

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, AUGUST 14, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on August 14, 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 Colwill moved and seconded by Councilwoman Hollonbeck, **“I move the minutes of the Regular Council meeting of July 24, 2006 and Special Council Meeting of August 2, 2006 be approved.”** Motion passed by voice vote without dissent.

BILLS & PAYROLL: Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, **“I move the bills and payroll for the first half of August 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: Read list of employee anniversary dates in August.
- Councilmen: Councilwoman Hollonbeck suggested the Council members have an informational booth at the Heritage Festival, to reach out to the community.
Councilman Colwill stated that he would like the city to restrict smoking in public restaurants.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

1) **Bids – Caron Road Substation Site Work** This project will include the completion of the gravel roadway, removal of existing gravel roadway, removal and disposal of the existing aggregate stockpile and the placement, grading and seeding of topsoil at the Caron Road Substation Site. The financing of the site work was included in the funding secured for the Caron Road Substation. In lieu of competitive bidding due to the time of the year, letters were sent requesting proposals from three local contractors for the site work at the Caron Road Substation. These letters were sent to the same contractors that provided bids for the main road 5 months earlier. Ordinance #05-3367, which was passed on 12/27/05, allows that “The city council may, by a two-thirds vote of all council members holding office, authorize the city manager to enter into a contract without competitive bidding.”

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

Contractor	Bid
Martin & Company Excavating, Oregon	\$56,171.37
D.R. Gilbert & Sons, Inc., Rochelle, IL	73,632.28

RMU Staff and its consultant, Matt Hansen of Willett-Hofmann, reviewed all bids and determined that the apparent low bidder, Martin & Company Excavating of Oregon, IL has met the requirements of the specifications. Joe Orlikowski, Superintendent of Electric Operations, and the consultant recommend acceptance of the lowest responsible bid. The Street Division has agreed to handle the removal of the aggregate stockpile, which was included in the bid at \$8200.00. Matt Hansen has confirmed that Martin & Company have no objections to that portion of the bid being subtracted. Councilman Hayden moved and seconded by Councilman Eckhardt, **“I move the Council waive requirement for competitive bidding and award bid C06-008 for the Caron Road Substation Site Work to Martin & Company Excavating, Oregon, IL in the amount of \$56,171.37 less \$8,200 for a total of \$47,971.37 and reject all other bids.”** Roll call vote was taken. Ayes: Council members Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

2) **Bids – Southeast Water Main** Kathy Cooper was present to answer questions. The 2006-07 RMU Capital Budget includes \$388,000 for the replacement/installation of 1815 feet of water main in the southeast quadrant on Avenue C, South First and South Second Streets. Subsequent to the required public notice, bids were opened on August 3, 2006. Only three contractors submitted bids and a tabulation of the bids is as follows:

<u>Contractor</u>	<u>Bid</u>
Fischer Excavating, Pearl City	\$423,304.91
Rockford Blacktop, Rockford	457,972.06
Northern Illinois Service, Rockford	498,233.55

RMU staff and its consultant, Matt Hansen of Willett-Hofmann, reviewed all bids and confirmed that Fischer Excavating of Pearl City is the apparent low bidder. This project was scheduled to start in early September, with completion in early November, and most of the contractors have already scheduled their jobs for the rest of construction season. After discussing the bids with local contractors and suppliers, staff believes that the timing of the bids contributed to the inflated cost. Kathy Cooper, Superintendent of Water/Water Reclamation, was present to answer any questions. Because the Fisher bid is \$110,000 over the engineer's estimate, Kathy Cooper recommended that all bids be rejected with the project being re-bid in early to mid-November, with a start date early in the 2007-08 construction year. Moved by Councilman Berg and seconded by Councilman Colwill, **"I move the Council reject bids for the Southeast Water Main (C06-009) and re-bid project in early to mid-November with a start date early in 2007-08 construction year."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

3) **Bids – Kyte River Stream Maintenance Program** Over the past several months the Stormwater Advisory Committee (SWAC) has discussed a maintenance program along the Kyte River extending from the pedestrian bridge along Scott Avenue, located on the south side of Hillcrest, southeasterly to the School Avenue bridge located near the Rochelle Middle School and an area between the UP railroad bridge and the BNSF railroad bridge. The maintenance will primarily involve removal of dead brush, limbs and trees as well as other blockages in the creek. Temporary and permanent erosion control systems will be incorporated into the project as well. Subsequent to the required public notice, bids were opened on August 1, 2006. Although three contractors picked up bid specifications only one bid was received as follows:

<u>Contractor</u>	<u>Bid</u>
Grover's Nursery, Landscaping and Tree, Inc.	\$298,936

