



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

MINUTES
COUNCIL MEETING
MONDAY, JANUARY 8, 2018 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 6:02 p.m. on Monday, January 8, 2018.

ROLL CALL

Present on roll call: Mayor Jodi Miller and Council Members Alderpersons Peter McClanathan, Art Ross, Bob Smith, Patrick Busker, Sally Brashaw, Mike Koester, and Andrew Chesney (7). Alderperson Tom Klemm was absent.

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

Others Present: City Legal Counsel Aaron Szeto, Esq.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Brashaw.

APPROVAL OF AGENDA

Alderperson Brashaw made a motion to approve the Agenda and Alderperson Koester seconded. Motion prevailed by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson Brashaw moved and Alderperson Busker seconded to approve minutes from December 18, 2017, and motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

There were no public comments.

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 [View Consent Agenda](#)

- A. Approval to receive and place on file:
 - 1) Building Permits – December 2017
- B. Approval of Finance Bills Payable (Registers #891, 892, 896, 897, 898, 899, and TBA) --- \$1,466,052.93

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C. Approval of Payroll for pay period ending December 23, 2017 --- \$419,681.63 with fringe benefit payments in the amount of \$36,809.51 for a total of \$456,491.14

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

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

Nays: None

The Consent Agenda was approved.

ORDINANCES – SECOND READING

ITEM #5 - [2nd READING OF ORDINANCE #2018-01](#) (renumbered from #2017-87)

An Ordinance Adopting a Policy Prohibiting Sexual Harassment for City of Freeport

At the December 11, 2017, Committee of the Whole a motion to move forward for approval was made by Aldersperson McClanathan; seconded by Aldersperson Chesney; and the matter was laid over to the December 18, 2017, Council meeting by unanimous voice vote. At the December 18, 2017, Council meeting, Aldersperson Koester made a motion to move forward for approval, seconded by Aldersperson Chesney, and it was automatically laid over to tonight's meeting.

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

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

Nays: None

Abstain: None

Ordinance #2018-01 passed.

ORDINANCES – FIRST READING

ITEM #6 - [1st READING OF ORDINANCE #2018-02](#)

An Ordinance Amending Title Ten, Employment Provisions, Chapter 290, Compensation and Benefits, Section 290.02 Compensation Plan and Section 290.08 Overtime of the Codified Ordinances of the City of Freeport, Illinois

At the December 11, 2017, Committee of the Whole a motion to move forward for approval was made by Aldersperson Brashaw; seconded by Aldersperson Koester; and the matter was laid over to tonight's meeting by unanimous voice vote.

Manager Crow stated that this Ordinance aligns with the Employee Handbook specifically regarding overtime and compensatory (comp) time.

Aldersperson Brashaw asked and Manager Crow confirmed that this only applies to non-union employees. Union employees are covered by their contract.

Aldersperson Koester made a motion to move forward for approval Ordinance #2018-02; seconded by Aldersperson Chesney. The matter was automatically laid over to the next Council meeting.

ITEM #7 - [1st READING OF ORDINANCE #2018-03](#)

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An Ordinance Amending Part Two, Administration Code, Title Eight, Boards, Commissions, Bureaus, Chapter 274, Airport Commission, and other Sections of the Codified Ordinances of the City of Freeport, Illinois Regarding the Freeport Albertus Municipal Airport

At the December 11, 2017, Committee of the Whole a motion to move forward for approval was made by Alderperson Chesney; seconded by Alderperson Klemm; and the matter was laid over to tonight's meeting by unanimous voice vote.

Manager Crow stated that the City is disestablishing the Airport Commission because it is not required when an Airport Authority does not exist. He has met with the Pilot's Club and will continue to meet with them monthly. He will also meet with the Airport Commission between the first and second reading of this Ordinance.

Alderperson Smith made a motion to move forward for approval Ordinance #2018-03; seconded by Alderperson Busker; and the matter was automatically laid over to the next Council meeting.

ITEM #8 - 1st READING OF ORDINANCE #2018-04

An Ordinance Adopting a Revised City of Freeport Employee Handbook

At the December 11, 2017 Committee of the Whole, a motion to move forward for first reading was made by Alderperson McClanathan, seconded by Alderperson Brashaw and passed unanimously.

Manager Crow stated that this will be the binding agreement unless there are separate letters of understanding or union contract.

Alderperson Chesney made a motion to move forward for approval Ordinance #2018-04; seconded by Alderperson McClanathan. The matter was automatically laid over to the next Council meeting.

Attorney Szeto reminded Council that the Handbook will be forwarded to the Union representatives between first and second reading for their reference.

