

8) **Reduced Guarantee- Kings Crossing:** On May 26, 2009 the Mayor and City Council approved the Final Planned Unit Development Plat and Plan for Phase One of the Kings Crossing Planned Unit Development. Per the Rochelle Municipal Code, the developer must provide a surety which is equal to 110% of the engineer's estimate of the required public improvements prior to the City signing the Final Plat. This surety is typically provided through a letter of credit, bond, or cash. Due to the current economic climate and associated credit tightening, the developer, Wyndam Foxford, LLC, is unable to obtain a letter of credit consistent with our code requirements. In order to move the project forward, and still provide the City with the assurances necessary for the completion of the public improvements, the developer has proposed providing a cash escrow equal to 100 percent of the costs of the public improvements. The actual bids for the public improvements included in Phase One of the development total \$1,705,104. The Rochelle Municipal Code Section 86-4 allows the City Council to make exceptions to the requirements contained in the Subdivision Chapter "where any other reasonable deterrents prevail." Alan Cooper, City Attorney, provided a summary to supplement what was already said by the City Manager. Councilman Eckhardt stated he feels the City needs a cushion for protection; that if anything goes wrong, the city will be responsible. He's all in favor of the project being done, but feels we are setting precedence and could put us in a situation with future development. Mr. Alberts feels that if we don't do this, we are at risk of not getting this development done. Moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **"I move Ordinance 09-3864, An Ordinance Approving a Cash Guarantee of 100% of the Estimated Costs of the Land Improvements for Phase I of the Kings Crossing Development, be adopted."** Roll call vote was taken. Ayes: Councilmembers Hollonbeck, Berg, Hayes, and Mayor Olson. Nays: Councilmembers Eckhardt, D. McDermott, and T. McDermott. Motion passed 4-3.

PUBLIC COMMENTARY: John Kaminski spoke on the Spring Creek development agreement, 08-3749. According to the terms and conditions, the agreement is not legal. Feels the agreement should be brought up again; the schools are the one who suffers, and the taxpayers. Also, that the public should be aware of what is going on.

DISCUSSION ITEMS:

1) **Revision to Annexation Agreement – Kings Crossing:** An Annexation Agreement between the City of Rochelle and Wyndham Foxford, LLC related to the Kings Crossing Development, consisting of 493 acres north of Flagg Road, was approved by the Mayor and City Council on April 10, 2006. On May 26, 2009 the Annexation Agreement was amended to modify specific provisions relating to Phase 1 of the development. A second amendment is being proposed and will be included as a business item on the October 26, 2009 City Council Meeting agenda. The proposed amendment would allow the Elementary School District and RMU to obtain a recapture from the developer for any funds used to construct utility infrastructure, which the developer had agreed to construct, should they be needed prior to the developer constructing them. Mr. Alberts requested Alan Cooper give further information. The possibility is that the school may want to construct a school before housing. School would then have to provide info-structure and recapture agreement. The city may have to advance funds for street lights. The city may also have to assist the school district in recovering advanced funds by withholding approval of final plats for future phases.

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:30 pm., moved by Councilwoman Hollonbeck and seconded by Councilman Berg, **"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

