



## City Council

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

---

### MINUTES

### COUNCIL MEETING

TUESDAY, FEBRUARY 20, 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 6:00 p.m. on Tuesday, February 20, 2018.

#### **ROLL CALL**

Present on roll call: Mayor Jodi Miller and Council Members Alderpersons Tom Klemm, Peter McClanathan, Art Ross, Patrick Busker, Sally Brashaw, and Mike Koester (6). Alderpersons Andrew Chesney and Bob Smith were 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, Fire Chief Todd Allen, Chief of Police Todd Barkalow, Director of Utility Operations Tom Kopanski, Director of Information Technology Curt Sutton, Library Director Emily Klonicki and City Clerk Dovie Anderson.

Others Present: City Legal Counsel Aaron Szeto, Esq. and City Legal Counsel Steve Cox, Esq.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Alderperson Klemm.

#### **APPROVAL OF AGENDA**

Mayor Miller stated that Item #5 on the agenda will be removed and laid over to the next Council Meeting. Alderperson Busker moved and Alderperson Koester seconded to approve the agenda as amended; motion carried unanimously by voice vote without dissent.

#### **APPROVAL OF MINUTES**

Alderperson Brashaw moved and Alderperson Ross seconded to approve minutes from the [February 5, 2018](#), regular meeting 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) City of Freeport Fire Department Incidents and Loss Report – January 2018
- 2) Building Permits – January 2018

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

- 3) City Treasurer's Reports – January 31, 2018
- 4) Financial Reports: General Fund, Library Fund, Water Fund, Sewer Fund, Storm Sewer Fund, January 31, 2018
- B. Approval of Finance Bills Payable (Registers #917, 918, 921, 922, 923, 924, and 925 and Invoices to be approved February 20, 2018) --- \$1,132,339.41.
- C. Approval of Payroll for pay period ending February 3, 2018 --- \$426,461.82 with fringe benefit payments in the amount of \$32,225.05 for a total of \$458,686.87

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

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

Nays: None

The Consent Agenda was approved.

**ITEM #5 - Honorary Resolution Recognizing the Freeport Pretzel High School Boys Bowling Team in the City of Freeport**

*[Clerk's Note: This item was removed from the Agenda (see above).]*

**ITEM #6 - Proclamation regarding Gerald McClellan Day**

Mayor Miller read a proclamation claiming February 20, 2018, as Gerald McClellan Day. Many of his family members were in attendance as Mayor Miller read about his illustrious career as a middleweight champion competing from 1988 to 1995 in 34 professional fights with 31 wins and 3 losses. Known as the G-Man, Mr. McClellan was a well-respected and recognized athlete. On February 25, 1995, his career regrettably ended and we will never know the scope of what this great athlete might have accomplished. The Mayor also acknowledged and gave her appreciation for Mr. McClellan's family and especially his devoted primary caretaker and sister, Lisa.

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

City Manager Crow and Chief of Police Barkalow acknowledged and thanked the following employees for their years of service to the City:

5 Years: Andrew Good, Police Department and Stephen Oldenburger, Police Department

10 Years: Jeffrey Zalaznik, Police Department

20 Years: Denise Scudder, Fire Department

25 Years: Thomas Kempel, Police Department

**ITEM #8 – Appointments**

Aldersperson Brashaw moved and Aldersperson Klemm seconded to approve the nomination of Autumn Kubatzke to the Board of Zoning Appeals (to replace the vacated position of Blake Klosa) effective immediately through June 30, 2022 and Michael Stingley to the Board of Zoning Appeals (to replace the vacated position of Sarah Thompson) effective immediately through June 30, 2020.

The motion prevailed by a roll call vote of:

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

Nays: None

**ITEM #9 – Approval to receive letter and place on file**

Aldersperson Koester moved and Aldersperson Klemm seconded to approve and place on file a letter regarding Open Meetings Act Training for employees and officers, René Schwartz, Administrative Assistant to Police

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

Department; Nancy McDonald, Director of Community & Economic Development; Randy Bukas, Director of Finance (as Acting City Manager); Connie Marney, Administrative Assistant to Community & Economic Development Department; Emily Klonicki, Freeport Public Library Executive Director; and Connie Hoffman, Freeport Public Library Administrative Assistant.

The motion prevailed by a roll call vote of:

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

Nays: None

**ORDINANCES – SECOND READING**

**ITEM #10 - 2<sup>nd</sup> READING OF ORDINANCE #2018-10**

**An Ordinance Amending Title Six, Administration, Chapter 250, Department of Community and Economic Development of the Codified Ordinances of the City of Freeport, Illinois to Adopt 49 CFR 37 by Reference (Adopting ADA Policy for DOAP Grant for Pretzel City Transit)**

*At the February 5, 2018, Council meeting a motion to move forward for approval was made by Alderperson Brashaw; seconded by Alderperson Chesney; and the matter was laid over to tonight's meeting.*

Director McDonald reminded Council that because we receive funding from the State for Pretzel City Transit, the State requires the City to pass an Ordinance adopting the requirements of the Americans with Disabilities Act (ADA).

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

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

Nays: None

Abstain: None

Ordinance #2018-10 passed.

**ORDINANCES – FIRST READING**

**ITEM #11 - 1<sup>st</sup> READING OF ORDINANCE #2018-11**

**An Ordinance Amending Individual Provisions of Chapters 1040, 1042, 1044, 1048, 1052, and 1060 of the Codified Ordinances of the City of Freeport Pertaining to Municipal Utility Services – Billing and Collection Procedures**

*At the February 12, 2018, Committee of the Whole meeting, a motion to move forward for first reading was made by Alderperson Koester, seconded by Alderperson Ross and passed unanimously.*

Manager Crow stated that the current Water Ordinance provides for collection of a late fee after two billing periods allowing a large deficit to build up. There is then a 14-day period to make a late payment and a 7-day shut-off period. Under this proposed Ordinance, a late fee will be accessed after a single billing period, followed by a 10-day late notice, and then a 5-day shutoff period. This follows State statute. This will prevent constituents from developing a \$300 to \$400 bill and prevent some of the deficits in the water and sewer funds. Citizens will be notified of this change through the following media saturation: press release, article in newspaper, Facebook, website, and radio.

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

Alderson Brashaw stated that a water bill can currently go unpaid for up to 60 days. Manager Crow has assured that citizens will still have sufficient notice prior to service being turned off including a door hanger at the residence.

Alderson Klemm made a motion to move Ordinance #2018-11 forward for approval; seconded by Alderson Ross. The matter was automatically laid over to the next Council meeting.

**ITEM #12 - 1<sup>st</sup> READING OF ORDINANCE #2018-12**

**An Ordinance Amending the Codified Ordinances of the City of Freeport Regarding the Regulation of Alcoholic Liquor and Mechanical/Electronic Gaming**

*At the February 12, 2018, Committee of the Whole meeting, a motion to move forward for first reading was made by Alderson Chesney, seconded by Alderson Busker and passed unanimously.*

Alderson Klemm commended the Liquor Commission, the owners of various types of businesses, and Attorney Steve Cox for their collaborative effort in reviewing the existing Codes and making suggestions for revisions which are more enforceable by police and easier for the business owners. He is now in favor of sales of packaged hard liquor from gas stations. Liquor Commissioner Don Parker pointed out to him that there is no difference between purchasing liquor (spirits) at the gas station or making two stops (one to get gas and then walking across the street for liquor). He was also not in favor of drive-up windows until he did some research. He recommended adding the requirement of camera surveillance. Alderson Koester also favors camera surveillance for drive-up windows. He was previously not in favor of removing the cap for gaming licenses. But, after the explanation at the Committee of the Whole describing the parameters which are being established for attracting desirable businesses to the City, he now sees that a cap is not necessary to accomplish that.

Alderson Klemm made a motion to move Ordinance #2018-12 forward for approval; seconded by Alderson Busker. The matter was automatically laid over to the next Council meeting.

Attorney Cox stated that the changes from the Committee of the Whole were included for tonight's meeting. Chief Barkalow stated that many establishments already have surveillance cameras due to the requirements of tobacco laws. He stated that there have not been problems with the existing drive-up windows. It was established that the Council would like to see language drafted regarding surveillance cameras and make a decision at the next Council meeting whether to add it or not.

**ITEM #13 - 1<sup>st</sup> READING OF ORDINANCE #2018-13**

**An Ordinance Amending the Codified Ordinances of the City of Freeport Regarding Parklets and Sidewalk Cafés**

*At the February 12, 2018, Committee of the Whole meeting, a motion to move forward for first reading was made by Alderson Chesney, seconded by Alderson Busker and passed unanimously.*

City Manager Crow stated that currently to get a Parklet or Sidewalk Café Permit, a business owner needs a Special Use Permit granted by the Planning Commission. With last year's experience getting the City's first Parklet at Mort's, a large amount of effort from staff and the business owner was required. He believes it was the Council's initial desire to give bar and restaurant owners another way to generate revenue and invigorate downtown. This Ordinance reflects the desires of Council wherein approval is through the Community Development Department and Manager Crow, as the Licensing Officer, to streamline the permitting process.

Alderson Busker stated that he appreciated the effort in making our Codes more user friendly and made a motion to move Ordinance #2018-13 forward for approval; seconded by Alderson McClanathan. The matter was automatically laid over to the next Council meeting.

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

**RESOLUTIONS**

**ITEM #14 - [ADOPTION OF RESOLUTION #R-2018-09](#)**

**Resolution of the City of Freeport, Illinois Authorizing and Approving Elevator Maintenance Agreement**

Manager Crow stated the warranties for new City Hall are beginning to run out and we are going out for bid for maintenance contracts. He explained the difference between hiring by the hour, which would be \$400 per hour for the first technician and \$300 per hour for a second technician plus replacement parts. This contract charges a flat fee for quarterly preventative maintenance. Schindler installed the elevator and was the low bidder.

Aldersperson Brashaw made a motion to accept Elevator Maintenance Agreement with Schindler Elevator and adopt Resolution #R-2018-09, Aldersperson Koester seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-09 was adopted.

**ITEM #15 - [ADOPTION OF RESOLUTION #R-2018-10](#)**

**Resolution of the City of Freeport, Illinois Authorizing and Approving of Contract for iWorQ Agreement Application for Reporting Potholes and Nuisances and Work Order Tracking**

*At the February 12, 2018, Committee of the Whole meeting, a motion to lay over this matter to the next meeting was made by Aldersperson McClanathan; Aldersperson Koester seconded.*

Manager Crow pointed out that sometimes we need to invest money to save money. The goal with this application is to give citizens an opportunity to report nuisances and potholes and then track the work.

Aldersperson Koester made a motion to approve contract for iWorQ Agreement and adopt Resolution #R-2018-10, Aldersperson Busker seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-010 was adopted.

**OTHER**

**REPORTS OF DEPARTMENT HEADS**

**Finance**

Director Bukas stated that Governor Rauner's proposed budget includes continuing the 10% reduction in the local government distribution fund that was implemented this year. Governor Rauner is also recommending that Motor Fuel Tax (MFT), Personal Property Replacement Tax (PPRT), and downstate transit monies be frozen at last year's limits. The PPRT was reduced last year by 28% so that will continue for another year as well. Another proposal is maintaining the 2% administrative fee on local sales tax. The Illinois Municipal League (IML) has a bill in both the House and Senate to reduce that to 1%, but no action has been taken yet.

**Community & Economic Development**

Director McDonald met with Nicole Sdao with NonProfitTHRIVE to get that app up and running. With the current flooding, it will be timely to get word out to volunteers. Onboarding with Polco will be this week as well. Our new

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

building inspector will be taking the first ICC exam tomorrow. Alderperson McClanathan asked and Director McDonald gave the status of the Department of Justice (DOJ) grant reimbursements. There is more than one grant monitor covering several areas including fiscal, programmatic, and one other. Our request has gone through the process and we are waiting for the reimbursement we requested.

**Public Works**

Director Carr stated that there will be a Town Hall meeting in the 3<sup>rd</sup> Ward on Thursday, March 22, 2018, at 6:00 pm at Taylor Park School regarding extending the Pecatonica Bike Trail. They have been addressing phone calls and emails regarding drainage issues with today's rainfall. The Street Department will resume trimming trees and patching potholes once the issues have been addressed with today's rainfall. Alderperson Koester pointed out some potholes near Jefferson and Walnut. Director Carr stated that he would add them to the list.

**Fire**

Chief Allen stated that they have moved assets away from Old Fire Station #3 on West Avenue to Central Fire Station on South Street to avoid flooding. They are prepared to respond to any flood-related emergencies.

**Police**

Chief Barkalow stated that both the Pecatonica River and Yellow Creek levels are being monitored and they are ready to respond should the need arise.

**Water and Sewer**

Director Kopanski stated that they are monitoring water levels and are staging pumps for any potential issues. Alderperson Klemm asked and Director Kopanski confirmed that the barricades near the middle school have been placed there in response to the fill settling after repairing the water main break of a few weeks ago.

**IT**

Nothing to report.

**Library**

Library Board Chairperson Jim Ferrar introduced new Library Director Emily Klonicki. A search firm was used and he is pleased with their recommendation. Director Klonicki stated that she has been busy in the last 3.5 weeks acclimating herself and especially in developing a FY2018-2019 budget. She is also reviewing policies and procedures. Mayor Miller complimented her responsiveness and willingness to think outside the box.

