

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
FEBRUARY 12, 2018**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, February 12, 2018 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 Deputy Clerk Messer.

**ROLL CALL:** Present on Roll Call was Councilmembers Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Absent: Mayor Olson. A quorum of six was present. Also present were City Manager Fiegenschuh, and City Clerk McKinney.

Motion made by Councilor D. McDermott and seconded by Councilor Burke, "**I move the Council appoint Tom McDermott as Mayor-Protem for tonight's meeting.**" Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.

**PROCLAMATIONS, COMMENDATIONS, ETC:**

**REPORTS AND COMMUNICATIONS:**

Mayor: None.

Council: "From the Heart" was a success. Thanked staff that had to be working during the snow storm.

Deputy Police Chief Jeff Leininger was sworn in.

- Good News

Chris Cardott

Elvis Baneki

Lee-Ogle Transportation update.

**PUBLIC COMMENTARY.**

**BUSINESS ITEMS:**

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

- a) Approve Minutes of City Council Meeting – 1/22/18
- b) Approve Minutes of Special City Council Meeting – 1/29/18
- c) Accept and Place on File Minutes of Planning and Zoning Commission – 12/11/17
- d) Accept and Place on File Minutes of Airport Advisory Board – 10/23/17
- e) Approve Exceptions – 1/17/18-02/05/18
- f) Approve Bills – 2/6/18
- g) Approve Payroll – 01/01/18-01/14/18, 01/15/18-01/28/18
- h) Approve a Resolution Establishing the Official Zoning Map for 2017
- i) Accept and Place on File Annual Community Development Department Report
- j) Authorize Closure of City Street as Requested by Rochelle Rehabilitation and Healthcare Center – May 19, 2018
- k) Approve Closure of City Street for the Ralfie's BBQ Lucky Hub Dash – March 17, 2018
- l) Resolution Urging the Governor to Veto Senate Bill 1451 – Small Wireless Facilities Deployment Act
- m) Resolution Approving the Content of Certain Executive Session Meeting Minutes
- n) Resolution Regarding the Release of Executive Session Minutes

Motion made by Councilor Hayes and seconded by Councilor Bearrows, "**I move Consent Agenda Items (a) through (n) be approved by Omnibus Vote as recommended.**" Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.

- 2) **Application to Add Territory to the Lee Ogle Enterprise Zone – Public Hearing.** Ogle County parcel 24-14-100-015, in the City of Rochelle, for a project known as Manor Court of Rochelle, a specialized healthcare facility. (19.4 acres more or less), and Lee County parcel 08-04-426-013, in the City of Dixon, for a project known as Aanchor Road Storage, a self-storage business. (4.16 acres more or less). This amendment process is allowed by Illinois Combined Statutes (20 ILCS 655), also known as the Enterprise Zone Act. Total of Addition: 23.56 acres more or less. Lee Ogle Enterprise Zone Administrator Andy Shaw will be in attendance at the meeting to answer any questions. At 7:20 p.m. a motion made by Councilor D. McDermott and seconded by Councilor Hayes, **“I move the Council recess into a public hearing for Ogle-Lee Enterprise Zone.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0. Andy Shaw presented and gave an overview. City Manager Fiegenschuh stated he was in favor. At 7:28 p.m., Motion made by Councilor Bearrows and seconded by Councilor D. McDermott, **“I move Council return to open session.”** Motion passed by voice vote without dissent.
  
- 3) **Ordinance Approving the Preliminary and Final Plat of Love’s Travel Stops & Country Stores, Inc. Subdivision at the Corner of Illinois Route 251 and Steward Road.** In December of 2017 the City Council approved an Annexation and Development Agreement with Love’s Travel Stops & Country Stores, annexing and re-zoning 17 acres to B-2 at the corner of 251 South and Steward Road south of I-88, and variances related to landscaping, setbacks and signage. These actions were taken to facilitate the construction of a travel stop with a convenience store, a Hardees restaurant, Chester chicken restaurant, passenger fueling, semi-truck fueling, semi-truck parking, and a tire shop. The property fronts I-88 on the north, route 251 on the west, Steward Road on the south, and 40 acres zoned I-1, of undeveloped property on the east. The annexation agreement developed with Love’s Travel Stops contains specific requirements for Love’s preliminary and final plat of subdivision. These specifications include zoning for B-2 Commercial Highway, extending City utilities (water, sewer, and electric) to the easterly edge of the property, widening along Steward Road for a vehicle turn lane, traffic signalization at Route 251 and Steward Road, and upgrades to the current lift station to serve adjoining properties as part of the 2010 Hub City Development Annexation Agreement. City code requires that staff and the Planning and Zoning Commission review the preliminary and final plat for conformance with the comprehensive plan, the provisions contained in the annexation and development agreements, and all other applicable ordinances within 60 days of the acceptance of the annexation agreement. The Planning and Zoning Commission held a public hearing on February 5th to review the petition from Love’s Travel Stops. After review of the facts the Planning and Zoning Commission recommended by a vote of 4-0 that the City Council approve the preliminary and final plat of subdivision for the 17 acres contingent upon staff review and comments. Motion made by Councilor Bearrows and seconded by Councilor Burke, **“I move Ordinance 18-4806, an Ordinance approving the Preliminary and Final Plat of Love’s Travel Stops & Country Stores, Inc. Subdivision, and be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.
  
