

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, AUGUST 28, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on August 28, 2006 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> 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 Eckhardt moved and seconded by Councilman Colwill, **“I move the minutes of the Regular Council meeting of August 14, 2006 be approved.”** Motion passed by voice vote without dissent.

Councilman Hayden moved and seconded by Councilman Hayes, **“I move the minutes of the Stormwater Advisory Commission of July 19, 2006 be accepted and placed on file”** Motion passed by voice vote without dissent.

**BILLS & PAYROLL:** Councilman Colwill moved and seconded by Councilman Eckhardt, **“I move the bills and payroll for the second 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:
  - Proclamation – National Alcohol & Drug Addiction Recovery Month was read by City Clerk McKinney.
  - Thanked the Street Division staff for cleaning the old high school property.
  - Thanked Naomi and all the volunteers for the excellent job they did on the Heritage Festival and Parade.
- Councilmen: None
- Employee Introduction – Chad Meurer, Operator in the Street and Cemetery Divisions.

**PUBLIC COMMENTARY:**

- Frank Beardin of 18143 Hwy 38 spoke in regards to the annexation of the landfill. He feels it is unsafe to the water wells in the area. The landfill liners always leak and the leachy will sink.
- Emerson Fransen presented the Mayor and City with a wood replica of the new City seal. He hand carved it out of all natural colored wood (even Purple Heart from Brazil was used to form the purple colored “R”).
- Ronald Pearson of Twombly Road voiced his opinion against the landfill.
- Roger Martin, owner of DaPlace stated that California banned smoking in businesses and lost 25% of their revenue.
- Lisa Crisco voiced her opinion regarding banning smoking in the bars. She feels that it will be damaging to business in the bars and that people will walk out of the bars and smoke and litter streets.
- Robin Baldwin of Abrahams said that the smoking ban would hurt the tavern business and that their customers would gradually go out of town.
- Debra Witke of T-Byrd Lanes also felt that the smoking ban would hurt business and suggested that individual owners should have the option to make their own decisions regarding smoking rules.
- Charlotte Berg stated her opinion that all landfills leak and that the landfill is over an under-ground well.
- Jerry Long of TJ’s stated that he lets people smoke and feels that the ban will cause him to lose business.

**BUSINESS ITEMS:**

- 1) **Bids – RMU Parking Lot Improvements.** Despite numerous attempts to stabilize and level the parking lot at the RMU Administration office at Cherry Avenue and Lincoln Highway, the parking lot has continued to deteriorate. This deterioration of the pavement and adjacent curb has resulted in unsafe conditions for the public and RMU employees. The Street Division and RMU would like to propose a cost effective solution to replacing the existing curb and parking area with 6” PCC reinforce pavement and new curbs as needed. The Street Division will provide all curb and pavement removal and the necessary base preparation at a savings of approximately \$15,000.00. The remainder of the project will be funded by RMU. Local contractors specializing in this type of construction were contacted and asked to submit a proposal for the parking area and curb replacement. Ordinance #05-3367, which was passed on 12/27/05, allows that “The city council may, by a two-thirds vote of all

councilmembers 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:

<u>Contractor</u>	<u>Bid</u>
Metzger Brothers Construction, Rochelle	\$36,492.00
D.R. Gilbert & Sons, Inc., Rochelle, IL	39,454.40

City Staff have reviewed all bids and determined that the apparent low bidder, Metzger Brothers Construction, Rochelle has met the requirements of the specifications. Don Elliott, Superintendent of Streets, Cemetery, Building and Airport, recommended acceptance of the lowest responsible bid and was present to answer questions. Councilman Berg moved and seconded by Councilwoman Hollonbeck, **“I move the Council waive the bid process and authorize the City Manager to award bid C06-011 for the RMU Parking Lot Improvements to Metzger Brothers Construction of Rochelle, IL for the amount of \$36,492.00, 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.

- 2) Bids – Dump Body Packages. At the Council Budget Workshop in April of 2006 it was the consensus of the Council that certain equipment for the Street Division required upgrading by either borrowing from local financial institutions or seeking other funding sources. Subsequent to the bidding procedure, management approved the purchase of two 2-ton cab and chassis to replace a 1975 C-65 Chevrolet and a 1979 IH 1800. These units should arrive soon and will require dump boxes, hydraulics, plows and spreaders to equip them. In addition an existing 1992 GMC truck will be equipped with a new and larger dump body and leaf/chipper box. Subsequent to the required public notice, bids were opened on August 17, 2006. Two vendors submitted bids and a tabulation of the bids was as follows:

	<u>2 Dump Boxes</u>	<u>1992 Conversion</u>	<u>Total</u>
Bonnell Industries, Dixon, IL	\$61,560.00	\$21,429.00	\$82,989.00
Monroe Truck, Monroe, WI	62,560.00	22,000.00	84,560.00

Staff has reviewed the bids and determined that the apparent low bidder, Bonnell Industries, has met the requirements of the specifications. Don Elliott, Superintendent of Streets, Cemetery, Building and Airport, recommended acceptance of the lowest responsible bid and was present to answer questions. Councilman Eckhardt moved and seconded by Councilwoman Hollonbeck, **“I move the Council award bid C06-12 to Bonnell Industries of Dixon, IL for two dump boxes in the amount of \$61,560 and conversion of the 1992 GMC in the amount of \$21,429 totaling \$82,989, 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.

- 3) Resolution Directing Advisory Referendum on Smoking Ban in Restaurants and/or Establishments that Serve Alcohol. Studies have shown that smoking and exposure to second hand smoke result in adverse health consequences. Several area communities have passed ordinances that ban smoking in public facilities such as restaurants to avoid this health risk. At the 8/14/06 City Council Meeting, Councilman Colwill expressed interest in gathering public input related to a nonsmoking ordinance. He stated that some of the restaurants in Rochelle are already non-smoking and others would favor a nonsmoking ordinance. These establishments feel that an ordinance would benefit the public and their employees. Councilman Colwill has requested that the Mayor and Council consider a resolution which would allow for a non-binding referendum to be placed on the ballot in November. This non-binding referendum would ask the public if they support an ordinance by the City of Rochelle banning smoking in restaurants and/or establishments that serve alcohol. Mr. Colwill stated that Rockford is not yet a non-smoking community; Libertyville just passes an ordinance. Public input is needed. The Mayor said that someone needs to do more homework before meeting on this issue. Councilman Berg stated that the City does not need a law banning smoking. The Police Department does not have time to watch for smoking in bars and restaurants. Councilman Eckhardt stated that the business need to make the decisions and does not need to be mandated by the City. Councilman Colwill moved and seconded by Councilwoman Hollonbeck, **“I move Resolution R06-15, A Resolution Directing Advisory Referendum on Smoking Ban in Restaurants and/or Establishments that serve Alcohol, be approved.”** Roll call vote was taken. Ayes: Councilmembers Colwill and Hollonbeck. Nays: Councilmembers Hayden, Berg, Hayes, Eckhardt, and Mayor Olson. Motion failed 2-5.

- 4) Resolution – Authorizing Fireworks Display (Presbyterian Church). The City of Rochelle has received a request from the First Presbyterian Church to hold a 5-minute fireworks display on Saturday, September 30, 2006. This display would be held in connection with the Acts Alive! Celebration the church has planned. The fireworks would be launched on private property north of Highway 38 between Dairy Queen and the bike path by their supplier Steve Vineyard, representing S&N Fireworks. The State of Illinois Fireworks Regulations requires that the City authorize the possession and detonation of fireworks displays. The resolution would authorize S&N Fireworks to conduct a fireworks display, including the detonation and display of pyrotechnic devices within the City limits of Rochelle on September 30, 2006. Duane Query from the First Presbyterian Church attended the City Council Meeting to answer any questions. Fire Chief McDermott stated that S&N Fireworks have shot off a lot of fireworks and that the City has checked the site for shooting the fireworks. Councilman Berg moved and seconded by Councilman Colwill, **“I move Resolution R06-16, A Resolution Authorizing Fireworks Display (Presbyterian Church), be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) Ordinance – Approving Restatement of Host Agreement for City Landfill. As part of the process of preparing an application for expansion of the City landfill, a Restated Host Agreement between the City and Rochelle Waste Disposal has been prepared by John Holmstrom, representing Rochelle Waste Disposal, and City Attorney Cooper. Don Moran, the City Council’s attorney has reviewed the drafts and has approved the new Agreement in its final form. A copy of any signed Host Agreement must be included as part of the application for expansion. Attorney Cooper has outlined the significant changes or additions to the agreement which include recitals, waste streams, assignment or transfer of interest, landfill design and operating standards, costs assumed by operator, donation of land for expansion, and exhumation of unit I. City Attorney Cooper summarized material received. Don Moran and John Holmstrom were present for questions. Attorney John Holmstrom stated that the current landfill’s permitted hours are 6 a.m. to 6 p.m. The facility competes on price, convenience and transportation cost. Devin Moose of Shaw Group stated that hours are critical to a landfill. To pay for the exhuming of Unit #1, they will need to expand hours. The 6a.m. to 6 p.m. is not unusual for landfills to be open. Moved by Councilman Hayden and seconded by Councilman Berg, **“I move Ordinance 06-3472, An Ordinance Approving Restatement of Host Agreement for City Landfill, 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 Annexing Certain Territory to the City of Rochelle (Proposed Landfill Expansion Property) &  
7) Ordinance Amending Boundaries of I-2 District and Amending Official Zoning Map of the City of Rochelle (Zoning Proposed Landfill Expansion Property I-2). In order for the City Council to be the local siting authority for an application to expand the landfill, the real estate on which the expansion would be located must be annexed to the City. Therefore, Rochelle Waste Disposal and the City of Rochelle have jointly petitioned for annexation and zoning for approximately 100 acres of land adjacent to the landfill. The subject property consists of two parcels, a 1 acre parcel on Creston Road and a 100 acre parcel east and south of the existing landfill. The petitions include a site plan showing the general locations of the major features of the expanded landfill. The purpose of this request is to annex and zone the property in a classification which is consistent with such an expansion. At the August 21, 2006 meeting of the City of Rochelle Plan Commission, a public hearing was held with regard to a petition to zone the 100 acres which resulted in a recommendation for approval of the zoning by a vote of 4-2 with one abstention. City Attorney Cooper summarized the material given to Council. Moved by Councilwoman Hollonbeck and seconded by Councilman Eckhardt, **“I move Ordinance 06-3473, An Ordinance Annexing Certain Territory to the City of Rochelle (Proposed Landfill Expansion property), be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move Ordinance 06-3474, An Ordinance Amending Boundaries of I-2 District and Amending Official Zoning Map of the City of Rochelle (Zoning Proposed Landfill Expansion Property I-2), be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

- 8) Ordinance Approving Intergovernmental Agreement between Rochelle, Ogle County and Creston (City Landfill). As part of the process of preparing an application for expansion of the City Landfill the Intergovernmental Agreements between the City, the County and the Village of Creston require updating regarding the division of certain fees payable under the City and County host agreement. In drafting the revised agreement Attorney Cooper reviewed all of the pertinent agreements between the three entities. His goal was to incorporate all of the relevant provisions from each of the agreements into one agreement. There were no changes made to the substantive terms of the agreements. The draft has been signed by the County Board Chairman and County Clerk following the County Board approval on August 15. The agreement has not been acted on by the Creston Village Board. City Attorney Cooper summarized the fees contained in the agreement. Dave Tess, Attorney for Creston asked the Council to amend the agreement so that Creston would receive money with the landfill is sited. He said that Creston is impacted by the landfill and asking for fundamental fairness. The County has already passed the agreement without modifying. Moved by Councilwoman Hollonbeck and seconded by Councilman Eckhardt, “**I move Intergovernmental Agreement 06-3475, An Intergovernmental Agreement between the City of Rochelle and the County of Ogle and the Village of Creston with Creston beginning to receive its distributive share upon final, non-appealable approval of a landfill expansion, be approved.**” Roll call vote was taken. Ayes: Councilmembers Berg, Hayes, Colwill, Eckhardt, and Hollonbeck. Nays: Councilmembers Hayden and Mayor Olson. Motion passed 5-2.
- 9) Ordinance Directing Conveyance of Abandoned Heliport to School District #231. In 1987 the school district deeded a section of May School property to the City to be used for a Heliport. This deed included a clause “that in the event said property is no longer used by the Grantee as a Heliport, the property would revert, at no expense to the Grantor, back to the Grantor.” Attorneys for Rochelle Elementary School District have contacted Attorney Cooper requesting that this property be deeded back to the school district. Chief McDermott has confirmed that the property is no longer used as a Heliport now that the hospital has located a Heliport on their rooftop. Attorney Cooper has reviewed the quit-claim deed and recommended that the City Council authorize the execution and delivery of the quit-claim deed. Moved by Councilman Colwill and seconded by Councilman Berg, “**I move Ordinance 06-3476, An Ordinance Directing Conveyance of Abandoned Heliport to School District #231 Pursuant to Reverter Clause, be approved.**” Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.
- 10) City Manager’s Report
- **Rochelle Foods Quality Appreciation Day.** Rochelle Foods is planning to hold a Quality Appreciation Day at their facility on September 30, 2006. One of the events planned is a 5K Run. The proposed route is South Main Street from the plant to Steward Road to Hwy 251 and back to the plant. A letter from Tim Cech and David Roinas of Rochelle Foods requests permission to use South Main Street between the plant and Steward Road for part of the run. A similar request has been sent to the County to use Steward Road to Hwy 251. There were no objections by Council; therefore staff will authorize the use of South Main Street for the Rochelle Foods event.
  - **Human Resources Policies.** The attached Human Resources Policies have been created through discussions with staff and have been reviewed by legal counsel. These policies include: Cell Phone by Employee & Personal and Tuition Reimbursement. As there were no objections by Council, the attached policies will be established for all departments in the City.
  - **Rochelle Fire Department CEDAP Grant Award.** The Rochelle Fire Department recently took delivery of a new hazardous materials identification system (HazMatID). The HazMatID was funded by a grant received from the United States Department of Homeland Security’s Commercial Equipment Direct Assistance (CEDAP) program. The HazMatID is a portable, infrared spectrometer that allows Rochelle and Ogle-Lee hazardous materials technicians the ability to identify any of more than 40,000 substances including common and industrial chemicals and mixtures, weapons of mass destruction precursors, “white powders,” explosives, forensic drugs, and clandestine laboratory chemicals. Firefighter/Hazardous Materials Technician Jason Underwood recently attended two days of training in Orlando, Florida hosted by the Department of Homeland Security and the United States Army Electronic Proving Ground to learn the extensive functions of this device as well as to receive materials and support for training local hazardous materials responders on its use. The device, software, training and support package bring the value of this grant to nearly \$100,000.
  - **Mexican Independence Day Festival.** This celebration will take place on Saturday, September 16<sup>th</sup> and is sponsored by RTHS. Profits from the festivities will be put in a scholarship fund for Hispanic students at Rochelle Township High School. There will be a Parade of National Costumes at 10:00 a.m. Then from 4:00 p.m. – 7:00 p.m., there will be festivities at the gazebo area. From 7:00 p.m. – 10:00 p.m. there will be a dance with music provided by a D.J.)

*DISCUSSION ITEMS:*

**Item 1 - Options for Facilitating Temporary Truck Parking Issues** The Economic Development Office has been contacted by numerous trucking companies seeking to locate land, in and around Rochelle, which would be used primarily for parking and staging trailers and chassis. The increase in demand for truck parking areas is being driven by the increased volumes of containers being delivered to Global III. Staff is working to identify areas where truck parking could be located such that the impact of the increase of truck activity would not impact the community (as it relates to truck traffic). Short and long term needs and concerns will be addressed in the recommendations.

Jason Anderson, Economic Development Director, was at meeting to discuss these points:

- With a 200,000 lift in the next twelve months, there will be an increase in truck volume at Global III.
- There are trucking companies looking to operate in Rochelle.
- There is a trucking company that wants to come now. There is a need of 2-5 acres to park trucks.
- Recommend requirement to waive paving parking lot for 2 to 4 years.
- Require businesses to get permit.
- Develop to expand Intermodal Drive west to Brush Grove to Thorp Road. Already has overpass.

*EXECUTIVE SESSION:* At 10:38 p.m., moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **“I move the Council recess into Executive Session to discuss collective bargaining/negotiating matters, purchase or lease of real estate by the City, sale or lease of real estate by the City, sale or lease of real estate by the City, and pending or imminent litigation. – Section (c), (2,5,6, & 11).** Motion passed by voice vote without dissent.

At 11:22 p.m., Councilman Berg moved and seconded by Councilman Eckhardt, **“I move Council return to Open Session.** Motion passed by voice vote without dissent.

At 11:22 p.m., moved by Councilman Eckhardt and seconded by Councilman Berg, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

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Bruce McKinney, CMC  
City Clerk, City of Rochelle

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Chet Olson  
Mayor, City of Rochelle