



City Council

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

MINUTES

COUNCIL MEETING

TUESDAY, JANUARY 17, 2017 AT 6:00 P.M.

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 Tuesday, January 17, 2017.

ROLL CALL

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

Aldersperson Mike Koester was absent upon roll call (*see notation for entering meeting at 7:00 p.m.*).

Staff members present: Finance Director Guary Bernadelle, Community Development Director Alex Mills, Public Works Director Tom Dole, Fire Chief Scott Miller, Chief of Police Todd Barkalow, W/S Executive Director Tom Glendenning, City Engineer Shaun Gallagher and City Clerk Zuravel.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Aldersperson Ross.

APPROVAL OF AGENDA

Mayor Gitz requested leave of the council to move the Executive Session and item number thirteen to after the other resolutions (after Resolution #2017-04). Aldersperson Brashaw moved for approval of the agenda as amended, seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

APPROVAL OF MINUTES

Aldersperson Miller moved for approval of the minutes from the meeting held on January 3, 2017, seconded by Aldersperson Brashaw. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

There was no one signed on the sheet for public comments on agenda items. Aldersperson Chesney requested leave of council to hear from Mr. Folgate.

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Lynn Folgate, 3551 W. Stephenson Street, Freeport, Illinois, provided information on the Moose fraternity. He stated his support of Mooseheart where shelter is provided for children in need of a home. The Moose fraternity is also working on various fundraisers for Freeport Area Church Cooperative, Salvation Army, Golden Meals, Mt. Calvary Church, Gospel Outreach, Joseph's Pantry and Lena Winslow Food Pantry. He encouraged support of the fundraisers and membership at the Moose.

CONSENT AGENDA

The following items were presented on the Consent Agenda in the council packet and Mayor Gitz read the items into the record:

- A. Approval to receive and place on file:
 - 1) Police Department Report of Activities for December 2016
 - 2) Building, Electrical, HVAC, Plumbing and Sign Permits for December 2016
- B. Approval of Water & Sewer Bills Payable (Registers #707 & 709) --- \$482,528.15
- C. Approval of Payroll for pay period ending January 7, 2017 --- \$408,360.60 with fringe benefit payments in the amount of \$33,711.83 for a total of \$442,072.43
- D. Approval of Finance Bills Payable (Registers #704, 705, 708, 710, TBA) --- \$567,516.03

Aldersperson Busker moved for approval of the consent agenda, seconded by Aldersperson Ross. The motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)

Nays: None

The consent agenda items were approved.

COMMUNICATIONS TO COUNCIL

FINANCIAL REPORTS FOR FY 2016-2017 FOR PERIOD ENDED NOVEMBER 30, 2016

Director Bernadelle presented the following Financial Reports for FY 2016-2017 for period ended November 30, 2016:

[General Fund Highlights](#)

[General Fund Details](#)

[Water, Sewer, & Storm Sewer Highlights](#)

[Water, Sewer, & Storm Sewer Details](#)

[Library Highlights](#)

[Library Details](#)

Aldersperson McClanathan motioned to receive and place on file the three sets of reports, seconded by Aldersperson Busker. Motion prevailed by voice vote without dissent.

APPOINTMENT

Mayor Gitz stated he is withdrawing the appointment from the agenda at this time.

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WATER AND SEWER RATE STRUCTURE ALTERNATIVES, THREE YEAR CAPITAL IMPROVEMENT BUDGET SCENARIOS AND EXISTING OPERATIONS AND MAINTENANCE (O&M) BUDGETING WITH POSSIBLE RECOMMENDATION ON PROPOSED WATER AND SEWER RATE STRUCTURE

Provided in the council packet for viewing electronically were spreadsheets showing the following:

[view residential user examples](#) :

- Example #1 provides sample billing with 10% O&M, 5% maximum inflation, CIP increase of \$2 the first year, \$4 in year two, three, four, five, six and seven;
- Example #2 provides sample billing with 10% O&M , 5% maximum inflation, CIP increase of \$7 the first year, \$7 the second year, \$7 the third year;
- Example #3 provides sample billing with 10% O&M , 5% maximum inflation, CIP increase of \$8 the first year, \$8 the second year, \$8 the third year

Director Glendenning stated they provided statistics and data on the water rate structure. He reflected on what the goal to the options would be to achieve a consensus and recommendation of the rate structure option that will support proper operations and maintenance of our water and sewer utility. Secondly it will promote to adopt an infrastructure program which will sustain water and sewer utilities for residential, commercial, and industrial users. That is the basic goal for what we are discussing tonight. He noted that tomorrow will be the one year anniversary of the number one story in the Journal Standard last year. We experienced a water main break to a fifty-two-year-old line that lost 3.5 million gallons in about 90 minutes. It started out in excess of 25,000 gallons of water coming out of the ground. Director Glendenning stated he has seen 6,000 gallons a minute coming out of the ground and it moved an entire city intersection he can't imagine what almost 3-4 times that would look like. He stated he only saw the aftermath. It would have been about 10-12,000 of gallons coming out of the ground at once. As it was, it looked like a river going out the back gate of the water plant. The effect of this water main break last year interrupted and eliminated several surgical procedures at the hospital, it affected the dialysis businesses, it shut down the schools, there were three industries shut down, and probably about half the restaurants did not open for service that day because of the boil order. He stated these are things he does not want to see again. No matter what we come up with a consensus to move forward, he cannot guarantee that is not going to happen again. We have a lot of infrastructure that has went away and has deteriorated and has accelerated in depreciation that he does not know if we will catch up on all of it.

Director Glendenning stated it reminds all of us that we have been put into positions of stewardship here. He stated that stewardship is the acceptance or the assignment of responsibility to shepherd and safeguard the resources and valuables to others. We need to think very careful. This is our responsibility of operations and management as we consider all of these options.

