



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

MINUTES
COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 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 City Clerk Anderson with a quorum being present at 6:00 p.m. on Tuesday, September 5, 2017.

ROLL CALL

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

Staff members present: City Manager Lowell Crow, Director of Community & Economic Development Nancy McDonald, Director of Information Technology Curt Suttman, Neighborhood Services Manager Alex Mills, Fire Chief Scott Miller, Police Chief Todd Barkalow, Director of Utility Operations Tom Kopanski, and City Clerk Dovie Anderson.

Others Present: City Legal Counsel Roxanne Sosnowski, Esq.

Aldersperson Brashaw made a motion to appoint Aldersperson Chesney as chairperson of the meeting, Aldersperson McClanathan seconded. Motion prevailed by voice vote without dissent

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Aldersperson Koester.

Aldersperson Chesney recognized Earl Marsh, who passed away on August 27, 2017, and was previously Chief of Police for 21 years.

APPROVAL OF AGENDA

Aldersperson Chesney asked for a motion of approval of the September 5, 2017, agenda. Aldersperson Koester so moved and Aldersperson Smith seconded. Motion prevailed by voice vote without dissent

APPROVAL OF MINUTES

Aldersperson Brashaw moved to approve minutes from August 21, 2017 and Aldersperson Koester seconded. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

Paula Short submitted a formal written comment which was read by City Clerk Dovie Anderson. Ms. Short commented on the Freeport Housing Authority's lack of responding to FOIA requests and stated that she had sent many requests to the Illinois Attorney General's Office regarding the HACF's refusals to produce information.

Marianne Garvens submitted a formal written comment which was read by City Clerk Anderson. She requested that the Food Truck Vendor ordinance be laid over as it may/would affect the general public and businesses. Interested parties should have the right to participate in crafting of the ordinance.

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Aldersperson Klemm moved to receive and place the two comments on file, Aldersperson Koester seconded. Motion prevailed by voice vote without dissent.

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 to receive and place on file:
 - 1) City of Freeport Fire Department Incidents and Loss Report – July 2017
 - 2) City of Freeport Ambulance Activity Report – July 2017
 - 3) Approval of 2017 Semi-Annual Report January 1, 2017 Through June 30, 2017, Freeport/Stephenson County Convention and Visitors Bureau.
- B. Approval of Water & Sewer Bills Payable (Registers #828 and #832) --- \$302,593.31
- C. Approval of Finance Bills Payable (Registers #831, 833, 834, 835, and TBA) --- \$307,079.02
- D. Approval of Payroll for pay period ending August 19th, 2017 --- \$419,529.25 with fringe benefit payments in the amount of \$33,714.34 for a total of \$453,243.59.

There being no discussion, Aldersperson Busker moved and Aldersperson Ross seconded that the consent agenda be approved. Motion prevailed by omnibus vote of:

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

Nays: None

The Consent Agenda was approved.

ORDINANCES – SECOND READING

2nd READING OF ORDINANCE #2017-64:

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

At the August 7, 2017, Committee of the Whole Aldersperson McClanathan made a motion to move forward for approval; seconded by Aldersperson Koester. At the August 21, 2017 Council Meeting Aldersperson Brashaw moved and Aldersperson Koester seconded that this ordinance be forwarded for approval and it was automatically laid over to tonight's meeting.

Manager Crow stated that they have talked to current vendors and they would be able to comply by the next licensing period March 1, 2018, as required in this Ordinance. It was established that this Ordinance had been presented to Council twice prior to tonight. Aldersperson Brashaw asked Manager Crow if he had received any complaints from other citizens concerning this ordinance. Manager Crow stated that one food truck vendor, owner of PHK Bicycle and part-owner of Unique Food Truck, was concerned that this Ordinance would restrict their ability to do business. Upon further discussion with the business owners of Unique's, they stated that they would be able to be in compliance with this Ordinance by its effective date of March 1, 2018. Unique's will be required to put wheels and an axle on the trailer and have it licensed for the road through the State.

The motion for passage of Ordinance #2017-64 prevailed by a roll call vote of:

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

Nays: None

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Ordinance 2017-64 was passed.

