



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

MINUTES
COUNCIL MEETING
MONDAY, APRIL 3, 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 Monday, April 3, 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 Koester was absent. Mayor Gitz noted he had an excused absence due to his wife being hospitalized.

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, Water and Sewer Executive Director Tom Glendenning and City Clerk Zuravel.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Aldersperson Ross.

APPROVAL OF AGENDA

Mayor Gitz requested leave of council to note a typo on the agenda under the Supplemental Appropriation Ordinance that it is for the 2016-2017 fiscal year and not the 2015-2016 fiscal year. Aldersperson Miller moved for approval of the agenda, seconded by Aldersperson Ross. Motion prevailed by voice vote without dissent.

APPROVAL OF MINUTES

Aldersperson Brashaw moved for approval of the minutes from the regular meeting held on March 20, 2017 and special meeting held on March 21, 2017. This motion was seconded by Aldersperson Busker. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

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Blain Kurth, 1171 Laurel Drive, Mundelein Illinois, stated he works for Illinois Municipal Risk Management Association and for twenty six years they held the City's insurance until 2016. He stated they would like to have the City's insurance business back. He explained that through his job duties, he provides safety instructions to the Public Works and Water and Sewer employees. He would like to continue these services. He asked to be allowed to quote insurance for next year.

City Clerk Zuravel read into the record a public comment submitted by City Engineer Shaun Gallagher. It stated; "On Thursday March 30th, I received our weekly Council Agenda provided by the City Clerk which included Ordinance 2017-34, an Ordinance which intends to make the City Engineer an employee of the City and under the direct supervision and control by the City Manager. I was not provided a copy of the Ordinance prior to publication nor was I included in the drafting of the Ordinance or provided formal communication of these changes by the Transition Committee. As acting City Engineer, I do not have an opinion on the Ordinance presented this evening, as I have not been contacted by the Transition Committee in regards to its overall intent, the future of my employment, any possible changes to the position's job description, effects on day to day duties, and the authority it may or may not entail."

HONORARY RESOLUTION - AQUIN BOYS' BASKETBALL TEAM FOR THE 2016-2017 SEASON

The honorary resolution was read into the record. Alderperson Brashaw moved for approval of the honorary resolution. This motion was seconded by Alderperson Ross. Motion prevailed by voice vote without dissent. Coach Mike Wall described the season and assisted Mayor Gitz with certificates.

HONORARY RESOLUTION - AQUIN GIRLS' BASKETBALL TEAM FOR THE 2016-2017 SEASON

The honorary resolution was read into the record. Alderperson Brashaw moved for approval of the honorary resolution. This motion was seconded by Alderperson Ross. Motion prevailed by voice vote without dissent. Coach Doral Reining described the season and assisted Mayor Gitz with certificates. It was noted that a former Aquin Girls Basketball team standout, Sophie Brunner, recently played in the NCAA tournament.

CONSENT AGENDA

The following items were presented on the Consent Agenda in the council packet and Mayor Gitz read the items into the record: [Consent Agenda PDF](#)

- A. Adoption of Resolution #R-2017-21: Resolution to Request Temporary Closure of Streets for Annual Memorial Day Parade – May 29, 2017
 - B. Adoption of Resolution #R-2017-22: Resolution to Co-Sponsor Music at Debate Square with Lincoln-Douglas Society
 - C. Approval of Water & Sewer Bills Payable (Registers #740, 742, 743, 745, 747) --- \$456,110.21
 - D. Approval of Payroll for pay period ending March 18, 2017 --- \$412,538.44 with fringe benefit payments in the amount of \$33,051.40 for a total of \$445,589.84
 - E. Approval of Finance Bills Payable (Registers #741, 744, 746 and TBA) --- \$546,406.05
- If applicable – Items removed from Consent Agenda

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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

The Freeport City/Stephenson County 911/Dispatch Consolidation Committee Report dated March 22, 2107 was provided to the City Council. Chief of Police Todd Barkalow and Chairman of the 911 Committee summarized the report. It was noted there will be a digitization to the next generation software when it is available and this could ease the transition. The report dated March 22, 2017 contained the following committee recommendations were to: 1) train all tele-communicators to dispatch both City and County calls, 2) at the earliest possible date stop transferring calls between centers, 3) later in 2017, redirect all 911 calls to the City of Freeport, and 4) continue to pursue consolidation if there is a change of management or a willingness to sign an intergovernmental agreement.

