

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
DECEMBER 11, 2017**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, December 11, 2017 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The Prayer was said by Clerk McKinney.

ROLL CALL: Present on Roll Call was Councilmembers Bearrows, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Absent: Burke. A quorum of six was present. Also present were City Manager Fiegenschuh, and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC:

REPORTS AND COMMUNICATIONS:

Mayor: Mayor Olson thanked all those people that were in the Christmas parade and event at City Hall.

Council:

Good News: **Barbara Bell**

NextEra Energy Introduction: **Eric Gleason, David Davis, and Mike Lannbon**

PUBLIC COMMENTARY.

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – 11/27/17
- b) Approve Minutes of Special Council Meeting – 11/15/17 & 11/16/17
- c) Accept and Place on File Minutes of Planning and Zoning Commission – 6/19/17
- d) Accept and Place on File Financial Report Tax Increment Financing Fund
- e) Approve Exceptions – 11/22/17-12/4/17
- f) Approve Bills – 12/5/17-12/5/17
- g) Approve Payroll – 11/06/17- 11/19/17
- h) Authorize St. Paddy's Day Parade and Irish Hooley – March 10, 2018

Motion made by Councilor Barrows and seconded by Councilor Burke, "**I move Consent Agenda Items (a) through (i) be approved by Omnibus Vote as recommended.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

- 2) **Budget Fiscal Year 2018 (Public Hearing and Adoption).** The City of Rochelle held Committee of the Whole meetings on November 15th and 16th to discuss the upcoming 2018 budget. During the meetings, the City Manager presented a PowerPoint highlighting the 2018 budget and answered specific questions on various line items. The City Clerk published a Public Hearing Notice, as required by State law, to consider adoption of the budget at the December 11th City Council Meeting. Final action on the 2018 Budget is required on or before December 29, 2017 in order for it to be filed with the County. The final Proposed 2018 General Fund revenues are budgeted at \$9,537,136. This represents a decrease of approximately 9% compared to the approved 2017 budget. Budgeted expenses total \$9,467,565 which is approximately 9% lower than the 2017 budget. This results in a budget surplus of \$69,571. The combination of the General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, Trust and Agency Funds, and Capital Project Funds results in budgeted revenues of \$85,039,607 and budgeted expenses of 87,974,580. Illinois statutes require that the City conduct a public hearing on the proposed budget to allow citizens the opportunity to provide comments. After the Council returns to regular session, members of the Council can propose modifications to the proposed budget, each of which will be voted on by the Council. The proposed budget as amended will then be subject to a final Council vote for approval. Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, "**I move the Council recess into a public hearing for fiscal year 2018 budget.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0. No one came forward. Motion made by Councilor Barrows and seconded by Councilor Shaw-Dickey, "**I move the Council return to open session.**" Motion passed by voice vote without dissent. Motion made by Councilor Barrows and seconded by Councilor D. McDermott, "**I move the Council recess into a public hearing for fiscal year 2018 budget.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

- 3) **Resolution Establishing Minimum/Maximum Wage Rates for Fiscal Year 2018.** The Municipal Code of the City of Rochelle requires that the City Council annually approve a resolution establishing the minimum/maximum wage rates for all position classifications within the City. The proposed resolution applies to all employees and is based on job categories as defined by the Equal Employment Opportunity Commission. The rates included in this resolution are consistent with those that were incorporated into the City Budget for Fiscal Year 2018. Motion made by Councilor Hayes and seconded by Councilor T. McDermott, **"I move Resolution R17-29, a resolution establishing minimum/maximum wage rates for fiscal year 2018, be approved."** Roll call vote was back. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.
- 4) **Ordinance Granting a Special Use Permit to Allow for the Installation of a Balcony on the Front Façade of 416 Lincoln Highway. Ordinance Authorizing the Execution of a Redevelopment Agreement with Kennay Farms Distilling.** The subject property is zoned B-1 Commercial Central Business and is located at 416 Lincoln Highway. Kenney Farms Distillery LLC is requesting a special use to erect a balcony to replace the existing marquee which is above the City's right of way. The City shall not be deemed to have any possession, custody, control, or responsibility with respect to the balcony and the City expressly declines any responsibility for the care and control of the balcony. The City assumes no liability related to the installation or maintenance of the balcony. A public hearing on the petition of Kenney Farms Distillery request for special use was held at the Planning and Zoning Commission meeting on December 11, 2017. The recommendation of the commission will be shared at the council meeting. Michelle Pease was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Bearrows, **"I move Ordinance 17-4773, an ordinance granting a special use permit to allow for the installation of a balcony on the front facade of 416 Lincoln Highway, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **"I move Ordinance 17-4774, an ordinance authorizing the execution of a Redevelopment Agreement with Kennay Farms Distilling, LLC, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

