

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
November 13, 2012**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Tuesday, November 13, 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 Berg, McDermott, Hollonbeck, Hayes, Rice, and Mayor Olson. Absent: Councilman Eckhardt. Quorum was present. Also present were City Manager Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: None

REPORTS AND COMMUNICATIONS:

- Mayor: None
- City Clerk: Petitions for three council positions can be turned in November 19th through November 26th; petitions can still be picked up.
- City Manager Plyman introduced Dan Weston, Business and Finance Analysis at Rochelle Utilities.
- Council Members:
 - Ed Rice introduced Alix Charles, Mission Director of Three Angels which includes a school, clinic, and orphanage in Haiti, who is presently visiting the United States for the first time.
 - Bil Hayes recently attended an energy conference in Minnesota. He will put together a short presentation to give at a future meeting.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – October 22, 2012
- b) Approve Minutes of Special City Council Meeting – October 29, 2012
- c) Accept and Place on File Minutes of Railroad Advisory Board – August 23, 2012
- d) Approve Bills – 10/12/12-10/18/12=**\$3,316,743**; 10/19/12-10/25/12=**\$461,419**; 10/26/12-11/1/12=**\$330,701**
- e) Approve Payroll – 10/1/12-10/14/12=**\$212,112**, 10/15/12-10/28/12=**\$207,364**
- f) Approve Downtown Rochelle Association Request – Old Fashioned Christmas Walk
- g) Authorize Lighted Christmas Parade – December 7, 2012

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

- 2) **Lakeview Lift Station Upgrade:** In 1962 the City installed a Smith & Loveless pre-fabricated wet well/dry well lift station, commonly known as the Lakeview lift station. After 50 years of reliable operation the lift station and associated piping, valves and pumps are beginning to show signs of wear. City staff discussed various options for replacement and/or retrofitting of the lift station with representatives from Smith & Loveless, Gasvoda & Associates, Willett Hofmann, and wastewater operators from Dixon and Sterling. Based on this input Superintendent Cooper concluded that retrofitting the existing lift station with a vacuum prime station is a good option. At the direction of the City, Willett Hoffman performed the design, permitting and bid preparation for the project. In addition to the base bid for retrofitting the existing lift station, two alternates were also included: Alternate #1 for a sliding cover and Alternate #2 for a carbon steel base. These alternates were included so that multiple manufacturers could submit bids for the project. Subsequent to the required public notice, the City Clerk opened one bid from Gasvoda & Associates on September 4, 2012 with a base bid of \$77,824. In addition, USEMCO sent a letter of protest stating that they believe the specifications were written for a proprietary piece of equipment. City Attorney Cooper reviewed the bid package and did not feel that the specifications, as written, were illegal. The 2012-13 Capital Outlay Budget for Water/Water Reclamation includes \$65,000 for the Lakeview Lift Station Upgrade project. Staff and our consultant, Matt Hansen of Willett Hofmann, have reviewed the bid to determine the difference between the budgetary amount, based on an estimate provided by Gasvoda & Associates, and the bid amount. After identifying the various components that contributed to the increase, staff contacted Gasvoda & Associates to discuss options for reducing the price. As a result Kathy Cooper recommended reusing the existing Multi-smart controller and level transducer lift station devices, contracting directly with Smith & Loveless for the lift station at a cost of \$60,000 and contracting with Gasvoda for two variable frequency drives, field installation of the flow meter readout and start up of the lift station at a cost of \$7,159. Both Superintendent Cooper and City Attorney Cooper were present to answer questions. City Attorney Cooper confirmed that the contracts meet the requirement for the City Council to approve a direct contract without competitive bidding by a two-thirds vote of the entire Council. Moved by Councilman Berg and seconded by Councilman McDermott, **"I move the Council reject all bids received on September 4, 2012 for the Lakeview Lift Station."** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0. Moved by Councilman Rice and seconded by Councilman Berg, **"I move that the City Manager be authorized to enter into Agreement 12-4250, An Agreement with Smith & Loveless for a Factory Built Formula X Automatic Pumping Station for \$60,000 without competitive bidding."** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move the City Manager be authorized to enter into Agreement 12-4251, An Agreement with Gasvoda & Associates for two variable frequency drives, field installation of the flow meter, and start-up of the lift station for \$7,159 without competitive bidding."** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.

- 3) **Contract for Grant Services – Project Golden Prairie:** In association with the proposed expansion of the Nippon Sharyo manufacturing facility, Project Golden Prairie, the Illinois Department of Commerce & Economic Opportunity (DCEO) will make available up to \$750,000 in Community Development Assistance Program (CDAP) funds to the City of Rochelle to be used towards infrastructure improvements. The City intends to submit a CDAP grant application to access these funds in order to help pay for the construction of a new well on Hayes Road in the southeast industrial corridor. Superintendent Kathy Cooper recommended that the City hire Ellen Burgeson to provide the necessary grant assistance due to her experience in working with both the City and DCEO on several other projects. The proposed contract between the City and Ellen Burgeson includes services necessary to submit the CDAP application and associated documentation at a cost not to exceed \$8,500. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **“I move Agreement 12-4252, An Agreement between the City of Rochelle and Ellen Burgeson for Grant Services related to Project Golden Prairie at a cost not to exceed \$8,500, be approved.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.
- 4) **Amendment to Special Use Permit for Behr Iron and Steel – 111 5th Avenue:** Earlier this year the City Council approved a Special Use Permit to allow the operation of an indoor drive-thru metal recycling operation, an outdoor metal recycling operation and an auto recycling operation at Behr Iron and Steel located at 111 5th Avenue. Once operational the recycling facility will be open from 8:00AM to 5:00PM on Monday through Friday and 8:00AM to 12:00PM on Saturday. Since starting construction on the site, Behr representatives have decided that the three recycling operations would work better if they were located in different buildings than originally approved. They have subsequently petitioned for an amendment to the Special Use Permit. The indoor drive-thru metal recycling operation was originally approved in an existing building located in the northwest portion of the property. Behr would now like to use the larger, existing building located in the southwest portion of the property with access off of Second Street for the drive-thru facility. They plan to remodel approximately 19,000 square feet of that building and all metals will still be received and stored inside until they are shipped. In addition, Behr plans to purchase ferrous scrap metal at the facility. They originally planned to store these materials in containers on the south side of the drive-thru building. Behr would now like to use the existing building located in the eastern/central portion of the property so that the ferrous materials can be received, stored and processed indoors. The automobile recycling operation was originally approved in an existing building located in the eastern/central portion of the property. Behr would now like to use the existing building located in the northwestern portion of the property for this operation. If approved, the autos will be decommissioned inside the building, compressed in an auto flattener located on a concrete pad south of the building and shipped to other Behr facilities for further processing with access off of Caron Road. A Planning and Zoning Commission meeting was scheduled for November 5, 2012 to review the amendment request. Unfortunately there were not enough members present for a quorum but the petitioner was allowed to present the request and the four members present indicated their support for the amendment. A fifth member later indicated her support for the request. Since the use has already been approved, no one from the public voiced concerns about the request, and five members have recommended approval; staff recommends approval of an amendment to the Special Use Permit. Chris Limas, Community Development Director, and Lee Foecking, CFO of Behr Iron & Steel, were both present for further information and to answer questions. Moved by Councilman Berg and seconded by Councilman McDermott, **“I move Ordinance 12-4253, An Ordinance Approving an Amendment to a Conditional (Special Use) Permit Approved by Ordinance 12-4216 for an Indoor Drop-Off Recycling Center and an Automobile Recycling Operation Located at 111 5th Avenue for Behr Iron & Steel, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.

- 5) **Engineering Services Agreement – School Avenue Bridge:** The School Avenue bridge/ box culvert structure was installed nearly 50 years ago. Over the past few years bridge inspections and reports, required by the Illinois Department of Transportation, have identified spalling of concrete (broken, flaked or pitted), exposed reinforcement, wingwall tipping and deterioration of the deck slab and edges. In addition, the three cell box culvert structure routinely collects debris and sediment which inhibits the conveyance of Kyte River. City Engineer Sam Tesreau asked Wendler Engineering Services to provide an agreement associated with the School Avenue Bridge Project. Wendler Engineering has submitted a proposal for the engineering design and surveying services to prepare plans and specifications for the bidding to replace the structure including roadway approaches and modifications to the Turkington Terrace and School Avenue intersection. The base engineering scope of services identified in the agreement includes a fee not to exceed \$47,500. Staff has identified this project as a multi-year capital improvement project. The 2012-13 Capital Improvements budget includes \$200,000 for this project and the remaining construction and related items will be included in the FY 2013-2014 budget. This project will be funded through sales tax and/or motor fuel tax funds. Once complete, the new structure will be a traditional bridge which will improve the conveyance of the Kyte River and include upgraded pedestrian crossings along the north and south sides. City Engineer, Sam Tesreau, was present to provide further information and answer questions. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move Agreement 12-4254, An Agreement between the City of Rochelle and Wendler Engineering Services related to the School Avenue Bridge Project, not to exceed \$47,500, be approved.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.
- 6) **Ordinance to Extend Gas and Electricity Utility Taxes:** In January of 2008 the Mayor and Council adopted an ordinance which extended the municipal utility tax of 1.5% on gross revenues of natural gas businesses and electric companies serving customers within Rochelle. These tax proceeds were designated for sidewalk repair or replacement, construction or reconstruction of sidewalk accessibility ramps, new or missing sidewalk extensions and/or connections, and the construction of street improvements in areas lacking curb, gutter and sidewalk. Since the original establishment of the municipal utility tax in 1997, over 600,000 square feet of sidewalks and associated accessibility ramps have been removed and replaced or newly constructed along with the construction of improvements in areas lacking curb, gutter and sidewalk. In 2006/07 all of the City’s sidewalks were evaluated and rated based on their condition. Following this assessment a multiyear program, through 2013, was established to address deficiencies in the pedestrian network. Once this is complete a new five-year sidewalk replacement program will be developed to continue to work toward the Public Right of Way Accessibility Guidelines developed by the United States Access Board. Therefore, City Engineer Sam Tesreau recommended that the municipal utility tax of approximately 1.5% be extended through April of 2018 with the use being expanded to include shared use paths, curb and gutter repair or replacement and professional services and engineering associated with the projects. In addition to ongoing sidewalk replacement, additional accessibility ramps need to be constructed and several residential, commercial and industrial areas in the community still lack a complete network of sidewalks to serve pedestrian traffic. Sam Tesreau presented further information using drawings and answered questions. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Ordinance 12-4255, An Ordinance Amending Articles VII (Municipal Gas Tax) and VIII (Municipal Electricity Tax) of Chapter 90 (Taxation) of the Rochelle Municipal Code to Extend Utility Taxes through April of 2018, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.

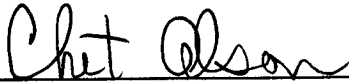
- 7) **Amendment to the Limited Fixed Base Operator Agreement – Rochelle Avionics, Inc.:** On September 28, 2009 the Mayor and Council approved an agreement with Rochelle Avionics, Incorporated, in order to provide aircraft maintenance services, with a focus on avionics, at the Rochelle Municipal Airport. The five-year agreement, which commenced on November 1, 2009, included various start-up incentives such as no lease payment for the first two years and structured utility costs. In November of 2011, at the request of Rochelle Avionics, the Mayor and Council approved an amendment to the agreement which provided a one-year extension of the zero lease payment incentive. Per the amended agreement, the lease payments for the final two years were to be negotiated between the parties by October 31, 2012. In order to establish an appropriate lease payment, City staff researched the rates charged by area airports for hangar space. Their research indicated that .22 cents per square foot is the lowest monthly rate charged by airports of comparable size, infrastructure and operations. This equates to a monthly rate of \$1,213.96 based on the 5,518 square feet of hangar and office space utilized by Rochelle Avionics. City staff subsequently proposed a four-step rate schedule to phase the rate in over the remaining two-year period as follows: months 1-6, .11 cents per sq. ft. (\$606.98 per month); months 7-12, .15 cents per sq. ft (\$827.70 per month); months 13-18, .19 cents per sq. ft (\$1,048.42 per month) and months 19-24, .22 cents per sq. ft (\$1,213.96 per month). Jeremy Sells, President of Rochelle Avionics, Incorporated (RAI), has agreed to the revised lease payments for months 1-12 as proposed. Airport Manager Mark Delhotal recommends that the City agree to the terms for months 1-6 of \$606.98 per month and months 7-12 of \$827.70 per month with the final year of the contract to be negotiated by October 31, 2013. Don Elliott, Superintendent, of the Airport was present for further information and questions. Also present was City Attorney, Alan Cooper, who said the typographical error on the second page needed to be corrected. Don Elliott, Superintendent of the Airport, stated they are a valuable addition to the airport. Moved by Councilman Rice and seconded by Councilwoman Hollonbeck, **“I move Ordinance 12-4256, An Ordinance Amending the Limited Fixed Base Operator Agreement Between the City of Rochelle and Rochelle Avionics, Ins. Be adopted.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.
- 8) **Caron Road Peaker Building Asbestos Removal:** In February of 2010 the Environmental Protection Agency issued the RICE NESHAP ruling aimed at reducing emissions of toxic air pollutants from existing stationary diesel engines. Seven of the engines located at the Electric Production facility on Ninth Street and the Peaker Plant on Caron Road must comply with these regulations by 2013. Existing piping to the exhaust systems, containing asbestos, must be removed as part of the project. This portion of the project was bid separately and on September 10, 2012 the Mayor and Council accepted the bid for the required asbestos removal from RAMSCO with a bid of \$19,050. Following the council meeting, Willett Hofmann notified RAMSCO of the award and sent the contract documents to them for execution. RAMSCO originally indicated that they would need to delay the start date of the contract due to other projects. Recently, the President of RAMSCO communicated that they are unable to complete the project by December 15, 2012 as required and therefore will not be executing the contract. The second lowest responsible bidder was Midwest Service Group with a bid of \$49,950. They have confirmed that their bid price is still acceptable and they would be able to complete the work as scheduled by December 15, 2012. Since this is a time sensitive project, Electric Operations Superintendent Joe Orlikowski recommends accepting the bid from Midwest Service Group for \$49,950. The 2012-13 Capital Outlay Budget for Electric Operations-Generation includes \$47,750 for the asbestos removal project. Superintendent Orlikowski was present to give further information and answer questions. Moved by Councilman Berg and seconded by Councilman McDermott, **“I move the Council accept Bid C12-16 for the 9th Street Production Building and Caron Road Peaker Building Asbestos Removal from Midwest Service Group for \$49,950 and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers Berg, Rice, Hollonbeck, McDermott, Hayes, and Mayor Olson. Nays: None. Motion passed 6-0.

DISCUSSION ITEMS:

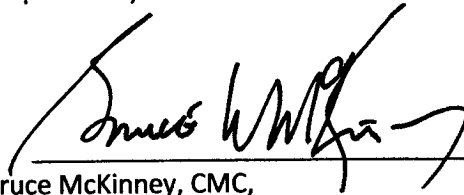
1) **Emerald Ash Borer:** Don Elliott, Street Department Supervisor, said that the City does have a number of ash trees. These small, metallic-green beetles are destructive insects that feast on ash trees and ultimately cause them to die. He has been working with the Illinois Department of Agriculture, who has confirmed infestations of the emerald ash borer in several Northern Illinois counties. Mr. Scott Schirmer, from the Illinois Department of Agriculture, provided a presentation and hand-outs on signs and symptoms of emerald ash borer infestation and options available for dealing with them including insecticides and removal of the trees.

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:37 p.m., moved by Councilman McDermott and seconded by Councilwoman Hollonbeck, **"I move the Council adjourn."** Motion passed by voice vote without dissent.



Chet Olson, Mayor



Bruce McKinney, CMC,
City Clerk, City of Rochelle