

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
April 13, 2020**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, April 13, 2020 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The pledge was led by City Clerk Sue Messer and prayer was said by Pastor Hamilton.

ROLL CALL: Mayor - On March 16th Governor Pritzker, due to the Covoid 19 pandemic, suspended the in-person attendance requirement for public meetings allowing public bodies to conduct meetings electronically without having to comply with the physical quorum requirements or the conditions for participating electronically in a meeting. On March 31st Governor Pritzker extended the order until April 30th. As a result, Councilwoman Kate Shaw-Dickey, Councilman Dan McDermott, Councilman Bil Hayes, and Councilman John Gruben have notified the City Clerk of their desire to participate remotely. Unless there is a motion objecting to their attendance, the request of the council members will be deemed approved. Present on Roll Call was Councilmembers Burke, T. McDermott, and Mayor Bearrows. Absent: None. A quorum of seven were present. Also present were City Manager Jeff Fiegenschuh and City Clerk Sue Messer.

PROCLAMATIONS, COMMENDATIONS, ETC:

REPORTS AND COMMUNICATIONS:

- Mayor – Updates via Mayor’s Facebook, Tuesdays & Thursdays, as well on WRHL. Continue to wash hands & social distance, 27 positive cases, Walmart has ramped up social distancing. Tuesday 4/14/2020 Mobile Food Bank at Catholic Church in Oregon.
- Council Members

PUBLIC COMMENTARY: None.

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – March 23, 2020
- b) Approve Exceptions – 03/18/20-04/07/20
- c) Approve Payroll – 03/09/20-03/22/20
- d) VFW Post 3878 Auxiliary Request to Re-start the Public Garden Plot Program

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

- 2) **Ordinance Amending Article II (License), Chapter 6 (Alcoholic Beverages) of the Municipal Code.** On March 20th Governor Pritzker issued an Executive Order, ordering Illinois residents to stay at home due to the COVID 19 outbreak. The outbreak and actions taken to reduce the spread have led to significant challenges for the City’s liquor license holders. Currently, all existing liquor licenses must be renewed by May 31st or they will expire. Staff recommends that council extend the expiration of existing liquor licenses to December 31, 2020 and maintain that as the license expiration date going forward. This action will bring some relief to our local liquor establishments and align the license renewal with our calendar fiscal year going forward. Sue Messer was available to answer questions. Motion made by Councilor Burke and seconded by Councilor Hayes, “**I move Ordinance 20-5106, an Ordinance Amending Article II (License), Chapter 6 (Alcoholic Beverages) of the Municipal Code to extend the existing liquor licenses to December 31, 2020 and maintain December 31st as the license expiration date going forward, be approved.**” Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 3) **Ordinance Suspending Provisions of Article IV (Hotel Tax), Chapter 90 (Taxation) of the Municipal Code.** I have been approached by some hotel/motel operators about any assistance the City might be able to give during this crisis. The state of IL recently informed convention and visitors' bureaus that they should anticipate a 40% reduction in tourism dollars due the current state of the economy. I am asking the council to consider the attached ordinance that will suspend the City's local 5% hotel/motel tax collections for 60 days. The ordinance also allows the City Manager to authorize the suspension of collections an additional 30 days if necessary. This move allows the hotel/motel operators to keep those funds to use for their daily operations. Hotel/Motel tax funds are collected and remitted locally so this will not involve the state. Based on previous year collections, a 60-day suspension will cost approximately \$60,000. Of course, this is not a typical year, and several operators are running at 20% occupancy compared to their usual 70%. It is safe to assume then, the remittance will not be close to the \$60,000. I asked Jenny to identify at least \$60,000 in expense reductions to offset this program. She has done this through the elimination of several programs that were canceled due to Covid-19. We will also put off some maintenance to the building at Rail Fan Park. This is an important measure aimed at helping hotel/motel operators. Without them we won't generate any tourism tax revenue, so I feel it is important to do our small part to help. Jeff Fiegenschuh was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **"I move Ordinance 20-5107, an Ordinance Suspending Provisions of Article IV (Hotel Tax), Chapter 90 (Taxation) of the Municipal Code for 60 Days and giving the City Manager the authorization to continue the program an additional 30 days if needed, be approved."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 4) **Resolution Approving the Liquor Commissioner's COVID-19 Related Emergency Order 20-02.** On March 16th Governor Pritzker issued an Executive Order in which he suspended business operations for restaurants and bars from March 16 – March 30, 2020. On March 23rd, Mayor Bearrows, as Liquor Commissioner, issued Emergency Order 20-01 regarding the temporary sale of packaged alcoholic liquor. This order allows liquor licensees holding a Class B, C and R to apply for an emergency package rider to permit the sale of alcoholic liquor in original package for consumption off the premises for a period of 30 days or as continued by the City Council. On April 1st Governor Pritzker issued another Executive Order suspending business operations for restaurants and bars from April 1 – April 30, 2020. The proposed resolution extends the COVID-19 Related Emergency Order 20-02 for 90 days, or until the expiration of the Governor's Executive Order suspending business operations for restaurant and bars for until the termination of the Gubernatorial Disaster Proclamation, whichever comes first. Sue Messer was available to answer questions. Motion made by Councilor Burke and seconded by Councilor Shaw-Dickey, **"I move Resolution R20-15, a Resolution Amending Article II (License), Chapter 6 (Alcoholic Beverages) of the Municipal Code to extend Emergency Order 20-02, be approved."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 5) **Contract Extension for Rochelle Industrial Rail Improvements Contract #3.** Contract #3 has been plagued by weather and mechanical issues causing the project to be suspended until the weather is warm enough to allow construction to restart. The Notice for Extending Contract Time outlines the parameters in which conditions should allow the contractor to re-start the project with a defined date for completion. Failure by the contractor to complete the project within the defined time frame as outlined in the extension contract, the City will be entitled to liquidated damages of \$1,000 per day per the contract. There are provisions in the agreement that should Covid 19 cause additional delays, the deadline may be extended before liquidated damages would be assessed against the contractor. Jeff Fiegenschuh was available to answer any questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **"I move Council approve the Extension of Contract Time for the completion of Rochelle Industrial Rail Improvements Contract #3 to June 30, 2020."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 6) **Amendment One to Switching Services Agreement between the Burlington Junction Railway, Inc. and the City of Rochelle.** The contract between the Burlington Junction Railway (BJRY) and the City of Rochelle Railroad will expire on April 15th, 2020. Discussions on a new contract have been ongoing but due to the current Coronavirus Pandemic we are unable to finish the contract negotiations and need additional time to finish the new contract. In order to guarantee switching operations continue beyond the April 15th expiration date of the current contract, an Amendment to the switching services agreement is being proposed to extend the current contract for 90 days. Jeff Fiegenschuh was available to answer any questions. Motion made by Councilor Burke and seconded by Councilor T. McDermott, **"I move Council approve Amendment One to Switching Services Agreement between the Burlington Junction Railway, Inc and the City of Rochelle to allow for an additional 90 days to finalize a new agreement."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 7) **Engineering Services Agreement for Phase III Construction Engineering, Inspection and Testing Services for South Main Street Reconstruction and Widening Improvements between Steam Plant and Steward Roads.** City Engineering Department staff developed a 5 year capital improvement plan that included the South Main Street reconstruction and widening improvements from Steam Plant Road to Steward Road. The Construction contract was awarded in March 2020 to Martin and Company, with change orders, for approximately \$3M with construction to begin late April 2020. Fehr Graham and Associates were contracted several years ago to perform the Phase 1 and 2 preliminary design engineering for the S. Main Street EDP/MFT project. Fehr Graham has submitted a proposal for Construction Engineering Phase III, which includes construction staking and layout, for the above referenced project for a not to exceed fee of \$190,000. Approval of this Engineering Services Agreement (ESA) will allow the next step of the construction process to continue and keep this critical project on schedule for substantial completion by November 2020. This project will be funded with IDOT Economic Development Funds, Motor Fuel Tax funds and infrastructure bond funds in place of Sales Tax Funds. The Engineering services contract is partially reimbursable through the EDP agreement. Jeff Fiegenschuh was available for questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Council approve an Engineering Services Agreement for Phase III Construction Engineering, Inspection and Testing Services for South Main Street Reconstruction and Widening Improvements between Steam Plant and Steward Roads with Fehr Graham and Associates at a cost of not to exceed \$190,000.”** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 8) **Engineering Services Agreement for Phase III Construction, Engineering, Inspection and Testing Services for Mulford Road Improvements between Creston Road and the Union Pacific Railroad (UPRR).** The Mulford Road improvements construction contract was awarded in February 2020 to Martin and Company, with change orders, for approximately \$1.25M with construction to begin late April 2020. Fehr Graham and Associates has developed the preliminary design plans for the project that were approved by the City in January 2020. Fehr Graham has submitted a proposal for Construction Engineering Phase III, which includes construction inspection and testing, for the above referenced project for a not to exceed fee of \$80,000. Approval of this Engineering Services Agreement (ESA) will allow the next step of the construction process to continue and keep this critical project on schedule for substantial completion by July 2020. The landfill operator and the City will share the cost of the Mulford Road project including construction, engineering and Right of way acquisition necessary for the project. An escrow agreement has been funded by the Operator, per the amendment#3 to the Host Agreement, in the amount of \$1,375,000. Jeff Fiegenschuh was available to answer questions. Motion made by Councilor Burke and seconded by Councilor Gruben, **“I move Council approve an Engineering Services Agreement for Phase III Construction, Engineering, Inspection and Testing Services for Mulford Road Improvements between Creston Road and the Union Pacific Railroad (UPRR) with Fehr Graham and Associates at a cost of not to exceed \$80,000.”** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 9) **Construction Contract Change Order for Wastewater Plant Upgrades.** The water reclamation facility is currently undergoing an approximately \$7 million upgrade and during construction encountered numerous unexpected problems. The main problem we had during the sludge disposal last year was the wet season, thus causing numerous delays and difficulties. In order to help keep the costs down staff performed some work in-house and are continually looking for ways to do things we can. Jeff Fiegenschuh was available to answer questions. Motion made Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Council approve a construction contract change order for wastewater plant upgrades by Whittaker Construction & Excavating, Inc. in the amount of \$29,608.89.”** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS: None.

ADJOURNMENT: At 7:02 PM, moved by Councilor Burke and seconded by Councilor T. McDermott, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.