

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, JUNE 23, 2008**

The Rochelle City Council met in Regular Session at 7:00, p.m. on Monday, June 23, 2008 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER

ROLL CALL: Present on Roll Call were Councilmembers Hayden, Berg, Colwill, Hollonbeck, Hayes, Eckhardt and Mayor Olson. Absent: None. Also present were City Manager Alberts and City Clerk Bruce McKinney.

REPORTS AND COMMUNICATIONS:

- Mayor: Approve Board & Commission Members: Moved by Councilman Berg and seconded by Councilman Hayden, **“I move the Council approve the Mayor’s recommendations for the following appointments: Robert Johns to the Board of Police & Fire Commissioners with term expiring July 1, 2011; Richard Ohlinger, John Polancic, and Ray Schwartz to the Utility Advisory Board with terms expiring July 1, 2012; Ron Stonebraker and Ray Rainwater to the Stormwater Advisory Commission with terms expiring July 1, 2011; and Claude McKibben, John Kenney, Dale Meyers, Sr., and William W. Tyler to the Airport Advisory Board with terms expiring July 1, 2011.”** Motion passed by voice vote without dissent.
- Council Members: None

BUSINESS ITEMS:

- 1) **CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:**
 - a) Approve Minutes of City Council Meeting – June 9, 2008
 - b) Approve Bills/Payrolls of second half of June 2008Moved by Councilman Colwill and seconded by Councilman Hayes, **“I move the Consent Agenda Items a & b be approved by Omnibus Vote as Recommended.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.
- 2) **Bids – 2008 Sidewalk Project:** Street Division personnel inspected and rated the condition of sidewalks in March of 2006. Based on their condition, the sidewalks were organized into a seven-year program to address remaining deficiencies. Year 3 of the program includes replacement of approximately 9000 linear feet of sidewalk, 63 accessibility ramps, and 13 alley approach ramps. The 2008-09 Capital Improvements Fund budget includes \$310,000 for sidewalk improvement. Subsequent to the required public notice, bids were opened on June 17, 2008, with seven contractors submitting complete bids. City Engineer, Sam Tesreau reviewed the bids and recommends the acceptance of the apparent low bidder, O’Rorke Construction, with a bid of \$238,394.24. The City of Rochelle will purchase the detectable warning plates, at an approximate cost of \$12,000, for use on the accessibility ramps and provide curb replacement around the handicap ramp location. Sam Tesreau was present to answer questions. Moved by Councilman Eckhardt and seconded by Councilman Berg, **“I move the Council accept Bid C08-07 for the 2008 Sidewalk Project from O’Rorke Construction of Rochelle, IL for the amount of \$238,394.24 and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Abstain: Councilman Hayden. Motion passed 6-0.