- 5) **Dark Fiber License Agreement – AT&T:** On June 22, 2009 the Mayor and Council authorized the execution of a Fiber License Agreement between the City and AT&T for the use of two strands of dark fiber to serve the needs of the Allstate Data Center at a monthly lease fee of \$3,375 for a term of five years. AT&T has requested an additional two strands of fiber optic cable to serve the needs of Northern Trust within the Rochelle Business and Technology Park. The Amended and Restated Dark Fiber License Agreement will replace the original agreement dated June 22, 2009. The amended agreement for the lease of four strands of dark fiber will increase the monthly lease fee from \$3,375 to \$6,750 per month for a term of five years. With the addition of this amended agreement the total monthly revenue for all dark fiber leases and collocation services currently under contract generate annual revenue of \$386,760 for a total of \$1,933,800 over the 5-year term of the contracts. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move Agreement 09-3861, An Agreement Amending and Restating Dark Fiber License Agreement between the City of Rochelle and TCG Chicago, be approved.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Holiday Inn Express Multiple Sign Variance Request - 1240 Dement Road:** The petitioner, Shri Siddh Ganesh, Inc., has purchased the former U.S. Express Hotel located at 1240 Dement Road and obtained a franchise to operate a Holiday Inn Express Hotel. In order to install new signage to promote the franchise the petitioner has requested four variances from the Rochelle Municipal Code. The requested variances are as follows: variance to allow a ground sign to be 100 feet in height instead of the maximum 26 feet, variance to allow 450 square feet of sign area instead of the maximum allowable of 300 square feet, variance to allow a second ground sign of 64 square feet of sign area, and a variance to allow two ground signs to have a five foot setback instead of the required 25 feet. At the October 5, 2009 meeting of the Planning and Zoning Commission a Public Hearing was held to consider the variance requests with results as follows:
- In response to the request to allow a ground sign of 100 feet in height, the Commission voted 4-1 to approve a variance of 54 feet to allow a sign height of 80 feet.
 - In response to the request to allow 450 square feet of sign area, the Commission approved this variance by a vote of 5-0.
 - In response to the request to allow a second ground sign of 64 square feet, the Commission approved the request by a vote of 5-0.
 - In response to the request to allow two ground signs with a five foot setback, the Commission voted 5-0 to allow a five foot variance from the required setback of 25 feet.
- The Planning and Zoning Commission’s votes are consistent with the recommendation of, Chris Limas, Community Development Director and other sign variances which have been approved in the area. Chris Limas was present for further explanation of their recommendations and to answer questions. Petro is 100 feet; Road Ranger, McDonalds, and Wendy’s are 80 feet; Culvers is 60 feet. Nitesh Sing, the petitioner, was present to answer questions. Moved by Councilman Berg and seconded by Councilman Eckhardt, **“I move Ordinance 09-3862, An Ordinance Approving Certain Sign Variances for the Holiday Inn Express as Recommended by the Planning and Zoning Commission, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.
- 7) **Conditional Use for a Wireless Communication Facility and Antenna– 350 North 15th Street:** U.S. Cellular has petitioned the City for a conditional use permit to allow for the installation of a wireless communications facility at 350 North 15th Street. The facility would consist of three 15 foot antennas which would be placed on the existing Kraft water tower and the construction of an 11 x 20 foot prefabricated shelter which would be located adjacent to the tower. Chris Limas, Community Development Director, recommended approval of the application based on the use of an existing tower in an industrial area with antennas which conform to the City’s height restrictions. At the October 5, 2009 meeting of the Planning and Zoning Commission a public hearing was held to consider the special use request. There was no public testimony for or against the petition. The Commission subsequently voted 5-0, to recommend approval of U.S. Cellular’s special use request to allow for the installation of a wireless communication facility and antennas at 350 North 15th Street as requested. Moved by Councilwoman Hollonbeck and seconded by Councilman Dan McDermott, **“I move Ordinance 09-3863, An Ordinance Approving a Conditional Use Permit for a Wireless Communication Facility and Antennas located at 350 North 15th Street, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.

Wage Schedule:

- Effective 5-1-08, across the board increase of 3%.
- Effective 5-1-09, across the board increase of 3%.
- Effective 5-1-10, across the board increase of 3%.

Insurance Contribution:

Effective 5-1-08, employees will pay 2% of single coverage and 22% of dependent coverage.

Moved by Councilman Hayes and seconded by Councilman Berg, **“I move Agreement 09-3859, An Agreement between the City of Rochelle and the Illinois Fraternal Order of Police on Behalf of Rochelle Lodge #127, be ratified.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.

- 3) **Ordinance Amending Article IV of Chapter 90 of the Municipal Code to Conform to New Law – Hotel/Motel Tax:** As provided for in the Illinois Municipal Code, Article IV of Chapter 90 of the Rochelle Municipal Code includes provisions for a tax which is imposed on the operators of hotels and motels equal to 5% of the gross rental receipts. In turn the establishments are permitted to include the fee on their patron’s bills. The hotel-motel tax is currently payable to the City quarterly on the 15th day of the month following March 31, June 30, September 30, and December 31. The current ordinance and corresponding Illinois Municipal Code does not require the proceeds collected by the hotels and motels to be held in a trust in non-home rule communities. The Illinois legislature has now enacted legislation that allows non-home rule municipalities to impose a tax on users of hotel rooms with proceeds to be held in trust and remitted to the municipality. Staff recommends that Article IV of Chapter 90 of the Municipal Code be amended effective November 1, 2009. As a result of the amendments, hotels and motels will be required to hold the applicable taxes in trust and to remit them to the City on a monthly basis rather than the quarterly basis currently in effect. Local operators and patrons of hotels and motels will not experience any increase in fees as a result of this recommendation. Credit was given to Bruce McKinney for facilitating this change through the Illinois legislature. Mr. McKinney explained that 80% of the money from the Hotel/Motel tax goes to the Tourism Board. Moved by Councilman Eckhardt and seconded by Councilman McDermott, **“I move Ordinance 09-3860, An Ordinance Amending Article IV (“Hotel, Motel Tax”) of Chapter 90 (“Taxation”) of the Municipal Code of the City of Rochelle to Conform to New Law, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.
- 4) **Resolution Approving and Authorizing Revised Rules and Regulations under the Freedom of Information Act:** The Illinois State Legislature has approved Public Act 96-0542 effective January 1, 2010 which includes amendments to the Open Meetings Act, the Freedom of Information Act (FOIA) and the Attorney General Act. The new FOIA law contains comprehensive changes including: stricter rules, reducing the timeframe for entities to respond to requests, a reduction in possible exemptions, and penalties for violating the law. The Act also establishes the position of Public Access Counselor within the Attorney General’s office to oversee administration of the Freedom of Information Act. The City of Rochelle “Request for Inspection or Copying of Public Records Rules & Regulations in Accordance with the Freedom of Information Act” has been revised to comply with the new law. The revisions include a reduction in response time from 7 to 5 days, changes to the fee schedule, and the designation of a Freedom of Information Officer for the City of Rochelle as required under the Act. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **“I move Resolution R09-24, a Resolution Approving and Authorizing Revised Rules and Regulations under the Freedom of Information Act, be adopted.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott and Mayor Olson. Nays: None. Motion passed 7-0.