City Engineer Gallagher reviewed information on the operations budget and the three year plan as to what that will look like which were provided as links on the agenda. He stated we have a huge deficit that we need to climb out of over the next years or the next forty years to replace the assets that are currently depreciated and will depreciate over the next forty years. They crafted the numbers using the the current rate payers and it has been calculated based on the affordability threshold. He explained the affordability threshold is an index indicating that to exceed one and one half percent for each utility

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would be beyond what the user should expect to pay. Currently on an average user of 5,000 gallons, their affordability threshold is 1.5% and we are at .85 of that. The 1.5% is what the agencies consider as the ceiling on the affordability. That is a water/sewer bill of \$90.63 which is \$39.19 below so there is about a \$40 gap available funding to use for infrastructure replacement. We look at what can your community afford and we worked backwards from that number. He explained \$30 is within the affordability threshold range to maximize the capital improvement that is desperately needed within our infrastructure. He reviewed two slides for the Operations and Maintenance results for 2016.

The Freeport Water and Sewer Commission -- Water Operations revenue sources were estimated in 2016 to be \$1,724,900. Service fees accounted for 3%, Fire Services accounted for 6%, Commercial fees accounted for 14%, Industrial fees accounted for 8% and Residential fees accounted for 69%. The Freeport Water and Sewer Commission -- Water Operations expenses were estimated in 2016 to be \$1,819,000. Personnel Expenses accounted for 63%, Outside Services 15%, Supplies 11%, Utilities 9%, and City Expenses account for 2%. Revenue versus expenses equals a negative 5.5%.

The Freeport Water and Sewer Commission -- Sewer Operations revenue sources were estimated in 2016 to be \$3,286,000. Service fees account for 8%, Commercial fees account for 16%, Industrial fees account for 9% and Residential fees account for 67%. The Freeport Water and Sewer Commission -- Sewer Operations expenses were estimated in 2016 to be \$3,471,000. Personnel expenses account for 43%, Bond Service Debt accounts for 30%, Supplies 9%, Utilities 8%, and City Expense is 2%. Revenue versus expenses equals a negative 5.62%.

City Engineer Gallagher explained that there is a large portion of the dollars going for bonded indebtedness. He stated we just retired one bond last month but have several going on for the next twenty years. That is a large portion which pays off prior projects that ultimately is not available for investment in new projects. City Engineer Gallagher noted 43% of the sewer budget is personnel and 63% of the water operations are personnel. He stated he forwarded to council members ordinance changes since 1995 that relate to any type of capital improvement or rate changes. It pretty much stops in 2007 with rate increases and we converted for the Big 4 and Phase B into the CIP increases. He stated the operations and maintenance portion of the budget has been left behind. He noted the cost of materials and day to day activities has worn the utility in the last ten years with no increase. That is until the recently enacted 2016 ordinance to account for inflation.

City Engineer Gallagher reviewed Examples 1, 2, and 3 with example #2 provided as a reference.

- Example #1 provides sample billing with a 10% operations & maintenance, 5% maximum inflation, CIP increase of \$2 the first year, \$4 increase in year two, \$4 increase in year three, \$4 increase in year four, \$4 increase in year five, \$4 increase in year six and \$4 increase in year seven. He noted the increase will be \$26.00 but it is a longer period of time compared to the next examples.
- Example #2 provides sample billing with a 10% operations & maintenance, 5% maximum inflation, CIP increase of \$7 increase in the first year, \$7 increase in second year, \$7 increase in third year;
- Example #3 provides sample billing with 10% operations & maintenance, 5% maximum inflation, CIP increase of \$8 increase in the first year, \$8 increase in second year, \$8 increase in third year.

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City Engineer Gallagher stated the goal of the rate increase was to give a 40 year program. The first example will do it in 40.6 years to complete the \$155 million worth of investment. The downside is it costs a little bit more because it is over a longer period of time and does not generate the revenue initially that we need to kick this off. The example #2 completed it in 46.2 years.