- 3) **Resolution for Maintenance of Street and Highway – Sealcoat Bids:** Earlier this year City Engineer Sam Tesreau presented information to the Mayor and Council on the development of a capital plan which included current commitments, anticipated projects, and maintenance needs of existing infrastructure. As a result of this plan, numerous existing roadways have been identified for maintenance this year including: Veterans Parkway, sections of 8th Avenue and 9th Street and several streets and avenues in the southwest quadrant of the City. The application of a seal coat surface treatment is proposed for these roadways as a cost effective way to extend the life of these surfaces. Subsequent to the required public notice, bids were opened on June 12, 2008, with two contractors submitting bids. City Engineer, Sam Tesreau reviewed the bids and recommends the acceptance of the apparent low bidder, U.C. Paving, with a bid of \$123,854.72. The 2008-09 Capital Improvements Fund budget includes \$120,000 for sealcoat resurfacing of miscellaneous streets and additional MFT funds are available to cover the additional cost. Sam Tesreau was present to answer questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move Resolution R08-21, a Resolution for Maintenance of Streets and Highways, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0. Moved by Councilman Eckhardt and seconded by Councilwoman Hollonbeck, **“I move the Council accept Bid C08-08 from U.C. Paving of Peru, IL in the amount of \$123,854.72 for the 2008 Seal Coat Street Maintenance, and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.
- 4) **Financing – Rochelle Municipal Utility (RMU) Technology Center:** Finance Manager Chris Frye presented information at the June 9, 2008 City Council Meeting on a financing option for the RMU Technology Center. Mayor and Council authorized the City to proceed with the recommended option of financing \$5,000,000 through a consortium of local banks prior to July 1, 2008 to take advantage of a ten year fixed rate of 4.27%. The attached Ordinance officially authorizes the City to finance the construction of the RMU Technology Center through the issuance of \$5,000,000 General Obligation Limited Tax Debt Certificate, Series 2008A. Funds for repayment of this obligation will come from revenue generated through fiber leases and commercial telecommunication collocations within the facility. Moved by Councilman Colwill and seconded by Councilman Berg, **“I move Ordinance 08-3690, an Ordinance authorizing and providing for an Installment Purchase Agreement for the purpose of paying a part of the cost of acquiring real and personal property, and authorizing the issue of a \$5,000,000.00 General Obligation Limited Debt Certificate, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, and Mayor Olson. Nays: None. Abstain: Councilman Eckhardt. Motion passed 6-0.
- 5) **Agreement with TENG & Associates for Construction Administration Services – RMU Technology Center:** In March 2004, RMU contracted with TENG & Associates to prepare a “Technology Center Planning Design Report”. On May 29, 2007, Mayor and City Council approved a subsequent agreement with TENG to provide engineering design services which included the creation of plans and specifications for the proposed Rochelle Municipal Utility Technology Center. At the June 9, 2008 City Council Meeting the Mayor and Council accepted a bid from Stenstrom Contractors for the construction of the RMU Technology Center. It is anticipated that construction will commence as soon as additional fill is added to the site, roughly three weeks. TENG and Associates have submitted a proposal for Construction Administration Services related to completion of the project in the amount of \$143,920. The services proposed, which include answering

requests for information, reviewing shop drawings, change orders and applications for payment, and periodic site visits, would ensure that the building is constructed per the plans and specifications issued. Due to their involvement in the planning and design phase of the Technology Center, RMU General Manager and Staff recommend approval of the agreement with TENG & Associates. Gary Larsen was present to answer questions. In answer to Councilwoman Hollenbeck's concern of going over the budget allowed, Mr. Larsen said that they are a little under the \$7,000,000 budget. Moved by Councilwoman Hollenbeck and seconded by Councilman Hayden, **"I move Agreement 08-3691, an Agreement with TENG Engineering for construction Administration Services – RMU Technology Center, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollenbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

- 6) **Master Power Purchase and Sale Agreement between the City of Rochelle and NIMPA:** Energy prices continue to rise throughout the country making the procurement of power supply at affordable rates more challenging than ever before. The Northern Illinois Municipal Power Agency (NIMPA) is committed to managing the power supply for their communities in the most cost effective means possible as evidenced through their participation in the Prairie State Electric Generation Facility. The NIMPA board believes that there are competitive advantages available if two or more members are allowed to enter into arrangements for purchasing or selling electric energy or capacity due to "economies of scale". The attached agreement establishes the framework for members to participate in future transactions which may be beneficial to their community, but does not obligate members to any specific transactions. Moved by Councilman Hayden and seconded by Councilman Berg, **"I move Agreement 08-3692, A Master Power Purchase and Sale Agreement between the City and NIMPA be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollenbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.
- 7) **Nicor Easement – Cemetery Property on 8th Avenue:** Nicor representatives approached the City of Rochelle several months ago regarding the need to upgrade their terminal located at 8th Avenue and 20th Street to meet the expansion needs of Illinois River Energy on Steward Road, as well as other industrial development projects in the community. To facilitate this upgrade Nicor has requested an easement from the City of Rochelle on the south side of 8th Avenue. The easement requested is for 8500 square feet of space located south of the current NGPL and Nicor terminals and is owned by the City of Rochelle for future cemetery expansion. According to Don Elliott, at the current trend of 50 to 60 burials per year, the current cemetery location north of 8th Avenue should accommodate our needs for the next 75 years. Nicor has agreed to pay the City \$30,000 to obtain this easement. Once the new terminal has been constructed Nicor will remove the above ground structures at the current terminal location and construct a new fence around the facility. Jason Anderson and Sam Tesreau were present to answer any questions. Moved by Councilman Eckhardt and seconded by Councilman Colwill, **"I move Agreement 08-3693, a Grant of Easement to Nicor Gas for Property located on 8th Avenue, be approved."** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollenbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

