

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
March 08, 2021**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, March 8, 2021 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The pledge was led by Mayor Bearrows and prayer was said by Pastor Cowan.

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. On October 16th Governor Pritzker extended the order through November 14th. On November 13th Governor Pritzker extended the order through December 12th. On December 11th Governor Pritzker extended the order through January 9th. On January 8th Governor Pritzker extended the order through February 6th. On February 5th Governor Pritzker extended the order through March 6th. On March 5th Governor Pritzker extended the order through April 3rd. As a result, Councilman Bil Hayes has notified the City Clerk of his desire to participate remotely. Unless there is a motion objecting to his attendance, the request of the council member will be deemed approved. Present on Roll Call were Councilmembers Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey, Mayor Bearrows, and Councilman Hayes attended remotely. Absent: None. A quorum of seven were present. City Manager Jeff Fiegenschuh, City Clerk Sue Messer and City Attorney Dominick Lanzito were also present.

PROCLAMATIONS, COMMENDATIONS, ETC: None.

REPORTS AND COMMUNICATIONS:

- Mayor's Report- Wished all women a happy International Women's Day. Good work to staff involved with the Hickory Grove Grant.
- Council Members
- Good News - RMU Shop Local Program. Michelle Knight from Community Development and Mandi Morris from RMU Customer Service have been processing hundreds of receipts for bill credits on top of their regular responsibilities as part of our commitment to support our small businesses through the COVID-19 pandemic.

PUBLIC COMMENTARY: None.

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – 2/22/21
- b) Approve Exceptions – 02/16/21-02/22/21, 02/23/21-03/01/21
- c) Approve Payroll – 02/08/21-02/21/21
- d) Accept and Place on File Planning and Zoning Minutes – 01/04/21

Motion made by Councilor T. McDermott and seconded by Councilor Gruben, "**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) **2021 Sidewalk Capital Improvements Program.** The annual sidewalk/pedestrian path improvements project, as administered by the Engineering Department, provides for the replacement of existing and/or constructs new sidewalks and pedestrian paths and other related items throughout the City. The program provides for improved accessible pedestrian access routes including ramps for the disabled and other users. This is part of an effort to continuously improve our pedestrian network for all users and meet certain Americans with Disabilities Act (ADA) and Public Right-of-Way Accessibility Guidelines (PROWAG) standards. The program is primarily funded through the Utility Tax Fund (UTF) established in 1997 in an effort to routinely address the needed and required upgrades to the City's pedestrian sidewalk system, associated curb and gutter replacement, street pavement restoration and landscaping. Since its inception nearly 850,000 square feet of sidewalk and/or other pedestrian paths and hundreds of accessibility ramps have been improved through replacement and/or new construction. The UTF has been utilized to supplement new sidewalk or pedestrian path construction on other roadway projects such as the South Main Street reconstruction, 7th Avenue bridge replacement and pedestrian improvements, 2nd Avenue street reconstruction and various City street urbanization/reconstruction projects. The above referenced project was advertised in the Rochelle Newsleader and the City website. Bids were publicly opened and read aloud on February 23, 2021 at 10am for the above referenced project. Four separate bids were received as follows:

- Bruns Construction, Inc. submitted a bid for making the entire improvements in the amount of \$309,620.00
- AA Construction, Inc. submitted a bid for making the entire improvements in the amount of \$337,627.40 (as reviewed & verified)
- Stenstrom Excavation and Blacktop Group submitted a bid for making the entire improvements in the amount of \$394,316.00
- O'Brien Civil Works, Inc. submitted a bid for making the entire improvements in the amount of \$404,605.10

The lowest bid is approximately 8% lower than the estimated costs for the project. The project is funded with UTF administered by the Engineering Department. A transfer from the CY 2021 UTF #18-00 will be made to the Capital Improvement Fund (CIP) #36-00-86500 to cover costs associated with the project. 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 additional work, not to exceed \$47,640.00, through the contract for improvements to sidewalk and pedestrian related systems within the scope of the contract. Lastly, the City will purchase detectable warning plates for use on the sidewalk replacement project and the Street Department crews will provide pavement excavation, pavement patching, and restoration along new curb and gutter sections and alley approaches. Therefore, it is recommended that approval be given to the City Manager to contract for supplies, materials, equipment, or other services in an amount not to exceed \$59,970.00 and waive bidding requirements thereof to complete said street/alley restoration work. City Engineer Sam Tesreau was available for questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **"I move Council accept the low bid proposal of \$309,620 and award the 2021 City of Rochelle sidewalk project to Bruns Construction, Inc. and reject all other bids."** 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 D. McDermott and seconded by Councilor Shaw-Dickey, **"I move Council authorize a not to exceed amount of \$47,640 improvement add on (contract change order) to be negotiated by the City Manager for sidewalk or other related improvements."** 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 D. McDermott and seconded by Councilor T. McDermott, **"I move Council authorize the City Manager to contract for supplies, materials, equipment, or other services in an amount not to exceed \$59,970 and waive bidding requirements to complete project related street/alley restoration work."** 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 D. McDermott and seconded Councilor Burke, **"I move, we move Discussion item #1 to present position on the council agenda."** 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: Enterprise Fleet Program Update. In 2019 Rochelle City Council approved an agreement with Enterprise Fleet Management to Manage the City's light duty vehicle fleet, reduce capital expenditures, greatly lower repair costs, and improve vehicle reliability and safety. In January 2020, the City began receiving new vehicles, most of the replaced vehicles were sold at the City auction as they were inoperable, unreliable, and not worth the expense of transporting to a vehicle auction site. As the City enters year two of the Enterprise Fleet Management program, Linsey Ireland, Account Strategy Manager was on the phone to provide an update on the City's light duty vehicle fleet program. Street Superintendent Tim Isley was also available.

