



City Council

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

MINUTES

COUNCIL MEETING

MONDAY, JUNE 18, 2018 AT 6:00 P.M.

CALL TO ORDER

A 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 6:01 p.m. on Monday, June 18, 2018.

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, Director of Finance 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 Utilities 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 McClanathan.

APPROVAL OF AGENDA

Alderperson Brashaw moved and Alderperson Busker seconded to approve the agenda; motion carried unanimously by voice vote without dissent.

APPROVAL OF MINUTES

Alderperson Brashaw moved and Alderperson Koester seconded to approve minutes from the [June 4, 2018](#) meeting; and motion prevailed by voice vote without dissent.

PUBLIC COMMENTS

Theresa Wellman stated that she was opposed to Ordinance 2018-33 prohibiting written comments being read into record. She feels that some people may not be physically able to attend meetings or may have a fear of public speaking. She has concerns regarding suppression of free speech and asked the Council to give reasons for the change to this Ordinance.

Presentation and Closing Remarks

Mayor Miller presented Linda Buss with a plaque and flowers commemorating her 25 years of service over 7 terms since May 1, 1993. Treasurer Buss thanked the citizens of Freeport, fellow treasurers across the state, and the firefighters and police officers whom she assisted through the retirement process for her memories over the course of her career. She also thanked her family for their support.

CONSENT AGENDA

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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 [View Consent Agenda](#)

- A. Approval to receive and place on file:
 - 1) City Treasurer's Police Pension Fiscal Year-End Report May 1, 2017 – April 30, 2018
 - 2) City Treasurer's Fire Pension Fiscal Year-End Report May 1, 2017 – April 30, 2018
 - 3) Building Permits – May 2018
 - 4) Police Department Report – April and May 2018
 - 5) Minutes from Board of Fire & Police Commissioners – Regular Meeting 4/24/2018, Special Meetings 4/30/2018 and Special Meeting 5/7/2018
- B. Approval of Finance Bills Payable (Registers #5, 8, 9,10,11, and 12 and invoices to be approved for registers dated May 31, 2018 through June 14, 2018) --- \$632,575.51
- C. Approval of Payroll for pay period ending June 9, 2018 --- \$445,977.18 with fringe benefit payments in the amount of \$31,563.01 for a total of \$477,540.19.

Aldersperson Smith inquired into the payment to the Stephenson County Treasurer for property taxes for \$43,831.93 on Consent Agenda, Item B, and the item was removed from the Consent Agenda.

Aldersperson Brashaw moved and Aldersperson Koester seconded that the consent agenda minus the Stephenson County Treasurer payment be approved. Motion prevailed by omnibus vote of:

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

Nays: None

Finance Director Bukas stated that this bill is for real estate taxes at the airport. Manager Crow and Attorney Szeto stated that the airport generates income from hangar rental and farm leases. Therefore, tax exemption does not apply. Alderspersons Chesney and Smith asked for investigation and a report at the Committee of the Whole into why this property is not tax exempt.

Aldersperson Brashaw moved and Aldersperson Koester seconded that payment to the Stephenson County Treasurer be approved. Motion prevailed by omnibus vote of:

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

Nays: None

ORDINANCES – SECOND READING

ITEM #6 – [2nd READING OF ORDINANCE #2018-31](#)

An Ordinance Amending Chapter 886 Entitled "Hotel Tax" of the Codified Ordinances of the City of Freeport, Illinois *At the June 4, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Koester; seconded by Aldersperson Brashaw; and the matter was automatically laid over to tonight's meeting.*

Manager Crow stated that this transfers the payment of hotel/motel tax revenue from the Convention and Visitor's Bureau to the Greater Freeport Partnership (Partnership) and maintains the annual payment of \$40,000 for the Visitor's Center. It also removes the sunset for hotel/motel tax in 2024. Five percent (5%) is the maximum rate allowed by Home Rule communities. Last year, hotel/motel tax generated \$235,000. This year's estimated revenue is \$250,000 to \$265,000.

Mayor Miller called for a roll call vote for final passage of Ordinance #2018-31:

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Yeas: McClanathan, Ross, Busker, Brashaw, Koester, Klemm (7)
Nays: Chesney (1)
Abstain: None
Ordinance #2018-31 passed.

ITEM #7 – 2nd READING OF ORDINANCE #2018-32

An Ordinance of the City of Freeport, Illinois Approving and Authorizing the City to Enter into a Lease Agreement Regarding the Property Commonly Known as 1819 South West Avenue, Freeport, Illinois [view lease](#)
At the June 4, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Koester; seconded by Alderperson Chesney; and the matter was automatically laid over to tonight's meeting.

Manager Crow stated that the City closed a week ago on the sale of the property commonly known as the old Fire Station on West Avenue. This lease back is the last step in continuing to use the test hoses and training facility located at the rear of the property. The term of the lease is 10 years or until the City finds a suitable replacement location.

Mayor Miller called for a roll call vote for final passage of Ordinance #2018-32:
Yeas: McClanathan, Ross, Busker, Brashaw, Koester, Chesney, Klemm (8)
Nays: None
Abstain: None
Ordinance #2018-32 passed.

ITEM #8 – 2nd READING OF ORDINANCE #2018-33

An Ordinance Amending Title Four, Legislation, Chapter 220, Council, Section 220.10 of the Codified Ordinances of the City of Freeport, Illinois Regarding Rules of Council *At the June 4, 2018, Council Meeting a motion to move forward for approval was made by Alderperson Smith; seconded by Alderperson Busker; and the matter was automatically laid over to tonight's meeting.*

Manager Crow stated that this Ordinance establishes the requirement of public speakers being present in person during the public comment section of Council meetings. Currently this is silent in our Ordinances. The Attorney General states that if the subject matter is not addressed in existing Ordinances, then it cannot be enforced. This Ordinance establishes an enforceable guideline. Alderperson Klemm opposed this change and asked why the Council would want to limit a person's right to free speech. Alderperson McClanathan asked and Manager Crow confirmed that, because we have allowed the reading of written correspondence by past practice, it needs to be prohibited by Ordinance in order to be enforced. Extensive discussion ensued regarding various options to prohibiting the reading of written correspondence during public comments.

Alderperson McClanathan made a motion to amend Ordinance #2018-33 to include the wording "profane, slanderous, libelous" language will not be read at public comments. Alderperson Koester seconded the motion. Further discussion ensued regarding alternate wording being provided by City Legal Counsel at the next regular Council meeting. Alderperson McClanathan and Alderperson Koester retracted their motion and second.

Alderperson Chesney made a motion to move Ordinance #2018-33 to the next regular Council meeting and Alderperson McClanathan seconded. The motion prevailed by voice vote without dissent.

ORDINANCES – FIRST READING

ITEM #9 – [1ST READING OF ORDINANCE #2018-34](#)

An Ordinance to Ascertain the Prevailing Rate of Wages for Laborers, Workmen and Mechanics Employed in Public Works of the City of Freeport, Illinois

Manager Crow stated that this is a requirement of the City to update its Ordinance regarding the Prevailing Wage within Stephenson County by July 15 of each year.

Aldersperson Smith made a motion to move Ordinance #2018-34 forward for approval; seconded by Aldersperson Busker. The matter was automatically laid over to the next Council meeting.

ITEM #10 – [1ST READING OF ORDINANCE #2018-36](#)

An Ordinance of the City of Freeport, Illinois Amending Part Ten - Streets, Utilities and Public Services Code, Title Two - Streets and Sidewalk Areas of the City Code of Ordinances to Provide for the Regulation and Application of Small Wireless Facilities

Manager Crow stated that the State legislature passed the Small Wireless Facilities requirement which allows utilities to place small wireless facilities on existing poles, rights-of-way, and private property. Home Rule communities are authorized to draft their own Ordinances regarding how we will regulate this including allowing only one receiver per pole, height, zoning variances if outside of the right-of-way, and the requirement to place in the right-of-way if other utilities are already in the right-of-way. The suggested wording for the Ordinance was provided by the Illinois Municipal League (IML). If the City loses Home Rule, we will lose the ability to regulate Small Wireless Facilities.

Aldersperson Koester made a motion to move Ordinance #2018-36 forward for approval; seconded by Aldersperson Chesney. The matter was automatically laid over to the next Council meeting.

RESOLUTIONS

ITEM #11 – [ADOPTION OF RESOLUTION #R-2018-34](#)

Resolution Authorizing Application for a Public Transportation Capital Assistance Grant with the Illinois Department of Transportation and the City of Freeport, Illinois [view memo](#)

Director McDonald stated that this is the annual application for the consolidated vehicle procurement grant submitted to the Illinois Department of Transportation (IDOT) in the amount of \$310,000 to provide 6 vehicles for the Pretzel City Transit fleet. Comparatively in past years, we have requested at least 6 new vehicles. Last year we received 2. We are hopeful to receive 2 or 3 vehicles this year.

Aldersperson Busker made a motion to adopt Resolution #R-2018-34, Aldersperson McClanathan seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-34 was adopted.

ITEM #12 – [ADOPTION OF RESOLUTION #R-2018-35](#)

Resolution of the City of Freeport, Illinois Authorizing and Approving an Agreement with Greater Freeport Partnership

Manager Crow stated that this is acceptance of the Agreement with the Greater Freeport Partnership (Partnership) which was discussed at the last Committee of the Whole meeting. It requires the Partnership to

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develop an Economic Development Strategic Plan regarding retail recruitment, grow existing businesses, attract tourism, secure a Main Street certification, develop a 3- to 5-year budget, do fund raising, and continue to plan events. They will also manage the Loan and Micro Loan programs to help stimulate the Downtown TIF and be the single point of contact for Redevelopment Agreements (RDAs) for new businesses to the community. RDAs will be brought before City Council for approval. The Partnership will be required to attend conferences regarding tourism and economic development to promote Freeport. For funding, they will receive hotel/motel tax and TIF funds through the City. This will be a reduction of about \$14,000 from last year. Stephenson County will also be entering into a similar agreement with the Partnership. Businesses from the community will make up the difference in funding.

Aldersperson McClanathan made a motion to adopt Resolution #R-2018-35, Aldersperson Koester seconded,

Aldersperson Chesney asked and Attorney Szeto confirmed that there is language in the agreement on page 6 to allow for discontinuing the contract for any reason. An appropriation clause allows for the discontinuation of appropriating funds at the Council's discretion. There is also language on page 7 for discontinuation for cause.

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

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

Nays: None

Abstain: None

Resolution #R-2018-35 was adopted.

ITEM #13 - Bid Opening: June 12, 2018 BID # CD-003-18 – Demolition of 416-422 E. Iroquois, Freeport, Illinois
[view document](#)

Director McDonald stated that this bid was for demolition of a multi-unit building across from the Fire Department on Adams Avenue. JMP Trucking was the sole bidder in the amount of \$47,700. The process for contacting potential bidders is to post the bid on our website, publish it in the newspaper, email previous bidders, and have a copy available for inspection at City Hall. It is suspected that there was only bidder possibly due to the fact that it is a larger structure which is connected to other structures that will not be demolished. After this project, \$150,000 will remain for other demolitions.

Aldersperson Koester made a motion to approve the bid from JMP Trucking. Inc. as recommended and Aldersperson Chesney seconded.

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

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

Nays: None

Abstain: None

OTHER

ITEM #14 - Approval of [Professional Services Agreement](#) from Fehr Graham for South Float Avenue Water and Sanitary Sewer Replacement Project

Director Carr stated that the original plan was to do a complete re-construct of Float Avenue from South Street to Galena Ave. Due to the timeframe and the paperwork required by IDOT, we have modified this project to a utility contract this year with the overlay being completed next year. This agreement with Fehr Graham will take care of the design and IDOT paperwork and permitting (but not construction inspection). The cost of engineering is \$78,000. The cost for the water and sewer construction is \$1.5 million.

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Alderson Brashaw made a motion to approve the Professional Services Agreement with Fehr Graham for South Float Avenue Water and Sanitary Sewer Replacement Project; Alderson Koester seconded.

Director Carr will do the engineering plans for the mill and overlay next year as well as construction inspection. Water main will be run under new sidewalk on the west side of Float Avenue. The dip at Jefferson and Float is intended to be fixed.

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

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

Nays: None

Abstain: None

ITEM #15 - Approval of [Professional Services Agreement](#) from Fehr Graham for Electrical Engineering Programming and Control Professional Services at the Hancock Waste Water Treatment Plant (WWTP) Levee Station - Instrumentation and Control

Director Kopanski stated that a couple of months ago, the Council approved purchase of a motor and pump for the levee station. This agreement is for the design for electrical work for the pump control and motor for \$22,008. ComEd has an energy efficiency rebate program where we could receive a portion of this back.

Alderson Koester made a motion to approve the Professional Services Agreement with Fehr Graham for Electrical Engineering Programming and Control Professional Services at the Hancock Waste Water Treatment Plant (WWTP), Alderson Chesney seconded, and the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

REPORTS OF DEPARTMENT HEADS

Finance

Director Bukas stated that our auditors will be here all week. Our new Junior Accountant Thomas Priewe started last week and is catching on quickly.

Community & Economic Development

Director McDonald reminded the citizenry that they can register for an iWorQ account on our website at cityoffreeport.org or on their smart phone. Potholes, nuisances, etc. can be reported from cellphones, PCs or laptops.

Public Works

Director Carr stated that street crews are painting white striping on streets. He asked that motorists do not drive where cones are marking fresh paint. Many ash trees are being removed and he reminded citizens to not park where "no parking" signs indicate. Street work will begin on West Avenue just north of South Street. We have received a permit from IDOT, and crews will begin replacement of sections of upheaved pavement. This work on West Avenue falls under our Memorandum of Understanding (MOU) with IDOT so we will not get reimbursed. Surveying will begin on Navajo Basin and continue on Float Avenue north of Galena Avenue. Regarding trees removed between the sidewalk and street, stump removal will be performed at a later date. A higher priority is being set on tree removal, but crews will return to remove the stumps as well. The backlog on tree removal will remain for many years with hundreds of targeted trees (if all tree removal is performed in-house). Forestry crews have identified over 250 dying or dead ash trees for removal north of Galena and west of West. This figure does

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not include any other type of trees. The rate of removal is approximately one per day (if the crews are not pulled for sidewalk replacement, rain, or other tasks). Manager Crow added that \$150,000 had been originally budgeted for contract tree removal services, but that was one of the items removed in order to balance the budget this year.

Aldersperson Koester left Council chambers at 7:35 p.m.

Fire

Chief Allen stated that two firefighters (Matt Kile and Brad Cox) completed arson investigator training bringing the total to three which are on different shifts. Hillary Broshous has been an arson investigator for some time. This helps not only arson investigation but testifying in arson cases as well. The Foreign Fire Tax Board has set aside \$5,000 this year to contribute to a larger purchase down the road.

Police

Chief Barkalow reminded everyone of the Dairy Days Parade coming up on Sunday, June 24, 2018, at 1:30 p.m.

Aldersperson Koester returned to Council chambers at 7:36 p.m.

Water and Sewer

Director Kopanski reported that he attended a ComEd energy efficiency program today. One of the take-aways was to involve ComEd at the beginning of design of water treatment plants so incentives can be taken advantage of. There are also programs available for fire and police facilities which he has shared with the respective departments.

IT

Director Suttman had nothing additional to report.

CITY MANAGER REPORT

Manager Crow stated that the Grand Victoria sold last Friday. The owner and developer applied for their first building permit this morning. The flag is still to be determined. The Occupancy Permit will not be issued until all guest rooms are completed.

The Freeport Art Museum's Picnic in White will be held Saturday, June 23, 2018, at a secret location to be revealed one hour prior to the event.

Televising crews will begin work in the storm sewers soon now that crews have been filled after some staff turnover. This is the first step in identifying inflow and infiltration (I/I) issues. Currently, 2 inches of rainfall warrants the treatment plant going into some kind of bypass mode which is an indicator of I/I issues.

MAYOR'S REPORT

Mayor Miller stated that June is Dairy Month. She thanked the volunteers at last weekend's Ag Breakfast for organizing, cooking and serving. Hundreds of people are needed to accomplish this type of event and she encouraged everyone to volunteer to support these types of causes. The Dairy Days Parade and the Stephenson County Fair, which will be held from June 27 to July 1, 2018, are other examples of agriculture-related events for constituents to support.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson McClanathan had nothing additional to report.

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Aldersperson Ross announced that the 3rd Ward Neighborhood Watch meeting will continue to be held at the VFW on the third Thursday of every month at 6:00 P.M.

Aldersperson Smith stated that he had many opportunities to interact with Linda Buss as City Treasurer. He learned a lot from her and believes that there has never been a more dedicated public servant. He appreciated her support and effort during her tenure.

Aldersperson Busker had nothing additional to report.

Aldersperson Brashaw stated that fireworks will be held in Freeport on Saturday, July 7, 2018. She appreciates the community's support of that effort.

Aldersperson Koester stated that the 7th Ward Neighborhood Watch meeting will be June 20, 2018, at 6:00 p.m. at Central Fire Station. Because it is summer, please watch for motorcycles.

Aldersperson Chesney had nothing additional to report.

Aldersperson Klemm had nothing additional to report.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Scott Helms of the Stephenson County Board stated that the reason the airport is not tax exempt is because it is operated by a Fixed Base Operator (FBO) that leases the facility. Because the airport generates revenue, it is not tax exempt. The Stephenson Nursing Center is owned and *operated* by the County and therefore is tax exempt. In response to the County not mowing properties that are up for tax sale, the County does not actually own properties on which there are delinquent taxes. The County simply holds those properties until they are sold and put back on the tax rolls. Likewise, since the County is only the agent on tax sale properties, the County does not pay real estate taxes on those either.

Upon a motion duly made and seconded, the meeting was adjourned at 7:46 p.m.

Respectfully submitted,
/s/ Dovie L. Anderson
Dovie L. Anderson
City Clerk