



City Council
City Council Chambers ♦ 314 West Stephenson Street ♦ Freeport, IL 61032

MINUTES
COUNCIL MEETING
MONDAY, AUGUST 21, 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 Jodi Miller with a quorum being present at 6:02 p.m. on Monday, August 21, 2017.

ROLL CALL

Present on roll call: Mayor Miller and Council members Alderpersons Bob Smith, Sally Brashaw, Mike Koester, Andrew Chesney, Tom Klemm, and Peter McClanathan (6). Alderpersons absent: Art Ross and Patrick Busker. See notation at 6:36 p.m. when Alderperson Ross entered council chambers.

Staff members present: City Manager Lowell Crow, Director of Community & Economic Development Nancy McDonald, Public Works Director Tom Dole, Fire Chief Scott Miller, Police Chief Todd Barkalow, City Engineer Shaun Gallagher, and City Clerk Dovie Anderson.

Others Present: City Legal Counsel Aaron Szeto, Esq.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Brashaw.

APPROVAL OF AGENDA

Mayor Miller asked for a motion for approval of the August 21, 2017 Agenda. Alderperson Koester moved and Alderperson Klemm seconded. Motion prevailed by voice vote without dissent

APPROVAL OF MINUTES

Alderperson Koester moved to approve and Alderperson Chesney seconded that the revised minutes from the Public Hearing held on July 17, 2017, reflect the adjournment time of 5:50 p.m. Motion prevailed by voice vote without dissent. Alderperson Chesney moved to approve the minutes of the regular Council meeting held on August 7, 2017, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

There were no public comments regarding agenda items.

CONSENT AGENDA

All items on the Consent Agenda are considered to be routine in nature and will be enacted in one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered as the first item after approval of the Consent Agenda. [Consent Agenda PDF](#)

- A. Approval of Resolution R-2017-37 Temporary Closure of Streets for the Freeport Homecoming Parade – September 20, 2017.

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- B. Approval of Resolution R-2017-38 Temporary Closure of Streets for the Aquin Homecoming Parade – September 24, 2017.
- C. Offer Sheet: Director of Finance – Randy Bukas
- D. Offer Sheet: Director of Utility Operations – Tom Kopanski
- E. Approval to receive and place on file:
 - 1) City of Freeport Police Department Report of Activities – June 2017
 - 2) City Treasurer’s Reports – July 2017
 - 3) Building Permits – July 2017
- F. Approval of Water & Sewer Bills Payable (Registers #822, #825 and #827) --- \$238,896.67
- G. Approval of Finance Bills Payable (Registers #821, 824, 826, and TBA) --- \$641,733.49
- H. Approval of Payroll for pay period ending August 5th, 2017 --- \$423,603.85 with fringe benefit payments in the amount of \$34,499.44 for a total of \$458,103.29.

There being no discussion, Alderperson Brashaw moved and Alderperson Smith seconded that the consent agenda be approved. Motion prevailed by omnibus vote of:

Yeas: Klemm, McClanathan, Smith, Brashaw, Koester, Chesney (6)

Nays: None

The Consent Agenda was approved.

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2017-62

An Ordinance Amending Chapter 290 Compensation and Benefits, Section 290.02 of the Codified Ordinances of the City of Freeport, Illinois

Two drafts (Option A and Option B) of this Ordinance were reviewed at the August 7, 2017, Committee of the Whole meeting. A motion to move forward “Option B” for approval of this Ordinance was made by Alderperson McClanathan; seconded by Alderperson Klemm. Motion prevailed by voice vote without dissent.

City Manager Crow explained that this ordinance applies to all non-bargaining officers and employees and ties wage increases to the City budget. As Council approves the budget, the level of increases that employees will receive will be established. It is recommended by Manager Crow and City Legal Counsel Roxanne Sosnowski to clean up the ordinances and provide a clearer view of employee pay raises so that they do not need to be backdated. It also allows the Fire Chief and Police Chief to better regulate their budgets and align employees’ wages.

Alderperson Chesney moved and Alderperson Koester seconded to approve Ordinance #2017-62.

Alderperson Chesney moved for suspension of the rules, which is non-debatable and requires a 2/3 majority vote. Alderperson Klemm seconded and the motion for suspension prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Smith, Brashaw, Koester and Chesney (6)

Nays: None

The motion for passage of Ordinance #2017-62 prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Smith, Brashaw, Koester and Chesney (6)

Nays: None

Ordinance #2017-62 was passed.

