

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
September 28, 2020**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, September 28, 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 and prayer was led by City Clerk Sue Messer.

**ROLL CALL:** Mayor - On March 16th, due to the COVID-19 pandemic, Governor Pritzker 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. On May 29th Governor Pritzker extended the order until June 27th. On June 26th Governor Pritzker extended the order through July 25th. On July 24th Governor Pritzker extended the order through August 22nd. On August 21st Governor Pritzker extended the order through September 19, 2020. On September 18th Governor Pritzker extended the order through October 17, 2020. As a result, Councilwoman Kate Shaw-Dickey 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, Gruben, T. McDermott, D. McDermott, and Mayor Bearrows and Councilmembers Hayes and Shaw-Dickey attended remotely. Absent: None. A quorum of seven were present. Also present were City Manager Jeff Fiegenschuh, City Clerk Sue Messer and City attorney Dominick Lanzito.

**PROCLAMATIONS, COMMENDATIONS, ETC:** Domestic Violence Awareness Month – October 2020; Public Power Week – October 4-10, 2020; National Fire Prevention Week – October 4-10, 2020

**REPORTS AND COMMUNICATIONS:**

- Mayor’s Report – COVID numbers are not encouraging 8% positivity rate today. Encourage everyone to wear masks, social distance and hand washing. The importance of completing the Census before the deadline. Expressed condolences to the family of former Mayor Dale Vogeler.
- Council Members-Councilman Hayes thanked the staff involved for informing the community the importance of completing the Census.
- City Manager – retirements of two employees, Ken Daugherty, 40 years of service for the Diesel Plant & Carol Elliot at RMU Customer Service for 19 years of service.

**PUBLIC COMMENTARY:** Edward Cummings signed up for commentary, failed to attend meeting remotely or in attendance.

**BUSINESS ITEMS:**

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

- a) Approve Minutes of City Council Meeting – 09/14/20
- b) Approve Exceptions – 09/09/20-09/15/20, 9/16/20-9/22/20
- c) Approve Payroll – 09/07/20-09/20/20
- d) Approve Moose Club request to hold a rummage sale at the parking lot located at Cherry & Main Street on 10/03/20
- e) Approve Rochelle Lions Club request to hold candy day fundraiser at intersection of Lincoln Hwy and 5<sup>th</sup> Avenue on 10/17/20
- f) Approve Rochelle Community Action Network request to hold a food truck fair at the parking lot located south of the gazebo at 4<sup>th</sup> Avenue and Main Street on 10/03/20
- g) Establish Annual Trick-or-Treat Schedule 10/31/20 from 5:00pm-8:00pm subject to social distancing guidelines, including masks, and future restrictions from health officials
- h) Accept and Place on File Financial Statement – August 2020

