



City Council

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

**COMMITTEE OF THE WHOLE
MINUTES
REGULAR MEETING
MONDAY, MARCH 13, 2017 AT 6:00 P.M.**

CALL TO ORDER

The regular meeting of the Freeport, Illinois, Committee of the Whole was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:02 p.m. on March 13, 2017.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Peter McClanathan, Art Ross, Jodi Miller, Sally Brashaw, Mike Koester, and Andrew Chesney (7). Alderperson Patrick Busker was absent

Present from the City: Community Development Director Alex Mills, Public Works Director Tom Dole, Fire Chief Scott Miller, Police Chief Todd Barkalow, Water and Sewer Executive Director Tom Glendenning, City Engineer Shaun Gallagher and City Clerk Meg Zuravel.

PLEDGE OF ALLEGIANCE

With Alderperson Busker being absent, Alderperson Brashaw led the Pledge of Allegiance and then became the chairperson of the meeting.

AGENDA

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

PUBLIC COMMENTS

Ms. Tracyann Reynolds, Habitat For Humanity located at Spring and Van Buren, Freeport Illinois spoke as the Executive Director for the Habitat for Humanity in support of building permit fees exemption for non-for-profits.

APPROVAL OF MINUTES

Alderperson Koester moved for approval of the minutes from February 13, 2017, seconded by Alderperson Miller. Motion prevailed by voice vote without dissent.

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ITEM # 7 - NOTICE OF A CHANGE ORDER FOR ADDITIONAL REMEDIATION ACTIVITIES IN THE AMOUNT OF \$246,168.21 AT ALBUM STREET CORRIDOR SITES

Present at the meeting was Joe Zirkle and Ross Grimes as representatives of Fehr Graham. They explained Fehr Graham is proposing additional cleanup oversight and confirmation activity and sampling, in addition to completion of the Remedial Action Completion Report (RACR) for the Album Street remediation site. This work is proposed following review of analytical results from initial remedial activity, which indicate additional core-out, in-situ soil re-stabilization, and groundwater remediation treatment are necessary to meet the goal of cleanup activities. The additional work will be conducted to satisfy Illinois Environmental Protection Agency (IEPA) voluntary Site Remediation Program (SRP) requirements, pursuant to a No Further Remediation (NFR) letter. The attached change orders detail the additional remediation activities required to achieve results we believe will enable the City to apply to the Illinois EPA for a No Further Remediation Letter. Joel Zirkle and Ross Grimes will be at the March 13 Committee of the Whole meeting to provide more information and answer any questions you may have. Because of the need for additional remediation, the City applied for – and received – a no-cost time extension of its USEPA Brownfields Cleanup grants. This extension is good through September 30, 2017.

SUMMARY OF ATTACHMENTS

Fehr Graham proposal for additional services.....	\$65,600.00
Ceres Estimate for proprietary reagent producti	\$104,454.00
Fischer Change Order #4.....	\$76,114.21
TOTAL.....	\$246,168.21

Provided in the Committee of the Whole packet was the following document:

REMEDIATION SCOPE OF WORK

1. Fehr Graham will provide cleanup activity oversight and planning during completion of additional excavation, in-situ soil stabilization, and groundwater remediation treatment. Fehr Graham anticipates that this work will occur during the early Spring of 2017.
2. Following soil excavation and haul-away activity, confirmation samples will be collected from sidewalls and floor of the excavation. Confirmation samples will be conducted to confirm that the impacted soil has been removed from the Property. Fehr Graham anticipates up to twenty-four (24) soil samples will be collected for laboratory analysis to confirm removal of impacted soil from two (2) specific areas of the site, in accordance with the IEPA-approved remediation plan.
3. Additional in-situ soil stabilization work will focus on expansion of the soil stabilization area to the north and west of the existing stabilization zone. Prior to in-situ soil stabilization, confirmation samples will be collected from sidewalls and floors of the expanded excavation. Fehr Graham anticipates up to thirty (30) soil samples will be collected for laboratory analysis to verify the soil remaining outside of the stabilized zone is not characterized as hazardous material, in accordance with the IEPA-approved remediation plan.
4. Following in-situ soil re-stabilization activity with a proprietary blend of reagent, confirmation samples will be collected from the re-stabilized soil to verify successful stabilization of heavy metals, in accordance with the IEPA-approved remediation plan. Fehr Graham anticipates up to forty (40) soil samples will be collected for laboratory analysis.

