

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD MAY 21 2003

STATE OF ILLINOIS  
Pollution Control Board

ROCHELLE WASTE DISPOSAL, L.L.C. )  
)  
Petitioner, )  
)  
vs. )  
)  
)  
CITY COUNCIL OF THE CITY OF )  
ROCHELLE, ILLINOIS, )  
)  
Respondent. )

No. PCB 03- 218

(Pollution Control Facility  
Siting Appeal)

**NOTICE OF FILING**

TO: Counsel or Parties on attached Certificate of Service.

YOU ARE HEREBY NOTIFIED, that on May 20, 2003, we filed an original and nine copies with the Illinois Pollution Control Board, the attached Rochelle Waste Disposal, L.L.C.'s Petition to Review Pollution Control Facility Siting Decision in the above entitled matter, a copy of which is herewith served on you.

ROCHELLE WASTE DISPOSAL, L.L.C.

By:   
Michael F. O'Brien

Michael F. O'Brien  
McGreevy, Johnson & Williams, P.C.  
6735 Vistagreen Way  
P.O. Box 2903  
Rockford, IL 61132  
815/639-3700  
815/639-9400 (Fax)

**ATTORNEY'S CERTIFICATE OF SERVICE**


The undersigned, being first duly sworn on oath, depose and say that I am an attorney and served the foregoing instrument upon the within named:

Rochelle City Council  
Office of the City Clerk  
c/o Bruce McKinney, City Clerk  
Rochelle City Hall  
Sixth Street & Fifth Avenue  
Rochelle, IL 61068-0601

Charles Helsten, Esq.  
Hinshaw & Culbertson  
100 Park Avenue  
Rockford, IL 61101

Dennis Hewitt, Esq.  
Rochelle City Attorney  
Hewitt Law Offices  
1124 Lincoln Highway  
P.O. Box 605  
Rochelle, IL 61068

by sealing a true and correct copy of the same in an envelope, addressed as shown above, with sufficient United States postage and by depositing said envelope, so sealed and stamped, in the United States Mail at Rockford, Illinois, at or about the hour of 5 o'clock p.m., on the 20<sup>th</sup> day of May, 2003.



\_\_\_\_\_  
Michael F. O'Brien

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McGreevy, Johnson & Williams, P.C.  
6735 Vistagreen Way  
P.O. Box 2903  
Rockford, IL 61132  
815/639-3700  
815/639-9400 (Fax)  
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**RECEIVED**  
CLERK'S OFFICE

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD** MAY 21 2003

STATE OF ILLINOIS  
Pollution Control Board

ROCHELLE WASTE DISPOSAL, L.L.C. )

Petitioner, )

vs. )

CITY COUNCIL OF THE CITY OF )  
ROCHELLE, ILLINOIS, )

Respondent. )

No. PCB 03- 218

(Pollution Control Facility  
Siting Appeal)

**PETITION TO REVIEW POLLUTION CONTROL  
FACILITY SITING DECISION**

Petitioner Rochelle Waste Disposal, L.L.C. ("RWD"), by McGreevy, Johnson & Williams, P.C., its attorneys, respectfully requests a hearing to contest the decision of the City Council of Rochelle, Illinois ("the City Council") denying siting approval for the proposed expansion of the Rochelle Municipal Landfill No. 2 ("the Expansion"), and in support of this Petition, RWD states as follows:

1. This Petition is filed pursuant to Section 40.1(a) of the Illinois Environmental Protection Act (the "Act") (415 ILCS 5/40.1).
2. On November 22, 2002, RWD submitted to the City Council its Application for local siting approval for the Expansion ("the Application"). The Expansion of the present 80 acre site located at 6513 South Mulford Road, Rochelle, Illinois, would increase the permitted disposal area from 61.36 to 211.14 acres on a total site of 318.6 acres and would increase the height from 876 msl to 960 msl. The Expansion would be used for the disposal of municipal solid waste and non-hazardous

special waste with a proposed average daily volume of 2500 tons as well as a proposal to exhume the waste in the unlined Unit 1 of the existing facility and relocate it in the modern, lined Expansion.

3. On April 24, 2003 (as purportedly reconsidered and modified without notice to RWD on April 28, 2003), following service and publication of notice and public hearings conducted before a hearing officer, said hearings having been held between February 24 and March 4, 2003, the City Council denied the Application. A true and correct copy of the City Council's Resolution R03-10 denying same is attached hereto as Exhibit A. True and correct copies of the minutes of the City Council's meetings on April 24 and April 28, 2003, are attached hereto as Exhibits B and C, respectively.

4. RWD contests and objects to the City Council's decision to deny the Application because the siting process and procedures used by the City Council in reaching that decision were fundamentally unfair.

5. RWD further contests the City Council's siting denial because it is wholly unsupported by the record and is against the manifest weight of the evidence.

6. To the extent the City Council's siting denial held that criteria (i), (ii), (iii), (vi) and (ix) of the Act were not met, the denial was clearly against the manifest weight of the evidence as was the imposition of the special conditions imposed by the Resolution R03-10 and the purported reconsideration and modification of that decision on April 28, 2003, without notice to RWD.


WHEREFORE, RWD respectfully requests that the Board enter an order (a) setting for hearing this contest of the City Council's siting denial decision, (b) reversing

the City Council's siting denial decision, and (c) providing such other and further relief as the Board deems appropriate.

Respectfully submitted,

ROCHELLE WASTE DISPOSAL, L.L.C.

By: McGreevy, Johnson & Williams, P.C.

By:   
\_\_\_\_\_  
Michael F. O'Brien  
One of Its Attorneys

Michael F. O'Brien  
McGreevy, Johnson & Williams, P.C.  
6735 Vistagreen Way  
P.O. Box 2903  
Rockford, IL 61132-2903  
(815)639-3700  
(815)639-9400 (Fax)  
00327444.DOC

COPY

RESOLUTION OF THE ROCHELLE CITY COUNCIL  
ON THE ROCHELLE WASTE DISPOSAL, LLC APPLICATION FOR A  
POLLUTION CONTROL FACILITY  
RESOLUTION NO. R03-10

WHEREAS, ROCHELLE WASTE DISPOSAL, LLC ("APPLICANT") has petitioned the City of Rochelle, and the Rochelle City Council ("City Council") for local siting approval of a pollution control facility. Specifically, APPLICANT proposes to develop a comprehensive waste management facility including transfer, storage, treatment, and disposal of non-hazardous solid waste, as detailed in its Application for Approval of a Pollution Control Facility ("Application").

WHEREAS, the Rochelle City Council conducted various public hearings and received testimony from expert witnesses presented by the Applicant and various Participants for purposes of eliciting public comment and evaluation the Application; and

WHEREAS, the Rochelle City Council has accepted and considered all written comments delivered or mailed within 30 days of the last day of the public hearing; and

WHEREAS, the Rochelle City Council has reviewed the Application in light of the criteria established for consideration of siting of pollution control facilities in Section 39.2 of the Illinois Environmental Protection Act; and

WHEREAS, the Rochelle City Council finds that the Hearing Officer, Mr. Glenn C. Sechen, properly ruled upon the Pre-hearing issues and Motions to Dismiss and Disqualify made by Ogle County Concerned Citizens, and

WHEREAS, after review of the Application, the expert testimony presented, all exhibits, all public comments, the Report and Recommendation of City Staff, and the proposed Findings of Fact and Conclusions of Law submitted by the Hearing Officer herein, and after considering all relevant and applicable factors and matters, the Rochelle City Council HEREBY FINDS as follows:

- I. That the Rochelle City Council has jurisdiction to consider the Rochelle Waste Disposal, LLC application for siting approval of a pollution control facility based upon the applicant's proper notification as provided by Section 39.2 of the Illinois Environmental Protection Act and the City of Rochelle Siting Ordinance as such laws pertain to the persons and entities that appear on the authentic tax records of Ogle County which are maintained by the Ogle County Treasurer, as well as such other notice requirements set forth in such statutory provisions. (Further, that the hearing was conducted in a fundamentally fair manner.)

Nay 0  
Aye 5

Abstain 0

II. (A) CRITERION #1: THE FACILITY IS NECESSARY TO ACCOMMODATE THE WASTE NEEDS OF THE AREA IT IS INTENDED TO SERVE.

The Applicant has demonstrated compliance with Criterion #1:

Nay 4 Abstain 0  
Aye 1

(B) CRITERION #2: THE FACILITY IS SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED THAT THE PUBLIC HEALTH, SAFETY AND WELFARE WILL BE PROTECTED.

The Applicant has demonstrated compliance with Criterion #2:

Nay 3 Abstain 0  
Aye 2

(C) CRITERION #3: THE FACILITY IS LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA AND TO MINIMIZE THE EFFECT ON THE VALUE OF THE SURROUNDING PROPERTY.

The Applicant has demonstrated compliance with Criterion #3:

Nay 3 Abstain 0  
Aye 2

(D) CRITERION #4: THE FACILITY IS LOCATED OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOODPLAN OR THE SITE IS FLOOD-PROOFED.

The Applicant has demonstrated compliance with Criterion #4:

Nay 0 Abstain 0  
Aye 5

(E) CRITERION #5: THE PLAN OF OPERATIONS FOR THE FACILITY IS DESIGNED TO MINIMIZE THE DANGER TO THE SURROUNDING AREA FROM FIRE, SPILLS, OR OTHER OPERATIONAL ACCIDENTS.

The Applicant has demonstrated compliance with Criterion #5:

Nay 0 Abstain 0  
Aye 5

Does the City Council hold that its finding of compliance with Criterion #5 is subject to any special conditions?

Nay 0 Aye 5 Abstain 0

Special Conditions to Criterion #5:

41. The Applicant shall develop a comprehensive Health and Safety Plan which outlines procedures and other such appropriate plans necessary for safe exhumation of existing Unit 1. These plans shall be submitted to the City of Rochelle for review and concurrence prior to submittal of the IEPA permit application to conduct such activities.
42. The operator shall immediately notify the City of Rochelle of the composition and source of any regulated hazardous waste which has been discovered to be accepted at the facility.

Special conditions to Criterion #5 approved

Nay 0 Aye 5 Abstain 0

(F) CRITERION #6: THE TRAFFIC PATTERNS TO OR FROM THE FACILITY ARE SO DESIGNED AS TO MINIMIZE THE IMPACT ON EXISTING TRAFFIC FLOWS.

The Applicant has demonstrated compliance with Criterion #6:

Nay 4 Abstain 0  
Aye 1

(G) CRITERION #7: IF THE FACILITY WILL BE TREATING, STORING OR DISPOSING OF HAZARDOUS WASTE, AN EMERGENCY RESPONSE PLAN EXISTS FOR THE FACILITY WHICH INCLUDES NOTIFICATION, CONTAINMENT, AND EVACUATION PROCEDURES TO BE USED IN CASE OF AN ACCIDENTAL RELEASE.

The Applicant has demonstrated compliance with Criterion #7:

Nay 0 Abstain 0  
Aye 5



(H) CRITERION #8: IF THE FACILITY IS TO BE LOCATED IN A COUNTY WHERE THE COUNTY BOARD HAS ADOPTED A SOLID WASTE MANAGEMENT PLAN CONSISTENT WITH THE PLANNING REQUIREMENTS OF THE LOCAL SOLID WASTE DISPOSAL ACT OR THE SOLID WASTE PLANNING AND RECYCLING ACT, THE FACILITY IS CONSISTENT WITH THAT PLAN.

The Applicant has demonstrated compliance with Criterion #8:

Nay 1 Abstain 0  
Aye 4

Does the City Council hold that its finding of compliance with Criterion #8 is subject to any special conditions?

Nay 0 Aye 5 Abstain 0

Special conditions to Criterion #8:

49. Within 90 days of receiving final and non-appealable siting approval, the Applicant shall notify, in writing, the Ogle County Solid Waste Department of all parties affected by the ground water well and property value protection plan as described within the executed Host County Agreement.

