

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
September 9, 2019**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, September 9, 2019 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: Prayer was said by City Clerk, Sue Messer.

ROLL CALL: Present on Roll Call were Councilmembers Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. A quorum of six were present. Absent: Councilman Hayes. Also present were City Manager Jeff Fiegenschuh, City Clerk Sue Messer, and City Attorney Dominick Lanzito.

PROCLAMATIONS, COMMENDATIONS, ETC: Constitution Week – September 17-23, 2019 presented to Sarah Flanigan and Lydia Roberts representing the Daughters of the American Revolution

REPORTS AND COMMUNICATIONS:

- Mayor
- Council Members
- Good News-Recognized Chris Cardott for receiving Certified Public Funds Investment Manager certification.
- Remarkable Resident – Peggy Friday

PUBLIC COMMENTARY:

BUSINESS ITEMS:

1) CONSENT AGENDA ITEMS BY OMNIBUS VOTE with Recommendations:

- a) Approve Minutes of City Council Meeting – August 26, 2019
- b) Approve Exceptions – 08/21/19-09/02/19
- c) Approve Bills – 09/03/19
- d) Approve Payroll – 08/12/19-08/25/19
- e) Accept and Place on File Minutes of Golf Course Advisory Committee – July 29, 2019
- f) Approve Hay Day Committee Request – October 12, 2019
- g) Approve Request from El Senor de los Tacos to hold Taco Fest on September 28, 2019

Motion made by Councilor Burke and seconded by Councilor Shaw-Dickey “**I move consent agenda items (a) through (g) be approved by Omnibus vote as recommended.**” Roll call vote was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 6-0.

- 2) **Ordinance Amending Ordinance No. 45-OH – Lee Ogle Enterprise Zone Description for Recording.** In December of 2015 the Mayor and Council approved an Ordinance Establishing the Lee Ogle Enterprise Zone. The new zone encompasses the City of Rochelle along with the City of Dixon, Ogle County and Lee County. The zone was established to provide incentives to promote the economic growth of the area, to reduce unemployment and to encourage expansion, rehabilitation and new construction of structures within the zone for a term of 15 years. Since establishing the zone, multiple ordinances have been approved to add properties to the zone, including one in Amboy in 2017. The State of Illinois is now requesting that the areas of the zone without “fully described” legal descriptions, which include the area of the initial zone and the area added in Amboy, be fully defined. The proposed amending ordinance fully describes the property in Amboy and the entire enterprise zone in a metes and bounds format. In addition, the unallocated area of the zone went up by 14.43 acres to 561.30, due to errors discovered in the calculation of the Rochelle parcels. Lee Ogle Enterprise Zone Administrator Andy Shaw was available to answer any questions. Motion made by Councilor D. McDermott and seconded by Councilor T. McDermott “**I move Ordinance 19-5051, an Ordinance Amending Ordinance No. 45-OH - Lee Ogle Enterprise Zone, be approved.**” Roll call was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 6-0.