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5. Groundwater confirmation samples will be collected following a second and third round of groundwater remediation treatment utilizing cheese whey. Fehr Graham anticipates two (2) rounds of groundwater samples will be collected for analysis.

The confirmation samples will be collected for laboratory analysis to verify successful treatment of chlorinated solvents in groundwater, in accordance with the IEPA-approved remediation plan.

6. During initial remediation activity, it was discovered that MW-4 was damaged when the southeast corner of the building collapsed (prior to remediation activity). It has been determined the monitoring well is beyond repair and will not yield a representative groundwater sample. The monitoring well will be abandoned and replaced by drilling and installing a new, permanent monitoring well in proximity to damaged well. In addition, two (2) temporary monitoring wells will be installed to collect groundwater samples. The installation of the new monitoring well and two (2) temporary monitoring wells is necessary, per the IEPA-approved remediation plan, to obtain representative groundwater samples to verify groundwater analytical parameters set forth in the remediation plan.

7. Following installation of the monitoring wells described in Item 6, groundwater samples will be collected from the new and existing wells to verify analytical parameters determined in the IEPA-approved remediation plan.

8. Interim communication with IEPA and completion of the Remedial Action Completion Report (RACR). Communication and submittal to IEPA of components necessary and pursuant to a No Further Remediation (NFR) letter for the site.

9. USEPA cleanup grant programmatic reporting – including quarterly reporting and grant closure reporting.

REMEDIATION COSTS

Additional Remediation Event COST

(Lump Sum)

- a. Site Cleanup Oversight and Planning (Equipment and Labor) \$10,400
- b. Confirmation Sample Collection and Analysis - Soil \$15,900
- c. Confirmation Sample Collection and Analysis - Groundwater \$ 2,700
- d. Re-installation of MW-4 and Temporary Monitoring Wells \$ 3,600
- e. RACR and NFR Components for IEPA Site Remediation Program \$27,000
- f. Cleanup Grant Programmatic Reporting Fees \$ 6,000

TOTAL \$65,600

The above stated proposal included a request for approval to add this scope and budget to our existing Agreement for Professional Services (project #14-531, 14-532, and 14-533), which will serve as authorization to proceed.

Aldersperson Koester moved to recommend the change order as presented to the Committee of the Whole to the March 20, 2017 City Council meeting. This motion was seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

ITEM # 8 -UPDATE ON CITY OF FREEPORT GROUP HEALTH PLAN RENEWAL FOR MAY 1, 2017

Mayor Gitz introduced Stephen Lafferty and Ted Odendahl of Dimond Bros. Ins. LLC., who explained they will be coming forth at the next Council Meeting with bids for the May 1, 2017 renewal for the City of Freeport group health plan. They provided hand out to council members. They solicited self-insured

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and fully insured plans from NME, US Fire, HCC, Swiss Re, Spectrum, HIIG, Local Government Health Plan, Aetna, Humana, United Health Care, Blue Cross Blue Shield, Guardian Life, Tokio Marine HCC, and Sun Life. They will present the results to Mayor Gitz for preparation of the next council packet. Alderperson Chesney requested to have the documents distributed with the information by Thursday when packets are scheduled to go out of the council.

Mr. Lafferty also reviewed the Group Health Plan Wellness and Screening Program which provides employee reward program scheduled to begin with screenings on May 3, 10, and 11, 2017. The screenings require an eight hour fast and they average about 20 minutes. The screening components are glucose, cholesterol, body mass index, blood pressure, and counseling. They will offer points for employee education classes and physical activity. He also provided the estimated program costs.

ITEM # 9 -BUDGET AMENDMENT FOR PURCHASE OF FINANCE SOFTWARE

Finance Director Guary Bernadelle stated one of the tasks he was assigned when hired was to purchase and implement a new accounting software for the City. The Finance Department reviewed five accounting software systems. Three of them were recommended by the City's audit firm of Lauterbach and Amen, LLP, one by a former contractor with the City, and the other one because Water and Sewer Commission is using it for billing software. Director Bernadelle requested input on how to proceed. Director Bernadelle presented a spreadsheet of accounting software quotes ranging from \$70,400 with annual fees of \$8,140 to \$194,910 with annual fees of \$20,436.

Alderperson Chesney moved to refer and follow-up with the information provided with this item at the June Committee of the Whole meeting, seconded by Alderperson Klemm. Chairperson Brashaw stated the Committee of the Whole date in June is June 12, 2017. Alderperson Klemm spoke in support of moving forward with the item because the majority of the council will not change with elections.