Special conditions to Criterion #8 approved:

Nay 0 Aye 5 Abstain 0

(I) CRITERION #9: IF THE FACILITY WILL BE LOCATED WITHIN A REGULATED RECHARGE AREA, ANY APPLICABLE REQUIREMENTS SPECIFIED BY THE BOARD FOR SUCH AREAS HAVE BEEN MET.

The Applicant has demonstrated compliance with Criterion #9:

Nay 3 Abstain 0  
Aye 2

NOW, THEREFORE, BE IT RESOLVED by the Rochelle City Council that based upon its findings on these nine criteria, the Rochelle City Council hereby:

Denies the Application for siting approval.

BE IT FURTHER RESOLVED that this Resolution becomes effective immediately upon the adoption thereof.

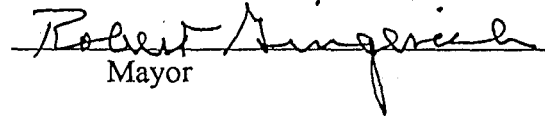
PRESENTED, PASSED AND APPROVED this 24th day of April, 2003.

ROCHELLE CITY COUNCIL  
ROCHELLE, ILLINOIS

ATTEST:

  
\_\_\_\_\_  
City Clerk

BY:

  
\_\_\_\_\_  
Mayor

70358675v1 786489

**ROCHELLE CITY COUNCIL  
SPECIAL COUNCIL MEETING  
THURSDAY APRIL 24, 2003**

The Rochelle City Council met in Special Session at 7:00 p.m. on April 24, 2002 in the Council Chambers of City Hall, 420 N. 6<sup>th</sup> Street, Rochelle, IL 61068.

Present on Roll Call were Councilmen Bubik, Colwill, Hann, and Kissick and Mayor Gingerich. Absent None. Also present were City Manager Salitros, City Attorney Hewitt, and City Clerk McKinney.

*BUSINESS ITEMS*

1. To Consider and act upon the request of Rochelle Waste Disposal, LLC's petition for local siting approval of a pollution control facility. Mayor Gingerich asked City Attorney to present the Resolution for consideration.

Attorney Hewitt stated that the Council first has to determine that they have the authority to rule on the application. Mayor Gingerich moved and seconded by Councilman Hann, "I move that the Council finds that the Rochelle City Council has jurisdiction to consider the Rochelle Waste Disposal, LLC application for siting approval of a pollution control facility based upon the applicant's proper notification as provided by Section 39.2 of the Illinois Environmental Protection Act and the City of Rochelle Siting Ordinance as such laws pertain to the persons and entities that appear on the authentic tax records of Ogle County which are maintained by the Ogle County Treasurer, as well as such other notice requirements set forth in such statutory provisions. Further, that the hearing was conducted in a fundamentally fair manner". A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

- A. Criterion #1. Mayor Gingerich moved and seconded by Councilman Bubik, "I move the Council concur that the Applicant has demonstrated compliance with Criterion #1: THE FACILITY IS NECESSARY TO ACCOMMODATE THE WASTE NEEDS OF THE AREA IT IS INTENDED TO SERVE." A roll call was taken. Ayes: Mayor Gingerich. Nays: Councilman Bubik, Colwill, Hann, and Kissick. Motion failed 1-4.
- B. Criterion #2. Councilman Bubik moved and seconded by Councilman Hann, "I move the Council concur that the applicant has demonstrated compliance with Criterion #2: THE FACILITY IS SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED THAT THE PUBLIC HEALTH, SAFETY AND WELFARE WILL BE PROTECTED." A roll call was taken. Ayes: Councilman Hann and Mayor Gingerich. Nays: Councilmen Bubik, Colwill and Kissick. Motion failed 2-3.
- C. Criterion #3. Councilman Hann moved and seconded by Councilman Bubik, "I move the Council concur that the applicant has demonstrated compliance with Criterion #3: THE FACILITY IS LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA AND TO MINIMIZE THE EFFECT ON THE VALUE OF THE SURROUNDING PROPERTY." A roll call was taken. Ayes: Councilman Hann and Mayor Gingerich. Nays: Councilmen Bubik, Colwill and Kissick. Motion failed 2-3.

D. Criterion #4. Councilman Hann moved and seconded by Councilman Bubik, **"I move the Council concur that the applicant has demonstrated compliance with Criterion #4: THE FACILITY IS LOCATED OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOODPLAN OR THE SITE IS FLOOD-PROOFED."** A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

E. Criterion #5. Mayor Gingerich moved and seconded by Councilman Hann, **"I move the Council concur that the applicant has demonstrated compliance with Criterion #5: THE PLAN OF OPERATIONS FOR THE FACILITY IS DESIGNED TO MINIMIZE THE DANGER TO THE SURROUNDING AREA FROM FIRE, SPILLS, OR OTHER OPERATIONAL ACCIDENTS."** A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

Mayor Gingerich moved and seconded by Councilman Bubik, **"I move the Council attach special conditions to Criterion #5."** A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

Mayor Gingerich moved and seconded by Councilman Bubik, **"I move that the Council attach special conditions 41-42 as found on page 41 in the Hearing Officer's FINDINGS OF FACTS, CONCLUSIONS OF LAW AND RECOMMENDATIONS."** A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

F. Criterion #6. Councilman Bubik moved and seconded by Councilman Hann, **"I move the Council concur that the applicant has demonstrated compliance with Criterion #6: THE TRAFFIC PATTERNS TO OR FROM THE FACILITY ARE SO DESIGNED AS TO MINIMIZE THE IMPACT ON EXISTING TRAFFIC FLOW."** A roll call was taken. Ayes: Mayor Gingerich. Nays: Councilman Bubik, Colwill, Hann, and Kissick. Motion failed 1-4.

