTOR JAMES BROWN AND CITY ENGINEER SHAUN GALLAGHER TO THE JANE ADDAMS TRAIL COMMISSION**

Aldersperson Brashaw moved for approval of the resolution as presented, seconded by Aldersperson Endress. The motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)  
Nays: none  
Resolution #R-2014-46 was adopted.

**RESOLUTION #R-2014-47:**

**RESOLUTION TO AUTHORIZE APPOINTMENT OF COMMUNITY DEVELOPMENT DIRECTOR JAMES BROWN AND CITY ENGINEER SHAUN GALLAGHER TO THE PECATONICA PRAIRIE PATH**

Aldersperson Koester moved for approval of the resolution as presented, seconded by Aldersperson Endress. The motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)  
Nays: none  
Resolution #R-2014-47 was adopted.

**RESOLUTION #R-2014-48:**

**RESOLUTION TO AUTHORIZE PECATONICA PRAIRIE PATH COMMISSION JULY 1-JUNE 30, 2014-15; 2015-16, AND 2016-17 THREE-YEAR OPERATING BUDGET**

City Engineer Gallagher presented the following written memorandum: “Attached are the FY 2015, FY 2016, and FY 2017 budgets provided by the Pecatonica Prairie Path Commission at our quarterly meeting held on March 21, 2014. Our commitment to the Pecatonica Prairie Trail covers publicity for the trail in the form of pamphlets, along with website upkeep and development over the next three years. At this time, other items typically assigned to a trail budget, such as maintenance and mowing are being coordinated on a volunteer basis with various Townships, Villages, Cities and residents that reside along the trail. Historically the Commission has requested annual contributions of \$1,000 from the City of



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Freeport in this effort.” Alderperson Klemm moved for approval of the resolution as presented, seconded by Alderperson Brashaw. The motion prevailed by a roll call vote of;

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

Nays: none

Resolution #R-2014-48 was adopted.

**RESOLUTION #R-2014-49:**

**RESOLUTION TO ENTER INTO AGREEMENT WITH FEHR GRAHAM FOR SERVICES RELATED TO USEPA BROWNFIELDS CLEANUP GRANT ACTIVITIES ON THE ALBUM STREET CORRIDOR IN THE CITY OF FREEPORT, ILLINOIS**

Community Development Director Jim Brown provided his written memorandum with the following background information; “The City of Freeport has been awarded three US Environment Protection Agency Cleanup Grants totaling \$600,000 to address the environmental cleanup at Album St. (former Modern Plating) site. Fehr-Graham had completed the environmental assessment for the three contiguous sites on Album Street. In the project work plan, the City of Freeport identified Fehr-Graham as the consultant to continue the environmental clean-up. The City therefore asked Fehr-Graham to submit a proposal for requested services to achieve the project goal: a No Further Remediation (NFR) letter from the Illinois Environmental Protection Agency. ” Director Brown presented his written recommendation and suggested council action as follows: “Attached you will find the proposal submitted by Fehr-Graham to complete the scope of work within the budget of the three grants. The total for all three clean-up grants will be \$151,952, well within the budget. The approval of this proposal is necessary in order to proceed with the site cleanup and fulfill tasks under the USEPA Brownfields Cleanup grant program and receive the NFR letter.”

Alderperson Bush asked about the tasks that need to be completed in order to clean up the site. Joel Zirke of Fehr Graham was requested to come to the podium for questions per leave of the council. Mr. Zirke explained the processes that had been completed to date in order to complete the tasks involved in the Brownfields Cleanup including the first task of the assessment of the property and there are some locations where they were unable to collect samples because the building being in place. He stated the next step would involve removing the building and understanding contaminants contained on the site, including known heavy metals and chlorinated solvents. They would then design the remediation that will be necessary. The degree of heavy metals makes remediation difficult. He noted that there is a need to be careful and move forward in a cautious manner due to the close proximity to the Pecatonica River. It is in the State’s voluntary cleanup program and has IEPA oversight each step of the way. He stated the bid package will need to be developed so that we get good pricing and also so that the contractors will do things just the way it is designed to be done. Time frame wise, if we get the building down and we do development of final plans and specifications over the winter we hope to get this out so that by the summer of 2015 the actual remediation work can be complete.