- 3) **Ordinance Approving Preliminary and Final Plat of Subdivision for the Grove Industrial Park Subdivision Located at 920 South Main Street.** The City of Rochelle has petitioned to subdivide the property located along 920 South Main Street, Parcel # 24-25-476-011. The purpose of subdividing is to re-subdivide the 13.15-acre parcel into a one lot subdivision, as well as dedicate right of way and easements for use by the City of Rochelle. The proposed name of the subdivision is The Grove Industrial Park. Survey Tech developed a preliminary and final plat of subdivision on behalf of the City, for a one lot subdivision with right of way and easements. A public hearing was held on Monday, March 1, 2021. The Planning and Zoning Commission voted to approve the Preliminary & Final Plat of Subdivision by a vote of 6-0. Community Development Michelle Pease was available for questions. Motion made by Councilor Burke and seconded by Councilor Gruben, **“I move Ordinance 21-5218, an Ordinance Approving the Preliminary and Final Plat of Subdivision for the Grove Industrial Park Subdivision Located at 920 South Main Street, 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 a Purchase and Sale Agreement for the Purchase of 300 Cherry Avenue.** The current owner of property located at 300 Cherry Avenue has agreed to sell 300 Cherry Avenue to the City for \$15,000.00, plus closing costs, and forgiveness of past utility bills for the property. The City wishes to purchase the property for redevelopment or other public use. Michelle Pease was available for questions. Motion made by Councilor Gruben and seconded by Councilor D. McDermott, **“I move Resolution R21-06, a Resolution Approving a Purchase and Sale Agreement for the Purchase of 300 Cherry Avenue in the amount of \$15,000 plus closing costs and forgiveness of past utility bills for the property, 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) **Ordinance Amending Chapter 82 of the Rochelle Municipal Code Pertaining to Snow Removal.** Staff wishes to amend Chapter 82, “STREETS, SIDEWALKS AND OTHER PLACES”, Article I, “IN GENERAL”, of the Municipal Code of the City of Rochelle by deleting the following language and adding the following underlined language:
Sec. 82-4. – Removal of snow from sidewalks.
It is unlawful for any owner or lessee of property abutting a public sidewalk within the area of the city bordered by Sixth Avenue on the north, Main Street on the east, Second Avenue on the south, and Sixth Street on the west to fail to remove accumulations of snow, ice, sleet, or freezing rain that result in an unsafe condition for pedestrians within 24 hours after the accumulation of two or more inches. Accumulated precipitation shall be placed next to the head of the curb for collection by the Street Department. Accumulated precipitation shall not be placed in the gutter or street. Michelle Pease and Tim Isley were available for questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Ordinance 21-5219, an Ordinance Amending Chapter 82 of the Rochelle Municipal Code Pertaining to Snow Removal, 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) **Rochelle Solar – Continuation of Public Hearing.** The submitted Petition for Rochelle Solar (15537 E Twombly Rd PIN 25-18-100-005) for a proposed preliminary and final plat of subdivision, plat of annexation, zoning map amendment, rezoning to rural development, special use for a solar farm, and variance of municipal code sections 82-14 and 110-405 for the property located at the Southeast corner of Twombly Road and North Caron Road (future), parcel 25-18- 100-005 requires a public hear and voting action. At the March 1, 2021 Planning and Zoning Commission Meeting, the Planning and Zoning Commission voted to continue the Public Hearing to April 5, 2021 regarding the proposed Preliminary and Final Plat of Subdivision, Plat of Annexation, Zoning Map Amendment, Rezoning to Rural Development, Special Use for a Solar Farm, and Variance of Municipal Code Sections 82-14 and 110-405 for Rochelle Solar. The Public Hearing for City Council will be continued to the April 12, 2021 meeting. Michelle Pease was available for questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move the council approve the continuation of the Public Hearing regarding the proposed Preliminary and Final Plat of Subdivision, Plat of Annexation, Zoning Map Amendment, Rezoning to Rural Development, Special Use for a Solar Farm and Variance of Municipal Code Sections 82-14 and 110-405 for Rochelle Solar to the April 12, 2021 City Council meeting.”** 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 Amending Chapter 34 of the Rochelle Municipal Code Pertaining to Civil Emergencies.** During our response to the numerous challenges presented last year, I looked to our city ordinances, and state law for guidance that I could share with Department Heads, the City Manager, Mayor and Council as necessary. In doing so, I located a gap in Chapter 34 of our local ordinance “Emergency Services & Disaster Agency” concerning the Mayor or City Manager’s authority to declare a local disaster. Chapter 34 does provide important statutory authority for local leaders to prepare for and respond to a disaster. However, it currently lacks specific language describing the authority to declare a local emergency, the process by which one is declared, and the powers given to city officials once a local emergency is declared. The attached ordinance, amending Chapter 34, was drafted in coordination with the City’s legal staff and addresses the concerns above by adopting the authorities provided to City leaders in the Illinois Municipal Code (65 ILCS 5/11-1-6) and the Illinois Emergency Management Act (20 ILCS 3305/11). These two state statutes grant the Mayor and or his/her designee authority to declare a municipal state of emergency, explain how this is done and describe what additional authority or powers are available once the declaration is made. Terry Inman, Emergency Management Coordinator was available for questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Ordinance 21-5220, an Ordinance Amending Chapter 34 of the Rochelle Municipal Code Pertaining to Civil Emergencies, 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) **Master Service Agreement with Syndeo Networks, Inc. for Increased Bandwidth Services.** Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **“I move to postpone item #8 to the March 22nd Council Meeting.”** 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) **System Planning Study of the Electric System.** The purpose of the study is to assess the existing electric infrastructure in support of current load demand and future development. The study will entail analyzing the electric system, including substations, generation, and distribution lines to determine areas of needed improvement and quantify the probable future needs of the electric system. This analysis will provide Rochelle with a roadmap to having adequate, reliable, and efficient electric service for existing and future customers. The following critical items will be evaluated during the study to identify deficiencies in sufficiency and/or reliability: 1. 5KV Feeders long term plan. 2. Substation feeder territory review. 3. 34.5kV load, and city-wide loop. 4. Existing feeder loading evaluation. 5. Generation planning, long term forecast, economics, location. 6. Reliability standards, RP3 certification, smart grid. The Electric department has had a long-standing relationship with BHMGM and they are the most suitable party to conduct this study. Utilities Superintendent Adam Lanning was available for questions. Motion made by Councilor T. McDermott and seconded by Councilor Shaw-Dickey, **“I move Council authorize the City Manager to sign an agreement with BHMGM for the System Planning Study of the Electric System at a not to exceed cost of \$49,400.”** 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) **Engineering Services Agreement for Caron Road Lift Station Modifications.** The Caron Road Lift Station, that was put online in 2014, was built to handle flow projections based on the industries and expected future growth at that time. With the anticipated addition of a new industry on that sewer, the lift station will need to be upgraded to handle projected flows from this industry. Currently the new industry’s schedule for requiring these upgrades gives the City approximately 1 year to complete the work. The scope of this agreement covers design modifications for both mechanical and electrical as well as permitting with IEPA. Adam Lanning was available for questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Council authorize the City Manager to sign an engineering services agreement for the Caron Road Lift Station Modifications with Fehr Graham and Associates in the amount of \$24,750.”** 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 Amending Ordinance No. 45-OH – 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 specific project sites in the City of Dixon and City of Oregon and amends the zone area and funding formula for administration operating expenses. Lee Ogle Enterprise Zone Administrator Andy Shaw attended the meeting to answer any questions. Motion made by Councilor Burke and seconded by Councilor Gruben, **“I move Ordinance 21-5224, an Ordinance Amending Ordinance No. 45-OH - 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.

