

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
August 28, 2017**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, August 28, 2017 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

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

**ROLL CALL:** Present on Roll Call was Councilmembers Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Olson. Absent: None. A quorum of seven was present. Also present were Acting City Manager Messer, Attorney Wagner, and City Clerk McKinney.

**PROCLAMATIONS, COMMENDATIONS, ETC:**

**REPORTS AND COMMUNICATIONS:**

Mayor: Mayor Olson thanked the staff and committee members for the work on the Heritage Festival. Mayor Olson presented a plaque to Kathryn Shaw-Dickey for her years of service on the city's planning and zoning committee.

Council: None.

Financials July 2017.

**PUBLIC COMMENTARY.**

**BUSINESS ITEMS:**

**1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:**

- a) Approve Minutes of City Council Meeting – 8/14/17
- b) Accept and Place on File Minutes of Golf Course Advisory Committee 7/24/17
- c) Approve Bills – 8/22/17
- d) Approve Exceptions – 8/9/17-8/21/17
- e) Approve Payroll – 7/31/17-8/13/17
- f) Authorize the closure of 4<sup>th</sup> Avenue between Lincoln Highway and 6<sup>th</sup> Street for Vinny's Barbershop Customer Appreciation Day – 9/16/17
- g) Approve Hay Day Committee request to close various streets and parking lots – October 14, 2017
- h) Approve Revised Resolution Relating to Participation by Elected Officials in the Illinois Municipal Retirement Fund
- i) Approve RTHS Homecoming Parade Request

Motion made by Councilor D. McDermott and seconded by Councilor Burke, **"I move Consent Agenda Items (a) through (i) be approved by Omnibus Vote as recommended."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 2) **Public Hearing for Well 12 Setback Ordinance – No Action.** Well 12, located on Hayes Road is a main supply well constructed in 2016 to service the industrial corridor. To maintain consistency with our existing wells and recommendations from the IEPA, it is recommended to adopt an ordinance establishing a 1000 ft. maximum setback radius and a 200 ft. minimum setback. This setback zone would prohibit certain structures or items to be constructed or stored within the setback radius. The IEPA recommends adopting the ordinance as a measure to protect the public water supply from contamination. Prior to adopting the ordinance it is a requirement of the Groundwater Protection Act, Section 14.3(c) that we hold a public hearing to allow comments regarding the proposed ordinance. Motion made by Councilor Hayes and seconded by Councilor D. McDermott, **"I move the Council recess into public hearing regarding the Well 12 setback ordinance."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0. No one came forward for questions or comments. Motion made by Councilor Hayes and seconded by Councilor Burke, **"I move the Council close the public hearing and return to open session"** Motion passed by voice vote without dissent.

