

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, SEPTEMBER 11, 2006**

The Rochelle City Council met in Regular Session at 7:00 p.m. on September 11, 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 Hayden, “**I move the minutes of the Regular Council meeting of August 28, 2006 and Special Council Meeting of August 31, 2006 be approved.**” Motion passed by voice vote without dissent.

Councilman Colwill moved and seconded by Councilwoman Hollonbeck, “**I move the Council accept and place on file the records of the Plan Commission meeting of August 21, 2006 and the records of the Airport Advisory Meeting of July 31, 2006.**” 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 first half of September 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:
  - Moment of silence for victims of 9/11.
  - Proclamation read for Constitution Week, September 17-23; Accepted by Sarah Flanigan / DAR previously.
  - List of September employee anniversary dates read.
  - September 16 is Mexican Independence Day.
- Councilmen:
  - Kathy Hollonbeck mentioned that the new entry sign to the City located near the airport looks nice.
  - Bil Hayes mentioned the effects that 9/11 had on the world and that people need to work together to keep this from happening again.
- New employee was introduced by Sue Messer. Chris Limas will start work Monday, September 18<sup>th</sup> as the new Community Development Director. He will begin his duties at the 417 N. Sixth Street address and after an adjustment period he will be over the Building Department.

**PUBLIC COMMENTARY:**

- Creston Sesquicentennial Presentation – Mayor Heal and Dede Forrest were present to give details of Creston’s Sesquicentennial Celebration. They presented a glass bowl as a gift to Rochelle, with the logo of Creston/Rochelle with the words “Working Together” inscribed on it.
- Diane McNeilly, representing the League of Women Voters, was present to announce a meeting on Sun Shine laws September 25<sup>th</sup> on the Open Meeting Act at the Lincoln Manor at 7:00 p.m.

**BUSINESS ITEMS:**

1) **Ordinance to Withdraw as a Member of the Illinois Municipal Electric Agency and Authorizing the Execution of a Supplement to the Agency Agreement** Rochelle was one of the original 26 cities who in 1984, established the Illinois Municipal Electric Agency in an effort to provide electric supply options for member cities. Some of the original member cities and others who joined the agency later, most of which were very small communities with very high electric rates, signed thirty-year contracts to transfer electric supply requirements to the agency on a "socialized" basis. Other communities including Springfield, Batavia, Geneva, Naperville and Rochelle chose not to participate in the full-requirements power supply contracts. The agency has now transferred all activities other than power supply management to the Illinois Municipal Utility Association, which Rochelle is also a member. The IMEA Board of Directors has asked that all non-purchasing members withdraw from membership in the Agency. This membership withdrawal would be effective December 31, 2006. Moved by Councilman Colwill and seconded by Councilman Berg, “**I move Ordinance #06-3477, An Ordinance to Withdraw as a Member of the Illinois Municipal Electric Agency and Authorizing the Execution of a Supplement to the Agency Agreement Establishing the Illinois Municipal Electric Agency, be approved.**” Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

2) **Ordinance Annexing Territory to the City of Rochelle (4.61 Acres at South Main and Steward Road)**  
& 3) **Ordinance Amending Boundaries of I-2 District and Amending Official Zoning Map of the City of**

**Rochelle (Zoning 4.61 Acres at South Main and Steward Road I-2)** Rochelle Joint Venture LLC/MFCH Inc. has petitioned for annexation and rezoning for 4.61 acres at South Main and Steward Road. This property is being purchased by Rochelle Joint Venture LLC from MFCH, Inc. At the August 21, 2006 meeting of the City of Rochelle Plan Commission a public hearing was held with regard to a petition to rezone 4.61 acres I-2 as part of their request to annex the property. The Plan Commission recommendation was to approve the petition to rezone the acreage to I-2 subject to annexation by a vote of 7-0. This acreage is part of a much larger parcel already owned by Rochelle Joint Venture, LLC and annexed into the City. As there was no annexation agreement for the larger parcel it was not deemed to be necessary for this smaller parcel. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move Ordinance #06-3478, An Ordinance Annexing Territory to the City of Rochelle (4.61 Acres at South Main and Steward Road), 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 Councilwoman Hollonbeck and seconded by Councilman Eckhardt, **“I move Ordinance #06-3479, An Ordinance Amending Boundaries of I-2 District and Amending Official Zoning Map of the City of Rochelle (Zoning 4.61 Acres at South Main and Steward Road 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.

