

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

The Rochelle City Council met in Regular Session at 7:00 p.m. on July 10, 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, and Mayor Olson. Absent: Bil Hayes. Also present were City Manager Alberts, 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 June 26, 2006 be approved.”** Motion passed by voice vote without dissent.

Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, **“I move the Council accept and place on file the records of the Plan Commission meeting of June 19, 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 July 2006 be allowed and paid when checked over and found correct.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

REPORTS & COMMUNICATIONS:

Mayor: Mayor Olson presented the City Manager Contract for Ken Alberts. Moved by Councilman Eckhardt and Seconded by Councilman Berg, **“I move Agreement 06-3454, An Employment Agreement for City Manager Ken Alberts, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

Mayor Olson read a list of employees that are celebrating anniversaries during the month of July: Carol Elliott (4 years), Jason Burdin (3), Brad Richolsen (8), Randy Martin (16), Teresa Dever (5), Bonnie Russell (6), Jon Zhe (23), Brian Albers (4), Brian Edwards (6), Roger Johanning (29) and Julie Thruman (19).

➤ Councilmen: None

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) **Bids – Jack Dame/Del Monte Water Main Connection:** This project will connect the 12-inch water main installed on Jack Dame Road, as a part of the Intermodal construction, with the 8-inch water main on Avenue A. This tie-in or looping of the water main is designed to provide additional water pressure and improve the quality of water in the distribution system. Once the connection is made, the existing RMU 8-inch water main on the Del Monte right-of-way will be abandoned. Subsequent to the required public notice, bids were opened on June 29, 2006. Two contractors submitted bids and a tabulation of the bids is as follows:

<u>Contractor</u>	<u>Bid</u>
Schmitt Plumbing, Dixon	\$68,859
Stenstrom Contractors, Rockford, IL	\$78,750

RMU Staff and its consultant, Matt Wagner of Willett-Hofmann, reviewed all bids and determined that the apparent low bidder, Schmitt Plumbing of Dixon, IL has met the minimum requirements of the specifications. Kathy Cooper, Superintendent of Water/Water Reclamation, and the consultant recommend acceptance of the lowest responsible bid. Kathy Cooper, Superintendent of Water/Waste Water, was present to answer questions. Moved by Councilman Colwill and seconded by Councilman Eckhardt, **“I move the Council award bid C06-006 for Jack Dame/DelMonte Water Main Connection to Schmidt Plumbing of Dixon, IL in the amount of \$68,859 and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

2) Ordinance Amending Telecommunications Tax Rate: During the recent budget workshops, the need to identify additional revenue streams was discussed. One of the revenue enhancement options discussed was an increase in the telecommunications tax. In 2002 the State of Illinois increased the telecommunications tax rate that municipalities could charge to a maximum of six percent. The City is currently charging one percent which is significantly lower than surrounding communities. Staff recommended increasing the municipal telecommunications tax rate to three percent which would increase revenues by an estimated \$104,000 per budget year. This recommendation was a discussion item at the June 26, 2006 City Council meeting. In order to proceed with this increase, a certified copy of the ordinance must be filed with the Illinois Department of Revenue by September 20, 2006. The City will receive the first payment increase in April, 2007. Bob Withrow, Director of Administrations/Treasurer was present to answer any questions. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Ordinance 06-3455, An Ordinance Amending Telecommunications Tax Rate, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

3) Ordinance Amending Section 17.40.010 of the Rochelle Municipal Code to Allow Certain Office Uses as Permitted Uses in RO District: Staff found in the evaluation of a rezoning request that the RO Residential Office District in 17.40.010 District Use Classification List does not allow for any office uses without requiring a Conditional User Permit. They also believe that the code should allow some types of office uses as permitted uses within the RO District. The current office uses as described in Title 17 shall remain permitted by conditional use only. The proposed permitted office uses to the RO District include accountants, architects, appraisers, attorneys, auditors, consultants, engineers, real estate brokers and agents and other similar type offices but excluding doctors, dentists, and clinics. This topic was the subject of a Plan Commission meeting on June 19, 2006. Upon completion of the public hearing the Plan Commission made a recommendation for approval of the text amendments to 17.40.010 District Use Classification List for additional permitted uses in the RO District as outlined in the staff report by a 6-1 vote. Councilman Eckhardt stated he would abstain because a conflict of interest. Sam Tesreau, City Engineer, was present to answer questions. Moved by Councilman Berg and seconded by Councilman Hayden, **“I move Ordinance 06-3456, An Ordinance Amending Section 17.40.010 of the Rochelle Municipal Code (Zoning District Use Classification List) to Allow Certain Office Uses as Permitted Uses in RO District, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Hollonbeck, and Mayor Olson. Nays: None. Abstain: Councilman Eckhardt. Motion passed 5-0 with 1 Abstaining.