G. Criterion #7. Councilman Kissick moved and seconded by Councilman Hann, **"I move the Council concur that the applicant has demonstrated compliance with Criterion #7: IF THE FACILITY WILL BE TREATING, STORING OR DISPOSING OF HAZARDOUS WASTE, AN EMERGENCY RESPONSE PLAN EXISTS FOR THE FACILITY WHICH INCLUDES NOTIFICATION, CONTAINMENT, AND EVACUATION PROCEDURES TO BE USED IN CASE OF AN ACCIDENTAL RELEASE."** A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

H. Criterion #8. Councilman Hann moved and seconded by Councilman Kissick, **"I move the Council concur that the applicant has demonstrated compliance with Criterion #8: IF THE FACILITY IS TO BE LOCATED IN A COUNTY WHERE THE COUNTY BOARD HAS ADOPTED A SOLID WASTE MANAGEMENT PLAN CONSISTENT WITH THE PLANNING REQUIREMENTS OF THE LOCAL SOLID WASTED DISPOSAL ACT OR THE SOLID WASTE PLANNING AND RECYCLING ACT, THE FACILITY IS CONSISTENT WITH THAT PLAN."** A roll call was taken. Ayes: Councilman Bubik, Hann, Kissick and Mayor Gingerich. Nays: Councilman Colwill. Motion passed 4-1.

Mayor Gingerich moved and seconded by Councilman Hann, "I move the Council attach special conditions to Criterion #8." A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

Mayor Gingerich moved and seconded by Councilman Hann, "I move that the Council attach special condition #49 as found on page 50 in the Hearing Officer's FINDINGS OF FACTS, CONCLUSIONS OF LAW AND RECOMMENDATIONS." A roll call was taken. Ayes: Councilman Bubik, Colwill, Hann, Kissick and Mayor Gingerich. Nays: None. Motion passed 5-0.

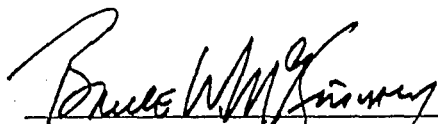
I. Criterion #9. Councilman Bubik moved and seconded by Councilman Hann, "I move the Council concur that the applicant has demonstrated compliance with Criterion #9: IF THE FACILITY WILL BE LOCATED WITHIN A REGULATED RECHARGE AREA, ANY APPLICABLE REQUIREMENTS SPECIFIED BY THE BOARD FOR SUCH AREAS HAVE BEEN MET." A roll call was taken. Ayes: Councilman Hann and Mayor Gingerich. Nays: Councilmen Bubik, Colwill and Kissick. Motion failed 2-3.

J. Unnumbered Criterion. No motion was presented.

K. General Special Conditions to be adopted. No motion was presented.

Mayor Gingerich stated that NOW, THEREFORE, BE IT RESOLVED by the Rochelle City Council that based upon its findings on these nine criteria, the Rochelle City Council hereby denies the Application for siting approval.

*ADJOURNMENT:* With no further business, Councilman Hann moved and seconded by Councilman Kissick seconded, "I move the Council adjourn." Motion passed by voice vote without dissent. Meeting adjourned at 7:35 p.m.

  
Bruce W. McKinney, RMC/CMC  
City Clerk, City of Rochelle

\_\_\_\_\_  
Robert Gingerich  
Mayor, City of Rochelle

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_\_ City Council Regular  
X City Council Special  
\_\_\_\_ Committee of the Whole

\_\_\_\_ City Council Regular  
X City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
✓	✓	BUBIK			
✓	✓	COLWILL			
✓	✓	HANN			
✓	✓	KISSICK			
✓	✓	GINGERICH			

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK		✓	
		COLWILL		✓	
		HANN		✓	
		KISSICK		✓	
		GINGERICH		✓	

MOTION:

MOTION:

(Roll Call)

*I move that the Council finds that the Rochelle City Council has jurisdiction to consider the Rochelle Waste Disposal, LLC application for siting approval of a pollution control facility based upon the applicant's proper notification as provided by Section 39.2 of the Illinois Environmental Protection Act and the City of Rochelle Siting Ordinance as such laws pertain to the persons and entities that appear on the authentic tax records of Ogle County which are maintained by the Ogle County Treasurer, as well as such other notice requirements set forth in such statutory provisions.*

Motion made by: \_\_\_\_\_

Motion made by: \_\_\_\_\_  
Further, that t hearing was conducted in a fundamentally fair manner.

Seconded by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

\_\_\_\_ PASSED \_\_\_\_\_  
\_\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_\_ POST TILL \_\_\_\_\_

✓ PASSED 5-0  
\_\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_\_ POST TILL \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_

*Mayor Hann*

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

City Council Regular  
 City Council Special  
 Committee of the Whole

City Council Regular  
 City Council Special  
 Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			✓
		COLWILL			✓
		HANN			✓
		KISSICK			✓
		GINGERICH	✓		

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

**MOTION:**

*I move the Council concur that the applicant has demonstrated compliance with Criterion #1: THE FACILITY IS NECESSARY TO ACCOMMODATE THE WASTE NEEDS OF THE AREA IT IS INTENDED TO SERVE.*

**MOTION:**

*I move the Council not attach special conditions to Criterion #1.*

Motion made by: Mayor

Motion made by: \_\_\_\_\_

Seconded by: Bubik

Seconded by: \_\_\_\_\_

PASSED 4-1  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PASSED \_\_\_\_\_  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

\_\_\_ City Council Regular  
 City Council Special  
\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK		✓	
		COLWILL	✓	✓	
		HANN	✓		
		KISSICK	✓	✓	
		GINGERICH	✓		

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #2: THE FACILITY IS SO DESIGNED, LOCATED AND PROPOSED TO BE OPERATED THAT THE PUBLIC HEALTH, SAFETY AND WELFARE WILL BE PROTECTED.*

Motion made by: Bubik

Seconded by: Hann

✓ Failed 2-3  
PASSED 3-2  
NOTIFY \_\_\_\_\_  
POST TILL \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_

April 24, 2003

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

\_\_\_ City Council Regular  
 City Council Special  
\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

*I move that the Council attach special conditions #10-37 as found on pages 30 - 34 in the Hearing Officer's FINDINGS OF FACTS, CONSLUSIONS OF LAW AND RECOMMINDATIONS.*

Motion made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

\_\_\_ PASSED \_\_\_\_\_  
\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_ POST TILL \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_



April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_\_ City Council Regular  
 City Council Special  
\_\_\_\_ Committee of the Whole

\_\_\_\_ City Council Regular  
 City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK		✓	✓
		COLWILL		✓	✓
		HANN	✓		
		KISSICK		✓	
		GINGERICH	✓		