1st READING OF ORDINANCE #2017-64

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An Ordinance Amending Part Eight, Title Two (Business Regulations), Chapter 873 (Food Truck Vendor Licensing and Regulation) of the Codified Ordinances of the City of Freeport, Illinois.

A draft of this Ordinance was reviewed at the August 7, 2017, Committee of the Whole and moved forward upon a motion made by Alderperson McClanathan; seconded by Alderperson Koester.

Manager Crow, City Legal Counsel Steve Cox and Aaron Szeto reviewed the Food Truck Vendor ordinance and found that loop holes existed that did not reflect the desires of Council. They reviewed similar ordinances from Moline, Carbondale, and Champaign. The recommended updates include provisions that the Food Truck must be licensed and the vehicles are required to move each evening but only have to be away for twelve (12) hours. These changes will be effective upon the regular licensing due date of March 1, 2018.

Alderperson Brashaw moved and Alderperson Koester seconded to approve Ordinance #2017-64 and the matter was automatically laid over to the next regular Council meeting.

Alderperson Chesney asked if the City had reached out to Food Truck Vendors affected by these changes. Manager Crow confirmed that a paragraph had been added by Attorney Cox stating that the ordinance would be changed by next year when one particular vendor was licensed this year. Manager Crow also stated that he had discussions with the managing partners of this same vendor, whose trailer is not currently licensed, and they believe they will be able to be in compliance by March 1, 2018. The third partner has some concerns that the managing partners will not be able to meet that deadline.

APPROVAL OF BIDS

[Repair and stabilization of Exterior Wall at 21 W. Stephenson Street Freeport, Illinois Bid # CD-005-17: Bid Opening: August 18, 2017 – Community Development](#)

Community and Economic Development Director Nancy McDonald explained that in January 2017, the City performed an emergency demolition of the structure at 17 West Stephenson Street after it had been determined to be unsafe. An exposed common wall remained at 21 West Stephenson Street, also known as Joe's Pizza. Temporary stabilization measures were taken immediately following demolition; however, due to the temporary nature of the measures combined with the recent rains, the common wall now needs to be repaired using more permanent measures. Two contractors attended a mandatory pre-bid meeting at the site on August 15, 2017, and an addendum was issued that same day. Faulkner Construction and Nicam submitted bids on August 18, 2017. Faulkner was the apparent low bidder at \$106,245 and it is the City's recommendation they be approved.

Alderperson Smith moved and Alderperson Koester seconded to award the contract to Faulkner Construction.

City Manager Crow pointed out that Faulkner made an error in addition. There is a provision for Phase II if repairs need to be made during temperatures falling below 50 degrees. Faulkner realized their error and contacted the City after the bid opening. Attorney Steve Cox advised that the scrivener's error could be corrected by moving the decimal point. Manager Crow was contacted by Joe's Pizza and their insurance has gone up \$15,000 because the wall is falling apart.

Director McDonald stated that the City has filed liens against the property at 17 West Stephenson Street and may foreclose upon those liens at some point in the future. The court hearing today was to ask the owner at 17 West Stephenson Street to allow access to her property so that repairs may be made to the wall at 21 West Stephenson Street. Another requirement of the court hearing today was that the owner of 17 West Stephenson Street

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remove the vehicle that has been parked on that empty lot. Manager Crow further explained that barriers will be placed to disallow further access to that empty lot.

Manager Crow explained that Attorney Cox has researched laws pertaining to ownership of a common wall. This may be a precedent-setting case as it is the first time in this country that one owner of a common wall has objected to the other owner making repairs.

Aldersperson Koester asked and Manager Crow confirmed that these repairs are a continuation of the original court order to demolition the building and, as such, are the responsibility of the City.

The motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Smith, Brashaw, Koester and Chesney (6)

Nays: None

OTHER

Memorandum of Understanding Approval of and authorization to enter into an Agreement with the United Presbyterian Church regarding shared handicap ramp

Manager Crow turned over the briefing to City Engineer Shaun Gallagher, ADA Officer for the City. Engineer Gallagher stated that this Memorandum of Understanding was first discussed at the August 14, 2017, Committee of the Whole. The purpose of this proposal is to integrate ADA compliance of the sidewalks, parking lot, and ramp with City Hall and the United Presbyterian Church. This allows ADA-compliant access from Stephenson Street to the parking lot on Exchange Street. The total cost of \$13,649 will be split 50/50 with \$6,824.50 payable from the church within one year.

Aldersperson Chesney moved and Aldersperson Klemm seconded to approve and authorize the Memorandum of Understanding.