The project is expected to begin at the end of August and is expected to be completed by the end of October, 2006. The project will be funded through the Stormwater Management Fund. The Kyte River Drainage District will not be providing any funds for the project except as defined in the Intergovernmental Cooperation Agreement, dated 6/27/06. City Engineer, Sam Tesreau, reviewed the bid and recommends acceptance of the low bid from Grover's Nursery, Landscaping and Tree, Inc. Sam Tesreau was present to answer questions. Moved by Councilman Colwill and seconded by Councilwoman Hollonbeck, **"I move Council award bid C06-010 fir Kyte River Stream Maintenance Program to Grover's Nursery, Landscaping and Tree, Inc. in the amount of \$298,936 and reject all other bids."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

4) **Ordinance Adopting and Enacting a New Code for the City of Rochelle** In January 2003, the City Manager contracted with Municipal Code Corporation (MCC) to update and codify the Rochelle Municipal Code. A Senior Code Attorney met with the City Manager, City Attorney and City Clerk at length to review the existing code. Instances were found where Code provisions were in conflict with Illinois statutes or case law, or where the Code provisions seemed to be in conflict with each other, or contained archaic or obsolete terminology. Otherwise the substantive provisions of the existing Code were not changed but were arranged in a format that is clearer and easier to use. The chapters of the new Code have been arranged in alphabetical order, with a table of contents. There is also an index to assist in finding a specific Code provision. After adoption, the Rochelle Municipal Code will be updated periodically by MCC. The new code includes all ordinances amending the old Code through June 12, 2006. Moved by Councilman Hayes and seconded by Councilman Eckhardt, **"I move Ordinance 06-3465, An Ordinance Adopting and Enacting a New Code for the City of Rochelle; Providing for the Repeal of Certain Ordinances not included therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When such Code and this Ordinance Shall Become Effective, be approved effective August 15, 2006."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

5) **Ordinance Further Amending Title 13 of Rochelle Municipal Code (Landfill Siting Procedures)** Attorney Cooper was present to answer questions. The Illinois Environmental Protection Act authorizes municipalities to adopt procedures for landfill siting matters that come before the municipality. The City's landfill siting ordinance is contained in Title 13 of the City Code. On April 10, 2006, Title 13 was amended in order to make changes suggested by the City Council's special environmental counsel, Don Moran. Since then, City staff has retained the services of the Shaw Group, engineering consultants. The Shaw Group has suggested further amendments to Title 13 of the Municipal Code, in addition to those adopted in April. Alan Cooper, City Attorney, was present to answer questions. Per Alan Cooper, the proposed changes are procedural only and none are substantive. They are primarily intended to reduce the enormous volume of documents and copies of documents required, to allow more flexibility in the manner by which relevant data are presented to the Council, and to impose shorter deadlines for filing and responding to motions for reconsideration. The City Attorney has reviewed all of these proposed changes with Mr. Moran, who has no objection to them. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move Ordinance 06-3466, An Ordinance Further Amending Title 13 of the Municipal Code of the City of Rochelle (Landfill Siting Procedures) be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

6) **Ordinance Authorizing Sale of Municipally Owned Real Property (City Well #7)** The City of Rochelle owns a 900 square foot abandoned well site located next to the WRHL parking lot in the May Mart Subdivision. David VanDrew of WRHL contacted the City of Rochelle and expressed a desire to obtain the abandoned well site adjacent to the WRHL parking lot for additional parking space. At the July 24th meeting the City Council passed a resolution which authorized staff to sell the 30' x 30' parcel for the appraised value of \$900.00. The resolution was published in the News Leader on July 27, as required. No offers, other than the offer from the Rochelle Broadcasting Company, Inc. have been received. Moved by Councilman Hayes and seconded by Councilman Berg, **"I move Ordinance 06-3467, An Ordinance Authorizing Sale of Municipally Owned Real Property (City Well #7) to Rochelle Broadcasting, Inc., be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

7) **Variance(s) Request – Rochelle Community Hospital** City Engineer Tesreau was present to answer questions. Rochelle Community Hospital filed a petition requesting a variance from section 15.45.090 (A.1) Public Health and other Standards of the Rochelle Municipal Code to construct a parking area an average of 2.0 feet below the FEMA flood elevation on the proposed site. The petitioner also requested a variance from section 17.46.040 (B.3.L) Landscape improvement Standards to eliminate required landscape islands. The petitioner has requested these changes to maximize the number of parking spots in this area. At the August 8, 2006 meeting of the City of Rochelle Zoning Board of Appeals a public hearing was held with regard to the petition for variance at 921 and 927 N 2nd Street. The Zoning Board of Appeals voted 4-0 to recommend approval of the requested variances. The staff recommendations relative to the variances requested by the Rochelle Community Hospital were not incorporated in the Zoning Board of Appeals (ZBA) decision. The primary concern of the ZBA appears to revolve around the importance of adequate off street parking and the fact that patient parking already exists on the adjacent streets. Another concern of the ZBA was the flood situation in the area. City Engineer, Sam Tesreau was present to answer any questions. He confirmed that the project, as proposed with the variances, would neither improve nor further complicate the flood levels in the area. While we are reluctant to deviate from the provisions of the City Code it is management's view that the petitioner has made a valid case which was supported by the ZBA's approval of their request. Moved by Councilman Colwill and seconded by Councilman Eckhardt, **"I move the Council approve the petition of the Rochelle Community Hospital for a variance to City Code 15.45.090(A.1) titled Public Health and Other Standards to construct a parking area an average of 2 feet below the FEMA flood elevation at 921 and 927 N. 2nd Street with the condition that the lot be used for vehicle parking only."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, and Mayor Olson. Nays: Councilmember Hollonbeck. Motion passed 6-1.

Moved by Councilman Colwill and Seconded by Councilman Eckhardt, **"I move the Council approve the petition of Rochelle Community Hospital for a variance to City Code 17.46.040(B.3.1) titled Landscape Improvement Standard to eliminate required landscape islands at 921 & 927 N. 2nd Street."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

8) **Fireworks at RTHS Home Football Games.** Rochelle Township High School has requested that fireworks being displayed at home football games. Councilman Colwill moved and seconded by Councilman Berg, **"I move Resolution R06-14, A Resolution Authorizing Fireworks Display at Rochelle Township High School Home Football Games."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

9) **City Manager's Report**

- **Kiwanis Peanut** The Kiwanis Clubs have requested permission to conduct their annual Peanut Day fundraiser on Friday, September 8th. They propose to sell their peanuts at the intersections of Lincoln Highway/4th Avenue, Lincoln Highway/5th Avenue, and S. Main/1st Avenue. Council had no objection.
- **Knights of Columbus Fundraiser** The Father O'Brien Council #1035, Knights of Columbus have requested authorization to conduct a fundraiser selling Tootsie Roll candies on downtown City streets and in front of local stores supporting the fundraiser on September 15th and 16th 2006. Proceeds from this fundraiser support the Village of Progress in Oregon. Council had no objection.
- **2006 Second Quarter Report Rochelle Police Department** The Rochelle Police Department received 2976 calls for service in the second quarter of 2006. The total calls for service were down by 90 calls when compared to the same period last year. More than 1300 hours of training was provided for officers during the second quarter. A copy of the quarterly report is included for your review. Moved by Councilman Hayes and seconded by Councilman Berg, **"I move the Council accept and place on file Report 06-3468, 2006 Second Quarter Report Rochelle Police Department."** Motion passed by voice vote without dissent.
- **2006 First Half Report Rochelle and Ogle-Lee Fire Departments** The Rochelle Fire Department responded to 942 calls for assistance in the first quarter of 2006. Of those calls 232 were fire related and 710 were medical calls. The Ogle-Lee District responded to 116 calls for assistance. Of those calls 44 were fire related and 72 were medical in nature. A copy of the report is included for your review. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **"I move the Council accept and place on file report 06-3469, 2006 First Half Report Rochelle and Ogle-Lee Fire Department."** Motion passed by voice vote without dissent.
- **Moratorium on Power Disconnections** Due to the extreme temperatures, City Manager Alberts has instructed the RMU staff to discontinue electric service disconnections until the weather moderates. The extreme heat posed health hazards for children and elderly citizens who do not have access to either air conditioning or fans.
- **IEPA Wastewater Treatment Facility Inspection Completed** The annual inspection of our treatment plant and collection system was completed on 24 March 2006 with a report submitted to us on 28 July 2006. Not unexpectedly, the operations managed by Kathy Cooper were found to be in compliance without any deficiencies noted.
- **Wi-Fi Installation for Radios** City wide Wi-Fi Network will be completed this week.
- **Improvements to City Hall** Coordinated by Sue Messer, there have been some changes (pictures, furniture, etc.) giving a more professional image to both the first floor hallway and the lower level conference room.
- **Thanks to Council and Staff** Mr. Alberts extended his thanks for the many acts of kindness in the recent loss of his mother.

DISCUSSION ITEMS: None

EXECUTIVE SESSION: At 8:20 p.m., moved by Councilman Berg and seconded by Councilman Hayden, **"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 (c), (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 9:36 p.m., moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move Council return to Open Session."** Motion passed by voice vote without dissent.

At 9:36 p.m., moved by Councilman Colwill and seconded by Councilwoman Hollonbeck, **"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