FINANCIAL REPORTS FOR FY 2016-2017 FOR PERIOD ENDED FEBRUARY 28, 2017 INCLUDING:

General Fund Highlights	General Fund Details
Water, Sewer, & Storm Sewer Highlights	Water, Sewer, & Storm Sewer Details
Library Highlights	Library Details

Aldersperson McClanathan moved to place the above stated reports on file, seconded by Aldersperson Busker. The motion prevailed by voice vote without dissent.

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

Nays: None

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2017-21

An Ordinance Amending Sections 480.11 (Prohibited Parking Streets), 480.22 (Courtesy Zones, Fifteen- and Thirty-Minute Parking Zones), 482.04 (Parking Permits), Section 484.05 (Handicapped Persons) and Section 484.06 (Parking Spaces for Officials) of the Codified Ordinances of the City of Freeport, Illinois [view map](#)

The first reading was held on March 20, 2017. A motion to adopt was given by Aldersperson Koester, seconded by Aldersperson Ross and the ordinance was automatically laid over to tonight’s meeting. Note amendment request - Public Works Director Tom Dole has recommended an amendment to add no parking on Alsop Avenue. Director Dole stated March 29, 2017 he received a request to eliminate a parking space on the north side of Alsop Street due to ingress and egress issues from a house which sits at the end of a dead end street. He also included “no parking” on the south side of Alsop west of the

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intersection with Fern because the street is narrow and parking on both sides prevents passage of vehicles. He explained pending council action, this change can be incorporated as an amendment to Ordinance #2017-21 presented tonight.

Specifically Section 480.11, Prohibited Parking Streets of the Codified Ordinances would need to be amended as follows:

480.11 PROHIBITED PARKING STREETS. Streets or parts of streets upon which parking is prohibited are hereby designated as follows:

- Alsop, north side, 197 feet west of Fern to the dead end.
- Alsop, south side, from Fern west to the dead end.

Aldersperson Klemm moved for approval of Ordinance #2017-21 as amended, seconded by Aldersperson Busker. Motion prevailed by voice vote without dissent.

The motion for passage of the amended Ordinance #2017-21 prevailed by a roll call vote of:

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

Nays: None

Ordinance #2017-21 was passed.

2nd READING OF ORDINANCE #2017-22:

An Ordinance To Supplement The Appropriation Ordinance Fiscal Year 2016-2017 For The City Of Freeport, Illinois (Second Supplemental)

The first reading was held on March 20, 2017. A motion to adopt was given by Aldersperson Chesney, seconded by Aldersperson Klemm and the ordinance was automatically laid over to tonight's meeting. This ordinance is presented to provide an audit trail for the auditors of a transfer in the amount of \$102,567.09 to pay the bill from the General Fund until a time that the Motor Fuel Tax funds can be replenished to pay it back in FY 2018.

Upon the second reading and no discussion, the motion for passage of Ordinance #2017-22 prevailed by a roll call vote of:

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

Nays: None

Ordinance #2017-22 was passed.

2nd READING OF ORDINANCE #2017-26:

An Ordinance Amending Chapter 1442 (Permits and Fees) of the Codified Ordinances of the City of Freeport, Illinois

The first reading was held on March 20, 2017. A motion to adopt was given by Aldersperson Busker, seconded by Aldersperson Klemm and the ordinance was automatically laid over to tonight's meeting.

Upon the second reading and no discussion, the motion for passage of Ordinance #2017-26 prevailed by a roll call vote of:

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Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: None
Ordinance #2017-26 was passed.

2nd READING OF ORDINANCE #2017-28:

An Ordinance Amending Section 220.11 of the Codified Ordinances of the City Of Freeport, Illinois Regarding Council Committees to Create a New Committee to be Known as the Finance Committee of the Whole

The first reading was held on March 20, 2017. A motion to adopt was given by Alderperson Miller, seconded by Alderperson Ross and the ordinance was automatically laid over to tonight's meeting.

