

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
MONDAY, NOVEMBER 24, 2008**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, November 24, 2008 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

***PLEDGE TO THE FLAG & PRAYER***

***ROLL CALL:*** Present on Roll Call were Councilmembers Berg, Hayden, Colwill, Hayes, and Eckhardt. Absent: Councilwoman Hollonbeck and Mayor Olson. A Quorum is present. Also present were Ken Alberts, City Manger and Bruce McKinney, City Clerk.

Mayor Olson entered the meeting at 7:54 p.m.

Moved by Councilman Berg and seconded of Councilman Hayden, **“I move the Council appoints Councilman Colwill as Mayor Protem for the November 24, 2008 Council meeting.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Eckhardt, and Hayden. Nays: None. Abstain: Councilman Colwill. Motion passed 4-0 with 1 abstention.

***PROCLAMATIONS, COMMENDATIONS, ETC.:*** Bruce McKinney read the proclamation declaring December the “National Drunk and Drugged Driving Prevention Month.”

***REPORTS AND COMMUNICATIONS:***

- **Mayor:** Due to the loss of Neil Fairholm we are taking applications for the Planning & Zoning Commission. Applications can be picked up at the City Clerk’s office.
- **Council Members:** None
- **Employee Introductions:**
  - **Shawn Mortenson** was introduced by Kathy Cooper. He started in the Water/Water Reclamation Division on November 3<sup>rd</sup>. Shawn is glad to have a job close to home and able to work outdoors, an environment right up his alley.
  - **Andrew Cunningham** was also introduced by Kathy Cooper as another new employee in the Water/Water Reclamation Division, starting on November 24<sup>th</sup>. Andrew has several years of maintenance experience and an Associate’s Degree in electronics.

***BUSINESS ITEMS:***

1) **CONSENT AGENDA ITEMS BY OMNIBUS VOTE** with Recommendations:

- a) Approve Minutes of City Council Meeting – November 10, 2008;
- b) Approve Bills/Payrolls
- c) Approve City of Rochelle Meeting Dates for 2009 - 08-3759 (approved and placed on file).
- d) Approve City of Rochelle Legal Holidays for 2009 - 08-3759 (approved and placed on file).
- e) Approve Downtown Rochelle Association Request - Horse Rides.

Moved by Councilman Hayes and seconded by Councilman Hayden, **“I move Consent Agenda Items a, b, c, d, & e be approved by Omnibus Vote as Recommended.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.

As Mayor Olson was not in attendance yet, it was decided to postpone Agenda Item 1 until his return.

3) **Ordinance Authorizing Purchase of Property for Public Use – Jack Dame Road:** As discussed at the September 22, 2008 City Council meeting the construction of the Jack Dame Road will involve stormwater management improvements to satisfy Illinois Department of Natural Resources (IDNR) requirements. The City of Rochelle, in cooperation with their consultants Fehr Graham and Associates submitted a hydrology and hydraulics model to IDNR in September of this year which features a channel connecting the Kyte River and Flagg Tributary south of Intermodal Drive. The model is still pending review at IDN. In order to construct the channel, which is incorporated in the model, the City needs to acquire approximately three acres of land from the Union Pacific Railroad. Staff has negotiated a purchase price of \$30,000 for the 3.12 acres which is confirmed in a letter of understanding provided by the Union Pacific Railroad. Sam Tesreau was present to answer questions. This is the only option available. Per Ken Alberts the actual purchase will not occur until IDNR reviews. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move Ordinance 08-3761, An Ordinance Authorizing Purchase of Real Property for Public Use (3.12 Acres Union Pacific Railroad Property for Jack Dame Road Project), be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.