ORDINANCES – FIRST READING

1st READING OF ORDINANCE #2017-65:

An Ordinance Amending Part Two (Administration Code). Title Six (Administration), Chapter 236 (Accounting and Finance) of the Codified ordinances of the City of Freeport, Illinois

Manager Crow stated that this Ordinance codifies the requirement that the City Treasurer and City Manager notify Council when there is a change in bond rating.

Aldersperson Koester moved and Aldersperson Busker seconded to move Ordinance 2017-65 forward for approval and the matter was automatically laid over to the next regular Council meeting.

1st READING OF ORDINANCE #2017-68:

An Ordinance of the City of Freeport, Illinois Amending Section 240.04 (Chief of Police) and Section 242.05 (Fire Chief) of the City Code of Ordinances to reflect City Manager Form of Government

Manager Crow stated that sections will occasionally be discovered that were not included in our first round of revising all City Ordinances to reflect the City Manager Form of Government

Attorney Sosnowski stated that American Legal Publishing, to be helpful, took liberties to make changes to bring our ordinances in line overall with the City Manager Form of Government, but in this particular section it does not read as it should according to State statute. This change reflects the need for the removal of a Police Chief or Fire Chief to come before the Council for approval.

Aldersperson Koester made a motion to move forward Ordinance 2017-68 for approval and Aldersperson McClanathan seconded.

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

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

Nays: None

Attorney Sosnowski stated that AmLegal is a good resource; however, the Ordinance as it passes before Council is what is Codified.

The motion for passage of Ordinance 2017-68 prevailed by a roll call vote of:

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

Nays: None

Ordinance 2017-68 was passed.

RESOLUTIONS

ADOPTION OF RESOLUTION #R-2017- 46:

Resolution of the City of Freeport, Illinois Acceptance of State of Illinois Child Passenger Safety Program Grant for the Police Department

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Chief Barkalow stated this grant will provide one sworn officer to be trained to implement a parent training program and purchase and install car seats. The greatest portion of the grant will go to purchase car seats. There will be three (3) events in partnership with the Fire Department for distribution.

Aldersperson Brashaw moved for adoption of Resolution R-2017-46, seconded by Aldersperson Koester. The motion prevailed by a roll call vote of:

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

Nays: None

Resolution 2017-46 was adopted.

ADOPTION OF RESOLUTION #R-2017-47:

Resolution of the City of Freeport, Illinois Acceptance of State of Illinois Sustained Traffic Enforcement Program Grant Award

Chief Barkalow stated that this STEP grant provides funds to hire back officers in 4-hour increments to target intoxicated, unbelted, and distracted drivers, so that officers on their regular shift can focus on routine duties. Overall goal is to reduce accidents and injuries. The grant is larger than in the past at \$11,080 and no match is required. Several campaigns will be implemented throughout the year beginning around Thanksgiving.

Aldersperson McClanathan moved to adopt Resolution R-2017-47, seconded by Aldersperson Brashaw. The motion prevailed by a roll call vote of:

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

Nays: None

Resolution 2017-47 was adopted.

APPROVAL OF BIDS

Bids for Televising Camera Truck

Manager Crow and IT Director Suttman have been involved in negotiations in purchasing a televising camera truck. The current truck is a 1989 and does not have the capabilities of the new truck which is a wheeled vehicle rather than running on a tract like our current vehicle. The sewage treatment plant normally processes 4.5 to 6 million gallons per day. During the storm and flooding events, the sewage treatment processed 18 million gallons per day, indicating a severe infiltration/inflow (I/I) problem in the City's sanitary sewer system. The only way to identify the problems is to televise the sewer lines. With the new televising camera truck, a complete review of the system will be done within five (5) years using a dedicated crew that we already have on staff. Televising can be directly downloaded into our computer system at City Hall. Previously, video tape needed to be reviewed. The lease shows a \$39,000 increase over the original bid to include routine maintenance every six (6) months and fly away equipment on the shelf, which means they will fly replacement equipment with a crew and get the televising truck back online quickly. Another part of the \$39,000 increase includes wireless headsets so crews can communicate. This purchase was budgeted as part of Capital Program. Comparatively, at Manager Crow's last municipality, the IEPA required televising a four square mile (2 miles x 2 miles) area covering 18 miles. The televising was contracted out and cost \$235,000. For this truck, three (3) bids were obtained for leasing with the lowest being US Bank through their government leasing and financing program keeping payments of \$67,000 per year. Tom Kopanski will work with crew and be involved in the three days' training. There is the potential to subcontract to smaller communities in Stephenson County. Our personnel will be the only ones trained to operate this equipment. Manager Crow obtained the existing crew's input regarding desired features.

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The cost will be \$47,229 per year for seven (7) years. Used equipment cannot be leased. At end of seven (7) years, a new truck can be obtained. The ability to televise side lateral lines is a unique feature of EJ Equipment.

Aldersperson Klemm made a motion to approve a lease option in the amount of \$437,229 for the Televising Camera Truck, Aldersperson Koester seconded.

Discussion ensued regarding the additional \$39,000 from the original bid which includes equipment and services as Manager Crow noted above. There is also the possibility of being able to contract the equipment and crew to other municipalities. Director of Utility Operations Kopanski voiced his support of the televising camera truck in addressing the severe I/I problem mentioned by Manager Crow above. He stated that not only does the I/I problem overload the sewage system during wet periods but sewage flows out during dry times. We do not want this to go into our aquifers and eventually into our well system. He stated that the sewage system is not visible to the eye. If we know there is a problem, we can televise the sewer lines to identify the problem, and then fix the problem. Attorney Sosnowski stated that in Winnebago County, the sanitary system is owned and operated by the Rock River Environmental Services which services the Rock River Reclamation District of Rockford, Cherry Valley, Machesney Park, Loves Park, and owns a televising camera truck. Smaller communities which are not part of the Reclamation District include South Beloit and Rockton that have their own wastewater treatment plant and do not have camera trucks. Through an IEPA order in 2010, South Beloit had to undergo a televising project that cost nearly one million dollars. If they were aware that a neighboring community had televising technology, they may have entered into an Intergovernmental Agreement (IGA) for televising services rather than pay an independent company. Other communities in Boone County (Poplar Grove, Caledonia, Kirkland) do not have a televising truck. As the IEPA requires more communities to address their I/I problems, the higher the need will become for this technology.

Manager Crow added that the televising truck can be used in storm water lines as well.

Chairperson Chesney asked for a roll call vote and the motion prevailed:

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

Nays: Chesney, Busker (2)

Demolition of Residential Properties CD-006-17, Bid Opening: August 30, 2017 – Community Development

Neighborhood Service Manager Mills stated that on August 30, 2017, the City received two valid, complete bids for demolition of three residential properties. Kleckner Excavating was the apparent low bidder at \$33,500, which is his recommendation. Two properties will be funded by the Illinois Housing Development Authority (IDHA) and the third with City funds. This will place the number of demolitions at 38.

Aldersperson Koester made a motion to approve Kleckner's Excavating bid for demolition and Aldersperson Klemm seconded. The motion prevailed by a roll call vote of:

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

Nays: None

OTHER

Master Lease Agreement and Maintenance Agreement from Enterprise Fleet Management

Manager Crow stated that this item was not ready and Legal Counsel will continue to work with Enterprise on this agreement.

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Aldersperson McClanathan made a motion to move this matter to next Committee of the Whole, seconded by Aldersperson Smith, and motion prevailed by voice vote without dissent.

Fixed-Based Operator (FBO) Freeport Airport Commission compensation adjustment.

Manager Crow stated that he have given FOB Director Darrell Janssen his evaluation today and relayed the Council's approval of a three percent (3%) compensation adjustment.

Aldersperson Koester stated that he will abstain from voting due to his relationship with the airport.

Aldersperson Smith made a motion to approve and Aldersperson Ross seconded.

Aldersperson Chesney pointed out that historically the FOB operator had received compensation of 5% increases.

