



City Council

City Council Chambers ♦ 524 West Stephenson Street, 3rd Floor ♦ Freeport, IL 61032

MINUTES

SPECIAL MEETING

MONDAY, May 9, 2016 AT 5:45 PM

CALL TO ORDER

The special 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 5:45 p.m. on Monday, May 9, 2016.

ROLL CALL

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

Representing the City of Freeport was Michael Phillips, Esq. as Interim Corporation Counsel.

Also present were the following staff members: Community Development Director Alex Mills, Battalion Chief Jim Blackbourn, Public Works Director Tom Dole, Police Chief Todd Barkalow, Water & Sewer Executive Director Tom Glendenning, City Engineer Shaun Gallagher, City Treasurer Linda Buss, Deputy City Accountant Michelle Richter, City Clerk Meg Zuravel and Community Development Grants Coordinator Nick Jupin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Busker.

APPROVAL OF AGENDA

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

PUBLIC COMMENTS – AGENDA ITEMS

There were no public comments.

RESOLUTION R-2016-29:

Resolution To Authorize The Drafting Of A Plan To Construct An Eight Foot Wide Multi-Use Path Along The Northerly Portion Of Empire Street Between Park Boulevard And Burchard Avenue

City Engineer Gallagher stated as we discussed in prior council meetings we are looking to construct a multi-use path with our Phase B water main project. He provided an overview of the project which includes installation of 16 inch water main that will run the northerly right away from Burchard to Park Boulevard. He explained currently as the plan provides we will construct that approximately behind the back of existing curb by removing all sidewalks and curbs. What this resolution authorizes would be within the design to move curb to provide a 4 foot space of additional right-away parkway to to accommodate an 8 foot bituminous asphalt path. The driveways

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would all be concrete ADA compliant. He explained the curb ramps would be constructed and they would be done in concrete. We would install new storm sewer along Empire on the northerly side and then we would restripe the roadway with the shift so we would be losing two feet on each side which means we shift the center line two feet, move the northerly back a curb in four foot to accommodate that so you end up with a striped 8 foot park lane and a 12 foot drive lane. Currently there is no parking lane striping and the section from curb to centerline is approximately 22 feet. He explained what we had discussed at that time was a resolution in order to give approval towards that construction and then we would look to either make a multi-use path ordinance itself or modifications to the existing sidewalk ordinances. He prepared a quick narrative to various conflict points with multi-use paths versus where our current ordinance stands so we can write a specific ordinance on multi-use paths or the alternative would be to modify the definition of a sidewalk or at least the conflict points as they stand currently.

Alderperson Koester commented that he received a phone call from a member of the Park Board with concerns. They heard on the news they may be partially responsible for maintenance and according to them that has never been discussed in their meetings and they expressed concerns with liability issues with people running into cars and driveways.

City Engineer Gallagher responded as we have discussed with Park Director there would be an intergovernmental agreement that would cover multiple things and in the past they had indicated their interest in the Gladewood Bridge project, how that might look, so from long term planning perspective they are open to maintaining the section in front of the park right now as that is what they would have authority to maintain. The rest of it would be on us unless an intergovernmental agreement encompassing other things was put together which he and Park Director fully anticipate coming back to you sometime this year with a bigger plan to cover some of the bigger things that have been lingering out there for years.

Alderperson Koester stated the statement he got is that if this came before them, it would not pass due to liability issues. He asked if they don't pass it, where that leaves us.

Mayor Gitz stated their insurance works different than ours. We have to insure whether as a path or sidewalk. There is strong case law that ultimately the City is responsible for the condition. If this goes through we will confirm under proposal. He felt their concern was more from a financial position rather than a joint venture position.

Alderperson Koester commented if they did agree to maintain the path the concern was if that would put them in position of being liable for any injuries on path. Their statement to him was that probably would not approve it as it stands right now.

Mayor Gitz commented that he doesn't believe if we enter in a multi-use path, which we have to make a timely decision due to the pending construction project which is why we are at this juncture that we should do it premised upon a partnership with the Park District. It would be nice if it happened and there is going to be more discussion of similar paths in other parts of the City. Our immediate decision assuming we are fully responsible for this like we are for the sidewalk; are we in or are we out.

