

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
September 22, 2014**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, September 22, 2014 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

**PLEDGE TO THE FLAG & PRAYER:** The Prayer was said by Deputy Clerk Judy Schermerhorn.

**ROLL CALL:** Present on Roll Call were Councilmembers Hayes, Eckhart, Berg, Rice, Hollonbeck and Mayor Olson. Absent: Councilman McDermott. Quorum of six present. Also present were City Manager David Plyman and Deputy Clerk Schermerhorn.

**PROCLAMATIONS, COMMENDATIONS, ETC.:**

- **National Fire Prevention Week – October 5-11, 2014:** Read by Deputy Clerk Schermerhorn and Mayor Olson presented to Fire Chief Brian Johnson.

**REPORTS AND COMMUNICATIONS:**

- Mayor: Welcomed back City Clerk Bruce McKinney.
- Council Members: Glad to see City Clerk Bruce McKinney present at meeting.
- Financial Statement – August 2014: In Council packets

**PUBLIC COMMENTARY:** None

**BUSINESS ITEMS:**

**1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:**

- a) Approve Minutes of City Council Meeting – September 8, 2014
  - b) Approve Bills – 082914-090414=**\$195,303**; 090514-091114=**\$494,582**
  - c) Approve Payroll - 081814-083114=**\$209,338**; 090114-091414=**\$216,975**
  - d) Authorize the Rochelle Lions Club Annual Candy Sale as Requested – October 10-11, 2014
  - e) Authorize the Midstates Jeepster Association to Reserve Parking Lot #3 – October 10, 2014.
- Moved by Moved by Councilwoman Hollonbeck and seconded by Councilman Eckhardt, **“I move Consent Agenda Items (a) through (e) be approved by Omnibus Vote as recommended.”** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

- 2) Treatment Plant Blower replacement Project:** Last November the Illinois Clean Energy Community Foundation awarded the City \$54,000 to help pay for the purchase and installation of a new turbo blower at the treatment plant. This technology is expected to help reduce the plant’s electric bill which currently averages \$18,589 per month. Subsequent to the required public notice, the Deputy City Clerk opened four bids for the project on August 22nd. Staff and our consultant from Trotter and Associates, Inc. have reviewed the bids and recommend the acceptance of the lowest responsible base bid from Dahme Mechanical Industries, Inc. of \$248,888, minus a reduction of \$37,000 to utilize Aerzen equipment, for a total amount of \$211,888. The RMU Water Reclamation Capital Outlay Budget for Fiscal Year 14/15 includes \$125,000 for the Treatment Plan Blower Replacement project. Based on an annual savings of \$26,295, our consultant expects a payback of six years with the use of a more energy efficient blower. The Mayor and Council

considered the bids at their meeting on September 8th. Following some discussion, the council requested additional information about how the budgeted amount was determined and technical information on the turbo blower. As a result, Matt Hansen from Willett Hofmann and Associates contacted Trotter & Associates and found that their engineer's estimate for the construction was \$245,480. In addition, he discussed the project cost with the Water Reclamation Staff and they reviewed the project file. Staff does not know how the budget was established and they were unable to find any detailed cost estimate for the project. Although it cannot be proven, it is possible that this project was planned to be budgeted across two fiscal years. The additional technical information on the 100 Hp high speed turbo blower by Aerzen has also been provided. Matt Hanson present for questions. Council stated that they were satisfied with additional information received. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move Council accept Bid C14-17 from Dahme Mechanical Industries, Inc., of \$248,888 minus a reduction of \$37,000 to utilize Aerzen equipment, for a total amount of \$211,888 for the Treatment Plant Blower Replacement Project and reject all other bids."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

- 3) **Ordinance Adding Sec. 110-555:** The Illinois Municipal Code authorizes municipalities to adopt and amend a zoning ordinance for the regulation of zoning districts and associated permitted uses. Section 110 of the Municipal Code of the City of Rochelle currently contains a definition for "sexually oriented materials". This use is also listed in the District Use Classification List as being permitted in the I-3 District if a special use permit is granted by the City Council. Community Development Department Staff have worked with Attorney Cooper's office to more accurately define a miscellaneous use for "Sexually-Oriented Land Uses". These changes are being proposed to ensure compliance with the Zoning Code, ensure these types of uses are permitted in limited circumstances and to fully define the varieties of these uses through ten new definitions. Per the proposed ordinance, this use will be allowed in the I-3 (Heavy Industry) zoning district and I-2 (General Industry) zoning district as a special use. In addition, the proposed section 110-555 includes specific restrictions where this land use may not be located including: within 1,000 foot radius of another similar use, within 1,000 foot radius of any residential use, church, place of religious worship, park, playground, or athletic field and within a 1 mile radius of any school. On September 8<sup>th</sup> the Planning and Zoning Commission held a public hearing to review the revised ordinance. The commission subsequently voted to recommend approval of the ordinance by a vote of 4-0. Kip Countryman, Building Inspector, was present to answer any questions. Moved by Councilman Eckhardt and seconded by Councilman Berg, **"I move Council approve Ordinance 14-4390 Adding Section 110-555 of the Municipal Code to Categorize and Provide for Zoning for Sexually-Oriented Land Uses."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.
- 4) **Resolution for Improvement by Municipality – Veterans Parkway Project:** In December of 2012, the Mayor and Council approved a Local Agency agreement for maintenance assistance on Veterans Parkway through the Illinois Department of Transportation (IDOT) Federal Aid for Surface Transportation Urban (STU) program. This agreement ensured that funds were being set aside by the City to cover the local share of the project cost. The STU program funds up to 80% of the eligible and awarded costs of maintenance projects, like Veterans Parkway, that meet the program's criteria. The Veterans Parkway Project was completed earlier this year at a final cost of \$513,000. City Council approval of the proposed resolution is required to fund the local share of the project, \$104,000, through a transfer from the Motor Fuel Tax funds. Sam Tesreau, City Engineer present but there were no questions. Moved by Councilman Hayes and seconded by Councilman Rice, **"I move Council approve Resolution R14-15 for Improvement by**

**Municipality Under the Illinois Highway Code to appropriate \$104,000 for the Veteran's Parkway Project.** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

- 5) **Purchase of Front-End Wheel Loader at Auction – Engineering Department:** The City Engineer and Street Department Superintendent have been discussing the need to purchase additional construction equipment over the next 5 years to use for infrastructure projects that are done in house. The Street Department's current wheel loader is nearly 18 years old and has over 9,500 hours on it. This piece of equipment is used on a regular basis for in-house projects as well as routine maintenance of the City's streets. Staff has discovered that a front-end wheel loader will be available at auction beginning as early as October. Therefore, they would like an opportunity to inspect and potentially purchase the loader within the next month. The 2014-15 Capital Improvements fund will be able to absorb the cost of this purchase by delaying specific line item expenditures for miscellaneous capital improvement projects until fiscal year 2015-16. The Rochelle Municipal Code provides that the City Council may, by a two-thirds vote of council members holding office, authorize a purchase without competitive bidding. Furthermore, the proposed ordinance includes a provision for the City Council to provide a maximum bid amount to the City Manager privately, and to purchase the equipment if the City is the successful bidder. Sam Tesreau and Street Department Superintendent were present to answer any questions. Mr. Isley stated that it is a fairly new machine that they are looking at bidding on. Also meeting with a dealer to for price on a new one to verify the savings. Moved by Councilman Rice and seconded by Councilwoman Hollonbeck, **"I move Council approve Ordinance 14-4391 Authorizing Purchase of Front-End Wheel Loader at Auction without Competitive Bidding."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.
- 6) **Reduction in Surety – Prologis Park Rochelle Unit 4 Subdivision:** In May of 2013 Prologis submitted Bond No. 82195292 for private stormwater grading and public land improvements along Caron Court for the Prologis Park Rochelle Unit 4 Subdivision. Due to the completion of a majority of the required improvements covered by this bond, Vice President of Prologis Jim Nass has requested a reduction in the surety. City Engineer Sam Tesreau has reviewed the request for a reduction in Bond No. 82195292 and verified that a majority of the land improvements covered by this particular surety have been completed. The Rochelle Municipal Code provides for the release of the completion guarantee and bond on certain conditions, including the posting of a 24-month performance bond in the amount of no less than 10% of the original surety or \$167,345, lien waivers for public improvements and acceptance of public improvements by the City Council. Prologis has three other surety bonds which are not being reduced at this time since those public land improvements have not been completed. Release of the bond, acceptance of the public improvements, and acknowledgment of completion of non-public improvements are to be accomplished by resolution. It appears that an extension will be required to complete the remaining improvements. Tesreau recommends an extension of no less than one year, or by October 15, 2015, to complete the improvements. Engineer Sam Tesreau was present to answer questions. This is one of four bonds; the other three bonds will remain the same. Moved by Councilman Hayes and seconded by Councilman Berg, **"I move Council approve Resolution R14-16 Releasing a Bond for Completion of Land Improvement for Prologis Park Rochelle Unit 4 Subdivision subject to Prologis Land LLC providing the required lien waivers and other documents and posting the required performance bond."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

- 7) **Fraternal Order of Police Agreement 2014-2018:** The current agreement with the Illinois Fraternal Order of Police expired on April 30, 2014. It was extended subject to negotiations and ratification of a new agreement. A tentative agreement, retroactive to May 1, 2014, has been reached for a new four-year contract which will expire on April 30, 2018. The tentative agreement was ratified by members of the bargaining group on September 16, 2014. The tentative agreement contains many of the same provisions as the previous agreement. In addition, it incorporates language changes and wage and benefit modifications negotiated during the past several months. Some of the more significant changes include:

Group Insurance:

Effective 1-1-18 employees pay 18% of the premium for family coverage.

Wage Schedule:

Effective 5-1-14, across the board increase of 2.5%.

Effective 5-1-15, across the board increase of 2.75%.

Effective 5-1-16, across the board increase of 3.0%

Effective 5-1-17, across the board increases of 3.25%

Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move Council approve and ratify Agreement 14-4392 between the City of Rochelle and the Illinois Fraternal Order of Police on Behalf of Rochelle Lodge #127, a four-year agreement, retroactive to May 1, 2014."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

- 8) **Consent to Assignment of Contracts to Rochelle Energy LLC:** Rochelle Energy Center, LLC (REC), the owner/operator of the landfill gas to electricity plant located at the Rochelle Municipal Landfill, has for some time been negotiating a sale of the plant to an entity associated with Evensol Environmental Energy Solutions, a company located in the State of Oregon. In connection with an anticipated closing of the sale, REC has requested the City's consent to the assignment of three contracts between the City and REC to Rochelle Energy LLC, a Delaware limited liability company, which has been recently formed by Evensol. Each of the contracts (the Site Sublease Agreement, the Landfill Gas Purchase Agreement, and the Power Purchase Agreement) requires the City's consent, which may not be unreasonably withheld. City staff and the City attorney have reviewed materials provided by Evensol with respect to Evensol's experience and finances, on the basis of which they recommend that the City Council authorize the City Manager to consent to the assignment of the contracts. The assignment will not modify any of the terms of the contracts. David Wentworth, the managing partner of Evensol, was present to answer any questions the council had with respect to the assignment. Mr. Wentworth previously appeared before the council on May 12th to present information concerning Evensol and the proposed sale. City Attorney Alan Cooper verified that the agreements remain the same. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **"I move Council authorize the City Manager to execute the Consent to Assignment #14-4393 of Contracts from Rochelle Energy Center, LLC to Rochelle Energy, LLC to Rochelle."** A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

**DISCUSSION ITEMS:**

1) **Enjoy Rochelle Tourism Website:** The City of Rochelle has launched a new tourism website that is vibrant and easy to navigate. The "Enjoy Rochelle" website provides valuable information about things to do, lodging, dining and shopping in our community. In addition, it highlights upcoming events and provides an opportunity for our residents and visitors to sign up for alerts via text or email. Public Relations and Marketing Manager Jenny Thompson demonstrated the new website and responded to questions from the Mayor and Council. The site can be linked to from the City website as well as Facebook and Twitter.

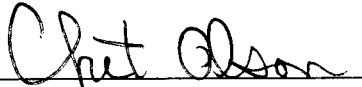
**EXECUTIVE SESSION:** At 7:44 p.m. moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **"I move the Council recess into executive session to discuss:**

- **Pending Litigation"**

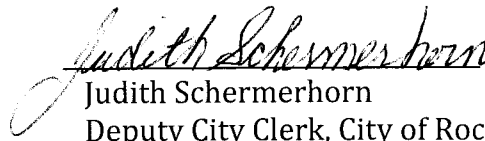
A roll call vote was taken. Ayes: Councilmembers Eckhardt, Hollonbeck, Berg, Hayes, Rice, and Mayor Olson. Nays: None. Motion passed 6-0.

At 7:55 p.m. Councilman Berg moved and seconded by Councilman Eckhart, **"I move the Council return to Open Session."** Motion passed by voice vote without dissent.

**ADJOURNMENT:** At 7:55 p.m., moved by Councilman Rice and seconded by Councilman Eckhardt, **"I move the Council adjourn."** Motion passed by voice vote without dissent.



Chet Olson, Mayor  
City of Rochelle



Judith Schermerhorn  
Deputy City Clerk, City of Rochelle