- 4) **Ordinance Amending Section 86-57 Entitled “Payment of Fees” and Section 110-46 Entitled “Fees” of the Rochelle Municipal Code pertaining to the Payment of Fees for Subdivision and Zoning Applications.** Given the continued development occurring in our community and the need for associated planning, engineering and legal involvement with these projects, staff believes it is important for developers to provide an appropriate deposit to cover these fees, costs and other expenses. The proposed revisions to Section 86-57 further define the types of projects that will require a deposit and increases the deposit range originally set in 2003 of \$500-\$2500 to \$1,000-\$10,000 based on the complexity of the project. For clarification, Zoning Section 110-46 will also include a reference to Section 86-57. As currently written, Section 86-57 provides for the request of an additional deposit when the balance reaches one-fourth of the original amount deposited and for the refund of any unused balance. Motion made by Councilor D. McDermott and seconded by Councilor Hayes, **“I move Ordinance 18-4807, an Ordinance amending Section 86-57 entitled “Payment of Fees” and Section 110-46 entitled “Fees” of the Rochelle Municipal Code pertaining to the payment of fees for Subdivision and Zoning Applications, be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.

- 5) **Ordinance Approving an Easement for Water Service Line – Errett Warehousing and Seldal Properties.** Seldal Properties is developing property located on the south side of 7<sup>th</sup> Avenue. Pursuant to the Final Plat of the development, Seldal Properties granted the City an exclusive easement for the purpose of constructing and maintaining City facilities on or around the property. Later, it was discovered that there is an existing water line running through the property that services adjacent property owned by Errett Warehousing. Errett Warehousing has requested a non-exclusive, non-permanent easement for the purpose of maintaining the existing water line from the City's water main to Errett Warehousing's adjacent property. Errett Warehousing will pay for any necessary repairs and the easement will end upon the need to replace the water service line. Sam Tesreau was present to answer questions. Motion made by Councilor Shaw-Dickey and seconded by Councilor D. McDermott, "**I move Ordinance 18-4808, an Ordinance Approving an Easement for Water Service Line, be approved.**" Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.
- 6) **Engineering Agreement to Design a Water Main Replacement Project - Turkington Terrace and McConaughy Avenue.** The proposed engineering agreement includes professional services to design a water main replacement project of approximately 1500 feet along Turkington Terrace and McConaughy Avenue. Along with design this agreement includes construction management services to insure proper installation. This section of main is in very poor condition and experiences numerous main breaks every year. Adam Lanning was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, "**I move Agreement 18-4809, an Engineering Agreement with Fehr Graham in the amount of \$46,400 to design a water replacement project along Turkington Terrace and McConaughy Avenue and provide construction management services, be approved.**" Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw Dickey. Nays: None. Motion passed 6-0.

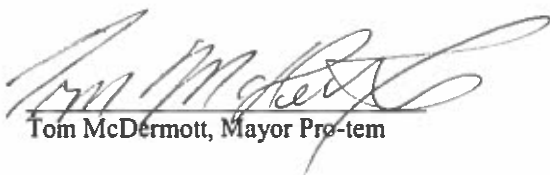
#### DISCUSSION ITEMS:

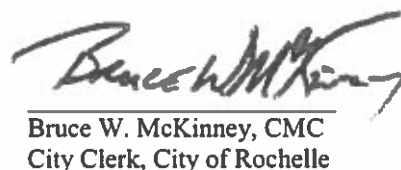
- 1) Ordinance Amending Articles VII (Municipal Gas Tax) and VIII (Municipal Electricity Tax) of Chapter 90 (Taxation) to Extend Utility Taxes through April of 2023. Sam Tesreau, City Engineer presented. Summary: The City of Rochelle implemented a utility tax in 1996 that affects electric and natural gas. Since that time, the tax has remained unchanged with council approving renewals in five-year increments. In August of 2017, the State Statute governing the electric tax changed. Staff is proposing a different rate structure effective 5/1/18 to 12/31/23. The proposed rate complies with the statute and coincides with the City's change to a calendar fiscal year. The current tax expires on April 30, 2018.

**EXECUTIVE SESSION:** at 7:55 PM, Councilor D. McDermott moved and seconded by Councilor Bearrows, "**I move the Council recess into executive session for the setting of a price for sale or lease of property owned by the City, Section (c) (6).**" Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey. Nays: None. Motion passed 6-0.

At 8:13 PM Councilor Burke moved and seconded by Councilor Hayes, "**I move the Council return to open session.**" Motion passed by voice vote without dissent.

**ADJOURNMENT:** At 8:13 PM, moved by Councilor Shaw-Dickey and seconded by Councilor Hayes. "**I move the Council adjourn.**" Motion passed by voice vote without dissent.

  
Tom McDermott, Mayor Pro-tem

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