

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, MARCH 13, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on March 13, 2006 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

The Daisy Troop #110 and Junior Troop #206 led the Council in the Pledge of Allegiance and Girl Scout Promise.

Present on Roll Call were Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Absent: Councilman Hayes. Also present were City Manager Graff, City Attorney Cooper and City Clerk McKinney.

**APPROVAL OF MINUTES:** Councilman Eckhardt moved and seconded by Councilman Berg, **“I move the minutes of the Regular Council meeting of February 27, 2006 and Special Council meeting of March 6, 2006 be approved.”** Motion passed by voice vote without dissent.

Councilwoman Hollonbeck moved and seconded by Councilman Colwill, **“I move the Council accept and place on file to reports of the Stormwater Advisory Commission meeting of January 18, 2006 and the Airport Advisory meeting of January 23, 2006.”** Motion passed by voice vote without dissent.

**BILLS & PAYROLL:** Councilman Colwill moved and seconded by Councilman Eckhardt, **“I move the bills and payroll for the first half of March 2006 be allowed and paid when checked over and found correct.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

**REPORTS & COMMUNICATIONS:**

➤ **Mayor:** Mayor Olson asked the City Clerk to read a Proclamation, Proclaiming Girl Scout Week of March 12-18, 2006 in Rochelle and called upon all citizens to support the mission and programs of Girl Scouting.

➤ **Council:** None.

➤ **Employee Introduction:** - City Clerk McKinney introduced Susan Morris. Susan started work for the City on March 6 as an Administrative Assistant to both the City Clerk and the Economic Development Offices. Susan will work 20 hours a week in both offices. Deputy Chief Buck introduced Andrew Mundt. Andrew was sworn in on March 9 as a full-time Patrol Officer in the Police Department and will be in field training with a senior officer for the next four to six weeks.

**PUBLIC COMMENTARY:** Jason Lomax of the Kings School District stated that Kings School does not want to consolidate and they can provide a good education for their students including the additional students from the new developments.

**BUSINESS ITEMS:**

1. **Tri-Rochelle Triathlon.** The Flag-Rochelle Community Park District is co-sponsoring the Tri-Rochelle Triathlon on Saturday, June 17. Potentially visitors and participants could come to Rochelle for the event from several states besides Illinois. The Park District President, the event sponsors, request the use of several streets (primarily residential areas) during the event period from 7:00 a.m. to approximately 11:00 a.m. and the IDOT request to close one lane of Hwy 251 from Washington St. on the south to Fifth Ave on the north; this area includes the overpass. The Illinois Department of Transportation requires the City to approve a standardized resolution which sets out the time and route of temporary closure of Hwy 251 for the event, and the level of liability insurance. Police Chief Woolbright has required a marked police car and officer at each end of the overpass. Councilman Colwill moved and seconded by Councilman Eckhardt, **“I move Resolution R06-02, A Resolution Authorizing Tri-Rochelle Triathlon, be approved.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

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2. Resolution – Official Zoning Map Certification. Suzan Stickle, City Planner, informed the City that Illinois Municipalities are required to certify their zoning maps annually no later than March 31. This map is to clearly show all the existing zoning classifications for the preceding year. In this case, all changes to the zoning map as of December 31, 2005. The 'official zoning map' will be dated December 31, 2005. Approval of the resolution by Council will authorize the City Clerk to certify the official map by signature and seal for the calendar year 2005. Councilwoman Hollonbeck moved and seconded by Councilman Colwill, **“I move Resolution R06-03, A Resolution Establishing the Official Zoning Map for Calendar Year 2005, be approved.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

3. Rezoning from R-4 to R-5 Lake Lida West of South Randall Road. At the February 20, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to a petition for rezoning from R-4 Two-Family Residential District to R-5 Multi-Family Residential District of approximately three (3) acres of vacant land. The subject site is located along Lake Lida Lane West of South Randall Road. The petitioner requests the rezoning to allow for future multi-family residential development. The petitioner intends to petition for subdivision of this site as well as 2.25 acres to the East in the future. The potential subdivision would create two cul-de-sacs creating a separation between the R-4 Two-Family and R-3 Sing-Family to the East and the B-2 Commercial Highway and R-5 Multi-Family to the West. Staff analysis found that this request is not consistent with the intent of the 2003 Comprehensive Plan Update. However, the transition created by allowing Multi-Family Residential between the Two-Family Residential District and the B-2 Commercial Highway District is an appropriate zoning classification and means of transition. A portion of the subject site was rezoned in March of 1997 to R-5 Multi-Family Residential. The petitioner's request simply extends the R-5 Multi-Family Residential District farther East than was originally allowed in 1997. The request is found to be consistent with the intent of the rezoning allowed in March of 1997. Staff finds the rezoning to be compatible with the surrounding zoning district and uses in the area. At the public hearing on February 20, 2006 the Planning Commission voted 4-0 to approve the rezoning from R-4 to R-5 on Lake Lida Lane. Councilman Eckhardt moved and seconded by Councilman Hayden, **“I move Ordinance #06-3403, An Ordinance amending the zoning Map of the City of Rochelle, be approved.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

