

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
AUGUST 8, 2011**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, August 8, 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 Eckhardt, Hayes, Hollonbeck, Rice, McDermott, and Mayor Olson. Absent: Councilman Berg. Also present were City Manager Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: None

REPORTS AND COMMUNICATIONS:

- **Mayor:** None
- **Council Members:** None

PUBLIC COMMENTARY:

- **Diane Cecil (Norm Jenkins read on her behalf) – 7th Street Public Property:** Lack of knowledge and concerns of neighbors with the planned Veterans' Memorial on said property.
- **Diane McNeilly – 7th Street Public Property:** Lack of knowledge and concerns of neighbors with the planned Veterans' Memorial on said property.
- **Mark/Diane Metzger: - King's Crossing Annexation Agreement:** Concern for bike path with changes in developer.
- **Henry Bunger – War Memorial:** No notification of Veterans' Memorial and concerns in putting on 7th Street property.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting - July 25, 2011;
- b) Approve Bills 07/15/11-07/21/11: \$707,294.52; 07/22/11-07/28/2011: \$1,023,992.41;
- c) Approve Payroll 06/27/11-07/10/11: \$202,926.01;
- d) Accept and Place on File Semi-Annual Fire Department Report, **11-4078**;
- e) Accept and Place on File Semi-Annual Police Department Report, **11-4079**;

Moved by Councilwoman Hollonbeck and seconded by Councilman Eckhardt, "**I move Consent Agenda Items (a) through (e) be approved by Omnibus Vote as recommended.**" Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

2) Third Amendment to Annexation Agreement Creekside Subdivision Unit 1 f/k/a Kings Crossing

Subdivision (Public Hearing and Continuance): On April 10, 2006 the Mayor and Council approved an annexation agreement between the City and Wyndham Foxford, LLC for the Kings Crossing Development, consisting of 493 acres north of Flagg Road. On May 5, 2011 Creekside Land Holdings, LLC purchased the remainder of the development and is a successor to the existing annexation agreement. Creekside Land Holdings would like to construct a 31-lot residential subdivision, identified as Creekside Subdivision Unit 1, on 19.4 acres of the property. To facilitate the residential development, City staff and the developer agreed to amend the annexation agreement. A notice of Public Hearing for August 8, 2011, on the proposed amendment to Creekside Subdivision Unit 1 f/k/a Kings Crossing annexation agreement, was published in the Rochelle News Leader. City staff and the developer are still in the process of finalizing modifications to the annexation agreement. Staff recommended that the public hearing be continued until a future date when the final agreement is available. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, "**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 Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0. At this time Mr. Plyman suggested that due to the association with the developers taking longer than originally anticipated, they continue the public hearing. Moved by Councilwoman Hollonbeck and seconded by Councilman Rice, "**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 August 22, 2011 at 7:00 p.m.**" Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

3) **Annexation Agreement – True Grit (Public Hearing and Continuance):** Project True Grit has petitioned the City of Rochelle for annexation and zoning of approximately 28 acres of land which is adjacent to Steward Road and east of Illinois River Energy in the southeast industrial area. They plan to construct a large, rail served, manufacturing/processing plant on the site. A notice of Public Hearing for August 8, 2011 was published in the Rochelle News Leader related to the annexation agreement between the City of Rochelle and True Grit. City staff, Attorney Cooper, and True Grit representatives are still finalizing the terms of the annexation agreement. Staff recommended that the public hearing be continued until a future date when the final agreement is available for action.

Moved by Councilman Eckhardt and seconded by Councilman McDermott, **“I move the Council recess into a Public Hearing for the Annexation Agreement for True Grit”**

Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

Economic Development Director Jason Anderson provided an update on the project. Joe Ebbens, Plant Manager, was also present to give information on the project and his background/experience. Currently the project will be about \$60-million total to build the site and will employ probably 60-70 employees once fully staffed and running over the next couple years. When questioned regarding dust, he explained that it will be contained. Applying for a Title 5 permit with EPA, even though they plan to stay well below limit. Regarding an odor, there won't be any. Employees will be hired from the area; all new employees. Shouldn't have any effect on the water table; negative stories are as a result of poor operations, nothing to do with the sand itself; they will not have any drains in floor for sand to go down; if any spillage, will be cleaned up and removed properly. Mr. Anderson said that the company will be using both rail and trucks.

Moved by Councilman McDermott and seconded by Councilman Eckhardt, **“I move the Council continue the Public Hearing for the Annexation Agreement for True Grit to August 22, 2011 at 7:00 p.m.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

4) **Easement Agreement and Rail License Between the City and Illinois River Energy:** On February 28, 2011 the Mayor and Council authorized the City Manager to file a petition with the Illinois Commerce Commission (ICC) for an extension of the City Lead Track across Steward Road near the Illinois River Energy (IRE) property. The ICC approval was received in June which will facilitate rail-served development east of IRE. The City Council was advised at the April 25, 2011 City Council meeting that IRE was willing to convey an easement for the extension of the City Rail across their property to Steward Road in exchange for a release of their obligations to contribute to the cost of extending the rail south. On July 11, 2011 the Mayor and Council approved an Amendment to Rider to Annexation Agreement between the City and IRE which cancels IRE's obligation to contribute to the southward expansion subject to execution of an Easement/License Agreement across the IRE property. The proposed Easement Agreement and License provides for the connection necessary to extend the City Lead Track to the east. IRE has agreed to grant the City a license for the exclusive use of the southernmost IRE track for \$1.00 that will expire if the City abandons the use of the track or if the parties mutually agree to terminate the lease. The City will be responsible for maintenance, repair and/or replacement of the licensed track. In addition, IRE will grant an easement to allow for the construction of a second track, at the City's expense, parallel to the existing rail. The Easement Agreement and License and have been drafted to facilitate the City's expansion of the City Lead Track from its present terminus near the west boundary of the IRE property to the east boundary of the IRE property. Jason Anderson was present for further information and to answer questions.

