



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

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**MINUTES**  
**COUNCIL MEETING**  
**MONDAY, JULY 2, 2018 AT 6:00 P.M.**

**CALL TO ORDER**

A 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, July 2, 2018.

**ROLL CALL**

Present on roll call: Mayor Jodi Miller and Council Members Alderpersons Tom Klemm, Peter McClanathan, Art Ross, Bob Smith, Patrick Busker, Sally Brashaw, Alderperson Koester, and Andrew Chesney (8).

Staff members present: City Manager Lowell Crow, Director of Finance Randy Bukas, Director of Community & Economic Development Nancy McDonald, Director of Public Works Dennis Carr, Fire Chief Todd Allen, Chief of Police Todd Barkalow, Director of Utilities Tom Kopanski, Director of Information Technology Curt Suttman, and City Clerk Dovie Anderson

Others Present: City Legal Counsel Roxanne Sosnowski, Esq.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Ross.

**APPROVAL OF AGENDA**

Alderperson Koester moved and Alderperson Klemm seconded to approve the agenda; motion carried unanimously by voice vote without dissent.

**APPROVAL OF MINUTES**

Alderperson Brashaw moved and Alderperson Koester seconded to approve minutes from the [June 18, 2018](#) meeting; and motion prevailed by voice vote without dissent.

**PUBLIC COMMENTS**

Steve Carroll spoke against Ordinance #2018-33 regarding Rules of Council. He feels it stifles the public's ability to present their views if written correspondence is not read verbatim into record. He believes the full reading will provide for an open, accessible government.

Theresa Wellman spoke in favor of Ordinance #2018-33 regarding Rules of Council. She thanked the Council for listening to her views at the last meeting and adjusting the wording to allow for reading of portions of written correspondence that are not slanderous or libelous.

Dan Misek spoke in favor of Ordinance #2018-33 regarding Rules of Council. He supports the amendments allowing for removal of slanderous or libelous language while still allowing the public to have a voice.

**CONSENT AGENDA**

**MINUTES-COUNCIL MEETING  
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*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* [View Consent Agenda](#)

- A. Approval to receive and place on file:
  - 1) Fire Department Report – April 2018 and May 2018
  - 2) Minutes from Foreign Fire Insurance Board – Meeting June 14, 2018
  - 3) Minutes from Liquor Commission – Reschedule Regular - Meeting April 12, 2018, Regular Meeting - May 10, 2018 and Special Meeting - May 31, 2018.
- B. Approval of Resolution R-2018-36: Temporary Closure of Streets for Freeport High School Homecoming Parade – Wednesday, September 26, 2018.
- C. Approval of Finance Bills Payable (Registers #16, 17, 18, 19 and 20 and invoices to be approved for registers dated June 15, 2018 through June 28, 2018) --- \$731,548.62
- D. Approval of Payroll for pay period ending June 23, 2018 --- \$446,088.68 with fringe benefit payments in the amount of \$34,306.53 for a total of \$480,395.21.

Aldersperson Busker moved and Aldersperson Smith seconded that the consent agenda to be approved. Motion prevailed by omnibus vote of:

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

Nays: None

The Consent Agenda was approved.

**ITEM #5 – Proclamation regarding Stephenson County Habitat for Humanity**

Mayor Miller presented a proclamation to Tracyann Reynolds with Habitat for Humanity and her staff for providing affordable housing and taking action to address the needs of families. Low-income residents are able to secure mortgages that fit their budgets. Ms. Reynolds thanked the Mayor, City Manager, and Council for their support. Habitat for Humanity currently provides 13 diverse homes across many of the Wards. They are in need of materials for building homes: drywall, flooring, cabinets, light fixtures, doors, etc. Residents secure 20-year mortgages which further invests money in the City.

**ITEM #6 – Recognition of Service Awards**

City Manager Crow and Chief of Police Barkalow introduced employee Joshua Leverton from the Police Department and thanked him for his 5 years of service to the City. Chief Barkalow stated that Josh is originally from Lena but has also worked in Blue Island, Illinois. He is the Neighborhood Watch Coordinator and has a unique blend of aggressiveness and the ability to talk to people.