Upon the second reading, Alderperson Brashaw asked what will be the effective date of the ordinance. Mayor Gitz explained unless it states specifically, it is generally upon passage and approval or some require a ten day publication period so practically you can expect about fourteen days. She stated the intent was for it to start with the new administration. Alderperson Chesney concurred that it was intended to start May 15, 2017.

Alderperson Brashaw moved for an amendment to the effective date of the ordinance to May 15, 2017, seconded by Alderperson Busker. Mayor Gitz stated this can be incorporated and numbered as Section 7. City Clerk Zuravel stated she can incorporate the effective date into Section 3 where it states the ordinance shall be effective upon its passage by the City Council, its approval by Mayor and its publication as provided by law. Council members concurred. Mayor Gitz requested a voice vote on the amendment. Motion prevailed by voice vote without dissent.

The motion for passage of Ordinance #2017-28 as amended prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Chesney (7)
Nays: None
Ordinance #2017-28 was passed.

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2017-29:

An Ordinance Amending Section 202.99 (General Code Penalty; Complicity; Schedule of Fines) of Chapter 202 (General Provisions) of the Codified Ordinances of the City of Freeport, Illinois

This ordinance was requested on council agenda by Alderpersons Koester and Klemm to add fines for violation of Chapter 874, Regulation of Tobacco Products. This ordinance was presented by Chief of Police Todd Barkalow who explained as he had it explained to him by Contract Attorney Phillips and Anthony Coon that Section 202.99 states that whoever violates or fails to comply with any of the provisions of these Codified Ordinances, shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, unless specifically stated. It has been requested by Alderperson Koester and Klemm to have a minimum fine of \$100 for non-compliance of Section

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874.08 and 874.09 as it pertains to Tobacco Dealer license and selling of Tobacco Products under the following sections in the Codified Ordinances:

874.08 PURCHASE AND POSSESSION BY MINORS PROHIBITED.

It shall be unlawful for any person who is under the age of 18 years to purchase tobacco products, tobacco accessories, or smoking herbs, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, tobacco accessories, or smoking herbs.

874.09 PROHIBITED SALES.

(a) It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, and/or smoking herbs to any person who is under the age of eighteen years as described in Section [650.04](#).

(b) It shall be unlawful for any person, including the licensee, to sell or distribute a tobacco product, including but not limited to a single or loose cigarette, that is not contained within a sealed container, pack, or package as provided by the manufacturer, which container, pack, or package bears the health warning required by Federal law.

Aldersperson Klemm explained their thinking was to institute a fine for the sales clerk in addition to the store owner. Those fines would increase from the current amount of \$50 to \$100.

Aldersperson Brashaw confirmed the license fee for a new Tobacco Dealer was recently increased from \$150 to \$1,000 and for a renewal application from \$150 to \$300. Chief Barkalow stated that is correct.

Aldersperson Chesney requested to have Chief Barkalow review fines and report his recommendation to the Committee of the Whole. Mayor Gitz stated we can refer this item to the Committee of the Whole and he will place it on the agenda.

Aldersperson Klemm moved for approval of Ordinance #2017-29 and to refer this ordinance to the Committee of the Whole, seconded by Aldersperson Brashaw. Mayor Gitz stated with a motion and a second for approval we will see this ordinance on the Committee of the Whole on Monday.

[1st READING OF ORDINANCE #2017-30:](#)

An Ordinance To Supplement The Appropriation Ordinance Fiscal Year 2016-2017 For The City Of Freeport, Illinois (Third Supplemental)

The agenda stated this ordinance was placed on the council agenda knowing that as the fiscal year draws to a close, there will be items that may need further adjusting at the second reading. Finance Director Bernadelle reviewed the items listed in the ordinance including:

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:

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- A- General Fund (department 63)** - To decrease personnel service contingency, line item 01-63-498, by \$12,600.00 from \$119,150 to \$106,550.00 to offset salary increases for non-bargaining employees. The line items will be amended as follows:
- 1) Increase Mayor's Office non-bargaining salary by \$6,000.00:
 - Line item 01-21-421 increase by \$1,300.00 from \$37,001.60 to \$38,301.60.
 - Line item 01-00-451 increase by \$4,700.00 from \$28,969.36 to \$33,669.36
 - 2) Increase City Treasurer's Office health insurance by \$400.00 from \$8,414.94 to \$8,814.94
 - 3) Increase Department of Public Works non-bargaining, line item 01-41-411, by \$1,000.00, from \$125,444.80 to 126,444.80
 - 4) Increase Fire department PEHP contributions, line item 01-53-485, by \$3,000.00, from \$38,073.18 to \$41,073.18.
 - 5) Increase Building Department non-bargaining salary, line item 01-53-411, by \$1,000.00 from \$54,891.20 to \$55,891.20.
 - 6) Increase Human Resources non-bargaining salary, line 01-61-411 by \$1,200.00 from \$59,072.00 to \$60,272.
- B- General Government Buildings** - To decrease line 01-42-551 by \$2,200.00 from \$102,000.00 to \$99,800.00. To increase Line item 01-48-543 by \$2,200.00 from \$6,824.15 to \$9,024.15.
- C- Street Department** - To decrease line item 01-44-541 by \$5,170.00 from \$10,000.00 to \$34,830.00 to offset overspending in Traffic Engineering Department. And the offset is as follows:
To increase line item 01-47-543 by \$2,826.00 from \$15,000.00 to \$17,826.
To increase line item 01-47-572 by \$85.00 from \$1,000.00 to \$1,085.00.
To increase line item 01-47-625 by \$2,259.00 from \$2,500.00 to \$4,759.00.
To decrease line item 01-44-744 by \$1,000.00 from \$12,500.00 to \$11,500.00 to offset gasoline overspending. Line item 01-53-636 increase by \$1,000.00 from \$500.00 to \$1,500.00.
- D- Building Department** - To decrease line item 01-49-518 by \$500.00 from \$1,000.00 to \$500.00 to offset gasoline overspending. Line item 01-53-636 increase by \$500.00 from \$500.00 to \$1,000.00.
- E- Animal Control** - To decrease line item 01-54-741 by \$500.00 from \$1,500.00 to \$1,000.00 to offset gasoline overspending. Line item 01-54-636 increase by \$500.00 from \$1,325.00 to \$1,825.00.
- F- Revolving Loan Fund** - To increase line item 24-00-502 by \$338.00 from \$4,500.00 to \$4,838.00 to recover administration fees that the City is entitled to. The increase is offset by the Fund balance.
- G- Health and Environment Fund** - To increase line item 51-00-581 by \$10,000.00. The amounts collected from trash are different from the amount billed; the disposal company gets paid regardless if the City collects or not. The increase is offset by the Fund balance. And the offset is as follows:
To increase line item 51-00-946 by \$162.00. The projected amount was slightly off. Bank balance will cover the shortage. The increase is offset by the Fund balance.
- H- Health Care Fund** - Health care budget fund was not properly put together. It was the first time that expenses were charged directly to departments and segregated between employees and retirees. The allocation was off. Most of the expenses are charged to the General Fund while the revenue is booked to Fund 61. The inserted spreadsheet shows how the revenues and expenses are allocated for the FY2017. There are no additional expenses to the General Fund. It is purely a reclassification of the numbers. Next year, employee health care expenses will be charged to each department but the invoice will be paid out

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of Fund 61. The spreadsheet below seeks Council’s approval to increase and decrease the listed line items.

HEALTH CARE FUND			
		Original FY2017	Amended FY2017
61-00-383		50,000.00	
61-00-386.1		100,000.00	102,430.00
61-00-386.2		100,000.00	51,580.00
61-00-386.3		-	59,300.00
61-00-390		50,000.00	347,800.00
Total revenue		300,000.00	561,110.00
61-00-462		-	98,230.00
61-00-463		250,000.00	338,810.00
61-00-463.1		-	574.39
61-00-465		50,000.00	7,644.00
61-00-466		-	3,483.00
61-00-467			108,150.00
61-00-515			4,218.00
Total expenses		300,000.00	561,109.39

- I- **Drug Forfeiture** - To increase line item by \$10,964.00 from \$15,000.00 to \$25,964.00. The increase is offset by the Fund balance.
- J- **General Fund (department 33, Legal)** – To increase Line item 01-33-508.1 by \$70,000.00 from \$198,000.00 to \$268,000.00. This increase will be offset by decreasing contingency line item 01-63-498 by 70,000.00 from \$106,550.00 to \$36,550.00.
- K- **General Fund (department 63)** - To authorize the Finance department to use contingency money, line item 01-00-63-527 to pay for expenses occurred for the search of the City Manager. To use contingency money, line item 01-63-565 to pay for emergency demolition.

