

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, SEPTEMBER 25, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on September 25, 2006 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

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

APPROVAL OF MINUTES: Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, "**I move the minutes of the Regular Council meeting of September 11, 2006 be approved.**" Motion passed by voice vote without dissent.

Councilman Colwill moved and seconded by Councilwoman Hollonbeck, "**I move the Council accept and place on file the reports of the Special Plan Commission meeting of August 28, 2006.**" Motion passed by voice vote without dissent.

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

REPORTS & COMMUNICATIONS:

- Mayor: Proclamation read for Public Power Week, October 1st – October 7th by the City Clerk and accepted by Joe Orlikowski, Superintendent of Electric.
- Mayor Olson recognized and thanked the Hispanic Festival Committee for a good festival.
- Councilmen: None
- Sue Messer introduced Stephanie Whitmer who is doing an internship with the City. Stephanie is a Rochelle Township High School senior and in the second year of the Business and Information Technology program at Kishwaukee College. She will work in various offices at City Hall Tuesday through Friday afternoons to meet the internship requirement of the Kishwaukee Program.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

- 1) **Resolution – Authorizing City Manager to Purchase Power Supply Resources Beginning January 1, 2008**
The City entered into a Power Sales Agreement with Exelon Generation in March 2003 for the two calendar years; 2006 and 2007 for the majority of our annual energy requirements. The existing contracts are priced lower than the current market value of these supplies. We have been reluctant to enter into contractual agreements for 2008 and beyond because of the market prices that have been available for the past couple of years. In anticipation of future needs it will be necessary for the City to obtain power supply resources beginning January 1, 2008. According to the American Public Power Association, "70 percent of the energy provided by public power is purchased in the wholesale markets". These markets are extremely competitive and require the customer to have the ability to enter into an agreement immediately to obtain the best price. Prices of electric power have decreased significantly recently, but the market is extremely volatile. In the current deregulated energy market environment, it is not possible to obtain a competitive price offer that will be honored beyond one hour. It is recommended that management be authorized to approve and commit to power purchase proposals recommended by our NIMPA consultant Richard Foltz from Carmel, Indiana. Moved by Councilman Colwill and seconded by Councilman Berg, "**I move Resolution R06-17, A Resolution Authorizing the City Manager to Purchase Power Supply Resources Beginning January 1, 2008, be approved.**" Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.
- 2) **Ordinance Amending Section 66-403 of the Rochelle Penal Code to Prohibit Fighting in Public Places** A City Ordinance prohibiting fighting in public places was inadvertently omitted from the new Municipal Code that was adopted by ordinance 06-3465 dated August 14, 2006. This ordinance is useful for the police and the City prosecutor, particularly in instances where it appears that both parties are at fault. This ordinance has been reviewed and approved by Chief Buck and Attorney Hewitt. Chief Buck was present to answer any questions. Moved by Councilman Hayes and seconded by Councilman Berg, "**I move Ordinance #06-3482, An Ordinance**

Amending Section 66-403 of the Rochelle Penal Code to Prohibit Fighting in Public Places, be approved.

Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 3) **Ogle County Map Amendment – 5543 Mulford Road** A petition for a Map Amendment has been filed with the Ogle County Planning and Zoning Department by Robert & Sharon Ranken and Corey & Miriah Ranken. The request is to rezone the property at 5543 Mulford Road from AG-1 Agricultural District to R-2. At the September 18, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to the petition to rezone approximately 3.962 acres at 5543 Mulford Road. The Plan Commission found that the proposed use was appropriate, the proposed map amendment was appropriate and that a positive recommendation should be made. The Plan Commission recommended to the City Council that a positive recommendation be made on the requested map amendment from Ag-1 to R-2 in Ogle County to the Ogle County Board and Zoning Board of Appeals for the property located at 5543 Mulford Road by a vote of 6-0. Present to answer questions were Corey Ranken, property owner, and Chris Limas, Community Development Director. The village of Creston has recommended their approval. Moved by Councilman Colwill and seconded by Councilman Eckhardt, **“I move that the Rochelle City Council Recommend Approval to the Ogle County Board for the petition of Robert & Sharon Ranken for a Map Amendment from AG-1 to R-2 for property located at 5543 Mulford Road.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 4) **Proposal – Caron Road Substation One Expansion** Currently there are three feeders which are connected to the old Caron Road Substation by overhead distribution lines. These feeders supply Wiscold Drive, Rochelle Foods, and the Peaker Station power. The proposal is to connect these three feeders to the new Caron Road Substation via an underground installation. As part of the new Caron Road Substation expansion it is necessary to connect three existing feeders to the new substation. An underground installation is preferred due to improved reliability and aesthetics. Contractors specializing in this type of project were contacted and asked to submit a proposal. Ordinance #05-3367, which was passed on 12/27/05, allows that “The City Council may, by a two-thirds vote of all councilmembers holding office, authorize the City Manager to enter into a contract without competitive bidding.”

Two contractors submitted proposals and a tabulation of the proposals is as follows:

<u>Contractor</u>	<u>Proposal</u>
Meade Electric, Chicago land	\$ 79,950.00
Hooper Cooperation, Madison, WI	146,626.00

City Staff and their consultant, Sargent & Lundy, have reviewed the proposals and determined that Meade Electric, Chicago, IL, has met the requirements of the specifications. Meade Electric indicated in their proposal that they would be willing to offer a 10% discount if the construction schedule could begin in November. Joe Orlikowski, Superintendent of Electric Operations recommends acceptance of the lowest responsible proposal from Meade Electric in the amount of \$71,955.00 which reflects the 10% discount for November construction. Joe Orlikowski was present to answer any questions. Moved by Councilman Eckhardt and seconded by Councilman Colwill, **“I move the Proposal (C06-19) from Meade Electric in the Amount of \$71,955 for the Caron Road Substation One Expansion, be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 5) **Approval of Letter Interpreting Landfill Host Agreement** The City Council approved a Restated Host Agreement for the landfill on August 28, 2006. Subsequently, John Holmstom of Rochelle Waste Disposal raised an issue with respect to interpretation of the agreement. Under the Environmental Protection Act, the City Council has the right to impose conditions on the approval of a siting application. With this in mind the letter clarifies the intent of the parties “The parties do not intend that the Restatement will be interpreted to require the operator to go forward with the development of an expansion if local siting is approved subject to conditions that are materially more restrictive or costly than those specified in the Restatement. If an expansion of the Landfill is approved subject to conditions that are materially more restrictive or costly than those specified in the Restatement, the parties will attempt to modify the Restatement in an equitable manner by their mutual agreement. If they are unable to reach an agreement, the parties do not intend that the Operator will be obligated to go forward with the development and construction of the expansion.” Don Moran and Alan Cooper were both present to answer questions. Mr. Moran stated that this letter is appropriate and does not limit or restrict council in the application. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **“I move the Council authorize Attorney Cooper to sign a letter confirming the Interpretation of the Landfill Host Agreement.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

6) **City Manager's Report**

- **Halloween** As there were no objections from the Council, the annual Trick-r-Treat will be scheduled for Halloween, Tuesday evening October 31st, from 5:00-8:00 p.m. in the City of Rochelle.
- **Illinois Municipal League Conference** The Illinois Municipal League 93rd Annual Conference will be held in Chicago September 28 – October 1, 2006. The program is designed to give municipal officials the opportunity to expand their expertise and learn more about current issues affecting cities in Illinois. Rochelle will be represented by both elected and appointed City Officials. The Economic Development Staff will be participating in the IML Innovations Showcase which highlights the "good things" that Illinois cities are doing and provides a resource base of innovative ideas that encourages peer sharing. The set-up of the showcase is similar to a mini-exhibit hall with each participant having a booth area to display materials and concepts. The Innovations concept that Rochelle will be promoting is the Economic Development Alliance Strategy developed between the Rochelle City Council and GREDCO which is moving forward with innovative ways to accomplish desired economic growth, critical infrastructure improvements, and sound business relationships necessary to achieve measured growth. The showcase is a competition and winning communities will be announced at the IML Sunday breakfast and a plaque will be presented at a later date in that community.
- **Employee Flu Shots** Flu shots will be offered again this year, at no cost to all City employees on October 11, 2006. Spouses of employees can receive the shots for \$20. Employees are encouraged to participate as many of them have daily contact with the public.
- **Telecommunications Tax** The City has received a letter from the Illinois Department of Revenue acknowledging receipt of Ordinance No. 06-3455 increasing the Simplified Municipal Telecommunications Tax to the rate of 3%. The Illinois Department of Revenue will collect, administer and enforce this tax effective January 1, 2007.
- **Annual NIMPA Board Meeting** The Annual NIMPA Board Meeting is tentatively scheduled for November 8, 2006 at 7:00 in the Holcomb Bank Banquet Room. An update of the Prairie State Project will be presented at the meeting. Invitations will follow for the Mayor and Council members.

DISCUSSION ITEMS:

- 1) **City Property Vacant Lot North of Fire Museum** A local business owner has shown interest in purchasing the empty lot north of the Fire Department Museum. The land was initially purchased for expansion of a joint police and fire facility. Per Chief Buck and Chief McDermott those plans no longer exist as it would not be the best configuration for emergency response times. In compliance with Illinois statutes for disposition of municipal property, Jacobson and Associates were requested to provide the City an official property appraisal. The appraised value was received for \$35,000. The Council agrees to sell.
- 2) **Review of Financials through August 31, 2006** The financial statements for the four months ending August 31, 2006 are included in the council agenda packet. Bob Withrow gave an update on current revenue and expenditures from the General Fund Budget and answered questions.

EXECUTIVE SESSION:

At 8:32 p.m., Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, **"I move the Council recess into Executive Session to discuss non-union personnel, 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 ©, (1,2,5,6, & 11).** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

At 9:22 p.m., Councilman Colwill moved and seconded by Councilman Eckhardt, **"I move Council return to Open Session."** Motion passed by voice vote without dissent.

At 9:22 p.m., moved by Councilman Berg and seconded by Councilman Colwill, **"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