Alderperson McClanathan received a voice mail also and it could have been same person. He stated when he looked at the in context of resolution for the "WHERE AS's" he thinks the majority agree. He sees that it indicates that we need to negotiate an IGA with the Park District and an action clause was that the engineer will investigate and draft a written plan and submit to council no later than July 1st. His question, understanding that all of the details are not worked out now, is do we need a formal resolution from us or do you just need a poll of the council

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to say go forward, draft a plan, get your IGA developed and then bring those back to us with the understanding that we are generally in agreement on this. In looking at resolution he doesn't think any of the action items would change the result.

City Engineer Gallagher stated the purpose of this resolution was to establish whether we are for or against us moving forward and the he wants something on the books for multi-use paths for Freeport for future discussion with other taxing bodies and commissions when moving forward. He spoke of this path being able to be on its own as there is no connectivity.

Aldersperson McClanathan asked if we pass this, then in between passing and July 1st (other than you developing a plan) what other action is needed. Mr. Gallagher replied the resolution is for tonight and an ordinance will be brought back once a plan is developed. He stated what he sees is you would next draft ordinances to a plan. That allows you to provide a take home map, how it is funded, how it is built, do's and don'ts, expectations, rules etc. He spoke of bigger cities drafting a master plan and he would be drafting somewhat a master plan and that is what he would bring back to you with ordinance changes next month.

Aldersperson McClanathan asked City Engineer Gallagher if they would be constructing the work on it prior to July 1st. Mr. Gallagher replied yes, we would be constructing the alignment. He noted you can always change back to a sidewalk because we wouldn't have paved it by then. Ultimately we will have alignments on whether or not he will be moving the curb. So if not moving curb he needs to pick a different route for water main.

There was discussion on Section 3 of the Resolution and the wording provided as follows: "Section 3. The City Engineer shall hereafter investigate and draft a written plan and submit said plan to this City Council no later than July 1, 2016 and said plan shall describe in detail the work to be completed in or around the northerly portion of the Empire Street right-of-way from its intersection with Park Boulevard and then proceeding in an easterly direction until its intersection with Burchard Avenue including but not limited to listing all of the needed amendments to the The Codified Ordinances of the City of Freeport required to fully implement the intent of this Resolution."

Aldersperson Chesney asked for clarification on how much we will lose if we go with multi-use path to which Mr. Gallagher replied 4 feet. Aldersperson Cheney stated the resolution for multi-use path still prohibits bicyclists 16 or older and asked if there was a particular reason if we widen these paths that we wouldn't these multi-use paths to include bicycles. City Engineer Gallagher replied that he felt the intent of that would be once you changed confirmed or modified the sidewalk portion of that we would change that as well. Aldersperson Chesney spoke of the bicyclist in the community being in support of this and that anything 8 foot or wider that we won't be prohibiting bicyclists. Mr. Gallagher replied that it would not be his intent to prohibit that and as sidewalk ordinance stands now with the potential for changes.

Aldersperson Klemm asked if there was any thought given to starting at McKinley and not Burchard due to traffic. City Engineer Gallagher replied that we did look at that but concern was all of our improvements be on public property in the public right of way and then there is no liability on who's on what property. He added that why the former sidewalk was built on property line he isn't sure. He felt that should have been on the City right of way. Another concern was the amount of utilities and looking at moving those utilities there will be 2 poles that the park district feeds from on the north side. Everything else will be moved to the south side. The alignment shift along with the current fiber optic made sense. Discussion was provided on possibility for specialty or handicap or pull off for bus parking down the road.

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Alderperson Klemm spoke of being surprised in resolution being run through on COW when no one there and his concern for that aspect. He questioned whether the intent from Park District would be for them to provide more parking at Read. Engineer Gallaher replied he did not have answer to that.

