

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, MAY 22, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on May 22, 2006 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

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

APPROVAL OF MINUTES: Councilman Colwill moved and seconded by Councilman Berg, “**I move the minutes of the Regular Council meeting of May 8, 2006 and the minutes of the Special Council Meeting of May 15, 2006 be approved.**” Motion passed by voice vote without dissent.

BILLS & PAYROLL: Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, “**I move the bills and payroll for the second half of May 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: None
- Councilmen: None.

PUBLIC COMMENTARY: Robert Rose, Lions Club informed Council that the Lions Club will be holding a 4th of July parade and events and asked the City for support.

BUSINESS ITEMS:

1) **Public Hearing – Whispering Waters Stormwater Variance:** Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **I move the Council recess into a Public Hearing for the Whispering Waters Stormwater Variance.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0. A petition was filed by S&H Group on April 26, 2006 requesting a variance of the Rochelle Municipal Code Ordinance 15.60.020 (D) 8f, 8c, 9, 10 Site Runoff Storage Requirements (detention/retention) for Whispering Waters Subdivision located east of Rte 251 and South of Flagg Rd. The existing quarry is to be used for a stormwater detention/retention facility as described in Article VIII-Storm Drainage and storm water detention of the Whispering Waters Developer’s Agreement. Furthermore, “...the development of the Tract shall be subject to, governed by, all codes, ordinances, rules and regulations of the City...” The existing sides of the quarry are nearly vertical and will not conform to the sections of the Rochelle Municipal Ordinance as identified, by the petitioner’s proposal. Excess filling, blasting and grading would be required to construct sideslopes and safety ledges as described in the applicable codes for the existing quarry. The staff believes that if this request for variance is granted the petitioner should provide an alternative system to address the protection and safety of the public coming in contact with the stormwater facilities. In addition, staff believes the petitioner should provide alternative erosion and sediment control systems, both during and after the improvements have been constructed, to prevent further sediment or debris being deposited into the detention/retention facility. According to the final plat, stormwater retention facilities are to be maintained by the Property Owner’s Association. Developer Mark Janeck, Dennis Sims and Sam Tesreau were present to answer questions. Mr. Tesreau stated that currently there is nine feet of storage space in the quarry before level gets to outlet to creek. Mr. Tesreau stated that the fencing around the lake should be at least six feet. Mr. Janeck stated he would provide fencing along the edge of quarry with a 42 inch mesh fence along the residential lots. He would provide sediment control system.

Chief Tom McDermott stated that kids are in the lake constantly. One kid is in the hospital now because of hyperthermia. The Quarry is 80 to 100 feet deep with rebar and concrete at the bottom. Department would not be able to rescue anyone in trouble. Chief McDermott recommended at least a 6 foot fence. Attorney Bob Chadwick, representing S&H stated that a kid would go over a fence no matter how high. Dr. Eric Malaker stated he owns a lot adjacent to the quarry and chases kids out all the time. He stated that the only thing to stop kids is to get the area developed and stated a six foot fence will be a hindrance in selling lots. Diane McNeilly stated that a six foot fence is not needed and would not be effective. Mr. Janeck stated that he will build the fence when grading starts in July. Council felt that a four foot fence, same size for swimming pools would be fine and wants the fence to go completely around lake, including the commercial section. Moved by Councilman Berg 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 Councilwoman Hollonbeck, **I move the Council approve S&H Group's Petition for a Stormwater Variance for Whispering Waters Subdivision, with a 48" fence surrounding the whole lake.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

2) **Ordinance Adopting Building Permit Fees and Revoking all Prior Permit Fee Ordinances. & Ordinance Approving the Entering into a Contract for Department of Building Safety and Zoning Services with International Codes Consultants and Inspections, Incorporated.** Dennis Sims was present to answer questions. Building Codes have been the topic of discussion during recent months. Staff has been requested to provide an agreement for providing such services. The City has discussed entering into agreements for ICCI to provide building inspection services, property maintenance inspection services, zoning and planning, and a downtown redevelopment analysis. The Ordinance adopting building permit fees and revoking all prior building permit fee ordinances must be adopted to support the costs of providing service by ICCI. This will support the reimbursement to the budget as discussed during the budget review. City Manager Albers stated that inspection fees will increase by almost double if the City enters into an agreement with ICCI. Staff was asked to evaluate the City's current fees to see if they are reasonable or if the City is losing revenue on inspections. No motion was presented.

3) **Traffic Control Study of Uncontrolled Intersections.** Several uncontrolled intersections were identified by street division staff in January, 2006. The City of Rochelle obtained the transportation engineering services of Gewalt Hamilton to evaluate these intersections and provide recommendation for traffic control measures at each of these locations. Gewalt Hamilton conducted field reconnaissance at each of the intersections and have provided recommendations, as shown on enclosure (1), for each of the uncontrolled intersections. Their recommendations are based on evaluation of driver expectation, visibility, and safe operations at each intersection and include the installation of several stop signs and yield signs. Furthermore, a detailed traffic signal warrant study was conducted for the intersection of Rte 38 and Springdale Drive. This traffic signal warrant study is being forwarded onto the Illinois Department of Transportation for their review and comment. Further intersection design studies, estimates, and construction plans will be required as the process moves along. The City of Rochelle will be required to pay a portion of the traffic signal improvements which will be built into future capital improvements projects. This traffic signal would eventually replace the need for the temporary pedestrian signage along Rte 38. Moved by Councilman Colwill and seconded by Councilman Eckhardt, **"I move Ordinance #06-3442, An Ordinance amending Chapter 10.35 of the Rochelle City Code, be approved."** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

