

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, APRIL 10, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on April 10, 2006 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

Present on Roll Call were Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Absent: None Also present were City Attorney Cooper and City Clerk McKinney.

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

Councilman Hayden moved and seconded by Councilman Berg, **“I move the Council accept and place on file the report of the Rochelle Plan Commission of March 20, 2006.”** Motion passed by voice vote without dissent.

**BILLS & PAYROLL:** Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **“I move the bills and payroll for the first half of April 2006 be allowed and paid when checked over and found correct.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

**REPORTS & COMMUNICATIONS:**

➤ **Mayor:** Mayor Olson asked the Clerk to read a Proclamation for the National Telecommunicator’s Week. Dispatchers from the Rochelle Police Department were present to accept the proclamation. Mayor Olson read a letter from International Institute of Municipal Clerks stating the Bruce McKinney has been accepted into the Master Municipal Clerks Academy.

➤ **Council:** Councilman Hayden read a prepared statement regarding the two annexations on the agenda. He stated the Council has not received a comprehensive report from staff. Councilman Eckhardt read a prepared statement about concerns on the SSA issue and that the developers will make money off the SSA’s. Councilman Colwill stated that the Council has been discussing the annexations for months and this is an opportunity to get Caron Road and 20<sup>th</sup> Street extended to the north. Councilman Hayes stated that he appreciates the patients that the developers have shown over this time period.

➤ **Employee Introduction -** Curt Ward, Engineering Technician was introduced as a new employee of the Public Works Department. Curt has worked for the City of Naperville as a drafter and engineering technician. For the past 5 years, he has worked in their Public Works division on projects including street lighting, Stormwater management and GIS Mapping projects.

**PUBLIC COMMENTARY:** None.

**BUSINESS ITEMS:**

1) **Bids – WI-FI Network:** Ryan Alderks was present to answer questions. RMU advertised for bids to purchase WI-FI equipment to be deployed throughout the City as part of their new residential broadband deployment. Subsequent to the required public notice, bids were opened on March 22, 2006. Two vendors submitted bids and a tabulation of the bids is as follows:

<u>Vendor</u>	<u>Bid</u>
ROC-Net, Rockford	\$131,480.00
Global Enterprise Technology, Cherry Valley	176,226.70

RMU staff has evaluated the two proposals and identified some of the technical differences that are employed by the two vendors. Each vendor has advantages associated with their product line. Funds for the WI-FI project are included in the proposed 2006-2007 budget that is not yet approved. However, the current approved budget includes \$100,000 for Broadband over Power Lines and \$31,500 for equipment related to Voice over IP that was not required.

Recommend to award the bid from ROC-Net for twenty-one radios manufactured by Strix Systems in the amount of \$131,480 contingent on the successful testing of the new 400-mw units. Councilman Berg moved and seconded by Councilman Eckhardt, **“I move the Council award the bid for WI-FI project from ROC-Net for twenty-one radios manufactured by Strix Systems in the amount of \$131,480 contingent on the successful testing of the new 400-mw units.”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

2) Ordinance Amendment – Political Signs: At the March 22, 2006 City Council Meeting, the Council tabled action on amending the municipal code relating to the time political signs can be displayed before election. The Current Rochelle Municipal Code 17.72.100 prohibits signs in residential districts subject to certain regulations and exceptions. An exception of this prohibition is for signs advertising a particular candidate for a national, state or local election or political issues, subject to regulations regarding the size and placement of said signs, and further subject to the requirement that such signs “are not placed more than thirty days prior to the election”. Recent amendments to the Illinois Election Code allow for voting as early as 22 days before the election date. As a result of these changes to the election law the City Clerk has suggested that the time period for placing political signs be extended from thirty to fifty two days in order to allow for an appropriate period, prior to the period when ballots may be cast by early voting. At the March 20, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to text amendments to Title 17 of the Rochelle Municipal Code. Upon completion of the public hearing the Plan Commission made a recommendation for approval of the text amendments to 17.72.100, by a vote of 4-2. Following the March 22, 2006 meeting Bruce McKinney contacted Ogle County Clerk Huntley. She said that the County is taking the position that their ordinances state that political signs cannot be displayed more than 45 days before election and that their interpretation is that would include early voting. It is recommended to take an Ordinance Amending Section 17.72.100 of the Municipal Code of the City of Rochelle to Extend the Time Period for Signs Advertising Candidates for Election or Political Issues from Thirty to Fifty Two Days Prior to Election off the table and make a final decision on amending or not amending the ordinance. Moved by Councilman Colwill and seconded by Councilman Hayden, **I move Ordinance 06-3412 be taken off the table for discussion and final action.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hayes, and Mayor Olson. Nays: Councilwoman Hollonbeck. Motion passed 6-1. Councilwoman Hollonbeck and Councilman Colwill expressed concerns about the length that some political signs would be up. Ordinance 06-3412 died for lack of a motion.

3) Ordinance Agreement – Landfill Siting Procedures: Attorney Don Moran has proposed amendments to Title 13 of the Municipal Code. Per Alan Cooper, City Attorney, these changes are procedural only. The reasons for the proposed changes are fourfold. First, siting law has evolved since Title 13 was enacted, and the provisions on definitions, filing written comment and application content needed to accurately reflect existing law. Second, Title 13 does not address the fact that the City could itself apply for site location approval, and provisions were added to recognize the City's role as siting applicant. Third, the procedural aspects of the siting hearing and review process, such as the right of persons to participate in the hearing, have been further delineated and clarified to conform with existing law and practice. Fourth, a number of grammatical and stylistic corrections have been made to ensure internal accuracy and consistency. The recommendation is to approve an Ordinance Amending Title 13 of the Municipal Code of the City of Rochelle (Landfill Siting Procedures). Councilman Hayden asked that the ordinance allow that the cost of the application for CCOC attorney be waved. This item will be held over.

4) Annexation Agreement – Ryland Homes: 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. A draft Annexation Agreement was the subject of Discussion Items on the August 8 and August 22, 2005 City Council Meeting Agendas. 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. This agenda item was deferred at the 3/13/06 council meeting to allow council time to establish an SSA policy. Ryland Homes has requested that the City Council consider approval of the annexation agreement. Councilman Hayden expresses concern about anti-monotony portion of the agreement. He stated that the agreement should have Rochelle's anti-monotony language. During a discussion on this item, Virginia Hickerson, a Rochelle resident, brought up that someone who works for Hayden Realty has a transaction on the table for this property. Councilman Hayden responded that he has turned down the

offer. Todd Prusator stated the elementary school district would see a deficit of anywhere from 1 million to more than \$3 million in the very near future if it had to accommodate additional students from this subdivision. When asked what would happen if Ryland Homes went to Hillcrest, Mr. Prusator stated that it make it worse because Hillcrest does not have impact fees. Prior to voting, Mayor Olson stated that if anyone on the council had any sort of conflict of interest in the matter that they should abstain. Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **I move Ordinance 06-3417, An Ordinance Approving Annexation Agreement (Ryland Homes Property), be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Berg, Hollonbeck, and Mayor Olson. Nays: Councilmen Eckhardt, Hayden and Hayes. Motion failed for lack of a Super Majority Vote: 4 – 3.

5-7) **Annexation Agreement – Kings Crossing:** Discussions have been held over several months regarding the Annexation Agreement document with Wyndham Deerpoint for 494 acres bounded on the south side by Flagg Road, on the west side by Queens Road, on the north side by Flagg Township and on the east side by the Rochelle Township High School. A draft Annexation Agreement was the subject of Discussion Items on the November 14, 2005 City Council Meeting Agendas. The City of Rochelle Planning commission conducted a Public Hearing as required by law and reviewed the proposed annexation and illustrative land use plan for Kings' Crossing. The Planning Commission completed their review and made their recommendation regarding annexation and illustrative land use plan on September 19, 2005. The City council received an application for annexation from the petitioner for a public hearing, which was scheduled for November 28, 2005. The staff continued to review the draft annexation agreement and the motion passed 7-0. Rich Guerard was present at the February, 27, 2006 council meeting and gave a presentation explaining changes to the development. A final draft of the proposed annexation agreement was distributed for council review and was a discussion item at the March 13, 2006 council meeting. Wyndham Deerpoint has requested that the City Council consider approval of the Kings Crossing annexation agreement. Richard Guerard of Wyndham Deerpoint asked that the SSA portion of the Kings Crossing agreement be withdrawn. Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **I move Ordinance 06-3418, An Ordinance Approving Annexation Agreement (Kings Crossing Development), be approved, as modified**. Roll call vote was taken. Ayes: Councilmembers Colwill, Berg, Hollonbeck, Hayes, and Mayor Olson. Nays: Councilmen Eckhardt and Hayden. Motion passed 5-2. Councilman Colwill then moved and seconded by Councilman Berg, **I move Ordinance 06-3419, An Ordinance Annexing Certain Territory to the City of Rochelle (Kings Crossing Development), be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Berg, Hollonbeck, Hayes, and Mayor Olson. Nays: Councilmen Eckhardt and Hayden. Councilwoman Hollonbeck moved and seconded by Councilman Colwill, **I move Ordinance 06-3420, An Ordinance Amending Boundaries of R-D and PUD-R Districts and Amending Official Zoning Map of the City of Rochelle (Rezoning Kings Crossing from R-D to PUD-R), be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Berg, Hollonbeck, Hayes, and Mayor Olson. Nays: Councilmen Eckhardt and Hayden.

8&9) **Ordinance Amendment – Lee County Enterprise Zone:** On December 23, 1986 the City of Dixon and County of Lee entered into an Intergovernmental Agreement to provide for the administration of an enterprise zone encompassing contiguous portions of the City of Dixon and County of Lee. The agreement was subsequently amended to include the City of Amboy, Village of Ashton, Village of Franklin Grove, and Village of Paw Paw, City of Rochelle and Ogle County. As part of the intergovernmental agreement the government units included have indicated their willingness and desire to extend the boundaries of the Lee County Enterprise Zone #9 to include certain property in the County of Lee, alter incentives, and alter the termination date of the zone. The Lee County Enterprise Zone #9 plans to submit an application to the State of Illinois for Zone Changes. A Public Hearing in regard to these changes was held on April 3, 2006 prior to the Dixon City Council meeting. The City of Dixon passed its Amending Ordinance and Intergovernmental Agreement Amendment No. 9 at their meeting that evening becoming the first of the eight units of government to do so. Changes included in the ordinance amendment are: inclusion of 708.411 acres, extending the effective period of the agreement to 30 years, and modifying the "Property Tax Abatement" to be at the rate of 50 percent per year for a period of six (6) years commencing the first property tax year of the full value of the qualifying improvements. Each unit of government included will need to pass its Amending Ordinance and execute the Amendment No. 9 to the Intergovernmental Agreement for submission with the application. The Zone Administrator, John Thompson, plans to submit the complete application to DCEO on April 20 or 21 so that it can be reviewed and approved by the end of April or first of May. Although Mr. Thompson's cover letter is dated March 5, 2006, these documents were received by the City of Rochelle the afternoon of Thursday, April 6, 2006. Council asked that this be held over to the next meeting to receive more information.

10) **City Manager's Report:**

- **Spring Clean-Up Week** May 8<sup>th</sup>-12<sup>th</sup> has been scheduled for the City's annual non-hazardous clean-up week. This is the eighth year that the Public Works Department has participated in the program, which is sponsored by Ogle County Solid Waste Management Department. The City's net cost for this project is about \$2,000 - \$2,700 per year. A grant application for \$2,000 is being submitted to offset the City's costs.

- **City Entrance Signs** Per Kathy Hollonbeck, the Tourism Board unanimously favored moving forward on the Rochelle Entrance signs as they are now designed at their meeting Thursday, 3/30/06 . There is a board with the design on an easel in the Council Chambers. Kathy is coordinating with Jeff Smith of RMU, who designed the Rochelle 'brand' decided on by the task force, and Kathy of Large Car Rebuilders to see if there can be some coordination of the two. Kathy Hollonbeck is also checking on the status of the Grant for the City directional signs, which includes the cost of two of the entrance signs and the possibility of reimbursement if the grant is approved. The Tourism Board is willing to pay for all four signs and would like to get them produced and installed this spring or summer. Roxanne Charnock, President of the Rochelle Tourism Board, was present to answer questions. Council agreed by consent to have the Tourism Board proceed with the entrance signs.

- **First Quarter Report Rochelle and Ogle-Lee Fire Departments for 2006** Rochelle fire responded to 455 calls for assistance in the first quarter of 2006. Of those call 117 were fire related and 338 were medical calls. The Ogle-Lee District responded to 66 calls for assistance. Of those calls 15 were fire related and 51 were medical in nature.

*DISCUSSION ITEMS:*

**Village of Steward – Impact Fees:** 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. These agreements were the subject of a Discussion Item at the March 13, 2006 City Council Meeting. At that time council indicated the desire to have impact fees for the Village of Steward clarified. Representatives from the Village of Steward were in attendance to address the council regarding their intentions on impact fees. .Steward Village President Dawn Andermann addressed the City Council. Presently, the village and the City are working on a boundary/intergovernmental cooperation agreement for wastewater treatment between the two communities. President Andermann explained that they do not have a schedule for impact fees at this time, but are going to do a study very soon that will guide them in making such decisions. At this time, Steward has 105 houses and five businesses and would like to hook up to Rochelle’s sewer in order to accommodate growth.

**ADJOURNMENT:** At 9:51 pm, Councilman Berg moved and seconded by Councilman Eckhardt, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

---

Bruce McKinney, CMC  
City Clerk, City of Rochelle

---

Chet Olson  
Mayor, City of Rochelle