

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
January 9, 2012**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, January 12, 2012 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The Prayer was said by City Clerk McKinney.

ROLL CALL: Present on Roll Call were Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice and Mayor Olson. Absent: None. Also present were City Manager Plyman and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.: None

REPORTS AND COMMUNICATIONS:

Mayor: None

Council Members:

- Bil Hayes: Public Safety Committee Meeting on Tuesday, January 10 at 5:15 p.m. Will be discussing
 - o Storm Sirens
 - o Emergency Planning
 - o Budget
 - o Police Chief report how the new liquor license changes effect the department.
- Ed Rice: Bike Routes/Path – now ready for public meeting. Has contract with state Bike Way Association for guidance.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – December 12, 2011
- b) Accept and Place on File Minutes of Administrative Committee Meeting October 3, 2011
- c) Accept and Place on File Minutes of Administrative Committee Meeting October 18, 2011
- d) Accept and Place on File Minutes of Airport Advisory Board Meeting – October 24, 2011
- e) Approve Bills 12/02/11-12/08/11 = \$64,262.71, 12/9/11-12/15/11 = \$2,394,033.45, 12/16/11-12/22/11 = \$547,166.87
- f) Approve Payroll 11/28/11-12/11/11 = \$238,608.51, 12/12/11-12/25/11 = \$218,043.40
- g) Resolution Supporting the Continuation of Mail Processing through the Rockford Postal Center

Moved by Councilman Berg and seconded by Councilman Eckhardt, "**I move Consent Agenda Items (a) through (g) be approved by Omnibus Vote as recommended.**" Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

2) **Ordinance Amending Chapter 6 – Alcoholic Beverages (Public Hearing & Action)**. On December 16, 2011 the Administrative Committee of the City Council met to discuss, among other items, changes to the City's Liquor License ordinance and fees. Several liquor license holders spoke to the committee regarding the hours and days permitted for sale of alcoholic beverages, related fees and various license classifications. Due to time constraints, the Administrative Committee reconvened on December 21, 2011 for further discussion. Following input from various stakeholders and discussion among the committee members, a consensus was reached to recommend the following to the full City Council: allow liquor sales on Sunday between 11 am and 11 pm, remove the holiday restrictions, modify the associated fees as presented including the addition of an initial/start up fee, decrease the fee for Clubs to that of Restaurant/Recreation facilities, delete the Resort classification since there are none in effect, and prohibit the sale of alcohol from convenience stores, other than the two currently licensed. The proposed ordinance, drafted by Attorney Cooper, was written in accordance with the recommendations of the committee. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move the Council Recess into a Public Hearing for consideration of amendments of the City Liquor codes."** Motion passed by voice vote without dissent.

- **Charles E. Bryant**: Asked council not to vote it in. Alcohol ruined his family's lives.
- **Pastor Jim Tilley of 1st Presbyterian Church**: Has a doctorate in psychology as well as a pastor. Concerned at the level of alcohol dependency in Rochelle. Urged that there be a day off. Rehabilitation centers are very expensive.
- **Pastor June Harmon**: Speaks as a resident. Came to Rochelle because it is such a good community. Also, looked up a dry county in Illinois and they don't have alcohol, pornography, and they flourish. If they can do all week, we can do for one day. Wants to keep Sunday holy.
- **Judy Schermerhorn**: Personal opinion as a resident: Where is our priority for young people? Alcohol is a drug. Putting liquor behind cages on Sundays and holidays gives the appearance that it is in its rightful place on those days. IDOT reported that out of the 792 highway deaths in 2010, hundreds are caused by impaired drivers and the Christmas holiday season is the worst time.
- **Pastor Angelo Bonacquisti of First General Baptist Church**: Congregation sent him to ask to reconsider not to vote in favor of Sunday liquor sales.
- **Maria Amaro**: resident and member of the Hispanic Church. There are a lot of alcohol problems and does not think we need Sunday liquor sales.
- **Zachery Mann**: 22 yrs old; resident of Rochelle. Parents used to own a bar and he saw spiritually what alcohol did to them from the day they bought it. He has a one-yr old daughter; we should stick to one day without alcohol as a Christian community; an environment he wants to raise his daughter in.
- **Pastor Doug Cowan of the First Baptist Church of Rochelle**: We are a proud community and the council has a part in that and thanked them. Glad they are limiting the convenient stores. Feels this ordinance hasn't been done in an orderly fashion. Public Safety meeting after this meeting. Obviously no studies done ahead of time regarding safety and finances. God intended the Lord's day, Sunday, to be unique. Asked council to abandon Sunday and Holiday sales of liquor.
- **Lori Eyster – Bartender**: Her mother and herself have both been bartenders and it has put a roof over her head. Doesn't understand what the big deal is. She and others go to church and drink out of town and then drive home. Safety issue in having to drive out of town.
- **Calvin Montos**: 17 years old and attends RTHS. Felt the council needed a youth perspective as the youth are our future. He knows what kids are doing. Important to show a standard for kids. Youth (80%) are already pro-alcohol. As one of the concerned youth, he doesn't see Sundays and holiday sales as a good example. You reap what you sow.