4) **Pricing Schedules for Advanced Communications - History and Fact:** In view of the recent demand for VOIP (Voice over IP) Service from Commercial and Industrial customers and the addition of WI-FI internet access RMU staff has updated the pricing sheet for Advanced Communications. The RMU VOIP Advantage pricing structure was developed on a cost basis for maximization of benefit to our customers. After close review of costs and equipment the rate for the basic line is competitive with more advantages than the local ILEC. (Incumbent Local Exchange Carrier). RMU will have the ability to offer at the \$19.95 rate per month, unlimited local calling. The rates associated with the Elective Services are market driven and have margins to cover the cost component of providing those services. The RMU VOIP Advantage Premium is a full package offering, which includes all elective services. The pricing model was derived from costs for equipment and supply to RMU of the outbound and inbound bandwidth associated with voice traffic. RMU will be required by state law to collect and pay state and local taxes associated with VOIP service; however, the FCC has allowed VOIP traffic to be exempt from the Federal 3% tax. RMU personnel will be able to manage and track the taxes for proper filling with our current billing software. In addition to this revised price schedule, the WI-FI internet access is proposed to be priced at \$24.95. Moved by Councilman Berg and seconded by Councilman Hayden, **“I move Resolution R06-09, A Resolution Establishing RMU Advanced Communication Services Pricing Schedule (effective 5/23/06), be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

5) **Ordinance Amendment – eliminate Temporary Swimming Pools from City Code Regulation:** The current Rochelle Municipal Code 17.60.020 requires permits for swimming pools, including temporary swimming pools which are seasonable movable and removable in less than an hour, if they are more than eighteen inches deep. Staff feels that pools that are easily set up and taken down in less than an hour should not be required to have a permit. If a resident were to keep one of these pools for many years the permitting on set up every year would be more costly than the swimming pool itself. It is felt that these items more closely resemble playground equipment and should be allowed to be installed by the resident without a permit. Moved by Councilman Colwill and seconded by Councilwoman Hollonbeck, **I move Ordinance #06-3443, An Ordinance Amending Section 17.60.020 of the municipal Code of the City of Rochelle to Eliminate Temporary Swimming Pools from the City Code Regulations, be approved.** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

6) **City Manager Report:**

- **Askvig Sewer Project Update** RMU has provided the following schedule for the Askvig Sewer Project:
Bids taken on June 7
Award bid on June 26
Authorization to proceed from IEPA on July 14
Contract to Contractor July 27
Start construction August 15
Complete construction and preliminary landscaping December 31
Complete street reconstruction by June 7, 2007

- **V.F.W. Poker Run** The Rochelle V.F.W. will be hosting a fundraising Poker Run on June 24, 2006 in association with the V.F.W. posts in DeKalb, Genoa, Oregon and Dixon. The local V.F.W. has requested permission to block off two parking spots in front of the Post on the South side of the street to allow for motorcycle parking during the event. Council had no objections and staff will authorize the closure of the two parking spots.
- **Waste Collection Fees** Per the provisions of the Waste Collection Agreement with Rochelle Disposal Service dated April 26, 1995, rate adjustments are approved effective May 1st of each year. The rate adjustment is based on the Consumer Price Index for the previous year less the first 2% and the residential count. As of May 1, 2006 the residential count will increase from 2,858 to 2,906 and the rate will increase by 1.4% (3.4%-2%). This rate change will result in the residential charge increasing from \$7.84 to \$7.95.
- **Substation Activation** The new Caron Road Substation and 138kV transmission line is scheduled to be placed into service on Thursday, May 18, 2006. Our consulting engineers, Sargent & Lundy, and Joe Orlikowski, RMU project manager, have performed admirably on this most critical project.
- **Demolition of Steam Plant** The demolition contractor has completed his work at the Caron Road site. DMD successfully completed this dangerous project with no personal injuries. Positive comments have been received from local residents.

DISCUSSION ITEMS:

- 1) **Financial Impact of Growth on District #231.** At the request of Superintendent Todd Prusator, Walt Zukowski from Zukowski and Associates presented information on the financial impact and specific cost associated with growth on District #231. The numbers provided are subject to review and change as new or updated information is added. The information is intended for the City Council to understand District #231's needs so that cooperatively everyone can work to benefit the community of Rochelle as it manages growth in the future.
- 2) **Westwood Sewer System:** The developer asked that this item be tabled until a future meeting because additional time is needed for review.

EXECUTIVE SESSION: At 9:16 p.m., Councilman Berg moved and seconded by Councilwoman Hollonbeck, **“I move the Council recess into Executive Session to discuss hiring, firing, compensation, discipline or performance of non-union employees, Collective Bargaining, Purchase or Lease of Real Estate, Sale or Lease of Real Estate, and Litigation. – Section 2 (c) (1,2,3,6, & 11).”** Roll call vote was taken. Ayes: Councilmembers Colwill, Hayden, Berg, Eckhardt, Hollonbeck, Hayes, and Mayor Olson. Nays: None. Motion passed 7-0.

At 10:23 p.m., Councilman Berg moved, and seconded by Councilman Eckhardt, **“I move the Council return to Open Session.”** Motion passed by voice vote without dissent.

At 10:23 p.m., Councilman Colwill moved and seconded by Councilman Berg, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.