

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MAY 23, 2011**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, May 23, 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 was Councilmembers Eckhardt, McDermott, Hayes, Berg, Rice, and Mayor Olson. Absent: Councilwoman Hollonbeck. Also present were Interim City Manager McKinley and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: None

REPORTS AND COMMUNICATIONS:

Mayor:

- Thanked Meggan McKinley, as this was last official council meeting, for all her hard work as Interim City Manager. Ms. McKinley thanked everyone for a great four months.

Council Members:

- Bil Hayes: After hearing from several people, he suggests looking into private citizens being able to use dumpsters for construction, etc. other than Rochelle Waste Disposal (as the contract with RWD does not allow this).

PUBLIC COMMENTARY:

- **David & Barbara Quest:** Discuss 9th Street & Jones Road curve. They live at 1225 Tilton Park Drive, right on the curve. Over the years there have been numerous accidents on that curve. Thankfully most of the accidents haven't involved injuries; however, there was one accident involving a pedestrian (a high school student). There is now more traffic as well as more pedestrians crossing (Park District has purchased old RTHS athletic area and developed a soccer field; therefore there are people crossing 9th Street to and from the parking lot. In the winter time the snow gets piled up on the parkway and sidewalks, therefore causing pedestrians, including children going to school, to walk in the street. Drivers don't observe the speed limit. Suggested that the City insert some speed bumps or speed tables to prevent any serious accidents. Have suggested something be done for years and nothing has been done about it; something should be done and done soon. Councilman Hayes agreed. Barbara Quest then talked, saying that the entire council had received a letter from them. She said that since their first letter of 1988 to the City council (23 years ago since they first started attempting to get something done), only two people have responded to them. They hope the new council will do something.

Meggan McKinley stated that it has been looked into in the past but it is a very complicated task. Don Elliott, Superintendent of the Street Department, said it has been looked into in the past with engineers. Regarding speed bumps, they are only on private property within the city, and he does not recommend them as they are loud and can cause a vehicle to lose control, as do rumble strips and speed tables. He and Sam Tesreau, City Engineer, have looked into situation and his department has purchased upgraded signage with LED blinker signs. They won't flash all the time but sensors can sense a vehicle exceeding the speed limit as it approaches the curve. The posted speed limit is 20 mph. but only when school is in session. Suggested it should be 15-20 mph. According to Councilman McDermott, the majority of the accidents the fire and police department have responded to at that curve were due to going over the speed limit. The new flashing signs will be installed and the pedestrian walkways will be restriped. Meggon McKinley suggested seeing how the flashing sign works and then get with Sam Tesreau and even do a traffic count.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – May 9, 2011;
- b) Approve Bills 04/29/11-05/05/11 for **\$374,817.14**; 05/06/11-05/12/11 for **\$1,182,807.96**;
- c) Approve Payroll 04/18/11-05/01/11= **\$ 200,157.29**;
- d) Authorize the Use of the Main Street Gazebo Area for the Harvest Market June through September;
- e) Approving guidelines for sending flowers at times of hospitalization or bereavement.

Moved by Councilman Eckhardt and seconded by Councilman McDermott, **“I move Consent Agenda Items (a) through (e) be approved by Omnibus Vote as recommended.”** Roll call vote was taken.

Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.

- 2) Lot Coverage Variance Request – 221 Willis Avenue:** The City has received a request from Ramon Lopez for a lot coverage variance at 221 Willis Avenue. The petitioner has requested a variance to the minimum lot and yard area requirements in the Municipal Code in order to maintain a 17.5' x 10.8' concrete pad, used for trailer parking. The addition of this paved surface equates to total lot coverage of 41.3% instead of the allowable 33%. At the May 2, 2011 Planning and Zoning Meeting the commission voted 5-0 to recommend denial of the variance. The Mayor and Council considered this request at the May 9, 2011 City Council Meeting. Following some discussion, and input from the applicant, the council postponed action until May 23, 2011. In the meantime, the Building Department was instructed to explore other options at the site. After a review of the lot layout and other options, staff has concluded that the only place to park the trailer without a variance is on the existing driveway. Chris Limas was present to answer any questions. Ramon Lopez, petitioner, was present. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move that the petition for variance for property located at 221 Willis Avenue, filed by Ramon Lopez be denied.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.

- 3) Ordinance Amending Municipal Code – Resident Only Parking Second Street:** Over the past several years, residents on North 2nd Street, near May School, have raised concerns related to parking in their neighborhood. Their concerns stem from the added congestion during peak grade school loading and unloading times and parents dropping off and picking up their children. During these times residents are often unable to get in or out of their drives or park near their homes. In addition, students often cross the street between parked cars, resulting in a safety concern. City staff members met with Superintendent Todd Prusator and May School Principal Barb Cantlin to discuss these concerns. School officials support installing signs and enforcing “resident only parking in this area.” In addition, May School will communicate these changes to parents in a mailing prior to the start of school in the fall. Upon approval of this ordinance, “Resident-Only Parking” signs will be installed on the west side of 2nd Street from 10th Avenue to 100' north of School Avenue and on the east side from School Avenue extending 100' north. The addition of this signage will facilitate enforcement by the Rochelle Police Department. Don Elliott was in attendance to answer questions. It was asked if there would be parking for parents to pick up their children or to visit the school. It was stated that there is parking in the parking lot. Moved by Councilman Berg and seconded by Councilman Hayes, **“I move Ordinance 11-4061, An Ordinance Amending Chapter 94 (“Traffic and Vehicles”) of the Municipal Code of the City of Rochelle to add 2nd Street West side from 10th Avenue to 100 feet North of School Avenue and 2nd Street East Side from School Avenue extending 100 feet north to Resident-Only Parking Zones, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.