The motion to refer to June 12, 2017 Committee of the Whole prevailed by a roll call vote of:

Yeas: McClanathan, Ross, Miller, Brashaw, and Chesney (5)

Nays: Klemm and Koester (2)

ITEM # 10 - REQUEST FOR RECOMMENDATION TO COUNCIL TO APPROVE A TRANSFER OF \$102,567.09 FROM THE GENERAL FUND TO MFT FUND TO BE REIMBURSED IN FY2018.

Finance Director Guary Bernadelle stated on June 2, 2016, the City Council accepted a bid of \$437,908.18 from Martin & Company Excavating for the Mill & Overlay Program. There was a motion to accept the bid but no motion to authorize the transfer of funds to pay for the bill. Director Bernadelle requested a recommendation to the City Council in order for a resolution to be drafted to authorize the transfer of \$102,567.09. Director Bernadelle provided an excerpt of the June 20, 2016 City Council minutes and a copy of the bid proposal from Martin and Company Excavating.

Alderperson Chesney moved for approval for recommendation to the City Council, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

ITEM # 11 REVIEW COST OF LIVING INCREASE FOR NON-BARGAINING EMPLOYEES AND PROVIDE A RECOMMENDATION TO COUNCIL

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Finance Director Guary Bernadelle provided a memorandum in the council packet as follows:

The Police Union Contract was signed on January 23, 2017. It called for the following increases:

May 1, 2016 to December 30, 2016 – 1.25%
January 1, 2017 to April 30, 2017 – 1.5%
May 1, 2017 to April 30, 2018 – 3%
May 1, 2018 to April 30, 2019 – 3%

It is customary that the non-bargaining employees of the Police Department receive the same increase as the Union employees.

The non-bargaining Police Department employees received the 1% increase authorized by the Council on December 2017.

This letter serves as communication to the Mayor and Council to authorize the additional increase for the non-bargaining Police Department Employees to bring them to part with the rest of the Police Department.

This letter also serves as communication to the Mayor and Council to address an additional increase of 1% for the rest of non-bargaining employees.

Finance Director Guary Bernadelle provided a spreadsheet of the overall costs of the salary recommendations for non-bargaining employees and stated he has \$119,000 in contingency for possible salary increase and the overall cost will be \$116,435.45.

Aldersperson Klemm moved for approval for recommendation to the City Council, seconded by Aldersperson Koester.

Aldersperson McClanathan confirmed that the City Council previously authorized half of the \$31,274.30 proposed for the non-bargaining through the one percent given in December 2016 and \$61,837.09 was authorized through the Police Union contract. Director Bernadelle confirmed his figures.

Discussion was held on Police Non-Bargaining rank order and the gap in salaries that need to be maintained to encourage promotion to management staff.

The motion for approval recommendation to the City Council prevailed by voice vote without dissent.

ITEM # 12 - REVIEW DRAFT OF PARKING ORDINANCE AND PROVIDE A RECOMMENDATION TO CITY COUNCIL ON ORDINANCE AMENDING SECTIONS 480.11 (PROHIBITED PARKING STREETS), 480.22 (COURTESY ZONES, FIFTEEN- AND THIRTY-MINUTE PARKING ZONES), 482.04 (PARKING PERMITS), 484.05 (HANDICAPPED PERSONS) AND 484.06 (PARKING SPACES FOR OFFICIALS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

City Engineer Shaun Gallagher reviewed staff recommended amendments to various sections of the Codified Ordinances to accommodate parking in and around City Hall located at 314 W. Stephenson Street. He explained the recommendation is to add three 15-Minute parking spaces on Exchange, parking for officials, and handicap parking at ends of the block and behind the building on Exchange Street. To accommodate our customers entering the Water and Sewer Department from the Exchange

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Street handicapped-accessible entrance at the new Carnegie City Hall, it is our recommendation that three 15-minute parking spaces be added to the Codified Ordinances as follows:

“480.22 COURTESY ZONES, FIFTEEN- AND THIRTY-MINUTE PARKING ZONES.

“(a) Fifteen-Minute Parking Zones. On the following streets within the City, motor vehicle parking spaces shall be marked on the pavement, and the head of each space shall be marked by a metal post or pipe implanted in the sidewalk at the curb. The time limit for parking in each such space shall be fifteen minutes on Mondays and Fridays from 8:00 a.m. to 9:00 p.m., and on Tuesdays, Wednesdays, Thursdays and Saturdays from 8:00 a.m. to 5:00 p.m, except that disabled veterans and handicapped persons whose vehicles display disabled veterans license plates, handicapped person license plates or handicapped motorist decals may park their vehicles in such spaces at any time without limitation on the length of time the vehicle remains parked in any such space, subject, however, to the twenty-four hour limitation provided in Section 480.04. References to block numbers in this section are to blocks in the Original Town (now City) of Freeport. The provisions of this section shall not apply on Sundays or legal holidays.

