



## City Council

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

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### MINUTES

### COUNCIL MEETING

MONDAY, AUGUST 6, 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 6:01 p.m. on Monday, August 6, 2018.

#### **ROLL CALL**

Present on roll call: Mayor Jodi Miller and Council Members Patrick Busker, Sally Brashaw, Michael Koester, Andrew Chesney, Tom Klemm, Peter McClanathan, and Art Ross (7)

Staff members present: City Manager Lowell Crow, Director of Finance Randy Bukas, Director of Public Works Dennis Carr, Director of Utility Operations Tom Kopanski, Fire Chief Todd Allen, Chief of Police Todd Barkalow, Director of Information Technology Curt Suttman, Albertus Airport FBO Darrell Janssen and City Clerk Dovie Anderson

Others Present: City Legal Counsel Roxanne Sosnowski, Esq.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Busker.

#### **APPROVAL OF AGENDA**

Mayor Miller stated that Item #10 Ordinance 2018-40 on the agenda will be removed and laid over to the next Council meeting on Monday, August 20, 2018, to allow the Planning Committee time to review. Alderperson Busker moved and Alderperson Koester seconded to approve the agenda as amended; motion carried unanimously by voice vote without dissent.

#### **APPROVAL OF MINUTES**

Alderperson Koester moved and Alderperson Ross seconded to approve minutes from the [July 16, 2018](#) meeting; and motion prevailed by voice vote without dissent.

#### **PUBLIC COMMENTS**

Steve Carroll referenced Agenda #11, Ordinance #2018-41, regarding the discretion of the chair of a meeting to eject someone making personal comments that are personal, impertinent, abusive or slanderous. He feels this is counter to the Public Access Council (PAC) determination of July 10, 2018, and puts pressure on the chair to determine what is personal, impertinent, abusive or slanderous. Mayor Miller chairs all Council meetings and the chair rotates with each Alderperson for the Committee of the Whole. That totals nine people's perceptions and interpretations of what is being said during public comments. Mr. Carroll stated that, at the last meeting, City Legal Counsel stated that the PAC decision is a determination that is not binding, only advisory. He feels it is the job of City Legal Counsel to protect and advise members of the Council. He believes there is a conflict because Sosnowski & Szeto contribute to the Andrew Chesney campaign.

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**ITEM #4 - Appointments**

Aldersperson Klemm moved and Aldersperson Koester seconded to accept the appointments of Donald Parker to the City Council as 4<sup>th</sup> Ward Aldersperson (to replace the vacated position of Bob Smith) effective immediately through term 2021 and Forrest Senn to the Liquor Commission (to replace the vacated position of Donald Parker) effective immediately.

The motion prevailed by a roll call vote of:

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

Nays: None

**ITEM #5 - Swearing-In of Aldersperson Donald Parker**

The Honorable Judge Michael P. Bald, Presiding Judge 15<sup>th</sup> Judicial Circuit Court of Illinois, performed the swearing-in ceremony for newly appointed Aldersperson Donald Parker.

Aldersperson Parker took his seat on the Council bringing the total number of Alderspersons present to eight (8).

**ITEM #6 - Recognition of retirees and promotions in Fire Department**

**Retirement:**

- Fire Chief Todd Allen introduced Deputy Chief Scott Reeser who retired recently with 27 years of Service to the City. He was hired in 1991, promoted to Lieutenant in 2009, Captain in 2013, District Chief on May 7, 2018, and Deputy Chief on May 21, 2018. Deputy Chief Reeser thanked the City and the citizens of Freeport, his firefighting family, and supportive family at home.

**Promotions:**

- Chief Allen recognized the promotion of Lieutenant Michael McKenna. He was hired in 1990, promoted to Lieutenant on July 17, 2018. He served as a Licensed Paramedic, Fire Officer 1, and was appointed as the EMS coordinator in 2000 holding this position for 18 years. He was pinned by his wife, Joleen.
- Chief Allen recognized the promotion of District Chief Curt Timmer. He was hired in 1998, served as a Mechanic until 2013, promoted to Lieutenant in May 2014, and District Chief in July 2018. District Chief Timmer holds an Associate's Degree of Science, Hazmat Technician, TNT Technician, Fire Officer 1 and 2, Licensed Paramedic, Certified Rescue Diver, and Field Instructor for the Illinois Fire and Service Institute at the University of Illinois. He has been deployed for two hurricane rescues and six wildfires across the country. He was pinned by his wife, Jennifer.
- Chief Allen recognized the promotion of Deputy Chief Blair Senneff. He was hired in 1996, promoted to Lieutenant in 2010, Captain in 2017 and District Chief in July 2018. Senneff holds an Associate's Degree in Fire Science, Hazmat Technician, Fire Officer 1 and 2, and Licensed Paramedic. He was pinned by his father, William Senneff, a retired Deputy Chief with the Fire Department. His wife Chrislyn was in attendance at the pinning.