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #3: THE FACILITY IS LOCATED SO AS TO MINIMIZE INCOMPATIBILITY WITH THE CHARACTER OF THE SURROUNDING AREA AND TO MINIMIZE THE EFFECT ON THE VALUE OF THE SURROUNDING PROPERTY.*

*I move that the Council attach special conditions #38-40 as found on page 38 in the Hearing Officer's FINDINGS OF FACTS, CONSLUSIONS OF LAW AND RECOMMINDATIONS.*

Motion made by: Hann

Motion made by: \_\_\_\_\_

Seconded by: Bubik

Seconded by: \_\_\_\_\_

~~Failed~~  
PASSED 2-3  
NOTIFY \_\_\_\_\_  
POST TILL \_\_\_\_\_

PASSED \_\_\_\_\_  
NOTIFY \_\_\_\_\_  
POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_ City Council Regular  
\* City Council Special  
\_\_\_ Committee of the Whole

\_\_\_ City Council Regular  
\* City Council Special  
\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK →	✓		
		COLWILL	✓		
		HANN	✓		
		KISSICK	✓		
		GINGERICH	✓		

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL -			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #4: THE FACILITY IS LOCATED OUTSIDE THE BOUNDARY OF THE 100-YEAR FLOODPLAN OR THE SITE IS FLOOD-PROOFED.*

MOTION:

*I move the Council not attach special conditions to Criterion #4.*

Motion made by: Hann

Motion made by: \_\_\_\_\_

Seconded by: Bubik

Seconded by: \_\_\_\_\_

✓ PASSED 5-0  
\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_ POST TILL \_\_\_\_\_

\_\_\_ PASSED \_\_\_\_\_  
\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_ POST TILL \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

City Council Regular  
 City Council Special  
 Committee of the Whole

City Council Regular  
 City Council Special  
 Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAI	ABSTAIN
		BUBIK	✓	/	
		COLWILL	✓	/	
		HANN	✓	/	
		KISSICK	✓	/	
		GINGERICH	✓	/	

PRESENT	ABSENT	NAME	YEA	NAI	ABSTAIN
		BUBIK	✓	/	
		COLWILL	✓	/	
		HANN	✓	/	
		KISSICK	✓	/	
		GINGERICH	✓	/	

Passed 5-0

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #5: THE PLAN OF OPERATIONS FOR THE FACILITY IS DESIGNED TO MINIMIZE THE DANGER TO THE SURROUNDING AREA FROM FIRE, SPILLS, OR OTHER OPERATIONAL ACCIDENTS.*

MOTION:

*I move that the Council attach special conditions 41-42 as found on page 41 in the Hearing Officer's FINDINGS OF FACTS, CONCLUSIONS OF LAW AND RECOMMENDATIONS.*  
April 24, 2003

*Mayor Bublik To attach conditions 41-42*

Motion made by: Mayor

Motion made by: Mayor

Seconded by: Hann

Seconded by: Bublik

PASSED 5-0  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PASSED 5-0  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_

Number: \_\_\_\_\_

Time: \_\_\_\_\_

Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_\_ City Council Regular  
\* City Council Special  
\_\_\_\_ Committee of the Whole

\_\_\_\_ City Council Regular  
\* City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK -		✓	✓
		COLWILL		✓	✓
		HANN		✓	✓
		KISSICK		✓	✓
		GINGERICH		✓	✓

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #6: THE TRAFFIC PATTERNS TO OR FROM THE FACILITY ARE SO DESIGNED AS TO MINIMIZE THE IMPACT ON EXISTING TRAFFIC FLOWS.*

*I move that the Council attach special conditions #43 - 48 as found on pages 45 - 46 in the Hearing Officer's FINDINGS OF FACTS, CONSLUSIONS OF LAW AND RECOMMINDATIONS.*

Motion made by: Bubik

Motion made by: \_\_\_\_\_

Seconded by: Hann

Seconded by: \_\_\_\_\_

✓ Failed  
PASSED 1-4  
NOTIFY \_\_\_\_\_  
POST TILL \_\_\_\_\_

\_\_\_\_ PASSED \_\_\_\_\_  
\_\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_\_ POST TILL \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_

*Not agreed to*

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_ City Council Regular  
 City Council Special  
\_\_\_ Committee of the Whole

\_\_\_ City Council Regular  
 City Council Special  
\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NOY	ABSTAIN
		BUBIK		<input checked="" type="checkbox"/>	
		COLWILL		<input checked="" type="checkbox"/>	
		HANN		<input checked="" type="checkbox"/>	
		KISSICK		<input checked="" type="checkbox"/>	
		GINGERICH		<input checked="" type="checkbox"/>	

PRESENT	ABSENT	NAME	YEA	NOY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #7: IF THE FACILITY WILL BE TREATING, STORING OR DISPOSING OF HAZARDOUS WASTE, AND EMERGENCY RESPONSE PLAN EXISTS FOR THE FACILITY WHICH INCLUDES NOTIFICATION, CONTAINMENT, AND EVACUATION PROCEDURES TO BE USED IN CASE OF AN ACCIDENTAL RELEASE.*

*I move the Council not attach special conditions to Criterion #7.*

Motion made by: Kissick

Motion made by: \_\_\_\_\_

Seconded by: Hann

Seconded by: \_\_\_\_\_

PASSED 5-0  
\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_ POST TILL \_\_\_\_\_

\_\_\_ PASSED \_\_\_\_\_  
\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_ POST TILL \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_

\_\_\_ DEFER \_\_\_\_\_

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

City Council Regular  
 City Council Special  
 Committee of the Whole

City Council Regular  
 City Council Special  
 Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAI	ABSTAIN
		BUBIK	✓	✓	
		COLWILL	✓	✓	
		HANN	✓	✓	
		KISSICK	✓	✓	
		GINGERICH	✓	✓	

PRESENT	ABSENT	NAME	YEA	NAI	ABSTAIN
		BUBIK	✓	✓	
		COLWILL	✓	✓	
		HANN	✓	✓	
		KISSICK	✓	✓	
		GINGERICH	✓	✓	

MOTION:

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #8: IF THE FACILITY IS TO BE LOCATED IN A COUNTY WHERE THE COUNTY BOARD HAS ADOPTED A SOLID WASTE MANAGEMENT PLAN CONSISTENT WITH THE PLANNING REQUIREMENTS OF THE LOCAL SOLID WASTE DISPOSAL ACT OR THE SOLID WASTE PLANNING AND RECYCLING ACT, THE FACILITY IS CONSISTENT WITH THAT PLAN.*

*I move that the Council attach special condition #49 as found on page 50 in the Hearing Officer's FINDINGS OF FACTS, CONSLUSIONS OF LAW AND RECOMMINDATIONS.*

Motion made by: Hann

Motion made by: Mayor

Seconded by: Kissick

Seconded by: \_\_\_\_\_

PASSED 4-1  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PASSED 5-0  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

DEFER \_\_\_\_\_

*Motion to attach Spec. Cond  
to Criterion  
Passed 5-0  
Mayor*

April 24, 2003

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

\_\_\_\_ City Council Regular  
 City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			<input checked="" type="checkbox"/>
		COLWILL			<input checked="" type="checkbox"/>
		HANN	<input checked="" type="checkbox"/>		
		KISSICK		<input checked="" type="checkbox"/>	
		GINGERICH	<input checked="" type="checkbox"/>		

MOTION:

*I move the Council concur that the applicant has demonstrated compliance with Criterion #9: IF THE FACILITY WILL BE LOCATED WITHIN A REGULATED RECHARGE AREA, ANY APPLICABLE REQUIREMENTS SPECIFIED BY THE BOARD FOR SUCH AREAS HAVE BEEN MET.*

Motion made by: Bubik

Seconded by: Hann

PASSED 2-3  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

\_\_\_\_ City Council Regular  
 City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

*I move the Council not attach special conditions to Criterion #9.*

Motion made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

PASSED \_\_\_\_\_  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

April 24, 2003

Date of Meeting \_\_\_\_\_

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

CITY OF ROCHELLE

ROLL CALL

ROLL CALL

\_\_\_\_ City Council Regular  
\_\_\_\_  City Council Special  
\_\_\_\_ Committee of the Whole

\_\_\_\_ City Council Regular  
\_\_\_\_  City Council Special  
\_\_\_\_ Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

MOTION:

*I move that the City Council attach a special condition to the unnumbered criterion as found on page 52 of the Hearing Officers findings of facts.*

*I move that the City Council attach General Special Conditions #1-9 as found on pages 53 & 54 of the Hearing Officers findings of facts.*

*No Motion Being Made*

*No Motion*

Motion made by: \_\_\_\_\_

Motion made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

\_\_\_\_ PASSED \_\_\_\_\_  
\_\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_\_ POST TILL \_\_\_\_\_

\_\_\_\_ PASSED \_\_\_\_\_  
\_\_\_\_ NOTIFY \_\_\_\_\_  
\_\_\_\_ POST TILL \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ PRIVILEGE OF THE FLOOR \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_

\_\_\_\_ DEFER \_\_\_\_\_



April 24, 2003

Date of Meeting \_\_\_\_\_

Time: 7:35 Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

City Council Regular  
 City Council Special  
 Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

*I move the Council adjourn.*

Motion made by: Hann

Seconded by: Kissick

PASSED \_\_\_\_\_  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

April 24, 2003

Date of Meeting \_\_\_\_\_

Time: \_\_\_\_\_ Number: \_\_\_\_\_

CITY OF ROCHELLE

ROLL CALL

City Council Regular  
 City Council Special  
 Committee of the Whole

ROLL CALL Vote \_\_\_\_\_  
VIA VOICE Vote \_\_\_\_\_

PRESENT	ABSENT	NAME	YEA	NAY	ABSTAIN
		BUBIK			
		COLWILL			
		HANN			
		KISSICK			
		GINGERICH			

MOTION:

Motion made by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

PASSED \_\_\_\_\_  
 NOTIFY \_\_\_\_\_  
 POST TILL \_\_\_\_\_

PRIVILEGE OF THE FLOOR \_\_\_\_\_

DEFER \_\_\_\_\_

ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING  
MONDAY, APRIL 28, 2003

COPY

The Rochelle City Council met in Regular Session at 7:00 p.m. on April 28, 2003 in the Council Chambers of City Hall, 420 N. 6<sup>th</sup> Street, Rochelle, IL 61068.

Present on Roll Call were Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Absent: None. Also present were City Manager Salitros, City Attorney Hewitt, and City Clerk McKinney.

**APPROVAL OF MINUTES:** Councilman Kissick made a motion and seconded by Councilman Colwill, "I move the minutes of the Regular Council meeting of April 14, 2003 and the Special Council meeting of April 24, 2003 be approved as submitted." Motion passed by voice vote without dissent.

Councilman Hann made a motion and seconded by Councilman Bubik, "I move the Council accept and place on file the report of the Utility Advisory Board meeting of April 14, 2003 and the Planning Commission Meeting of April 21, 2003." Motion passed by voice vote without dissent.

**BILLS & PAYROLL:** A motion was made by Councilman Colwill and seconded by Councilman Bubik, "I move the bills and payrolls for the second half of April 2003 be allowed and paid when checked over and found correct." Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.

**REPORTS & COMMUNICATIONS:**

**Mayor:** Mayor Gingerich welcomed the Rochelle Township High School students that were in attendance. Mayor Gingerich read a Proclamation, proclaiming April 27 - May 3 as Municipal Clerks Week.

