

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
May 14, 2012**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, May 14, 2012 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, Berg, McDermott, Hollonbeck, Rice, Eckhardt, and Mayor Olson. Absent: None Also present were City Manager Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: Police Week – May 13-19, 2012: Proclamation read by City Clerk McKinney and accepted by Chief Eric Higby and several Police Department officers.

REPORTS AND COMMUNICATIONS:

- Mayor: None
- Council Members: Councilman Berg announced a Public Works Committee meeting Friday, May 18, 2012 at 8:00 a.m. in the council chambers. The agenda includes the alley between Lincoln Avenue, 4th Ave., 7th and 8th Streets; and Overweight Truck Permits.

PUBLIC COMMENTARY:

- **Kathy Pignato - Rezoning of 703 Lincoln Avenue:** She lives at 321 N. 8th Street, adjacent to this property. Has no problem with rezoning. There's a concern with the increased traffic. Would like speed bumps placed to slow traffic down, as originally recommended in the Planning/Zoning meeting.
- **Richard Stewart – Sidewalk Contract:** Mr. Stewart represents the Ill FFC (Indiana, Illinois, Iowa Foundation for Fair Contracting). He passed out information to the council members regarding reports collected on the businesses who turned in bids on April 24th for Sidewalk Repair. Two of them, including the lowest bidder, have past IDOT complaints against them. He suggested that the council award the contract to one of the bidders in good standing.
- **Nitesh Singh – City/OCCCA Agreement:** Manager of both Comfort Inn and Holiday InnExpress. It is important to him that the taking over of the pool and health club is a benefit to the community as well as hotel patrons. Susie Wilson, a long-time user of the pool was introduced as an example of the importance of the facility as it has helped her tremendously with the illness she has dealt with for years.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – April 23, 2012;
- b) Approve Bills – 04/13/12-04/19/12=\$3,087,332.48, 04/20/12-04/26/12=\$407,971.74, 04/27/12-05/03/12=\$258,009.74;
- c) Approve Payroll – 04/02/12-04/15/12=\$201,482.11, 04/16/12-04/29/12=\$198,027.76;
- d) Accept and Place on File Annual Community Development Department Report;
- e) Authorize VFW Floyd J. Tilton Post 3878 Poppy Drive – May 26, 2012;
- f) Authorize VFW Floyd J. Tilton Post 3878 Memorial Day Parade – May 28, 2012;
- ~~g) Agreements between the City of Rochelle and J&L Oil – 901 S 7th Street;~~
- ~~h) Ordinance to Create Two Restaurant/Recreation Liquor Licenses and Delete One Club License;~~
- i) Resolution Amending Utility Services Price Schedule for Electric - Power Cost Adjustment Clause;
- j) Approve Flagg Township Historical Society's Request associated with Lincoln Buy-Ways Event August 9-12, 2012;

After requesting two of the items (g and h) be pulled for discussion, Councilwoman Hollonbeck moved and seconded by Councilman Hayes, **“I move Consent Agenda Items (a) through (f) and (I and J) be approved by Omnibus Vote as recommended.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

g) Agreements between the City of Rochelle and J&L Oil – 901 S 7th Street: This property was formerly used as a gas station and there was apparently a release of contaminants into the soil which prompted IEPA action. Under the cleanup requirements, the property owner has entered into a “highway authority agreement” (HAA) with IDOT and needs a similar HAA with the City. Indemnifications may be incorporated in a side agreement, hence the need for two agreements. Under the agreements, J & L Oil will remain liable to the City for contamination cleanup costs caused by them, but their liability will not pass to any new owner. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move that we approve the Agreements between the City of Rochelle and J & L Oil.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

h) Ordinance to Create Two Restaurant/Recreation Liquor Licenses and Delete One Club License: A request has been received for an additional Restaurant/Recreation liquor license for Guaraw Entertainment Team d/b/a The Flight Deck Bar and Grill which is located at the Rochelle Airport, 1207 W. Gurler Road, Rochelle, IL. Also, Chet Olson, Liquor Commissioner has requested the deletion of a Club License, replacing it with a Restaurant/Recreation Liquor License for Mershon, LLC d/b/a Rochelle Golf & Steakhouse, located at Route 251 South, Rochelle, IL. This is a result of the recent changes in the Liquor Ordinance, including the allowing of Sunday Liquor License. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **“I move we approve the Ordinance to Create Two Restaurant/ Recreation Liquor Licenses and Delete One Club License.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

