

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 12, 2011**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, September 12, 2011 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The Prayer was said by City Clerk McKinney.

ROLL CALL: Present on Roll Call were Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, Rice, McDermott, and Mayor Olson. Absent: None. Also present were City Manager Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: City Clerk McKinney read a Proclamation for Constitution Week.

REPORTS AND COMMUNICATIONS:

- **Mayor:** Mayor Olson updated the Council on his attendance at a National League of City Committee meeting. Also announced that on Wednesday will be a Neighborhood Watch meeting.
- **Council Members:** Councilman Hayes reminded the people of the Comcast meeting at 6 p.m. on, September 13 at City Hall

PUBLIC COMMENTARY:

- ✓ Ryan Fitzgerald spoke on Squires Landing Sidewalks and Letter of Credit.
- ✓ Denna Bingham, Diane Cecil, Henry Bunger Norman Jenkins, Sr., Diane McNeilly and Jeff Pignato all spoke against putting the Veterans War Memorial at proposed site but are not against the memorial at a different site.
- ✓ Hugh McDermott, a veteran spoke in favor of putting the memorial at proposed site.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – August 22, 2011
- b) Approve Minutes of Special Council Meeting/Strategic Planning Session – August 29, 2011
- c) Approve Minutes of Special Council Meeting – September 1, 2011
- d) Approve Bills 8/5/11 – 8/25/11
- e) Approve Payroll 8/8/11 – 8/21/11
- f) Approve a Resolution Regarding the Release of Executive Session Minutes.
- g) Authorize Rochelle Township High School Homecoming Parade – September 29, 2011

Councilman Eckhardt moved and seconded by Councilman Berg, **“I move Consent Agenda Items (a) through (g) be approved by Omnibus Vote as recommended.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.

- 2) Third Amendment to Annexation Agreement Creekside Subdivision Unit 1 f/k/a Kings Crossing (Public Hearing and Continuance):** The Kings Crossing Annexation Agreement was approved by the Mayor and Council on April 10, 2006 to facilitate a 492.9 acre development north of Flagg Road. On May 5, 2011 Creekside Land Holdings, LLC became a successor to the agreement when they purchased the remainder of the development. Creekside Land Holdings has proposed an amendment to the existing annexation agreement in order to construct a 31 lot residential subdivision, identified as Creekside Subdivision Unit 1, on 19.4 acres of the property. On August 8, 2011 a Public Hearing to discuss the proposed amendment was opened and continued because the amendment had not been finalized. On August 22, 2011 City staff and representatives of Creekside Land Holdings, LLC discussed the proposed terms of the amendment and continued the hearing until September 12, 2011. Spencer Hayden, representing Creekside Land Holdings, LLC, has requested that the Public Hearing be continued until the September 26, 2011 City Council meeting due to ongoing negotiations with the Flagg Rochelle Park District and local school districts. Councilwoman Hollonbeck moved and seconded by Councilman Eckhardt: **“I move the Council recess into a Public Hearing for the Third Amendment to Annexation Agreement Creekside Subdivision Unit 1 f/k/a Kings Crossing Subdivision.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0. No one spoke at Public Hearing. Councilwoman Hollonbeck moved and seconded by Councilman Eckhardt: **“I move the Council continue the Public Hearing for the Third Amendment to Annexation Agreement Creekside Subdivision Unit 1 f/k/a Kings Crossing Subdivision to September 26, 2011 at 7 p.m.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.

