

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, JULY 9, 2007**

The Rochelle City Council met in Regular Session at 7:05 p.m. on Monday, July 9, 2007 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

Present on Roll Call were Councilmembers Hayden, Hayes, Berg, Hollonbeck, Colwill, Eckhardt and Mayor Olson. Absent: None. Also present were City Manager Alberts, City Attorney Cooper, and Deputy City Clerk Schermerhorn.

*APPROVAL OF MINUTES:* Councilwoman Hollonbeck moved and seconded by Councilman Eckhardt, "I move the minutes of the Regular Council meeting of June 25, 2007 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 July 2007 be allowed and paid when checked over and found correct." Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

*REPORTS & COMMUNICATIONS:*

- Mayor: None
- Council Members: None

*PUBLIC COMMENTARY:* None

*BUSINESS ITEMS:*

1. **Bids – 2007 Sidewalk Project:** Street Division personnel inspected and rated the condition of sidewalks in March of 2006. Based on their condition, the sidewalks were organized in a seven- year program to address remaining deficiencies. As discussed at the 5/29/07 City Council Meeting, Year 2 of the program includes replacement of over 6800 linear feet, 41 accessibility ramps, and 17 alley approach ramps. The 2007-08 Capital Improvements Fund budget includes \$200,000 for the second year of the sidewalk program. Subsequent to the required public notice, bids were opened on June 26, 2007, with four contractors submitting bids. City Engineer, Sam Tesreau reviewed the bids and recommends the acceptance of the apparent low bidder, Bruns Construction, with a bid of \$194,074.46. The City of Rochelle will purchase the associated items for use on the handicap ramps and provide curb removal/replacement around the handicap ramp locations, which will bring total up to almost \$200,000. Sam Tesreau was on hand to answer any questions. Mr. Hayden asked if the seven-year program would take care of all the sidewalk issues. Mr. Alberts said that this will probably be an ongoing plan as it is critical for safety reasons. If passed, the starting date will be July 23<sup>rd</sup> and finish probably in October. Bruns Construction did the sidewalks last year and were commended for the good job they did. Moved by Councilman Colwill and seconded by Councilman Hayes, "I move the Council award the bid (C07-06) to Bruns Construction, Inc. of Rochelle, IL in the amount of \$194,074.46 for the 2007 Sidewalk Project and reject all other bids." Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, and Mayor Olson. Nays: None. Abstain: Eckhardt. Motion passed 6-0.

**2. Resolution Authorizing Purchase of Real Estate (25 acres –Business and Technology Park)**

At the June 25, 2007 City Council meeting, an ordinance was approved which authorized the purchase of 20.33 acres of property as well as option rights for additional real estate located east of Dement Road and north of Route 38. The entire parcel is approximately 160 acres and will be used for the development of the Rochelle Business and Technology Park. The City has been working with representatives of a fortune 100 company for the past several months that is considering building a large data center in Rochelle; referred to as Project Andrea. As part of the development of the Rochelle Business and Technology Park, the City requests authorization to exercise their option to purchase an additional 25 acres within the park for resale to Project Andrea. This authorization would be contingent upon the approval and execution of all

contract documents with Project Andrea, approval of annexation and zoning, and all other approvals and documents necessary to carry out the purchase of the real estate. The intent is to ensure that the negotiations continue on path with Project Andrea with our closing on the property and their buying of the property simultaneously. Moved by Councilman Hayes and seconded by Councilman Berg, **"I move Resolution R07-21, A Resolution Authorizing the Purchase of 25 Acres for a Business and Technology Park, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

**3. Resolution Authorizing Sale of Real Estate (25 Acres – Business and Technology Park):**

This is continuation of previous item. Interest has been expressed by a fortune 100 company in constructing a 100,000 square foot data center on a 25 acre parcel of land within the Rochelle Business and Technology Park. Based on the Mayor and City Council approval of the option to purchase 25 acres for Project Andrea, the City is seeking authorization to resell the property. The property will be appraised to insure that the sale is in compliant with Illinois Statutes for the sale of public property. Moved by Councilman Berg and seconded by Councilman Eckhardt, **"I move Resolution R07-22, A Resolution Authorizing Sale of 25 Acres of Real Estate within the Rochelle Business and Technology Park, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

**4. Resolution Authorizing Filing of Petition to Amend Zoning Code by Creating a Technology Overlay District:**

The City Council approved an ordinance on June 25, 2007 to purchase property intended for the future site of the Rochelle Business and Technology Park. The City desires to create a Technology Overlay District to restrict the uses within the Rochelle Business and Technology Park to ensure that only appropriate businesses locate in the area. Once Council authorizes staff to file the Petition it will be considered by the Plan Commission on July 16, 2007. The Plan Commission's recommendation will be brought to the City Council on July 23, 2007 for a decision on the creation of the Technology Overlay District. It was asked if this resolution was a technicality. Per Attorney Cooper, the Zoning Code provides three ways to provide amending the zoning code and having the council vote is one of those ways. Moved by Councilwoman Hollonbeck and seconded by Councilman Colwill, **"I move Resolution R07-23, A Resolution Authorizing Filing of Petition to Amend Zoning Code by a Creating Technology Overlay District, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