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
TUESDAY, OCTOBER 13, 2009**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Tuesday, October 13, 2009 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG: Led by Cub Scout Pack 553 who are working on their badge for Local Government.

PRAYER: The Prayer was led by City Clerk McKinney.

ROLL CALL: Present on Roll Call were Councilmembers D. McDermott, Eckhardt, Hayes, Berg, Hollonbeck, T. McDermott and Mayor Olson. Also present were City Manager Alberts and City Clerk McKinney.

PROCLAMATIONS, COMMENDATIONS, ETC.:

- **Community Planning Month:** Read by Bruce McKinney. The Proclamation was accepted by Chris Limas, Community Development Director, who thanked the City and the Planning/Zoning Commission.

REPORTS AND COMMUNICATIONS:

- **Mayor:**
 - With Fire Prevention Week being in October, he thanked the Fire Department for all their hard work and effort throughout the year.
 - Breast Awareness Month: Invitation from the Rochelle Hospital for their Mammography Open House on October 17th.
 - Mayor Olson attended the annual IML meeting in Chicago September 24-26. It was a very good meeting; good round table discussions; information on grants, safety, financing, downtowning, and video gaming was a hot topic. Suggested it be attended next year.
 - IPAA: Airport meeting in Galena had some very good speakers, from airports, IDOT, and directors. Had some encouraging words and panels. Very worthwhile meeting. Was assured that our airport is on the right track.
 - Recommendation of Katherine Shaw-Dickey for the vacant position on the Planning & Zoning Commission since the resignation of Michael Cruz. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **“I move we appoint Katherine Shaw-Dickey to the Zoning & Planning Commission, with a term ending July 1, 2011.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Hollonbeck, Berg, Hayes, T. McDermott, and Mayor Olson. Nays: None. Motion passed 7-0.
- **Council Members:** Councilman Berg thanked Gary Larsen for the NIMPA meeting on wind energy last week. He did a wonderful job of explaining and answering questions.

BUSINESS ITEMS:

- 1) **CONSENT AGENDA ITEMS BY OMNIBUS VOTE** with Recommendations:
 - a) Approve Minutes of City Council Meeting – September 28, 2009;
 - b) Accept Minutes of Planning and Zoning Commission – August 3, 2009;
 - c) Approve 2nd half of October Bills/Payroll.Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **“I move Consent Agenda Items (a) through (c) be approved by Omnibus Vote as Recommended.”** Roll call vote was taken. Ayes: Councilmembers Eckhardt, D. McDermott, Berg, Hayes, T. McDermott, Hollonbeck and Olson. Nays: None. Motion passed 7-0.
- 2) **Fraternal Order of Police Agreement 2008-2011:** The current agreement with Illinois Fraternal Order of Police was due to expire on April 30, 2008. It was extended subject to negotiations and ratification of a new agreement. A tentative agreement, retroactive to May 1, 2008, has been reached for a new three-year contract which will expire on April 30, 2011. The tentative agreement was ratified by members of the bargaining group on September 29, 2009. A summary of the tentative agreement was provided to the Mayor and City Council. It contains many of the same provisions as the previous agreement, but incorporates language changes as well as wage and benefit enhancements negotiated over the past several months. A couple of the more significant changes include: