

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
MONDAY, MARCH 22, 2010**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, March 22, 2010 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG:

PRAYER: The Prayer was said by City Clerk McKinney.

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

PROCLAMATION: National Auctioneer's Day – April 17, 2010: Read by Bruce McKinney and presented to John Bearrows.

REPORTS AND COMMUNICATIONS:

- **Mayor:**
 - Sue Messer was recommended by Mayor Olson to the Police and Fire Pension Boards. Moved by Councilwoman Hollonbeck and seconded by Councilman D. McDermott, **“I move the Council approves the Mayor’s appointment of Sue Messer to the Police and Fire Pension Boards.”** Motion passed by voice vote without dissent.
- **Council Members:**
 - Kathy Hollonbeck: Brought a signed petition for the Illinois Fair Map Amendment to be put on the ballot for a vote. There will still be other opportunities for additional people to sign.
 - Bil Hayes: Thanked Hand-in-Hand for the lunch they brought in recently for staff. He also thanked them for the wonderful things they do for the City.
- **Financial Statements – February 2010:** no comments.
- **Blood Drive at City Hall on Tuesday, March 30th from 2:00-7:00 p.m.** – sponsored by the Police Department.

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – March 8, 2010;
- b) Approve Bills 02/26/10-03/04/10 and 03/05/10-03/11/10;
- c) Approve Payroll 02/22/10-03/07/10;

Moved by Councilman Berg 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 D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.

- 2) **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 which subsequently was transferred to AT&T Comcast Corporation. 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. A Public Hearing was held at the March 8, 2010 City Council meeting for public comments on the proposed franchise. Due to questions that were raised, and additional information requested, the consideration of the renewal was held over until the March 22, 2010 City Council meeting. Comcast has provided additional information on the price schedule and channel line-ups for Rochelle and DeKalb-Sycamore. The channel line-ups appear to be very similar with Rochelle having slightly more channels when all service levels are considered. The price structures are also comparable with some differences noted in the Basic and Triple Play levels where Rochelle's fees are slightly higher and Expanded Basic where Rochelle's fees are slightly lower. Comcast also provided a list of 112 communities that have renewed their franchise agreement in the past two years. Per Christopher Nelson "None of the agreements contains price or channel line-up conditions, as municipalities cannot regulate in accordance with federal laws and regulations." The proposed five-year Cable Television Franchise Agreement includes provisions that are beneficial to the City including quarterly franchise fees equal to 5% of the gross revenues and free cable service to municipal facilities, schools, and libraries. The Mayor had made a chart showing the different cable packages as well as a comparison with DeKalb and other nearby cities. He has also heard from a couple of citizens since the last meeting. Councilman Berg stated it is all about choices. We don't have any control over pricing or lineup of channels. It was felt by some of the council that the fees are too high for what we get but there isn't any other choice outside of customers changing over to a satellite dish. Councilwoman Hollonbeck encouraged customers to call Comcast Customer Service, but Mayor Olson mentioned that he has had quite a few complaints that Customer Service is not helpful. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move Ordinance 10-3901, An Ordinance Approving Renewal of Comcast Franchise Agreement, be adopted."** John Kaminski did address the council regarding difficulties he has had with Comcast, getting answers, and unresolved problems. It was decided by Council that they have no control over Comcast and as it is the only cable service available, therefore should vote in favor of the five-year contract. Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.
- 3) **Intergovernmental Agreement between the City and Ogle Lee Fire Protection District:** An Intergovernmental Agreement between the City of Rochelle and Ogle Lee Fire Protection District was approved by City Council on November 25, 2002. The contract was later extended under the same terms and conditions for two years with an expiration date of April 30, 2010. Through this agreement the City of Rochelle provides fire protection, rescue and ambulance services to the Ogle/Lee Fire Protection District. The proposed agreement continues to provide for the day-to-day administration of the Ogle/Lee-City Departments as a single entity under the direction of the City's Fire Chief and City Manager. The only change, as compared to the prior contract, is an increase in the compensation which was negotiated between the City and the District. The base amount for the period May 1, 2010 through April 30, 2011 has been increased to \$45,000 and will be paid monthly at the rate of \$3,750. Each subsequent year the fee will be adjusted annually based upon the increase or decrease of the equalized assessed value (EAV) of the Ogle Lee Fire Protection District. The 2009 EAV of the District is \$117,146,044 and has been steadily increasing. The term of the new agreement is from May 1, 2010 through April 30, 2015 and will continue from year to year unless either party provides notice six months prior to the end of the most current term. The District plans to take action on the agreement at their meeting on April 13, 2010. Moved by Councilman T. McDermott and seconded by Councilman Hayes, **"I move Agreement 10-3904, An Intergovernmental Agreement between the City of Rochelle and Ogle-Lee Fire Protection District, be approved."** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.

