

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, MARCH 28, 2011**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, March 28, 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 Hayes, Eckhardt, Hollonbeck, Berg, T. McDermott, D. McDermott, and Mayor Olson. Absent: None. Also present were Interim City Manager McKinley and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.:

National Auctioneers Day – April 16, 2011: Read by City Clerk McKinney. Presented to John Bearrows, Auctioneer.

REPORTS AND COMMUNICATIONS:

Mayor: None

Council Members: None

Financial Statements – February 2011: Included in Council Agenda Packets.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – March 14, 2011
- b) Approve Minutes of Special City Council Meeting – March 21, 2011
- c) Accept and Place on File Minutes of Stormwater Advisory Commission – January 19, 2011
- d) Approve Bills 03/04/11-03/10/11 = \$ 1,051,282
- e) Approve Payroll 02/21/11-03/06/11= \$ 202,820
- f) Approve Lincoln Highway Heritage Festival Request – August 19-21, 2011
- g) Resolution Lincoln Highway Heritage Festival Parade – August 21, 2011
- h) Authorize the City's Assistance with the Hospital Hustle 5K Fun Run/Walk –June 4,2011

Moved by Councilman Hayes and seconded by Councilman D. McDermott, "**I move Consent Agenda Items (a) through (h) be approved by Omnibus Vote as recommended.**" Roll call vote was taken.

Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 2) **Amendment to Annexation Agreement Prologis Park (Public Hearing and Action):** On July 29, 2003 the Mayor and City Council approved an Annexation Agreement with DP Industrial, LLC for approximately 300+ acres located south of Interstate 88 in the City's southeast industrial quadrant. On that same date the property was also annexed into the City with an I-2 General Industry zoning classification. The property has since been purchased by Prologis Land, LLC which, as a successor, is bound by the existing agreement. As discussed at the March 14, 2011 City Council Meeting, grants have been secured for public improvements within the Prologis Park as part of the Nippon Sharyo Manufacturing, LLC project. The grants include funds for rail, roadway and utility infrastructure improvements for a combined total of approximately \$8 million. The Rochelle Municipal Code requires that a surety in the amount of 110% of the approved estimated costs of the land improvements be provided by the developer. The proposed Amendment to Annexation Agreement modifies the surety requirement to exclude those improvements, expected to be funded by grants, for the determination of the surety requirement. In the event any of the grants are not funded, the amendment requires Nippon Sharyo to pay 100% of the costs for the public improvements which were expected to be funded by grants. Alan Cooper was present to answer questions. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, "**I move the Council recess into a Public Hearing for an Amendment to Annexation Agreement (Prologis Park).**" Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and