- 3) **Ordinance Waiving the Competitive Bidding Requirements and Authorizing the Purchase of a New Electronic Fingerprint Machine from IDEMIA.** The current fingerprinting machine, purchased in 2014, is no longer functioning and is considered “obsolete” by maintenance providers. The Ogle County Sheriff’s Office gave the Rochelle Police Department a loaner machine, but the loaner has also stopped working. IDEMIA has provided a proposal for a new machine. Staff recommends purchasing a Tenprint/Palmprint Cabinet of \$22,773 combined with options 2 and 4 from Table 3 for a total price of \$25,534. The purchase will be made through the current budget with funds that were designated for a UPS machine (\$12,423), that was purchased by the Ogle County Electronic Telephone System Board and savings anticipated from the Enterprise vehicle plan. It should be noted that the typical life expectancy for these machines is 5-7 years. Regular upkeep and computer maintenance can assist with prolonging the service life. There is no state bid for this item. IDEMIA, formerly Morphotrust, has over 6,000 Livescan units throughout the United States, including 300 in Illinois. Police Chief, Eric Higby was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Ordinance 19-5052, an Ordinance Waiving the Competitive Bidding Requirements and Authorizing the Purchase of a New Electronic Fingerprint Machine from IDEMIA at a cost of \$25,534, be approved.”** Roll call was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 6-0.
- 4) **Ordinance Amending Chapter 6, Article 1, Section 6-3 of the Rochelle Municipal Code Pertaining to Liquor License Classifications and Article 2, Section 6-51 Pertaining to Sale of Licensed Business.** HP Rochelle Operating, LLC d/b/a Benny’s Corner Market recently applied for a Class B liquor license to allow onsite consumption of alcohol, associated with gaming, as well as packaged retail sales. The current code allows for this combination under class B with the restriction that the package sales shall not exceed ten percent of the total sale of alcoholic beverages. In addition, our existing code states that no license shall be issued for any convenience store, other than those existing as of January 9, 2012. The proposed language changes are as follows:
Class B licenses- Class B licenses shall authorize the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other packaged retail sale of such liquor, ~~providing, however, that the other packaged retail sales of such liquor shall not exceed ten percent of the total sales of alcoholic beverages.~~ The annual license fee for the year commencing June 1 of each year.
Sale of Licensed Business - ~~No license shall be issued for any convenience store; provided, however, that any license for a convenience store which as in effect as of January 9, 2012, may be renewed on the same terms as provided in this chapter, and must be surrendered upon the sale of the convenience store, and no purchaser of a licensed convenience store shall be entitled to the surrendered license or granted a new license for such convenience store.~~
Sue Messer was available to answer questions. Motion made by Councilor T. McDermott and second by Councilor D. McDermott, **“I move Ordinance 19-5053, an Ordinance Amending Chapter 6, Article 1, Section 6-3 of the Rochelle Municipal Code Pertaining to Liquor License Classifications and Article 2, Section 6-51 Pertaining to Sale of Licensed Business, be approved.”** Roll call was taken. Ayes: Councilor Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: Burke. Motion passed 5-1.
- 5) **Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Create One Class B Liquor License for Benny’s Corner Market at 601 Flagg Road.** HP Rochelle Operating, LLC has submitted an application for a Class B liquor license at 601 Flagg Road. The Class B liquor license allows for the retail sale on the premises specified of alcoholic liquor for consumption on the premises as well as other package retail sales. The Liquor Commissioner, Mayor Bearrows, has reviewed the application and has no objection to the creation of a Class B liquor license for Benny’s Corner Market. This action will result in a total of eight Class B liquor licenses in the City of Rochelle. Sue Messer was available to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move Ordinance 19-5054, an Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Create One Class B Liquor License for Benny’s Corner Market at 601 Flagg Road, be approved.”** Roll call was taken. Ayes: Councilor Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: Burke. Motion passed 5-1.

- 6) **Preliminary Engineering Agreement with Fehr Graham for New Interchange between the City of Rochelle Railroad and the BNSF Railway.** The growth of the rail traffic through the BNSF interchange with the CIR has dramatically increased blockages of at-grade railroad crossings. Since 2012 the number of railcars on the CIR has increased from 3,000 to 14,000 rail cars per year. Recently the BNSF has agreed to explore the installation of a new interchange with the CIR. This new interchange would switch thousands of rail cars away from at-grade crossings on the CIR. Preliminary engineering needs to be done to determine the amount of rail that would need to be built, estimate the cost of the project, address drainage requirements, identify the land needed for the new interchange and coordinate the design with the BNSF. Furthermore, these preliminary plans will facilitate applications for grant funding for the project. Jason Anderson was available to answer questions. Motion made by Councilor Shaw-Dickey and second by Councilor D. McDermott, **“I move council approve the Preliminary Engineering Agreement with Fehr Graham to develop preliminary engineering plans for the purpose of estimating the resources needed to build a new interchange between the CIR and the BNSF at a cost of \$78,750.”** Roll call was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 6-0.

DISCUSSION: None.

EXECUTIVE SESSION: at 7:45 PM, Councilor T. McDermott moved and seconded by Councilor Burke, **“I move the Council recess into executive session to discuss the appointment, employment, compensation, discipline, performance and/or dismissal of a specific employee, Section (c) (1), purchase or lease of real property for City’s use Section (c) (5), and discussion of minutes of meetings lawfully closed under this Act for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated, Section (c) (21).”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 6-0.

At 8:17 PM, moved by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move the Council return to open session.”** Motion passes by voice vote without dissent.

ADJOURNMENT: At 8:18 PM, moved by Councilor D. McDermott and seconded by Councilor T. McDermott, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

John Bearrows, Mayor

Susan L. Messer
City Clerk of Rochelle