



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

MINUTES
COUNCIL MEETING
MONDAY, SEPTEMBER 18, 2017 AT 6:00 P.M.

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in Council chambers by Mayor Jodi Miller with a quorum being present at 6:00 p.m. on Monday, September 18, 2017.

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, Mike Koester, and Andrew Chesney, (8).

Staff members present: City Manager Lowell Crow, Finance Director Randy Bukas, Director of Community & Economic Development Nancy McDonald, Public Works Director Dole, Fire Chief Scott Miller, Deputy Chief of Police Matt Summers, Director of Utility Operations Tom Kopanski, and City Clerk Dovie Anderson.

Others Present: City Legal Counsel Aaron Szeto, Esq.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Chesney.

APPROVAL OF AGENDA

Alderperson Koester made a motion to approve the Agenda with Number 14, Resolution #R-2017-51, removed. Alderperson Busker seconded and the motion prevailed by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson Brashaw moved to approve minutes from September 5, 2017, Alderperson McClanathan seconded, and the motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

There were none.

PROCLAMATION

Mayor Miller read an Honorary Proclamation into record naming September as National Suicide Prevention Awareness Month.

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. Offer Sheet: Fire Chief – Todd Allen
- B. Approval to receive and place on file:

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- 1) City Treasurer's Reports – August 2017
- 2) Building Permits – August 2017

C. Approval of Water & Sewer Bills Payable (Registers #839 and #841) --- \$277,648.84

D. Approval of Finance Bills Payable (Registers #836, 838, 840, 842, 843 and TBA) --- \$839,170.55

Approval of Payroll for pay period ending September 2, 2017 --- \$425,716.99 with fringe benefit payments in the amount of \$34,434.80 for a total of \$460,151.79

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

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

Nays: None

The Consent Agenda was approved.

APPOINTMENTS

Alderperson McClanathan moved and Alderperson Brashaw seconded to accept the following appointments effective immediately: Sara Peska to the Board of Zoning Appeals through June 30, 2020 and Christopher Fye to the Historic Preservation Commission through February 28, 2020.

The motion prevailed by a roll call vote of:

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

Nays: None

ORDINANCES – SECOND READING

[2nd 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

This Ordinance states that Council be notified in writing when the bond rating changes. At the September 5, 2107, Council meeting, Alderperson Koester moved and Alderperson Busker seconded that this Ordinance be forwarded for approval and was automatically laid over.

The motion for passage of Ordinance 2017-65 prevailed by a roll call vote of:

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

Nays: None

Ordinance 2017-65 was passed.

ORDINANCES – FIRST READING

[1st READING OF ORDINANCE #2017-66](#)

An Ordinance Amending Part Sixteen (Fire Prevention Code), Chapter 1630 (Miscellaneous Regulations), Chapter 1630.06 (Fireworks) of the Codified Ordinances of the City of Freeport, Illinois

At the September 11, 2017, Committee of the Whole, a motion to move forward with modification was made by Alderperson Brashaw; seconded by Alderperson Smith; and passed unanimously.

Mayor Miller stated that over the Independence Day weekend, she and several Alderpersons received complaints of fireworks being set off.

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Fire Chief Miller stated that this Ordinance defines the types of fireworks that are recognized for sale within the City, addresses the sales of fireworks, and dovetails into the Transient Merchant Ordinance which will be discussed next. It will effectively eliminate sales by Transient Merchants and only allow sales of novelty and approved consumer fireworks at retail stores. The State Fire Marshall's guidelines are very restrictive on what is permitted for sale.

Discussion ensued regarding the City's definitions and their relationship to State statute. The State uses "grains of pyrotechnics" in their descriptions. The City has identified allowable fireworks as those that do not leave the ground, which will assist with enforcement. Other concerns were expressed that centered around enforcement and the fact that vendors could sell illegal items just outside of City limits or in Wisconsin. Fire Chief Miller stated that the current Transient Merchant had legal items available upon inspection but then changed the inventory after the inspection. A list of previous citations was requested, but Chief Miller stated that there really isn't a "smoking gun", but more so complaints from citizens that their child had purchased illegal fireworks at the Transient Merchant stand.

Aldersperson Klemm moved and Aldersperson Chesney seconded to move Ordinance 2017-66 forward for discussion about reworking this Ordinance at the October 10, 2017, Committee of the Whole.

1st READING OF ORDINANCE #2017-67

Draft of an Ordinance Amending Part Eight, (Business Regulations and Taxation), Title Two (Business Regulations), Chapter 872 (Transient Merchants) of the Codified Ordinances of the City of Freeport, Illinois

At the September 11, 2017, Committee of the Whole, a motion to move forward with modification was made by Aldersperson Brashaw; seconded by Aldersperson Koester; and passed unanimously.

