



City Council

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

MINUTES

SPECIAL MEETING

MONDAY, AUGUST 8, 2016 AT 5:45 P.M.

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, August 8, 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).

Others present: Guary Bernadelle, Alex Mills, Tom Dole, Tom Glendenning, Jim Blackbourn, Todd Barkalow, Shaun Gallagher, Michael Phillips as the contract attorney and area media.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alderperson Brashaw.

APPROVAL OF AGENDA

Alderperson Brashaw moved to approve the agenda as presented, seconded by Alderperson Koester. Motion prevailed by voice vote without dissent.

PUBLIC COMMENTS – AGENDA ITEMS

There were no public comments on agenda items.

[2nd READING OF ORDINANCE #2016-45:](#)

An Ordinance Adding Chapter 1032 to be Entitled “Multi-Use Paths”, to the Codified Ordinances of the City of Freeport, Illinois [view proposed ordinance amendments](#)

The first reading of this ordinance was held on August 1, 2016, a motion to approve was given by Alderperson Koester, seconded by Alderperson Busker.

Michael Phillips, City of Freeport contract attorney, presented the ordinance stating that he made amendments from the first reading in order to add definitions to clarify Americans with Disabilities wording to allow for the use of electronic wheel chairs on the path. He stated he tried to clarify conditions for use of the path since it is a shared bike and pedestrian path. He also changed the term “city council” to “corporate authorities” throughout the language of the ordinance.

Attorney Phillips explained the intent is for the City or the Local Governmental Unit to maintain the area other than the apron of a privately owned driveway and referred to the following subsection:

“1032.04 RESPONSIBILITY FOR REPAIRS AND SAFETY.

Except for those portions of a multi-use path lying on an apron of a privately (i)owned driveway, the City or the Local Governmental Unit whose duty it is to maintain a portion of the multi-use path ~~exists~~ shall keep and maintain such portion of the multi-use path in a safe condition and a good and thorough state of repair at all times. The owner of a

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parcel(s) of private property on which the multi-use path crosses over a private driveway apron shall keep and maintain such driveway apron portion of the multi-use path in a safe condition and a good and thorough state of repair at all times.”

City Engineer Gallagher explained the changes in the amended ordinance follow the modifications of a path as compared to a sidewalk. He also explained that he inserted language in subsection 1032.04 that defines maintenance. He also explained the following subsection:

“1032.22 SNOW AND ICE REMOVAL.

The Owner, unit of Government, or designated Commission shall be responsible for snow and ice removal, excluding areas designated for access driveways. The owner and occupant of land abutting the street dedication or right of way upon which a multi-use path exists shall keep and maintain the area designated within the driveway apron. Multi-use paths constructed outside of the right-of-way shall be permitted to be closed during periods of snow and ice, unless required under separate agreement approved by the Corporate Authorities.”

City Engineer Gallagher explained that portions of the Jane Addams Trail or the Pecatonica Prairie Path which are paths constructed out of the right-of-way can be closed during periods of snow and ice.

Aldersperson McClanathan referred to subsection 1032.04 and noted there was a spelling error in the word “owned” on the first line and an extra word “exists” on the second line which was not necessary. Mayor Gitz stated we will call that a scrivener’s error and amend the ordinance on its face.

Aldersperson Klemm asked why city council was changed to corporate authorities. Attorney Phillips explained he changed the term “city council” to “corporate authorities” because by definition corporate authorities it includes the mayor.

Aldersperson Koester moved for passage of Ordinance #2016-45 using the amended version, seconded by Aldersperson Brashaw. Motion prevailed by voice vote without dissent.

The motion to approve Ordinance #2016-45 as amended prevailed by a roll call vote of;

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

Nays: none

Ordinance #2016-45 was passed.

PUBLIC COMMENTS – AGENDA OR NON-AGENDA ITEMS

There were no public commenters at this time.

Upon a motion duly made and seconded by Busker/McClanathan, the meeting was adjourned at 6:02 PM

s/ Meg Zuravel

Meg Zuravel
City Clerk