Alderperson Brashaw spoke of increased safety, her concerns for the increasing age for bicyclists on the trail, striping on parking lanes and adjustment of flares on driveways. She advised she had just been provided a petition and asked for permission to read it as it was presented to her at meeting. Mayor Gitz provided that approval. She explained contained within the petition was the signors intent to reject this proposal, keep width of Empire as is, and replace existing sidewalks to original size. She stated there were 25 people, mostly on Empire being against this. She spoke of receiving many phone calls with about 80% for and 20% against. She spoke of being in favor of this and of some of the safety issues being addressed and what she saw as positive experience on Lincoln Boulevard changes easing parking situation and ease of getting in and out of driveways and that traffic did slow down significantly.

City Engineer Gallagher spoke that they always try to keep all parking stalls 10 feet away from the driveway apron on each side both for visibility and not parking anyone in. Without striped parking it can lead to chaotic parking which leads to accidents.

Discussion was held regarding the snow events and how that would be handled and what options there are. It was determined the details on that still need to be worked out on homeowner vs City.

Alderperson Koester made a motion to approve Resolution R-2016-29, seconded by Alderperson Busker.

Alderperson Klemm stated just to make sure we are all on the same page since we did one of these about three weeks ago and then said wait until minutes come out and then looked at each other and said yes, here's how we got where we are at, so to clarify what we are voting on tonight is resolution basically for you to move forward with the with the project. City Engineer Gallagher replied yes.

Mayor Gitz stated we are going to come back to a plan that there are other adjustments we need to make but the key issue before you is are we going to opt for sidewalk or path because that decision will influence where the curb line and waterline goes. Mayor Gitz spoke of wanting to be on the same page as it was presumed as a result of the input and discussion held previously that tonight we would authorize the path and the resolution was to clarify what terms and conditions. He stated if you have a sense of uncertainty or if you are not entirely comfortable then don't support this resolution. If you are prepared to move forward and give instruction to the Engineering Department then yes, go ahead and this will be first step in this process.

City Engineer Gallagher stated the next steps are to discuss designs with ComEd about relocating poles to south side of street. He will be contacting Fehr Graham tomorrow to run the new alignment so that we can get some staking set up for the water main and to go through all the safety concerns of wider radiuses and alignments as the current alignment in the roadway does jog a bit and wants to make sure our design is fully functional. They will do no construction until school is out so that gives us another two weeks. He spoke of getting alignment shaped up; make sure it doesn't conflict with any other utilities and to execute when they start moving water mains. He stated he believes he can get the water main in without touching the curb, from a safety standpoint that would be preferred because we won't have drop offs until after the water main is done. He explained that is where we run into issues being too close to storm sewer and other utilities that is why roadway then shifts to accommodate and also the 4 foot path. Priority number one is water main.

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Aldersperson Chesney questioned if we are voting to pick 8 foot or 4 foot to go to multi-use path he has two questions; ultimately who has liability and who is going to responsible for maintenance. If we go forward and approve this resolution tonight what will compel park district to share some of these costs.

City Engineer Gallagher replied that he feels ultimately the Park District plan is not so much multi-use path as it is bike lanes. They are looking for an improvement on our streets where we plow, we maintain and we have that liability moving forward so when it comes to anything like this your Park District and your city have to cooperate because we are putting both together. He spoke of this not being something so complex that they cannot overcome it.

Aldersperson Chesney asked why we are not working this out with Park Board before we approve it. He spoke of this not looking like we are playing nice, it looks like we are shoving it to the park board and saying you play or you pay.

City Engineer Gallagher responded what is often looked at for the multi-use path is that it is only recreational use, only for bikes, only for people with time on their hands. He spoke of looking at this corridor as well as the rest of Empire of the ability for us as a municipality to connect Highland Community College to Empire School to Freeport High School. This is a much bigger thing and that is why IDOT and other municipalities have adopted the idea of complete streets. He spoke of not just servicing transportation motorists anymore; we are serving the pedestrian and everybody in between. He spoke of realizing this is often viewed as park district entity and they get into that business with paths but when you are putting in public right away this is a transportation vehicle no different than anything else. He doesn't know if it matters if park board is on board with public sidewalk to provide transportation our littlest user to those that might learn how to ride a bicycle. There is definitely a partnership he would love to have from a municipality for a main corridor of pedestrian travel and we are trying to provide a safe transportation route and connectivity between our schools especially in areas that don't have sidewalks. He spoke of looking at this as a stepping stone to additional safe routes to schools program and he spoke of how this could be tied into grant funding.