Block 26. One space on the north side nearest Adams.

Block 26. One space on the north side nearest State Avenue.

Block 49. One space on the south side nearest Galena Avenue.

Block 53. The westernmost fourth, fifth, and sixth spaces on the south side of Exchange between Cherry and Walnut.

Block 54. One space on the south side nearest Walnut Avenue, one space on the south side nearest Galena Avenue, one space on the north side one space in from Galena and one space on the west side nearest Exchange.”

As long as we are amending Section 480.22, there is also a modification we would like to recommend to Chapter 482 to correct an apparent oversight in identifying and numbering city-owned parking lots.

According to Section 482.01, Numbered Identification of Lots of the Codified Ordinances, the two municipal lots in question are:

- (d) Lot 4 – South side of Douglas between Walnut and Galena.
- (g) Lot 7 – Northeast corner of Spring and State.

It is our belief that the numbering and identification of the lots was inadvertently interchanged years ago. The reasoning for this assumption is that the lot located at the “south side of Douglas between Walnut and Galena” previously had reserved parking for city officials when City Hall was located in the 230 West Stephenson building. Additionally, according to Section 482.04, Parking Permits, the Public Works Director is given authority to reserve “fifty parking spaces in Lot 7”. However, as noted above, Lot 7 is identified as being at the “northeast corner of Spring and State”, which is not in close proximity to any current or former city building. It is our recommendation that the wording of 482.04(b)(1), Parking Permits, be changed to read “Lot 4”. In connection with 482.04(b)(1), we are recommending that the number of reserved lots in “Lot 4” be reduced from fifty to twenty-five.

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Another recommendation is in regard to updating the wording of the applicable sections from “Superintendent of Streets” to “Public Works Director”, to be consistent with other related paragraphs and to allow Director Dole to post with appropriate signs not more than twenty-five parking spaces in Lot 4.

City Engineer Gallagher explained that ordinances already exist for reserved parking for officials at the following locations: four parking spaces along Walnut on the east side next to the old city hall building, one space on the northwest corner of the intersection of Walnut and Stephenson, two spaces on the south side of Exchange north of the old city hall building, and a 40 foot section on the north side of Exchange north of old city hall. Additionally, five 30-minute parking spaces are allocated on the west side of Walnut across from the old city hall building. So, signs could be erected without passing any new ordinances.

City Engineer Gallagher stated there has also been incorporated into the ordinance restricted parking for only official police vehicles in front of the Police Department and no parking at the corner of Stephenson and Cherry on the south side to allow for the Water and Sewer payment drop box.

Aldersperson McClanathan moved for approval and recommendation to the City Council of the draft ordinance, seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

Item #13 - REVIEW DRAFT ORDINANCE AND PROVIDE A RECOMMENDATION TO CITY COUNCIL ON ORDINANCE AMENDING SECTION 874.05 (LICENSE FEE) OF CHAPTER 874 (REGULATION OF TOBACCO PRODUCTS) OF THE CODIFIED ORDINANCES OF THE CITY OF FREEPORT, ILLINOIS

Chief Barkalow presented a draft ordinance and explained that it amends amend Chapter 874, Regulation of Tobacco Products, Section 874.05 (License Fee) of the Codified Ordinances of the City of Freeport. This amendment would be to 874.05 – License Fee as follows:

“The license fee for a new tobacco dealer’s license shall be a non-refundable fee of one thousand dollars (\$1,000.00). The license fee in the second year and annually thereafter shall be three hundred dollars (\$300.00) for license holders in good standing. Any Tobacco License Holder with three or more violations of this code within the same calendar year shall be classified as not in good standing and shall be a cause for revocation of license and forfeiture of any license fees under Section 874.15.”

Chief Barkalow explained by amending Chapter 874.05, it would provide needed leverage that the City does not currently have. The selling of single cigarettes and underage purchasing has long been a complaint of local citizens. While stipulating that these seem minor, this sends a clear message to local dealers that not even small infractions will be tolerated. The Freeport Police Department currently issues a Notice to Appear citation with a small fine after conducting underage compliance checks and single cigarette purchases. I believe that the prospect of reapplying for their Tobacco License and paying for all fees that apply is additional incentive for compliance. All individual violations can be handled at the discretion of the Licensing officer that range from written warnings, suspension or even revocation in extreme or chronic cases.

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Discussion was held on the proposed wording for three or more violations within the same calendar year being cause for revocation of a license and forfeiture of any license fees under Section 874.15.

Aldersperson Chesney moved to amend the wording under 874.05 to allow for only two strike rule. This motion was seconded by Aldersperson Ross. The motion prevailed by majority voice vote with one dissenting vote by Aldersperson Koester.

Aldersperson Klemm moved to recommend the amended ordinance to the City Council, seconded by Aldersperson Miller. Motion prevailed by voice vote without dissent.

Aldersperson Koester asked Chief Barkalow if there are grants from the Stephenson County Health Department to assist with compliance checks of tobacco dealers. Chief Barkalow stated at one point there was about \$1,600 in the fund for compliance checks but that has been exhausted and he has been working with Director Bernadelle to figure out if the revenue from the increased fees can be used to fund compliance checks.

Item #14 - RECOMMENDATION TO BUILDING COMMISSION REGARDING EXEMPTION OF FEES FOR NON-PROFIT ORGANIZATIONS AS REQUESTED ALDERPERSONS CHESNEY/MCCLANATHAN

Community Development Director Mills presented the following amendment to Chapter 1442, Permit and Fees, Section 1442.11 (Fee Exemptions):

“Section 1. That Subsections (e) shall be added to Section 1442.11 (entitled “Fee Exemptions”) of Chapter 1442 (entitled “PERMITS AND FEES”), of The Codified Ordinances of the City of Freeport so that such Sub-Sections, Section and Chapter shall read as follows:

(e) Non-Profit Organizations. Waivers of building permit fees shall be limited to non-profit organizations providing health, educational, or religious services to citizens of the city; provided that such organization has submitted evidence that such waiver will solely benefit the non-profit organization requesting such waiver and the waiver is important to the financial viability of the project.

Such waiver shall require a two-thirds (2/3) vote of the City Council and the rationale for the waiver shall be entered into the record and included in the official minutes. Non-profit organizations shall remain responsible for all plan review fees and building inspection fees, and this provision shall not exempt the organization from connection, service and permit fees required by the Freeport Water and Sewer Commission or other agencies unless exempted by state law.”

Aldersperson McClanathan read the above stated ordinance into the record. Aldersperson Chesney stated his support in order to allow churches and other not-for-profits to have building permits waived based upon the criteria. He spoke in support of changing the wording from 2/3 vote to a simple majority.

Mayor Gitz explained the amount of work performed by the Building Inspector, City Engineer and Community Development Director when it comes to plan reviews. The amount of work

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involved in the projects for non-for-profits can out-weight others that come in with professional contractors and architectural drawings.

City Engineer Gallagher explained sometimes the non-for-profit come to the City for building permits and have volunteered drawn plans and specifications so it takes more staff time to review the information and work with the not-for-profit. There have been times when he was expected to design the project. He recommended looking at the fee threshold in order to recoup their time.

Aldersperson Chesney recommended the wording be changed to majority vote of the council and a threshold of \$500,000.

Aldersperson Koester moved to amend the draft so that such waiver shall require a majority vote of the City Council, seconded by Aldersperson Klemm. Aldersperson Koester amended his motion to include bringing the ordinance to the first reading at the City Council meeting. Aldersperson Klemm concurred. Motion prevailed by voice vote without dissent.

Aldersperson Chesney recommended review of the threshold, notice to council, and looking at the dollar amounts of projects in recent years.

Item #15 - NOTICE OF SPECIAL CITY COUNCIL MEETING TO BE HELD ON TUESDAY, MARCH 21, 2017, AT 5:30 P.M

Mayor Gitz provided notice of Special City Council Meeting to be held on Tuesday, March 21, 2017, at 5:30 p.m., for 2nd Reading of Ordinance #2017-20: An Ordinance Adopting An Update To The City of Freeport Comprehensive Plan And Amending Section 122.01 (Description) of Chapter 1222 (Official Plan and Official Map) of the City of Freeport Codified Ordinances. Notice was given and the council members noted whether they could attend.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

There were no public comments at this time.

ADJOURNMENT

Upon a motion duly made by Aldersperson Koester and seconded by Aldersperson McClanathan, the Committee of the Whole meeting adjourned at 8:30 p.m.

s/ Meg Zuravel

Meg Zuravel
City Clerk