Motion made by Councilor Gruben and seconded by Councilor D. McDermott, “**I move Consent Agenda Items (a) through (h) 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 Ordinance No. 45-OH for Lee Ogle Enterprise Zone.** In December of 2015 the Mayor and Council approved an Ordinance Establishing the Lee Ogle Enterprise Zone. The 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. The proposed amending ordinance adds the Village of Franklin Grove as a “Designating Unit of Government” and amends the zone area and funding formula for administration operating expenses to include Franklin Grove. Lee Ogle Enterprise Zone Administrator, Andy Shaw attended the meeting to answer any questions. Motion made by Councilor T. McDermott and seconded by Councilor Hayes, **“I move Ordinance 20-5162 Amending Ordinance No. 45-OH for Lee Ogle Enterprise Zone, 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 Authorizing the Execution and Approval of the Bylaws of the Rock River Watershed Group and Board Member Appointment.** The recently issued NPDES discharge permit for the water reclamation facility outlines several new compliance requirements. One of the many requirements is to join and or develop a watershed group to evaluate the receiving stream water quality which City of Rochelle’s water reclamation plant discharges to. Over the past year we have been working with the Rockford sanitary district to develop the watershed group. Therefore, the adoption of these bylaws is a commitment the City must make in order to comply with our new permit. In conjunction, it is also required to appoint a member to represent the City and we recommend the Utilities Superintendent for this role. Adam Lanning, Utilities Superintendent was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor T. McDermott, **“I move Resolution R20-34, a resolution authorizing the Execution and Approval of the Bylaws of the Rock River Watershed Group and Board Member Appointment, 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) **Construction Contract Change Order for Wastewater Treatment Plant Upgrades.** The water reclamation facility is currently undergoing an approximately \$7 million upgrade and during construction encountered numerous unexpected problems. We have decided to add back into the scope of work a larger portion of road work which we took out initially from our bids to keep the costs down. As we near the end of construction it makes sense to add that work back in to the scope due to the degraded state of the access roads. This change order will cover the full paving of all the access roads, including adding concrete approaches to many of the buildings. In addition, there were several small items we encountered along with removing a large section of chain-link fence that we found to be too problematic to install. Adam Lanning was present to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move the Construction Contract Change Order for Wastewater Treatment Plant Upgrades, from Whittaker Construction and Excavating, Inc un the amount of \$73,679.46, 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) **Change Order #1 for Prologis Park Substation.** Upon purchase of the three transformers for the Prologis Park Substation, RMU staff decided it would be prudent to add SEL-2414 relays to provide thermal monitoring on the transformers via resistance temperature detector (RTD) and current transformer load. This monitoring equipment will integrate with our current SCADA system to provide data that will aid in protecting the equipment. Adam Lanning was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Gruben, **“I move Change Order #1 for Prologis Park Substation with WEG Transformers, USA in the amount of \$22,063, 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) **Ordinance Waiving the Competitive Bidding Requirements and Awarding Bruns Construction, Inc. the Contract for Replacing the Floor Grating at the Water Reclamation Facility.** The water reclamation facility consists of many open tanks that require the use of floor grating to allow access for operators to walk on. The existing floor grating is in poor condition and on September 16th we held a bid opening to replace a large portion of this grating. Bids were opened and read aloud with bids ranging from \$47,430 to \$63,760 with the low bidder being Swedberg and Associates, Inc. of Sycamore, Illinois. Upon review of the bids, Bruns Construction bid on the project and was 2.2% higher than Swedberg at a base cost of \$48,500. The City may waive competitive bidding requirements by a two-thirds vote of the City Council pursuant to 65 ILCS 5/8-9-1 of the Illinois Municipal Code and Section 2-371 of the Rochelle Municipal Code alternatives. Adam Lanning was available to answer questions. Motion made by Councilor Hayes and seconded by Councilor Burke, **“I move Ordinance 20-5163, an Ordinance Waiving the Competitive Bidding Requirements and Awarding Bruns Construction, Inc. the Contract for Replacing the Floor Grating at the Water Reclamation Facility, in the amount of \$48,500, 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) **Ordinance Approving the Disposal of Surplus Personal Property Owned by the City of Rochelle.** The City of Rochelle currently owns two vehicles that have multiple mechanical issues and are no longer in service. The police department has retired a 2013 Dodge Charger with 107,166 miles that has major engine damage, metal in the bottom end and a bearing issue. The airport has a 2010 Dodge Charger that was previously used by the communications department and retired before that by the police department. The car is no longer in use due to several safety issues including weak brakes, gear shifter does not operate properly, the front bumper is damaged, and the power steering does not work properly. Since these vehicles have little to no value, City staff would like to dispose of them, possibly by donating to the Kishwaukee College Automotive Program. Sue Messer was available to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Gruben, **“I move Ordinance 20-5164, an Ordinance Approving the Disposal of Surplus Personal Property Owned by 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.
- 8) **Resolution Authorizing the Execution of a Dark Fiber License Agreement with Zayo Group, LLC.** Staff proposes that we enter into an agreement with Zayo to provide Dark Fiber services from the Tech Center to Walmart in Rochelle. The agreement is for a 5 year term with 3 additional 5 year options that can be renewed by Zayo prior to the end of the term. The contract will provide income of \$4,500 per year during the life of the agreement. For the initial 5 year term we will receive \$22,500. Sue Messer was available to answer questions. Motion made by Councilor Gruben and seconded by Councilor T. McDermott, **“I move Resolution R20-35, a resolution Authorizing the Execution of a Dark Fiber License Agreement with Zayo Group, LLC, 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 Approving a Purchase and Sale Agreement with 1600 Ritchie Court, LLC.** Last year the City purchased approximately 16.5 acres for the development of a new substation at the intersection of Ritchie Road and Ritchie Court. The City subdivided the parcel into three separate lots and has determined that Lot 3 of the subdivided parcel is no longer necessary for the operation of the electric utility and found it to be surplus property by the City Council. This lot is zoned for industrial use in the I-2 General Industrial Zoning District and the City has negotiated a purchase and sale agreement with 1600 Ritchie Court LLC (Project Jackpot) for the purchase of Lot 3, which consist of 6 acres. The City obtained an appraisal and the sales price is equal to the appraised value of the land (which is what the City originally paid for the property) on a per acre basis as required by 65 ILCS 5/11-76-4.1. By approving this resolution, the City is authorizing the City Manager to execute the purchase and sale agreement with 1600 Ritchie Court LLC in the amount of \$261,359.71. 9. Jeff Fiegenschuh and Dominick Lanzito were available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Resolution 20-36, a resolution approving a Purchase and Sale Agreement with 1600 Ritchie Court, LLC, 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: City of Rochelle Progress 2017-2020.** The City of Rochelle has made significant progress in projects and development over the past three years. City Manager, Jeff Fiegenschuh, shared a bird’s eye view highlighting the different projects completed between 2017-2020.

**EXECUTIVE SESSION:** at 7:25 PM, Councilor T. McDermott moved and seconded by Councilor Burke, “**I move the Council recess into executive session to discuss the purchase or lease of real property for City’s use, Section (c) (5), pending or imminent litigation, Section (c) (11), and 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, Hayes, D. McDermott, T. McDermott, and Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 7:55 PM, moved by Councilor Burke and seconded by Councilor T. McDermott, “**I move the Council return to open session.**” Roll call vote was taken. Ayes: Councilor Burke, Gruben, D. McDermott, T. McDermott, and Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 6-0. Councilor Hayes was absent for Executive Session.

**ADJOURNMENT:** At 7:57 PM, moved by Councilor D. McDermott and seconded by Councilor T. McDermott, “**I move the Council adjourn.**” Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0.

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John Bearrows, Mayor

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Susan L. Messer  
City Clerk, City of Rochelle