- David Sheets: Lived in Rochelle since 1998. Dad was a mayor of Dixon for 8 yrs; was pro-youth and against Sunday sales. "He that ruleth over men must be just; ruling in the fear of God" was a scripture his dad kept on his desk. Asked that the city not have Sunday sales.
- Robin Gounaris – Owner of Abrahams: Says she prays everyday. Owns a restaurant and bar. Very rarely drinks; Rochelle is not a dry town. Look at the revenue that Hillcrest is bringing in; most in Ogle County. People go places after church and want to be able to pick up a bottle of wine, etc. Main issue is because she does own a bar and does see the young adults and they are the future of Rochelle and she tries to guide them. They can now walk across the street to get a drink and not drive. With being connected to a hotel, they will be able to have a burger at the bar and watch the game.
- Chuck McGrath: Resident since 1972. Is a 29-yr recovering alcoholic and runs the Moose Lodge and is in favor of Sunday sales. Anyone who wants to drink is going to get the drink. Can go to Hillcrest, less than two miles away.
- Don Holmes: from Stillman Valley but does a lot of business here and goes to church here. Came to Rochelle to tell us we have something unique. Stillman Valley has Sunday sales and he's against it. Listen to both sides but choose wisely.
- Raymond Kramer: Retired locomotive engineer; worked night switch engine at DelMonte. Recovering alcoholic and alcohol is a disease, a very strong disease. Lost a grandfather to it, a stepfather to it and grew up in an alcoholic family. We should keep the "Blue Law" going.
- Dr. Jim Horvath – pastor of Calvary Lighthouse Church: Lived here for 25 yrs., his wife was raised here. Leader of a regional church; has congregation made up of many cities but most from Rochelle and was asked to represent them at the meeting. Thanked the City officials for their work. His kids are on the roads on Sundays and Sunday evenings. Have many conferences throughout the year and brings in literally thousands of people who are on the roads. Felt the council did not keep the rules of order in handling this. No links to amendments; not all information was on website; the public safety issue should have been taken care of before voting on this. Should look at the historical side in that this has been voted down in the past more than once. If wanting to help the liquor license owners economically, should have less licenses, not more. He deals continually with the devastation of alcohol. On behalf of his family, congregation, and city, vote no.

Moved by Councilman Berg and seconded by Councilman Eckhardt, **"I move the Council return to Open Session."** Motion passed by voice vote without dissent. At this time the council discussed.

- Councilman Hayes:
 - Revenue has nothing to do with his decision.
 - Safety Factor – having to go out of town on Sundays for alcohol.
 - Doesn't understand difference between other days and Sunday.
- Councilman Rice:
 - Published in paper; on door of building; this committee met twice.
 - Committee formed to allow more input.
 - Revenue is not his issue at all.
 - Worked with recovering alcoholics on two weekends at Christian retreats and alcohol being available on Sundays had nothing to do with their problem.

Mayor asked if the committee had gotten any facts from the Police, Fire, etc. that would have any impact on this.

- Police Chief Higby – Regarding FOIA Request given out:
 - 26 DUIs, out of 301, on Sunday in last 5 years out of 301.
 - Alcohol calls every day of the week; Sundays are slightly lower.
 - As far as staff level they just started 12-hour shifts.

Mayor/Liquor Commission :

- Receive year after year applications for additional liquor licenses.
- Tried to limit license for current holders.
- To the normal business holder doesn't want to be open every Sunday and they will still have a choice. That tells him they don't want to be open on Sundays; they want to be with family on Sundays and holidays. But the convenient and grocery stores are already open so it won't make a difference in staff, cost, etc. Thinks the liquor ordinance needs reevaluated and refined.
- His view is we need more research and more public input. It's a big issue.

Councilwoman Hollonbeck:

- Not legislating moral issues.
- Feels they have done enough research on this and are ready to make a decision.

Dave Eckhardt:

- Most bar owners won't change what they are already doing.
- Free country and business owners should be able to make those decisions and not dictated to by council.

Councilman Hayes:

- Also feels we should not dictate to business owners.
- Feels we should amend that there will be no Christmas sales.

After discussion regarding different opinions on the original motion for the ordinance the Mayor suggested it be tabled until they could get everything in order. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move Ordinance 12-4131, An Ordinance Amending Chapter 6 (Alcoholic Beverages) of the Municipal Code of the City of Rochelle to Delete Resort Licenses, Allow Sunday and Holiday Sales, and Establish New Fee Schedule, be adopted, to be effective June 1, 2012."** Moved by Councilman Hayes and seconded by Councilman Rice, **"I move to amend Councilman Eckhardt's motion by striking New Fee Schedule, remove any change with respect to Christmas Day and Christmas Eve and Effective Immediately."** Roll call vote was taken on the amendment to the Main Motion. Ayes: Councilmembers Hayes, McDermott, Berg, and Rice. Nays: Councilmembers Eckhardt, Hollonbeck, and Mayor Olson. Motion passed 4-3. Amendment passed. **Original motion as amended:** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, and Rice. Nays: Mayor Olson. Motion passed 6-1.

- 3) **Agreement and Inducement Resolution – Three Tax Increment Financing Districts:** On November The City Council's recently adopted Strategic Plan set goals that provide for the redevelopment of Rochelle's older business areas and the attraction of new retail businesses. Tax Increment Financing (TIF) is one of the primary tools that cities have available in Illinois to assist in achieving redevelopment goals. Accordingly, City staff solicited proposals from two consulting firms to assist us in the planning that is required by state statute in order to form TIF districts. The City Council's Administration Committee met on December 21st to discuss the redevelopment potential of three areas as depicted on the attached map: North Gateway, Downtown, and South Gateway. The actual boundaries of the areas would be established by Council based on the results of the eligibility studies that need to be conducted. TIF is a mechanism by which cities collect the portion of future property taxes paid by property owners based only on the growth of their properties' equalized assessed value (EAV). All taxing jurisdictions will continue to receive the portion of property taxes levied against the original – or base – EAV. Cities can then use these incremental funds to spur development in the district. The manner in which cities collect and utilize these TIF property tax dollars is strictly regulated by the state. TIF districts have a maximum life of 23 years. City staff and the Administration Committee are recommending that the City engage Teska Associates, Inc. of Evanston to perform the necessary planning studies at a fee of \$97,500. If the City Council adopts the proposed Resolution of Intent, the City would be allowed to use TIF funds to reimburse this expense. The recommendation is to: 1) Authorize the City Manager to sign an agreement between the City of Rochelle and Teska