**Councilmen:** None

**PUBLIC COMMENTARY:** None.

**BUSINESS ITEMS**

1. 2003-04 Budget-Public Hearing-Adoption. A public hearing was held. The Preliminary 2003-04 Budget has been available for public inspection since April 14<sup>th</sup>. Councilman Colwill moved and seconded by Councilman Kissick, "I move the 2003-04 Budget, #03-3152, be approved." Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
2. Salary Resolution-2003/04. Management recommends generally adjusting the maximum wage/salary rates by approximately 3%. Entrance level salaries or hourly rates are determined based upon the employee's qualifications for a specific position, but in no event, greater than the maximum rate established for the position. Councilman Hann moved and seconded by Councilman Bubik, "I move Resolution #R03-07, Salary Resolution, be approved." Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
3. Ordinance #03-3147: Ratify and Readopt Annexation of Certain Territory. Legal Council for the petitioners has pointed out the state law provides for annexation petitions being officially filed with the City Clerk. The original petition for annexation is presently duly filed with the City Clerk. Councilman Hann moved and seconded by Mayor Gingerich, "I move Ordinance #03-3147, An Ordinance annexing Certain Territory to the City of Rochelle as petitioned by Richard and Doris Kennay and CenterPoint, be ratified and readopted." Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.

4. Ordinance #03-3148:Ratify and Readopt Amendment to Zoning Map (I-1). Councilman Colwill moved and seconded by Councilman Bubik, **"I move Ordinance #03-3148, An Ordinance amending the Zoning Map for the City of Rochelle Rezoning Certain Property from Agricultural and Industrial (Ogle County) to I-1, be ratified and re-approved."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
5. Ordinance-Amending City Code Section 17.36-Minimum Setbacks. Amending Section 17.36.010 establishes a 100-foot building line setback in I-1 and I-2 zoning districts along Hwy. 38 from 15<sup>th</sup> Street to the West City limits. Councilman Hann moved and seconded by Councilman Kissick, **"I move Ordinance #03-3153, An Ordinance providing for minimum building setbacks along West IL Route 38, be approved."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
6. Ordinance-Comprehensive Plan/Update. The Planning Commission recommended (5-0) that the City Council adopt the 2003 Comprehensive Plan Update. Councilman Colwill moved and seconded by Councilman Hann, **"I move Ordinance #03-3154, An Ordinance adopting the Comprehensive Plan, be approved."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.

Councilman Colwill moved and seconded by Mayor Gingerich, **"I move the Council direct the Planning Commission to consider recommendations/changes to the Zoning Ordinance, Subdivision Regulations, Sign controls or other Development Standards."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0. Planning Commission Chairman Ed Roberts was present.

7. Resolution-Amending Advanced Communication Services Pricing. Ken Alberts, Director of Utilities, was present to answer questions. Councilman Bubik moved and seconded by Councilman Kissick, **"I move Resolution #R03-08, A Resolution establishing advanced communication services pricing, be approved."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
8. Resolution-MFT Appropriation-Chip & Seal Project. Keith Scott was present to answer questions. Funding for the project is through the Motor Fuel Tax (MFT) Fund. This year's project is intended to cover approximately 52,000 sq. yards of street area in various parts of the City. Councilman Kissick moved and seconded by Councilman Bubik, **"I move Resolution #R03-9, A Resolution for Maintenance of Streets and Highways by Municipality under the Illinois highway Code for the sum of \$40,000 of Motor Fuel Tax Funds, be approved."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0.
9. Landfill Application Conditions. Attorney Chuck Helsten was present to explain the reconsideration of Landfill Application Conditions. City Staff and its legal representative believe it prudent for Council to consider the conditions recommended in its report of April 11, 2003 and the recommendations in the Hearing Officers report. Attorney Helsten advised the Council to reconsider Criterion #9 concerning the landfill being in a Recharge Area. The Council had voted that the Applicant did not demonstrate compliance with Criterion #9. Attorney Helsten stated that only the IEPA could determine if the Applicant did or did not meet the Criterion. Attorney Helsten stated that there was not a written notice concerning the Council reconsidering and suggest asking the Applicant and the Concern Citizens of Ogle County for a waiver in the notice. Mayor Gingerich wishes to leave things as they are and not reopen the hearing. He also stated that according to Roberts Rule of Order reconsideration of a motion can only be done at the same meeting. Councilman Kissick moved and seconded by Councilman Colwill, **"I move to reopen the Landfill hearing to reconsider Criterion #9 and the Special Conditions as set forth by the Hearing Officer and to take action this meeting without notice."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, and Kissick. Nays: Mayor Gingerich. Motion passed 4-1.

Tom Hilbert, Applicant, stated that he is not prepared for waiving their rights to a written notice and wants to reserve their right to object. Councilman Kissick moved and seconded by Councilman Colwill, **"I move for reconsideration of the Council's vote in determination on Criterion #9."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, and Kissick. Nays: Mayor Gingerich. Motion passed 4-1.

Councilman Kissick moved and seconded by Councilman Bubik, **"I move that the Applicant has demonstrated compliance with Criterion #9."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, and Kissick. Nays: None. Present: Mayor Gingerich. Motion passed 4-0 with one voting present.

Attorney Helsten stated that the Hearing Officer had added a Condition that the Applicant shall allow and reimburse the City or its designee for the cost of additional inspections and related activities intended to encourage compliance with regulatory requirements and the Special Conditions upon which siting is conditioned. Attorney Helsten suggested the reimbursement should not exceed the sum of the City's Cost. Councilman Kissick moved and seconded by Councilman Colwill, **"I move that notwithstanding the fact the City Council reiterates it's denial of the siting application and not withstanding it's vote to deny it's siting's application vote of April 24 and April 28, in the event a reviewing tribunal would reverse the City Council's denial and impose a final non-appealable siting approval, the City Council feels the 50 Special Conditions stated in Hearing Officers Findings of Fact-Conclusions of Law should be imposed as conditions upon Siting Approval that deemed finding of this Council that the Special Conditions would be reasonable and necessary to accomplish the purposes of Section 39.2 of the Act. In no way is the consideration of Special Conditions be construed as conditional Siting Approval by this board and this board continues to deny this application."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, and Kissick. Nays: None. Present: Mayor Gingerich. Motion passed 4-0 with one voting present.

Councilman Colwill moved and seconded by Councilman Kissick, **"I move the Council is reiterating its intention to deny the Landfill Siting Application."** Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, and Kissick. Nays: None. Present: Councilman Hann and Mayor Gingerich. Motion passed 3-0 with two voting present.