ITEM #9 - 1st READING OF ORDINANCE #2018-05

An Ordinance Amending Various Provisions of the Codified Ordinances of the City of Freeport, Illinois to Provide for the Removal of Appointed Members to Boards, Commissions and Bureaus of the City Due to Lack of Meeting Attendance

Manager Crow stated that this Ordinance deals specifically with Library Boards.

Alderperson Chesney made a motion to move forward for approval Ordinance #2018-05; seconded by Alderperson Busker.

Alderperson Brashaw moved and Alderperson Koester seconded to suspend the rules. Mayor Miller stated that suspension is non-debatable and requires a 2/3 vote. The motion carried by a roll call vote of:

Ayes: McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)

Nays: None

Abstain: None

Passage of the original motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Ordinance #2018-05 was passed.

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ITEM #10 - [1st READING OF ORDINANCE #2018-06](#)

A Special Ordinance for Variation, Permit or Amendment of Codified Ordinances of Freeport, Illinois – Casey’s General Store

Community & Economic Development Director McDonald stated that relief is being sought for a zoning Special Use Permit at 1775 West Avenue for Casey’s General Store. A Public Hearing was held where no comments or protests were heard. There were no adverse findings and the Planning Commission approved the permit by a vote of 7 to 0.

Aldersperson Koester made a motion to move forward for approval Ordinance #2018-06; seconded by Aldersperson Chesney.

Aldersperson McClanathan asked and Director McDonald confirmed that other gas stations in this area also sell packaged liquor.

Aldersperson Koester moved and Aldersperson Chesney seconded to suspend the rules. Mayor Miller stated that suspension is non-debatable and requires a 2/3 vote. The motion carried by a roll call vote of:

Ayes: McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)

Nays: None

Abstain: None

Passage of the original motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Ordinance #2018-06 was passed.

ITEM #11 - [1st READING OF ORDINANCE #2018-07](#)

An Ordinance of the City of Freeport, Stephenson County, Illinois, Expressing an Official Intent Regarding the Negotiation of Redevelopment Agreements (RDA) and the Reimbursement of Certain Expenditures in Connection with the Galena Corridor Business District Project Area [View Boundary Map](#)

Manager Crow stated that this is required to pay for the development reaching back six months and also authorizes Ehlers to negotiate in our stead. He and Manager Szeto are working on two RDAs that we will be negotiating over the next three to four months.

Aldersperson Smith made a motion to move forward for approval Ordinance #2018-07; seconded by Aldersperson Koester.

Aldersperson Smith moved and Aldersperson Busker seconded to suspend the rules. Mayor Miller stated that suspension is non-debatable and requires a 2/3 vote. The motion carried by a roll call vote of:

Ayes: McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)

Nays: None

Abstain: None

Aldersperson McClanathan clarified that this is not the first the City has looked at developing this area. This allows us to explore developing a Business District and to recoup some of the expenses. This will need to come before Council before final approval for a Business District is created. Manager Crow added that a TIF district was originally considered; however, through a feasibility study conducted by Ehlers it was determined that a TIF

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district would not be viable. A Business District would allow an additional one cent (1¢) sales tax to be added to only the businesses in the specified area and this additional tax plus the State sales tax can be used to facilitate the development of the project. It will not affect the taxes outside of the development area.

Mayor Miller then called for a roll call vote which prevailed by:
Yeas: McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)
Nays: None
Abstain: None
Ordinance #2018-07 was passed.

RESOLUTIONS

ITEM #12 - [ADOPTION OF RESOLUTION #R-2018-01](#)

Resolution of the City of Freeport, Illinois Authorizing and Approving Services Agreement with Ehlers and Associates, Inc. [View Ehlers Proposal](#)

Manager Crow stated that this is authorizing signature of the agreement for Ehlers to negotiate the two RDAs discussed in Item #11. The projected cost is \$10,000 for the initial development and \$12,000 for the negotiations. If the Business District is established, these costs can be recouped from additional taxes generated by the Business District.

Aldersperson Chesney made a motion to adopt Resolution #R-2018-01, Aldersperson Busker seconded, and the motion prevailed by roll call vote of:

Yeas: McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)
Nays: None
Abstain: None
Resolution #R-2018-01 was adopted.

APPROVAL OF BIDS

ITEM #13 - Approval of Capping of Potable Water Wells #2 & #6 at 406 Brick Street – PW-002-17: Bid Opening December 28, 2017 [View bids](#)

Director of Utility Operations Tom Kopanski stated in February 2017, routine sampling by the Illinois Environmental Protection Agency (IEPA) detected unregulated contaminants in two City wells. The wells now need to be abandoned or capped. During the IEPA's engineering evaluation in November 2018, the need for capping was noted and he was in the process of working up the bid specifications. A bid opening was held on December 28, 2017, and five submittals with four considered responsive. Albrecht Well Drilling was the apparent low bidder at \$49,678, they have done work for the City before, and former Director Tom Glendenning gave his recommendation of Albrecht.