Aldersperson Klemm moved for approval of Ordinance #2017-30 to be placed on the floor, seconded by Aldersperson Ross. Mayor Gitz stated the ordinance can be placed on the Committee of the Whole agenda for further discussion.

[1st READING OF ORDINANCE #2017-31:](#)

An Ordinance Amending Chapter 1442 (Permits And Fees) of The Codified Ordinances of the City Of Freeport, Illinois

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The agenda stated this ordinance amends Building Permit Fees to simplify fee schedules and procedures of the Community Development Department.

Community Development Director Alex Mills stated his department staff have worked over the last several months to put forward a proposed revision of Building Permit Fees that accomplish three major goals: 1) Simple to understand, 2) Predictable for homeowners and contractors alike, and 3) Fair in terms of cost and revenue neutral in terms of financial impact to City. The adjustment of fees in the proposed ordinance would delete many fee schedules which are no longer relevant, such as the individual permit cost for the installation of a garbage disposal, and would greatly consolidate Plumbing, Electrical and Mechanical permit fees so that no matter what the work being done actually is, the fee is predictable.

Director Mills explained the current building fee charges. Alderperson Brashaw clarified the recommended cost of a Building Permit Fee. It was determined that they will be 1% of total project cost incurred (vs. 1.1% currently used, equivalent to \$11 per \$1,000). Director Mills explained this is proposed for simplicity, as it is very easy to calculate 1% of a cost vs. 1.1%. The remainder of the consolidated fees strives to hit a "middle ground" as compared to the current fees in place, in that some fees may rise or fall slightly, but the overall impact is again revenue neutral to the City of Freeport. Director Mills explained the revision of Building Permit fees has previously received the general recommendation of the Building Commission, and this specific ordinance has been distributed for commentary to those members. Comments received have been positive.

Alderperson Klemm stated he has been in attendance at Building Commission meetings where this was discussed. Director Mills stated his hope is to simplify procedures for the introduction of software to allow for software for online permitting. Director Mills stated he needs to clarify the building permit fee he is recommending is 1% and not 10% as his original memo stated.

Community Development Director Mills stated this ordinance change should be revenue neutral.

Alderperson Klemm moved for approval of Ordinance #2017-31 as presented, seconded by Alderperson Brashaw. The ordinance was automatically laid over to the next meeting.

1st READING OF ORDINANCE #2017-32:

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

Community Development Director Alex Mills presented the ordinance stating he was asked to review other municipalities to see what they have on their books for regulation of Food Trucks. Upon the staff review, he recommended taking items out of their chapters that would apply to a Food Truck in Freeport and from those items the ordinance was drafted. He also reviewed this wording with a current licensee of a Transient Merchant License operating a Food Truck and he was in agreement with the way it was written. He also met with an operator and a potential operator and based on those conversations feels comfortable with the way it is drafted. The fee for the license would be \$50 and they would not be allowed to operate in the public right of way. Director Mills read the ordinance aloud.

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“Section 1. That the following Chapter (entitled “CHAPTER 837 FOOD TRUCK VENDOR LICENSING AND REGULATION”) of *The Codified Ordinances of the City of Freeport* shall be created so such Sub-Sections, Sections and Chapter read as follows:

CHAPTER 873 FOOD TRUCK VENDOR LICENSING AND REGULATION.

(a) Definition. “Food Truck Vendor” means a person or business engaged in the selling of food from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration.

(b) Licensing. Food Truck Vendors shall apply annually by March 1 for a Food Truck Vendor License to operate within the City of Freeport. Application for such shall be made to the City Clerk upon the prescribed form provided by the same. The annual fee shall be \$50. Any valid Transient Merchant license in effect at the date of this ordinance shall be automatically converted to a Food Truck Vendor License provided all vendor requirements are met at that time.