4. Conditional Use Permit-Roger's Ready Mix. At the February 20, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to a petition for a Conditional Use Permit in the I-2 General Industry District to allow for outdoor storage of equipment and materials. The requested conditional use was "construct building and outside storage of possibly trucks, cars, sand or rock, drain tile, wire mesh, concrete block and/or steel rods." The subject site is located at the Northwest Corner of Quarry Road and Standard Oil Road. The Plan Commission voted 4-0 at the public hearing on February 20, 2006 to recommend approval of the Conditional Use Permit with conditions as outlined in the Report, Finding of Facts and Recommendation from the Plan Commission. The conditions include an evergreen screen, landscape buffers, limit on access width and an additional exit, combination of the two lots, development in accordance with the Rochelle Municipal Code and no overnight idling of vehicles permitted. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move the Council approved a Conditional Use Permit for Roger's Ready Mix for outdoor storage of equipment with all recommendations approved by the Plan Commission during the Public Hearing held February 20, 2006.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

5. Resolution – Supporting the Continuation of Mail Processing through the Rockford Postal Center. The U.S. Postal Service has announced plans to conduct a feasibility study to determine whether to reroute mail from zip codes starting in 610 and 611 through the Palatine sorting center rather than the Rockford Processing and Distribution Center. Congressman Donald Manzullo strongly opposes the proposal and has sent a letter requesting that the City pass a resolution supporting continuation of the mail processing operations through the Rockford facility. Shifting work from the most productive center to a less productive facility will jeopardize the efficient service which the citizens of Rochelle have come to expect and will adversely affect citizens, businesses and government organizations that depend on timely mail delivery. A shift of outgoing mail to Palatine could delay local mail by several days and would eliminate the Rockford postmark. Rerouting mail to Palatine would cost more than 50 Rockford postal workers their job, further harming the local economy. Moved by Councilman Colwill and seconded by Councilman Hayden, **“I move Resolution R-06-04, A Resolution Supporting the Continuation of Mail processing through the Rockford Postal Center, be approved.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

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6. Ordinance Amendment – Add a Crimestoppers Fee for Certain Offenses. A request has been made by Ogle-Lee Crimestoppers, Inc to the City asking that the City incorporate a provision that will allow an assessment of \$10.00 for certain convictions and dispositions of court supervision to be paid to the Crimestoppers program for the purpose of having monies available for law enforcement. Other municipalities in Ogle County and all criminal traffic cases filed through the county have provided for the payment of monies into Crimestoppers for certain offenses. The City of Rochelle Police Chief and City Manager concur that the assessment of an additional \$10.00 to be paid to Crimestoppers on all convictions and court supervision for certain offenses within the City would be reasonable. These offenses include: battery, fighting, criminal damage to property, driving under the influence of alcohol or drugs, leaving the scene of a property damage or personal injury accident, illegal transportation of alcohol, and driving while license revoked or suspended. Moved by Councilman Hayden and seconded by Councilman Berg, **I move Ordinance #06-3405, An Ordinance Amending Chapter 1.10 of the Rochelle Municipal Code to Add a Crimestoppers Fee For Certain Offenses, be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

7. Ordinance Amendment – Hotel/Motel Tax. The current Rochelle Municipal Code 3.40 imposes a tax upon all persons engaged in the business of renting, leasing or letting rooms in a hotel located within the corporate limits of the City, in the amount of 5% of gross receipts, payable quarterly within fifteen (15) days following the last day of the quarter. The City Clerk has encountered difficulties in the collection of payment of hotel/motel tax. As of 3/3/06, one hotel is seven weeks late in paying last quarter's tax. Currently the ordinance for Hotel/Motel tax does not address penalties and/or interest for late payment of taxes. The City Clerk recommends that the City Council amend the ordinance to provide for the payment of penalties and interest for late payments as follows: a penalty of 5% of the amount of tax due and not timely paid to the City, and simple interest calculated on a daily basis on the unpaid tax due, at the short-term federal rate established under Section 6221 of the Internal Revenue Code. Moved by Councilman Colwill and seconded by Councilwoman Hollonbeck, **"I move Ordinance #06-3406, An Ordinance Amending Chapter 3.40 (Hotel/Motel Tax) of the Municipal Code of the City of Rochelle to Provide for Penalties and Interest for Late Payment, be approved."** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

8. Consider Annexation Agreement. Discussions have been held over several months regarding the Annexation Agreement document with the Ryland Group, Inc. a Maryland Corporation, Roger Hickerson, Virginia Hickerson, Richard Hickerson, Olive Hickerson and L.B. Anderson Construction, Inc. as Owners of 136.71 acres located at the southeast corner of Illinois Route 251 and Twombly Road. Subsequent to those dates, additional substantive changes were made to the agreement, including some changes to the Special Service Area (SSA) language, anti-monotony language and construction of the Northeast Interceptor Sanitary Sewer. The Revised Annexation Agreement was considered at the September 12, 2005 City Council Meeting and failed due to the lack of two-thirds vote. Ryland Homes continued to work with Director of Public Works, Dennis Sims, and City Attorney, Alan Cooper, to further revise the Annexation Agreement. These revisions changed the anti-monotony language, added an exhibit related to anti-monotony, and changed the SSA/Recapture provision to provide that the City gets the first \$500,000 of recapture. Ryland Homes representative, Matt Pagoria presented the revised agreement at the October 11, 2005 City Council Meeting and council recessed into a public hearing on the agreement. At the request of Matt Pagoria, Ryland Homes, the Consideration and Public Hearing of the Ryland Home Annexation Agreement was held over to October 31, 2005 for the purpose of gathering additional information on the proposed Special Service Area and for a review of the anti monotony clause and exhibits. The Special Council Meeting on October 31, 2005 resulted in several unresolved issues being raised by council members and adjourned without any action being taken. The Annexation Agreement was reconsidered at the November 28, 2005 council meeting based on the council receiving additional information on Special Service Areas. Councilwoman Hollonbeck requested that the council meet with Attorney Paul Nicolosi in order to further understand SSA's. A workshop was subsequently scheduled between the Nicolosi Law firm and City Council January 18, 2006.

Discuss follow up information received at the 3/8/06 Committee of the Whole Meeting including a presentation from the Nicolosi Law firm on the proposed special service area. Ryland Homes has requested that the City Council consider approval of the annexation agreement with the adoption of a Special Service Area policy. City Manager Graff stated that a 4/5<sup>th</sup> vote is required to pass an annexation agreement and it is his understanding that there is not enough favorable votes to pass. The City Manager suggested a committee of two Councilmen work with the staff to establish a policy to bring to council for consideration. Councilman Eckhardt and Councilwoman Hollonbeck volunteered to be on the committee. Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **"I move Ordinance #06-3407, An Ordinance Authorizing the Execution of an Annexation Agreement with Ryland Homes, be deferred until the 3/27/2006 meeting."** Motion passed by voice vote without dissent.

9. City Manager's Report

- **Elementary Schools Fun Run Event** The annual 'Elementary Schools Fun Run Event' request has been received from Lauren Hintzche, a physical education teacher in the Rochelle Elementary Schools. The 2-K event which will involve approximately 700 students and adult chaperones is scheduled for Friday, May 19<sup>th</sup>, starting at 12:40 p.m. This has been a very successful, well-organized event in the past. A copy of the routing maps was given to Council for reference. The request and details regarding this event have been forwarded to the Police, Fire and Public Works Departments. Barring any council objections, the City Manager will authorize this requested use of City streets. Council had no objections.
- **2005 Annual Report for the Ogle-Lee Fire Protection District** The 2005 Annual Report for the Ogle-Lee Fire Protection District was provided by Fire Chief Tom McDermott. The report is separated into three areas: training, response and a multi-year comparison page. The training shows that once again the firefighters of Rochelle and Ogle-Lee have surpassed the requirements for their positions. On an average an Ogle-Lee firefighter has 500 hours of outside training, a Rochelle volunteer has 811 hours and a full time Rochelle firefighter has 2268 hours of training. During 2005 Rochelle Fire responded to 2190 calls for assistance which is up from 1987 in 2004. The Ogle-Lee District responded to 298 calls. The per capita structural fire loss was \$17.71 for the City of Rochelle and \$74.35 for the Ogle-Lee District. Both departments saw an increase in losses from the previous year. Moved by Councilman Colwill and seconded by Councilman Hayden, **"I move the City accept and place on file (#06-3408) the 2005 Annual Report for the Ogle-Lee Fire Protection District."** Motion passed by voice vote without dissent.
- **Askvig Sewer Construction Schedule** Per Ken Alberts the construction schedule for the Askvig Sewer System is tentatively May 2006 to October 2006.
- **Lioness Club Tootsie Pop Days** The annual request from the Lioness Club to do their Tootsie Pop Days fundraiser will be authorized by staff barring any council objections. Their activity is scheduled for May 5<sup>th</sup> and May 6<sup>th</sup>. Jean Butz is chairing the activity for the group. Members stand at street corners and collect donations from passersby. The money collected goes to help the sight and hearing impaired in Rochelle and in the State. Council had no objections.
- **Creston School Thank You** A Thank You was received from the Creston School thanking the City Officials for their support of Creston's recent science/academic fair.
- **City Entrance Signs** In May of 2005 a presentation was given to council for new entrance signs at all four entrance locations to the City. The Rochelle Planning Commission recommended that the council approve the signs as long as the train logo was removed. Due to the change in the sign, the Tourism Board stepped away from the project. At this time the project has not been taken up by any other organization. The Tourism Board feels that the 20 year olds signs should be replaced and updated. The Tourism Board, at their 3/2/06 meeting, voted to replace the signs and incur the cost as long as the signs would be approved by council as presented with the train logo. Councilwoman Hollonbeck will attend the next Tourism Board meeting.
- **Household Hazardous Waste Collection Day** The Ogle County and Lee County Solid Waste Management Departments, along with the Illinois Environmental Protection Agency, are co-sponsoring a household hazardous waste collection day on Saturday, April 8<sup>th</sup> at the Ogle County Fairgrounds from 8:00 am – 3:00 pm. Household hazardous waste that can be recycled at this event would for example include oil based paint, solvents, metal polishes, old gasoline, varnishes, lawn chemicals, herbicides, old medicine, etc. Items that would not be accepted would include fireworks, ammunition, propane tanks, and fire extinguishers. A copy of the event flyer is attached for reference. The flyer will be circulated to all City Departments.
- **Lighting Damage.** Street Superintendent Elliot reported that damage to the stop light controller for the corner of 7<sup>th</sup> Street and IL Route 38 was caused by lighting. Full service will be restored by Tuesday, March 9.

10) Authorization for Purchase of Read Estate. Item was not presented to the Council.

*DISCUSSION ITEMS:*

**Discussion Item 1: Steward Boundary and Sewer Agreement.** City of Rochelle staff members and Attorney Cooper have had several meetings with representatives from the Village of Steward. The purpose of these meetings was to develop a boundary/intergovernmental cooperation agreement and an agreement for wastewater treatment between the two communities. On 2/17/06 a meeting was held to finalize the drafts so that they could be presented to the council/board of both communities. These agreements will be scheduled for action at the 3/27/06 City Council Meeting. City Manager stated that Steward is willing to proceed. Councilman Hayden requested the cost of improvements of Elva Road, adding Steward and Rochelle's Compressive plan as an exhibit and that Stormwater and Impact fee amounts need to be in the agreement. Councilman Eckhardt stated that the agreement needs to consider the School District boundaries.

**Discussion Item 2: Hillcrest Sewer Agreement.** The City is in receipt of a letter dated 2/20/06 from Richard Hicks, Hillcrest Mayor. Mayor Hicks states that the "Village of Hillcrest gave me the authority to negotiate with the appropriate Rochelle City officials for the purpose of a fair and equitable agreement, which would provide sewer service for the Village of Hillcrest". The letter is a formal invitation for the City Officials from both communities to meet and negotiate a sewer agreement. Mayor Hicks requests a written response within 30 days. Councilmen Berg and Hayden will work with Staff to meet with Hillcrest officials. City Manager suggested a Feasibility Study be done from Rochelle to Kings. Cost of study would be approximately \$5,000. Councilman Colwill moved and seconded by Councilman Berg, **"I move the Council authorize a Feasibility Study."** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

**Discussion Item 3: Kings Crossing Annexation Agreement.** The Petitioners have petitioned for annexation to the City of Rochelle of the property commonly known as the Taylor Farm for a proposed development named Kings Crossing. The property comprises approximately 494 acres and is bounded on the south side by Flagg Road, on the east side by Queens Road, on the north side by Flagg Township and on the east side by the Rochelle Township High School. The property is contiguous to the City of Rochelle and the Petition for Annexation is contingent upon execution of an Annexation Agreement by and among the City and the Petitioners. The developer has provided a final draft of the proposed annexation agreement for council review. Pending legal review and council feedback this will be an agenda item for approval at the 3/27/06 City Council Meeting.

*EXECUTIVE SESSION:* At 9:04 pm, Councilman Colwill moved and seconded by Councilman Hayden, **"I move the Council recess into Executive Session to discuss Performance of a non-union employee, Collective Bargaining, Purchase or Lease of Real Estate, - Section 2 (c) (1,2, & 5)."** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

At 10:07 pm, Councilman Berg moved and seconded by Councilman Eckhardt, **"I move the Council return to open session."** Motion passed by voice vote without dissent.

*ADJOURNMENT:* At 10:07 p.m., Councilman Colwill moved and seconded by Councilman Eckhardt, **"I move the Council adjourn."** Motion passed by voice vote without dissent.

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Bruce McKinney, CMC  
City Clerk, City of Rochelle

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Chet Olson  
Mayor, City of Rochelle