Residential User Example #2

10% O&M, 5% Max Inflation, CIP Increase - \$7, \$7, \$7

Current Low User Billing (2,500 GAL)				Current Average User Billing (5,000 GAL)				Current High User Billing (7,500 GAL)			
Total Water/Sewer	\$	38.30		Total Water/Sewer	\$	51.44		Total Water/Sewer	\$	64.57	
Total Monthly Bill	\$	54.66		Total Monthly Bill	\$	67.80		Total Monthly Bill	\$	80.93	
May 1, 2017 Low User Billing	\$ Increase	% Increase		May 1, 2017 Average User Billing	\$ Increase	% Increase		May 1, 2017 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	48.65	\$ 10.34 27.0%	Total Water/Sewer	\$	63.75	\$ 12.31 23.9%	Total Water/Sewer	\$	78.85	\$ 14.27 22.1%
Estimated Monthly Bill	\$	65.01		Estimated Monthly Bill	\$	80.11		Estimated Monthly Bill	\$	95.21	
May 1, 2018 Low User Billing	\$ Increase	% Increase		May 1, 2018 Average User Billing	\$ Increase	% Increase		May 1, 2018 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	56.92	\$ 8.28 17.0%	Total Water/Sewer	\$	72.77	\$ 9.03 14.2%	Total Water/Sewer	\$	88.62	\$ 9.78 12.4%
Estimated Monthly Bill	\$	73.47		Estimated Monthly Bill	\$	89.32		Estimated Monthly Bill	\$	105.17	
May 1, 2019 Low User Billing	\$ Increase	% Increase		May 1, 2019 Average User Billing	\$ Increase	% Increase		May 1, 2019 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	65.25	\$ 8.33 14.6%	Total Water/Sewer	\$	81.88	\$ 9.10 12.5%	Total Water/Sewer	\$	98.50	\$ 9.88 11.1%
Estimated Monthly Bill	\$	81.98		Estimated Monthly Bill	\$	98.61		Estimated Monthly Bill	\$	115.23	
May 1, 2020 Low User Billing	\$ Increase	% Increase		May 1, 2020 Average User Billing	\$ Increase	% Increase		May 1, 2020 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	66.66	\$ 1.41 2.2%	Total Water/Sewer	\$	84.11	\$ 2.23 2.7%	Total Water/Sewer	\$	101.56	\$ 3.06 3.1%
Estimated Monthly Bill	\$	83.58		Estimated Monthly Bill	\$	101.03		Estimated Monthly Bill	\$	118.48	
May 1, 2021 Low User Billing	\$ Increase	% Increase		May 1, 2021 Average User Billing	\$ Increase	% Increase		May 1, 2021 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	68.14	\$ 1.49 2.2%	Total Water/Sewer	\$	86.47	\$ 2.36 2.8%	Total Water/Sewer	\$	104.79	\$ 3.24 3.2%
Estimated Monthly Bill	\$	85.26		Estimated Monthly Bill	\$	103.59		Estimated Monthly Bill	\$	121.91	
May 1, 2022 Low User Billing	\$ Increase	% Increase		May 1, 2022 Average User Billing	\$ Increase	% Increase		May 1, 2022 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	69.71	\$ 1.57 2.3%	Total Water/Sewer	\$	88.96	\$ 2.49 2.9%	Total Water/Sewer	\$	108.21	\$ 3.42 3.3%
Estimated Monthly Bill	\$	87.02		Estimated Monthly Bill	\$	106.27		Estimated Monthly Bill	\$	125.52	
May 1, 2023 Low User Billing	\$ Increase	% Increase		May 1, 2023 Average User Billing	\$ Increase	% Increase		May 1, 2023 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	71.33	\$ 1.62 2.3%	Total Water/Sewer	\$	91.53	\$ 2.57 2.9%	Total Water/Sewer	\$	111.73	\$ 3.52 3.3%
Estimated Monthly Bill	\$	88.85		Estimated Monthly Bill	\$	109.05		Total Monthly Bill	\$	129.25	
May 1, 2024 Low User Billing	\$ Increase	% Increase		May 1, 2024 Average User Billing	\$ Increase	% Increase		May 1, 2024 High User Billing	\$ Increase	% Increase	
Total Water/Sewer	\$	73.04	\$ 1.71 2.4%	Total Water/Sewer	\$	94.24	\$ 2.71 3.0%	Total Water/Sewer	\$	115.44	\$ 3.71 3.3%
Estimated Monthly Bill	\$	90.76		Estimated Monthly Bill	\$	111.96		Estimated Monthly Bill	\$	133.16	
Eight Year Summary				Eight Year Summary				Eight Year Summary			
Initial O&M Increase	\$	2.23	5.8%	Initial O&M Increase	\$	3.55	6.9%	Initial O&M Increase	\$	4.86	7.5%
CIP Increase	\$	21.00	54.8%	CIP Increase	\$	21.00	40.8%	CIP Increase	\$	21.00	32.5%
Max O&M Inflation Increase	\$	11.50	30.0%	Max O&M Inflation Increase	\$	18.25	35.5%	Max O&M Inflation Increase	\$	25.01	38.7%
Total \$ Increase and % Increase	\$	34.73	90.7%	Total \$ Increase and % Increase	\$	42.80	83.2%	Total \$ Increase and % Increase	\$	50.87	78.8%
Total New 3 - Year CIP Revenue	\$	5,796,000.00		Average Rate Under the Affordability Threshold	\$	6.34		Total Timeframe to Complete		46.2 Years	

With each of the examples the plan for the Capital Improvement Revenue was provided. The above stated revenue (in addition to continuing a \$4.00 per month CIP generating \$538,000 each year) would allow in the first three years \$7,410,000 to be generated and used for the following projects (note these are estimates using current pricing with no inflation):

CIP Revenue	\$7,410,000	% of Budget
Replace 4.5 miles of water main	\$3,820,000	51.6%
Line Sanitary Sewer	\$0	0%
Replace Lead Services	\$0	0%
Replace seven (7) water/rail crossings	\$1,000,000	13.5%
Tank Rehabs & new well	\$0	0%
Replace two miles of force main	\$1,350,000	18.2%
Equipment/Tech Replacements	\$500,000	6.7%
Engineering w/ Well Design	\$740,000	10.0%

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City Engineer Gallagher reviewed each of the above stated projects. He stated there is a lot of project development that will be needed to get into the project. He knows the amount of engineering needed from doing \$500,000 worth of projects in a year versus \$2 - \$4 million dollars' worth of projects. That is not all engineering work that can be done in house. There are 87 miles of water main that needs replacing with several sections that are prone to regular water main breaks. He stated the rail project is a public safety issue given the ethanol and other hazard materials traveling by railways and their proximity to the water treatment plant. He noted that section is one of the issues addressed in the Stephenson County Hazard Mitigation Plan and this needs to be started sooner than later. The next anticipated project will be to replace the force main. Instead of dealing with water in a break you deal with raw waste and this is another area we have dealt with several breaks along Park Boulevard. This needs to be done before the sewer lining can be done. There are also two tech replacements that we desperately need and they are: 1) a new vactor truck and 2) a new lateral launch camera truck. Both of these technical pieces of equipment need to be upgraded to a higher capacity and to be used to different applications. The other dollars would go for engineering to find another well site and the dollars would go towards design to produce the infrastructure on the three year plan.

City Engineer Gallagher reviewed example #2 which included the 10% O&M, the 5% max inflation, and CIP of \$7.00 in each year for three years (\$21.00). He stated in this example, we do not meet the forty year time frame and instead capture the revenue to complete the projects in 46.2 years. It does generate \$5.8 million in new revenue upfront to begin to kick off capital improvement projects sooner than later. He explained the advantage of moving forward with the projects while you have the current staffing that is already trained and has the knowledge of the system. He noted in example #1 you do not generate the revenue for projects until year eight and that would impact moving forward with those projects. That example #2 produces \$7.4 million in the first three years to do 4.5 miles of water main, the rail crossing, two miles of force main, equipment/tech replacement, and design engineering for well design.