- 3) **Development Agreement between the City and Seldal Properties – 7<sup>th</sup> Avenue Townhomes.** Seldal Properties has purchased and subdivided 4 parcels along Seventh Avenue into one developed lot and one out lot for the purpose of constructing two 10 unit multi-family residential developments. Due to the cost incurred with the development including construction of the buildings, site engineering, mass grading and water detention, the developer is asking that the cost of the sewer connection fees be reduced to \$1,200.00 from the calculated cost of \$12,000.00. The sewer fees for a new residential multi-family development are charged based on a calculation of the number of plumbing fixtures that will impact the current city sewer infrastructure. The connection charge for the City of Rochelle is based on population equivalents as stated by the Illinois Recommended Standards for Sewage Works. The fee for a 20 unit, 2 bedroom apartment is calculated by the following equation: P.E. (3) x # of units (20) x gal/person (100) / 100 x 200 = \$12,000. The purpose for the hookup fee is to cover future infrastructure needs (collection system, pump stations and wastewater treatment plant) as a community grows. It is not the cost of physically connecting to the publicly owned sewer, that particular cost is covered by the private owner. Kip Countryman and Bruce Seldal presented the project and were available to answer questions. All Councilmembers expressed concern about this project. Motion made by Councilor T. McDermott and seconded by Councilor Burke, "I move ordinance 17-4724, an ordinance approving a development agreement with Seldal Properties, LLC, be approved." Roll call vote was taken. Ayes: None. Nays: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Motion failed 0-7.
- 4) **Intergovernmental Agreement between the City of Rochelle and Ogle-Lee Fire Protection District.** The City Council approved an Intergovernmental Agreement with Ogle Lee Fire Protection District on April 27, 2015 for a term of three years at an annual rate of \$60,000. The agreement included a provision that the district trustees would call for an Ambulance Service Referendum requesting a special tax levy in March of 2016. Providing that the referendum passed, the District agreed to increase its monthly payments to the City by the amount of the actual cost to the City in providing ambulance and rescue services to the District. The voters in the Ogle Lee Fire Protection District subsequently approved the Ambulance Service Referendum. A new five year agreement has been negotiated between representatives of the City and Ogle Lee Fire Protection District beginning October 1, 2017 and ending September 30, 2022. The contract continues to provide for the day-to-day administration of the Ogle/Lee-City Departments as a single entity under the direction of the City's Fire Chief and City Manager. The proposed five year agreement includes an increase in the compensation to \$86,500 per year with an annual increase of 3% beginning May 1, 2018. The agreement will be presented to the Ogle Lee Fire Protection District Board at its September 12<sup>th</sup> meeting. Motion made by Councilor Bearrows and seconded by Councilor D. McDermott, "I move ordinance 17-4725, an ordinance approving an intergovernmental agreement between the City of Rochelle and the Ogle-Lee Fire Protection District, be approved." Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) **Ordinance Authorizing Northern Illinois Gas Company Its Successors and Assigns, to Construct, Operate and Maintain a Gas Distributing System in and through the City of Rochelle.** The Rochelle City Council approved a Gas Ordinance with Allied Gas Company in November of 1965. The ordinance gave the company, its successors and assigns, the right to construct, operate and maintain a gas distribution system in the City of Rochelle for a term of 50 years. The agreement gave the City the right to supervise the installation of pipes, etc. In addition, the gas company assumed the responsibility for repairing any damage caused by its work as well as the obligation to indemnify the City. The rights of this agreement were later assigned to Nicor Gas Company. The existing agreement with Nicor Gas Company expired two years ago. A new thirty year agreement has been negotiated between representatives of the City and Nicor which will be effective as of the date of City Council approval. The ordinance includes the same provisions that have been in effect for several years, including the allowance of 28,722 therms, based on Rochelle's decennial census count of 9574, to be used in buildings which are used solely for municipal purposes and not for purposes of generating revenue. In addition, Nicor will supply an additional 20% of therms for a total of 34,466 per a "most favored nation clause". These therms will be used to heat eight municipal buildings including city hall, police department, street department, cemetery building, fire department, engineering/community development, welcome center and engineering annex. Motion made by Councilor Burke and seconded by Councilor Bearrows, "I move ordinance 17-4726, an ordinance authorizing Northern Illinois Gas Company (d/b/a NICOR Gas Company) to conduct, operate, and maintain a gas distributing system in and through the City of Rochelle, be approved." Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 6) **Ordinance Amending Travel, Meal and Lodging Expenses Policy.** In 2016, Governor Rauner signed the Local Government Travel Expense Control Act into law (Public Act 099-0604). This law requires all non-home rule units of local government, including municipalities, school districts, special districts and community college districts, to regulate travel expenses at the board level. Thus, every covered unit of local government must adopt a resolution or ordinance that, at a minimum, contains the following provisions:

1. Allowed reimbursable activities (e.g., conference attendance, travel for business meetings, etc.);
2. The maximum amount that the unit of local government will reimburse for travel, meal and lodging expenses, and
3. A standardized form for documenting travel, meal or lodging expenses, as well as “the nature of the official business” for which reimbursement is sought.

Travel, meal or lodging expenses may not be approved unless the minimum documentation requirements have been met. The attached policy amends the policy adopted in December 2016 to include reimbursement for meals without overnight lodging. Chris Cardott was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move ordinance 17-4727, an ordinance amending the travel, meal, and lodging expenses policy consistent with Public Act 99-0604, be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 7) **Minimum/Maximum Additional Billing for Contract Year 2011– Illinois Municipal League Risk Management Association.** The City has received an Additional Billing from IMLRMA, our provider of property/casualty/worker’s compensation coverage, for the City’s 2011 claims year. There is one (1) large worker’s compensation claim (death) that is still open, with a death benefit to widow for 25 yrs. As was authorized by City Council, the City continued its participation in the IMLRMA Minimum/Maximum insurance “pool” until Dec. 31, 2013. At the time of renewal authorization, we acknowledged that participation in the “pool” at a lower contribution amount came with the risk of additional monies coming due if the claims paid exceeded 85% up to 130% of the loss fund. In this case, the maximum cost potential to the City is \$159,795. The amount due at this time, per the additional billing, is \$59,785.04. The amount paid to date is \$76,773.99 and with a potential remainder of \$23,236.00. Motion made by Councilor Hayes and seconded by Councilor T. McDermott, **“I move the Council approve the IMLRMA 2017 Min/Max additional billing of \$59,785.04.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 8) **Construction Bid for Steward Road Transmission Line.** The Steward Road Transmission Line project is the re-build of approximately 3 miles of 138KV transmission from Hayes Road South. The reason for this project is replace the line that was originally constructed in the late 1960s and to increase the ampacity of the line per the request from PJM. PJM has requested the line be increased from the existing 226 ACSR to at least 556 ACSR conductors. RMU has decided to increase the size of the conductor to 1113 ACSR to follow suit with Com Ed’s recommended conductor size. This project will be constructed of steel transmission poles with increased span lengths. This will help increase the life expectancy of the line and also reduce the number of poles on the project. Four bids were opened on August 23, 2017 with a low bid of \$1,311,567.00 to re-build while energized per the recommendation of our consultant BHMG. Jason Bird was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Hayes, **“I move the Council accept the proposal of \$1,311,567.00 for the Steward Road transmission line re-build and award the contract to the L. E. Myers Company, and reject all other bids.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

**Discussion Item.**

**USEPA Brownfield lean Up Grant Application.** As a part of the USEPA Brownfields Community Wide Assessment Grant, LaGrou Properties located at 150 E. Avenue E, Rochelle, IL (old Caron International) were a part of a Phase I and Phase II assessment which identified certain recognized environmental conditions. Remediation of the environmental conditions is necessary for the redevelopment of the property. Fehr Graham has prepared a grant proposal with a reduced fee of \$3,500. The reduced fee reflects the hands-on assistance from the Community Development Director in writing the grant. LaGrou has agreed to sell the property for \$1.00 to the City of Rochelle. Being the property owner, the City of Rochelle will then be eligible to apply for a USEPA Brownfields Cleanup Grant. Grantees must be the property owner to apply for the grant. If the City of Rochelle is not able to secure a USEPA Brownfields Cleanup Grant, the property will revert back to LaGrou. If the USEPA Brownfields Cleanup Grant is secured, there is a 20% match required of the City of Rochelle. The grant request will be \$600,000, making the City's maximum portion \$120,000. In-kind contribution match is also acceptable.

**Discretionary Spending Under \$20,000.** Counsel discussed keeping discretionary spending at \$20,000 or reducing it to \$10,000. At this time Council will keep the spending at \$20,000.

9) **The EXECUTIVE SESSION:** None

**ADJOURNMENT:** At 8:42 PM, moved by Counselor Bearrows and seconded by Counselor Shaw-Dickey. **! move the Council adjourn.** Motion passed by voice vote without dissent.



Chet Olson, Mayor



Bruce W. McKinney, CMC  
City Clerk, City of Rochelle