Mr. Zirke spoke about the importance of community outreach that will continue in the neighborhood area and Fehr Graham will assist the City in providing this public outreach. Discussion was held as the risks involved in this project. Mr. Zirke stated that it is important for people in the area to be notified about what is going to happen, when it is going to happen, and whether there is any risks to them in the area. Due to the community outreach already done, the participants feel comfortable.



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Discussion was held as the building and Mr. Zirkle stated there is a building still standing on the corner of Album and Hancock, awhile back a building was torn down on the corner of Album and Hancock and this one sits to the right of that. Alderperson Bush asked if this was the building the City took control of through the transfer of the Tipton property and Corporation Counsel Griffin answered affirmatively.

Discussion was held about the City of Freeport being awarded three US Environment Protection Agency Cleanup Grants totaling \$600,000 to address the environmental cleanup at Album Street. Fehr-Graham had completed the environmental assessment for the three contiguous sites on Album Street. This resolution is to enter into an agreement with Fehr Graham for services relating to site cleanup, IEPA remediation program, preparation of quarterly reports, health monitoring (performed by the Stephenson County Health Department). The responsibility of and to community involvement are programmed into the City's other FY 2013 USEPA Brownfield grants for assessment and area wide planning. This provision does not include community involvement tasks by Fehr Graham. The total for Fehr Graham services will be \$151,952.00 for three cleanup grants. Director Brown explained that it will be our responsibility to tear down the building and part of the grant will go towards in-kind services. It was estimated to have the bid documents prepared in the spring of 2015 so that cleanup can be accomplished by the summer of 2015. Alderperson Bush moved for approval of the resolution as presented, seconded by Alderperson Brashaw. The motion prevailed by a roll call vote of;

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

Nays: none

Resolution #R-2014-49 was adopted.

**RESOLUTION #R-2014-50:**

**RESOLUTION AUTHORIZING SERVICE AGREEMENT BETWEEN THE STEPHENSON COUNTY SENIOR RESOURCE CENTER AND THE CITY OF FREEPORT**

Director Brown presented a written memorandum as written by Kevin Cooley, Transit Coordinator. The memorandum dated June 9, 2014 provided the following: "The county-wide expansion of the City's transportation program will begin July 1, 2014. The provider will be the Senior Resource Center (SRC). During the City's final meeting with the SRC's Board of Directors an IDOT representative was present to ensure that all plans aligned with grant guidelines and objectives. Accordingly, the Senior Resource Center and the City have negotiated a transportation agreement for the City Council's approval.

**Major Tenets**

- The SRC shall provide public transportation services for the general population.
- The SRC shall remit its Title XX and 3B grants and provide vehicles to the project.
- The SRC shall provide adequate space and personnel for the fulfillment of the project.
- The SRC shall cooperate with the City in the administration of the project.
- The City shall provide primary supervisory and managerial oversight of the project.
- The City shall provide vehicles and equipment for the fulfillment of the project.
- The City shall use transportation grants to reimburse eligible project related expenses.
- The City shall have authority over procurement and administration of the project.
- The agreement between the City and the SRC is for one year with the option to renew.

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The actual agreement has been attached for your review. The accompanying resolution gives the Mayor permission to enter into agreement with the SRC on behalf of the City of Freeport. The resolution must be passed at this council meeting to prevent start-up delays.”

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

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

Nays: none

Resolution #R-2014-50 was adopted.

**RESOLUTION #R-2014-51:**

**RESOLUTION AUTHORIZING VEHICLE LEASE AGREEMENT BETWEEN THE STEPHENSON COUNTY SENIOR RESOURCE CENTER AND THE CITY OF FREEPORT**

Director Brown presented that the county-wide expansion of the City’s transportation program will begin July 1, 2014. The provider will be the Senior Resource Center (SRC). The City has agreed to provide its public transportation fleet for the fulfillment of the project. Accordingly, the Senior Resource Center and the City have negotiated a lease agreement for the City Council’s approval.

Major provisions of the agreement include;

- The SRC shall provide public transportation services for the general population.
- The SRC shall maintain adequate vehicle insurance.
- The SRC shall fuel all vehicles at the City yard.
- The SRC shall only use City approved mechanics.
- The SRC shall cooperate with the City to adhere to a strict maintenance program.
- The City shall utilize grants funds to pay fuel and maintenance costs.