City Engineer reviewed the rate structure examples and noted the difference in the three year capital improvement program (CIP) revenue and the projects they could plan for based on projected revenue from the three examples. In example #3 in addition to the 10% O&M, 5% max inflation it would have \$8 increases in year one, two and three. The total timeframe to complete is 41.3 years. In the first three years \$6.6 million would be raised. Under that example, the Water and Sewer Commission would be able to complete more projects such as additional miles for both the water main and force main projects and also replace 100 lead services.

City Engineer stated ultimately the front end loaded scenario is preferred to get the projects out the door and they are also looking at the affordability threshold is a must because at the end of the day we want to make sure this is an affordable rate for all of our customers that is looked at as the median household income times 1.5% for each utility (one for water and one for sewer) and to give you as much information the council needs to make the best decision for the citizens of Freeport.

Council members were provided the opportunity to ask questions on the rate structures and proposed projects.

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Aldersperson Klemm asked for information on the lead services. Director Glendenning explained it is regulated by the State to have every school and day care facility tested on their potable services such as drinking fountains and kitchens. He explained that there are 3,038 services that the State could require to be changed out. In the plan they budgeted for 100 services and the cost for those are \$1,800 each. Due to the age of our infrastructure the City will be responsible for services from the mains to the property line and then after that it will be the school's responsibility. Director Glendenning explained that the State could come out with a mandate to require this to be done sooner than later. The bill requires us to provide a constant inventory of lead services within the public water supply and this may be escalated. They are also requiring aggressive testing which will need to be done. Director Glendenning reviewed water services in Freeport had the lead services reduced by two-thirds which was a decision made years ago by the Water and Sewer Commission which has cut down on the number of lead services. We have instead iron pipe which is now so deteriorated that it is suggested to the homeowner to replace that. From the main to the property line is the responsibility of the Water and Sewer Commission to pay for that cost.

Aldersperson McClanathan thanked Director Glendenning and City Engineer Gallagher for the additional reports and information from the Committee of the Whole meeting. He spoke in support of the example two and three (referred to as \$7, \$7, \$7 or \$8, \$8, \$8) because they provide more money up front and to have two employees invested in the projects is of value. In addition to have the upfront dollars in order to have a significant impact for the first three years to begin the projects to take advantage of the time we do have. He asked if the next step would be to look at these in an ordinance form.

Aldersperson McClanathan made a motion to have prepared in ordinance form the example provided with \$7, \$7, and \$7 in the first three years. This motion was seconded by Aldersperson Klemm. Aldersperson Klemm asked to see the \$8, \$8, and \$8 so we have them both to look at. He stated the difference is having the up-front money and the difference in the number of years instead of dragging it out a number of years. Aldersperson McClanathan amended his original motion to ask to have the \$8, \$8, \$8 drafted and to see both versions at the next meeting. Mayor Gitz stated there has been a motion and a second to prepare two different versions of the ordinance.

Aldersperson Brashaw referred to the example referred to as \$7, \$7, \$7 and noted there is no lead service replacement in the first three years. City Engineer Gallagher noted the only scenario that provides for the lead service to begin in the first three years is the one with \$8, \$8, and \$8 because there would not be enough capital to start working on the project. She asked further questions about the State mandate to replace over 3,000 lead services. Director Glendenning stated that lead has always been an issue but it was recently brought to the forefront due to problems with certain municipalities and their water. He stated "are we in trouble" and he answered "no not yet". He explained every three years we do a canvas of the entire City doing 30 samples on known lead service areas and so far we have been below the 90 percentile so at this time we are not in danger but the probability and the liability is still there because of possible Federal mandates that we will be required to replace. He added we hope it will stay under our control and our timeline instead of someone else's time line.

Aldersperson Chesney referred to example #2 and #3 and noted for the first one there will be an 83% increase and example #3 is an 89% increase (as written on the sheets as an eight year summary). City

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Engineer Gallagher noted that would be if the max inflation on all of the usage items on the bill of 5% so he provided the worst case scenario. Alderperson Chesney stated with this max inflation in example #2 it would be an increase of \$42.80 and in example #3 it would be an increase of \$45.80.

Mayor Gitz stated the motion on the floor is to draft ordinance using example #2 and example #3. Alderperson Chesney requested a roll call vote on the motion. The motion prevailed by roll call vote of:
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw (6)
Nay: Chesney (1)
Absent: Koester

Alderperson McClanathan stated with those directions to prepare those ordinances he would ask the administration to put together and prepare over the next couple of weeks some form of public meetings to provide this information to the public. Mayor Gitz stated we will seek to have meetings by wards and asked if it was acceptable to present at Neighborhood Watch Meetings. Council members agreed this would be a good forum.

City Engineer Gallagher asked for clarification because at the Committee of the Whole meeting it was discussed the fee increase as well as the tiered rate structure and he asked whether he was to draft the ordinances with this incorporated into them or does this simply cover the O&M and the CIP. Alderperson Klemm stated his intention was to change the tier billing and to take out a lot of the old things that were in there and that would be part of these drafted ordinances. His intention was to take out the tiered rates. Director Glendenning explained that when we calculated the 10% increase to the O&M and provided for the consumer price index, that was also with the impression that some of that would go to improve the O&M. Otherwise the only improvement to the O&M would be through the improvements from the efficiencies to the system as we reduce water loss and inflow/infiltration or from the energy savings. Director Glendenning stated we need to recover that revenue on the water supply for O&M on the first gallon. If we aren't getting our total O&M costs recovered on the first gallon and giving it cheaper on the first day of a cycle - that is an absolute necessity to us to do that. The tiered billing was explained because the tiered rate structure allows for the more you use, the cheaper the price is and this has become a critical situation on the O&M. Director Glendenning stated the three tier system as set up to attract users to the system and as time goes on with the infrastructure that O&M cost has to meet the market to cover your costs. He provided a history back to 1937 when the tiered rate system was adopted. In 1995 a fourth tier was added to it so it got even cheaper for the highest users. He noted 70% of the revenue is from residential, 8% is from industrial, and commercial is 14%. Those industrial users achieve the lowest rate the first day of the month they start using water. They use the water at a cheaper rate that we do not recover. That accelerates the depreciation on all of our assets. The residents (lower users) are supplementing the industrial users to recover the full cost.