**ITEM #7 – Recognition of Service Awards**

Manager Crow recognized Derek Tessorf (who was not present) with the Fire Department for his 5 years of service to the City. Manager Crow and Fire Chief Allen introduced District Chief Scott Townsend, Fire Department, and thanked him for his 25 years of service to the City. Chief Allen thanked Deputy Chief Townsend for being his right-hand man. As a former Union president, Deputy Chief Townsend understands the link between management and the Union. He is well respected by his peers and is in charge of the Operations Division.

**ITEM #8 – CONSENT AGENDA**

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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 [View Consent Agenda](#)*

- A. Approval to receive and place on file:
  - 1) Minutes from Board of Fire and Police Commission Meetings – May 22, 2018, May 29, 2018 and June 26, 2018
  - 2) Minutes from Foreign Fire Insurance Board Meeting – May 29, 2018
  - 3) Minutes from Planning Commission Meeting – June 14, 2018
  - 4) Minutes from Building Commission Meeting – June 13, 2018
  - 5) Minutes from Historic Preservation Commission Meeting - June 19, 2018
  - 6) Minutes from Liquor Commission – June 21, 2018
  - 7) Liquor Commission Semi-Annual Report to City Manager – January – June 2018
  - 8) Letter of Resignation from Donald Parker regarding the Liquor Commission
  - 9) Fire Department Report – June 2018
  - 10) Building Permits – July 2018
- B. Approval of Finance Bills Payable (Registers #33, 34, 35, and 36 and invoices to be approved for registers dated July 13, 2018 through August 2, 2018) --- \$875,861.77
- C. Approval of Payroll for pay period ending July 21, 2018 --- \$449,703.80 with fringe benefit payments in the amount of \$31,286.25 for a total of \$480,990.05.

Aldersperson Brashaw moved and Aldersperson Ross seconded that the consent agenda be approved. Motion prevailed by omnibus vote of:

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

Nays: None

**ORDINANCES – SECOND READING**

**ITEM #9 – [2<sup>ND</sup> READING OF ORDINANCE #2018-39](#)**

**An Ordinance of the City Of Freeport, Illinois Amending Title Six - Administration, Chapter 236 Accounting and Finance and Title Ten - Employment Provisions, Chapter 288 Officers and Employees Generally of the Codified Ordinances of the City of Freeport, Illinois, Changing the Office of Finance Director to a Position At the July 16, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Chesney; seconded by Aldersperson Busker; and the matter was automatically laid over to tonight's meeting.**

Manager Crow stated that this is strictly an administrative change. It does not change Director Bukas's position within the City.

Mayor Miller requested a roll call vote on passage of Ordinance #2018-39. Motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

Ordinance #2018-39 passed.

**ITEM #10 – [2<sup>ND</sup> READING OF ORDINANCE #2018-40](#)**

**An Ordinance Amending the Codified Ordinances of the City of Freeport Regarding the Regulation and Zoning of Solar Energy Systems: Chapter 1240 - General Provisions and Definitions, Section 1240.06; Chapter 1248 - Agricultural Districts, Section 1248.01; Chapter 1250 - Residence Districts, Sections 1250.01 and 1250.05; Chapter 1252 - Business Districts, Section 1252.01; Chapter 1254 - Manufacturing Districts, Sections 1254.01;**

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**Chapter 1256 - P-1 Professional District, Sections 1256.01 and 1256.02; Chapter 1258 - H-1 Medical Use District, Section 1258.01; Chapter 1259 - RR Riverfront Redevelopment District, Section 1259.02; Chapter 1260 - F-1 Flood Plain District, Section 1260.02; Chapter 1446 - Licensing of Commercial Contractors, Sections 1446.01 and 1446.06; Chapter 1477 - Solar Energy Systems [Added in Its Entirety] of the Codified Ordinances of the City of Freeport** [View table](#) *At the July 16, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Brashaw; seconded by Alderperson McClanathan; and the matter was automatically laid over to tonight's meeting.*