The sample lease agreement was provided in the council packet for review and approval. Most of the provisions have been taken from our lease agreement with our previous provider, with minor adjustments made to accommodate a not-for-profit organization. The accompanying resolution gives the Mayor permission to enter into agreement with the SRC on behalf of the City of Freeport. The following provisions were also included:

**Vehicle Leased**

Lessor hereby leases to Lessee, on the terms and conditions herein contained, the following motor vehicles:

Van 1	1GBDV13W58D115940	2008	Chevrolet	Uplander	Minivan
Van 2	1GBDV13W18D212164	2008	Chevrolet	Uplander	Minivan
Van 3	1GBDV13W48D211932	2008	Chevrolet	Uplander	Minivan
Bus 4	1FDEE35L89DA55034	2009	Ford	El Dorado	12 Passenger Light Duty
Bus 6	1FDEE35L79DA92348	2009	Ford	El Dorado	12 Passenger Light Duty
Bus 10	1FDWE35L97DB47402	2008	Ford	El Dorado	12 Passenger Light Duty
Bus 11	1FDEE3FL7ADB01505	2010	Ford	El Dorado	12 Passenger Light Duty

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Bus 12      1FDEE3FL0ADB01491      2010   Ford      El Dorado      12 Passenger Light Duty

Vehicles shall have lettering, identifying it with the logo, telephone number, and website address, and other information as directed by Lessor. Said lettering shall be provided at the cost of Lessor; Lessee shall be responsible for having the vehicle lettering completed within fifteen (15) days of Lessor's request.

**SECTION 2**  
Use and Scope of Service Limits

Lessee agrees that it will not use or permit the use of the leased vehicle in any negligent or improper manner, or in violation of any statute, law, or ordinance, or so as to void any insurance covering the vehicle, or permit any vehicle to become subject to any lien, charge, or encumbrance which may affect Lessor's title to said vehicle.

**SECTION 3**  
Term

The term of the lease shall be for one (1) year, or until a successor agreement is reached, whichever occurs first. This lease is contingent upon funding from the Illinois Department of Transportation – Division of Public and Intermodal Transportation, hereinafter referred to as "IDOT", for the Lessor to continue to operate the public transportation service. The Lease shall commence on July 1, 2014 and terminate at midnight on June 30, 2015 at midnight. The Lessor may offer four (4) optional one-year extensions in the event that successor agreements have not been reached. The optional extension periods are as follows:

Year #1	July 1, 2015 to June 30, 2016
Year #2	July 1, 2016 to June 30, 2017
Year #3	July 1, 2017 to June 30, 2018
Year #4	July 1, 2018 to June 30, 2019

Subject to the terms of the Federal Section 5310 Capital Assistance Program. Federal Section 5311 Operating Program, State of Illinois Downstate Operating Assistance Program (DOAP) and the Transportation System Provider Agreement between the Lessor and the public transportation LLC, the Lessee shall notify Lessor in writing, no later than ninety (90) days prior to the termination date of this agreement, of Lessee's intention to either terminate this Agreement on June 30, 2015, or seek to extend the Agreement.

Director Brown stated the lease is for eight vehicles to be used by the Senior Resource Center. Discussion was held as to the two vehicles on order through the Illinois Department of Transportation. Director Brown presented the the City will apply for two more vehicles for use under this program because the mileage on the current vehicles is around 130,000. Discussion was held as the whether the vehicles run on diesel fuel and it was explained that they utilize regular fuel and not diesel so the engine life is not expected to be as long. Director Brown explained that the next resolution will be a vehicle procurement resolution to apply for additional vehicles for use with this program.

Aldersperson Bush moved for approval of Resolution R-2014-51 as presented, seconded by Aldersperson DeVine. The motion prevailed by a roll call vote of;  
Yeas: Klemm, Boldt, Bush, DeVine, Endress, Brashaw, Koester and Crutchfield (8)

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Nays: none

Resolution #R-2014-51 was adopted.

**RESOLUTION #R-2014-52:**

**RESOLUTION AUTHORIZING APPLICATION FOR A PUBLIC TRANSPORTATION CAPITAL ASSISTANCE GRANT WITH THE ILLINOIS DEPARTMENT OF TRANSPORTATION AND THE CITY OF FREEPORT, ILLINOIS**

Community Development Director Brown presented the resolution and stated the majority of the City's public transportation vehicles are acquired through state or federal grants. While the City's vehicles are maintained in accordance with IDOT's strictest guidelines, normal wear and tear limits their useful life. Currently the City of Freeport provides approximately 40,000 demand-response public transportation services within its geographical borders annually. On July 1, 2014, the City will expand its public transportation services throughout Stephenson County. After the expansion is completed, the City expects to provide approximately 70,000 rides throughout Stephenson County. Accordingly, the City of Freeport is applying for one handicap accessible light duty bus and two handicap accessible minivans worth a total of approximately \$139,000. This project will be included in a Consolidated Vehicle Procurement Program undertaken by the State of Illinois on behalf of City of Freeport, with State and Federal Funds. Director Jim Brown stated the accompanying resolution gives the Mayor permission to submit the grant application and related documents on behalf of the City of Freeport.