Alderperson Chesney asked if there was a plan in place to notify the high users of the sticker shock. Director Glendenning stated that along with the educational program he intends to personally have a one-on-one with major industrial users at the same time as their inspections. He ran scenarios with FHN, Snak King and the higher users so he has that data to present. He stated they need to know where our costs are, what it is going to, and that there is no intent to take advantage of them. Alderperson McClanathan asked if those conversations could take place prior to the consideration of ordinances.

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Director Glendenning stated if we are composing an ordinance to the council, we may not get to all of them, but he can get the key ones done especially because there will be two readings of the ordinances before it is voted on.

City Engineer Gallagher stated that he will ask to have links put on the website for the presentation provided tonight, the one presented last week at the Committee of the Whole, and the one presented in December. They will be on the Water and Sewer Department page and the City Engineer department page.

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2017-06:

An Ordinance Amending Chapter 290 (Compensation and Benefits) Section 290.11 (Leaves of Absence), Subsection (e) Bereavement Leave of the Codified Ordinances of the City of Freeport, Illinois

Human Resource Manager Debra Milliman provided a memorandum which explained that on July 29, 2016 Governor Rauner signed into law the Child Bereavement Leave Act. The statute was effective January 1, 2017. The Act requires employers who are covered by FMLA to provide up to ten days of unpaid leave for the death of a child of an employee and up to six weeks of unpaid leave for the death of a second child in a 12 week period. Eligible employees are those that would otherwise qualify for FMLA but an employee who has exhausted their available FMLA leave will not be eligible for additional child bereavement leave. Unlike FMLA requirements, employers cannot mandate that an employee use paid time during this leave and employees must use this leave within 60 days of the notice of the child's death.

Attorney Phillips explained the changes have been made in Chapter 290, section 290.11 (Leaves of Absence) subsection (e) to follow the new State Statute Public Act 099-0703 in regard to bereavement leave for the death of a child. The amendment reflects the changes in the law from 3 days to 10 days. The employee will need to have worked 1,250 hours in the preceding year to be eligible. Attorney Phillips explained he added section f) to follow state statutes and it reads; “f) Child Bereavement Leave. Pursuant to Public Act 099-0703, a City employee is entitled to a maximum of 2 work weeks (10 work days) of unpaid bereavement time following the death of a child. A City employee shall be entitled to a maximum of 6 weeks of bereavement time in the event of the death of more than one child during a twelve-month period.”

Aldersperson Busker moved for approval of Ordinance #2017-06 as presented, seconded by Aldersperson Ross.

It was asked if there was a need to expedite the ordinance. Mayor Gitz explained the State Statute became effective on January 1st.

Aldersperson Busker moved for suspension of the rules for immediate consideration, seconded by Aldersperson Chesney. Mayor Gitz stated the motion for suspension of the rules is non-debatable. Motion prevailed by voice vote without dissent.

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Mayor Gitz stated the ordinance is now before the council for passage. The motion for passage of Ordinance #2017-06 prevailed by roll call vote of:

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)

Nays: None

1st READING OF ORDINANCE #2017-07:

An Ordinance Amending Chapter 290 (Compensation and Benefits) Section 290.11 (Leaves of Absence), Subsection (b) Sick Leave of the Codified Ordinances of the City of Freeport, Illinois

Human Resource Manager Debra Milliman provided a memorandum which explained the State Of Illinois recently passed the Illinois Employee Sick Leave Act, to be effective January 1, 2017. This law requires employers to allow employees to use their sick leave benefits for not only their own personal medical needs, but also for the illness, injury, or medical appointments of a broad spectrum of family members. While the Act does not itself require employers to provide paid sick leave, it does require employers who do provide that benefit to allow employees to use that leave time for absences resulting from the illness, injury or medical appointments of the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent. Human Resource Manager Milliman stated she is recommending we change the minimum amount that we require an employee to take from one half day to one hour. She noted the City has been allowing employees to do this for quite some time. It makes sense for the City to allow this for productivity reasons. Departments are leanly staffed, and to require someone to take four hours off when they may only need to take one to attend a doctor's appointment, etc., is actually to the City's detriment.

Attorney Phillips explained he made the applicable changes in Chapter 290, section 290.11 (b) to follow the State Statute which is called the Illinois Employee Sick Leave Act that went into effect January 1, 2017. The ordinance amends the definition of the immediate family and allows employees to use that leave time for absences involving the employee's child, spouse, domestic partner, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent or stepparent.

Aldersperson Busker moved for approval of Ordinance #2017-07 as presented, seconded by Aldersperson Klemm.

Attorney Phillips added that the ordinance also allows the minimum amount that we require an employee to take for sick time changing it from one half day to one hour. It stated the ordinance stated half day but it has been the policy of the City to allow an employee to take it by the hour if need be. That change was not required by the State Statute but was proposed by the Human Resource Manager.

Aldersperson Busker moved for suspension of the rules for immediate consideration, seconded by Aldersperson Chesney. Mayor Gitz stated the motion for suspension of the rules is non-debatable. Motion prevailed by voice vote without dissent.

Mayor Gitz stated the ordinance is now before the council for passage. The motion for passage of Ordinance #2017-07 prevailed by roll call vote of:

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Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: None

At 7:00 p.m., Alderperson Koester entered council chambers bringing the number of council members present to eight.

1st READING OF ORDINANCE #2017-08:

An Ordinance To Supplement the Appropriation Ordinance Fiscal Year 2016-2017 For the City of Freeport, Illinois – First Supplemental

Freeport Public Library Director Carole Dickerson provided that the Freeport Public Library Foundation matched a \$10,000 donation from an individual who wishes to remain anonymous for a total donation of \$20,000. The individual donation and the match will enable the library to retain its current open hours in face of declining revenues.