#### 10. City Manager Report.

- Knights of Columbus The Rochelle Knights of Columbus Council has submitted the annual request to conduct their Tootsie Roll sale-fund raiser on September 19 and 20<sup>th</sup>. The fundraiser proceeds will be used for the benefit of mentally retarded citizens of Illinois and particularly in support of the Village of Progress in Oregon. Management is prepared to approve the request, unless Council has any objections. Council had no objection.
- Mosquito Abatement Program – 2003 The Department of Public Works has issued its 2003 Mosquito Abatement Program, a copy of which is attached for reference. There are three phases to the program:
  - I. Public Information – consists of articles to the print media regarding the program and mosquito prevention; brochures availability on mosquito prevention/tips; and PSA's on the local radio.
  - II. Pre-Season Larvicide Treatment consists of aerial treatment of the Wastewater Plant lagoons, catch basins, ditches, detention areas and flood areas through Mid-May.
  - III. Summer through early October – consists of up to six adult mosquito treatments, as needed, second and third larvicide treatments, the timing of which will be premised on activity monitoring, and a second aerial treatment of the Wastewater lagoons.
- Spring Clean-Up Week May 12-16<sup>th</sup> has been scheduled for the City's annual non-hazardous clean-up week. This is the fifth year that the Public Works Department has participated in the program, which is sponsored by Ogle County Solid Waste Management Department. The City's net cost for this project is about \$1300 – 2000 per year. A grant application for \$1000 has been submitted to offset our local costs.
- Downtown Brick Replacement The next phases of the brick replacement in the downtown are being scheduled so as to be completed before the Lincoln Highway Heritage festival. Like the initial phase, replacement will consist of the brick colored, patterned asphalt. The Public Works Department will remove the existing brick and Rockford Blacktop will do the replacement installation. Costs for this project were budgeted over three years; the project upon completion should come in under the original budget of \$45,000.
- Intermodal Project Status The Federal Economic Development Administration has authorized the City to seek bids on the streetlights, bridge and water and sewer elements of the Intermodal project. Recall that the EDA grant funding is over \$2.2 million.

The utility easements and additional right-of-way along IL Rt. 251, Intermodal Drive and Jack Dame Road (water

easement) have been secured and acknowledged by IDOT. Final acquisition of right-of-way will be made once IDOT gives us their green light.

To obtain the \$750,000 sewer block grant for the Intermodal project, which included a new lift station replacing the one at Southview, the City was required by the State to use the balance of our Revolving Economic Development Fund toward the easements and right-of-way. The Revolving Fund was originally established through an economic development grant.

- Annual Sidewalk Repair Program The majority of funds for this year's sidewalk program will be consolidated with the larger project in Tilton Park. Other areas scheduled for the program will be 12<sup>th</sup> Street from 1<sup>st</sup> Avenue to Lakeview Dr., and Lakeview Dr. from the Kyte River bridge to its west end. Handicap ramps will be repaired/replaced as necessary in the O'Neil Subdivision area north of IL Rt. 38.
- Open House for Outgoing Members An Open House is planned for Tuesday, April 29<sup>th</sup> from 2:00-4:00 p.m. in the Council Chambers for our three outgoing members – Mayor Gingerich, and Councilmen Bubik and Hann.

Mayor Gingerich expressed gratitude to the City Employees. He stated that he feels that the City is in good shape. Mayor Gingerich has served four years as Commissioner and eight years as Mayor.

Councilman Colwill thanked Mayor Gingerich and Councilmen Hann and Bubik on a job well done.

Councilman Bubik stated that it has been an honor to serve as Councilman. Councilman Bubik has served two years.

Councilman Hann has served eight years on the Council and was a member of the Utility Advisory Board. He thanked all and stated that it was a pleasure to serve the City.

*EXECUTIVE SESSION:* Mayor Gingerich moved and seconded by Councilman Bubik, "I move the Council recess into Executive Session to discuss Collective Bargaining and minutes of meetings lawfully closed under this act. - Section 2 (c) (2 & 21)." Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, Kissick, and Mayor Gingerich. Nays: None. Motion passed 5-0. Council recessed at 8:29 p.m.

At 8:35 p.m., Mayor Gingerich moved and seconded by Councilman Hann, "I move the Council return to Open Session." Motion passed by voice vote without dissent.

Councilman Colwill moved and seconded by Councilman Bubik, "I move the Council releases the following Closed Session Minutes: 9/22/97; 1/14/02; 2/11/02; 3/11/02; 3/25/02; 4/8/02; 4/22/02; 5/28/02; 6/24/02; 9/9/02; 9/23/02; 10/15/02; 11/25/02; 12/9/02; 12/23/02; and 1/27/03. The following minutes will remain closed: 3/10/03, 3/24/03 and 3/14/03. Roll call vote was taken. Ayes: Councilmen Bubik, Colwill, Hann, and Kissick. Nays: None. Present: Mayor Gingerich. Motion passed 4-0 with one voting present.

*ADJOURNMENT:* With no further business, Councilman Hann moved and seconded by Councilman Colwill seconded, "I move the Council adjourn." Motion passed by voice vote without dissent. Meeting adjourned at 8:38 p.m.

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Bruce W. McKinney, CMC  
City Clerk, City of Rochelle

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Robert Gingerich  
Mayor, City of Rochelle

**ATTORNEY'S CERTIFICATE OF SERVICE**

The undersigned, being first duly sworn on oath, depose and say that I am an attorney and served the foregoing instrument upon the within named:

Rochelle City Council  
Office of the City Clerk  
c/o Bruce McKinney, City Clerk  
Rochelle City Hall  
Sixth Street & Fifth Avenue  
Rochelle, IL 61068-0601

Charles Helsten, Esq.  
Hinshaw & Culbertson  
100 Park Avenue  
Rockford, IL 61101

Dennis Hewitt, Esq.  
Rochelle City Attorney  
Hewitt Law Offices  
1124 Lincoln Highway  
P.O. Box 605  
Rochelle, IL 61068

by sealing a true and correct copy of the same in an envelope, addressed as shown above, with sufficient United States postage and by depositing said envelope, so sealed and stamped, in the United States Mail at Rockford, Illinois, at or about the hour of 5 o'clock p.m., on the 20<sup>th</sup> day of May, 2003.



Michael F. O'Brien

Michael F. O'Brien  
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