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

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

Nays: none

Resolution #R-2014-52 was adopted.

**OTHER**

**REPORTS OF DEPARTMENT HEADS**

**Community Development**

**Acceptance of Bid and Contract Procurement of Telecommunications Equipment for Transit Program — [view memo](#)**

Community Development Director Jim Brown stated with the Public Transportation Program going to a new service provider, a new telecommunications contract is necessary for County-wide expansion of the public transit system. The Department received two bids for a two-year contract. He recommends acceptance of the U.S. Cellular bid. He provided the following written memorandum:

“Background: A new telecommunications contract is necessary for County-wide expansion of the public transit system. The City published a bid notice for a two-year contract for the telecommunications equipment and service; deadline was today. Bids were received from U.S. Cellular and Sprint. Both services had previously been in contact with the City and allowed the City to test equipment and services. The Sprint bid was for \$1,188.12 per month, or \$28,514.88 for a two-year period. The U.S. Cellular bid was for \$36,424.49.

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“The U.S. Cellular cost is derived thus: \$4,173.05 one-time equipment cost + (24 x \$1,343.81 monthly cost). The Sprint proposal was simply a monthly cost of \$1,188 x 24 months.

“At the time of this writing, staff is still conducting tests to determine which service would be better and whether the higher cost of the U.S. Cellular proposal could be justified. “Reliability of cellular service and call clarity throughout Stephenson County and the 815-608 area codes” was a bid specification. I will report on the tests and recommendation at the Council meeting.

“The contract with U.S. Cellular would include all voice and data services as well as the appropriate equipment to run the City’s dispatch software. Additional deliverables under the contract are: cell phones, tablets, Bluetooth devices, chargers, and mounting units. Since funds for these expenditures have been budgeted in the transportation grant application and are underneath the \$100,000.00 threshold set forth by IDOT, IDOT concurrence will not be required for the contract. All of the costs for this contract will be paid for through the transportation grants and related revenues.”

Discussion was held on the bidding requirements and the processes followed based upon the City of Freeport Purchasing policy and the council disappointment in not obtaining sealed bids in the process. Discussion was held on the differences between the bids and the coverage area. It was noted that the phone system is necessary to move forward with the transportation system implementation. Discussion was held on service implementation timing and whether another meeting could be held.

Alderson Brashaw moved for acceptance of the bid from US Cellular in the amount of \$36,424.49 and to waive the bidding requirement. This motion was seconded by Alderson Boldt. Discussion was held as to why the motion needed to waive the bidding requirements. Corporation Counsel Griffin explained it was because the bids were taken without them being sealed. They were published in the newspaper and the bids were received by the Transportation Coordinator in another manner besides sealed bids. Corporation Counsel Griffin stated the council if they choose can waive the bidding requirements.

Alderson Klemm asked why this could not be re-bid. He stated it was not right to begin with and this came in before the last Committee of the Whole meeting. He stated that our policy is to go out with a set of specifications for bids on that package and then you talk about one had it and one didn’t have it. Alderson Klemm stated there are times you have to say this isn’t right and go back and do it again.

Alderson Crutchfield asked if the program did not start on July 1<sup>st</sup>. Director Brown stated the contract with Pretzel City Transit ends on June 30<sup>th</sup> and that cannot be extended and people depend on the transit program to get to the doctor, etc. Mayor Gitz stated there are pretty dire consequences if we do not get this done. Mayor Gitz stated that he urges the council to consider if we go through this bidding requirement and we hurry this up and it comes down to a couple of days before June 30<sup>th</sup>, the numbers are probably not going to change and you have a pretty good idea what the numbers are, they will probably not get any lower. He stated he can appreciate each of the council members point on this.