There being no further discussion, the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: Koester (1)

REPORTS OF DEPARTMENT HEADS

Community and Economic Development

Director of Community & Economic Development McDonald stated that she and Deputy City Accountant Michelle Richter attended a meeting on Illinois Debt Recovery Offset Portal (IDROP). Changes to the program include hiring of several new staff including their Program Manager who will work with the City. This is a State program that assists with recovering funds from liens that are seven (7) years old or less for which there is no court order. This is a very intensive program which requires daily updates and is also used by the Police Department. She will be attending meetings in Springfield regarding the Community Development Block Grant (CDBG) and Revolving Loan Programs, both of which are undergoing changes. The repair on the wall at 21 West Stephenson Street is underway and it appears will be completed earlier than anticipated. Neighborhood Service Manager Mills has been doing a great job and anticipates that a conservative figure of 70 houses should be demolished by the end of the year. With the Blight Reduction Program we should be able to reach our goal of 80 with the assistance of our non-profit partner.

Fire

Chief Miller reported that the fire department responded to an apartment fire last week. A 65-year-old woman perished in the fire and four (4) other residents were rescued. A second individual was severely compromised, individual was quickly removed from the situation, transported to the hospital and is expected survive. He reminded residents that it is important to have working fire alarms in homes. He announced there are openings in the Fire Academy program which starts Tuesday, September 12, 2017.

Aldersperson Koester and Aldersperson Klemm complimented the fire department for their quick response and the ability to contain the fire quickly.

Police

Chief Barkalow stated that the Police Academy will be starting Wednesday, September 13, 2017, from 6:30 p.m. to 8:30 p.m. The program will run for ten (10) weeks, including a 4-hour ride along, 4-hour session with 911, crime scene investigations, patrol procedures, input from the judges and state attorney's regarding procedural law, and a firearms simulator. Applications can be downloaded.

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City Engineer/Water and Sewer

Director Kopanski stated that Utility Operations Consultant Tom Glendenning and he visited a manufacturer in Minnesota to look at water treatment plants. It was informative regarding additional items for future growth to take care of future regulations. The Alderpersons welcomed him on board.

CITY MANAGER REPORT

Manager Crow stated that the new Financial Director, Randy Bukas, will be in town on Friday closing on his house. He will be on the job on September 11, 2017. Director Bukas is a fan of IDROP. The audit begins next week. At least 120 people attended the Demeter Bridge town hall meeting and submitted surveys, 135 ballots were also collected through Survey Monkey. A decision needs to be made by the end of November 2017 regarding the Hancock Bridge. The initial application is due by September 18, 2017, to begin the 5-year process. No financial commitment for 3 years. Next weekend is the Paint Peddle Pour Paddle beginning Friday afternoon. A good meeting was held with the Paint the Port Committee. Chicago Avenue will be closed most of Friday, September 15. Other events include Tour de Freeport, Brewfest, and Paddle the Pec.

Alderperson Chesney recognized the many hours Manager Crow has been putting in for the City of Freeport.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Alderperson Koester stated that the Freeport Pilot's Association will be having a Fly In Breakfast on September 10, 2017, with aircraft on display.

Alderpersons Klemm and Chesney had no comments.

Alderperson McClanathan stated that the 2nd Ward Neighborhood Watch will not be the 3rd Thursday of September but the 4th for this month only.

Alderperson Ross gave a "thank you" for his birthday card. He had his own emergency today with his carbon dioxide detector going off. After calling the gas company, the Fire Department responded immediately and he thanked Chief Miller. He reminded residents to change the batteries in the detectors.

Alderperson Smith congratulated Chief Miller and his staff for keeping Monday's fire contained to one floor and not having the event escalate beyond the tragic loss of one life.

Alderperson Brashaw stated that she has received complaints regarding citizens mowing their yards and directing the cut grass into the street, which is against City ordinance. She also asked that residents pick up their trash and help out their neighbor by picking up theirs as well.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Mr. Tom Teich stated that the Special Olympics banquet will be held October 4, 2017, where he will receive an award for 2nd place in bowling.

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

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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.

At 7:21 p.m., Alderperson Smith made a motion to enter executive session, seconded by Alderperson McClanathan. The motion prevailed by roll call vote of:

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

Nays: None

At 8:41 p.m., Alderperson Koester made a motion to return from executive session, seconded by Alderperson Busker. The motion prevailed by roll call vote of:

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

Nays: None

Upon a motion duly made and seconded, the meeting was adjourned at 8:42 p.m.

s/ Dovie L. Anderson

Dovie L. Anderson
City Clerk