



City Council

City Council Chambers ♦ 524 West Stephenson Street ♦ Freeport, IL 61032

MINUTES REGULAR MEETING Monday, November 18, 2013

CALL TO ORDER

The regular meeting of the Freeport, Illinois, City Council was called to order in council chambers by Mayor James L. Gitz with a quorum being present at 6:00 p.m. on Monday, November 18, 2013.

Due to the City of Freeport intranet not functioning prior to the meeting the council received paper copies of the council packet that was provided to them on Thursday, November 14, 2013, instead of viewing them electronically during the meeting.

ROLL CALL

Present on roll call: Mayor Gitz and council members Tom Klemm, Ronnie Bush, Jennie DeVine, Dennis Endress, Sally Brashaw, and Andrew Crutchfield (6). Alderperson Boldt and Alderperson Koester were absent (2). Corporation Counsel Sarah Griffin was present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Crutchfield.

APPROVAL OF AGENDA

Alderperson DeVine moved for approval of the agenda, seconded by Alderperson Endress. Motion prevailed by voice vote without dissent.

MINUTES

The minutes of the regular meeting held on November 4, 2013 were presented. Alderperson Endress moved for approval of the minutes as presented, seconded by Alderperson DeVine. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

Mayor Gitz noted that there is a section under the Codified Ordinance 220.10 that refers to council rules that allows for public comment to be limited to six speakers on a subject. The council members have advised Mayor Gitz that they do not want to invoke that clause at this time. Mayor Gitz stated since comments had been heard at two previous Committee of the Whole meetings and a Council Meeting that comments on the subject of rental property registration to be restricted to on new issues on the subject.

Signed on the sheet for public comments were the following:

- Jon Staben, 1070 Canyon Drive, Freeport Illinois, stated that he is an advocate for landlord registration but does not agree with the fees. He suggested that the revenue be compartmentalized and apply all the costs for this project out for the year and quantify.

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- Teresa Fogel, 718 W. Stephenson Street, Freeport, Illinois, provided her opinion of the rental property registration ordinance in that it will hinder investment in rental property in Freeport. She stated that the good landlords will leave the City. She suggested the administration should go after the bad landlords and leave the good landlords alone.
- Brad Grant, 1276 W. Stover, Freeport Illinois, provided his opinion the rental property registration. He asked the council to bring back the Rental Property Task Force and have them reinstated to come up with something that is workable.
- At this time (6:07 pm), Marianne Garvens entered council chambers and asked to be placed on the sheet for public comments.
- Conor Brown, 725 Harrison Avenue, Rockford, Illinois, introduced himself as the Governmental Affairs Manager of the Realtors Association of Northwest Illinois which is located at 24 W. Stephenson Street. He provided his opinion on the rental property registration and suggested that an initial fee be used to implement the program in order to kick-start the program. He suggested that the fee structure should be \$15.00 per unit and also requested that the 30 mile limitation be extended to 60 miles.
- Ken Opperman, 104 Mary Street, Durand Illinois, spoke as the president of Freeport Landlords Association and provided his opinion on the rental property registration. He stated that if the administration proceeds then they should set up a fund for fees and fines so that in the end they can see the results.
- At this time, it was noted by Mayor Gitz that the audio broadcast of the council meeting was not working properly. The government affairs representative from Comcast, Joan Sage was present. Ms. Sage stated that Comcast is currently working to replace a box to get the system up and running and it should be fixed shortly. She stated that in the afternoon during the sound check the system seemed to be in working order. Because the microphones were working in council chambers it was determined to be a broadcasting problem and the meeting continued.
- Joan Welt, 2812 Red Fox Court, Freeport, Illinois, stated she supports the registration as long as there is a one-time fee for registration and she suggested that the fee should be per unit. She suggested having a registration fee for all the units not just the building and would rather it was for startup fees and a temporary person to manage the program. She asked what the measurement of success for the program and that before action is taken to have the problems resolved.
- Larry Williams, 706 Kiwanis Drive, Freeport Illinois, spoke in support of the rental property regulation. He stated that the Freeport Housing Authority has successfully used the crime free housing addendum in their leases and it is a good tool to hold a tenant responsible.
- Matthew Summers, 320 W. Exchange Street, stated he was speaking on behalf of the Freeport Police Department and spoke in support of the rental property regulation and stated that the crime free housing addendum will give landlords a tool for chronic nuisances.
- Marianne Garvens stated she had a point of order because she wanted to provide public comments. Mayor Gitz stated that per council rules a person needs to sign on the sheet prior to the commencement of the meeting.

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PRESENTATIONS/PROCLAMATIONS

Delbert Bunker of the Bocker Auto Group provided a check to Interim Fire Chief Jim Blackburn in the amount of \$3,000.00 donation. Mr. Bunker explained that the Bocker Auto Group participated in a "Help a Hero Program" on October 11 and 12, 2013. The Freeport Fire Department participated in the event to encourage people to test drive vehicles.

Dan Schmitt, executive director of the Freeport Community Foundation, read a proclamation by Mayor James Gitz naming November 2013 as Freeport Community Foundation month.

Mayor Gitz stated that the presentation on the roundabout and driving simulator will be delayed until later in the meeting.

CONSENT AGENDA

The following items were presented on the Consent Agenda in the council packet;

- A. Approval to receive and place on file:
 - 1) Building Department Report on Permits for period ended October 31, 2013
 - 2) Fire Department Report of Activities for September 2013
- B. Approval of Motor Fuel Tax Fund (Register #0035) --- \$55,829.92
- C. Approval of Water and Sewer Bills Payable (Register #32, 33, 40) --- \$142,559.07
- D. Approval of Payroll for pay period ending November 2, 2013 --- \$415,798.74
- E. Approval of Finance Bills Payable (Registers # 34-39) --- \$318,053.72

Aldersperson Brashaw moved for approval of the consent agenda as presented, seconded by Aldersperson Klemm. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw and Crutchfield (6)

Nays: none

The consent agenda items were approved.

COMMUNICATION TO COUNCIL – MOTION TO PLACE ON FILE

In the council packet was the memorandum to council from WIPFLI regarding Audited Financial Statements of the City of Freeport for the year ended April 30, 2013. A representative from the WIPFLI certified public accountants and consultants, Mr. Greg Dunham was present and reviewed the report.

Mr. Dunham stated WIPFLI audited the financial statements of the City of Freeport for the year ended April 30, 2013 and have issued a report dated October 28, 2013. He explained the auditing standards generally accepted in the United States and OMB Circular A-133. He stated they encountered no difficulties in dealing with management in performing and completing the audit. He explained the areas that WIPFLI consider to be deficiencies including the Water and Sewer account receivables where the City needed to get caught up due to their accounting software so they were behind and this issue has been noted and worked on. He also noted a failure to identify all of the City's federal award programs in the prior year and therefore a major program was not tested in the prior year. He then noted that preparation of financial reports should be done by the City versus having WIPFLI complete them. Mr. Dunham spoke about the segregation of duties because of the size of the City's staff. He noted that no one individual should have access to both physical assets and related accounting records or to all phases of a transaction. He stated that he understands there has been a downsize in staff but the City does need to

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maintain controls and there should be two pairs of eyes looking at items. He stated that between the City Treasurer and the Finance Department they do a good job of a check and balance between each other. The council was provided the opportunity to ask questions of Mr. Dunham. Upon no further discussions, Alderperson Brashaw made a motion to place the communication from WIPFLI in regard to the audited financial statements for the year ended April 30, 2013 on file, seconded by Alderperson Klemm. Motion prevailed by voice vote without dissent.

In the council packet was a communication to council which provided the published City of Freeport Annual Treasurer's Report for Period May 1, 2012 through April 30, 2013. City Treasurer Linda Buss provided the details of the report that she stated by law it needs to be published by October 31, 2013 and she provided the certificate of publication from the Journal Standard on October 25, 2013. Treasurer Buss noted that the report covers those paid as vendors and employees of the City and also includes motor fuel tax dollar disbursements.

ORDINANCES – SECOND READING

2ND READING OF ORDINANCE #2013-56:

AN ORDINANCE CREATING CHAPTER 882 ENTITLED (RESIDENTIAL RENTAL PROPERTY REGULATION) IN THE CITY OF FREEPORT, ILLINOIS

The first reading of this ordinance was held on November 4, 2013. A motion to place this ordinance on the council floor for approval was given by Alderperson Bush and a second by Alderperson Crutchfield. The ordinance was sent back to the Committee of the Whole on a motion by Alderperson Klemm, seconded by Alderperson Brashaw and approved by a majority vote. At the Committee of the Whole meeting held on November 12, 2013, a motion given by Alderperson Bush with a second by Alderperson Koester was given to recommend the ordinance in its original form back to the city council. This motion was approved by roll call vote 7-0.

Alderperson Bush asked to proceed to the amendments. Chief of Police Jerry Whitmore reviewed the amendments provided to the council. The amendments were read one by one by Chief Whitmore with an explanation that the attached amendments are proposed by the administration in order to address concerns raised by the City Council and the public during the Committee of the Whole meetings. He stated they were separated them so that the Council can consider them each separately on their own merits.

Proposed Amendment 1: Land Trust definition

This amendment is in response to Landlord requests that we change the disclosure requirement for the beneficial owner of a land trust. This now allows them to use the trustee.

Section 882.01 Definitions.

- a. Landlord. The legal title holder of the premises, as shown by the records of the Stephenson County Recorder's office, which has one (1) or more residential rental units on it. If the legal title holder is a land trust, however, the landlord shall mean the beneficial owner or owners of the land trust, or a trustee having legal authority to act on behalf of the land trust.

AND

Section 882.03 Application.

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- b. The Application for Registration shall state, concerning the residential rental structure:
- (i) its address,
 - (ii) a description of the structure,
 - (iii) the number of rental units in the structure,
 - (iv) the name, mailing address and telephone number of each owner of the structure. If an owner is a business entity that has its own separate legal existence, rather than a natural person, then the Application shall provide the name, phone number and address of a natural person that is the controlling individual on that entity, or in the case of a land trust, a natural person that is the trustee having legal authority to act on behalf of the land trust – in no event shall compliance consist of the name of another company or non-natural persons,
 - (v) the name, mailing address, physical address, and telephone number of the Local Agent for the structure.

Proposed Amendment 2: Rental structure definition.

This amendment clarifies certain exclusions from the ordinance.

Section 882.01 Definitions.

d. Residential Rental Structure. A “residential rental structure” is any apartment, rooming house, boarding house, dwelling, multi-use dwelling structure (excluding hotels, ~~and motels,~~ assisted living facilities, residential care homes, and nursing homes, all as defined elsewhere in these codified ordinances) - and any mobile home – located within the corporate limits of the City of Freeport that the owner thereof rents, either entirely or in part, to another person or persons for occupancy as a residence, regardless of the zoning of the property. If there is more than one unit within such structure, it shall be identified by the term “residential rental unit”.

Proposed Amendment 3: Fees and implementation dates.

In response to concerns regarding lack of justification for fees past the implementation stage, this amendment adds a sunset clause to the fees at the end of the first full year. It also adjusts the implementation dates in order to allow time to collect data regarding benchmarks and to see if the program is having a positive impact. Chief of Police Jerry Whitmore stated that a proposed amendment #3 dated November 18, 2013 was placed on council desks this evening.

Section 882.08 Implementation Fee.

~~Annual registration~~ Implementation fees shall be \$25.00 for single family dwelling containing one (1) residential rental unit, \$35.00 for dwellings containing two (2) – ~~five (5)~~ four (4) residential rental units, and \$45.00 for dwellings containing five (5) or more residential rental units. For apartment complexes, each separate building will be assessed a registration fee as outlined above. For mobile home parks, a single trailer is considered one (1) residential rental unit and the entire contiguous park is considered one dwelling. Implementation fees shall be due and payable as part of the initial registration for all residential rental structures requiring registration under this Chapter during the first year following enactment of this ordinance. ~~The annual registration fee shall be waived during the initial ninety (90) day period after the effective date of this~~

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~~Chapter, and in light of this grace period, fees shall not be prorated for the 2014 year. These fees shall be reviewed from time to time for consistency with actual costs.~~

AND

Section 882.02 Registration of landlords and rental properties.

Registration Required. It shall be unlawful for an owner of a residential rental structure to rent that residential rental structure or unit thereof, either entirely or in part, to another person for occupancy as a residence, unless the owner shall have registered the residential rental structure and/or unit thereof with the City of Freeport on or before ~~June 2~~ April 1, 2014.

AND

Section 882.06 Rental Agreements – Required Terms.

a. All rental agreements should be in writing. Effective ~~June~~ April 1, 2014, all rental agreements shall be in writing and comply with this section.

AND

c. Crime Free Housing Lease Addendum.-

After ~~June~~ April 1, 2014, every lease, including lease extensions, shall contain a crime free lease provision...*(the rest of this section remains unchanged)*.

Proposed Amendment 4: Penalties.

This amendment clarifies which sections of the Ordinance constitute a violation and sets the penalties under the general section of the City Code, similar to most other ordinance violations.

Section 882.09. Penalty.

Failure to comply with the requirements of ~~this ordinance~~ Sections 882.02, 882.03, 882.04, 882.05 or 882.06 will result in a violation being issued either through the Administrative Adjudication processes of the City or through a citation to appear in Court. Fines shall be in accordance with the General Penalty section of these codified ordinances, Section 202.99 of Chapter 202. ~~There shall be a minimum fine of two hundred fifty dollars (\$250.00) and a maximum fine of seven hundred and fifty dollars (\$750.00) per day for each violation hereunder.~~

Community Development Director provided a summary of the costs for large rental property complexes if the fee was to be amended to a per unit fee. The examples she provided would have a property registration fee increased from a \$45.00 fee to a \$1,450 fee if it was implemented per unit. Another example increased from a \$225.00 fee to \$1815.00. The examples she used were local assisted living facilities or senior housing and Director Griswold noted that the issues with nuisance violation, crime, and noise violations are typically single family rental properties not the senior housing units.

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Discussion was held regarding a tool that could be used for shutting off water to a property. Corporation Counsel Griffin stated she did check with Rockford and their registration program is voluntary. She also noted that they do not do water shut off as rumored. She stated the way our ordinance is written it is up to the Water and Sewer Executive Director whether to place a property in the name of an owner or a tenant. She stated to shut off the water to a property because the landlord did not register is actually punishing the tenant for something the landlord did not procedurally do.

Aldersperson Brashaw stated she is in favor of a fee per unit and there are still issues she would like to have addressed before we proceed.

Aldersperson Crutchfield asked that if down the road if there is a section of the ordinance that perhaps would not be working as we like, whether it could be revisited later by the council. Corporation Counsel Griffin stated yes it could be revisited.

Aldersperson Bush made a motion to adopt amendment number one (land trust wording) into the ordinance, seconded by Aldersperson Crutchfield. The motion prevailed by a roll call of;
Yeas: Klemm, Bush, DeVine, Endress, Brashaw and Crutchfield (6)
Nays: none

Aldersperson Bush made a motion to adopt amendment number two (rental structure definition) into the ordinance, seconded by Aldersperson Crutchfield. The motion prevailed by a roll call of;
Yeas: Klemm, Bush, DeVine, Endress, Brashaw and Crutchfield (6)
Nays: none

Aldersperson Crutchfield made a motion to adopt amendment number three using the 2nd option (provided to the council dated November 18, 2013), seconded by Aldersperson Bush. The motion prevailed by a roll call of;
Yeas: Klemm, Bush, DeVine, Endress, and Crutchfield (5)
Nays: Brashaw (1)

Aldersperson Bush made a motion to adopt amendment number four, seconded by Aldersperson DeVine. The motion failed by a roll call of;
Yeas: Bush, DeVine, Endress (3)
Nays: Klemm, Brashaw, Crutchfield (3)

The ordinance as amended was on council floor for approval. Mayor Gitz asked for a a roll call vote to be taken on the amended Ordinance #2013-56, An Ordinance Creating Chapter 882 Entitled (Residential Rental Property Regulation) In The City Of Freeport, Illinois. The motion prevailed by a roll call of;
Yeas: Klemm, Bush, DeVine, Endress, and Crutchfield (5)
Nays: Brashaw (1)
Ordinance #2013-56 passed as amended.

RESOLUTIONS

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RESOLUTION #R-2013-73:

RESOLUTION DETERMINING THE AMOUNT OF MONEY ESTIMATED TO BE NECESSARY TO BE RAISED BY TAXATION FOR FISCAL YEAR 2013 – 2014 UPON TAXABLE PROPERTY IN ITS DISTRICT AND MAKING A DETERMINATION THAT IT INTENDS TO ADOPT AN AGGREGATE LEVY IN AN AMOUNT WHICH IS LESS THAN 105% OF THE AMOUNT EXTENDED OR ESTIMATED TO BE EXTENDED UPON THE FINAL AGGREGATE LEVY EXTENSION

Accountant Duane Price presented the resolution stating that the formal presentation of the tax levy will be done at the next meeting and it has been determined that the amount to be levied will be less than the amount required to have a public hearing. He stated that should the amount of increase to the tax levy be more than 5% over last year, then a public hearing would be required. At this time, the administration has determined that the estimate to be necessary to be raised by taxation for the fiscal year 2013-2014 is the sum of two million, five hundred twenty three thousand seven hundred twenty five and 00/100 dollars (\$2,523,725.00), which is less than 105% of the amount of the final aggregate levy of the preceding year. Accountant Price stated that the amount to be levied is actually 4.6% less than last year. Alderperson Endress made a motion to move forward the resolution, seconded by Alderperson Klemm. Motion passed by voice vote without dissent. Resolution #R-2013-73 was adopted.

RESOLUTION #R-2013-74:

RESOLUTION AUTHORIZING THE EXECUTION OF THE IMLRMA GUARANTEED COST AGREEMENT

The resolution presented by Accountant Price was summarized as follows, “The City Council of the City of Freeport, finds it to be in the best interest of the municipality to continue making its IMLRMA contribution in accordance with the IMLRMA guaranteed cost agreement which annual premium is eight hundred eighty-four thousand eight and 00/100 dollars (\$884,008.00), with the offer of an early renewal option of eight hundred seventy thousand seven hundred forty-seven and 88/100 dollars (\$870,747.88); The city council of the City of Freeport, finds it to be in the best interest of the municipality to make its IMLRMA contribution payment by the early renewal deadline of November 25, 2013 which reduces the annual premium by an additional 1.50% (\$13,260.18).” This resolution states that the corporate authority authorizes the mayor to execute the IMLRMA guaranteed cost agreement for a one (1) year period beginning December 31, 2013 and ending December 31, 2014, utilizing the early renewal option. Alderperson Brashaw made a motion to move forward the resolution for approval and pay the bill early for the discounted renewal option, seconded by Alderperson Crutchfield. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw and Crutchfield (6)

Nays: none

Resolution #R-2013-74 was adopted.

RESOLUTION #R-2013-75:

RESOLUTION OF SUPPORT FOR ILLINOIS EMERGENCY MANAGEMENT AGENCY (IEMA) HAZARD MITIGATION PLANNING GRANT

Community Development Director Shelly Griswold presented a resolution in support of the the City of Freeport to apply to the State of Illinois Emergency Management Agency (IEMA) for a Hazard Mitigation Planning Grant. She stated that it is necessary to apply to the State of Illinois for IEMA grant assistance to allow the City of Freeport to undertake a mandatory updating of its Multi-Hazard Mitigation Plan which has a total project cost of \$16,000.00. She explained that the City of Freeport will apply for a \$12,000.00 grant under the terms and conditions of the State of Illinois and shall enter into and agree to

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the understandings and assurances contained in the application. The grant requires local matching funds in amount of \$4,000.00, which is pledged in in-kind services. Alderperson Bush made a motion to move forward the resolution for approval, seconded by Alderperson Crutchfield. The motion prevailed by a roll call of;

Yeas: Klemm, Bush, DeVine, Endress, Brashaw and Crutchfield (6)

Nays: none

Resolution #R-2013-75 was adopted.

OTHER

Reports of Department Heads

Community Development

Community Development Director Shelly Griswold provided photos of additional properties which were recently demolished since the last update provided to council. She noted that 29 S. Rose and 13 S. Rose were demolished on November 8, 2013, 209 N. Henderson was demolished on November 12, 2013, 302 N. Walnut was demolished on November 15, 2013 and 311 W. Carpenter was demolished on November 18, 2013. These projects were completed with the assistance of an operator and equipment from a local business owner and community supporter, Mr. John Zajicek. Director Griswold noted that the department will be going out for bids on two properties located at 910 S. Galena and 212 N. Cherry because these houses are located too closed to the adjacent property. Director Griswold stated there is a special planning commission meeting scheduled on November 26, 2013 for a special use permit application for a new manufacturing company which will be a brewery. She stated the Planning Commission and Zoning Board of Appeals meeting scheduled on December 5, 2013 will be canceled. Director Griswold is working on grants for the first meeting in December which can be used to fund demolitions.

Finance Department

Accountant Duane Price had no further report.

Public Works

Public Works Director Tom Dole provided an update on the leaf pickup program that they have been working on for the last five week. He stated that because crews have been working on Chicago Avenue, downtown sidewalks, and demolitions they have been short-handed and were only able to put out four crews for the leaf pickup during one week of that time period. Director Dole provided a spreadsheet for council which totaled 848 worker hours with a total of 267 loads being delivered to the agricultural land taking the leaves. Director Dole explained the status of the directional change to make Chicago Avenue a two-way and explained the snorkel box location was requested by the US Post Office.

Library

Freeport Public Library Director Carole Dickerson was present and had no report.

Fire

Interim Fire Chief Blackbourn was present and had no report.

Police

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Chief of Police Jerry Whitmore thanked the council for their support of the rental property registration. He spoke about a concealed carrier seminar provided by State Representative Brian Stewart which was held this evening.

Water and Sewer

Water and Sewer Director Tom Glendenning provided an update on water and sewer projects including the sanitary lining program. Director Glendenning stated for the last three months they have been working on major interceptor coming from the west which comes under the Pecatonica River. This is a four foot diameter sewer line and it can handle about 3½ million gallons of water per day and it is about 80 years old. The contractor found three major inflow- infiltration issues and found separations on the line. He stated that they are moving east and south on this project and they are looking forward to a productive winter to complete this project.

City Engineer

City Engineer Gallagher provided an update on the crack seal and binder pavement projects completed. City Engineer Gallagher provided a Power Point presentation which gave driving advisories for the roundabout in preparation for its opening the first week in December.

MAYOR'S REPORT

Mayor James L. Gitz stated that he thanks the council for passage of the rental property registration ordinance. To the public he stated that he recognizes that are contentious issues and he hopes we can move forward from here.

NEW BUSINESS/COUNCIL ANNOUNCEMENTS

Council members were provided an opportunity to discuss matters of public concern or to make announcements for their wards.

- Alderperson Crutchfield spoke about the toy drive that he sponsor for Amity Learning Center and he encouraged drop off of toys for children at the Freeport Fire Stations and Slumberland. \
- Alderperson DeVine spoke about bus safety and asked if she could present a proclamation on the subject. She is also considering creating posters to encourage awareness of bus safety guidelines.

PUBLIC COMMENTS AGENDA OR NON-AGENDA ITEMS

- Jon Staben, 1070 Canyon Drive, Freeport Illinois provided an update on the Stephenson County soldier's memorial monument.
- Steve Carroll, 811 S. Oak, Freeport Illinois congratulated the council for their approval of the rental property registration and gave credit to former Alderperson Scott Helms.
- Terry Heilman, 516 W. Clark, Freeport Illinois, stated he is glad something passed by was disappointed that the fee structure was not changed to a per unit fee.
- Peter Alber, 302 Market Street, Rock City Illinois, spoke about his redevelopment agreement for a building in the Rawleigh complex. He spoke about the projects that he will need to make improvements on including the roof, mortar, and mechanical systems. He spoke about the occupancy level portion and hopes to come to an understanding with the administration.
- Marianne Garvens, 537 W. Dewey, Freeport Illinois, suggested that Alderperson DeVine make a calendar as a safety reminder for the bus arms. She stated that she hopes that the mayor will

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address her point of order from early this evening in regard to public comments. She provided information on home rule authority.

- Teresa Fogel, 718 W. Stephenson, Freeport Illinois, spoke about her disappointment with the passage of the rental property regulation and that good landlords are being punished for others bad behavior.

Upon motion duly made and seconded, the meeting was adjourned at 8:25 p.m.

s/ Meg Zuravel

Meg Zuravel, City Clerk