**ORDINANCES – SECOND READING**

**ITEM #7 – [2<sup>nd</sup> READING OF ORDINANCE #2018-33](#)**

**An Ordinance Amending Title Four, Legislation, Chapter 220, Council, Section 220.10 of the Codified Ordinances of the City of Freeport, Illinois Regarding Rules of Council** *At the June 4, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Smith and seconded by Aldersperson Busker. The matter was automatically laid over to the June 18, 2018, Council meeting where Aldersperson Chesney moved and Aldersperson McClanathan seconded to lay the matter over with revisions to tonight's meeting.*

Aldersperson Chesney stated that our original Ordinance was silent on the requirements to read written correspondence into record. This Ordinance is to Codify what has been allowed by practice with some exceptions.

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There is an amendment to allow the reading of correspondence into record with the removal of any abusive, profane, slanderous or libelous wording.

Aldersperson Chesney moved to place Amended Section 220.10(23) on the floor for approval of the amendment and Clerk Anderson read it into the record, Aldersperson Klemm seconded. The motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

Mayor Miller requested a roll call vote on passage of Ordinance #2018-33 as amended. Motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

Ordinance #2018-33 passed.

**ITEM #8 – [2<sup>nd</sup> READING OF ORDINANCE #2018-34](#)**

**An Ordinance to Ascertain the Prevailing Rate of Wages for Laborers, Workmen and Mechanics Employed in Public Works of the City of Freeport, Illinois** *At the June 18, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Smith; seconded by Aldersperson Busker; and the matter was automatically laid over to tonight's meeting.*

Manager Crow stated that this Ordinance is required to be passed annually and provided to the State by July 15.

Mayor Miller called for a roll call vote for final passage of Ordinance #2018-34:

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

Nays: None

Abstain: None

Ordinance #2018-34 passed.

**ITEM #9 – [2<sup>nd</sup> READING OF ORDINANCE #2018-36](#)**

**An Ordinance of the City of Freeport, Illinois Amending Part Ten - Streets, Utilities and Public Services Code, Title Two - Streets and Sidewalk Areas of the City Code of Ordinances to Provide for the Regulation and Application of Small Wireless Facilities** *At the June 18, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Koester; seconded by Aldersperson Chesney; and the matter was automatically laid over to tonight's meeting.*

Manager Crow stated that the wording was suggested by Illinois Municipal League (IML) and two other Illinois communities have passed this same Ordinance within the last 10 days.

Mayor Miller called for a roll call vote for final passage of Ordinance #2018-36:

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

Nays: None

Abstain: None

Ordinance #2018-36 passed.

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**ORDINANCES – FIRST READING**

**ITEM #10 – [1<sup>st</sup> READING OF ORDINANCE #2018-35](#)**

**An Ordinance Granting a Variance from Section 1268.07 Pertaining to Maximum Height of Accessory Buildings for Property Located at 727 South 15<sup>th</sup> Avenue, Freeport, Illinois [View Memo and Staff Report](#)**

Director McDonald stated that on May 18, 2018, Luke Schoenhard filed an application with the Department of Community and Economic Development for a zoning variance. He is asking to construct a garage that is 9 feet higher than allowed for one-family property zoned R-4. All neighboring property owners were sent notices via certified mail and proper notice was published in the Journal Standard and on the City's website. No protests or comments were received prior to the Public Hearing. The Zoning Board of Appeals ruled in favor 4 to 0.

Aldersperson Koester made a motion to approve Ordinance #2018-35; seconded by Aldersperson Busker.

Aldersperson Klemm moved for suspension of the rules for immediate consideration and it was seconded by Aldersperson Chesney. Mayor Miller stated that suspension of the rules is non-debatable and must pass by 2/3 of the majority. Motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

There being no further discussion, Mayor Miller called for a roll call vote for final passage of Ordinance #2018-35:

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

Nays: None

Abstain: None

Ordinance #2018-35 was passed.