The ordinance as written includes the following:

“Section 1. That the below listed Appropriation in the Annual Appropriation Ordinance of the City of Freeport for Fiscal Year beginning on May 1, 2016 and ending on April 30, 2017, commonly known as City of Freeport Ordinance No. 2016-36 is hereby supplemented as follows:

- A. Freeport Public Library Fund – The Freeport Public Library has received a donation from the Library Foundation to enable them to retain Friday and Sunday open hours. Therefore, Line item 13-00-399.00 Department Revenue is increasing \$20,000.00 from \$1,126,677.00 to \$1,146,677.00. Accordingly this same amount will be added to Total Personnel Services and Total Personnel Benefits by increasing the line item for Total Personnel Services by \$16,000.00 from \$515,214.00 to \$531,214.00 and by increasing the line item for Total Personnel Benefits by \$4,000.00 from \$219,413.00 to \$223,413.00

Section 2. That all other provisions of City of Freeport Ordinance No. 2016-36 shall remain in full force and effect without change.”

Alderperson Brashaw moved for approval of Ordinance #2017-08 as presented, seconded by Alderperson McClanathan. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2017-09:

An Ordinance Amending Chapter 658 (Nuisances) and Chapter 638 (Inoperable Vehicles) of the Codified Ordinances of the City of Freeport

Community Development Director Mills presented the ordinance and stated this ordinance will give the department better tools to improve quality of life for residents, business owners, and visitors. This ordinance creates a definition for tarps and uses that definition to specifically prohibit their use if they have become threadbare, ripped, stained, loose, damaged or unsightly in any other way and if they can be viewed from a public right of way or alley. He noted this ordinance does not prevent someone from

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using a tarp to cover their possessions, but it does require them to use a tarp that will not be visually offensive to neighbors or others.

Director Mills explained the ordinance also creates a definition for brush, and uses that definition to prohibit someone from creating brush piles that remain on a given property for more than fourteen (14) days. He stated his office has received some feedback on the brush piles being used for wood piles. He stated the specific problem we are trying to address was homeowners had extensive brush trimmed or another had trees cut down and left it sit for a long period of time. He reviewed other municipalities and would suggest a definition of tree branches that are longer than eight feet or to define a wood pile.

Director Mills stated this ordinance also adds a new line to the definition of inoperable motor vehicles so that unlicensed, unregistered, immobile, abandoned, damaged or otherwise derelict semi-trailers are included. This allows them to be addressed the same as an abandoned vehicle and provides the authority for removal. This ordinance would help address several instances throughout the city where abandoned or immobile semi-trailers are currently present and contributing to neighborhood blight.

Aldersperson Busker stated he has looked into options for constituents to get rid of brush and at this time he would not recommend moving forward this section for brush piles until a time that there is an alternative for them due to the high tree population in town. He stated he has checked into it and currently the transfer station charges \$4.00 for a 50 gallon bag of trash. He is not sure you can fit an eight foot long branch in a bag. The disposal company charges \$80 for a 65 gallon tote for pick up but it is only spring through fall. He recommended finding an area to allow citizens to dump tree debris. Aldersperson Koester agreed he has received phone calls and recommended finding a solution before fining people.

Aldersperson Klemm stated this had been discussed and because of regulations by the IEPA, it has not been allowed. The intent is to clean things up and this is a real problem so we need this cleaned up.

Aldersperson Chesney asked if there was an alternative for waste to offer more flexibility. Mayor Gitz stated we used to have a disposal facility at the City yards and they chipped it up. The IEPA did not allow us to have this satellite facility. He stated the contract with the transfer station could be up for renewal in 2017 so we could hold off until we can amend that contract to provide for alternatives. He will report to council by the next meeting as to the date for the transfer station contract to expire.

Aldersperson Chesney moved to approve Ordinance #2017-09 with deletion of the section 658.18 (Section 3) as written. This motion was seconded by Aldersperson Busker.

Aldersperson Koester asked about the tarps section and noted it is only if they are unraveling and in disrepair. Director Mills stated the ordinance as written allows for tarps in good shape.

Discussion was held on brush piles versus wood piles. Mayor Gitz noted this wording will need to be reworked because we do not have an ordinance that allows us to deal with unsightly piles of brush. He stated of concern are the wood piles considered as a nuisance and infiltration of pests. As it was written

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it allowed for it to be removed within 14 days but that section has now been eliminated. Mayor Gitz stated he has been instructed by the council to look into this further in terms of the transfer station.

Ordinance #2017-09 was automatically laid over to the next meeting.

RESOLUTIONS

At the beginning of the meeting, Mayor Gitz asked for leave of council to present Resolution R-2017-03 Resolution to Ratify Collective Bargaining Agreement with Policemen's Benevolent Labor Committee (PBLC) until after the other resolutions are completed.

ADOPTION OF RESOLUTION R-2017-03:

Resolution Authorizing Transfer Of A Bus To The City Of Freeport And Updating Vehicle Lease Agreement Between The City Of Freeport And Stephenson County Senior Center

Director Mills presented the resolution authorizing transfer of a bus to the City of Freeport and updating vehicle lease agreement between the City Of Freeport and Stephenson County Senior Center. He explained since the November 22, 2016 fire that damaged a bus owned by the City of Freeport utilized as part of Pretzel City Area Transit's fleet, the city's Program Compliance Oversight Monitor (PCOM) has worked to locate a suitable replacement. In addition he has been working to settle the insurance claim for the vehicle which was damaged beyond repair. The Veteran's Assistance Commission of Kane County, Illinois, has a 2011 Ford E-350 bus available for transfer of ownership to the City of Freeport at no cost due to declining ridership. The PCOM has reviewed the vehicle's condition and maintenance history. He recommends this bus as suitable replacement for the fire-damaged bus that is no longer usable. This resolution authorizes the City of Freeport to accept the replacement bus and to update the lease agreement between the City and the Stephenson County Resource Center to reflect the outgoing damaged bus and the incoming bus from the Veteran's Assistance Commission of Kane County. He reiterated that bus will be transferred to the City at no cost except for licensing and placing the lettering.