2) Purchase of 2012 Tandem Cab & Chassis – Street Department: The 2012-13 General Fund Capital Budget includes \$128,000 for the purchase of a tandem axel truck equipped with a dump body, front plow, wing plow and spreader. Once in service this truck will replace an existing 1983, single axel dump truck in the Street Department. Superintendent of Streets, Don Elliott, recommended purchasing the cab and chassis through the State of Illinois Joint Purchasing Program in the amount of \$74,888, including delivery, since no local dealers were able to supply this portion of the vehicle. In addition, it takes several months to receive delivery and a cost increase of approximately 4% is expected to take effect at the end of business on May 15, 2012. In order to obtain the most competitive price, the equipment portion of the vehicle will be bid at a later date. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move Contract C12-08, a contract through the State of Illinois Joint Purchasing Program for a 2012 Tandem cab and chassis in the amount of \$74,888, including delivery, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

3) Intergovernmental Agreement between the City and the Ogle County Metropolitan Exposition Auditorium and Office Building Authority – a/k/a OCCCA: The Hickory Grove Civic Center, located at 1127 North 7th Street, is owned and administered by the non-profit Ogle County Metropolitan Exposition Auditorium and Office Building Authority commonly known as the Ogle County Civic Center Authority (OCCCA). For the past several years OCCCA has leased the restaurant and dining space to the Hickory Grove Banquet & Conference Center/Abraham’s Grille & Lounge and the fitness and aquatic space to Flagg Rochelle Community Park District. Earlier this year, citing financial reasons, the park district made the decision to discontinue operations at the fitness/aquatic facility by May 1, 2012. Prior to and following the park district’s decision, several meetings were held between representatives from the City, OCCCA, Flagg Rochelle Park District, Comfort Inn & Suites, and Abraham’s Grill & Lounge. These

meetings were held to explore collaborative options to keep the Hickory Grove Civic Center facility open and viable on the North Route 251 commercial/retail corridor. OCCCA subsequently announced that officials from Comfort Inn & Suites were taking over operations of the facility and that they had entered into an agreement for 20 months, including the remainder of 2012 and 2013. On May 4, 2012 the Administrative Committee of the City Council met to discuss the possibility of providing financial assistance to the Ogle County Civic Center Authority in order to help ensure the viability of the Hickory Grove Civic Center during this transition. The proposal discussed was to provide OCCCA with \$3,000 per month for a period of up to 1 year, at which time the financial situation at the facility will be reevaluated. Funds for this contribution would be made available through the City's portion of the hotel-motel tax. In addition, Comfort Inn & Suites plans to invest a substantial amount of time and capital into the facility so that it can remain an amenity for both their hotel patrons and the community. Councilmembers Hollonbeck, Berg, Eckhardt, Hayes, and Mayer Olson all voiced their approval of this. Councilman McDermott wondered how it will affect the budget, especially as we are already spending over budget even with taking a couple needed items out of the budget. Councilman Rice stated he will not vote in favor because other organizations are also asking for money. Moved by Councilman Eckhardt and seconded by Councilman Berg, **"I move Ordinance 12-4177, An Ordinance Approving Intergovernmental Agreement between the City and the Ogle County Metropolitan Exposition Auditorium and Office Building Authority regarding Hickory Grove Civic Center, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, Hayes, Eckhardt, and Mayor Olson. Nays: Councilmembers McDermott and Rice. Motion passed 5-2.

