

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
May 26, 2020**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Tuesday, May 26, 2020 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> Street; Rochelle, IL 61068.

**PLEDGE TO THE FLAG & PRAYER:** The pledge was led by City Clerk Sue Messer and prayer was led 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 30<sup>th</sup>. As a result, Councilwoman Kate Shaw-Dickey, Councilman John Gruben and Councilman Bil Hayes 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 were Councilmembers Burke, T. McDermott, D. McDermott, and Mayor Bearrows and Councilmembers Shaw-Dickey, Hayes and Gruben attended remotely. Absent: None. A quorum of seven were present. Also present were City Manager Jeff Fiegenschuh and City Clerk Sue Messer.

**PROCLAMATIONS, COMMENDATIONS, ETC:** None.

**REPORTS AND COMMUNICATIONS:**

- Mayor – Thanked VFW for Memorial Day service & WRHL for recording the event.
- Council Member
- Good News

**PUBLIC COMMENTARY:** None.

**BUSINESS ITEMS:**

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

- a) Approve Minutes of City Council Meeting – May 11, 2020
- b) Approve Exceptions – 05/06/20-05/19/20
- c) Approve Payroll – 05/04/20-05/17/20
- d) Accept and Place on File Financial Statement – April 2020
- e) Authorize Closure of 10th Avenue between Illinois 251 and 8th Street – 2020 Outdoor Markets

Motion made by Councilor Hayes and seconded by Councilor Gruben, **“I move Consent Agenda Items (a) through (e) 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) **Resolution of Support for Downstate Small Business Stabilization Program Grant (Public Hearing and Action).**

In 2019, the Department of Commerce and Economic Opportunity allocated \$4,000,000 for Economic Development funding from the U.S. Department of Housing and Urban Development’s Community Development Block Grant Program. With the outbreak of the COVID-19 virus and its detrimental impact on small businesses, the State is invoking its option to adjust allocations to address specific needs to benefit Illinois’ non-entitlement communities in case of unforeseen circumstances, as included in the Consolidated and Action Plans. This allocation, along with unspent and recaptured funds from previous allocations will be made eligible in a total of \$20,000,000 for the Downstate Small Business Stabilization Grant. City Staff wishes to have the opportunity to participate in the Downstate Small Business Stabilization Grant Program. A resolution and public hearing are required for grant submission. Michelle Pease, Community Development Director, was available to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move the Council recess into a Public Hearing to discuss a Resolution of Support for Downstate Small Business Stabilization Program Grant.”** Roll call vote was taken. Ayes: 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 D. McDermott, **“I move the Council return to open session.”** Roll call vote was taken. Ayes: 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 D. McDermott, **“I move Resolution R20-18, a Resolution of Support for Downstate Small Business Stabilization Program Grant, 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) **Resolution for Maintenance of Street and Highways by Municipality Under the Illinois Highway Code - 2020 Annual Seal Coat Street Maintenance.** Various streets and/or alleys were identified to receive a seal coat (A1 & A2) surface treatment this fiscal year (FY) to provide for much needed roadway maintenance and preservation. The areas are shown on the attached exhibit A. Additional areas may be considered by the City Engineer during the construction process as funds allow. The above referenced project was advertised in the Illinois Dept. of Transportation (IDOT) Notice to Contractor's Bulletin 20-17 as well as the Rochelle News Leader. Bids were publicly opened and read aloud on May 7, 2020 at 10 am for the above referenced project. Two separate bids were received as follows:
- Civil Constructors, Inc. submitted a bid for making the entire improvements in the amount of \$167,826.00
  - Porter Brothers Asphalt & Sealing, Inc. submitted a bid for making the entire improvements in the amount of \$198,613.98
- The lowest bid is approximately 11% lower than the Engineers estimate of cost. The various streets general maintenance project is funded with Motor Fuel Tax (MFT) funds administered through IDOT. A transfer from the CY 2020 MFT fund 17-00 will be made to the CY 2020 CIP fund 36-00-86091 to cover the Local Agency (LA) costs associated with the General Maintenance project of various streets with Sec#20-00000-00-GM. The City Street Department crews will provide pavement patching, surface preparation and sweeping in advance of seal coat operations. City council approval of resolution (BLR 14220) will allow the City to move forward with providing funding associated with engineering, maintenance and/or construction on the referenced project from the MFT fund. Enclosure (1) uses the standard IDOT resolution to document the requested expenditure. Sam Tesreau, City Engineer, was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **"I move Resolution R20-19, a Resolution for Maintenance of Street and Highways by Municipality Under the Illinois Highway Code - 2020 Annual Seal Coat Street Maintenance, 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. Motion made by Councilor T. McDermott and Councilor D. McDermott, **"I move Council accept the low bid proposal and award the contract to Civil Constructors, Inc. in the amount of \$167,826 and reject all other bids received."** 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) **6th Street and Alley Improvements from 4th to 5th Avenues, along with Municipal Parking Lot #4 Reconstruction Project.** The 6th Street and alley improvements from 4th to 5th Avenues, along with Municipal Parking Lot #4 was included as part of the 2020 Capital Improvement Plan (CIP). It will involve a complete reconstruction of the street including new storm sewer systems, curb and gutter, sidewalks, pavement and streetlights. Many utility cuts have been performed in the street section over the years along with the most recent activity for the construction of the Kennay Distillery. RMU will also replace and enlarge an existing watermain and appurtenances from 4th Ave to 5th Ave while the street is being rebuilt. The new improvements will upgrade and enlarge storm within the project limits. Ultimately these storm sewers will be connected into the more larger storm sewer CIP project from 6th Street to the Kyte River along 4th Avenue. Additionally, the parking lot #4 near the museum will be reconstructed to allow more needed parking for the downtown area. Construction plans were developed by the Engineering Department and recently approved for bidding. The above referenced project was advertised in the Rochelle News Leader and on the City website. Bids were publicly opened and read aloud on May 14, 2020 at 10am for the above referenced project. Five separate bids were received as follows:
- N-TRAK Group LLC submitted a bid for making the entire improvements in the amount of \$809,263.00
  - Martin and Company Excavating submitted a bid for making the entire improvements in the amount of \$814,400.00
  - Porter Brothers Asphalt, Inc. submitted a bid for making the entire improvements in the amount of \$854,024.66
  - Stenstrom Excavating and Blacktop Group LLC submitted a bid for making the entire improvements in the amount of \$855,126.60
  - Northern Illinois Service Company submitted a bid for making the entire improvements in the amount of \$899,792.20
- The low bid is approximately 1% higher than the Engineer's estimate of cost. The project will be funded through the CIP fund with City Sales Tax funds and infrastructure bond revenues. Furthermore, given the favorable contract unit prices for multiple construction items it is recommended that approval be given to the City Manager to negotiate further change order work, not to exceed \$89,000, within the proposed contract to facilitate other improvements and upgrades to streets adjacent to this project. It is anticipated the construction project will be substantially complete by the end of November 2020. Sam Tesreau was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **"I move Council accept the low bid proposal and award the contract to NTRAK Group, LLC in the amount of \$809,263 and reject all other bids received."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0. Motion made by T. McDermott and seconded by D. McDermott, **"I move Council approve and authorize a not to exceed add on of \$89,000 to be negotiated by the City Manager for improvements to City**