It was established that the completion timeframe will be 45 days with grass planted by September 15, 2017, around entire grounds of City Hall.

The motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Smith, Brashaw, Koester and Chesney (6)

Nays: None

REPORTS OF DEPARTMENT HEADS

Community and Economic Development

Director McDonald gave an update on residential demolitions. Including properties that have already gone to bid, grant programs, fast track, Blight Reduction Program Round 1 (BRP1) and Round 2 (BRP2), and Abandoned Properties Program, there will be about 50 residences demolished by October. There will be more after tax sales. The Illinois Department Housing Authority (IDHA) BRP1 and BRP2 demolitions take a little longer because the documentation requires proof of payment and reimbursement. The extra staff person has been beneficial in addressing neighborhood blight and nuisances especially when building relationships with renters and landlords. There has been 24 hour response time when receiving complaints. If there is no emergency, the first incident is a warning with a period of time for the property owner to address the nuisance. If not addressed, then a fine is imposed. The City will notify residents and give some time for cleanup if bulk waste is set curbside. If there is an emergency, the City will clean it up then file a lien to recoup costs. Manager Crow stated that in the last ten (10)

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weeks the City has become very aggressive with filing liens. We will begin filing liens against unpaid Water and Sewer accounts soon. When liens go unpaid over eighteen (18) months, then the City can foreclose on property. After a lengthy process, the City can eventually demolish the property.

Public Works

Director Dole had nothing further to report.

Fire

Fire Chief Miller reported that the Fire Department will offer the Citizen's Fire Academy beginning September 12, 2017, which runs for seven (7) weeks from 6:30 to 8:30 p.m. Applications are available at Central Fire Station or on the City's website.

Police

Chief of Police Barkalow reported that Sunday, August 20, 2017, at 5:30 a.m. there was a robbery at Fas Fuel on West Galena. They are working from the surveillance camera and tips. Later that day, there was a shooting on Oak Street involving a domestic dispute. A weapon was recovered in Rockford and charges are pending. Late Sunday, there was a Peace Candlelight Vigil with over 250 in attendance at Debate Square.

Aldersperson Ross entered Council chambers at 6:36 p.m.

City Engineer/Water and Sewer

City Engineer Gallagher reported two water main breaks yesterday with tweaking the high pressure zone which were attributed to honing in on controls during shift changes. Sewer work included the box culvert between Greenfield and Mesa and completion of 460 feet of force main which is constructed of material similar to a tractor tire with a 200-year life expectancy. It is installed well off of the roadway and well underground. The total cost for that section was \$35,968 and it is the first expenditure from the new Capital Improvement Project fund. The Mesa/Canyon/Arapaho Drive project will be completed this week with a total construction cost of \$380,003.35. Council had approved up to \$398,000, which puts the project approximately \$18,000 under what was last discussed. Two-color window blinds were installed at City Hall; however, the incorrect colors were ordered (i.e., the interior color was ordered for the exterior and vice versa). The contractor will be re-ordering.

Aldersperson McClanathan asked about the timeframe for the continuation of the construction of force main. Engineer Gallagher stated that the sewer mains will take priority as the consequences of sewer main breakage is greater than water main. The area near City yards and Park Boulevard will take top priority. The next two miles will be installed over the next five years.

Aldersperson Chesney expressed concern over water leakage in the basement of City Hall. Engineer Gallagher stated that the leaks were due to ongoing construction around City Hall. The trenches had been filled with chips; however the roof drains were not fully attached. The roof water now follows the trenches to the street. Even though the exterior walls of the foundation had been waterproofed, the water came up through the basement floor. The final grade was not complete and properly sloped away from the building. Once grass is planted, the vegetation will help with water runoff. He believes that all of the issues have now all been corrected. A camera was used to inspect the surface pipes and nothing appeared to be clogged. In the future, canopies may need to be installed over the lower level steps on the west and over the east doors at the end of the ramp. City Manager Crow added that some records were damaged that were stored in lower level rooms. The Clerk has been in contact with the State to identify records that they will give permission to destroy. There was water on the carpet, but our cleaning crews took care of that immediately.

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Aldersperson Smith asked about the new tower being utilized to capacity and the resulting effects on the old pipes. Engineer Gallagher explained that the high pressure zone is operating at its maximum of 75 percent of tank capacity, which has been determined to be the optimum (75 to 80 percent). The goal was that residents would experience 20 psi increase; however, the maximum has been 17 psi. Water and Sewer Consultant Tom Glendenning has been working with the staff to regulate the controls to optimize water pressure while reducing stress on the system which, in turn, reduces the number of water main breaks.