Aldersperson Chesney moved and Aldersperson Busker seconded to move Ordinance 2017-67 forward for discussion at the October 10, 2017, Committee of the Whole.

1st READING OF ORDINANCE #2017-69

An Ordinance Amending Part Two Administration Code Title Eight (Boards, Commissions, Bureaus), Chapter 274 (Airport Commission), Section 274.02 (Composition) and Section 274.03 (Appointments) of the Codified Ordinances of the City of Freeport, Illinois

Mayor Miller stated that this Ordinance is brought before Council at the request of the Chairperson of the Airport Commission for more strategic oversight by the City. It adds two City staff to the Commission.

Manager Crow added that the Commission Chairperson felt that two areas needed more attention: financial oversight and economic development. Manager Crow stated that Attorney Szeto suggested adding two new members to retain the odd number of Commissioners. Further wording was struck to reflect that City staff who are appointed to the Airport Commission are not required to live within City limits.

Aldersperson Smith moved and Aldersperson McClanathan seconded to move forward for approval Ordinance 2017-69.

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

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

Nays: None

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Alderson Chesney moved and Alderson Koester seconded to waive the residency requirement for City staff who are appointed to the Airport Commission.

The motion for passage of the amendment prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (8)
Nays: None

Alderson Koester stated that he will abstain from voting due to his relationship with the airport. Alderson Smith pointed out that the two new members first need to be appointed by the Mayor and approved by Council.

The motion for passage of Ordinance 2017-69 as amended prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Chesney (7)
Abstain: Koester (1)
Nays: None
Ordinance 2017-69 was passed.

RESOLUTIONS

ADOPTION OF RESOLUTION #R-2017-48

Resolution Authorizing the Acceptance of the Federal Emergency Management Agency (FEMA) Fire Prevention and Safety Grant Award

Fire Chief Miller stated that this FEMA grant is in the amount of \$12,845 which requires a \$643 match which can be in-kind services. So, the investigators' daily duties can be considered in kind. Grant funds will provide additional equipment for fire investigators including laptop ToughBooks, new camera, training, and miscellaneous tools and accessories.

Alderson Brashaw moved for adoption of Resolution R-2017-48, seconded by Alderson Koester. The motion prevailed by a roll call vote of:
Yeas: Klemm, McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (8)
Nays: None
Resolution 2017-48 was adopted.

ADOPTION OF RESOLUTION #R-2017-49

A Resolution Authorizing Application to the Illinois Department of Transportation (IDOT) for FY2023 Local Major Bridge Grant Program

Director McDonald stated that the Hancock Bridge was constructed in 1952 and repairs were made in 2009 to the deck slab which extended the life 10 to 15 years. At their biennial structural inspection, McClure Engineering found that the deck repairs have failed and there are areas of delamination (separation of layers of concrete). McClure's recommendation is major rehabilitation or replacement. She will be submitting an application to the IDOT Local Major Bridge Fund for replacement of the bridge. Manager Crow added that IDOT usually considers a bridge as a prime candidate for replacement when the lifespan falls below fifty percent (50%). The Hancock bridge is currently at fifty-nine percent (59%). With completion of the new building for Modern Plating and the associated increase in truck traffic, IDOT also considers this bridge as a prime candidate for replacement in FY2023. Our match is twenty percent (20%) which can be taken out of MFT, but that will reduce the roadwork that can be done. It was established that the one million minimum can be adjusted upwards.

Alderson Ross moved to adopt Resolution R-2017-49, seconded by Alderson Busker. The motion prevailed by a roll call vote of:

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

Nays: None

Resolution 2017-49 was adopted.

[ADOPTION OF RESOLUTION #R-2017-50](#)

A Resolution Authorizing A Memorandum Of Agreement Between The Illinois Environmental Protection Agency And The City Of Freeport For The Purpose Of Conducting Corrective Action To Address Potential Environmental Contamination

Ross Grimes of Fehr Graham gave a status update of remediation at the Album Street site. In 2016, soil removal, stabilization of heavy metals, and groundwater treatment began. In March 2017, based on levels of contaminants found in confirmation samples and the analytical results, more remediation work was initiated and will soon be finished. The institutional controls and reporting aspect will be submitted to the Illinois Environmental Protection Agency (IEPA) by the end of the month. The Highway Authority Memorandum of Understanding (MOU) states that there are impacts outside of the remediation boundary. Because it is outside of the boundary, it cannot be addressed through the United States Environmental Protection Agency (USEPA) grant. The MOU does not cover remediation but rather states that because the affected area is on City right-of-way, if any future excavation takes place, construction workers need to be notified and any soil will be disposed of. Affected locations include one at the corner of Hancock and Album and two at the corner of Hooker and Album to an approximate depth of seven (7) to eight (8) feet. The MOU is required by IEPA for future use of the property. There are no immediate remediation requirements at the site. There is impacted soil that will remain because there are engineer barriers over top of it. Because (1) this area is in the flood plain and (2) because of the contamination issues, it will never be built on. Mr. Grimes stated that this is a common remediation option on this type of contaminated site.