- 4) **Rezoning – 703 Lincoln Avenue:** The property located at 703 Lincoln Avenue is currently zoned B-1, Central Business District. Peter Alfano has petitioned the City to rezone the property to B-2, Highway Commercial, to allow the operation of an auto service station at the location. The structure was originally designed and operated as an auto service station, prior to the construction of the 7th Street overpass, but that use is not allowed in the current B-1 district. The existing lot is 24,000 square feet which is substantially larger than the minimum lot requirement of 15,000 square feet in a B-2 district. On May 7, 2012 the Planning and Zoning Commission held a public hearing on the petition for rezoning and subsequently voted to recommend approval of the petition by a vote of 4-0. Staff and the Planning and Zoning Commission felt that the request was appropriate due to similar businesses in the area. Chris Limas, Community Development Director and Don Elliott, Street Superintendent were present for more information and to answer questions. Councilman Eckhardt abstained due to possible conflict. Moved by Councilman Berg and seconded by Councilman Berg, **"I move Ordinance 12-4178, An Ordinance Rezoning Property Located at 703 Lincoln Avenue from B-1, Central Business District to B-2, Highway Commercial District, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, Hayes, Rice, McDermott and Mayor Olson. Nays: None Abstained: Councilman Eckhardt. Motion passed 6-0.

- 5) **Outdoor Storage/Display Special Use Permit and Sign Variance – 1240 North 7th Street:** Earlier this year the former Wal-Mart facility, located at 1240 North 7th Street, was purchased by Illiana Realty, LLC for development as a "Big R" farm, home and ranch retail store. As part of the property redevelopment, Illiana Realty, LLC has petitioned the City to allow an 80 by 225 fenced in outdoor (display) storage area in the parking lot along Carrie Avenue. In addition, the petitioner has requested a variance to allow the installation of a 520 square foot ground sign, including a 14 by 14 foot two sided sign with a 64 square foot reader board. Per City code the maximum allowable size of a sign is 300 square feet. On May 7, 2012 the Planning and Zoning Commission held a public hearing on the petition for outdoor storage and the requested sign variance. Following some discussion the commission voted 4-0 to recommend approval of the requests with the condition that the outdoor storage area be located in the southeast corner of the parking lot with slats placed in the fence facing Carrie Avenue. The owner since emailed Mr. Limas and asked that their original request for storage location be used and said that they would use bushes for a more pleasant view. Chris Limas and Sam Tesreau, City Engineer, were present for further information and to answer questions. Mr. Limas used a drawing to display the locations and the

council discussed the pros and cons of both. Council stated that the outdoor storage are should be moved back to the original proposal and not close to the highway. Council asked staff to work with petitioner on size and landscaping of the outdoor storage area. Moved by Councilman Eckhardt and seconded by Councilman Berg, **“I move Ordinance 12-4179, An Ordinance Approving a Conditional (Special Use) Permit for Outdoor Storage (Display) and a sign Variance for Property located at 1240 North 7th Street (Illiana Realty, LLC), be adopted as amended.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