4-6) Ordinance Amending Boundaries of R-2 and RO Districts and Rezoning Property at 287, 302, and 361 Illinois Route 38 East and Approving Variance: The petitioners request approval to rezone three lots located on Illinois Route 38 totaling approximately 1.4 acres of land from R-2 Single Family Residential District to RO Residential Office District and to eliminate the residential requirement in the RO District to allow for offices. Staff finds the zoning to be compatible with the surrounding uses in the area to the North, South and West. The proposed zoning will be more compatible with the Illinois Route 38 corridor. The RO zoning, with the elimination of the residential requirement, is the least intensive use that will allow for an office use. At the June 19, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to petitions for rezoning approximately 1.4 acres located at 287, 302, and 361 Illinois Route 38 East. Upon completion of the public hearing the Plan Commission made a recommendation for approval of the rezoning to RO Residential Office District and a variance to eliminate the residential requirement with the condition that a site break be provided at change in use for 287, 302 and 361 Illinois Route 38 East by a vote of 5-2. Attorney Alan Cooper clarified that the RO zoning is that it allows for a completely residential use, or a completely office use, or a partly-residential and partly-office use. Councilman Eckhardt stated he would abstain because a conflict of interest. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Ordinance 06-3457, An Ordinance Amending Boundaries of R-2 and RO Districts and Amending Official Zoning Map of the City of Rochelle (Rezoning Property at 287 Illinois Route 38 East from R-2 to RO) and approving Variance, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Hollonbeck, and Mayor Olson. Nays: None. Abstain: Councilman Eckhardt. Motion passed 5-0 with 1 Abstaining.

Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Ordinance 06-3458, An Ordinance Amending Boundaries of R-2 and RO Districts and Amending Official Zoning Map of the City of Rochelle (Rezoning Property at 302 Illinois Route 38 East from R-2 to RO) and approving Variance, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Hollonbeck, and Mayor Olson. Councilman Eckhart abstained because of a conflict of interest. Nays: None. Abstain: 1 Motion passed 5-0.

Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Ordinance 06-3459, An Ordinance Amending Boundaries of R-2 and RO Districts and Amending Official Zoning Map of the City of Rochelle (Rezoning Property at 361 Illinois Route 38 East from R-2 to R) and approving Variance, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Hollonbeck, and Mayor Olson. Nays: None. Abstain: Councilman Eckhardt. Motion passed 5-0 with 1 Abstaining.

7-8) **Enterprise Zone – 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 #10 to include certain property in the County of Lee, alter incentives, and alter the termination date of the zone. The Lee County Enterprise Zone #10 plans to submit an application to the State of Illinois for Zone Changes. Changes included in the ordinance amendment are inclusion of 117.05 acres and modifying the “Property Tax Abatement” that the property described on Exhibit 1 will not be entitled to and therefore not receive any real estate tax abatement. John Thompson representing the Lee County Enterprise Zone was in attendance to answer any questions. Moved by Councilman Colwill and Seconded by Councilman Berg, **“I move Ordinance 06-3460, An Ordinance Amending Ordinance #01-3051 (Enterprise Zone), be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move Agreement 06-3461, Amendment #10 to an Intergovernmental Agreement between the City of Dixon, City of Amboy, Village of Ashton, Village of Franklin Grove, Village of Paw Paw, City of Rochelle and Counties of Lee and Ogle Regarding Administration of an Enterprise Zone Dated December 23, 1986, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

9) **Ordinance – Authorizing Continued Support of NIMPA:** On January 25, 2005 the City Council approved Ordinance 05-3291. This ordinance authorized payments to NIMPA (Northern Illinois Municipal Power Agency) for the development costs associated with the 1620 megawatt coal plant known as the Prairie State Project. Subsequently, ordinance 05-3364 authorizing continued support of NIMPA was approved December 27, 2005. NIMPA will be issuing revenue bonds to finance its share of the project, but participants are required to fund the development cost until the NIMPA bonds are sold. The external financing has not yet been scheduled and therefore a new ordinance is being proposed to authorize continued support for NIMPA in the Prairie State Project and to authorize payments for the final six months of 2006 totaling \$327,104. Moved by Councilman Berg and seconded by Councilman Hayden, **“I move Ordinance 06-3462, An Ordinance Authorizing Continued Support of the Participation of the Northern Illinois Municipal Power Agency in the Prairie State Project, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

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

- **Mosquito Control:** The Street Division provided mosquito control on Saturday, July 1st and Sunday, July 2nd. They will continue to monitor and provide additional treatments as necessary. The City's **Mosquito Abatement Program** is important in helping protect against mosquito borne diseases and nuisance.
- **Annual Chamber Airport Fly-In/Drive-In Event:** The Chamber of Commerce has submitted its request to use the Airport facilities on Sunday, August 27th, for their annual Fly-In/Drive-In Hot Dog, Pork Chop, and Sweet Corn Boil. The airport operator (Bresson Flying Services) has been the lead supporter of the event. The four-hour event has been successful in previous years, bringing hundreds of area drive-in visitors to see the aircraft that flies into the airport. Proof of Liability insurance for the event will be required from the Chamber with the City shown as an additional insured. Council had no objections.
- **Independence Day Celebration:** The City's Independence Day Celebration included a very nice parade and event at Atwood Park which culminated with another outstanding fireworks display. The cost of the fireworks this year were \$8943.57 (City \$8000, Central school \$50, fire department \$893.57). In addition, between street division and fire department personnel there were 120 man hours expended to put up the 30 minute display. Mayor Olson thanked Chief McDermott and Superintendent Don Elliott and their staff for a great job.
- **Real Estate Tax Distribution:** Bob Withrow reported that the City has received the first distribution from the county for real estate taxes. The total amount of this distribution is \$732,644.60 of which \$412,887.24 will go to the general fund. This amount is on target with budget projections.
- **Wi-Fi Update:** The installation of WI-FI radios is continuing on the north side of Rochelle in the area of Brookside and Springdale, including the Route 38 business corridor. Installation at both water towers has been completed and results have been even better than anticipated. At this point staff expects installation of antennas will be completed on the north side of town by July 21st and the south side by August 31st.
- **Audit Update:** The City's auditor, Virchow Krause & Co, conducted their annual audit June 26-28. In their exit interview there were no major concerns mentioned. The open items at the end of the audit mainly deal with the new Governmental Accounting Standards Board (GASB) pronouncements 34 and 40. GASB 34 is retroactive reporting of infrastructure, (streets, curb and gutter, etc) assets which the City will be implementing this year. GASB 40 expands the information needed for reporting of police and fire pension fund investments. These items are being worked on at this time.
- **Regional School Impact Fees:** RTHS Superintendent Doug Creason has scheduled a meeting at RTHS on July 11, 2006 in which the various school district representatives will be meeting with management staff from Rochelle and neighboring villages to discuss the concept of a consistent or comparable school impact fee in the various jurisdictions.

EXECUTIVE SESSION:

At 7:45 p.m., Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **"I move the Council recess into Executive Session to discuss appointment, employment, compensation, discipline, performance or dismissal of specific non-union employees, collective Bargaining/negotiating matters, purchase or lease of real estate by the City, sale or lease of real estate by the City, and pending or imminent litigation. – Section (c), (1, 2, 5, 6, & 11)** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 6-0.

At 8:37 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 8:37 p.m., Councilman Colwill moved and seconded by Councilman Berg, **"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