Moved by Councilwoman Hollonbeck and seconded by Councilman Rice, **“I move Agreement #11-4080, A Permanent Easement Agreement and Rail License between Illinois River Energy, LLC and the City of Rochelle, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

5) **Special Use Permit to Allow Veterans' Memorial at 927 North 7th Street:** In 2002 the City of Rochelle purchased the property and structure located at 927 North Seventh Street. The structure was later demolished and the site cleared to improve visibility at the intersection of Highway 251 and 10th Avenue. Since that time the site has remained vacant. On September 13, 2010 the Mayor and Council approved a resolution supporting the efforts of a citizens group to investigate the feasibility of erecting a Veterans' Memorial on the property. Following approval of the resolution, the citizens group applied for nonprofit status and has since incorporated as the Rochelle Veterans War Memorial Association. In addition the group has worked with City staff to develop a concept plan which includes the required sight distance easement and setbacks. On August 1, 2011 the Planning and Zoning Commission conducted a public hearing and subsequently voted 3-2 to recommend approval of the special use permit to allow construction of a Veterans' 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 due to traffic on Illinois 251 and parking and alley access. The Commission stated that any lighting on the site should not impact the surrounding properties. It was also indicated that the Rochelle Veterans War Memorial Association would maintain the memorial if the City did not. The council felt, based on what they heard earlier in the public commentary, that this should be continued. Sam Tesreau, Chris Limas, and Wendell Colwill were present to answer questions. According to Sam Tesreau, the public is allowed to use the alley, not just the residents. With the pre-existing home there was considerable parking with residents as well as a business on the property. The City has paid considerable money on this lot, both in purchasing and the demolition, for visibility of oncoming traffic. The City wants to maintain the visibility and the planned memorial will fit that plan. If they have angled parking, they will force increased traffic. Perpendicular parking will allow people to go back out and go in the opposite direction on 10th Avenue. The only other possible parking would be south of the memorial, covering it up as well as raising the cost. Mr. Rice brought up the fact that the neighbors voicing their concern in the public commentary should perhaps have a chance to go to the Planning and Zoning Commission. However, it was mentioned that they already gave their opinions at the Planning and Zoning Commission except for Diane Cecil. Then it was questioned that if all of the residents within 250 ft. were notified, would there be more than just these three. The Council felt that in fairness to residents that this should not be hurried through, but sent back to Planning and Zoning. Pal Colwill then mentioned that the idea was to enhance the community as well as the neighborhood. He expects to have a picture from the artist within a week. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **"I move that Council refer the Special Use Permit to Allow the Construction of a Veteran's Memorial at 927 North 7th Street back to the Planning and Zoning Commission."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

6) **Water Reclamation Plant Roof Project:** In June of 2011, during a rain event, a leak developed in the roof of the Blower Building which resulted in damage to some equipment. The roofs of the buildings at the plant are nineteen years old and three of them have developed leaks. At the City's request, the original installer inspected the roofs at the Blower, Lab/Office and Chlorine Buildings and provided an estimate of \$31,000 to repair the leaking roofs. The engineering firm of Willett-Hofmann was also contacted to inspect the roofs and provide a recommendation for repair or replacement based on their condition. The report from Willett-Hofmann indicates that all of the roofs show signs of wear and fatigue, and includes a recommendation to replace the roofs due to seams starting to separate, billowing parapets or splitting at roof curbs and penetrations. Subsequent to the required public notice, bids for replacement of all building roofs were opened on July 27, 2011 with six contractors submitting bids. Staff and our consultant, Alan Hulstedt of Willett-Hofmann, have reviewed the bids and determined that Distinctive Roofing is the low bidder for the base bid and the base bid minus the alternates. This project is not included in the 2011-12 Capital Outlay Budget for Water/Water Reclamation. However, Kathy Cooper recommends replacing the roofs on the Blower, Lab/Office and Chlorine Buildings at this time to prevent further damage to the equipment with funds available in the operating budget and the IEPA Replacement Fund. The remaining four roofs, identified as alternates #1-#4, will be included in future capital budgets. Kathy Cooper was present to answer any questions. Moved by Councilman Eckhardt and seconded by Councilman Rice, **"I move the Council accept Bid C11-16 from Distinctive Roofing in the total amount of \$57,928 (representing a base bid of \$169,495 minus alternates #1 through #4) for the Water Reclamation Plant Roof Project, and reject all other bids."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

7) **Fiber Internet Access Rates:** In April of 2003 the Mayor and City Council approved a resolution establishing the existing rates for fiber internet access. In June of this year RMU Advanced Communications changed internet service providers, resulting in a savings of \$58,000 per year for internet access. In addition to the savings, the bandwidth speeds increased from 45 Mb to 100 Mb. Superintendent of Advanced Communications, Scott Koteski, recommends revising the rate structure in order to pass along the savings and be more competitive in the fiber internet access market. The proposed fiber internet access rate schedule reduces the available fiber packages from seven to four and significantly reduces the monthly cost for the three larger packages. The proposed rate schedule was presented at the July 27, 2011 Utility Advisory Board Meeting and the UAB unanimously recommended adoption of the rate schedule. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move Resolution R11-14, A Resolution Establishing City of Rochelle Fiber Internet Access Rates, Effective with billings issued after August 9, 2011, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Eckhardt, Rice, McDermott, Hayes and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

DISCUSSION ITEMS: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:19 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