Attorney Szeto stated that either the second or third Whereas statement should be removed because they mean one and the same.

Aldersperson Koester moved to adopt Resolution R-2017-50, seconded by Aldersperson Brashaw. The motion prevailed by a roll call vote of:

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

Nays: None

Resolution 2017-50 was adopted.

[ADOPTION OF RESOLUTION #R-2017-51](#)

A Resolution of a Governmental Body Accepting Membership as a Member of the Quad Cities Health Insurance Pool ("QCHIP") Sub-Pool which is a Member of the Intergovernmental Personnel Benefit Cooperative

[Clerk's Note: This item was previously removed. See Approval of Agenda section above.]

APPROVAL OF BIDS

Bids for Police Squad Cars, (3) All-Black 4-Door Police Pursuit Vehicles [View Bid Tab and Recommendation](#)

Deputy Chief of Police Summers stated that a bid opening was held on September 1, 2017. One of the three bids did not meet the specifications, so the remaining two bids were compared to the State bid from Morrow Brothers Ford. It is Chief Barkalow's recommendation to accept the latter. The three squad cars, wrapping, and prison's backseat inset will cost approximately \$81,980.

Chairperson Chesney moved and Aldersperson Busker seconded to approve the bid from Morrow Brothers.

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Aldersperson Koester pointed out that Chief Barkalow's memo stated that, after the purchase of these three squads, \$28,020 will be left from the budgeted \$110,000. Deputy Chief Summers stated that the Police Department would like to put that towards a K-9 SUV. Manager Crow stated that he is working with Chief Barkalow to allocate the remaining funds combined with K-9 funds to identify the correct vehicle and then it will come before Council. Manager Crow also pointed out that requests for bids were hand delivered to local dealers and none responded. He also stated that he wants to get the fleet program established for vehicles other than police and then in 18 to 24 months look at adding those vehicles.

Mayor Miller asked for a roll call vote and the motion prevailed:

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

Nays: None

OTHER

Authorization to enter into Agreement with Next Level for Strategic Planning [View Partnership Proposal](#) [View Planning Process/Timeline](#)

Manager Crow stated that he has moved forward with Strategic Planning by distributing questionnaires to department heads and community stakeholders, who will meet during Step 1. Eric Dregne with Next Level shared the benefits of using a facilitator and the process itself. Rather than the City Manager coordinating and leading the planning session, an impartial third party will facilitate the process. This way the City Manager can fully engage with the team and stakeholders as well as Alderspersons. It frees up the City Manager from designing, facilitating, taking notes, and managing the process. Additionally, Mr. Dregne will do the planning beforehand and products will be delivered afterwards. He is a trained facilitator in two models: Results Based Accountability and Collective Impact. Step 2 will be working with the Council.

There being no discussion, Aldersperson Koester made a motion and Aldersperson Busker seconded that the authorization be granted. Motion prevailed by a roll call vote of:

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

Nays: None

REPORTS OF DEPARTMENT HEADS

Community and Economic Development

Director of Community & Economic Development McDonald stated Starbucks opened last week and Shoe Carnival should be opening soon. There was an Administrative Search Warrant served on a property last week which will undergo an emergency demolition. We are on target to do seventy (70) to eighty (80) demolitions by the end of the year, depending upon how much this emergency demolition costs. Aldersperson Koester asked what hours a contractor is to be performing demolitions as they have been working during the evening. Director McDonald will follow up as contractors should be working during business hours.

Public Works

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Public Works Director Dole stated that concrete work continues and he is looking at railing with ADA requirements on east side of building. That portion of sidewalk will remain closed until railing is installed. He met with Civil Constructors regarding paving the parking lot and is waiting for a price quote. He added a clarification to the bridge deck at Hancock. Public Works will continue to treat the bridge like any other street, so potholes will be patched so trucks and traffic can cross safely. Alderperson McClanathan thanked the Public Works Department for all their hard work for the destination weekend downtown.

Fire

Fire Chief Miller had nothing additional to report.

Police

Deputy Chief Summers had nothing additional to report.