*[Clerk's note: This item was removed. See Approval of Agenda above.]*

**ITEM #10 – [2<sup>nd</sup> READING OF ORDINANCE #2018-41](#)**

**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 July 16, 2018, Council Meeting a motion to move forward for approval was made by Alderperson McClanathan; seconded by Alderperson Chesney. Alderperson Chesney moved for suspension of the rules for immediate consideration, seconded by Alderperson McClanathan. Suspension of the rules is non-debatable and must pass by 2/3 of the majority. Motion failed by roll call vote and therefore the matter was laid over to tonight's meeting.*

Attorney Sosnowski addressed remarks made during Public Comments. Regarding subparagraph 23, “any person making personal, impertinent abusive, profane or slanderous remarks, or who shall become boisterous ... shall be forthwith evicted from the chamber by the Chair. The Chair will preserve order and decorum and the Chair reserves the right to halt or suspend the public meeting to a later date if the rules are not being followed.” She noted that the above language has been on the books for as long as we could determine. In her opinion, this does not abrogate the law nor fall into conflict with the recent non-binding opinion letter from the Attorney General. There are two types of public forums. One is where speech is allowed without regulation such as in parks, sidewalks, and streets. The second is dedicated public forums, such as this Council meeting, where the governmental entity opens up a portion of the meeting for speakers to enjoy their First Amendment right to speak. The **content** of the speech may not be restricted by the governmental entity but certain **types** of speech may fall under the monitoring authority of the Chair. Someone has to be in that position for making rulings on parliamentary procedure. Prohibitions include obscene language, fighting words, and defamatory statements. This is why subparagraph 23 regarding slanderous remarks has been included in this Ordinance. The Supreme Court has ruled that this type of language is not First Amendment protected speech. This type of language can be found in most ordinances throughout the State. She agrees that it is personal opinion whether a statement is obscene or defamatory; however, the Supreme Court has ruled that the Chair of a meeting has that authority. In the case of Council meetings in Freeport, there is legal counsel present to assist the Chair in addressing this determination. In her opinion, she sees no need to make a change in that section.

Alderperson McClanathan asked and Attorney Sosnowski agreed that the PAC determination letter asked us to strike the language addressing Council as a whole and review our Ordinances. We have complied with the PAC's non-binding opinion letter. Attorney Sosnowski stated that other communities have similar language in their Ordinances and they do not plan to change it.

Mayor Miller requested a roll call vote on passage of Ordinance #2018-41. Motion prevailed by a roll call vote of:  
Yeas: Busker, Brashaw, Koester, Chesney, Klemm, McClanathan, Ross and Parker (8)  
Nays: None  
Abstain: None  
Ordinance #2018-41 passed.

**ORDINANCES – FIRST READING**

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**ITEM #12 – [1<sup>ST</sup> READING OF ORDINANCE #2018-42](#)**

**An Ordinance Amending Title 8 (Parking), Chapter 480 (Parking Generally), Section 480.22 (Courtesy Zones, Fifteen- and Thirty-Minute Parking Zones) of the Codified Ordinances of the City of Freeport, Illinois**

Director Carr stated that, after several discussions with Generations Boutique, it was agreed to change a parking space at the northeast corner of Chicago Avenue and Main Street to 30-minute parking to accommodate their customers.

Aldersperson Koester made a motion to move Ordinance #2018-42 forward for approval; seconded by Aldersperson Chesney. The matter was automatically laid over to the next Council meeting.

Aldersperson Chesney asked and Chief Barkalow answered that Ted Austin had given input and he did not see a problem.

**ITEM #13 – [1<sup>ST</sup> READING OF ORDINANCE #2018-43](#)**

**An Ordinance Granting a Special Use Permit to Allow for the Operation of an Outdoor Amusement Establishment, Kiddie Park, or Similar Amusement Center for Property Located at 11 East Douglas Street, Freeport, Illinois**

Director Bukas stated that the Planning Commission held a Public Hearing on July 26, 2018, to consider an application from the Freeport Art Museum for a Special Use Permit in a B-2-1 zoned district. The proposed use of the property would include lighted walkways, interactive elements, and a children's splash pad. Having reviewed the evidence and there being no objections to the development, the Planning Commission voted to recommend the Special Use Permit with a vote of 6 to 0 with 1 abstention. Manager Crow added that the Freeport Art Museum will be building this using a combination of grant money and an anonymous donation of \$500,000. Their goal is \$1 million and they currently have about \$650,000. They are looking at other private sources to raise the additional funds. The City's only in-kind contribution is to connect the water and sewer that is required for the park.