DISCUSSION: Zoning Code Update. Staff is working with Teska & Associates to update our Zoning Codes, specifically Section 110 of the Municipal Code. The steering committee consists of City staff, Councilwoman Kate Shaw-Dickey and Planning and Zoning Commissioner Gary Chiavini. The goals of updating the zoning codes are to:

- align with State and Federal law
- revise staff roles and zoning processes (variance, special use, amendments, etc.) to reflect current City practices
- make the document more user friendly for staff, residents, and developers
- add graphics and links for ease of use
- reorganize to eliminate duplicate and/or conflicting regulations
- revise/simplify permitted use list

Timeline of completion:

March 1- Planning & Zoning Discussion

March 8- City Council Discussion

April 5- Planning & Zoning Voting Recommendation

April 12- City Council Voting Agenda Item

Pete Iosue from Teska & Associates will be in attendance to present the Rochelle Zoning Ordinance Update.

EXECUTIVE SESSION: at 7:50 PM, Councilor D. McDermott moved and seconded by Councilor Gruben, **“I move the Council recess into executive session to discuss pending or imminent litigation, Section (c) (11) employment, 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: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 8:23 PM, moved by Councilor T. McDermott and seconded by Councilor Gruben, **“I move the Council return to open session.”** Motion passes by voice vote without dissent.

ADJOURNMENT: At 8:24 PM, moved by Councilor Burke and seconded by Councilor D. 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.

John Bearrows, Mayor

Susan Messer
City Clerk, City of Rochelle