- 4) **Ordinance Amending Municipal Code to Provide for Industrial Peddlers:** On April 4, 2007 the Mayor and Council approved an amendment to the municipal code which regulates peddlers. The modifications at that time were made to facilitate the City's ability to conduct background checks by limiting the peddler's license to a five-day permit. The City has received a request from a vendor that desires to sell in our industrial park. City Clerk, Bruce McKinney, has proposed modifications that will allow a vendor, selling exclusively to industries in industrial zones, to obtain a three-month license. The vendor's ability to sell will also be subject to the approval of the individual industry. They will still be required to have a background check and fingerprints, purchase a badge that is good for them only; this applies to each person selling. This license will not allow them to go out on the street and sell to residents. The cost will be \$100.00. They also need a Health Department License to sell food. Moved by Councilman Berg and seconded by Councilman D. McDermott, **"I move Ordinance 10-3905, An Ordinance Amending Sections 70-31 and 26-44 of the Municipal Code of the City of Rochelle to provide for Industrial Peddlers, be adopted."** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.
- 5) **Resolution Urging Reconsideration of the Local Government Distributive Fund Cuts:** Governor Patrick Quinn proposed a 30% reduction in the Local Government Distributive Fund (LGDF) to municipalities as part of his 2011 Budget Address to the Illinois General Assembly on March 10, 2010. These cuts, among others, are proposed in response to the State of Illinois' current financial crisis. A 30% reduction in the LGDF to the City of Rochelle would equate to a loss of \$218,849 to the City of Rochelle for Fiscal Year 2010/2011. This is 2.9% of the anticipated general fund for next year. Municipalities throughout the state count on revenues received through the State income tax, along with property tax, sales tax, and user fees, to fund critical services to our community. Upon approval of this resolution a certified copy will be mailed to Governor Quinn as well as our State Senators and Representatives. Mr. Alberts has spoken to our Representative Bob Pritchard who is of the opinion that the legislature will not approve the governor's proposal but advised us to communicate to the governor's office. Moved by Councilwoman Hollonbeck and seconded by Councilman D. McDermott, **"I move Resolution R10-08, A Resolution Urging the Governor to Reconsider the LGDF Funding Cuts, be adopted."** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.
- 6) **Resolution Urging Support of the Illinois Fair Map Amendment:** In the State of Illinois the process of redistricting is done every 10 years, upon the availability of census data, to rebalance the population into legislative districts. The intent of this process is to provide fair representation by population and diversity. For the past 30 years Illinois legislators have created the legislative districts in private with very few restrictions. If the parties in power cannot agree on the map boundaries, the political parties are placed in a hat with the "winner" having the ability to draw the map. The current redistricting process allows politicians to impact future elections based on incumbents and voting history. A citizens' initiative is underway to put an amendment on the November 2010 ballot to reform the state's redistricting process. The amendment places the map duties in the hands of an independent Commission and removes political considerations from the process. The initiative is supported by a growing coalition which includes: the League of Women Voters, Illinois Chamber of Commerce, Illinois Farm Bureau, and the Better Government Association. Representative Bob Pritchard and Senator Brad Burzynski support the fair map amendment and are encouraging voters to sign the petitions. Petitions are available through members of the League of Women Voters and various community members, at Rochelle City Hall, and the Rochelle News Leader office and should be signed by early April in order to meet the May filing deadline. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **"I move Resolution R10-09, A Resolution Urging Support of the Illinois Fair Map Amendment, be adopted."** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.