**ITEM #11 – [1<sup>st</sup> READING OF ORDINANCE #2018-37](#)**

**An Ordinance of the City of Freeport, Illinois, Authorizing the Board of Fire and Police Commissioners to Waive the Testing Requirement as a Part of the Process to Promote Lieutenant Curt Timmer to the Position of District Chief**

Chief Allen stated that this is an unusual circumstance whereby the District Chief's list has been exhausted. A Deputy Chief has submitted a resignation which subsequently has opened up another District Chief's position. The firefighter's contract requires that a lieutenant serve for three years before advancing to the rank of District Chief. Of the nine lieutenants, only one has enough years and meets the other minimum requirements. There are written and oral exams that are also required by the State. However, the written test has no score. The reading materials require posting for 75 days so the position would not be filled until November or December. Manager Crow stated that the Deputy Chief's position has to be filled, even on a temporary basis, and the wage differential would need to be paid at that level as well. Under Home Rule, we are able to waive the above requirements. Since there is only one eligible person, passage of this Ordinance would bypass the above-stated requirements and allow for appointing Lieutenant Timmer as District Chief.

Aldersperson Koester asked and Chief Allen confirmed that it will be November 2019 before the next person reaches three years. The Board of Fire and Police Commissioners will be discussing this scenario. Testing can cost up to \$1,000 plus the purchase of materials. Aldersperson McClanathan asked and Manager Crow confirmed that the Union has signed off its approval to this promotion.

Aldersperson Koester made a motion to move Ordinance #2018-37 forward for approval; seconded by Aldersperson Klemm. The matter was automatically laid over to the next Council meeting.

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**ITEM #12 - [1<sup>st</sup> READING OF ORDINANCE #2018-38](#)**

**An Ordinance Granting a Special Use Permit to Allow for the Operation of a Temporary Recreational Ball Park for Property Located at 1001-1003 Loras Avenue Freeport, Illinois [View Memo](#)**

Director McDonald stated that on May 7, 2018, Klopp Enterprises filed for a Special Use Permit in a P-1 Professional Use zoned district to allow for a ball park. All adjacent property owners were notified by certified mail of a public hearing on June 14, 2018. Notification was also published in the Journal Standard and on the City's website and a temporary sign erected on the property. No protest or comments were received prior to the public hearing. The Planning Commission approved the Special Use by 5 to 0 on June 14, 2018.

Aldersperson Klemm stated that this is in his Ward and appreciates the property owner taking on the cost and providing the opportunity for practice time. Little League and specialty teams take up a lot of the time on publicly available ball fields. One person spoke out against it due to potential traffic and parking along the street. These issues were addressed. The ball players need to be dropped off in a parking lot of an adjacent property owner which will be used with his permission. Aldersperson Ross asked and Director McDonald confirmed that the maintenance and upkeep of the lot will be the responsibility of the property owner.

Aldersperson Klemm made a motion to move Ordinance #2018-38 forward for approval; seconded by Aldersperson Koester. The matter was automatically laid over to the next Council meeting.

**RESOLUTIONS**

**ITEM #13 – [ADOPTION OF RESOLUTION #R-2018-37](#)**

**Resolution of the City of Freeport, Illinois Authorizing and Approving a Service Agreement with Aero Group, Inc. [View Memo](#)**

Chief Barkalow stated that the State is the sole provider of the Law Enforcement Agency Data System (LEADS) which the Police Department uses to obtain information on criminal histories, vehicles, driver's licenses, and wanted subjects. The State is transitioning from T1 copper lines to hi-speed fiber lines. This agreement allows the City to work with Aero Group to provide the connection from the fiber lines to the Police Department for \$250 per month for five years. The contract can be discontinued after two years at a cost. Aero will provide the hardware connection, maintenance, and technical support. Director Suttman stated that this is in preparation of the next generation of 911. Aldersperson Busker asked and Chief Barkalow confirmed that this will increase the speed and efficiency of the Police Department obtaining critical information. Frontier and Comcast also provided quotes.