Mayor Olson. Nays: None. Motion passed 7-0. Alan Cooper, City Attorney, was present to give additional information and answer questions. In answer to Ryan Fitzgerald, Springcreek Developer, this modification of the surety requirement is for this development/lot only. It is for the amount of the grants only. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **“I move the Council return to Open Session.”** Motion passed by voice vote without dissent. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move Ordinance 11-4029, An Ordinance Approving an Amendment of Annexation Agreement (Prologis Park), be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 3) **Development Agreement Prologis Park/Nippon Sharyo Parcel:** On October 20, 2010 Nippon Sharyo USA announced plans to construct a passenger railcar production facility in the Interstate Transportation Subdivision, located on west Illinois Route 38. Since that time, Nippon Sharyo has decided to locate their facility on a 38-acre parcel within the Prologis Industrial Park, located in the City’s southeast industrial sector. Nippon Sharyo and Prologis are currently finalizing the land acquisition terms with an anticipated closing date of March 31, 2011. The City has applied for, and been approved to receive, grant funding in excess of \$8- million to facilitate the development of this property. A three-party Development Agreement, which was the topic of a discussion at the March 14, 2011 City Council Meeting, has been negotiated between the City, Prologis Land LLC and Nippon Sharyo Manufacturing LLC. This agreement memorializes the public improvements that will be undertaken (road, water, sanitary sewer, rail, electric, streetlights, stormwater facilities, fiberoptic and landscaping) and documents the responsibilities of the three parties and their related financial obligations. The agreement also addresses the course of action if some or all of the grants that have been secured for the project do not materialize. Finally the agreement includes one schedule which represents the business arrangement between Nippon Sharyo Manufacturing, LLC and Prologis Land LLC and a second schedule that documents an agreement between the City and Nippon Sharyo Manufacturing, LLC. Nothing in this agreement transfers any financial responsibility from the developer to the City. It does however obligate the City to take certain actions in the event that the developer fails to complete construction of improvements consistent with agreed upon construction milestones. Since this agreement was given to the council last week, there were changes made. Alan Cooper was present to go over the changes (those printed in red) in the agreement, plus those in Exhibit D, “Construction Schedule.” Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **“I move Agreement 11-4030, A Development Agreement among the City, Nippon Sharyo Manufacturing LLC, and Prologis Land LLC, be approved.”** Ms. McKinley added that Nippon Sharyo’s attorneys and Prologis attorneys are in agreement with this. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move Agreement 11-4030, A Development Agreement among the City, Nippon Sharyo Manufacturing LLC, and Prologis Land LLC, be approved.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.
- 4) **Final Plat – Prologis Park Rochelle Unit One:** On October 25, 2010 the Mayor and City Council approved the final plat for the Interstate Transportation Center Subdivision, which was to include the Nippon-Sharyo manufacturing site. Nippon Sharyo has subsequently decided to locate their facility in the Prologis Park situated east of Caron Road, south of Interstate 88 and north of Steward and Ritchie Roads. The preliminary plat for Prologis Park Rochelle Unit One was approved by the Mayor and Council on March 14, 2011. The final plat for Prologis Park Rochelle Unit One includes a six-lot subdivision with right-of-way dedication for a road and rail. Outlots A, B, C and D will contain the detention and drainage for the subdivision; Lot 1 will house the Nippon-Sharyo facility; and Lot 2 will be available for future development. On March 7, 2011 the Planning and Zoning Commission reviewed the petition for the final plat and voted to recommend approval by a vote of 7-0 subject to any required changes to easements or right-of-ways, prior to recording. Chris Limas was present to give further information and to answer any questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move Ordinance 11-4031, An Ordinance Approving the Final Plat of Subdivision for Prologis Park Rochelle Unit One, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 5) **Ordinance Amending the Municipal Code to Authorize the Seizure and Impoundment of Vehicles used in the Commission of Certain Crimes and Related Administrative Fee:** The Rochelle Police Department routinely searches for enforcement initiatives that reduce crime and increase public safety. In an effort to achieve these goals, several other communities have enacted a towing ordinance and related administrative fee as a deterrent to specific offenses. The proposed ordinance would impose an administrative fee of \$500.00, in addition to applicable fines, costs, towing and storage fees, for the following offenses: driving under the influence of alcohol and other drugs, aggravated fleeing to allude a police officer, operating a vehicle without a valid driver's license, operation of a motor vehicle in connection with a violation of the Illinois Controlled Substance Act, Illinois Cannabis Control Act, possession of drug paraphernalia, or unlawful use of weapons statute, possession of a firearm without firearm owner's identification card, operation of a motor vehicle without a valid registration, or operation of a motor vehicle during the commission of a felony offense. Motor vehicles seized per this ordinance will remain impounded until all costs associated with the towing and storage of the vehicle are paid to the Rochelle Police Department. The registered owner of the vehicle will be notified at the time of the incident or via certified mail within five business days. The ordinance also provides for an administrative hearing process should the registered owner choose to challenge the impounding. Eric Higby, Chief of the Rochelle Police Department was present to answer questions. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move Ordinance 11-4032, An Ordinance Amending Chapter 94 of the Municipal Code of the City of Rochelle to Authorize the Seizure and Impoundment of Vehicles Used in the Commission of Certain Crimes and a Related Administrative Fee, be adopted."** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Revised Agreement for Wastewater Conveyance and Treatment between the City of Rochelle and the Village of Hillcrest:** Representatives from the City of Rochelle and the Village of Hillcrest have worked diligently to develop a Sanitary Sewer Agreement which will allow the City to serve the sanitary sewer needs of Hillcrest through Rochelle's existing Wastewater Treatment Plant. The provisions of the agreement were discussed at the October 26, 2009 City Council Meeting and subsequently approved by the Mayor and Council on December 13, 2010. Following the City's approval of the agreement, representatives from the Village of Hillcrest requested modifications to the time frames designated for completion of the Hillcrest System. The original agreement requires Hillcrest to complete all of the wastewater system that would serve the existing portion of the Village (currently served by septic systems) within five years. Hillcrest has requested that this period be extended to seven years. In addition, the Village has requested a five-year period, from the date of the signed agreement, to obtain a permit from the Illinois Environmental Protection Agency for construction of the sanitary sewer system instead of the original three. The City may withhold approval of any permits for construction of the system for other portions of Hillcrest if the above timeframes are not met. On March 22, 2011 the Village of Hillcrest Board voted 3-2 to approve the Revised Agreement for Wastewater Conveyance and Treatment and the Jurisdictional Boundary Agreement at a Special Meeting. Alan Cooper was present for further explanation and to answer questions. Moved by Councilman Berg and seconded by Councilman T. McDermott, **"I move Agreement 11-4033, An Agreement for Wastewater Conveyance and Treatment between the City of Rochelle and the Village of Hillcrest, be approved."** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0. Moved by Councilman T. McDermott and seconded by Councilman Berg, **"I move Agreement 11-4034, A Jurisdictional Boundary Line and Intergovernmental Cooperation Agreement between the City of Rochelle and the Village of Hillcrest, be approved."** Roll call vote was taken. Ayes: Councilmembers Eckhardt, Hayes, Berg, D. McDermott, T. McDermott, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS:

- 1) **Budget Workshop:** is April 12th, 4:00 – 6:00 p.m. at the Tech Center.

EXECUTIVE SESSION: At 7:38 p.m. moved by Councilwoman Hollonbeck and seconded by Councilman T. McDermott, **“I move the Council recess into executive session to discuss the appointment of a specific employee, Section (c) (1); and the discussion of minutes of meetings lawfully closed under this Act for purposed of approval by the body of the minutes or semi-annual review of the minutes as mandated, Section (c) (21).”** Motion passed by voice vote without dissent.

At 7:48 p.m., moved by Councilman Berg and seconded by Councilman D. McDermott, **“I move the Council return to Open Session.”** Motion passed by voice vote without dissent.

Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move the Council approve the Contract with David Plyman for City Manager.”** Mr. Plyman is from Washington, Iowa.

ADJOURNMENT: At 7:51 p.m., Councilman Berg moved and seconded by Councilman Hayes, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

Chet Olson
Mayor, City of Rochelle

Bruce McKinney, CMC
City Clerk, City of Rochelle