

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

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, December 9, 2019 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> 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, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. A quorum of seven were present. Absent. None. Also present were City Manager Jeff Fiegenschuh, City Clerk Sue Messer, and City Attorney Dominick Lanzito.

**PROCLAMATIONS, COMMENDATIONS, ETC:**

**REPORTS AND COMMUNICATIONS:**

- Mayor – Thanked the Community for support of festivities Christmas Walk weekend, staff for all the involvement in the festivities, and the staff for the new Community tree. Thanked all staff involved in preparation of the budget. Gratitude award presented to Rochelle Christian Food Pantry in honor of all they do.
- Council Members-Councilor Gruben-Stunned by all the citizens that showed up for the Christmas Walk. Councilor Shaw-Dickey-Many compliments on Downtown decoration and how nice it all looked.
- Remarkable Resident – Dana Theiss

**PUBLIC COMMENTARY:** None.

**BUSINESS ITEMS:**

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

- a) Approve Minutes of City Council Meeting – November 25, 2019
- b) Approve Exceptions – 11/20/19-12/2/19
- c) Approve Bills – 12/3/19
- d) Approve Payroll – 11/4/19-11/17/19, 11/18/19-12/1/19
- e) Accept and Place on File Golf Course Advisory Committee Minutes – 10/28/19
- f) Authorize St. Paddy’s Day Parade and Irish Hooley – 03/14/20
- g) Approve Amended City of Rochelle Meeting Dates for 2020

Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move consent agenda items (a) through (g) be approved by Omnibus vote as recommended.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 2) **Budget Fiscal Year 2020 (Public Hearing and Adoption.** The City of Rochelle held a Committee of the Whole meeting on November 18th. to discuss the upcoming 2020 budget. During the meeting, the City Manager presented a PowerPoint highlighting the 2020 budget and answered specific questions on various line items. The City Clerk published a Public Hearing Notice, as required by State law, to consider adoption of the budget at the December 9th City Council Meeting. Final action on the 2020 Budget is required on or before December 30, 2019 in order to be filed with Ogle and Lee Counties. The final Proposed 2020 General Fund revenues are budgeted at \$11,210,836. This represents an increase of approximately 2% compared to the approved 2019 budget. Budgeted expenses total \$11,158,089 which is approximately 2% higher than the 2019 budget. This results in a budget surplus of \$52,747. The combination of the General Fund, Special Revenue Funds, Enterprise Funds, Internal Service Funds, Trust and Agency Funds, and Capital Project Funds results in budgeted revenues of \$83,969,264 and budgeted expenses of \$91,944,101. Illinois statutes require that the City conduct a public hearing on the proposed budget to allow citizens the opportunity to provide comments. After the Council returns to regular session, members of the Council can propose modifications to the proposed budget, each of which will be voted on by the Council. The proposed budget as amended will then be subject to a final Council vote for approval. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move the Council recess into a Public Hearing for the Fiscal Year 2020 Budget.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0. City Manager, Jeff Fiegenschuh went over highlights during public hearing. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move the Council return to open session.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0. Motion made by Councilor Burke and seconded by Councilor Hayes, **“I move the Council approve the Fiscal Year 2020 Budget.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 3) **2020-2029 Capital Improvement Plan.** The City’s Capital Improvement Plan (CIP) is a multi-year planning instrument for the evaluation and identification of the capital infrastructure projects in need of renovation, repair, and/or construction along with the equipment or vehicle replacement over the next ten years. The CIP relates these projected capital needs to the financial sources that will support their realization and the timeframe in which the financing and work will take place. Capital improvement programming is the process by which these capital projects are identified, prioritized, and selected, and thus are incorporated into the long-range fiscal and strategic planning of the City. The Capital Improvement Plan document is different from the annual budget as it sets forth a ten-year program. The first year’s program contains projects that are included in the 2020 City of Rochelle Budget. The remaining nine years reflect staff’s recommended priorities for the future. Jeff Fiegenschuh was available for questions. Motion made by Councilor Burke and seconded by Councilor Shaw-Dickey, **“I move the Council approve the 2020-2029 Capital Improvement Plan.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 4) **Resolution Establishing Minimum/Maximum Wage Rates for Fiscal Year 2020.** The Municipal Code of the City of Rochelle requires that the City Council annually approve a resolution establishing the minimum/maximum wage rates for all position classifications within the City. The proposed resolution applies to all employees and is based on job categories as defined by the Equal Employment Opportunity Commission. The rates included in this resolution are consistent with those that were incorporated into the City Budget for Fiscal Year 2020. Human Resource, Nancy Bingham was present to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Resolution R19-57, a Resolution Establishing Minimum/Maximum Wage Rates for Fiscal Year 2020, be approved.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 5) **Resolution Authorizing the City Manager to Execute an Agreement with the Progressive Park Rochelle LLC for the Purchase of Land – New 138KV Substation.** As part of the ongoing need to improve the RMU distribution system, RMU needs to construct a sub-station in the southern area of the City, near many of its industrial and commercial customers. The City has identified a site that is approximately 16.53 acres, which is owned by Progressive Park Rochelle, LLC. The site is one of the desired locations for the new substation. The expenditure for the land is in this year’s budget; however, the expenditure is more than the budgeted amount. RMU has funds available from another project that came in under budget. The budget for 2020 includes the funds for the construction of the substation. Jason Bird was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Resolution R19-58, a Resolution Authorizing the City Manager to Execute an Agreement with the Progressive Park Rochelle LLC for the Purchase of Land for a new 138KV substation at a cost of \$720,046.00, be approved.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 6) **Ordinance Amending Certain Section of Chapter 6 Article I of the Rochelle Municipal Code Pertaining to Arts and Entertainment Liquor License Classifications.** The Artists' Garden recently approached the City about allowing patrons to bring wine and beer into the facility for onsite consumption. The current code does not allow businesses to sell, distribute or give away beer or wine to the general public without obtaining a license from the City. The proposed ordinance creates a Class U license as follows:  
"Class U licenses shall authorize a licensee of an arts and entertainment studio to permit consumption of beer and wine only, brought on the premises of an arts and entertainment studio by a patron twenty-one years of age or older for personal consumption or for personal consumption of other patrons who are twenty-one year of age or older. The consumption of beer and wine is restricted to licensed premises. Such consumption shall be limited to members of a group assembled on the premises for the purpose of attending arts and crafts classes offered by an arts and entertainment studio.  
No more than one 750-milliliter bottle of wine per patron or no more than thirty-six ounces of beer per patron (unopened) shall be permitted to be brought into the premises. The sale of beer, wine, spirits, and all other types of alcohol to patrons of the licensed premises shall be prohibited. No package sales are permitted." The ordinance includes a \$200 license fee for a Class U liquor license. Sue Messer was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, "**I move Ordinance 19-5083, an Ordinance Amending Certain Sections of Chapter 6, Article I of the Rochelle Municipal Code Pertaining to Arts and Entertainment Liquor License Classifications, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 7) **Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Create One Class U Liquor License for the Artists Garden at 407 Lincoln Highway.** The Artists' Garden has submitted an application for a Class U liquor license at 407 Lincoln Highway. The Class U liquor license allows for an arts and entertainment studio to permit consumption of beer and wine only, brought on the premises by a patron twenty-one years of age or older for consumption on the licensed premises. The Liquor Commissioner, Mayor Bearrows, has reviewed the application and has no objection to the creation of a Class U liquor license for the Artists' Garden. This action will result in a total of one Class U liquor license in the City of Rochelle. Sue Messer was available to answer questions. Motion made by Councilor Burke and seconded by Councilor Hayes, "**I move Ordinance 19-5084, an Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Create One Class U Liquor License for the Artists' Garden at 407 Lincoln Highway, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 8) **Ordinance Approving an Easement Agreement with MECEN, LLC, an Illinois Limited Liability Company Located at the Artists' Garden - 408 Lincoln Highway.** MECEN, LLC (Artists' Garden), is requesting an easement agreement to install a deck and stairway located in Page Park (City Owned Property) to the South of their building located at 407 Lincoln Highway. The deck and stairway will allow access to the Acres Café that will be opening in 2020. This easement agreement is for a period of thirty (30) years with an option for two ten (10) year extensions. MECEN, LLC will construct and maintain the deck and stairway in accordance with all applicable City Building and Fire Codes. Michelle Pease, Geoff Starr, and Teresa Petry were available to answer questions. Motion made by Councilor D. McDermott and Councilor Burke, "**I move Ordinance 19-5085, an Ordinance Approving an Easement Agreement with MECEN, LLC, an Illinois Limited Liability Company Located at the Artists' Garden at 408 Lincoln Highway, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 9) **Ordinance Establishing the Small Business Permit Fee Waiver Program.** The Small Business Permit Fee Waiver Program is designed to assist small businesses with fees that are associated with opening a new business or expanding a business within the City of Rochelle. These fees include electric, water, sewer and building permits. The purpose of the program is to create local jobs, encourage new investment and the rehabbing of existing retail/commercial spaces within the City limits. For the purpose of this program, a small business is defined as 30 full time employees or less on site and not a licensed franchise. The submission of a formal application for the waiving of permit fees from all applicants will be required. Michelle Pease was available to answer questions. Motion made by Councilor Shaw-Dickey and seconded by Councilor Burke, "**I move Ordinance 19-5086, an Ordinance Establishing the Small Business Permit Fee Waiver Program, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 10) **Resolution Establishing City of Rochelle Water Rates Effective January 1, 2020.** In 2019 Willett Hofmann and Associate's was hired to conduct a rate study for both the water and water reclamation divisions, on par with the current practice of looking at rates every 3 years. On November 20th the findings of the study were presented to the Utility Advisory Board with unanimous approval. Adam Lanning was present to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, "**I move Resolution R19-59, a Resolution Establishing City of Rochelle Water Rates Effective January 1, 2020, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 11) **Resolution Approving the Assignment and Assumption of the Asset Purchase Agreement.** Rochelle currently owns approximately 20 miles of 138 kV transmission lines and associated substation facilities at Caron Road and Twombly (Substation #2). Since August 1, 2015, RMU has operated these facilities as a transmission owner ("TO") under the applicable tariff and related agreements of PJM Interconnection, LLC ("PJM"). As a PJM TO, Rochelle recovers an annual revenue requirement for its transmission facilities, which allows Rochelle to recover all necessary transmission-related expenses, including transmission O&M, A&G, taxes, insurance, and depreciation, earn a return on transmission rate base and recover a Payment in Lieu of Taxes. The transmission function has served Rochelle well by enabling the City to meet PJM reliability requirements and regional compliance obligations, with the necessary cost being shared by customers throughout the applicable transmission zone rather than solely by RMU customers. However, RMU's primary focus as an electric utility is on providing electric distribution service to retail and commercial customers, not the provision of transmission-related services. In order to better enable RMU to meet current operational needs and better situate it to meet potential future needs, RMU issued a request for proposals on July 12, 2017, to explore opportunities either for a transmission-related strategic partnership, or an outright sale of its transmission assets to a transmission-focused company. Rochelle received competitive proposals from six respondents, four of which were bids for an outright sale of RMU's transmission assets. These proposals were evaluated by RMU staff and its consulting team and follow-up interviews were conducted with four of the respondents. The results of these evaluations have been shared with council members over the course of two executive sessions, most recently on November 13<sup>th</sup>. After consideration, RMU and staff recommended that the council authorize the City Manager to execute a Letter of Intent ("LOI") and enter into negotiations over a potential definitive agreement with Nextera Energy Transmission MidAtlantic LLC ("NEET"). Resolution 17-24 was approved by City Council on November 27, 2017 and then the parties subsequently negotiated the Asset Purchase Agreement for the City's transmission assets. The Asset Purchase Agreement was approved on April 16, 2018 by Ordinance 18-4833. On May 28, 2019, this council approved a First Amendment to the Agreement to allow for the delay in ICC approval. During the ongoing regulatory process NEET has sought to assign its contractual rights to Commonwealth Edison Company. Assignment of the Agreement is allowed, and NEET has the right to assign its contractual rights with the written approval of the City Council. If the assignment is approved, a Second Amendment to the Asset Purchase Agreement is necessary. The amendment includes revisions to the Agreement, as well as the ancillary agreements that are related to the transaction, such as the interconnection agreement and the franchise ordinance. Although amendments are being made to the Agreement, the material terms and net result of the payments will remain the same and in accordance with the selected bid. City Attorney, Dominick Lanzito was present to answer questions. Motion made by Councilor Hayes and seconded by Councilor Burke, "**I move Resolution R19-60, a Resolution Approving the Assignment and Assumption of the Asset Purchase Agreement between NextEra Energy Transmission MidAtlantic, Inc. and Commonwealth Edison Company, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 12) **Resolution Authorizing the Execution of a Second Amendment to the Asset Purchase Agreement between the City of Rochelle and Commonwealth Edison Company, an Illinois Corporation.** Motion made Councilor D. McDermott and seconded by Councilor Shaw-Dickey, "**I move Resolution R19-61, a Resolution Authorizing the Execution of a Second Amendment to the Asset Purchase Agreement between the City of Rochelle and Commonwealth Edison Company, an Illinois Corporation, be approved.**" Roll call vote was taken. Ayes: Councilor: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 13) **Ordinance Authorizing Commonwealth Edison Company and its Successors and Assigns to Construct, Operate and Maintain an Electric Transmission and Power System on and Across Property of the City of Rochelle.** Motion made Councilor D. McDermott and seconded by Councilor Burke, "**I move Ordinance 19-5087, an Ordinance Authorizing Commonwealth Edison Company and its Successors and Assigns to Construct, Operate and Maintain an Electric Transmission and Power System on and Across Property of the City of Rochelle, be approved.**" Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

**14) Resolution Approving an Amendment to the Personnel Manual.** The City of Rochelle “Handbook” Personnel Policies Manual was last updated in October of 2018. The Personnel Policies Manual is in constant review and revisions shall be made periodically to be consistent with all applicable laws, employment policies and current technology. The changes are: Electronic Communication and Technology Policy due to the increasing risk of cyber security threats and Guidelines for flowers at the time of bereavement or hospitalization. Chapter 5, Article Q: Electronic Communication and Technology Policy

Adding:

5.p. No USB Drive should be used on a home computer or any other non-City computer and brought in and used on a City owned computer.

5.q. Non-Employees are prohibited use of their USB drive on City owned computer.

5.r. Use of a City owned USB is prohibited on any non-City owned computer. (City owned USB’s should only be used on City owned computers)

5.s. B.Y.O.D.: Computers, laptops, tablets or any other device that is not City owned should not be connected to the City network on City property with authorization from the IT Dept.

6. change from Violations to Laptops

6.a. All city owned laptops are to remain on City property unless given written and specific authorization. Authorization will be permitted for specific use only, unless it is necessary to conduct business offsite on an ongoing basis.

6.b. Laptops should be kept in a secure designated location within the department unless used daily.

6.c. Laptops, tablets or any other electronic device should not be left in vehicles overnight or for extended periods of times due to potential theft or the extreme heat/cold in vehicles.

7. Violations now #7 and content remains the same.

Adding:

Chapter 5, Article T: Guidelines for sending flowers at the time of bereavement or hospitalization.

This policy was last updated in 2006 and not included in the previous handbook. The cost has increased over the years and this policy is adjusted to reflect the increase changes. Nancy Bingham was available to answer questions. Motion made Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **“I move Resolution R19-62, a Resolution Approving an Amendment to the Personnel Manual, be approved.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

**15) Resolution Authorizing the Purchase One (1) Fire Engine from Toyne, Inc.** In 1995 City Council approved the purchase of two new Fire Engines, Engine 3 and Engine 8. In 2014 Council approved the purchase of a replacement for Engine 3 while Engine 8 remains in service.

The cost of maintaining a 24-year-old vehicle is beginning to surface. The last expense for rebuilding the fuel system was \$5,500. The FY2019 budget includes \$200,000 for a partial payment towards the purchase of a replacement for Engine 8. Also, this year the Fire Department applied for and was awarded a low interest (1.89%) loan in the amount of \$350,000 from the State Fire Marshal’s Office for the purchase of the replacement Engine. In November of this year the Fire Department advertised for bids for this vehicle and received three bid proposals.

Bid #1 Alexis Fire Equipment \$640,301.00

Bid #2 Alexis Fire Equipment \$598,404.00

Bid #3 Toyne Inc. \$583,863.04

Both manufactures offer discounts for making a pre-payment and all proposals include a 100% performance bond. Fire Chief Sawlsville was available for questions. Motion made by Councilor Hayes and seconded by Councilor D. McDermott, **“I move Resolution R19-63, a Resolution Authorizing the Purchase One (1) Fire Engine from Toyne, Inc. in the amount of 583,863.04, be approved.”** Roll call vote was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0. Motion made by Councilor Hayes and seconded by Councilor Burke, **“I move the council approve a \$550,000.00 pre-payment which will net a \$13,214.72 discount for a final purchase price of \$570,648.32.”** Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

None. Motion passed 7-0.

**DISCUSSION:** None

**EXECUTIVE:** At 7:45 PM, Councilor Shaw-Dickey moved and seconded by Councilor Burke, “**I move the Council recess into executive session to discuss setting of a price for sale or lease of property owned by the City, Section (c) (6).**” Roll call was taken. Ayes: Councilor Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 7:51, moved by Councilor Gruben and seconded by Councilor T. McDermott, “**I move the Council return to open session.**” Motion passes by voice vote without dissent.

**ADJOURNMENT:** At 7:52 PM, moved by Councilor Shaw-Dickey and seconded by Councilor Burke, “**I move the Council adjourn.**” Motion passed by voice vote without dissent.

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John Bearrows, Mayor

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Susan L. Messer  
City Clerk of Rochelle