**5. Ordinance Authorizing Loan from GREDCO (Business and Technology Park):** As part of the development of a Business and Technology Park, the City Council adopted Ordinance 07-3581 at the last Council meeting, authorizing the City to purchase from GREDCO 20.33 acres north of the Petro Truck Stop, and option rights to additional adjacent acreage of approximately 139.67 acres, for a total purchase price of \$484,374.00. GREDCO has offered to loan the City \$500,000.00, for the purpose of financing the City's purchase. The loan would be evidenced by an unsecured non-interest bearing promissory note payable on demand after 60 days' notice. The terms of GREDCO's loan are favorable to the City, and would facilitate the City's purchase of the acreage and option rights. **"I move Ordinance 07-3585, An Ordinance Authorizing City to Borrow Funds from GREDCO For Purchase of 20.33 Acres and Option Rights to Additional Acreage for Business and Technology Park, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

**6. Resolutions Directing Sale of Surplus Real Estate (1000 North 7<sup>th</sup> Street)** The City of Rochelle owns a single family residence on a lot located at 1000 North 7<sup>th</sup> Street. The property was purchased, pursuant to an ordinance approved by City Council on May 14, 2007, so that site distance improvements could be made at the location. The City has completed the desired site improvements to the lot and now desires to sell the property. The market value of the property, determined by a certified appraisal dated January 11, 2006, is \$110,500.00. It is in the City's best interest to proceed with the steps necessary to sell the property which includes approving this resolution, publication of the resolution, and sale of the property by public auction which is consistent with to Illinois State Statutes. The sale of the property will be subject to a site easement designed to maintain maximum visibility on the east side of the property. The council

mentioned that the improvements made to the property is incredible for helping traffic at that corner. City Manager Alberts commended Don Elliott for his working with the neighbors north of the property to remove further vegetation which also present sight issues to traffic. The City will be replacing plants in the area. Local auctioneers have been contacted and will schedule an auction later in August. The City's net investment in the property will be relatively small. Moved by Councilman Berg and seconded by Councilman Colwill, "I move Resolution R07-24, A Resolution Directing Sale of Surplus Real Estate at 1000 North 7<sup>th</sup> Street, be approved." Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

#### 7. City Manager's Report:

- **Tire and Oil Recycling Event** The Ogle County and Lee County Solid Waste Management Departments, along with the Illinois Environmental Protection Agency, are co-sponsoring a Tire and Oil Recycling Event on Friday, August 17<sup>th</sup> and Saturday, August 18<sup>th</sup> at the Ogle County Fairgrounds from 8:00 am – 3:00 pm. Passenger car, truck and tractor tires, either on or off the rims, will be accepted. Used motor oil and oil filters will also be accepted. Further information can be obtained by contacting the Ogle County Solid Waste Department at 815-732-4020.
- **Fireworks:** This year's July 4<sup>th</sup> fireworks were an outstanding success again. The mayor also mentioned that he had received many favorable comments from the public. Tom and his team did an excellent job.
- **Weather Effect on Use of Electricity:** The hot weather has contributed to all three generation units being used for some of those days. Thanks to good planning by the staff of the electrical division we are operating successfully and electricity available when needed. It not only impacts our customers but the demand for power to the east of us. It should be noted that there is no additional profit retained.
- **Phase I – North side of Hwy 38:** Mr. Alberts received a call from Representative Pritchard. Rep. Pritchard was contacted quite some time ago to assist us in working with the IDNR staff in retaining a response to the storm water issue along Hwy. 38. The IDNR informed Rep. Pritchard that a letter will be issued approving Phase I of the project. There will be some additional work needed before Phase II (south side of Hwy 38) will be approved. The letter will probably be a major decision in seeing action start in that area.

Councilman Hayes enquired as to whether there was mutual aid available for other towns in need such as DeKalb who was flooded by the storm. Don Elliott stated that mutual aid is something planned for in the future but not at this time, other than FEMA emergencies.

**EXECUTIVE SESSION:** At 7:37, moved by Councilman Berg and seconded by Councilwoman Hollonbeck, "I move the Council recess into executive session to discuss the compensation and performance of non-union personnel; and pending or imminent litigation." Roll call vote was taken. Ayes: Councilmembers Hayden, Hayes, Colwill, Hollonbeck, Berg, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0. At 8:50 pm it was moved and seconded, "I move the Council return to open Session." Motion approved by voice vote without dissent. After returning to open session, Councilwoman Hollonbeck moved and seconded by Dave Eckhardt, "I move the council authorize the City Manager to resolve the monetary issues associated with completion of the Northeast Interceptor project." The motion passed 7-0.

At 8:55 pm Councilwoman Hollonbeck moved and seconded by Councilman Colwill, "I move the Council adjourn." Motion passed by voice vote without dissent.