5-7) **Ordinance Approving Annexation and Development Agreement Loves Travel Stops.** Love's Travel Stops & Country Stores is proposing to enter into an annexation agreement with the City of Rochelle for 17 acres at the corner of 251 South and Steward road south of I-88 and rezone the property to B-2 in order to construct a travel stop with a convenience store, Hardees restaurant, Chester's chicken, passenger fueling, semi-truck fueling, semi-truck parking, and a tire shop. The property is fronting I-88 on the north, route 251 on the west, Steward Road on the south, and 40 acres zoned I-1, of undeveloped property on the east. Love's Travel Stops, along with City staff, has developed an annexation agreement with the City of Rochelle that will contain a preliminary and final plat of subdivision, Zoning for B-2 Commercial Highway, City utilities (Water, Sewer, Electric) to the easterly edge of the property, widening along Steward road for a vehicle turn lane, traffic signaling at Route 251 and Steward road, and upgrades to the current lift station to serve adjoining properties as part of the Hub City Development Annexation Agreement in 2010. The expenses identified on Exhibit C of the agreement are the responsibility of Love's Travel Stops with the exception of a contribution of up to \$350,000 by the City to be used for traffic signalization and other intersection improvements at IL Route 251 and Steward Road. This contribution will be made over a three year period with the first installment of \$125,000 included in the City's 2018 budget. As part of the development, Love's Travel Stops and Country Stores has asked for relief from the Rochelle municipal Sign ordinance, relief from Section 110-404 interior parkways (earth beaming), Section 110-407 site interior(foundation planting), Section 110-531 Fuel canopies(height), Section 110-603 parking area setbacks(20 feet). The City of Rochelle Planning and Zoning Commission held a public hearing on Dec. 4, 2017 to review the petition from Love's Travel Stops. After review of the facts the Planning and Zoning Commission voted 5-0 to recommend to City Council that the City annex the 17 acres, re-zone certain property B-2 Commercial Highway, approve a variance for a 50 foot ground sign, and approve a variance granting relief from the requirements of Sections 110-404, 110-404, 110-531, and 110-633 of the Rochelle Municipal Code. Kip Countryman was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Bearrows, "**I move Ordinance 17-4775, an ordinance approving an annexation agreement between Loves Travel Stops and Country Stores, Inc. and the City of Rochelle, be approved.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott And seconded by Councilor Shaw-Dickey, "**I move Ordinance 17-4776, an ordinance annexing property located at the corner of Illinois Route 251 and Steward Road and having property identification numbers 24-36-100-020 and 24-36-100-025 and zoning said property as B-2 (Commercial Highway), be approved.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott And seconded by Councilor T. McDermott, "**I move Ordinance 17-4777, an ordinance granting variations related to landscaping, setbacks and signage, be approved.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

8) **Resolution Establishing Lawnridge Cemetery Price Schedule Effective January 1, 2018.** Chapter 30 of the current Rochelle Municipal Code, entitled Cemetery, provides for the establishment of fees and charges related to Lawnridge Cemetery including lot sales and services performed. The last revisions made to the Cemetery Price Schedule were effective May 1, 2010. In efforts to maintain the financial soundness of Lawnridge Cemetery a review of the current price schedule was conducted. Revenues for services provided were compared with expenses incurred to provide the services and the cost of maintaining the facilities and grounds. Surrounding cemetery fees were also taken into consideration. The Cemetery Price Schedule review indicated a need to re-organize the document while adding and removing language. It was determined that there are fees for services provided that are not sufficient to cover the cost to provide those services. It was also determined that current Cemetery fees are lower than fees charged by other surrounding cemeteries. Streets and Cemetery Superintendent Tim Isley recommends an increase of fees in areas including grave spaces, grave/interment opening and closing, disinterment, late arrival, Saturday, Sundays and holidays. All proposed changes are noted in the 2010 Cemetery Price Schedule, with language lined out being removed and language in red being added. The attached 2018 Proposed Cemetery Price Schedule shows all final document changes. Implementation of the proposed changes will improve the financial soundness of Lawnridge Cemetery. Tim Isley was present to answer questions. Motion made by Councilor Hayes and seconded by Councilor D. McDermott, "**I move Resolution R17-33, a resolution establishing a Lawnridge Cemetery Price Schedule effective January 1, 2018, be approved.**" Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

- 9) **Resolution Establishing Lawnrage Cemetery Rules and Regulations Effective January 1, 2018.** Chapter 30 of the current Rochelle Municipal Code, entitled Cemetery, provides for the establishment of rules and regulations related to Lawnrage Cemetery and its operation. The last revisions made to these rules were effective May 1, 2010. Changing and updating the rules and regulations are necessary for maintaining an efficient operation and staying current with state statutes. Proposed changes include: re-organizing parts of the document, grouping areas of specific information together and adding and removing language to better clarify the Rules and Regulations document. All proposed changes are noted on the attached 2010 Rules and Regulations document, with language lined out being removed and language in red being added. The attached 2018 Proposed Rules and Regulations show all final document changes. Motion made by Councilor Barrows and seconded by Councilor Shaw-Dickey, **"I move Resolution R17-34, a resolution establishing Lawnrage Cemetery Rules and Regulations effective January 1, 2018, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.
- 10) **Purchase of 4x4 Full-Size, Sport Utility Vehicle – Fire Department.** A new vehicle was included in the fiscal year 2017 budget for the Fire Department. The vehicle considered was a full size 4X4 sport utility vehicle with ample storage for equipment & personnel. The above referenced vehicle and alternate equipment was advertised in the Rochelle News Leader. Bids were publicly opened and read aloud on December 5th for the above referenced vehicle. Two separate bids were received as follows including alternate options/equipment for a full size 4x4, sport utility vehicle:
- Prescott Brothers Ford submitted a bid (#1) proposal in the amount of \$42,532.00
 - Sawicki Motors submitted a bid (#1) proposal in the amount of \$36,174.15
- It should be noted that municipalities are able to purchase certain vehicles and equipment that ave been publicly/separately bid through the Illinois Department of Central Management Services. This vehicle is available per the minimum specifications and/or alternate options for \$36,390.00 through the State's vendor. The vehicle is being funded through fiscal year 2017 capital outlay #01-22-84000 from the Fire Department budget. Chief Sawlsville was present to answer questions. Motion made by Councilor Barrows and seconded by Councilor T. McDermott, **"I move the Council accept the local, low bid proposal from Sawicki Motors for the purchase of a Sport Utility Vehicle by the Fire Department in the amount of \$36,174.15, subject to an acceptable contract with said bidder."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.
- 11) **Ordinance Approving an Amendment to the Personnel Policies Manual Concerning a Revised Policy on Prohibited Harassment.** Public Act 100-0554 was signed by Governor Rauner and became law on November 16, 2017. Public Act 100-0554 (the Act) amends the State Officials and Employees Ethics Act, including Section 70-5, which pertains to government entities. Pursuant to this new mandate, local units of government must adopt an ordinance or resolution establishing a policy prohibiting sexual harassment prior to January 15, 2018. We have reviewed our current sexual harassment policy and have revised it to comply with the new mandate. Motion made by Councilor Hayes and seconded by Councilor Bearrows, **"I move Ordinance 17-4778, an ordinance approving an amendment to the personnel policies manual concerning prohibited harassment, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.
- 12) **Resolution Adopting the 16th Edition of the American Public Power Association Safety Manual Pertaining to Safe Operations and Addendum to Section 407c), Use and Care of Rubber Gloves.** The City of Rochelle strives to keep our employees safe and adhere to the safety standards set by OSHA. The American Public Power Association has published a Safety Manual for its member utilities since 1977. The APPA promotes a safe and injury-free work environment for the public power and is a vital tool for the Electric Department. The APPA Manual also has benefits for the Water/Water Rec and Street Departments. The departments have routine training and keep abreast of the latest safety techniques and procedures. The addendum to Section 407c) addresses the use and care of rubber gloves. This recommended change has been discussed during a regular training session with an IMUA representative and at a meeting at the department level with the superintendent. It is the recommendation of the department to adhere to the OSHA Standards concerning Minimum Approach Distance, and not section 407 (c) of the 16th Edition of the APPA Safety Manual. Section 407 (c) attempts to protect employees where there is no hazard and is contrary to the OSHA rule. Motion made by Councilor Barrows and seconded by Councilor D. McDermott, **"I move Resolution R17-30, a resolution adopting the 16th Edition of the American Public Power Association Safety Manual pertaining to safe operations, and an addendum to Section 407C, pertaining to the use and care of rubber gloves, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

13) **Approval of Executive Session Meeting Minutes.**

14) **Resolution regarding the release of Executive Sessions Minutes.** The Mayor and Council went into executive session on November 27, 2017 for the discussion of minutes of meetings lawfully closed under the Open Meetings Act, for purposes of approval by the body of the minutes of meetings lawfully closed under this Act, and for the semi-annual review of the minutes as mandated. Section (c) (21). Following review and discussion the council recommended approval of 16 executive session minutes as identified on the Resolution Approving the Content of Certain Executive Session Meeting Minutes. In addition, the council recommended the release of 19 executive session minutes, including 3 that will be released with limited, confidential, personal information redacted. Council also recommended that 16 executive session minutes remain confidential at this time due to the content. The minutes to be released and those remaining confidential are identified on Exhibit A and B of the Resolution Regarding the Release of Executive Session Minutes. Motion made by Councilor Hayes and seconded by Councilor D. McDermott, **"I move Resolution R17-31, a resolution approving the content of certain executive session meeting minutes of the City Council of the City of Rochelle, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

Motion made by Councilor Shaw -Dickey and seconded by Councilor D. McDermott, **"I move Resolution R17-32, a resolution regarding the release of executive session minutes, be approved."** Roll Call vote was taken. Ayes: Barrows, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

15) **Ordinance Approving Utility Easement Agreement - Steward Road Transmission Line.** The City has been working for several months to obtain utility easements for the Steward Road Reconductoring project. This is the final easement required for this project. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **"I move Ordinance 17-4779, an ordinance approving a utility easement agreement with James Wang and Yu Ying Wang, be approved."** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

Discussion item: None.

EXECUTIVE SESSION: at 8:07 PM, Counselor Bearrows t moved and seconded by Counselor Shaw-Dickey, **"I move the Council recess into executive session for setting of a price for sale or lease of property owned by the city. Section © (6)** Roll call vote was taken. Ayes: Bearrows, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 6-0.

At 8:17 PM Counselor Shaw Dickey moved and seconded by Counselor Hayes, **"I move the Council return to open session."** Motion passed by both without dissent.

ADJOURNMENT: At 8:175 PM, moved by Counselor Bearrows and seconded by Counselor Shaw-Dickey. **I move the Council adjourn."** Motion passed by voice vote without dissent.

Chet Olson, Mayor

Bruce W. McKinney, CMC
City Clerk, City of Rochelle