Alderson Klemm stated the largest supplier of phones in the area did not bid. Alderson Boldt asked why Verizon did not bid. Transit Coordinator Kevin Cooley stated he was not sure why and no one responded after we put out the sealed bid and specifications. The only company who offered to do a sealed bid was US Cellular. Kevin Cooley stated he apologizes that this is misunderstanding of the

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process and he did tell US Cellular that no one else sent one in, so you can email me. He stated US Cellular offered to hand deliver the bid on time. He stated he did not know why Verizon did not respond.

Upon no further discussion, Mayor Gitz asked for a roll call vote for the motion to approve the US Cellular bid at the higher amount with the extra features and to suspend the bidding requirement. Alderperson Boldt asked about the 60 day opt out period. Director Brown stated that we have the 60 day opt out as to the features that we want. It was asked for clarification from Corporation Counsel. Corporation Counsel Griffin stated she has not seen the contract so she can't answer that question. Director Brown stated the one of the specifications was reliability of cellular service in the County and call clarity throughout Stephenson County between the 815 and 608 area codes as required. So there is an opt out per the specifications of the bid. Alderperson Boldt asked about Ms. Griffin seeing the contract and Corporation Counsel Griffin stated you would not necessarily see the contract until after you accept the bid; but what was asked was if we can get out of it if you don't meet the specifications and that answer would be yes.

The motion failed by a roll call vote of;  
Yeas: Boldt, Brashaw and Crutchfield (3)  
Nays: Klemm, Bush, DeVine, Endress, and Koester (5)

Alderperson Crutchfield asked about the timing of the transit program. Mayor Gitz stated that we don't have to have council action to seek additional bids and we will meet tomorrow morning and figure out what we are going to do in the next 14 days and the council will be so advised.

Director Brown stated we will begin to fine people for the Rental Property Registration program who are not in compliance. He stated we are meeting with the Police Department with the protocol on how we want to approach this. Mayor Gitz stated that amendments approved tonight on the Rental Property Registration will be online as soon as possible and will be valid ten days after publication of the ordinance.

**Library**

Library Director Carole Dickerson was not present.

**Finance**

**Council Action per memorandum dated June 16, 2014, from Cynthia Haggard, Director of Finance regarding Annual Ambulance Revenue Transfer – [view memo](#)**

Finance Director Cynthia Haggard presented the following:

“Per City Ordinance 242.53 Fire Department Capital Fund, “...once the threshold amount of the greater of two hundred forty thousand dollars (\$240,000) or an amount equal to sixty percent of the total amount remitted to the City in the prior fiscal year is placed in the Fire Department Fund, any further funds may be deposited to the General Fund of the City at the discretion of the City Council.”

Ambulance receipts and respective expenditures are posted directly to the Fire Improvement Fund. The fiscal year 2014 amount to be transferred from the Fire Improvement Fund to the General Fund is \$206,801.75.

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Ambulance Receipts Transfer	
Description	Amount
FY 2014 Receipts	\$ 554,087.33
Less: Andres Payments	37,082.96
Net Receipts	<u>517,004.37</u>
Fire Improvement Fund Share	310,202.62 (Greater of \$240,000 or 60 percent of net receipts)
General Fund Share	<u>206,801.75</u>
Net Receipts	<u>\$ 517,004.37</u>

Aldersperson Boldt moved to concur with the transfer of funds in excess of \$240,000 to transfer an amount of \$206,801.75 from the Fire Capital Improvement Fund to the General Fund. This motion was seconded by Aldersperson Bush. The motion prevailed by a roll call vote of;

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

Nays: Koester (1)

**Fire**

Fire Chief Scott Miller had no report this evening.

**Police**

Chief of Police Todd Barkalow had no further report.

**City Engineer**

**Acceptance of Bid and Contract for Mill and Overlay Program to Civil Constructors, Inc. for \$292,567.20** — [view memo](#) with notation; “ 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 presented the written bid tabulation and memo: “On June 12<sup>th</sup>, the City of Freeport held a bid opening for this year’s Mill and Overlay Program. The two (2) bids were submitted by Martin & Company Excavating and Civil Constructors, Inc. The apparent low bid was submitted by Civil Constructors, Inc. for the amount of \$292,567.20. 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. Based on this low bid, it is my recommendation to award contract 14-00000-01-GM to Civil Constructors, Inc. for \$292,567.20 barring any bid protest in the eight (8) calendar days following the bid opening, as allowed by IDOT. Aldersperson Klemm moved for acceptance of the bid from Civil Constructors, barring any bid complaints on the IDOT bid for eight days, seconded by Aldersperson Boldt. The motion prevailed by a roll call vote of;

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

Nays: none

He stated we have completed the Crack Sealing program and the contractor was paid per the Consent Agenda that was approved this evening. He stated that they were able to complete 65-70 City blocks.