(c) Vendor Requirements. A Food Truck Vendor must hold the following certifications at all times of operation within the City of Freeport, and documentation of such shall be provided to the City Clerk upon application for a Food Truck Vendor License, and at any other time upon request:

1) Valid Stephenson County Health Department Food Establishment License (Category II)

2) Proof of Liability Insurance providing one million dollars (\$1,000,000) coverage and naming the City of Freeport as additional insured

(d) Regulations. A Food Truck Vendor must abide by the following regulations at all times of operation within the City of Freeport. Failure to do so may result in fines, citations or the rescinding of an issued Food Truck Vendor License.

1) Food Truck Vendors shall not operate in the public right-of-way and shall only operate on private property.

2) Food Truck Vendors conducting retail sales on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such sales and operation.

3) Food Truck Vendors shall operate for the purpose of conducting retail sales only on property zoned for Business (B) or Manufacturing (M) uses. Nothing shall prohibit a Food Truck Vendor from operating on property zoned otherwise if it is for the purpose of providing food service for a special event or providing catering services for a third party.

4) Food Truck Vendors shall operate only in locations that do not impair traffic, visibility or public safety, regardless of whether the location itself is private or public property.

5) Food Truck Vendors shall not operate at locations which also operate on-site motor fuel pumps.

6) Food Truck Vendors shall operate only on paved surfaces.

7) Food Truck Vendors shall not conduct retail sales from or be located upon any premises for more than 48 consecutive hours. An exception shall be made for Food Truck Vendors who own the underlying parcel of property and operate the primary business at the site where the Food Truck Vendor is located, and the commissary must also be located at that property. Exceptions regarding the conduct of retail sales or being located upon any premises in excess of 48 hours may also be granted for special events.

8) Food Truck Vendors shall not operate between the hours of 11:00 p.m. and 6:00 a.m. on any given day.

9) Food Truck Vendors shall be attended at all times during all posted or advertised operating hours.

10) Food Truck Vendors shall abide by all noise regulations as stated in Section 670.05 of Chapter 670, entitled Peace Disturbances.

11) Food Truck Vendors shall be responsible for proper disposal of all grease, litter and waste generated by their operation.

12) Food Truck Vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right of way or sidewalk. Exceptions to this provision may be granted for special events.

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- 13) Food Truck Vendors shall not conduct major repairs or disassembly of a vehicle or trailer directly on the site of operation.
- 14) Nothing in this section shall apply to Food Truck Vendors operating at the Stephenson County Fair and/or upon the Stephenson County Fairgrounds. A Food Truck Vendor operating as such shall not be required to hold a Food Truck Vendor License.”

Aldersperson Ross asked if an ice cream truck vendor would fall under this ordinance. Director Mills answered yes.

Aldersperson Miller stated she noticed the Transient Merchant license goes from January 1 to December 31 and asked why this would start in March. Director Mills stated no particular reason other than that is what other municipalities have in their ordinance. City Clerk Zuravel stated the ordinance could be changed to January to be consistent.

Aldersperson Miller stated her issue with the 11:00 pm ending time and recommended the hours match bar times.

At 7:29 p.m., Contract Attorney Phillips entered council chambers.

Aldersperson Klemm moved to place the ordinance on the floor for first reading and to discuss hours at the Committee of the Whole. This motion was seconded by Aldersperson Chesney. Mayor Gitz stated he will ask to place this ordinance on the Committee of the Whole agenda for Monday. He noted the City Council can make amendments for second reading.

1st READING OF ORDINANCE #2017-33:

An Ordinance Amending Chapter 290 (Compensation and Benefits) of the Codified Ordinances of the City of Freeport, Illinois (*retro to May 1, 2016*)

Mayor Gitz explained the Finance Department discovered a correction that needs to be made to the Police Non-Bargaining salary chart. This ordinance corrects the Police Non-Bargaining only and leaves the administration non-bargaining and Fire non-bargaining as previously passed with Ord. #2017-23:

Fire Department 2% Increase Effective May 1, 2016			
Grade	Position	Amount	Ann. Hours
22	Fire Inspector	38.13	2080
22	Captain	28.70	2756
23	Battalion Chief	30.49	2756
24	Fire Chief	42.52	2080

Police Department 1.25% Increase Effective May 1, 2016-Dec. 31, 2016			
Grade	Position	Amount	Ann. Hours
21	Sergeant	33.97	2223
22	Lieutenant	35.66	2223
23	Deputy Chief	37.44	2223
24	Chief	40.60	2223

Police Department 1.50% Increase Effective Jan. 1, 2017			
Grade	Position	Amount	Ann. Hours
21	Sergeant	34.48	2223
22	Lieutenant	36.19	2223
23	Deputy Chief	38.00	2223
24	Chief	41.21	2223

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Aldersperson Klemm moved for approval of Ordinance #2017-33 as presented, seconded by Aldersperson Chesney.

Aldersperson Klemm moved for a suspension of the rules for immediate consideration, seconded by Aldersperson Chesney. Motion prevailed by a roll call vote of:

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

Nays: None

Mayor Gitz stated the ordinance is properly on the floor for immediate consideration and asked for a roll call vote for passage of the ordinance. The motion for passage of Ordinance #2017-33 prevailed by a roll call vote of:

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

Nays: None

Ordinance #2017-33 was passed.

1st READING OF ORDINANCE #2017-34:

An Ordinance Adding Section 288.25 City Engineer To Title 288 (Officers And Employees) Of The Codified Ordinances Of The City Of Freeport, Illinois

The ordinance as contained in the council packet provided the following addition to Section 288.25:

SECTION 1: That Section 288.25 entitled "City Engineer" shall be added to Chapter 288 (Officials and Employees) of *The Codified Ordinances of the City Of Freeport* by deleting the stricken words and adding the underlined words as follows:

288.25 CITY ENGINEER.

(a) The position of City Engineer shall be classified as an employee of only the City of Freeport and shall not be considered an employee of the Board of Water and Sewer Commissioners of the City. The City Manager shall appoint the City Engineer who shall be under the direct supervision and control of the City Manager. The City Manager may also remove the City Engineer as set forth in Section 224.04(2) of these Codified Ordinances.

(b) The City Engineer shall receive such compensation and benefits as stated in a written Memorandum of Understanding executed between the City Manager and the City Engineer and approved by the City's corporate authorities. The City Engineer shall also receive the same medical insurance and life insurance benefits as received by other full-time City employees who are not members of any certified collective bargaining unit. The City shall solely pay the compensation of the City Engineer subject to the Board of Water and Sewer Commissioners annually reimbursing the City for one-half (½) of the total of compensation and benefits paid by the City to the City Engineer for his/her services. The Board of Water and Sewer Commissioners shall reimburse the City monthly each year.

Section 2. This Ordinance shall be effective on the later of (A) May 15, 2017, or (B) its passage by the City Council, its approval by the Mayor, and its publication as provided by law.

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Mayor Gitz stated he worked with Alderperson Chesney to draft this ordinance and the intent is to define the reporting relationship beginning May 15, 2017 to the City Manager.

Alderperson Chesney asked Alderperson McClanathan if he had a conversation with City Engineer Gallagher. Alderperson McClanathan stated he had a conversation with City Engineer but it was before the ordinance was drafted and he did not have it in front of him last Wednesday when they talked.

Alderperson Chesney moved for approval of the ordinance, seconded by Alderperson Busker. Mayor Gitz requested leave of the council to correct a typo he noticed in the ordinance. Alderperson Chesney moved to approval of the ordinance as amended, seconded by Alderperson Busker.

The ordinance was automatically laid over to the next meeting.

Reports of Department Heads

Public Works

Approval of Bids for Material for Motor Fuel Tax Fund 17-00000-00-GM

The agenda stated it is the recommendation of City Engineer Gallagher and Director Dole to accept all bids from Conmat, Martin & Company, Fischer Excavating, and Rock Road Companies.

Public Works Director Tom Dole presented the bids and stated on March 9, 2017, the City of Freeport held a bid opening for this year's Materials Proposal for road stone, hot-mix and cold patch. The four (4) bids submitted were by Conmat, Martin & Company, Fischer Excavating, and Rock Road Companies. This year's bidding brought in four (4) bids for hot-mix, two (2) bids for aggregates, and one (1) bid for cold patch. The low bid for hot-mix was for \$45.50/ton by Martin & Company, the low bid for aggregate was for \$5.35/ton by Fischer Excavating, and the low bid for cold patch was by Conmat. Based on bid prices and the number of bids received, it is my recommendation to award contract 17-00000-00-GM to all bidders, as there are numerous circumstances that could require us to use each vendor. Copies of the final bid tab are attached. Discussion was held on the travel time to Oregon versus the Conmat plant which is local.

Alderperson Klemm moved approval of all bids as set forth on the bid sheet, seconded by Alderperson Ross. Motion prevailed by a roll call vote of:

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

Nays: None

Director Dole continued his department report by stating that tonight he passed out a memorandum regarding the purchase of a street sweeper. It explained that since late January of this year, we have been sweeping all the streets in Freeport on a regular basis. Normally we are not able to get out quite this early but with the light winter it allowed for this operation to begin. In the first couple of weeks the two machines were able to cover nearly every street in one week time frame. His memorandum explained the importance of street sweeping. He requested approval to pursue the purchase of a used

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street sweeper to replace one of our two current sweepers. Both sweepers are Elgin Pelicans. One is a 2004 purchase on September 24, 2004 for \$126,000. The second machine is a 1999 Elgin Pelican. For years this has been a reliable machine. As with any sweeper, over time these machines slowly wear out. For the last several years, the down time and repair bills are exceeding the value of the machine. Our operations and mechanics continue to keep this machine on the road, but now it has become unsafe to operate. The under-body and frame are rusted beyond repair. Along with other structural issues, the constant weight of the brooms and conveyor system suspended from the rusted frame are great cause for concern. He provided estimates of a used Elgin Sweeper. Director Dole stated he currently has in the budget \$135,000 for a purchase of sweeper this fiscal year. The current budget of the Capital Equipment fund is \$114,000. He has contacted two vendors to begin a search for a quality used Elgin Pelican. Director Dole explained he was expecting to have the numbers for the Committee of the Whole. Mayor Gitz stated we will place a discussion item on the Committee of the Whole for April for a further report from Director Dole.

Community Development

Community Development Director Mills stated there was a successful demolition of 633 E. Crocker and this is the eighth demolition for 2017. There is a small quantity of debris that needs to be cleaned up by the contractor and then it will be ready to seed. This was a group effort and a well needed demolition.

Finance

Director Bernadelle had no further report.

Water and Sewer

Director Glendenning had no report.

Finance

Director Bernadelle had no report.

Police

Chief of Police Todd Barkalow stated he has placed information on the website that the Police Department and the Board of Fire and Police Commission will be taking applications for candidates for Police Officer. There will be physical agility testing performed on May 6. Applications and all required documents must be returned to the Police Department no later than April 25, 2017 at 3:00 p.m.

Fire Department

Fire Chief Miller had no report.

Freeport Public Library

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Director Dickerson stated she had no report this evening.

MAYOR'S REPORT

Mayor Gitz noted Alderperson Koester is not present this evening because his wife was recently moved from Intensive Care and is resting comfortably. He asked to keep his family in thoughts and prayers. Mayor Gitz stated he will host a Northern Illinois Municipal Mayors meeting on April 20, 2017 and he will send details to the department heads and council. He encouraged those interested to join them.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Alderperson Ross thanked the staff and Mayor Gitz for the cleanup efforts at 633 E. Crocker. He noted it was a cold raining day but they got it down. He was able to preserve the granite stone marker and will see to it that it is replaced back on the property.

Alderperson Brashaw thanked the Police Department for placing the speed wagon on Stephenson Street as a way to slow down traffic.

Alderperson Chesney provided an update of the Managerial Form of Government Transition Committee and noted that on Thursday and Friday they will interview candidates for City Manager.

Alderperson Klemm encouraged the public to attend a Community Reception to meet and welcome the candidates for City Manager on Thursday, April 6, 2017. More information has been posted in the newspaper and on the website.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Council members encouraged citizens to vote in the election to be held on April 4, 2017.

Upon a motion duly made and seconded, the meeting was adjourned at 8:19 pm.

s/ Meg Zuravel

Meg Zuravel
City Clerk