Aldersperson McClanathan made a motion to approve the bid for Capping Wells #2 and #6 from Albrecht Well Drilling, Inc. not to exceed \$49,678.00 and Aldersperson Busker seconded.

One bid was emailed and faxed which did not comply with bid specs of "sealed bid". Prior to capping, the wells will be video inspected from the bottom up. Material will be added and the wells will be grouted. The well casing from the bottom of the well to ground level, including the pumps, will be buried so it looks like it had never existed before.

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

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

Nays: None

Abstain: None

OTHER

ITEM #14 - Approval of Contract for Audit of Sales Tax Receipts the City Receives from the State of Illinois and Proposal for Software for Administration/Audit of Collection of Motor Fuel Tax (MFT), Food & Beverage Tax and Hotel/Motel Tax

At the December 11, 2017 Committee of the Whole meeting, a presentation was given by Tom Fabian, Azavar Audit Solutions. [View documents](#)

Finance Director Bukas stated that he is recommending that we enter a contract with Azavar to perform a municipal audit of the funds received from the State of Illinois including electric, natural gas, telecommunications, and cable franchise fees as well as sales tax and use tax. The cost will be a 60%/40% split with any new-found money. If Azavar does not discover any new-found money, there will be no cost to the City. He would also like to use their sales tax application which tracks any discrepancies or trends before we receive the funds. A third application is a locally administered tax application which allows businesses to electronically file their reports and food and beverage tax, hotel/motel tax, local gasoline, and any other local business taxes we may have at that time.

Aldersperson Chesney stated that we have been given assurance that Azavar will be careful and soft-handed with their approach to collecting these taxes. Manager Crow stated that he would be the person contacting the businesses. This is strictly to identify monies that should be coming to the City and, if there are any issues, the Council will be informed. We will receive the information from the State on CD. The City identifies which staff has access to the CD. The City cannot use this service to penalize businesses.

Aldersperson Busker made a motion to approve, Aldersperson Ross seconded, and the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

ITEM #15 - Approval of Contract of Collection Contract for Collections Services with Municipal Collections Services, Inc. (MCSI)

At the December 11, 2017 Committee of the Whole meeting, a presentation was given by Tom Knoll, Municipal Collections Services, Inc. [View documents](#)

To address the large outstanding balance of water and sewer balances, he recommends contracting with MCSI for debt collection services. They also have a Local Debt Recovery Project which is administered by the Office of the Comptroller which they can assist us with. The outstanding debts include parking ordinance violations, nuisance violations, and the largest outstanding debts are from water and sewer department.

Manager Crow stated that we have begun to file liens against outstanding water and sewer accounts which is producing an approximately ten percent (10%) recovery rate. MCSI predicts they can recover twenty to twenty-five percent (20-25%) over a three-year period. We have been finding that the best recovery opportunity is when these properties go up for sale and the property owner pays what they can afford. This produces an eight to ten

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percent (8-10%) recovery in funds. Three recent cases totaled \$8,000 in funds due the City and \$2,500 was collected upon the properties closing, which is a little more than ten percent (10%).

Aldersperson Smith asked and Director Bukas responded that MCSI's fee is thirty-two percent (32%).

Aldersperson Brashaw asked if collection costs could be recovered from the property owner. Manager Crow stated that currently the City is only placing liens on owner-occupied property. This service would address renters as well. Director Bukas added that then the collection fee drops to 25.9% but another Ordinance would need to be passed to add on the administrative fee.

Aldersperson Brashaw made a motion to approve, Aldersperson Koester seconded, and the motion prevailed by a roll call vote of:

Yeas: McClanathan, Ross, Busker, Brashaw, Koester, Chesney (6)

Nays: Smith (1)

Abstain: None

ITEM #16 - Approval of Purchase of Heated Patch Box for Hot Mix Patching [View documents](#)

Director of Streets Dole stated that this equipment is a self-contained insulated steel box that is placed in the back of a one-ton truck. Cold patch is placed in the box and the exhaust is connected to the box. He has not been able to patch for three (3) weeks due to cold weather. This will allow patching of potholes year-round. Training is included in the \$7,000 cost. Manager Crow stated that it also saves on shoveling and physical labor required by Street Department workers.

Aldersperson Koester made a motion to approve, Aldersperson Chesney seconded, and the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

Aldersperson Chesney exited Council chambers at 7:02 p.m.