- 3) **Annexation Agreement – Coated Sand Solutions:** Solutions, was opened on August 8, 2011. At that time, Economic Development Director Jason Anderson provided an overview of the agreement and an update on the project. Since the terms of the agreement were not finalized, the Public Hearing was continued at the August 8th and August 22nd meetings. Coated Sand Solutions plans to construct a large silica sand coating facility on 28.05 acres of property adjacent to Steward Road and east of Illinois River Energy. On August 1, 2011 the Planning and Zoning Commission conducted a Public Hearing to review the petitions for annexation and rezoning, preliminary plat and special use permit. After review of the petitions, the Planning and Zoning Commission found the Coated Sands Solution request to be appropriate for the site based on the Comprehensive Plan and in general conformance to the Rochelle Municipal Code. The Commission recommended approval of the I-2 (General Industrial District) Zoning, Preliminary Plat and Special Use Permit, allowing Coated Sand Solutions to operate a silica sand coating facility with related height variances subject to final staff approval by a vote of 5-0. The annexation agreement with Coated Sand Solutions has been finalized and Jason Anderson and Attorney Cooper will provide a summary of the terms and respond to questions from the Mayor and Council. Staff Recommendations are: Authorize an Ordinance Approving the Coated Sand Solutions Annexation Agreement; Approve an Ordinance Annexing Certain Territory and Zoning it I-2; Authorize an Ordinance Approving a Special Use Permit and Preliminary Plat for Coated Sand Solutions. Jason Anderson and Attorney Alan Copper were present to present the project and answer questions. Councilman Berg moved and seconded by Councilman Hayes, **“I move the Council recess into a Public Hearing for the Annexation Agreement for Coated Sands Annexation Agreement.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0. No one came forward. Councilman Berg moved and seconded by Councilman McDermott, **“I move the Council return to Open Session.”** Motion passed by voice vote without dissent. Councilman Berg moved and seconded by Councilman Rice, **“I move Ordinance 11-4087, An Ordinance Approving Coated Sand Solution Annexation Agreement, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.
- 4) **Annexing Certain Territory and Zoning – Coated Sand Solutions:** Councilman Berg moved and seconded by Councilman Rice, **“I move Ordinance 11-4088, An Ordinance Annexing Certain Territory to the City of Rochelle and Zoning it I-2, General Industrial District for Coated Sands Solutions, LLC, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) **Special Use Permit and Preliminary Plat – Coated Sand Solutions:** Councilman Eckhardt moved and seconded by Councilman Berg, **“I move Ordinance 11-4089, An ordinance Approving a Special Use Permit and Preliminary Plat for Coated Sands Solutions LLC, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Amendment to the Lee County Enterprise Zone – Coated Sand Solutions:** On December 23, 1986 the City of Dixon and County of Lee entered into an Intergovernmental Agreement to provide for the administration of an enterprise zone encompassing contiguous portions of the City of Dixon and County of Lee. The agreement was subsequently amended to include the City of Amboy, Village of Ashton, Village of Franklin Grove, Village of Paw Paw, City of Rochelle and Ogle County. As part of the agreement the government units included have indicated their willingness and desire to extend the boundaries of the Lee County Enterprise Zone to include additional properties, alter incentives, and alter the termination date of the zone. The Lee County Enterprise Zone plans to submit an application to the State of Illinois for zone changes. The ordinance amendment includes a territory expansion of 28.10 acres to include the future home of Coated Sand Solutions. Economic Development Director Jason Anderson will be in attendance to provide additional information and answer any questions. Staff Recommendations are: Approve an Ordinance Amending Ordinance No. 01-3051 (Enterprise Zone) and Approve Intergovernmental Agreement Amendment #15. Jason Anderson was present to answer questions. Councilwoman Hollonbeck moved and seconded by Councilman Berg, **“I move Ordinance 11-4090, An Ordinance Amending Ordinance No. 01-3051, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0. Councilman Eckhardt moved and seconded by Councilman Rice, **“I move Agreement 11-4091m An Amendment No. 15 to an Intergovernmental Agreement between the City of Dixon, City of Amboy, Village of Ashton, Village of Franklin Grove, Village of Paw Paw, City of Rochelle, and Counties of Lee and Ogle regarding Administration of an Enterprise Zoned Dated December 23 1986, be approved.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.