streets adjacent to the project limits.” 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) **Ordinance Approving a Purchase and Sale Agreement with Brian T. Albers – 6th Street Parking Lot PIN #24-24-377-002.** Attached is an agreement for the purchase of property located along N. 6th Street and south of existing municipal parking lot #4 near the museum. The subject site is owned by Brian Albers and is the former site of Ray’s Furniture parking area. Staff has been in discussions with the owner regarding the purchase of this lot to expand Municipal Lot #4 during the construction of the 6th Street improvements that will take place over the next several months. The additional area, coupled with the existing Municipal Lot #4, will provide about 64 stalls and two way through aisles. The additional parking area will allow for new storm sewer drainage as well within the new expanded parking lot. With the purchase of this lot the City will realize nearly \$26,000 in savings while reconstructing lot #4, along with this additional area, as part of the overall Capital Improvement Plan improvements. Sam Tesreau was available to answer any questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Ordinance 20-5126, an Ordinance Approving a Purchase and Sale Agreement with Brian T. Albers – 6th Street Parking Lot PIN #24-24-377-002, 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.
- 6) **Resolution Authorizing the City Manager to Execute an Agreement with Elizabeth Anning for a Temporary Construction Easement.** Attached is a purchase agreement with Robert Farber for the acquisition of right of way and/or easements for the South Main Street Phase 1 reconstruction project. As a result of the final engineering plans it was determined that certain additional right of way parcels and easements were necessary to complete the construction of the improvements. Appraisals were conducted on each property. Sam Tesreau was available to answer any questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Resolution R20-20, a Resolution Authorizing the City Manager to Execute an Agreement with Robert Farber for Right of Way and a Temporary Construction Easement, 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.
- 7) **City of Rochelle Updated Investment Policy.** Illinois’ Sustainable Investing Act (Public Act 101-0473) was signed into law by Governor Pritzker in August 2019 and came into effect on January 1, 2020. The Act requires Illinois public funds to develop and implement sustainable investment policies and to integrate material, relevant, and decision-useful sustainability factors into their investment process. Section 1:10 was added to our current policy to comply with the Act. Jeff Fiegenschuh was available for questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Council approve the City of Rochelle Investment Policy as amended.”** 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) **Resolution Authorizing the City Manager to Execute an Intergovernmental Agreement for School Resource Officer between the Board of Education of Rochelle Township High School District #212 and the City of Rochelle.** The proposed agreement mirrors the one that is in place for the Rochelle Middle School. 66% of the officer’s total annual compensation including salary, overtime, benefits and pension benefits will be paid by the Board of Education. The proposed agreement is for three years with additional one-year terms if both the City and the School Board agree. The City will be responsible for the salary and benefits during the summer. Having officers from the same agency in both the Rochelle Middle School and R.T.H.S. should make a more fluid transition for the students. They will have an opportunity to interact with these officers as educators and role models. Officer Pete Pavia has been selected for this position. He has twenty-three years of law enforcement experience. Officer Pavia has been to school resource officer training and is an A.L.I.C.E. instructor. Eric Higby, Police Chief, was available to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move Resolution 20-21, a Resolution Authorizing the City Manager to Execute an Intergovernmental Agreement for School Resource Officer between the Board of Education of Rochelle Township High School District #212 and the City of Rochelle, 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.
- 9) **Resolution Authorizing the Execution of a Third Amendment to the Asset Purchase Agreement between the City of Rochelle and Commonwealth Edison Company.** 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 13th. 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. On December 9, 2019, City Council authorized the assignment of NEET's contractual rights to Commonwealth Edison Company and a Second Amendment to the Asset Purchase Agreement. That amendment included 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. In preparation of the closing of this transaction, a Third Amendment to the Asset Purchase Agreement is necessary to address closing items, certain real estate issues, and final revisions to closing documents. Additionally, the agreement calls for the sale of revenue meters, which should have been included in the initial list of assets to be transferred to Commonwealth Edison Company. The Third Amendment does not impact the consideration for the assets being paid to the City. Jeff Fiegenschuh was available to answer questions. Motion made Councilor T. McDermott and seconded by Councilor Burke, **"I move Resolution R20-22, a Resolution Authorizing the Execution of a Third Amendment to the Asset Purchase Agreement between the City of Rochelle and Commonwealth Edison Company, be approved, subject to final review by the City Attorney as to form & substance."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

- 10) **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 contractor learned a dewatering system needed to be installed so RMU staff installed approximately 3,000 feet of drain tile. The contractor is proposing to regrade the bottom of the lagoon and remove a concrete collar along the outside of the lagoon at a cost of \$12,000. Jeff Fiegenschuh available for questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **"I move Council approve Change Order #2 from Whittaker Construction & Excavating, Inc. in the amount of \$12,000."** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.
- 11) **Ordinance Adopting the Rochelle Dining Reopening Plan & Suspending Provisions of Article IV, Chapter 82 & Article XII, Chapter 110 of the Municipal Code.** The city wishes to establish opportunities for the use of outdoor public spaces and the extension of liquor licenses under the limited capacity and social distancing guidelines of Governor Pritzker's Restore Illinois Plan. Beginning immediately, the following opportunities and regulations will allow for our local bars and restaurants to reopen:
- Use of Right-of-Way and City Streets for Public Pedestrian Use from 7:00 a.m. to 10:00 p.m., with a maximum use of 60 minutes.
  - Use of Parking Lots for outdoor Seating from 7:00 a.m. to 10:00 p.m., with a maximum of use 60 minutes.
  - Within the areas designated only, the City has provisionally waived prohibitions on the public consumption or possession of alcohol. This prohibition waiver is for the consumption of packaged alcoholic beverages purchased from adjacent licensed bars/restaurants only. After hours public consumption will be enforced along with public consumption outside of the designated areas.
  - Local and State laws and all guidelines from the Center for Disease Control ("CDC") and the Illinois Department of Public Health ("IDPH") surrounding public gatherings and alcohol consumption will remain in full effect and enforcement by the Rochelle Police Department. This applies to public intoxication, disturbances, fights, noise complaints and other statutory laws.
- Motin made by Councilor T. McDermott and seconded by Councilor Burke, **"I move Ordinance 20-5128, an Ordinance Adopting the Rochelle Dining Reopening Plan & Suspending Provisions of Article IV, Chapter 82 & Article XII, Chapter 110 of the Municipal Code, 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.

**DISCUSSION ITEMS:** None.

**ADJOURNMENT:** At 7:31PM, moved by Councilor Burke and seconded by Councilor D. McDermott, **"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, City of Rochelle