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City Engineer Gallagher stated there have been quite a few water main break and there is some aging infrastructure that is compounded by normal maintenance that has caused some breaks in several areas. Last weekend we had six water main breaks and that is caused from normal wear and tear on the system. He stated have not yet fired up the pressure zone system and have experienced breaks with the aging infrastructure that we have and it has been compounded with flushing of the hydrants. City Engineer Gallagher stated we have had HMG complete the water modeling. He stated there may be dollars available through the \$25 million dollar bond and we may need to replace water main replacement in high demand flow areas. Over the next couple of months they will be test firing this. They will look at upsizing three miles of water main.

Discussion was held on the West Avenue bid opening that was held on Friday. City Engineer Gallagher stated he has been in contact with IDOT officials and there are various permits to replace water valves in the section. One of the sections along West Avenue will need to have 8-10 valves replaced and so you will see some traffic control along that section. He stated that the valve for the water to go to Read Park is broken so we need to repair that too. He anticipates that project beginning toward the end of July.

Discussion was held regarding the Tutty's Crossing boat launch. He stated that we received the formal approval and there are some pretty specific requirements of the I.D.N.R bid spec that will require further research from the City Engineer. He stated we can't just go out and buy a dock and throw it in there we will need to make sure it can be winterized.

City Engineer Gallagher also stated that we will be doing some test patching in the area of Park and Saxby along Lincoln Boulevard. City Engineer Gallagher stated that we have plans for the Adams and Clark Water and Sewer project which will be utilizing various grants to secure that capital and there will be also a restructuring of that curve.

**Water and Sewer**

Water and Sewer Director Tom Glendenning was not present.

**MAYOR'S REPORT**

Mayor Gitz stated the Joint Review Board met regarding the proposed Meadows TIF and unanimously recommended moving forward with the project. There is currently provided 25% back to the taxing bodies in the TIF's and that will be adhered. Mayor Gitz spoke about the bond refinancing as discussed with Bernardi Securities and they have also been discussing this with representatives from Edward D. Jones and he expects to have a third entry at the end of the week. Mayor Gitz discussed the Outreach Committee and the involvement of other buildings besides the City Hall building and the Carnegie Library and he will be keeping the council informed.

**NEW BUSINESS/COUNCIL ANNOUNCEMENTS**

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

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Aldersperson Bush stated congratulations on the Union Dairy's 100<sup>th</sup> Anniversary and provided information on upcoming activities planned for family enjoyment along with events such as a car show and a parade. He encouraged the public participation in the events.

Aldersperson Crutchfield discussed the Community Outreach Committee and what was asked of the committee in order to develop a survey. He stated his disappointment that this process will have taken three years this coming December. He thanked the council for their support of the honorary resolution for Reverend Hawkins because it made a special Father's Day gift.

Aldersperson Boldt asked those present to keep in their thoughts and prayers the community of Pilger, Nebraska who was hit with a double tornado this evening.

Public Works Director Dole was skipped in the Department Head reports and he reported that the crews have been busy grinding and pavement patching.

**PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS**

Deb Elzinga, 1147 W. Lincoln, provided stated that the Save City Hall is working on efforts of awareness and they have rolled out to the public the Noble women of City Hall as depicted by live performers as inspired by the fresco hidden about council chambers and painted in 1899. She stated that we need to preserve our heritage and restore the building to its former glory.

Andy Dvorak, 1211 Stephenson Street, spoke about his disappointment in Mayor Gitz to bring forth the 5<sup>th</sup> 3<sup>rd</sup> Bank in the survey that is being prepared for public input.

Kathy Wilkin, read aloud postcards that had been written about the City Hall process and the building.

Steve Carroll, 811 S. Oak, thanked John Menke, City of Freeport Building Inspector for the positive results. He spoke about traps being set by the Animal Control Officer stating that it took two years for this issue.

Tom Teich, 653 S. Jefferson St. thanked Mayor Gitz for the cake and asked if he would be attending the ice cream social at Presence Provena.

Seeing no other business to come before this council, Mayor Gitz asked for a motion for adjournment.

Upon motion duly made and seconded, the meeting was adjourned at 8:45 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk