



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

MINUTES
COUNCIL MEETING
MONDAY, SEPTEMBER 17, 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, September 17, 2018.

ROLL CALL

Present on roll call: Mayor Jodi Miller and Council Members Tom Klemm, Peter McClanathan, Art Ross, Don Parker, Patrick Busker, Sally Brashaw, Michael Koester, and Andrew Chesney (8).

Staff members present: City Manager Lowell Crow, Director of Finance Randy Bukas, Director of Community & Economic Development Andrew Zupkoff, 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 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 Chesney.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

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

PUBLIC COMMENTS

There were no public comments.

ITEM #4 – 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) Minutes from Planning Commission Meeting – July 12, 2018
- 2) Minutes from Board of Fire & Police Meeting – July 24, 2018
- 3) Minutes from Historic Preservation Commission Meeting – July 17, 2018 and August 21, 2018
- 4) Minutes from Zoning Board of Appeals Meeting – July 5, 2018 and August 2, 2018
- 5) Building Permits – August 2018

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- 6) Cash and Investment Report – August 31, 2018
- 7) Financial Reports: General Fund, Library Fund, Water Fund, Sewer Fund, Storm Sewer Fund - August 2018
- B. Approval of Finance Bills Payable (Registers #55, 57 and 58 and invoices to be approved for registers dated August 31, 2018 through September 13, 2018) --- \$430,214.46
- C. Approval of Payroll for pay period ending September 1, 2018 --- \$435,942.08 with fringe benefit payments in the amount of \$129,068.00 for a total of \$565,010.08.

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

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

Nays: None

ITEM #5 - Appointment of Finance Director Randy Bukas to Interim City Treasurer

Aldersperson Chesney moved and Aldersperson Ross seconded to appoint Randy Buskas as Interim City Treasurer. Motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

ITEM #6 – Proclamations: National Rail Safety Week - September 23-29, 2018 and National Recovery Month “Join the Voices for Recovery: Invest in Health, Home. Purpose and Community”

Mayor stated that since neither recipient was in attendance the Proclamations would be placed on file.

ORDINANCES – SECOND READING

ITEM #7 – 2nd READING OF ORDINANCE #2018-40

An Ordinance Amending the Codified Ordinances of the City of Freeport Regarding the Regulation and Zoning of Solar Energy Systems: Chapter 1240 - General Provisions and Definitions, Section 1240.06; Chapter 1248 - Agricultural Districts, Section 1248.01; Chapter 1250 - Residence Districts, Sections 1250.01 and 1250.05; Chapter 1252 - Business Districts, Section 1252.01; Chapter 1254 - Manufacturing Districts, Sections 1254.01; Chapter 1256 - P-1 Professional District, Sections 1256.01 and 1256.02; Chapter 1258 - H-1 Medical Use District, Section 1258.01; Chapter 1259 - RR Riverfront Redevelopment District, Section 1259.02; Chapter 1260 - F-1 Flood Plain District, Section 1260.02; Chapter 1262 - Off Street Parking and Loading, Section 1262.03; Chapter 1268 - Supplemental Regulations, Section 1268.02; Chapter 1446 - Licensing of Commercial Contractors, Sections 1446.01 and 1446.06; Chapter 1477 - Solar Energy Systems [Added in Its Entirety] of the Codified Ordinances of the City of Freeport [View table](#) [View Memo](#) At the July 16, 2018, Council Meeting a motion to move forward for approval was made by Aldersperson Brashaw and seconded by Aldersperson McClanathan. The matter was automatically laid over to the August 6, 2018 Council Meeting, where it was removed from the Agenda and moved to the Committee of the Whole meeting on August 13, 2018. At that Committee of the Whole meeting, Aldersperson Koester made a motion to move it to the next Council Meeting for discussion with the understanding that it may be moved to the next Committee of the Whole meeting as well. At the August 20, 2018 Council Meeting Aldersperson Busker made a motion to move Ordinance #2018-40 to the next Committee of the Whole meeting on September 10, 2018, seconded by Aldersperson Koester. At the Committee of the Whole Meeting on September 10, 2018, this matter was automatically laid over to tonight’s meeting.

Manager Crow stated that amendments to Ordinance 2018-40 from first reading were Chapter 1240, Section 1240.06(2), (172) Added Concept of “Solar Canopies” and Section 1240.06(77) created definition of Front and Rear

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“Lots” for purposes of establishing a definition or description of the buildable area. Chapter 1250, Section 1250.01(b)(20) removed Mid-Scale systems as special uses in R-1 through R-4. allowed Small Scale systems as a special use, subject to size restrictions (25% of lot size OR 625 ft², whichever is less) and requirement that system be co-located with an existing residential structure. Section 1250.05(b)(3) removed Mid-Scale systems as special uses in R-5 and R-6, allowed small scale systems as a special use generally (without the size and co-location requirements). Chapter 1477, Section 1477.08(e) added Permit Review Fee schedule as follows: Small Scale (5 acres) \$500.00 and Section 1477.10 re-worked the obstruction limitations to introduce the “solar” fence concept: Residential, Professional, and Ag Districts - Theoretical fence of twelve feet (12') - Safe-harbor adjacent landowner ceiling of twenty-five feet (25') Commercial, Industrial, and Riverfront Districts - Theoretical fence of twelve feet (25') - Safe-harbor adjacent landowner ceiling of thirty-five feet (35'). Chapter 1262, Section 1262.03 Added solar canopy language to parking lot design standards.

Mayor Miller requested a roll call vote on passage of Ordinance #2018-40. Motion prevailed by:
Yeas: Chesney, Klemm, McClanathan, Ross, Parker, Busker, Brashaw and Koester (8)
Nays: None
Abstain: None
Ordinance #2018-40 passed.

ORDINANCES – FIRST READING

ITEM #8 – 1ST READING OF ORDINANCE #2018-48

An Ordinance Amending Title 8 (Parking), Chapter 480 (Parking Generally), Section 480.11 (Prohibited Parking Streets) and Section 480.12 (Restricted Parking Streets) of the Codified Ordinances of the City of Freeport, Illinois

Chief Barkalow stated that parking will now be prohibited on the north side of W. Staver Street between N. Harlem Avenue and Crestwood Drive and on the south side of E. Winslow Street between S. Adams Avenue and E. Winneshiek Street. This will increase safety for emergency vehicles to pass as well as two-way traffic to pass each other on these streets. Director Carr stated that parking no longer will be restricted on both sides of S. Rogers Avenue 130 feet north of the north driveway to Carl Sandburg School and 50 feet south of the north driveway to Carl Sandburg School. Additionally, this Ordinance codifies what the signs on Rodgers Avenue has shown for some time.

Aldersperson Koester made a motion to move Ordinance #2018-48 forward for approval; seconded by Aldersperson Chesney.

Aldersperson Chesney moved for suspension of the rules for immediate consideration and it was seconded by Aldersperson Koester. Mayor Miller stated that suspension of the rules is non-debatable and must pass by 2/3 of the majority. Motion prevailed by roll call vote of:

Yeas: Chesney, Klemm, McClanathan, Ross, Parker, Busker, Brashaw and Koester (8)
Nays: None
Abstain: None

There being no further discussion, Mayor Miller called for a roll call vote for final passage of Ordinance #2018-48:
Yeas: Chesney, Klemm, McClanathan, Ross, Parker, Busker, Brashaw and Koester (8)
Nays: None
Abstain: None
Ordinance #2018-48 was passed.

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ITEM #9 – 1ST READING OF ORDINANCE #2018-49

An Ordinance Amending City of Freeport Code of Ordinances, Title Six - Administration, Chapter 240 Police Department, Section 240.09, Appointments, Subsection H, Residency Requirement and Amending City of Freeport Code of Ordinances, Title Six – Administration, Chapter 242 Fire Department, Section 242.25, City Residence.

Manager Crow stated that this brings the residency requirements for both Police and Fire into a 15-mile radius, which is a change from the Fire requirement of the four townships surrounding the City and brings in Police from 20 road miles. Alderperson Chesney pointed out and Manager Crow confirmed that current employees would be grandfathered in. If current employees advance in rank, they would have six months to relocate to be in compliance with residency requirements with an optional six-month extension.

Alderperson Koester pointed out a discrepancy with an effective date that needs to be changed to 2018. Attorney Szeto advised that this can be changed prior to the second reading without an amendment needed tonight.

Alderperson Chesney made a motion to move Ordinance #2018-49 forward for approval; seconded by Alderperson Busker. The matter was automatically laid over to the next Council meeting.

RESOLUTIONS

ITEM #10 – ADOPTION OF RESOLUTION #R-2018-44

A Resolution of the City of Freeport, Illinois Authorizing the Acceptance of the State of Illinois Sustained Traffic Enforcement Program Grant Award (STEP Grant)

Chief Barkalow stated that this is a yearly award from the Illinois Department of Transportation (IDOT). The amount is \$12,278.75 for the period of October 1, 2018 to September 30, 2019. It allows the Police Department to conduct special enforcement zones, called campaigns, for seat belt violations, distracted driver, and DUI. This grant covers overtime rates for call back and no matching funds are required to be paid by the City. The only out-of-pocket expenses are for fuel and increased payroll taxes.

Alderperson McClanathan made a motion to adopt Resolution #R-2018-44, Alderperson Koester seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-44 was adopted.

ITEM #11 – ADOPTION OF RESOLUTION #R-2018-45

A Resolution of the City of Freeport, Illinois Authorizing the Acceptance of the State of Illinois Child Passenger Safety Program Grant Award

Chief Barkalow stated that this program aims to reduce motor vehicle injury and fatalities of children in Illinois. It provides car seats to families who are underserved, at risk, or low income. The grant also provides for training of one police officer to instruct families on proper installation and use. Two trainings were provided at the Boys & Girls Club Back-to-School Event and a booth at Cruise Night. The award amount is \$7,168.26 with no match.

Alderperson Koester made a motion to adopt Resolution #R-2018-45, Alderperson Busker seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

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Resolution #R-2018-45 was adopted.

ITEM #12 – ADOPTION OF RESOLUTION #R-2018-46

A Resolution to Establish Trick-or-Treating Hours for Halloween, Wednesday, October 31, 2018

Manager Crow stated that, after consulting with Chief Barkalow, this establishes Trick-or-Treating hours of 5:00 to 7:00 p.m. on October 31, 2018. Chief Barkalow added that the Police Department, including Auxiliary, will provide a detail on Stephenson and Lincoln between Harlem and Park Blvd. They partner with the Fire Department in providing assistance at crosswalks.

Aldersperson Chesney made a motion to adopt Resolution #R-2018-46, Aldersperson Ross seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

Resolution #R-2018-46 was adopted.

APPROVAL OF BIDS

ITEM #13 – Approval of Bid: Bid Opening on August 27, 2018, for Digester Cleaning [View Memo & Bid Tab](#)

Director Kopanski stated that the amount budgeted for this project is \$275,000. This amount includes repairs, if required. This will provide for cleaning one digester during FY2019 and he has estimates for FY2020. The cleaning should be completed by November 15, 2018.

Aldersperson Koester made a motion to approve the bid from Stewart Spreading, Inc., Aldersperson Brashaw seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

ITEM #14 – Approval of Bid: Bid Opening on September 11, 2018, for Reconstruction of Float Avenue

Director Carr stated that the Capital Improvement Plan outlined beginning street replacement on Float Avenue. Originally, we were going to replace Float Avenue beginning at South Street and ending at Empire; however, we will be able to extend to Galena Avenue, which will limit submitting plans to IDOT only one time. The lowest responsible bidder was Fischer Excavating Inc. at \$1,687,324.94. This amount was under the engineer's estimate of \$1.8 million. The original estimate was around \$1.5 million; however, lead line service replacement has been added. The total figure was inside our budget and lower than anticipated.

Aldersperson Klemm made a motion to approve the bid from Fischer Excavating, Inc., Aldersperson McClanathan seconded, and the motion prevailed by roll call vote of:

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

Nays: None

Abstain: None

OTHER

ITEM #15 - Approval of Engineering Services by Fehr Graham for Annual Replacement of Water Main and Sewer

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Clerk Anderson read into record that at the September 10, 2018, Committee of the Whole Meeting, a motion to move forward for approval of Agreement for Professional Services with Fehr Graham was made by Alderperson Klemm, seconded by Alderperson Busker, and the matter was automatically laid over to tonight's meeting.

Director Carr stated that this is hopefully an annual service provided by Fehr Graham in an effort to take advantage of funding provided by the Illinois Environmental Protection Agenda (IEPA). IEPA currently has a \$1.5 million reimbursement incentive on \$2.0 million project loans. This will enable the City to use funding resources more effectively.

Manager Crow stated that \$200,000 will be the approved amount, but Fehr Graham will not necessarily expend all of these funds. For example, the Float Avenue project consisted of \$79,000 for engineering. Director Carr added that Fehr Graham will provide an estimate for each project to be approved prior to proceeding with additional engineering services. He and Manager Crow will review the estimates prior to Council approval.

Alderperson Koester made a motion to approve the Engineering Services by Fehr Graham, Alderperson Brashaw seconded, and the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

ITEM #16 Approval of the [Façade Improvement Grant Program](#) as recommended by the Historic Preservation Commission

Clerk Anderson read into record that at the September 10, 2018, Committee of the Whole Meeting a motion to move forward for approval of the Façade Improvement Grant Program was made by Alderperson Brashaw, seconded by Alderperson Koester, and the matter was automatically laid over to tonight's meeting.

Director Bukas stated that the Historic Preservation Commission gave the following two suggestions. The ceiling of the grant will be increased to \$15,000 from \$10,000. Since the Paint the Port event provides some funding towards this grant, therefore a plaque will be displayed at the recipient's location that says "Paint the Port". Façade Improvement Grants will be limited to the historic downtown area and applications will be accepted until February 1, 2019.

Alderperson Chesney made a motion to approve the Façade Improvement Grant Program, Alderperson Klemm seconded, and the motion prevailed by a roll call vote of:

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

Nays: None

Abstain: None

REPORTS OF DEPARTMENT HEADS

Finance

Director Bukas stated the audit is anticipated to be ready for the October 15, 2018, Council meeting.

Community & Economic Development

Mayor Miller welcomed Community & Economic Director Zupkoff. Manager Crow stated that Director Zupkoff has already established residency.

Public Works

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Director Carr announced the retirement of Equipment Operator Brad Gusloff who operated one of the street sweepers and worked on the painting crew. Director Carr thanked him for his 34 years with the City. Replacement continues of sidewalk and curb ramps where undermining had occurred from an inlet at the intersection of Van Buren and Clark. Mowing was completed at Sandy Pointe. Ash trees continue to be removed. Paving was scheduled on Bidwell; however, the rain forecast has shifted plans away from that. Alderperson Klemm asked about the periodic flashing of the signal lights at the intersection of Empire and Burchard. Director Carr stated that the controller box was struck by lightning several years ago. William Charles performed the electrical work on that signal. They swapped some parts, which have now reached the end of their service life. There were plans for William Charles to replace the controller box and the problem appears to have been fixed; however, Director Carr has not yet received an invoice on that.

Fire

Chief Allen reported that on Saturday, September 15, 2018, at the intersection of West and South, ShopKo, and Cub Foods, firefighters raised \$7,532 for the Muscular Dystrophy Association (MDA). Thank you to the community for supporting a great cause.

Police

Chief Barkalow announced that Brewfest will be held downtown this Saturday, September 22, 2018. He reminded citizens to keep alcohol within the confines of the Brewfest area.

Water & Sewer

Director Kopanski had nothing additional to report.

IT

Director Suttman announced that he will be viewing the new website later this week.

CITY MANAGER REPORT

Manager Crow stated that the City received 35 calls today regarding mosquito spraying. He has reached out to the Mosquito Abatement District. They sprayed last Friday, September 14, 2018, and are planning on spraying again on Wednesday, September 19, 2018. The mosquito population is extremely heavy for this late in the year and the Abatement District is trying to meet the needs of Freeport and other communities.

We have resubmitted plans for the Hancock Bridge again this year. Last year, it was rejected. We have provided additional information regarding bridge traffic as affected by the growth of Modern Plating, truck traffic, and the last two floods. Additionally, an automobile accident to the bridge took out a section of railing.

Manager Crow will be out of the office from noon on Thursday, September 13, 2018, at the IML conference (which includes a presentation by himself and the Mayor); then on Friday, he will travel to the City Manager's National Conference; returning Tuesday at noon, September 25, 2018. He, Chief Barkalow, Lt. Davis, and Lt. Dykema received a "most honest" trophy at the golf tournament.

MAYOR'S REPORT

Mayor Miller announced the many events that will be happening around Freeport. Friday, September 21, will be Paint the Port downtown; Saturday, September 22, leaving from Tutty's Crossing will be Tour de Freeport; that afternoon will be Brewfest; Saturday and Sunday, also from Tutty's Crossing will be Paddle the Pec; and Sunday, September 23, the Salvation Army will sponsor a community event including a worship service, free food, and three hours of performances by various entertainers. Wednesday, September 25, at 5:00 p.m. will be the FHS

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Homecoming Parade. Thursday, September 27, from 8:00 to 9:00 a.m. will be a Meet the Mayor forum at Higher Grounds. Sunday, September 30, will be the Aquin Homecoming Parade at 3:00 p.m.

COUNCIL ANNOUNCEMENTS/NEW BUSINESS

Aldersperson Chesney had nothing additional to report.

Aldersperson Klemm added onto this weekend's Salvation Army event by reminding people to volunteer to ring the bell during the red bucket campaign.

Aldersperson McClanathan had nothing additional to report.

Aldersperson Ross announced that the 3rd Ward Neighborhood Watch meeting will be held on September 21, 2018, at 6:00 p.m. at the VFW.

Aldersperson Parker had nothing additional to report.

Aldersperson Busker stated that the 5th Ward Neighborhood Watch meeting will be held at the Church of the Nazarene on September 18, 2018, at 6:00 p.m.

Aldersperson Brashaw informed constituents that if they do not know which ward they are in, she encouraged them to call City Hall, check the website at www.cityoffreeport.org, or call any of the Alderspersons. She also encouraged residents to attend Neighborhood Watch meetings.

Aldersperson Koester stated that the 7th Ward Neighborhood Watch meeting is held the 4th Wednesday of each month at the Main Fire Station. Anyone is welcome. He thanked Manager Crow for the Mosquito Abatement announcement. The most frequent complaint he hears is that the mailbox for Clarke Mosquito Control Program is full. He asked and Manager Crow confirmed that the mosquito application will be dependent upon the weather. Clarke will not spray if it rains.

Aldersperson Klemm added that the 1st Ward Neighborhood Watch meeting will be held September 25, 2018, at 6:00 p.m. Manager Crow will talk about the Demeter Street bridge.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

Tom Teich stated that the Special Olympics awards banquet will be held October 10, 2018.

Todd Barkalow addressed the Ordinance regarding residency requirements. He was surprised that he was not asked for his input and how the changes might affect his department. He does not object to the 15 -mile radius specifically. However, when he was coming up through the ranks and promoted to Sergeant in 2006, there was no perceived disadvantage of coming out the Union at that time because the pay increases, residency, insurance, and Public Employee Health Plan (PEHP) benefits were the same. Upon promotion, Sergeants are the first to come out of the Union. He feels that they are the heartbeat of the department and strongly influence morale, sick time, job satisfaction, and productivity. He is concerned that passing this Ordinance will limit candidates for promotion. His argument is that the 15 miles should apply to everyone, so there is no disadvantage to leaving the union. Currently, when someone leaves the union, many things are no longer the same: PEHP, insurance (especially with spouses), and calculation of benefits. With passing this Ordinance, anyone wanting to test for Sergeant will have to consider putting their house up for sale and pulling their children from their current school district. He questions why someone would want to do that. He feels this Ordinance will reduce his candidates by 30 percent.

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It is his goal to promote the best and brightest candidates. He feels it would be best to start with the bargaining unit and he will agree to anything they get. In his opinion, this will reduce competition. The department will get weaker and the union will get stronger.

Aldersperson Klemm pointed out that the Ordinance provides for current employees to be grandfathered in. Chief Barkalow agreed; however, if anyone wants to move from their residence, they are then held to the 15-mile radius requirement. If anyone wants to move up in rank, they need to move closer to Freeport. He feels this will cause his department to lose sharp, bright people. If union and non-union requirements were the same, it would be easy. He feels this current proposal will punish anyone who wants to be promoted up out of the union.

Aldersperson Ross asked what would be acceptable. Chief Barkalow stated that mirroring union and non-union requirements was more important than the actual distance.

Mayor Miller stated that Attorney Szeto had advised her that Public Comment was not the appropriate place on the agenda for dialogue and the discussion ended. Earlier discussion of the Ordinance would have been a better place for dialogue.

Upon a motion duly made and seconded, the meeting was adjourned at 7:15 p.m.

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