Aldersperson Busker made a motion to adopt Resolution #R-2018-37, Aldersperson Koester seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-37 was adopted.

**REPORTS OF DEPARTMENT HEADS**

**Finance**

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Director Bukas stated that the auditors finished last Friday, June 28, 2018. They will be back mid-July for a couple days. The actuarial reports for Police and Fire have been started. The Supreme Court ruled on internet sales. The Illinois Department of Revenue anticipates about \$200 million in new revenue each fiscal year. The State will keep 80%. The remaining 20% will be divided between Chicago (20%), Regional Transit Authority (10%), Metro East Transit District (0.6%), Building Illinois Fund (\$3.15 million), and the remaining money (\$28 million) will be divided among municipalities in Illinois based upon population. He estimates that Freeport could receive \$53,000 in additional revenue.

**Community & Economic Development**

Director McDonald had nothing additional to report.

**Public Works**

Director Carr stated that the paver is operating again since it was down from catching on fire. They will begin on Island Street and then move to alley repaving. The vault on Chicago needs repair including the sidewalk on top of it as well as the curb that is failing due to the crumbling limestone vault walls underneath.

**Fire**

Chief Allen reminded the public about fireworks safety. There are legal fireworks available. He recommended keeping a bucket of water or hose close by. He wished everyone a safe and happy Fourth of July.

**Police**

Chief Barkalow stated that the Stephenson County Fair was successful with no issues. He added to Chief Allen's concerns regarding safety over the Fourth of July. He urged citizens to "think before acting" to ensure safety.

**Water and Sewer**

Director Kopanski had nothing additional to report.

**IT**

Director Suttman had nothing additional to report.

**CITY MANAGER REPORT**

Manager Crow stated that he, Alderperson Ross, Director Carr, Reverend Funches and community representatives from the 3rd Ward met with the Army Corps of Engineers in Rock Island on Friday, June 28, 2018. He thanked Reverend Funches for identifying the individuals from the community. He felt it was a useful and informative meeting.

The Greater Freeport Partnership has advertised for three Department Head positions locally and through national organizations. These positions will hopefully be filled by the end of July. Rebecca Motley is in place as the Executive Director and Tess Dahms has been hired as her Executive Assistant.

Prohibition Freeport will be held on Saturday, July 14, 2018. Fireworks will be held at the Stephenson County Fairgrounds on Saturday, July 7, 2018.

**MAYOR'S REPORT**

Mayor Miller thanked the hundreds of volunteers required to put on the Stephenson County Fair. More volunteers will be needed on Sunday, July 29, 2018, from 9:00 am to 2:00 pm for the Pecatonica River Cleanup. Meet at Rock Hollow if interested. Last year 120 miles of river were cleaned. Lunch will be provided.

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Saturday, July 7, 2018, the Yes Club will host a Rally for Peace at Krape Park Band Shell from 11:00 am to 2:00 pm.

The City has received numerous calls regarding mosquitoes even though we do not hold the contract. The Mosquito Abatement District is its own taxing body and can be reached at 800-942-2555. A helicopter application is scheduled for tomorrow night.

She wished everyone a safe and happy Independence Day.

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Aldersperson Ross had nothing additional to report.

Aldersperson Smith had nothing additional to report.

Aldersperson Busker reminded citizens to remove standing and stagnant water from their yards to help reduce the number of mosquitoes.

Aldersperson Brashaw stated that the Neighborhood Watch Meeting for 6th Ward will be held on Thursday, July 5, 2018. Tom Kopanski and Manager Crow will be speaking on Water and Sewer issues and the two new wells. July 7, 2018, will be Light Up the Sky at the Stephenson County Fairgrounds.

Aldersperson Koester warned to not leave pets and children in hot cars during the summer. He asked that citizens not blow mowed grass into the streets.

Aldersperson Chesney stated that the Freeport High School NJROTC Air Rifle Team is looking for space. They would like a rectangular area with approximately 5,000 square feet with restrooms, electricity, internet, and 24-hour access. He noted that they are a nationally accomplished team.