Aldersperson Brashaw asked if it was still protocol for constituents to call the City Engineer if there are pressure problems or water leaks. Engineer Gallagher stated that the phone numbers on the original notification, back of the water and sewer bills, and on the website are still valid.

Aldersperson Smith asked about the hydraulic model benefitting the upcoming ISO evaluation. Engineer Gallagher and Fire Chief Miller explained that the hydraulic model does provide benefit especially in wear and tear on testing the hydrants, which no longer needs to be done because information is provided through modeling. The model also provides statistical data. The start up of the new water tower and installation of seventy-six (76) additional fire hydrants have enhanced the Fire Department's response to fire calls and, subsequently, the ISO review.

CITY MANAGER REPORT

City Manager Crow stated that the passage of the new State budget reduces the Personal Property Replacement Tax by twenty-eight percent (28%). The local impact is the reduction will affect the general fund, library, and police and fire pensions. He, Treasurer Linda Buss and new Finance Director Randy Bakus will be looking at the budget on how those funds will be replaced.

The flood-related costs of garbage disposal and reimbursing the transfer station for disposal fees totaled \$44,000. He has spoken with the Chairman of the Financial Committee of the Whole for recommendations for funding.

The new Director of Utility Operations Tom Kopanski will accompany Engineer Gallagher and Water and Sewer Consultant Tom Glendenning to a training regarding water treatment facilities in Minneapolis. He will be at the September 5, 2017, Council meeting and eventually establish residency in Freeport. The new Finance Director Randy Bukas will be at the September 5, 2017 Council meeting, closing on his house in Effingham that week, and then closing on his new house in Freeport that Friday. He is aggressively looking at financials and watching what the State is doing particularly regarding TIF districts.

Preparations are being completed by Public Works Director Dole in the alleyway for Tour de Freeport.

There will be a Town Hall Meeting to discuss the Gladewood Bridge with the 1st and 6th Wards and related work that will feed off that project at Schwarz Funeral Home next week. Discussion will include replacing the existing bridge with a foot bridge versus a two-lane bridge and associated improvements in the Demeter and Fairway area. The Park District will attend as they have an interest as well.

MAYOR'S REPORT

Mayor Miller reported that she and Community and Economic Development Director McDonald attended the Northern Illinois Mayor's Association (NIMA) meeting to learn from other mayors and their challenges. Many of the challenges Freeport faces are not unique to Freeport and many surrounding communities have Public Safety as a priority. Public Safety Task Force subcommittees will meet this week focusing on Youth Development, Neighborhood Improvements, Work Force Development, and Faith-Based Community. She encouraged residents to do their part in Public Safety and report suspicious activity.

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COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Brashaw thanked City Engineer Gallagher and Public Works Director Dole and his crew for flood-related responses, especially repairing the washout on Prairie Street and sink holes on Greenfield. Aldersperson Koester noted that the 7th Ward Neighborhood Watch meeting will be next Wednesday at the Main Fire Station. Aldersperson Chesney had no announcements. Aldersperson Klemm reiterated the Gladewood Bridge Town Hall meeting at 6:00 p.m. on August 29, 2017. Alderspersons McClanathan, Ross, and Smith had no additional comments.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Steve Carroll reported that he has made many Freedom of Information Act (FOIA) requests to the Freeport Housing Authority and they have been slow to respond. He received FOIA information from the Public Access Counsel that the Housing Authority's director and FOIA officer have not taken appropriate trainings. He asked Mayor Miller to investigate.

At 7:04 p.m. Aldersperson Chesney exited Council chambers.

EXECUTIVE SESSION (CLOSED SESSION) PURSUANT TO 5 ILCS 120/2

City Clerk Anderson read the following exceptions into record to enter an Executive (Closed) Session:

- Pursuant to 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.
- 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.
- 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 7:06 p.m., Aldersperson Klemm made a motion to enter executive session, seconded by Aldersperson Koester. The motion prevailed by roll call vote of:

Yeas: Klemm, Ross, McClanathan, Smith, Brashaw, and Koester (6)

Nays: None

At 8:31 p.m., Aldersperson McClanathan made a motion to return from executive session, seconded by Aldersperson Koester. The motion prevailed by roll call vote of:

Yeas: Klemm, Ross, McClanathan, Smith, Brashaw, Koester, and Chesney (7)

Nays: None

Upon a motion duly made and seconded, the meeting was adjourned at 8:32 p.m.

s/ Dovie L. Anderson

Dovie L. Anderson
City Clerk