Aldersperson Brashaw moved for approval of Resolution #R-2017-03, seconded by Aldersperson Miller.

Motion prevailed by a roll call vote of:

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

Nays: None

ADOPTION OF RESOLUTION R-2017-04:

Resolution for Maintenance of Streets and Highways by Municipality Under the Illinois Highway Code Section #17-00000-00-GM

City Engineer Gallagher presented the resolution that is for the 2017 Motor Fuel Tax (MFT) Maintenance for materials, construction, and inspection fees for our annual street program. We are not anticipating any additional funding beyond our monthly MFT allotments which are estimated once again to total \$630,000. It is important to remember that this is for maintenance only, as the City does not currently have funding for reconstruction projects. This program will be broken out into four (4) general

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maintenance section numbers as described below, with the intent to spend the majority of revenues received in 2017:

- The 17-00000-00-GM section number will cover costs for Public Works material purchases for road stone, cold patch, and hot-mix for the City-wide Patch Program. These materials will be bid in February, which is the reason for passing this resolution in January.
- The 17-00000-01-GM section number will cover costs for our Mill & Overlay Program. In order to reduce mobilization costs, this work will be organized in one or two geographical areas. The 2017 program will be bid in April with construction ending in mid-summer. This year we will avoid working in the new pressure zone, unless Council approves work along routes of replaced watermain, due to potential startup failures.
- The 17-00000-02-GM & 17-00000-03-GM section numbers will cover costs for Crack Sealing and Micro-surfacing. Last year we completed all crack sealing necessary to bring our streets up to date. This year we intend to divert the majority of these funds towards Micro-surfacing, while getting quotes for crack sealing on streets paved between 2010 and 2016.
- City Engineer Gallagher explained he will perform the MFT engineering for this maintenance program and, in addition, because of a lack of funding the construction inspection will also be performed in-house whenever possible, rather than utilizing consultants. A preliminary list of streets for each program will be submitted to Council at the February Committee of the Whole meeting.

Aldersperson Brashaw moved for approval of Resolution #R-2017-04, seconded by Aldersperson Koester. Motion prevailed by a roll call vote of:

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

Nays: None

EXECUTIVE SESSION (Closed Session)

The following was read aloud into the record: "An executive session (closed session) will be held pursuant to 5 ILCS 120/2 (c) (2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees and pursuant to 5 ILCS 120/2 (c) (11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting."

At 7:26 p.m., Aldersperson Koester moved to enter executive session, seconded by Aldersperson Ross. The motion prevailed by a roll call vote of:

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

Nays: none

The council members left council chambers and moved to the conference room.

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At 8:00 p.m., Alderperson Koester made a motion to return from executive session, seconded by Alderperson Brashaw. The motion prevailed by a roll call vote of:

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

Nays: none

ADOPTION OF RESOLUTION R-2017-02:

Resolution to Ratify Collective Bargaining Agreement with Policemen's Benevolent Labor Committee (PBLC)

Alderperson Koester moved for approval of Resolution #R-2017-02 which authorizes the collective bargaining agreement with the police union, seconded by Alderperson Klemm. Motion prevailed by a roll call vote of:

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

Nays: None

Resolution #R-2017-02 was adopted.

REPORTS OF DEPARTMENT HEADS

Mayor Gitz stated we had an item on the agenda to authorize the administration to pursue request for proposals for legal services for Tax Increment Financing Districts of the City of Freeport and he asked Alderperson McClanathan to provide an update. He stated one of the last phases of the City Centre team was to put together a variety of implementation ideas for that program. He stated that he has consulted with members of the financial team and they stated in order to do x, y, and z the City will need a professional consultant to take it to the last steps to make sure we are not dropping the ball on anything. In addition the Southside TIF teams members have been meeting periodically and they see a couple projects that have potential and they are interesting in a TIF consulting firm on board to make sure we have the applicable documents in place. Through NIDA, they sorted through a number of firms and brought a couple to the forefront as those with the most expertise. Alderperson McClanathan stated they are looking to have a combined council and team members to look at those prospective firms to bring a recommendation to council in regard to a consultant to use to finalize the steps of these two areas. Mayor Gitz stated this will be on a fairly fast track that we expect to complete this process in the next 14 days.

Fire

Fire Chief Miller reported on three structure fires over the last week. One was a total loss and the other two have variant degrees of moderate damage. He noted they are still under investigation. Fire Chief Miller provided to the City Council members the 2016 Annual Report for the department. Alderperson Koester requested additional information on the number of times a third ambulance was needed. Fire Chief Miller stated there is reference in the report provided for the number of times both ambulances are busy at the same time. He stated that happens on a daily basis. As for whether a third ambulance is needed, there may not be reference to that but they are working on tracking that. They can review the EMS reporting log and he will try to provide that for the next meeting.

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Police

Police Chief Barkalow reported there will be a “Conversations over Pizza” on January 18, 2017 at Carl Sandburg School.

Water and Sewer

Director Glendenning reported on a serious water main leak on West Stephenson Street. This is a case of a needle in a haystack. They have called in a search firm to narrow down the leak to 200 yards and they should be able to seal it off. This was caused from three feet of frost there. If we see a further drop in temperatures, the situation could escalate on us.

City Engineer

City Engineer Gallagher provided an update on street lighting. He asked council members and the public to notify during the next month so he can investigate during the winter when it gets dark out early versus in the middle of summer when it doesn't get dark until 9:00 pm. We received DCEO funding in the amount of \$20,000 for street lighting upgrades to LED. He noted this will be expiring soon. This was focused in the downtown. But with the evolution of City Centre and demolitions, the capital was not available. The street lights that we do own are in the downtown and they are typically decorative and those are cost prohibitive. He recommended doing a one block area of the downtown. There would be matching funds of the City that would be required and he is not sure where we are with the budget. He asked council members to review street lighting and let him know if you want this pursued. Alderperson McClanathan requested City Engineer Gallagher to look into this further and give a proposal on the costs. Alderperson Klemm asked about Com Ed and the review of lighting by FACC. City Engineer Gallagher stated we have done this twice and each time it has taken about 18 months for it to be completed to exchange working lighting into LED and that is not a high priority for a utility company. Anytime they do a pole change, such as Empire Court with the water project they change them to LED. He noted he will work with Chief Barkalow to team up with the Police Department to recommend areas that need additional lighting. Discussion was held on the DCEO energy credit program. He noted the program dollars that are not used will go back to the utility companies for their programs.