Aldersperson Klemm stated that July 23, 2018, will be the 1st Ward Neighborhood Watch Meeting. He encouraged everyone to celebrate July Fourth and his birthday. He thanked the community group who has come forward to organize fireworks on July 7, 2018.

Aldersperson McClanathan had nothing additional to report.

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

There were no public comments.

**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)(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.
- Pursuant to 5 ILCS 120/2(c)(21) Discussion of minutes lawfully closed under this act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 --- with action to follow

At 7:07 p.m., Aldersperson Koester made a motion to enter executive session, seconded by Aldersperson Brashaw. The motion prevailed by roll call vote of:

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

Nays: None

At 7:28 p.m., Alderperson McClanathan made a motion to return from executive session, seconded by Alderperson Smith. The motion prevailed by roll call vote of:

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

Nays: None

**ITEM #20 – REVIEW OF EXECUTIVE SESSION MINUTES FROM 2008 AND 2009 TO MAKE DETERMINATION IF CONFIDENTIALITY STILL EXISTS**

Alderperson McClanathan moved to make a determination that the need for confidentiality no longer exists as to the minutes from the following closed session meetings or portions of minutes and that these portions should be made available for public inspection, seconded by Alderperson Klemm: December 7, 2009; October 5, 2009; July 20, 2009 - Subject #1; March 2, 2009 - Subject #1; February 17, 2009 - Subject #1; January 26, 2009 - Subjects #1 and #2; December 15, 2008 - Subject #1; December 1, 2008 - Subject #1; November 17, 2008; October 6, 2008; August 4, 2008 - Subjects #1 and #2; March 3, 2008 - Subject #1

The motion prevailed by a roll call vote of:

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

Nays: none

Alderperson McClanathan moved to make a determination that the need for confidentiality still exists in relation to all other closed session minutes and tapes identified as not released, seconded by Alderperson Klemm.

- December 21, 2009 - 5 ILCS 120/2(c)(11) Litigation Strategy
- November 2, 2009 - Subject #1 - 5 ILCS 120/2(c)(11) Litigation Strategy
- November 2, 2009 - Subject #2 - 5 ILCS 120/2(c)(11) Litigation Strategy
- September 8, 2009 - 5 ILCS 120/2(c)(11) Litigation Strategy
- August 3, 2009 - Subject #1 - 5 ILCS 120/2(c)(11) Litigation Strategy
- August 3, 2009 - Subject #2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- August 3, 2009 - Subject #3 - 5 ILCS 120/2(c)(8) Security Procedure
- July 20, 2009 - Subject #2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- July 6, 2009 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- June 1, 2009 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- May 18, 2009 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- March 2, 2009 - Subject # 2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- February 17, 2009 - Subject #2 - 5 ILCS 120/2(c)(11) Litigation Strategy
- January 5, 2009 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- December 15, 2008 - Subject# 2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- December 1, 2008 - Subject #2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- July 7, 2008 - Subject #1 - 5 ILCS 120/2(c)(11) Litigation Strategy
- July 7, 2008 - Subject #2 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- May 5, 2008 - Subject #1 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- May 5, 2008 - Subject #2 - 5 ILCS 120/2(c)(11) Litigation Strategy
- March 3, 2008 - Subject #2 - 5 ILCS 120/2(c)(1) Personnel
- March 3, 2008 - Subject #3 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy
- February 19, 2008 - 5 ILCS 120/2(c)(11) Litigation Strategy



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- February 4, 2008 - 5 ILCS 120/2(c)(6) Real Estate Strategy
- January 22, 2008 - 5 ILCS 120/2(c)(2) Collective Bargaining Strategy

The motion prevailed by a roll call vote of:

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

Nays: none

Upon a motion duly made and seconded, the meeting was adjourned at 7:31 p.m.

Respectfully submitted,

*/s/ Dovie L. Anderson*

Dovie L. Anderson

City Clerk