Aldersperson Koester asked about maintenance and Manager Crow responded that initially the Art Museum will be responsible but they are considering asking the Park District to take over the maintenance.

Manager Crow stated that the architectural work is being done by Winter & Associates and engineering by Fehr Graham. The City is proposing that the splash pad be connected to the sanitary sewer rather than the storm sewer to avoid impacting the Pecatonica River. The sanitary sewer is more of a controlled environment.

Aldersperson Koester made a motion to move Ordinance #2018-43 forward for approval; seconded by Aldersperson McClanathan. The matter was automatically laid over to the next Council meeting.

**ITEM #14 - [1<sup>ST</sup> READING OF ORDINANCE #2018-44](#)**

**An Ordinance Amending Chapter 242 Fire Department Section 242.11 Promotions of the Codified Ordinances of the City of Freeport Regarding Promotions for Employees within the City of Freeport Fire Department**

Chief Allen stated that this Ordinance provides for a couple of issues. There is currently no list for District Chief and we had to recently appoint outside of the normal promotion list. This Ordinance lowers the number of years a person is required to be a Lieutenant prior to testing for District Chief from three years to one year. Three years is quite high before being able to be promoted to the next level compared to other communities around the State. Common practice is once a person is past their probationary period, they can be considered for the next promotion. If we reduce to one year, we will have candidates who are eligible to test. This Ordinance also increases the educational standard requirements for Lieutenant ranks. Previously we have required three of the five Fire Officer 1 courses. This will increase that standard to all five courses. At the District Chief rank, they will

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be required to have all five of the Fire Officer 2 courses. These are all college level courses. Lastly, this Ordinance will clean up the language for Deputy Chief. Previously the wording regarding the eligibility requirements for Deputy Chief stated three years as Lieutenant or one year as District Chief. This could have potentially caused someone who had been a Lieutenant for five years to become District Chief, but then they would be ineligible for Deputy Chief.

Aldersperson Koester made a motion to move Ordinance #2018-44 forward for approval; seconded by Aldersperson Busker. The matter was automatically laid over to the next Council meeting.

Aldersperson Parker asked and Chief Allen explained that the Board of Fire & Police Commissioners is aware of these changes. However, the procedure will be to first change this Ordinance and then take the matter before their Board to change their bylaws.

**RESOLUTIONS**

**ITEM #15 – [ADOPTION OF RESOLUTION #R-2018-40](#)**

**A Resolution of the City of Freeport, Illinois Authorizing the Acceptance of the Federal Emergency Management Agency Fire Prevention and Safety Grant Award**

Chief Allen stated that we had applied for three items under a grant for Assistance for Firefighters in February 2018: ambulance, radio system, and classes for command officers. We were awarded \$12,000 for the command and control classes. Our match for the grant will come from the education and training budget line item.

Aldersperson Koester made a motion to adopt Resolution #R-2018-40, Aldersperson McClanathan seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-40 was adopted.

**ITEM #16 – [ADOPTION OF RESOLUTION #R-2018-41](#)**

**Resolution of the City of Freeport, Illinois Authorizing and Approving an Airport Management and Fix Based Operator (FBO) Agreement with Darrell Janssen D/B/A Freeport Flite Center at the Freeport-Albertus Airport**

Manager Crow stated that this is the contract for which the terms were approved at the last Council meeting. Attorney Szeto has added wording and FBO Manager Janssen has agreed to convert the lease to a license which will hopefully lower our taxes. It does not change Mr. Janssen's role, it just changes him from a leased operator to a licensed operator. Mr. Janssen will also take over lease of the fuel truck in the next budget cycle.

Aldersperson Klemm made a motion to adopt Resolution #R-2018-41 and Aldersperson Busker seconded. Mayor Miller called for a roll call vote and the motion prevailed by:

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

Nays: None

Abstain: None

Resolution #R-2018-41 was adopted.