City Engineer/Water and Sewer

Director Kopanski stated that paperwork has been submitted to IEPA for him to be the Administrative Contact and Responsible Operator in Charge. He has received the scope of work for potential well fields and associated water treatment plants which he will present on October 2, 2017. Manager Crow added that Fehr Graham has identified five (5) possible sites. Once the sites are approved, then the City will purchase the property.

CITY MANAGER REPORT

Manager Crow also thanked Director Dole and the Public Works crew for resurfacing, sweeping, and painting squares in preparation of last weekend's festivities. Street patching will get back up to speed after the concrete work is done at City Hall. The new street sweeper has been received and the operators have been trained. The televising truck has been ordered and the paperwork signed with USBank. Redevelopment Agreements (RDAs) will go through the Joint Review Board (JRB). The Northern Illinois Development Association (NIDA) contract is being reworked. He and Financial Director Bukas attended a meeting regarding the Pec Path. The Illinois Transportation Enhancement Program (ITEP) grant which was awarded two years ago is in the process of finalizing paperwork. It will be one year before the work begins. A public meeting will be required for that.

MAYOR'S REPORT

Mayor Miller thanked all volunteers who stepped up to Paint Peddle Pour Paddle, which began with a small group of planners last year. She added that the 250 squares painted on Chicago by the Public Works crew looked phenomenal. The feedback she received was that Paint the Port was the best family-friendly event ever held in Freeport. Tour de Freeport had over 100 participants last year. Attendance doubled this year with over 200 participants. An estimated 1,300 people attended Brewfest, which was also more than ever before. That event featured 40 brewers and over 100 varieties. Lots of people were involved in the planning efforts and even more in volunteerism. She anticipates future growth for this destination weekend and welcomed volunteers for next year.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Alderperson Chesney also thanked the Public Works Department, volunteers, Manager Crow and Director McDonald for the successful weekend, especially the parklet at Mort's. He noted that the functionality of permitting parklets still needs to be worked out, but anticipates an Ordinance re-write will encompass what was learned during the process.

Alderperson Klemm echoed the success of the weekend. At the VFW, he saw canoes being unloaded, cyclists in the Tour de Freeport that turned around at that location, and a dance group. He also thanked Manager Crow for being so willing to address issues that arise with constituents in his Ward.

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Aldersperson McClanathan stated that the 2nd Ward Neighborhood Watch will not be the 3rd Thursday of September but the 4th for this month only. He also echoed positive comments of the good interactions between City and volunteer organizations and would like to build on that momentum with the destination weekend.

Aldersperson Ross pointed out that there were no problems over the big weekend. Third Ward Neighborhood Watch meeting will be Thursday, September 21, 2017, at 6:00 p.m. at the VFW. Public Works staff Mike Knight showed him the new street sweeper and was very happy with the new equipment especially the ease of changing brushes. He asked and Manager Crow confirmed that the sidewalks in front of City Hall were sealed today.

Aldersperson Smith stated that he was a willing participant in the weekend's festivities. He felt that it was a great collective effort, a great event for the City, and has heard nothing but positive comments.

Aldersperson Busker stated that the 5th Ward Neighborhood Watch meeting will be tomorrow night at First Church of the Nazarene. He asked about the plans for the streets leading to the Hancock Street bridge for the work to be done in 2023. Manager Crow responded that he is currently looking at the best way to approach that: raising the roadway or changing the overall design of the area to include curb and gutter.

Aldersperson Brashaw reminded everyone that the 1st and 6th Ward Neighborhood Watch meeting will be Tuesday, September 26, 2017, at Schwarz Funeral Home.

Aldersperson Koester stated that the 7th Ward Neighborhood Watch Meeting will be Wednesday, September 27, 2017, at the Main Fire Station at 6:30 p.m. The Fly In/Drive In Breakfast served over 700 people and 31 aircraft flew in.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Mr. Tom Teich asked about plans for the old Eagle's store. Manager Crow stated that he is still working on a Redevelopment Agreement and that the building will probably be demolished and something else will be built.

Pastor Dixie Ditsworth stated that on Thursday from 7:00 to 8:30 a.m. the City Prayer Breakfast will be held at the Farm Bureau building.

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)(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 7:40 p.m., Aldersperson Smith made a motion to enter executive session, seconded by Aldersperson Ross. The motion prevailed by roll call vote of:

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

Nays: None

At 8:01 p.m., Aldersperson McClanathan made a motion to return from executive session, seconded by Aldersperson Busker. The motion prevailed by roll call vote of:

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

Nays: None

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Upon a motion duly made and seconded, the meeting was adjourned at 8:03 p.m.

s/ Dovie L. Anderson

Dovie L. Anderson
City Clerk