8) **Preliminary Plat for Planned Unit Development – Lighthouse Pointe:** North Route 38 LLC submitted a Petition for Planned Unit Development/Conditional Use and a Petition for Preliminary Plat on March 10, 2006 for the Lighthouse Pointe Subdivision located at the Northeast corner of Il Route 38 and Caron Rd. On August 2, 2006 the City Council approved the Conditional Use Permit and Preliminary Plat for the Lighthouse Pointe Planned Unit Development. The City Zoning Ordinance requires that a final PUD plat be submitted within two years of the approval of the preliminary plat. On June 4, 2008 the City received a letter from Fehr-Graham on behalf of their client, North Route 38, LLC, requesting a one-year extension for the preliminary plat to remain valid. The developer has spent considerable time and resources on flood plain issues related to this site, including the establishment of a modified Base Flood Elevation with FEMA and IDNR. The developer has submitted a draft of the Final PUD and is working to resolve some design issues prior to submittal of the complete Final plans. Chris Limas was present to answer questions. Moved by Councilman Berg and seconded by Councilman Hollonbeck, **“I move the Council approve a one-year extension for Lighthouse Pointe Preliminary Plat for Planned Unit Development, subject to:**

- a) **Agreement for Northeast interceptor be signed by July 8, 2008;**
- b) **Any Engineer required moving the project forward be submitted to IDOT by July 31, 2008;**
- c) **After a Permit is obtained from IDOT, work shall begin within 3 weeks to complete the Northeast interceptor work;**
- d) **Work be completed by end of year.**

Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

9) **Special Use Request – Cell Tower 300 15th Street:** The City had received an application from US Cellular for a special use permit to allow the construction of a 190 foot cell tower at 300 15th Street. On February 18, 2008 the Plan Commission conducted a Public Hearing and subsequently voted to recommend denial of the application. Following that meeting the applicant withdrew their application and resubmitted one with a 170 foot cell tower. Chris Limas, Community Development Director recommended denial of the revised application due to the excessive height of the tower, visual impact to the residential property in the area, and not meeting the required side yard setback. At the June 16, 2008 meeting of the Plan Commission a public hearing was held to consider the special use request. The applicant and an 8th Street resident provided opposing testimony on the aesthetics of the tower in the area. The Plan Commission discussed concerns related to the proposed tower’s vicinity to a Head Start program and adjacent residential neighborhood and voted 4-2, to recommend denial of the special use request for a cell tower at 300 15th Street as requested. Chris Limas was present to answer questions. Also, Michael Dorn, U.S. Cellular, the applicant, was present for discussion. Mr. Dorn stated that he discussed renting space on city water tower but the city wanted too much money. Gary Larsen, General Manager of Utilities stated that he spoke with Mr. Dorn about price, but US Cellular never got back to him to negotiate. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **“I move the Council deny Petition PC-10-08 for US Cellular Special Use for a 170-foot monopole cell tower.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hayes, Hollonbeck, Colwill, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

- 10) **Standard Reimbursement Agreement between the City of Rochelle and BP Pipeline – Jack Dame Road Project:** The City of Rochelle plans to proceed with the Jack Dame Road Improvements during the 2008 construction season. City staff has been working with representatives from BP Pipeline for several months to facilitate the relocation of a pipeline which intersects the proposed Jack Dame Road site. A project manager for BP Pipeline has provided the City with a standard reimbursement agreement, updated estimates, and two options for the relocation of the pipeline. City Engineer Sam Tesreau has reviewed the options and recommends option 2 which allows for the relocation of the pipeline completely out of the right of way and onto property owned by the City. Although more costly, option 2 will provide for easier installation and maintenance of utilities and will prevent future road closures due to pipeline maintenance. The preliminary cost estimate to relocate the BP pipeline as defined in option 2 is \$832,000. Attorney Cooper has suggested a modification to the indemnity provision contained in Section VII which the City will attempt to have revised. Sam Tesreau was present to give further information and to answer questions. Moved by Councilman Colwill and seconded by Councilwoman Hollonbeck, **“I move Agreement 08-3694, a Standard Reimbursement Agreement between the City and BP Pipeline, be approved, subject to resolution of Section VII.”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

PUBLIC COMMENTARY:

- Bruce McKinney, City Clerk, gave an update on peddlers and solicitors. A couple years ago the code was updated and besides filling out a permit, they are to have a badge, a certificate, be fingerprinted, and have a thousand-dollar surity bond. The permits are good for five days. The problem is that there are a lot of peddlers coming into town without registering with the Clerk’s office. Last week there were problems with a cleaning company. At one home they forced their way in and were very rude to an elderly couple. It is hoped that the word will get out via the media services about what the citizens can do to protect themselves.
- Councilman Colwill complimented the City employees who helped get the City back on line following the recent storms.

DISCUSSION ITEMS:

- 1) **Funding of Rochelle Flood Basin Study:** Following the combined City Council and GREDCO Meeting on March 4, 2008 a task force was created to explore funding options for a Rochelle Flood Basin Study. This study is important for future development in our community as it would establish updated base flood elevations from a regional perspective versus the individual development studies that are currently being pursued. Members of the task force evaluated multiple options for funding the cost study, estimated at \$750,000 to \$1,000,000, and recommend the use of Storm Water Funds as the primary source of funding for the project. City Engineer, Sam Tesreau, was in attendance to discuss the recommendation and answer questions:
- FEMA maps are twenty years old. As the City expands there are questions as to whether developers are in a flood zone and the time involved getting an analysis performed and get through IDNR and FEMA.
 - Plan on getting a basin-wide study in and around Rochelle. Propose a re-study in order to create new maps. This will be about a 3 ½ year process.
 - We’re all aware of what happened in Iowa and Wisconsin, so therefore it is important to safeguard against it happening here.

If the funding is approved they will interview firms in order to choose the appropriate one to do the study and get started. Council recommended to move forward.

- 2) **Closure of 1st Avenue (South 12th Street to Jack Dame Road):** The Jack Dame Road Improvements are expected to begin in the near future following a bid opening of June 19, 2008 and anticipated council action to accept the bid on July 14, 2008. The completion of this project will result in the closure of 1st Avenue from 12th Street to Jack Dame Road. City Engineer, Sam Tesreau, was in attendance to discuss this closure and answer questions. A public meeting will be scheduled in July to provide additional information and allow an opportunity for public comments.
 - Extend Jack Dame Road to Intermodal Drive to Rte 38; an adjustment of the grade at the railroad crossing to create better sight distance. During this work, traffic will be rerouted. DelMonte will have access to the truck route at all times.
 - Will be a public information meeting in July.
- 3) **Parkway Tree Planting Program:** Twenty locations throughout the City have been identified by the Street Department for parkway tree planting in 2008. Don Elliott, Superintendent of Streets, was in attendance to explain the current criteria used to determine where trees are placed and the varieties of trees that will be planted. Chris Limas, Community Development Director, and Don discussed a tree planting program for future years, associated funding, and the tree selection process.
 - Twelve-year tree replacement offer.
 - Those residents who have lost a tree in their parkway are eligible.
 - Criteria: Utilities, power lines, below ground sewer lateral system, visibility, width of parkway will all be taken into consideration.
 - Varieties: Good hardwood trees i.e. as hard maples. They have a list of prohibitive trees.
 - The cost is \$80-\$90 per tree.

EXECUTIVE SESSION: At 8:50 Councilman Colwill moved and Councilwoman Hollonbeck seconded, **“I move the Council recess into executive session to discuss the performance of specific employee(s); Section (c) (1).”** Roll call vote was taken. Ayes: Councilmembers Hayden, Berg, Hollonbeck, Colwill, Hayes, Eckhardt, and Mayor Olson. Nays: None. Motion passed 7-0.

Council returned to Open Session at 9:40 p.m. Councilman Berg moved and seconded by Councilwoman Hollonbeck, **“I move the Council return to Open Session.”** Motion passed by voice vote without dissent.

ADJOURNMENT: At 9:40 p.m. Councilman Berg moved and seconded by Councilman Colwill, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

Chet Olson
Mayor, City of Rochelle

Bruce McKinney, CMC
City Clerk, City of Rochelle