- 4) **Ordinance Identity Protection Policy:** The Identity Protection Act 5 ILCS 179/1 went into effect on June 1, 2010. The Act requires local government agencies to draft, approve and implement an Identity Protection Policy by June 1, 2011 to ensure the confidentiality of Social Security numbers that are collected and maintained. The proposed policy outlines the prohibited use of Social Security numbers, as defined by the Act and circumstances when the prohibitions do not apply. In addition, the policy requires City employees to redact social security numbers from information or documents being supplied pursuant to Freedom of Information Act requests. Once approved, a copy of the Identity Protections Policy will be provided to all current and future City employees. All employees will be required to acknowledge receipt of the policy and the acknowledgement will be maintained in each employee's personnel file. A plan is currently being developed to provide training, evaluate current processes and make changes as required by this policy. Bruce McKinney was present to answer any questions. Moved by Councilman Hayes and seconded by Councilman Rice, **"I move Resolution R11-10, A Resolution Establishing a City of Rochelle Identity Protection Policy, be adopted."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.
- 5) **Resolution Amending Resolution R09-23 Authorizing Addition of Jack Dame Road, Intermodal Drive and Brush Grove Road to the Federal Highway System and Change a Portion of 1st Avenue to a Municipal Street Designation:** On September 14, 2009 the Mayor and Council approved a Resolution Authorizing the Addition of Jack Dame Road, Intermodal Drive and Brush Grove Road to the Federal Highway System. Now that Jack Dame Road has been completed, the Federal Aid Routes and/or Municipal Streets for the official State/City of Rochelle 5-year functional classification map will need to be updated. The Federal Aid Route designation will remain the same for Jack Dame Road but the description limits will be modified to extend to Illinois Route 38. In addition, 1st Avenue from the westerly end near 12th Street and extending to 7th Street (Route 251) will become a local urban municipal street. In order for routes within our corporate limits to be part of the City of Rochelle's Federal Highway System it is necessary for the Mayor and City Council to pass a resolution requesting the additions. Don Elliott was present to answer any questions. Moved by Councilman McDermott and seconded by Councilman Berg, **"I move Resolution R11-11, A Resolution Amending Resolution R09-23 Authorizing Addition of Jack Dame Road, Intermodal Drive and Brush Grove Road to the Federal Highway System and Change a Portion of 1st Avenue to a Municipal Street Designation, be adopted."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.
- 6) **Ordinance Approving Purchase Agreement (City Railroad – Approximately 1.49 Acres):** The City has been approved for a \$5M grant from the Bureau of Railroads for rail improvements in conjunction with the Nippon Sharyo Project. One of the improvements planned will increase the rail car storage for the rail cars that are staged on the City Industrial Rail from the Union Pacific Railroad. Currently there are only two storage tracks, approximately 600 ft in length, serving as storage for UP inbound and outbound railcars. The plan is to extend the two existing storage tracks by approximately 2,000 ft and add one more storage track of approximately the same length. In order to do so the City will need to purchase an additional 1.49 acres of land for the rail expansion. The offered price for the land is \$15,000 per acre or \$22,350 for the entire 1.49 acre parcel. The 2011-12 City Industrial Rail Budget includes funds budgeted for the purchase. All of the improvements required to extend the rail yard will be covered through the grant from the Bureau of Railroads. Jason Anderson gave further information, using maps, and answered questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **"I move Ordinance 11-4062, An Ordinance Approving Purchase Agreement for City Railroad-Approximately 1.49 Acres, be adopted."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, McDermott, Rice, Hayes and Mayor Olson. Nays: None. Motion passed 6-0.

DISCUSSION ITEMS:

- 1) **Amended Lease Agreement between the City and Sky Team, Inc.:** On March 21, 2011, the City Council approved a Land Lease Agreement between the City and Sky Team, Inc., for seven (7) acres at the Rochelle Municipal Airport, to be used for a skydiving business, and the lease was signed by the City and Sky Team the next day. The lease contemplated the construction of a building as a permanent improvement to the real estate, and also temporary structures for operation during 2011. Sky Team has been open for business at the airport since the lease was signed. The lease was for 20 years, with two (2) additional 10-year renewal options. Sky Team has requested that the lease be modified in certain respects, in order to facilitate the financing of the building construction, estimated at approximately \$1.5 million. Sky Team's attorney has forwarded a draft of the proposed modifications. City Attorney Cooper has reviewed the proposed modifications, and believes them, in general, to be reasonable. The original lease provided that Sky Team would have the right to use its leasehold interest as collateral for a loan to be used for constructing the building. The proposed modifications include specific protections for the lender under such a leasehold mortgage, including a right to notice in the event of Sky Team's default under the lease, and the right to cure any such default, and to step into the shoes of Sky Team as the tenant. The City Attorney and Sky Team's attorney are continuing to discuss the specific language of the modifications, but it is anticipated that a proposed amended land lease agreement will be presented to the City Council for action at the first meeting in June. Meggon McKinley, Interim City Manager, and Alan Cooper, City Attorney, were present to discuss proposed modifications and respond to questions from the Mayor and City Council.

EXECUTIVE SESSION: At 7:54 p.m. moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move the Council recess into executive session to discuss No-Union Personnel (c) (1); Collective Negotiating Matters (c) (2), and Minutes of Meeting lawfully closed under this Act for purposes of Approval by the Body of the Minutes (c) (21).”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

At 8:32 p.m., moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move the Council return to open Session.”** Motion passed by voice vote without dissent.

ADJOURNMENT: At 8:32 p.m., moved by Councilman Hayes and seconded by Councilman McDermott, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

Chet Olson, Mayor

Bruce McKinney, CMC
City Clerk