

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
September 10, 2012**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, September 10, 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, David Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.:

- **Texting and Driving Awareness Month – September 2012:** Read by City Clerk, Bruce McKinney. Displayed at front desk of City Hall.
- **Constitution Week – September 17-23, 2012:** To be presented to Sarah Flanagan of the DAR (Daughters of the American Revolution) by the Mayor on September 11th.

REPORTS AND COMMUNICATIONS:

- Mayor: None
- Council Members: None

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – August 27, 2012;
- b) Approve Bills – 08/17/12-08/23/12=\$504,360.53; 08/24/12-08/30/12=\$149,602.43;
- c) Approve Payroll – 08/06/12-08/19/12=\$205,036.62;
- d) Authorize Rochelle Township High School Homecoming Parade – September 20, 2012;
- e) Accept and Place on File Minutes of Railroad Advisory Board Meeting – June 28, 2012.

Moved by Councilman Hayes and seconded by Councilman McDermott, "**I move Consent Agenda Items (a) through (c) be approved by Omnibus Vote as recommended.**" Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

- 2) Amendment to Annexation Agreement Creekside Subdivision Unit 1 f/k/a Kings Crossing Subdivision (Public Hearing and Action):** In 2006 the Mayor and City Council approved the Kings Crossing Annexation Agreement for a 492.9 acre development located north of Flagg Road. Due to the downturn in the housing market, the development and the associated installation of water and sanitary sewer mains to serve the subdivision did not proceed as planned. Two amendments to the annexation agreement were subsequently approved in 2009 to facilitate the construction of the first phase of Kings Crossing and earlier this year a third amendment was approved in an effort to stimulate a residential subdivision on 19.4 acres of land north of Flagg Road and west of 20th Street. Rochelle Community Consolidated District #231 owns property in the Creekside (formerly King's Crossing) Subdivision and construction is

underway at that location on a new elementary school. Per City Code, a property owner is required to extend the water main to the property or annexation line, whichever is further. City staff met with Superintendent Prusator and the school district's attorney to discuss the required extension. Since the water main extension to the west would not serve any development at this time, the City proposed a compromise. The proposal stated that District 231 would provide a 15-foot easement to the west property line and stub out a section of water main. If the property to the west develops within five years, the school district will be responsible for extending the main to the property. After five years, the City will be responsible for extending the water main within the easement when the property develops. The school district agreed to the proposal and voted to approve the Fourth Amendment to the Annexation Agreement at their meeting on August 15, 2012. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move the Council recess into a Public Hearing for Creekside Land Holdings."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0. After some discussion by Council, Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, **"I move the Council return to Open Session."** Motion passed by voice vote without dissent. Moved by Councilman Eckhardt and seconded by Councilman McDermott, **"I move Ordinance 12-4229, An Ordinance Approving Fourth Amendment to Annexation Agreement for Creekside f/k/a/King's Crossing, be adapted."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

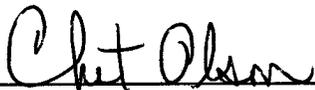
- 3) **RICE NESHAP Improvements – Electric Production Facility:** In February of 2010 the Environmental Protection Agency issued the RICE NESHAP ruling aimed at reducing emissions of toxic air pollutants from existing stationary diesel engines meeting specific criteria. As a result, operators of existing stationary diesel engines will be required to install emission control equipment that will reduce emissions by 70%, perform emissions tests to demonstrate compliance with the rule and burn ultra-low sulfur fuel in stationary engines with a site rating greater than 300 horsepower. Seven of the engines located at the Electric Production facility on Ninth Street and the Peaker Plant on Caron Road meet the criteria and must comply with these regulations by 2013. Subsequent to the required public notice, City Clerk Bruce McKinney opened three bids on August 29, 2012. Our consultant, Lincoln Duncan of Barnes, Henry, Meisenheimer & Gende, Inc., has reviewed the bids and determined that the apparent low bidder, Stenstrom General Contractor, did not include all of the required documentation and therefore did not meet the bid specifications. As a result Superintendent Joe Orlikowski and our consultant recommend accepting the bid from Independent Mechanical Industries of \$934,000 as the lowest bid having met the specification requirements. The 2012-13 Capital Outlay Budget for Electric Operations - Generation includes \$1,450,000 for this project. Joe Orlikowski was present to answer questions. Moved by Councilwoman Hollonbeck and seconded by Councilman Rice, **"I move the Council accept Bid C12-14 for the RICE NESH Improvements from Independent Mechanical Industries for \$934,000 and reject all other bids."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

- 4) **Asbestos Removal – 9th Street Production Building and Caron Road Peaker Building:** As part of the required RICE NESHAP improvements, the piping to the exhaust system must be removed. Since this requires asbestos abatement it was bid separately from the rest of the project. Subsequent to the required public notice, City Clerk Bruce McKinney opened seven bids on August 30, 2012. Staff and our consultant, Matt Hansen of Willett-Hofmann, have reviewed the bids and recommend the acceptance of the apparent low bidder, RAMSCO, with a bid of \$19,050. In addition, our consultant has confirmed, based on the list of projects and references, that they are qualified to perform the asbestos removal for this project. RAMSCO plans to use a combination of containment methods which is much less costly than constructing a containment structure for all of the asbestos removal. The 2012-13 Capital Outlay Budget for Electric Operations-Generation includes \$47,750 for the asbestos removal project. Joe Orlikowski was present to answer questions. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move the Council accept Bid C12-15 for the 9th Street Production Building and Caron Road Peaker Building Asbestos Removal from RAMSCO for \$19,050 and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) **Amendment 2 to the Agreement with Hanson Professional Services – Airport Land Acquisition Services:** In 2008 the Illinois Department of Transportation (IDOT) Division of Aeronautics approved plans to extend the runway at the Rochelle Municipal Airport from 4,226 feet to 5,000 feet. Subsequently, the Mayor and Council approved an agreement with Hanson Professional Services for assistance in acquiring two parcels of land, required for the expansion, at a cost not to exceed \$48,700. Earlier this year, the Mayor and Council approved Amendment 1 to the Hanson agreement which included additional services provided to settle drainage concerns and the City’s desire to purchase an additional 8 acres of property at a cost not to exceed \$79,780. Due to the addition of the third parcel of property, exhibit updates, survey and plat preparation, drainage engineering and additional negotiating, services in excess of those contained in the amended agreement, have been required. IDOT Division of Aeronautics has reviewed and approved Amendment 2 to the Property Acquisition Management Services Agreement with Hanson to include the additional services at a cost not to exceed \$89,469.91. Once all purchase documents are recorded, the City will request reimbursement of 90% from Federal Entitlement Funds and 5% from the State of Illinois. The local share of \$4,473.50 will be paid out of the airport fund and will allow the City to move forward with the goal of expanding the runway in 2013-14. Moved by Councilman Eckhardt and seconded by Councilman Hayes, **“I move Agreement 12-4227, Amendment 2 Agreement for Engineering Services between the City of Rochelle and Hanson Professional Services, be approved.”** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Selection of Luminaires for Corridor Lighting:** Removed from agenda.

- 7) **Ordinance Amending Article IX (Seized and Impounded Vehicles) of Chapter 94 (Traffic and Vehicles) of the Rochelle Municipal Code:** On January 1, 2012 the State of Illinois adopted an amendment to the Illinois Vehicle Code which provided specific authorization for this type of ordinance. As a result, Attorneys Cooper and Lyons have reviewed the provisions of the statute and recommend that an amendment to the City's towing ordinance, in its entirety, be approved. The proposed amendment more closely reflects the provisions of the Illinois Vehicle Code relating to the offenses for which a seizure is authorized, the administrative fee to be imposed, procedures for release of a vehicle from impoundment pending a hearing, notice to owners and others, and determination of the validity of the seizure. Important changes included in the proposed ordinance relate to the timing and content of notices to owners, lessees and lien holders of seized vehicles, eligible offenses for which a vehicle may be towed and the requirement that all seizures be reviewed by the hearing officer, whether or not a hearing is requested. In addition, the Police Department has undertaken a 14-month review of the City's costs associated with towing vehicles. The memorandum from Chief Higby and the breakdown of costs show that the costs associated with such tows are in excess of the \$500.00 fee imposed since the ordinance was originally adopted. City Attorney, Alan Cooper, was present for further explanation and to answer questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **"I move Ordinance 12-4228, An Ordinance Amending Article IX (Seized and Impounded Vehicles) of Chapter 94 (Traffic and Vehicles) of the Rochelle Municipal Code, be adopted."** Roll call vote was taken. Ayes: Councilmembers Berg, Eckhardt, Hayes, Hollonbeck, McDermott, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS: None

ADJOURNMENT: At 7:34 p.m., moved by Councilman Berg 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, City of Rochelle