Mayor Gitz spoke of not trying to shove this down Park District's throats as there have been discussions about this for the past three years. He spoke of the difficulty that we have is the timing of this requires a decision on multi-use path versus sidewalk now. We don't have the luxury of waiting for summer to decide all the liability issues, they have been discussed extensively but there hasn't been a final resolution as his feelings are the Park Board itself from what he can determine are trying to decide what is the allocation they want to give to their own facilities vs this larger picture of connecting facilities. They have not resolved that and maybe they will never resolve. We have to figure out what we are going to do on this particular path so in addition to the point that the City Engineer has made about connectivity and also our eligibility for further grant assistance to do other things for other schools to connect whole system. Be mindful of the following; if this goes in with the sidewalk there is still going to be a certain amount of bicycle traffic of people trying to use street, picture all traffic coming in and out of parking spaces on north side, add bicycles into the mix in the bicycle lane and that isn't going to work very well. He spoke of what is the safest and makes most sense and is least expensive is the multi-use path. He personally thinks the multi-use path decision in the long run is the better call. Determine how we are going to do rest of decision on where curb line is going to be and where we are going to go with the water line. He spoke of people contending that we need a wider street because there is a higher rate of traffic and faster traffic that narrowing is a friend not an enemy to that issue. He spoke of the homeowner's frontage remaining the same and that the path would be pushed out not in in terms of the location of the street.

Aldersperson Klemm spoke of his support of this and his process to get there involving safety and looking at the long range picture to put the whole thing together.

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Aldersperson Brashaw reiterated that either way we are stuck with having to replace a sidewalk or path correct to which Mr. Gallagher replied yes and provided explanation. Aldersperson Brashaw asked for clarification of the cost asphalt path vs concrete sidewalk to which Mr. Gallagher replied the cost per linear foot of the path vs sidewalk is 50% cheaper.

Aldersperson McClanathan asked Mr. Gallagher's through traffic volumes and the analysis that he found no negligible safety issues with the narrowing and to clarify that it actually shows a decrease in effect of accident rate or is that saying too much for what we looked at in the past. City Engineer Gallagher replied the accident reports looked at were for two similar sections and he would be concerned if he saw a huge uptick. The biggest issue is with 22 foot lane width was a person passing on the right in the ambiguous lane that doesn't exist from depth and speed perception. Parked car can be difficult to tell if moving or parked until it is too late. He spoke of ways to address; public awareness with striping and what true lane is to make sure that traffic stays in those lines as appropriate.

Aldersperson McClanathan stated besides the maintenance issues that had been expressed and asked both Alderspersons Klemm and Brashaw since this affects their constituents that as long as they are in support of this he doesn't see any initial concerns and asked them to confirm that. Aldersperson Brashaw spoke of being in support and that her heart goes out to ones not wanting it and not being able to please everyone and expressed that the majority do want it mainly for public safety, and many have children going to and from school and that not necessarily hearing support from the homes that path is on although some have expressed that. She spoke of people not wanting it as they don't feel it is as aesthetically pleasing and for them to get in and out of driveways may not be as easy. She spoke of having to weigh the good of the majority people with public safety and she does support. Aldersperson Klemm spoke of this as slowing down traffic being a good thing and asked the Police Chief if he had been able to put the speed trap on Empire and get any counts. Police Chief Barkalow responded they had put the speed wagon out but they had some software issues we were not able to provide that data at this time.

Upon there being no further questions or comments, Mayor Gitz asked for the roll call on the motion for approval of the resolution. The resolution was adopted by a roll call vote of:

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

Nays: none

Resolution #2016-29 passed 8-0.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

There were none.

ADJOURNMENT

Upon a motion duly made by Aldersperson Koester, and seconded by Aldersperson Klemm, the special meeting adjourned at 6:35 PM.

s/ Diane Kahly

Diane Kahly
Deputy City Clerk