Associates in connection with the establishment of three Tax Increment financing Plans and Programs; and 2) Approve a resolution of intent to utilize tax increment financing to improve deteriorating physical conditions and to stimulate new economic development within the southern gateway (Route 251), northern gateway (Route 251/Route 38) and downtown. Chris Limas, Community Development Director, and Kon Savoy of Teska were both present for further information and to answer questions. Chris Limas explained that the map the council was given is a concept map and will be adjusted after discussing with staff and the consultant, as well as the public. Mr. Savoy gave a presentation using Power Point. TIF is not a tax. Fundamentally it's about redistribution of existing tax revenues. Using public investments to stimulate private investments which results in increasing the value of the project and recycles back into the project or into the community. Many aspects that TIFs can be used for; allowed and used more than in the past. Will begin with Phase I which will be to see if eligible for a TIF which must be complete before going into Phase II; Phase II is preparation of a program. Public Hearing with several layers of public notice. Can be used for re-development or re-improvement. Has been successful in other surrounding communities and therefore used competitively. He showed the resulting growth and effectiveness of these communities using. Mr. Plyman has spoken to both school superintendents and offered them to be active in planning. Moved by Councilman Eckhardt and seconded by Councilman Berg, **"I move Agreement 12-4132, An Agreement between the City of Rochelle and Teska Associates to perform TIF planning studies at a fee of \$97,500, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **"I move Resolution R12-02, A Resolution of Intent to Utilize Tax Increment Financing to Improve Deteriorating Physical Conditions and to Stimulate New Economic Development within the Southern Gateway (Rte. 251), Northern Gateway (Rte. 251/Rte.38) and Downtown, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

- 4) **Amendment to the Agreement between the City and Hanson Professional Services – Airport Land Acquisition Services:** On August 27, 2008 the Illinois Department of Transportation (IDOT) Division of Aeronautics approved plans to extend the runway at the Rochelle Municipal Airport from 4,226 feet to 5,000 feet. Subsequently, in September of 2008, the Mayor and Council approved an agreement with Hanson Professional Services for assistance in acquiring two parcels of land totalling 53 acres at a cost not to exceed \$48,700. During the negotiation process, the property owner raised drainage concerns including its impact on the adjoining property. In addition, the City determined it would be best to purchase an additional 8 acres to allow for future expansion. These issues have significantly increased the scope of services required to purchase the necessary property and resulted in an amendment to the original agreement. IDOT has reviewed and approved Amendment 1 to the Property Acquisition Management Services Agreement with Hanson for these services at a cost not to exceed \$79,780. The City will be required to fund the land purchase and acquisition services up front but will receive reimbursement of 95% from Federal Entitlement Funds and 2.5% from the State of Illinois once the acquisition is complete. The balance of \$1,994.50 will be paid out of the airport fund. Approving the amendment will allow the City to move forward with the property acquisition with a goal of expanding the runway in 2013-14. Don Elliott was present to answer any questions. Moved by Councilman Hayes and seconded by Councilman Rice, **"I move Agreement 12-4133, Amendment 1 to Agreement (08-3645) between the City of Rochelle and Hanson Professional Services for Land Acquisition Services at the Airport, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

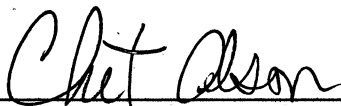
- 5) **Agreement between the City and Hanson Professional Services – Airport Electrical Vault:** On May 23, 2011 the Illinois Department of Transportation (IDOT) Division of Aeronautics issued a "notice to proceed" letter for the construction of an electrical vault at the Rochelle Municipal Airport in preparation for new electrical equipment associated with the runway extension. The next step is for the City to initiate the professional services phase of the project. Hanson Professional Services have provided an agreement for design, construction and planning services related to the electrical vault project. Per the agreement, "the project consists of the development of Construction Plans and Specifications; acquisition of the necessary NEPA approvals (environmental); and provision of onsite construction observation – to construct a new electrical vault. Associated construction work shall include duct bank, cabling, installation of electrical equipment, removal of electrical equipment, and provision of new power distribution to the existing navigational aids and lighting. An additive alternate shall consist of installation of an emergency transfer switch." The estimated cost of the project is \$325,000 which will be funded through 95% Federal Airport Entitlement and State Apportionment, 2.5% state match and 2.5% local match. Once IDOT approves the agreement with Hanson Professional Services, an agency agreement will follow from IDOT Division of Aeronautics. The City will only be required to fund the local portion of \$8,125 which is included in the 2011-12 Airport Capital Outlay Budget. It is anticipated that IDOT will let the bids for the project in the spring of 2012. Don Elliott was present to answer questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **"I move Agreement 12-4134, An Agreement between the City of Rochelle and Hanson Professional Services related to the Construction of an Electrical Vault at the Airport, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Engineering Agreement with Fehr-Graham & Associates – Caron Road Lift Station:** Wastewater needs for the City's southeast industrial area (south of Interstate 88 and east of South Main Street) are currently served by the Wiscold lift station. This lift station often operates at capacity, handling flows of 35,000 gallons per day. The 2011 Comprehensive Plan for the Water Reclamation Division includes the need to construct a new lift station near the intersection of Caron Road and Timber Lane to better serve this area. In addition, the recent industrial development in this region of the Nippon Sharyo and Coated Sand Solutions facilities has spurred the need for the new lift station. Earlier this year the City of Rochelle submitted an application to the Economic Development Administration (EDA) for funding assistance through the Public Works and Economic Development Program to construct the Caron Road Lift station. In November the City received a non-binding "further consideration" letter from the EDA. The Economic Development Department has since been notified that funds of \$2.7 million have been appropriated and an award letter is anticipated in mid-January. At the City's request, Fehr-Graham and Associates has identified a scope of services related to the Caron Road Lift Station which includes design and permitting, preparation of bid documents and construction services for a fee of \$71,320 plus time and materials for construction observation estimated at \$25,000 for a total of \$96,320. Superintendent Kathy Cooper recommends that the City proceed with the engineering agreement with an anticipated project completion of mid 2013. Once operational, the Caron Road lift station will have the capacity to serve the area south of Interstate 88 and the Village of Steward. Kathy Cooper was present for further information and to answer questions. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **"I move Agreement 12-4135, An Agreement between the City of Rochelle and Fehr-Graham for services related to the design, permitting and construction of the Caron Road Lift Station, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

- 7) **Ordinance Amending Chapter 94 to Authorize the Seizure and Impoundment of Vehicles Used in the Commission of Certain Crimes:** On March 28, 2011 the Mayor and Council approved an ordinance allowing for the seizure and impoundment of vehicles used in connection with specific offenses. The ordinance also provides for the assessment of a \$500 administrative fee in addition to applicable fines, costs, towing and storage fees. The State of Illinois passed Public Act 97-0109 in July of 2011 which amends the Illinois Vehicle Code effective January 1, 2012. In order to comply with the new legislation, the City must make some modifications to Chapter 94 of the City of Rochelle Municipal Code. The current code provides for an administrative hearing process, should the registered owner choose to challenge the impounding. Per the new legislation, administrative hearings must now be conducted by a hearing officer who has been licensed to practice law in the State of Illinois for at least 3 years. In addition, towing and storage fees must now be paid directly to the towing agency instead of the City collecting those fees and issuing a check to the wrecker service. The various modifications included in the proposed ordinance are in compliance with the Illinois Vehicle Code as of January 1, 2012. Attorney Alan Cooper made some changes in the wording of the motion. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **"I move Ordinance 12-4136, An Ordinance Amending Article 9 of Chapter 94 of the Municipal Code of the City of Rochelle and to Authorize the City Attorney to make Technical Changes to Ordinance, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hayes, McDermott, Berg, Eckhardt, Hollonbeck, Rice, and Mayor Olson. Nays: None. Motion passed 7-0.

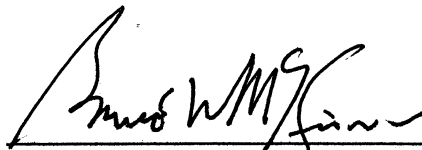
DISCUSSION ITEMS: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 9:55 p.m., moved by Councilman Hayes and seconded by Councilman Eckhardt, **"I move the Council adjourn."** Motion passed by voice vote without dissent.



Chet Olson, Mayor



Bruce McKinney, CMC,
City Clerk, City of Rochelle