4) **Resolution Increasing Lag Fees to be Included in Residential Subdivision Annexation Agreements** On December 27, 2004 the City Council directed staff to require residential subdivision developers to pay a “lag time” or “transition” fee of \$1,250 per dwelling unit in addition to land/cash fees provided for by the Rochelle Municipal Code. In recent negotiations related to the Kings Crossing residential subdivision a lag fee of \$3,500 per dwelling unit was set with a provision that if the City later negotiates a lower lag fee with a residential developer, the lower fee would also apply to the Kings Crossing subdivision. Through meetings with council, staff and area schools it was determined that a lag fee of at least \$3,500 per dwelling unit should be negotiated in future residential annexation agreements. Moved by Councilman Eckhardt and seconded by Councilman Hayden, **“I move Resolution R06-18, A Resolution Increasing Lag Time Fees to be included in Residential Subdivision Annexation Agreements, 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) **Request for Reduction in Letter of Credit – Culvers** An irrevocable letter of credit, No. 12567 for \$95,000.00, was submitted to the City of Rochelle by Banks-DiGvonna Partnership to secure their obligations related to land improvements for Culvers located along Dement Road in Rochelle. Due to completion of the majority of the required improvements, Banks-DiGvonna Partnership has contacted the City of Rochelle to request a release or reduction in the letter of credit. City Engineer, Sam Tesreau, has reviewed the request for release or reduction in the letter of credit. A letter outlining remaining conditions necessary for release of the letter of credit has been sent to the partnership. These conditions include completion of the land improvements in general conformance with the approved construction plan and submission of complete “as built” plan copies and digital file. The submission of a new letter of credit or other surety, as approved by council, for no less than ten percent of the cost of the land improvements is required by the City to be held for a period of 24 months as a guarantee of satisfactory performance of land improvements. Given that there are additional items to be completed, as stated, the surety shall be 10% of \$95,000.00 plus an additional \$1,600.00 for the outstanding. Therefore, the new deposit of a letter of credit or other surety recommended is \$11,100.00. Moved by Councilman Hayden and seconded by Councilwoman Hollonbeck, **“I move the Council approve the request for Reduction in Letter of Credit (06-3480) for Culvers pending verification by the City Engineer that identified conditions have been met.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Colwill, Eckhardt, Hollonbeck, and Mayor Olson. Nays: None. Motion passed 7-0.

6) **City Manager’s Report**

- **Illinois Department of Transportation Motor Fuel Tax Audit Report** The Illinois Department of Transportation has completed an audit of the Motor Fuel Tax Funds of the City of Rochelle for the period January 1, 2005 through December 31, 2005. During the audit it was discovered that in 2002 \$42,323.10 was dispersed from the General Fund which should have been from the MFT fund. A transfer has been subsequently been made from the MFT fund to the General Fund. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move the Council accept and place on file the Audit Report #06-3481 of the Illinois Department of Transportation Motor Fuel Tax Audit.”** Motion passed by voice vote without dissent.

- **RTHS Homecoming Parade** The annual request regarding the RTHS Homecoming Parade has been received. The parade is scheduled for Thursday, September 21, at 6:00 PM. The route that has been requested is different than in previous years. The request is for the parade to begin at City Hall and proceed north on 6th Street, east on 6th Avenue, south on Lincoln Highway, west on Lincoln Ave, north on 9th Street to Tilton School. The Police and Fire Departments have reviewed the request. As there were no objections by Council, management will authorize the parade.
- **Public Power:** Public Power Week is October 1<sup>st</sup> – 7<sup>th</sup>. During the week, Rochelle Municipal Utilities will dedicate the new Caron Road Substation.
- **Dedication of Caron/Steward Road** Ribbon cutting is Friday, September 15<sup>th</sup> at 10:00 a.m.

*EXECUTIVE SESSION:* At 7:36 p.m., moved by Councilman Eckhardt and seconded by Councilman Berg, **“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 8:52 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 8:52 p.m., moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“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