

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
April 9, 2018**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, April 9, 2018 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The Prayer was said by Deputy City Clerk Sue Messer.

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

PROCLAMATIONS, COMMENDATIONS, ETC:

- Week of the Young Child – April 16-20, 2018
- National Telecommunicators Week - April 8-14, 2018

REPORTS AND COMMUNICATIONS:

- Mayor
- Council Members
- Employee Introduction
- Retirements-Curt Christensen 16 Years of Service
- Good News –Fire Department-Rochelle Fire Dept. was called to a house fire. When crews arrived on the scene, there were flams running up the outside of two-story building. The fire was extinguished immediately due to the quick response and the material makeup of the home.

PUBLIC COMMENTARY:

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – 3/26/18
- b) Accept and Place on File Minutes of Golf Course Advisory Committee – 12/18/17
- c) Accept and Place on File Minutes of Planning and Zoning Commission – 2/5/18
- d) Approve Exceptions – 03/21/18-04/02/18
- e) Approve Bills – 04/03/18
- f) Approve Payroll – 03/12/18-03/25/18
- g) Approve Request Related to Heat Wave Festival – 6/9/18
- h) Approve Request from Kenny’s Place to Hold a Street Dance/Block Party – 6/16/18

Motion made by Councilor Bearrows and seconded by Councilor D. McDermott, **“I move consent agenda items (a) through (h) be approved by Omnibus vote was recommended.”** Roll call vote was taken. Ayes: Councilor Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 2) **Ordinance Amending Section 6-46 of the Municipal Code to Create One R-3 Liquor License – ETN Pizza LLC d/b/a/ Rosatis Pizza.** Rosatis Pizza, located at 1233 Caron Road, has submitted an application for a Class R-3 liquor license. This license allows the retail sale of alcoholic liquor by a restaurant, for consumption on the premises. The Liquor Commissioner, Mayor Olson, has reviewed the application and has no objection to the creation of an additional R-3 liquor license. The addition of this license will result in a total of eight Class R-3 liquor licenses in the City of Rochelle. Motion made by Councilor Hayes and seconded by Councilor D. McDermott, **“Approve an Ordinance 18-4826, Section 6-46 of the Municipal Code of the City of Rochelle to Create One R-3 Liquor License.”** Roll call was taken. Ayes: Councilor Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 3) **Ordinance Amending Certain Section of the City Code Pertaining to Street Performers.** In an effort to create activity and energy in our downtown, the Street Performers Permit and Guidelines have been created to attract pop-up performances. An annual \$10 fee and permit will be required of all street performers. Performers will be allowed to perform in designated areas, which include the Downtown Community Gazebo on Main Street (south of Fire Station), Rochelle Municipal Utilities Office front lawn, corners of 4th and 5th Avenues in Downtown Rochelle on Lincoln Highway and Page Park located in Downtown Rochelle. Performances will be allowed from 10:00 am to 10:00 pm. Amending Section 26-44 will assist in requiring street performers to obtain a permit prior to operating in the City and ensure appropriate documentation is obtained prior to performances. Motion made by Councilor Hayes and second by Councilor T. McDermott, **“I move Ordinance 18-4827, an ordinance amending certain sections of the City Code pertaining to Street Performances, be approved.”** Roll call was taken. Ayes: Councilor Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 4) **Ordinance Amending the Boundaries of the I-2 and B-2 Zoning Districts and Amending the Official Zoning Map to Rezone the Hub City Development Property from I-1 to B-2 - 300 Steward Road.** In 2010, the City entered into an annexation agreement with Hub City Development, LLC for a 48 acre parcel on the north side of Steward Road, east of Route 251 and west of South Main Street. At this time, no development has taken place. The developer would like to amend the zoning map to allow the parcel to be zoned B-2 Commercial Highway. B-2 Commercial Highway Zoning is consistent with the comprehensive plan and creates a better market for a project compatible with the Loves Travel Stop, which is adjacent to the west. The property is surrounded by B-2 Commercial Highway on the west, agricultural on the south, Illinois Tollway I-88 on the north, and Residential Single Family on the east. City staff is requesting to rezone the property from I-1 Light Industry to B-2 Commercial Highway. Under Section 110-121 this chapter may be amended, changed or altered by a favorable majority vote of the Rochelle City Council and only after a public hearing has been duly advertised and held by the Planning and Zoning Commission. The City of Rochelle Planning and Zoning Commission held a public hearing on April 2nd to review the petition from Hub City Development. After review of the facts, the Planning and Zoning Commission, by a vote of 5-0, recommends to City Council that the City amend the official zoning map and change the 48 acre parcel to B-2 Commercial Highway. Motion made by Councilor Bearrows and second by Councilor Burke, **“I move Ordinance 18-4828, an ordinance amending the boundaries of the I-2 and B-2 Zoning Districts and amending the official map to rezone the Hub City Development Properties from I-1 to B-2, be approved.”** Roll call was taken. Ayes: Councilor Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) **Ordinance Amending the Boundaries of the R-O and B-1 Zoning Districts and Amending the Official Zoning Map to Rezone 501 6th Avenue Property from R-O to B-1.** 501 W 6th Avenue was built in 1967. It is a bi-level office building, similar to 610 N Main Street, which contains six businesses. However, the design of the building does not meet the residential requirements found in the City Building Code. The building has recently been purchased and the owner would like to maintain the current businesses and open an art studio/retail store in one third of the building. The new owner, Teresa Petry, is proposing to provide an entrance off of Lincoln Highway with an area outside to hold events. The current zoning of the property does not allow for expansion of the current setbacks without a variance. Zoning the property B-1 Commercial Central Business will allow a zero set back requirement, which would allow for expansion of the footprint of the building. B-1 Commercial Central Business Zoning is consistent with the comprehensive plan and creates a better market for a project compatible with other downtown businesses. The property is surrounded by R-O Residential Office on the west and north and B-1 Central Business on the south and east. City staff is requesting to rezone the property from R-O Residential Office to B-1 Commercial Central Business. Under Section 110-121 this chapter may be amended, changed or altered by a favorable majority vote of the Rochelle City Council and only after a public hearing has been duly advertised and held by the Planning and Zoning Commission. The City of Rochelle Planning and Zoning Commission held a public hearing on April 2, 2018 to review the petition from Teresa Petry. After review of the facts the Planning and Zoning Commission recommends, by a vote of 5-0, to City Council that the City amend the official zoning map and change the parcel to B-1 Commercial Central Business. Teresa Petry was present to answer any questions. Motion made by Councilor T. McDermott and second by Councilor Bearrows, **“I move Ordinance 18-4829, an ordinance amending the boundaries of the R-0 and B-1 zoning districts and amending the official zoning map to rezone 501 6th Avenue Property from R-0 to B-1, be approved.”** Roll call was taken. Ayes Councilor Bearrows, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Present: Burke. Nays: None. Motion passed 6-0.