**CITY MANAGER REPORT**

Manager Crow stated that he and the department heads have been monitoring the rainfall since last night. Sand bags are available at the Old Fire Station on West Avenue, Tutty's Crossing, and Krape Park garage. The Pecatonica is expected to reach flood stage before noon on Tuesday and crest on Saturday. Citizens can stay informed on Facebook and the City's website. Updates from the National Oceanic and Atmospheric Administration (NOAA) will be posted every couple hours. He thanked the Street Department for providing barriers to Freeport Park District to block off Yellow Creek which is over its banks. The Park District had already stored theirs for the winter.

He will be meeting with airport hangar tenants on Saturday at City Hall. A couple will be calling in remotely. Just as he will be meeting with the Pilots Association monthly, he will continue to reach out to the hangar tenants. Currently they are discussing hangar rental and the budget. FBO Darrell Janssen is now joining the weekly Department Head meetings.

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

Manager Crow will meet with Alderperson McClanathan to set a schedule for developing the budget. The first introduction will be at a Financial COW before the first regular Council meeting in March.

**MAYOR'S REPORT**

Mayor Miller relayed statistics in the real estate market reflecting changes from 2016 to 2017. Homes sales are up 39%, total sales volume is up 50%, average price per home is up 8%, and number of days on the market is down 11%. Home prices are going up due to low inventory.

**COUNCIL ANNOUNCEMENTS/NEW BUSINESS**

Alderperson Klemm thanked Manager Crow for his responsiveness to flooding conditions and echoed his thanks to Department Heads.

Alderperson McClanathan had nothing additional to report.

Alderperson Ross explained that it is very important to obey "road closed" signs. He cautioned that driving through water can ruin electronic brakes on vehicles. He advised citizens to stay out of flooded areas.

Alderperson Busker had nothing additional to report.

Alderperson Brshaw explained the consequences of flooded basements. She advised getting the water out of the basement immediately. In summer, flood waters can recede. In winter, it will not and it can ruin furnaces. Repairmen will not enter a basement to fix furnaces and sump pumps as long as there is standing water. To install a sump system, call a plumber. If there is no furnace, there is no heat, and there will be no repair without a sump system already in place. Red Cross and Salvation Army are on notice. Freeport Area Church Cooperative (FACC) has a few beds available, but are limited on the number of people they can house. The 6<sup>th</sup> Ward Neighborhood Watch Meeting will be held at the Schwarz Funeral Home on March 1, 2018, at 6:00 pm. Presenting will be Fire Chief Allen and Nuisance Inspector Klosa. Everyone is welcome even if they do not live in 6<sup>th</sup> Ward. There will be a question-and-answer session.

Alderperson Koester mentioned that not all hangar tenants belong to the Pilots Association so he appreciates that there will be several separate meetings to accommodate all involved. The 7<sup>th</sup> Ward Neighborhood Watch meeting will be a week from Tuesday. He added that the Strategic Planning meeting was held several weeks ago and Council discussed a lot of ideas and developed a plan. He had been cynical that this may be yet another plan that will sit on a shelf. He is happy to report that the City has done some very positive things by passing Ordinances, setting up a new notification system with licenses and permits, and things that should have been done years ago. Things that were identified at the planning session are being acted upon. Another example is rewriting the Liquor Codes to be more streamlined and business friendly. He is pleased that their work did not go wasted and there is a lot of forward momentum.

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

Tom Teich expressed his thanks for the good work Mayor Miller does.

**EXECUTIVE SESSION (CLOSED SESSION) PURSUANT TO 5 ILCS 120/2(c)(1)**

City Clerk Anderson read the following exception into record to enter an Executive (Closed) Session:

- Pursuant to 5 ILCS 120/2(c)(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing

**MINUTES-COUNCIL MEETING  
TUESDAY, FEBRUARY 20, 2018, AT 6:00 P.M.**

testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity - - - with action to follow.

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

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

Nays: None

At 7:16 p.m., Alderperson McClanathan made a motion to return to open session, seconded by Alderperson Klemm. The motion prevailed by roll call vote of:

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

Nays: None

**ITEM #22 - Approval of Letter regarding Agreement of Employment Terms with Police Sergeants**

Alderperson Koester moved to approve the Agreement of Employment Terms with Police Sergeants, seconded by Alderperson Busker. The motion prevailed by a roll call vote of:

Yeas: Klemm, McClanathan, Ross, Miller, Busker, Brashaw, and Koester (6)

Nays: none

Upon a motion duly made and seconded, the meeting was adjourned at 7:18 p.m.

*s/ Dovie L. Anderson*

Dovie L. Anderson  
City Clerk