

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, MARCH 8, 2010**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, March 8, 2010 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG: Led by Junior Girl Scout Troop 310. They then said the Girl Scout Promise.

PRAYER: The Prayer was said by City Clerk McKinney.

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

PROCLAMATION: Girl Scout Week, March 7-March 13, 2010: Read by Bruce McKinney and presented to the Girl Scout Troop 310. Leaders: Tracy Elder and Linda Keilman. Girls: Carlie Elder, Karly Keilman, Becca Bunger, Jessie Meyers, Morgan Knight, Bailey Hensley, Mallory Ponto, Alyssa Watson, Grace Mueller, Gwendolyn Papke, Britney Salinas.

REPORTS AND COMMUNICATIONS:

- **Mayor:** Has recently visited a few communities to share about economic development and fiber-optic communications (Oglesby, LaSalle, Peoria, and Mt. Carroll).
- **Council Members:**
 - Councilman Eckhardt will not be able to attend the March 22nd council meeting...

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – February 22, 2010;
- b) Accept and Place on File Minutes of Planning & Zoning Commission of February 1, 2010;
- c) Accept and Place on File Minutes of Airport Advisory Board of October 26, 2009;
- d) Approve Bills 02/12/10-02/18/10;
- e) Approve Payroll 02/08/10-02/21/2010;

Moved by Councilman Eckhardt and seconded by Councilman D. McDermott, “**I move Consent Agenda Items (a) through (e) be approved by Omnibus Vote as Recommended.**” Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

2) **Public Hearing Cable Television Franchise Agreement between the City and Comcast:** The Mayor and City Council approved a ten year Cable Franchise Agreement on May 24, 1999 with Time Warner Entertainment Company. A resolution was subsequently passed on June 25, 2002 which changed the control of the cable franchisee to AT&T Comcast Corporation. Provisions in the 1999 agreement allowed for an extension of the contract for an additional two years if the operator upgraded the cable system to 750 Mhz during the term of the agreement. In 2008 Comcast upgraded the cable system to 870 Mhz. Over the past year Comcast and City representatives have negotiated provisions for a contract renewal which will allow Comcast to continue to operate a cable television system in the City of Rochelle. The City also consulted with the Baller Herbst Law Group and received an opinion on the renewal document in fall of 2009. The proposed ten-year Cable Television Franchise Agreement includes several provisions that are beneficial to the City. The City will continue to receive quarterly franchise fees equal to 5% of the gross revenues and free cable service to municipal facilities, schools, and libraries. In addition new contract provisions clearly define the City’s right-of-way standards and enforcement for violation of those standards and allow for a potential funding mechanism for capital needs associated with the production of content for a public access channel. It was necessary to have a public hearing; afterwards Chris Nelson of Comcast was available for comments and questions. Moved by Councilman Hayes and seconded by Councilwoman Hollonbeck, “**I move the Council recess into a Public Hearing for the Cable Television Franchise Agreement**” Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

- **John Kaminski:** There’s a difference in program content between DeKalb and Rochelle. Should investigate and tell public what they are getting, what other cities are getting from Comcast; programming changed after what was in his contract; felt the council should table this agreement until they take the time to look at what Rochelle is getting. Per Ken Alberts, Comcast has the right to change their programming.
- **Chris Nelson, Comcast:** Comcast inherited programming from previous cable company. Working towards being consistent with all cities. Will be some changes this summer. They desire to be competitive.

Moved by Councilwoman Hollonbeck and seconded by Councilman Eckhardt, **“I move the Council return to Regular Session.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

Mayor said that Comcast needs to let the council and public know what other cities are getting; the price is getting expensive; customers purchase a starter package and then it changes; seems that once a program becomes popular, it's no longer included in package. Mayor Olson stated that now's the time to make necessary changes.

Councilman Hayes felt that we should have more control; other councilmembers felt that we should have more information. Moved by Councilman Hayes and seconded by Councilman T. McDermott, **“I move Council postpone consideration of a Renewal of Comcast Franchise Agreement until the next council meeting.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

3. **Kyte River Stream Maintenance Project:** Over the past few years the City has completed two phases of a stream maintenance program along the Kyte River. The maintenance completed so far extends from the pedestrian bridge along Scott Avenue, located north of the Askvig subdivision, to 1384 feet south of the Treatment Plant Road Bridge. Stream maintenance work included in this project involves the removal of dead brush, limbs and trees as well as other blockages in the creek and the installation of temporary and permanent erosion control systems. The third and final phase of the Kyte River Maintenance Program will extend from south of the Treatment Plant Road Bridge to south of Intermodal Drive for a total of 1600 feet. Subsequent to the required public notice, bids were opened on February 18, 2010 with five contractors submitting bids. City Engineer, Sam Tesreau, has reviewed the bids and recommends acceptance of the low bid from O'Brien Civil Works, which is 21% lower than the estimated project cost of \$65,500. The project is expected to begin soon after the bid is accepted with an anticipated completion of mid-April. The majority of the project will be funded through the Stormwater Management Fund with the remainder included in the 2010/11 budget. Sam Tesreau was present for additional information, using pictures, and to answer questions. Contractors are pre-qualified by IDOT. There is now an annual program where they go back and do minor cleanup where previously done by contractor in order to keep growth from coming back. The cost of this is \$10,000-\$15,000 annually. Moved by Councilwoman Hollonbeck and seconded by Councilman Hayes, **“I move Council accept bid C10-05 for the Kyte River Stream Maintenance Program from O'Brien Civil Works of Polo, IL in the amount of \$51,150 and reject all other bids.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.
4. **Ordinance Annexing Certain Territory to the City of Rochelle and Zoning it I-2 General Industrial – 8764 South IL Route 251:** On September 14, 2009 the Mayor and City Council authorized City staff to move forward with the purchase of a 0.52 acre parcel of property, including a residential dwelling, which is located north of the airport. The parcel is identified in the current Airport Layout Plan (ALP), and future ALP, as property the City would need to either purchase or acquire an avigation easement over when the runway is extended to 5,000 feet. The property was subsequently purchased in December of 2009 and is currently zoned industrial per Ogle County. The City of Rochelle has petitioned to have the 0.52 acre parcel annexed into the City with a zoning classification of I-2, General Industrial. At the March 1, 2010 meeting of the City of Rochelle Plan and Zoning Commission a public hearing was held with regard to the petition for annexation and zoning. Upon completion of the public hearing the Plan/Zoning Commission made a recommendation for approval of the annexation and zoning to I-2 by a vote of 5-0. Chris Limas was present for additional information and to answer questions. The current airport is zoned I-2. Moved by Councilman Eckhardt and seconded by Councilman D. McDermott, **“I move Ordinance 10-3902, An Ordinance Annexing Certain Territory to the City of Rochelle and Zoning it I-2, General Industrial District located at 8764 S. IL Route 251, be adopted.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

5. **Audit Service Contract – Sikich, LLP:** The City has contracted with Baker Tilly (formerly Virchow Krause) for the past eleven years to provide audit services for our various funds. This year a Request for Proposal (RFP) was sent out to several firms for quotes on providing audit services for the City of Rochelle, Rochelle Municipal Utilities, Police Pension and Fire Pension. In response to the RFP, five qualified firms submitted proposals. These proposals were carefully evaluated based on references, experience, reputation, and cost. Onsite interview were also conducted with three of the five firms. After a thorough analysis, Finance Manager Chris Frye recommends contracting with Sikich, LLP for audit services for the next three years at a proposed cost of \$47,080, \$48,582, and \$50,561 respectively. This is a slight decrease, approximately 5%, compared to Baker Tilly’s proposal. In addition to being cost effective, this firm provides the following benefits: the entire audit will be conducted over a two week period with one team, they offer free webinars/seminars on various accounting topics, and we will not incur costs associated with overnight travel due to their Aurora location. Chris Frye was present at the meeting for further information and to answer questions. Sikich, LLP was established in 1928; have 7 offices in Illinois; 13th largest auditing firm in Chicago and 70th in country; 50 government staff. Moved by Councilwoman Hollonbeck and seconded by Councilman T. McDermott, **“I move Agreement 10-3903, An Agreement for Audit Services provided by Sikich, LLP for the years ending April 20, 2010, 2011, and 2012 be approved.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Eckhardt, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Motion passed 6-0.

PUBLIC COMMENTARY:

- **John Kaminski:** Thanked and complimented council on postponing Comcast contract until they have more information.

DISCUSSION ITEMS: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:00 pm, moved by Councilwoman Hollonbeck and seconded by Councilman D. McDermott, **“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