- 4) **Ordinance Vacating Portion of Alley – Kraft Property:** Rochelle Holdings II, LLC has expressed an interest in obtaining a 46’ by 16’ section of an alley which is located south of Fourth Avenue and between Fourteenth and Fifteenth Streets. This alley lies between two parcels that are owned by Rochelle Holdings II, LLC (formerly Kraft) and would be combined with one of the existing lots to allow for better use of the property. Rochelle Holdings II, LLC has agreed to pay the sum of \$1104.00 for the alley. The Mayor and City Council members may vacate this portion of the alley by at least a three-fourths vote. Moved by Councilman Eckhardt and seconded by Councilman Berg, **“I move Ordinance 08-3762, An Ordinance Vacating Portion of Alley (Kraft Property), be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.
- 5) **Intergovernmental Agreement between the City of Rochelle and Ogle County- Southwest Rochelle Truck Route:** A transportation summit was held in January of 2007, with legislators representing our region, to discuss infrastructure needs facing the City of Rochelle and the surrounding area. As a result of those efforts Senator Obama has appropriated approximately \$98,490 of Federal Highway funds through the Illinois Department of Transportation, which will be used for preliminary engineering of the Southwest Rochelle Truck Route. The truck route will be designed as a 120,000 lb. road and will extend from the Union Pacific Global III intermodal facility entrance southwesterly along Intermodal Drive, Brush Grove Road and Gurler Road to the intersection of Thorpe and Gurler Roads. The project will include drainage improvements as well as pavement widening and surfacing. Ogle County will serve as the lead agency for this project and has selected Willett, Hofmann, & Associates to develop the Phase 1 engineering analysis of this project at a total cost of \$159,956.44. The intergovernmental agreement provides for Ogle County, Lee County and the City of Rochelle to share in the remaining cost of the preliminary engineering services, after applying the grant, based on the roadway length under the jurisdiction of each. The City obligations outlined in the agreement totals approximately \$33,806.54 (55%) of the Phase 1 costs not covered by the grant. Expenses for this project will be included in the FY 2009/2010 Budget. Sam Tesreau was present to answer any questions. After some questions and discussion, it was decided that despite the cost, it has to be done. Moved by Councilman Berg and seconded by Councilman Hayden, **“I move Intergovernmental Agreement 08-3763, An Intergovernmental Agreement between the City of Rochelle and Ogle County Relating to the Rochelle Southwest Truck Route Involving the Reconstruction of Intermodal Drive, Brush Grove Road and Gurler Road from Thorpe Road East to the Entrance to the Union Pacific Intermodel with Ogle County Section #08-06131-00 FP be approved.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.
- 6) **Resolution of Support for the Safe Routes to School Projects – May School:** The State of Illinois introduced the Illinois Safe Routes to School program in January of 2007. This program provides funds to assist communities and school districts in developing and implementing programs to improve the safe travel of children to and from elementary and middle schools. In 2008 the City of Rochelle was awarded a grant for \$216,115 to replace the sidewalks in the Tilton School area on 10<sup>th</sup> Avenue from 9<sup>th</sup> Street to Atwood and Cooper Parks. That project is expected to go out for bid in the spring of 2009 with construction to be scheduled thereafter. A second project that could qualify under the safe routes to school program has been identified for the May Elementary School area. City staff members worked with representatives from District #231 to develop plans that would qualify for this program. The School Travel Plan for May Elementary School was submitted to IDOT and was approved on November 5, 2008. Since the approved plan includes infrastructure improvements estimated at approximately \$235,000, the State requires the governmental unit having jurisdiction over the infrastructure to approve a resolution in support of the project as outlined. Sam Tesreau was present for discussion and to answer questions. The project for routes near Tilton School and Cooper Park is planned for 2009. Moved by Councilman Eckhardt and seconded by Councilman Berg, **“I move Resolution R08-31, A Resolution of Support for Safe Routes to School Projects, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.

7) **Ordinance Superseding Ordinance 08-3755 Authorizing Acquisition of Property for Drainage Purposes (Rochelle Business and Technology Park):** Per the Illinois Municipal Code the City has the right to establish and construct ditches which are required for draining land located within the City's corporate limits and the right to obtain a proper outlet outside the corporate limits. In order to facilitate the proper drainage of the Rochelle Business and Technology Park, the City finds it necessary to acquire a tract of land, or drainage right-of-way, on property located west of the park. On November 10, 2008 the Mayor and City Council approved an ordinance which authorized the City Manager to acquire the property by purchase (subject to council approval of the purchase price) or be exercising the City's right of eminent domain provided for in the Illinois Municipal Code. Since the approval of the earlier ordinance it has been determined that a modification in the legal description is required due to the location of the new box culvert. The revised legal description included in this ordinance adds approximately 660 square feet, for a total of 20,908 square feet, and increases the frontage on Dement Road from 60 feet to 85 feet. Alan Cooper, City attorney, and Sam Tesreau were both available to answer questions. Moved by Councilman Hayden and seconded by Councilman Berg, **"I move Ordinance 08-3763, An Ordinance Authorizing Acquisition of Property for Drainage Purposes and Superseding Ordinance 08-3755 for Rochelle Business and Technology Park, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, and Colwill. Nays: None. Absent: two. Motion passed 5-0.

8) **City Manager's Report:**

- **Community Tree Lighting:** As part of the Old-Fashioned Christmas Weekend in Rochelle, the Community Christmas Tree lighting will take place at City Hall immediately following the Chamber Lighted Parade on Friday, December 5. City Manager Ken Alberts, with the assistance of Santa, will flip the switch officially marking the start of the holiday season for the City. Members of the Middle School Chorus, led by Sherrie Welles, will entertain those in attendance with some holiday music selections following the lighting. Rochelle Municipal Utilities will provide treats of hot chocolate, coffee and cookies inside City Hall's main entrance.
- **3rd Annual Christmas Tree Festival:** The 3rd Annual Christmas Tree Festival promises to be an exciting event. Entries have been received for over a dozen decorated tabletop trees, wreaths, and swags which will be on display throughout City Hall from December 1st through December 5th. The community is encouraged to walk through and enjoy the spectacular entries. The trees, wreaths, and swags, donated by local business, community and service groups, will include such themes as, Silver Magic, Bingo Tree, and Children Around the World. All entries will be available for purchase through a silent auction being held to benefit the H.O.P.E. which will culminate at 8:00 p.m. on Friday, December 5th.

**PUBLIC COMMENTARY:** None

Mayor Olson entered at 7:54 p.m.; therefore the second agenda item was picked up.

2) **Additional Package Liquor License:** City has received a petition for a package liquor license for Liquor 'N' Wine. This business plans to locate at 149 May Mart Drive in Rochelle. The Liquor Commissioner, Mayor Olson, has reviewed the request and recommends further discussion and evaluation of this request by the full City Council. If granted, the addition of this license would bring the total package liquor licenses issued in the City of Rochelle to three. Richard Larsen, council for Rochelle Commons and Mr. Patel, the applicant, stated that the Rochelle Commons is 60% empty and the addition of this business would help. Mayor Olson brought up the fact that the reason for there not being business in the Rochelle Commons is due to property has not been kept up by the owners. It's unclean, the roof leaks, parking lot, and exterior of the building. There have been continuous complaints from tenants and past tenants as well as the public. Jackie Samonides, representing the property owner, said that if there are complaints, the tenants need to come to them. Rusty Erickson, realtor for Coldwell Banker, then spoke. He stated that, from his respective, both the applicant and the building owner will take care of any problems. Mayor Olson requested information from staff. Chris Limas stated that there were complaints received back in July some time after the Fresh Mart had moved out. Upon inspection it was found that perishable food had been left behind. There was also mold found at the time. Some of this has been addressed by the owner; however there are things that still need to be taken care of. Mayor Olson said that he would not recommend opening up a business until these issues are taken care of. Councilman Colwill said that the sooner we get tenants in, the better it would be for the neighborhood and the City. Moved by Councilman Berg and seconded by Councilman Colwill, **"I move Ordinance 08-3760, An Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Create One (1) additional Package Liquor License for Liquor 'N' Wine, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hayes, Berg, Hayden, Eckhardt, Colwill, and Mayor Olson. Nays: None. Absent: one. Motion passed 6-0.

**DISCUSSION ITEMS:**

- 1) **Business Registration Program:** The Community Development Department, in cooperation with other City Departments, has been exploring the implementation of a business registration program as provided for in Article II Section 26 of the Municipal Code. Business registrations obtained through this program would be incorporated into a database which would facilitate contacting the property owner in a variety of emergency and nonemergency situations. In addition, upon registration of a new business an inspection would be completed to ensure the proprietor's compliance with health and safety codes prior to opening. The objective of this program is to insure the health, welfare, and safety of both the property owner and the general public. No fees would be collected for the initial registration of existing businesses. Staff has proposed some revisions to the existing language contained in the municipal code. Chris Limas, Community Development Director, explained how the program would be implemented and led the discussion on the merits of the program. This will insure compliance with health and safety codes. There will be inspections done by a team consisting of the building inspector, a fire inspector and the Ogle County Health Department if needed. It is important that the City register all businesses in the City at no cost, including those in residential areas. Kip Countryman, Building Inspector, and Tom McDermott, Fire Chief, were also present for the discussion. There will be letters sent out beforehand letting the business owners know they will be doing an inspection. The first inspection will be a very quick walk through looking for obvious safety issues, letting them know what needs to be done and giving them 30 to 60 days to correct problems at which time they will be re-inspected. There is no intention to close any business in the City. This subject will be brought up again at a later date.
- 2) **Tax Levy 2008-09:** Annually the Mayor and City Council are required to adopt a Tax Levy Ordinance and file it with the County Clerk on or before the last Tuesday in December. The Ordinance Levying Taxes for the City of Rochelle 2008/09 will be a business item on the December 8, 2008 City Council Meeting. Mr. Alberts stated that the City's EAV continues to increase and is up 18% from last year. The City's estimated EAV for the tax levy will be \$207,000,000. Chris Frye was in attendance to give further explanation and answer questions. Terry Inman, President of the Police Pension Board, was also in attendance to answer any questions and to thank the council for their continued support.
- 3) **Prairie State Energy Campus:** Gary Larsen, General Manager of Rochelle Municipal Utilities, provided an update on the construction progress at the Prairie State generation facility in Southern Illinois. Once operational this facility will be an important component in meeting the future electric needs for our growing community in a cost effective manner. Using a Power Point presentation, Mr. Larsen gave a Project Review:
  - Eight public power agencies involved
  - In St. Louis; Coal generation plant;
  - 1600 Mega Watts;
  - Transmission lines need to be built; August of 2011 for first unit; May of 2012 for next unit;
  - 1.7 – 2.4 million homes;
  - 2300 jobs (600 permanent jobs);
  - Good quality control system;
  - All major permits have been obtained;
  - Chimney concrete shell has been completed;
  - Working overtime to catch up.
  - Actually ahead of schedule; 9.8 % completed;
  - Concrete 165,000 cubic yds; 42-ton of steel; 120 miles of pipe; 1200 miles of cable will be installed in this project;
  - Budget: some costs have been reduced due to the economy at this time. Also, more employees available to work on it due to the lack of employment.

**EXECUTIVE SESSION:** None

**ADJOURNMENT:** At 9:55 p.m., moved by Councilman Colwill and seconded by Councilman Berg, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

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Chet Olson  
Mayor, City of Rochelle

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Bruce McKinney, CMC  
City Clerk, City of Rochelle