7) **Rochelle Veterans War Memorial Special Use Permit at 927 North 7th Street:** The City of Rochelle owns a vacant lot at 927 North Seventh Street, situated at the intersection of Highway 251 and 10th Avenue. In September of 2010 the Mayor and Council approved a resolution supporting the efforts of a citizens group interested in erecting a Veterans Memorial on the property. Following approval of the resolution, the citizens group legally established a nonprofit organization identified as the Rochelle Veterans War Memorial Association. The Planning and Zoning Commission voted to recommend approval of a Special Use Permit at their August 1, 2011 meeting and the Mayor and Council subsequently considered the request at the August 8, 2011 City Council Meeting. Due to a question regarding the notification of residents in the area, the Mayor and Council referred the Special Use Permit back to the Planning and Zoning Commission. On September 6, 2011 the Planning and Zoning Commission conducted a public hearing to consider a request to construct the Rochelle Veterans War Memorial at 927 N 7th Street. Several aspects of the site plan were discussed during the public hearing including lighting, maintenance of the site, safety for visitors and parking and alley access. The Commission indicated that any lighting on the site should not impact the surrounding properties. The Rochelle Veterans War Memorial Association indicated that they would maintain the memorial if the City did not. After review of the facts, the Planning and Zoning Commission voted to recommend approval of the Special Use Permit for a Veterans Memorial at 927 North 7th Street by a vote of 5-3. Staff Recommendation is: Authorize an Ordinance Granting a Special Use Permit to Allow the Construction of the Rochelle Veterans War Memorial at 927 North 7th Street. Wendell Colwill and Sam Tesreau were present to answer questions. Councilman Berg moved and seconded by Councilwoman Hollonbeck, **“I move Ordinance 11-4081, An Ordinance Approving a Special Use Permit for a Veterans War Memorial, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Hollonbeck, and Mayor Olson. Nays: Councilmembers Eckhardt, Hayes, McDermott and Rice. Motion failed 3-4.

8) **Ordinance Authorizing Purchase of Real Property for Public Use at 921 First Avenue:** Several months ago Robert Paulson contacted the City and expressed his desire to sell two vacant lots located at 921 First Avenue. These lots are located directly west and south of property which the City owns for future expansion of the Rochelle Railroad Park. On August 16, 2011 the City Manager and Robert Paulson executed a Memorandum of Real Estate Sale Agreement for the two lots which includes a purchase price of \$20,000 and the City bearing all closing costs. The Mayor and Council discussed this purchase at the August 22, 2011 City Council meeting and continued their discussions in executive session. Mr. Paulson has provided an email with his rationale for the \$20,000 purchase price. In addition, the Ogle County Assessor’s office has confirmed that the 2011 valuation for the land is \$9332 which equates to a market value of \$27,996. The 2011-12 Hotel-Motel Fund includes \$100,000 for the purchase of property to expand the Rochelle Railroad Park which can be used to fund this purchase. Staff Recommendation is to approve an Ordinance Authorizing Purchase of Real Property for Public Use (Two Vacant Lots at 921 First Avenue for Railroad Park). Councilman Berg moved and seconded by Councilwoman Hollonbeck, **“I move Ordinance 11-4083, An Ordinance Authorizing Purchase of Real Property of Public Use for Two Vacant Lots at 921 1st Avenue for Railroad Park, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice and Mayor Olson. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS: **Train Noise Evaluation Report:** Residents in Rochelle have voiced concerns for several years about the “noise” associated with the trains traveling throughout the community. In response to these concerns, the City hired Acoustic Associates, specializing in acoustics, sound assessment and noise control, to measure and analyze the train sounds. On July 6, 2011 sound data was collected at the Rochelle Railroad Park on two sets of recording equipment from six trains. City Engineer Sam Tesreau discussed the results of the study, methods available to reduce the impact of the train horns and respond to questions from the Mayor and Council.

EXECUTIVE SESSION: None.

ADJOURNMENT: At 8:56 p.m., moved by Councilman Eckhardt and seconded by Councilman Hayes, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

Chet Olson, Mayor

Bruce McKinney, CMC
City Clerk