- 7) **Ordinance Amending Municipal Code – Flood Hazard Area Development:** The City is a participant in the National Flood Insurance Program (NFIP) which provides property owners in flood hazard areas with the ability to financially protect themselves. The Illinois Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA) has notified the City that in order to remain in the NFIP program, we must adopt floodplain measures by April 5, 2010 that meet or exceed their minimum requirements. New countywide floodplain maps have been produced for Lee County which will become effective April 5, 2010. These maps include property located within the City of Rochelle. Ogle County is currently in the process of updating their flood plain maps which are expected to become effective later this year. City Engineer, Sam Tesreau has discussed the status of these map updates with the NFIP State Coordinator at the IDNR and believes that the proposed ordinance modifications will meet the NFIP requirements. It is extremely important that the flood insurance provided through the NFIP not be suspended since new policies would not be available and existing policies would not be eligible for renewal. Sam Tesreau, City Engineer, was present for further information and to answer questions. New development, including facilities which are critical to the health and welfare of the population, has an effect on our flood plain. Also, with the city limits expanding, there is a definite need for this amendment. Some homes now in the flood plain may not continue to be but at the same time some not currently in the flood plain may now be in a flood plain. Moved by Councilwoman Hollonbeck and seconded by Councilman T. McDermott, **“I move Ordinance 10-3906, An Ordinance Amending Chapter 46 of the Municipal Code-Flood Hazard Area Development Pending Final Review and Acceptance by IDNR and FEMA, be adopted.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.
- 8) **Ordinance Authorizing the Establishment of a Tax Increment Financing (TIF) “Interested Parties” Registry and Adopting Registration Rules for the Rochelle Lighthouse Pointe TIF District:** On March 23, 2009 the Mayor and Council Approved an Inducement Resolution as the first step in the process of establishing a TIF District to assist with the financing of public improvements associated with the Lighthouse Pointe development. On April 13, 2009 a Predevelopment Agreement was approved, establishing a maximum reimbursement amount for eligible project costs related to the offsite public infrastructure and setting a deadline of June 15, 2010 for a foundation to be in the ground. On October 23, 2009 Wal-Mart officially purchased the property for a future store location. The City continues to be in contact with the developer and other parties associated with the Wal-Mart project. At this time it is unclear whether or not the June 15, 2010 deadline will be met. It is understood that once Wal-Mart is prepared to move forward they will likely do so at a rapid pace. In order to meet the commitment of pursuing a TIF District, it is staff’s recommendation that the next steps in the TIF process be acted upon. The establishment of an Interested Parties Registry and establishment of a date for the public hearing do not expand our current obligations. Mr. Alberts has presented the council and the media with supplement information on this proposed ordinance. Ryan Fitzgerald, the developer, was present, as well as Alan Cooper, City Attorney. Even though not all of the council members are in favor of a TIF, they feel that they must go ahead and find a way to finance their obligation should WalMart proceed as planned. As the council prepared to vote on the ordinance, John Kaminski, came forward for public commentary. He stated that Steve Nicholson, a representative of WalMart, had returned his call and assured him that WalMart will not have the foundation constructed before the June 15th deadline. He felt that, with that information, the council should not proceed on the TIF. Moved by Councilman Berg and seconded by Councilwoman Hollonbeck, **“I move Ordinance 10-3907, An Ordinance Authorizing the Establishment of a Tax Increment Financing “Interested Parties Registry” and Adopting Registration Rules for such Registries for the Rochelle Lighthouse Pointe Tax Increment Financing District, be adopted.”** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.

- 9) **Ordinance to Establish the Date for Public Hearing for the Rochelle Lighthouse Pointe TIF District:** On March 23, 2009 the Mayor and Council Approved an Inducement Resolution as the first step in the process of establishing a TIF District to assist with the financing of public improvements associated with the Lighthouse Pointe development. On April 13, 2009 a Predevelopment Agreement was approved, establishing a maximum reimbursement amount for eligible project costs related to the offsite public infrastructure and setting a deadline of June 15, 2010 for a foundation to be in the ground. On October 23, 2009 Wal-Mart officially purchased the property for a future store location. The City continues to be in contact with the developer and other parties associated with the Wal-Mart project. At this time it is unclear whether or not the June 15, 2010 deadline will be met. It is our understanding that once Wal-Mart is prepared to move forward they will likely do so at a rapid pace. In order to meet our commitment of pursuing a TIF District, it is staff's recommendation that the next steps in the TIF process be acted upon. The establishment of an Interested Parties Registry and establishment of a date for the public hearing do not expand our current obligations. Moved by Councilwoman Hollonbeck and seconded by Councilman McDermott, **"I move Ordinance 10-3908, An Ordinance to Establish Date for Public Hearing for the Rochelle Lighthouse Pointe Tax Increment Financing District, be adopted."** Roll call vote was taken. Ayes: Councilmembers D. McDermott, Berg, Hayes, Hollonbeck, T. McDermott, and Mayor Olson. Nays: None. Absent: Councilman Eckhardt. Motion passed 6-0.

PUBLIC COMMENTARY:

- **Steve Liezert, Director of the Park District:** He has discovered that a section of the land in the TIF district is a part of the park district; therefore, would like to be considered an interested party of the TIF District.
- **Kathy Cooper, Superintendent of the Water/WW Division:**
 - Reported on the current status of the water main work on Lincoln Highway. The pavement has been cut for the installation of the replacements. There should be no interruption of water for the stores and residents in the area. The plan on two to three weeks to complete the work. Parking has been moved to the city parking lots.
 - Also reported on major repair work that started as a result of a leak on south Main Street. The pipe needing to be replaced was 15 ft. under ground.

DISCUSSION ITEMS: None

EXECUTIVE SESSION: None

ADJOURNMENT: At 8:45 pm, moved by Councilman D. McDermott and seconded by Councilman T. 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