**ITEM #17 – [ADOPTION OF RESOLUTION #R-2018-42](#)**

**Resolution of the City of Freeport, Illinois Authorizing and Approving a Master Service Agreement with the Illinois Department of Innovation and Technology**

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Police Chief Barkalow stated that this is the second tier of our Law Enforcement Agency Data System (LEADS). The state's LEADS system allows officers to access information on drivers licenses, wanted persons, property, etc. This replaces the current master service agreement because the State is retiring the T1 network. For the first tier we approved the line from the Police Department to Aero. Now this is approving the line from Aero to the downstate system. There is a reduction of costs from \$483.60 per month to \$316.00 per month for a 60-month term. IT Director Suttman was credited with negotiated the terms.

Aldersperson Koester made a motion to adopt Resolution #R-2018-42, Aldersperson Parker seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-42 was adopted.

**REPORTS OF DEPARTMENT HEADS**

**Finance**

Director Bukas stated that the June and July Financial Reports and the July Cash Investment Report will be on the next agenda for review.

**Public Works**

Director Carr stated that the Forestry Division will be doing storm cleanup today and tomorrow. Regular tree removal will resume probably on Wednesday. The Animal Control Officer will be on bereavement leave. Street crews are preparing the downtown for Cruise Night. Aldersperson Koester complimented the Forestry Department on cleaning up an alley after a storm.

**Fire**

Chief Allen had nothing additional to report.

**Police**

Chief Barkalow reported that sworn officers and auxiliary will be at Cruise Night with the help of Stephenson County Sheriff's Reserves.

**Water & Sewer**

Director Kopanski had nothing to report other than providing routine services for residents.

**IT**

Director Suttman had nothing additional to report.

**Airport**

FBO Janssen had nothing additional to report.

**CITY MANAGER REPORT**

Manager Crow stated that the Float Avenue project will go out to bid on August 15, 2018. That will be major project for water and sewer replacement and resurfacing of Float Avenue north of Galena Avenue. Rebecca Motley with the Greater Freeport Partnership has hired a Marketing and Tourism Director who has tourism experience at various locations in the Chicago area as well as local ties. Interviews are underway for a Membership Director and advertisements are out for an Event Coordinator, Assistant Economic Development Director, and second Administrative Assistant.

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**MAYOR'S REPORT**

Mayor Miller congratulated Alderperson Parker on being seated as 4<sup>th</sup> Ward Alderperson and recognized his input and value he will bring to that seat. She also congratulated Pretzel City Kitchens on their opening. Cruise Night will be this Saturday, August 11, 2018, from 3:00 to 8:00 p.m. She thanked the many volunteers in the downtown whether they are business owners, constituents, or church members who have helped clean up for Cruise Night. There is still a need for more volunteers for the night of the event and interested persons should contact the Greater Freeport Partnership.

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Alderperson Busker had nothing additional to report.

Alderperson Brashaw welcomed new Alderperson Parker.

Alderperson Koester welcomed Alderperson Parker and looks forward to working with him again. He announced that Uncle Sam will be at Cruise Night.

Alderperson Chesney commended FBO Manager Janssen on the great work he has done at the airport. He appreciates and recognizes the support of the Pilot's Association for Mr. Janssen and is looking forward to working with him as we anticipate economic growth at the airport. He also welcomed Alderperson Parker aboard.

Alderperson Klemm welcomed Alderperson Parker.

Alderperson McClanathan welcomed Alderperson Parker. He also thanked all of the volunteers it takes to host an event such as Cruise Night. He encouraged more constituents to volunteer as there is never a lack of need at these big events. It is a great way to showcase our community.

Alderperson Ross welcomed Alderperson Parker and looks forward to working together again.

Alderperson Parker thanked everyone for their support. He is looking forward to serving and has already received a couple of concerns from constituents.

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

Tom Teich shared a plaque that he was awarded from RAMP for turning in 120 donations. He also stated that St. Mary's Fest will be coming up this weekend.

Margery Wilson asked for help with her street and alley that need repaving.

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

City Clerk Anderson read the following exception 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. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.



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At 7:11 p.m., Alderperson Koester made a motion to enter executive session, seconded by Alderperson McClanathan. The motion prevailed by roll call vote of:

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

Nays: None

At 8:33 p.m., Alderperson Busker made a motion to return from executive session, seconded by Alderperson Ross. The motion prevailed by roll call vote of:

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

Nays: None

Upon a motion duly made and seconded, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

*/s/ Dovie L. Anderson*

Dovie L. Anderson

City Clerk