- 6) **Inter-Governmental Agreement between the State of Illinois, Department of Transportation and the City of Rochelle.** March 26th City Council was presented with a “Notice of State Award” for a \$2,580,000 Freight Rail grant which the Council accepted. Upon IDOT’s receipt of the executed “Notice of State Award,” an Inter-Governmental Agreement between the State of Illinois, Department of Transportation and the City of Rochelle Illinois was completed and forwarded to the City of Rochelle. The contract has been reviewed by City Legal Counsel and found that the terms of the contract are acceptable. With the addition of the Bureau of Railroads award, the City will have secured \$5.98 million (85%) in grants to offset the costs associated with Project Co-Op. Motion made by Councilor T. McDermott and second by Councilor D. McDermott, **“I move Ordinance 18-4830, an Inter-Governmental Agreement for Project Co-Op in the amount of \$2.58 millino, and authorize the Mayor to execute said contract, be approved.”** Roll call was taken. Ayes: Councilor Bearrows, Burke, Hayes, D.McDermott, T.McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 7) **Ordinance Amending Chapter 98 (“Utilities”) of the Municipal Code to Establish the Late Payment Charge of Three Percent and Allow for the Waiver of Late Payment Charges for Residential Customers for Three Billing Period in Each Fiscal Year.** Several years ago the City Council approved increases in the City’s utility rates via resolution. As part of the rate increase, the late fees charged were also increased from 1.5% to 5%. Unfortunately, those late fee increases should have been approved via ordinance and not resolution. The ordinance you are considering formally codifies the late fees charged for Electric, Water, Water Rec, Garbage and Internet. However, as a way to ease some of the financial burden placed on our customers the City Manager recommends the fees be lowered from 5% to 3%. For example, in January 2018 there were 1,777 customers who were billed late fee penalties. The breakdown is \$35,981 for Electric, \$4,609 for Water, \$6,683 for Water Rec, \$990 for garbage and \$99 for internet. The total collected that month was approximately \$48,365. By reducing the late fees 2% this would have saved our customers approximately \$19,000 in one month. The City Manager’s top priority is to ensure we can collect 100% of our utility bills. This goal safeguards the financial stability of our utility systems. However, City Manager Fiegenschuh feels that 5% is too high and 3% will still accomplish what our intended goal should be; ensure timely collection of our utility bills. Another proposal that the City Manager will be bringing to the city council this year is an ordinance that directs all late fee revenues to be used to promote energy efficiency programs and possibly to establish a fund to help cover unpaid bills for lower income customers. Motion made by Councilor Bearrows and second by Councilor Burke, **“I move Ordinance 18-4831, an ordinance amending Chapter 98(“Utilities”) of the Municipal Code to Establish the Late Payment Charge of 3 Percent and allow for the Waiver of Late Payments Charges for Residential Customers for Three Billing Period in Each Fiscal Year, be approved.”** Roll call was taken. Ayes: Councilor Bearrows, Burke, Hayes, D.McDermott, T.McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS: First Amendment to Power Purchase Agreement between the City of Rochelle and Rochelle Energy LLC. The City of Rochelle entered into a Power Purchase Agreement with Rochelle Energy LLC on August 10, 2010. As a result, the City agreed to purchase electric power and environmental attributes (such as renewable energy credits) generated at the plant. The current agreement will expire on August 10, 2022. Rochelle Energy LLC has requested the current purchase power agreement be extended through August 10, 2027. In addition to the agreement extension, Rochelle Energy LLC has also agreed to use reasonable commercial efforts to increase the Energy Center’s output by 10-20 percent on up to 5 critical peak days each calendar year, upon 12-24 hours’ prior written request from the City. Wes Lawrence from Rochelle Energy LLC will be at the meeting to respond to any questions the Mayor and City Council have.

EXECUTIVE SESSION: at 8:00 PM, Councilor D. McDermott moved and seconded by Councilor Bearrows, “**I move the Council recess into Executive Session to discuss** the setting of a price for sale or lease of property owned by the City. Section (c) (6)” Collective negotiations between the public body and its employees. Section (c) (2), And to discuss the minutes of executive session lawfully closed under this act for approval of minutes or semi-annual review of the minutes as mandates. Section (6) (21) Roll call vote was taken. Ayes: Councilor Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

At 9:00 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 9:05 PM, moved by Councilor Shaw-Dickey and seconded by Councilor Burke. “**I move the Council adjourn.**” Motion passed by voice vote without dissent.

Chet Olson, Mayor

Susan L. Messer
Deputy City Clerk of Rochelle