Finance

Director Bernadelle reported he is reviewing financial software to obtain bids and he will present this information to the Mayor Gitz. They will have to have it reviewed by an IT professional to see if the programs are compatible.

Community Development

Director Mills reported on the closure of the Grand Victoria hotel. He thanked the staff involved including Building Inspector Menke and Fire Inspector Bush for their hard work during the inspections and during the communication process with the owner. He also thanked social service agencies who assisted with displaced families including FACC, NICAA, Freeport Township and the Freeport Housing

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Authority. Alderperson Klemm asked about the next move. Director Mills explained they had a meeting with the actual owner of the building. They are working to get the building secured and to have utilities shut off. They are working on the short term items to be wrapped up. He stated the owner of the building has not determined the next step for the building. There is no way it could be reopened without repairs being done.

Public Works

Director Dole had no additional report from the activity report.

Library

Carole Dickerson, Director of the Freeport Public Library provided details on the lectures in American History to be hosted by the library on Tuesdays and Thursdays in January and February. She explained the lectures are tied to the "One Book One Freeport" book that was selected titled "*Gloryland*" authored by Shelton Johnson. Books will be distributed on February 4 and 11 at the Freeport Public Library, courtesy of the Freeport Public Library Foundation. The One Book, One Freeport committee has arranged to host *Gloryland's* author, Shelton Johnson, in Freeport for a full day of speaking engagements on March 9, 2017. Mr. Johnson will give educational programs March 9. Director Dickerson stated a variety of events will be scheduled around the community, including living history presentations of Teddy Roosevelt; Stephen Mather, founder of the National Park Service; a Wild West Lawman; and a buffalo soldier, presented by Freeport's own Steve Cole.

MAYOR'S REPORT

Mayor Gitz thanked the Freeport Public Library for the lecture series and the different activities of the library. He recommended taking advantage and participate in the One Book One Freeport by reading "*Gloryland*" and the lecture series. He stated he will provide an update to the move to the new City Hall facility. Our plan is to be out of this building the end of February. There may be a ribbon cutting to precede the move. He provided acknowledgment and thanks to Phil Schopf of Wagner's Office Supply who has offered office furniture. The annual reports are being formatted and the goal is to have it prepared for the Committee of the Whole in February.

Mayor Gitz stated there is a lot of discussion on the Water and Sewer rates. He will be meeting with a representative of M45 to look into mass information venues. They will also provide information in the Neighborhood Watch meetings. Mayor Gitz reported on the activity in the TIF's and noted the property values have not increased but instead they have decreased. There is discussion on how to rearrange the TIF's.

Mayor Gitz stated recently we received information from the Illinois Department of Transportation, Aeronautics Division on future projects. They asked about rearranging priorities and consider bringing forward the move of the airport road to Baileyville. He noted there are a lot of puzzle pieces to be worked on with the council before this will be put into the budget.

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Aldersperson McClanathan asked about call out for snow plowing. Mayor Gitz explained Director Dole keeps a close eye on all weather reports to monitor the weather. Director Dole stated he not only views weather channels but he also relies on the Police Department shift commander to notify him of unsafe conditions. Upon notice, he calls in his crew and they work overtime if necessary. They rely heavily on the patrolmen on the streets.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Ross attended the Martin Luther King Day celebration at the Boys and Girls club and it was a successful event.

Aldersperson Miller stated there will be a Neighborhood Watch meeting for the 4th Ward next Monday, January 23rd at the Lincoln Mall. She asked Director Glendenning to attend and he said he would make it happen.

Aldersperson Brashaw stated there will be a Neighborhood Watch meeting next Tuesday, January 22nd at Schwarz Funeral Chapel, 608 South Park Boulevard. There will be discussion on infrastructure improvements, City Hall building updates, and information from the City Manager Transition Committee. Mayor Gitz asked if Director Glendenning will be able to present on the water rate structure proposal. Aldersperson Klemm stated for those that attended the last meeting it was a positive result. Director Glendenning stated he will make himself available.

Aldersperson Koester stated there will be a Neighborhood Watch meeting for the 7th Ward a week from tomorrow. He apologized for his tardiness this evening because it was beyond his control.

Aldersperson Chesney provided an update on the Freeport Managerial Form of Government Transition Committee. He recognized the public members of the committee for their work. Tonight they held a discussion and reviewed the proposed ordinance that creates the position of City Manager and discussed the desired qualifications for selection of the City Manager. They have been in agreement with no dissenting votes. Next week they will review the request for proposals for the search firms that are due this Thursday. They will look at the top three firms. They will ask for a special meeting of the City Council at 7:00 Monday, January 23, 2017 to determine based on the recommendations a firm to select.

Aldersperson Klemm stated there has been a lot of good work done by the Transition Committee. He thanked Chief Barkalow for the work done on the arrests. He noted that Chief Miller has worked hard on an arson case. He also acknowledged the Police Union for their ratification of the Police Union contract.

Aldersperson Chesney acknowledged Dovie Anderson and welcomed her as the Deputy Clerk.

Aldersperson McClanathan stated he will schedule a date with Director Glendenning about the water rates because his Neighborhood Watch is this Thursday.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

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Tom Teich, Freeport, Illinois, provided a report from the Special Olympics.

Mayor Gitz asked if there were other public comments. There was no response. Mayor Gitz acknowledged the passing of Attorney Tom Nettles as a long standing citizen of the City of Freeport.

Upon a motion duly made and seconded, the meeting was adjourned at 8:40 PM.

s/ Meg Zuravel

Meg Zuravel
City Clerk