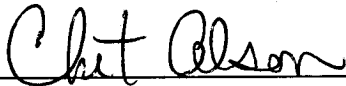
- 6) **Re-subdivision of Lot 4 in the Caron Ridge Subdivision Final Planned Unit Development:** On March 12, 2012 the Mayor and Council approved both the rezoning of 4.48 acres, located east of the Caron Ridge Shopping Center, to Planned Unit Development (PUD) and the Preliminary PUD Plan and Plat for the property. The Preliminary Plat contains a six lot re-subdivision of Lot 4 of the original Caron Ridge Subdivision with four buildable lots and two lots reserved for stormwater management/detention facilities. The Final PUD also contains four buildable lots but only one lot reserved for stormwater management. The petitioner decided not to create a lot for the existing stormwater pond along Il Route 38 but stormwater will still be handled the same as proposed in the Preliminary Plan. The developer expects to construct two buildings on lots 6 and 8 on the east side of the development during the 2012 construction season. On May 7, 2012 the Planning and Zoning Commission held a public hearing on Sullivan Food's petition for Final PUD for the re-subdivision of Lot 4 in Caron Ridge Subdivision and voted to recommend approval of the petition by a vote of 4-0 subject to approval of final stormwater management plan and engineering by staff, modification of the final plat as required by staff and posting of required surety. The remaining site development reviews for lots 7 and 9 will be handled administratively. Chris Limas was present for further information and to answer questions. Councilman McDermott voiced concern about the retention pond on Hwy. 38; it was stated that it would be cleaned out. Moved by Councilman Berg and seconded by Councilman Rice, **“I move Ordinance 12-4180, An Ordinance Approving the Final Planned Unit Development for the Resubdivision of Lot 4 in Caron Ridge Subdivision, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.
- 7) **FBC Front Yard Variance – 110 Avenue H:** The City has received a request from FBC Industries, Inc. for a variance to the requirements contained in Chapter 110, Section 321 which provides for a minimum 20 foot front yard setback in the I-2 (General Industry) zoning district. The applicant has plans to construct a 4,955 square foot building addition and loading dock that would be 14 feet from the front yard property line along Quarry Road. On May 7, 2012 the Planning and Zoning Commission held a public hearing on the variance request and subsequently voted 4-0 to recommend approval of the petition subject to staff approval of the final engineering and dedication of a small piece of right-of-way at the intersection of Quarry Road and Wood Street. City staff and the Planning and Zoning Commission felt that the request was appropriate since several of the buildings in this area do not conform to the required front yard or corner yard setbacks. Chris Limas was present for further information and to answer any questions. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move Ordinance 12-4181, An Ordinance Approving Front Yard Setback Variance for Property Located at 110 Avenue H (FBC Industries INC) be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.
- 8) **One and One-Half Mile Planning Jurisdiction Review – 16989 East Ritchie Road:** A petition for a Special Use Permit has been filed with the Ogle County Zoning Board of Appeals by Maria Pena to allow a Rodeo facility at 16989 Ritchie Road. Since this location is within a mile and one-half of the City of Rochelle's corporate limits, the City has a right to review the request and make a recommendation on the application to Ogle County. Community Development Director Chris Limas met with the petitioner on May 4, 2012. At that time Maria Pena indicated that the viewing area would be located behind the barn and parking would be located behind the house. She plans to hold two events per month and anticipates

attendance of approximately 300 people. The Planning and Zoning Commission reviewed the request at their meeting on May 7, 2012 and subsequently voted to recommend approval of the Special Use Permit to allow a Rodeo facility at 16989 Ritchie Road by a vote of 5-0. Chris Limas was present for further information and to answer questions. He stated that she's already been OK'd by the Ogle County Health Department and she is hiring her own security guards. It was asked if she will be selling liquor but that would be in the Ogle County Sheriff's jurisdiction. Moved by Councilman Berg and seconded by Councilman Rice, **"I move Resolution R12-12, A Resolution Recommending Approval of a Special Use Permit to Allow Rodeo Facilities at 16989 East Ritchie Road, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, McDermott, Rice, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

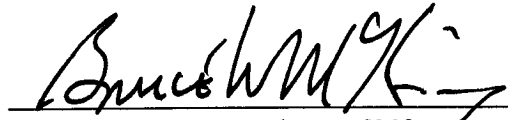
DISCUSSION ITEMS: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:33 p.m., moved by Councilman McDermott and seconded by Councilman Rice, **"I move the Council adjourn."** Motion passed by voice vote without dissent.



Chet Olson, Mayor



Bruce McKinney, CMC,
City Clerk, City of Rochelle