REPORTS OF DEPARTMENT HEADS

Finance

Director Bukas stated that the Finance Department has submitted a Request for Proposal for auditing service to eleven (11) accounting firms. There have been two software demonstrations and six more to go. The last one is scheduled for January 29, 2018, so he will be looking for Council recommendation on new software in February. He has begun working on the FY2019 budget and will begin meeting with Department Heads on Wednesday, January 10, 2018.

Aldersperson Chesney returned at 7:05 p.m.

Community & Economic Development

Director McDonald stated that they received five applications for the Façade Improvement Grant. The applications will go to the Grant Review Committee who will then make a recommendation to the Historic Preservation Commission which will meet on January 16, 2018. Their final decision will then go to Council.

Public Works

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Director Carr stated that there will be patching done during the warmer weather. A driver struck a mailbox on Woodside Drive which we will fix after the ground thaws and a post can be driven. He is in the process of closing out eighteen (18) open projects dating back to 1990 with Illinois Department of Transportation (IDOT). He will be in contact with McClure Engineering tomorrow to begin plans for a 3rd Ward Town Hall meeting regarding the Pecatonica Prairie Path.

Streets

Director Dole stated that the patch box can be delivered this week. We also took delivery of our first leased vehicle today in exchange for a trade-in. The Christmas decorations have been removed downtown. Please give him a call if potholes need patching.

Fire

Fire Chief Allen offered his congratulations to Captain Brad Hartwig who completed his Master's degree in Organizational Change Leadership using his GI bill. He also recognized Firefighter Matt Melancen who graduated from Rockford's 14-week training program.

Police

The second annual Battle of the Badges basketball game between the Fire and Police will be held January 27, 2018, at 2:00 p.m. at Aquin with Representative Brian Stewart officiating. Proceeds benefit Police Department programs like Shop with a Cop and Explore and Fire Department programs.

Water and Sewer

Director Kopanski stated that he posted tips on frozen water pipes on the website homepage and Facebook. He warned that warmer temperatures will cause frozen pipes to thaw and cause breakage. Since New Year's, their crews have worked on water main breaks on Hancock, Harlem, Locust, Lewis, and Palmer. There was a public safety concern with a blocked storm water inlet on Walnut Avenue that has been rectified. He also asked that traffic slow down for Water & Sewer and Public Works staff who have their safety vests on and amber lights flashing when doing street work.

Airport

FBO Janssen had nothing to report.

CITY MANAGER REPORT

Manager Crow stated that he and Attorney Steve Cox have completed the Water Ordinance rewrite and it will go to the Committee of the Whole. Negotiations are complete on the properties where test wells will be installed and bids are out for same. Drilling will begin in the spring when costs will be lower. He has tasked the Board and Commissions to meet monthly to begin reviewing their Ordinances. Attorneys Cox, Sosnowski, and Szeto are each specializing in their own portion of the Code rewrite. This will result in a complete review of the Code which has not been done in some time and it his goal that the City is more business friendly. Staff has been reviewing a new workforce flow product, iWorQs, which operates with a phone app for citizens to report potholes and other nuisances, which then become work orders, and citizens can track the status of repairs or remediation.

MAYOR'S REPORT

Mayor Miller reminded everyone that we are closed on Monday, January 15, 2018, in observance of Martin Luther King Day, and all Council meetings have been moved one week in January. The Committee of the Whole meeting will be on Tuesday, January 16, 2018, after. The second Council meeting will be on Monday, January 22, 2018.

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COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Brashaw reported that 6th Ward had its first independent Neighborhood Watch meeting on January 4, 2018. Next meeting will be March 1, 2018. She thanked the Journal Standard for printing the schedule for the Ward meetings.

Aldersperson Koester stated that the 7th Ward Neighborhood Watch meeting is the 4th Wednesday of every month at the main fire station at Walnut and South.

Alderspersons Chesney, McClanathan, Ross, and Smith had nothing to report.

Aldersperson Busker stated that the next Neighborhood Watch meeting for 5th Ward will be Tuesday, January 16, 2018, at 6:00 p.m. Officer Leverton gives a good presentation.

Aldersperson Koester left the meeting at 7:12 p.m.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich commented regarding Casey's and the used car lot on South Street.

Aldersperson Koester returned at 7:15 p.m.

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 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.

At 7:16 p.m., Aldersperson Busker made a motion to enter executive session, seconded by Aldersperson Ross. The motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

At 7:28 p.m., Mayor Miller called the roll and the following were present to return to open session:

McClanathan, Ross, Smith, Busker, Brashaw, Koester, Chesney (7)

Upon a motion duly made and seconded, the meeting was adjourned at 7:29 p.m.

s/ Dovie L. Anderson

Dovie L. Anderson
City Clerk