

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
January 11, 2021**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, January 11, 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 City Clerk 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. 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. As a result, Councilman Bil Hayes and Don Burke 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 Gruben, D. McDermott, T. McDermott, Shaw-Dickey, Mayor Bearrows, and Councilmember Burke and 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 – Commend Street Dept & RMU Utilities for electric & snow removal through recent snow and ice storm.
 - Accept the Resignation of Robert Elliott from the Utility Advisory Board. Motion made by Councilor T. McDermott and seconded by Councilor Gruben, **“I move council accept the resignation of Robert Elliott from the Utility Advisory Board effective 1/11/21.”** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: None. Motion passed 7-0
- Council Members

PUBLIC COMMENTARY: None.

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – 12/14/20
- b) Accept and Place on File Minutes of Utility Advisory Board – 07/17/19 and 11/13/19
- c) Approve Exceptions – 12/2/20-12/15/20, 12/16/20-12/21/20, 12/22/20-12/28/20, 12/29/20-1/4/21
- d) Approve Payroll – 11/30/20-12/13/20, 12/14/20-12/27/20
- e) Accept and Place on File Financial Statement – November 2020

Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **“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) **Ordinance Approving Amending Ordinance No. 45-OH Lee Ogle Enterprise Zone Incentives.** The Lee-Ogle Enterprise Zone, created in 2017, provides a uniform tax abatement of 50% per year for 6 years upon improvements being made. To land larger projects, Enterprise Zones that surround the Lee Ogle EZ have adopted a tiered approach to tax abatements based on the size and impact a project brings to the Zone. The larger the capital investment, higher the wages and/or number of jobs being created the longer the tax abatement schedule. The Lee-Ogle EZ Board recently approved a three-tier tax abatement schedule based on a project's economic impact. The base of each tier is as follows:

Tax Abatement Schedule

- Base Tier: no job minimum, no capital investment minimum: 6 years at 50%/year
Must maintain 75% of jobs to retain abatements (Same as present rules) (Same as present)
- Extended Tier: 75+ new jobs, \$50M+ capital investment: 10 years at 50%/year
(Must maintain 95% of jobs to retain abatement)
- High Impact Tier: 125+ new jobs, \$100M+ capital investment, 16 years at 50%/year
and \$50k average annual income for hourly employees before benefits
(Must maintain 95% of jobs to retain abatement)

Lee-Ogle Enterprise Zone Administrator Andy Shaw and Mike Eickhoff, representing Project Jackpot, attended the meeting to share Project Jackpot presentation. Economic Director, Jason Anderson was also available for questions. Motion made by Councilor T. McDermott and seconded by Councilor Gruben, **“I move Ordinance 21-5201, an Ordinance Approving Amending Ordinance No. 45-OH Lee Ogle Enterprise Zone Incentives, 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 Approving a Special Use in the B-2 Commercial Highway Zoning District to Allow Retail Sales of Electronic Cigarettes, Vapor, and Related Products in Accessors at 901 S 7th Street (OEDAE Farraj D/B/A Rocky's Smoke Shop, Petitioner).** The petitioner, located at 901 South 7th Street is seeking a special use permit for miscellaneous retail sales of tobacco products and accessories. These products include, but are not limited to items such as vape, CBD, loose tobacco, tobacco and glass accessories, novelty items, incents, gifts and batteries. The subject property is zoned B2, Commercial Highway. Section 110-291 District Use Classification requires a special use in a B2 zoning district for miscellaneous retail. A public hearing was held on Monday, January 4, 2021. The Planning and Zoning Commission approved the Special Use by a vote of 5-0. Building Inspector, Geoff Starr, Oedae Farraj were available for questions. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Ordinance 21-5202, an Ordinance Approving a Special Use in the B-2 Commercial Highway Zoning District to Allow Retail Sales of Electronic Cigarettes, Vapor, and Related Products in Accessors at 901 S 7th Street (OEDAE Farraj D/B/A Rocky's Smoke Shop, Petitioner), be approved.”** Roll call vote was taken. Ayes: Gruben, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Nays: Burke and Hayes. Motion passed 5-2.
- 4) **Ordinance Granting Variation Related to Signage at 1000 S 7th Street for Kwik Trip.** The petitioner is seeking a variance of signs in order to construct a proposed electronic message board, located at 1000 S. 7th Street. The petitioner is requesting this variance of the ordinance in order to program an Electronic Message Board to display messages used for advertising that could be changed from the inside of the building. The size of the proposed electronic message board is 34.875” high x 60.625” wide. The subject property is zoned B-2, Commercial Highway. Per Section 110-674 Prohibited Signs (5) Any flashing sign, subject to the provisions relating to non-conforming signs. Per Section 110-661 Flashing sign means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever. A public hearing was held on Monday, January 4, 2021. The Planning and Zoning Commission approved the Special Use by a vote of 4-1. Planning and Zoning Commission passed the request with the understanding that all codes, as updated within the next 6 months, would be observed by the owner/operator of the sign. Codes will be updated to limit the frequency of copy changes, to limit signs to static display, and to limit photometrics. The petitioner understood and agreed to the request. Geoff Starr was available for questions. Motion made by Councilor D. McDermott and seconded by Councilor Gruben, **“I move Ordinance 21-5203, an Ordinance Granting Variation Related to Signage at 1000 S 7th Street for Kwik Trip, 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) **Engineering Agreement for Wastewater Treatment Plant Upgrades Phase II.** As we continue to rehab the Wastewater Treatment Plant, according to the 20-year capital improvement plan, we have selected Willett Hofmann's proposal to provide engineering and construction management services for the Wastewater Treatment Plant Upgrades Phase II. The system upgrades include the construction of a second new fine screen option and dewatering unit for the influent bypass channel, new piping to connect the anaerobic lagoon effluent piping to the headworks building, convert aeration bays 5-8 for biological nutrient removal, replace the clarifier drive units and demolish three existing tertiary sand filters, and install four cloth type tertiary filters. These upgrades will increase the efficiency of the treatment process and will bring it up to date since the lagoons are in poor condition due to overgrowth of vegetation and erosion plus sludge deposits within the lagoon. The sand filters need to be upgraded to meet the needs of upcoming phosphorous regulations in addition to the equipment being approximately 30 years old and requiring extensive maintenance costs. The secondary clarifiers are another critical treatment process with equipment that is also 30 years old and in dire need of repair. Like phase one, the concrete infrastructure will remain in place and we will just be replacing the mechanical portions of these treatment processes. If concrete repairs or linings are needed, we will do so to preserve the integrity of the structure. The project will be funded by an IEPA loan and will be close monitored to keep cost down. We will do some in-house construction management work to potentially off-set a portion of \$240,000 construction observation cost. Utilities Superintendent, Adam Lanning was available for questions. Motion made by Councilor Gruben and seconded by Councilor Shaw-Dickey, **"I move the council approve an Engineering Agreement for Wastewater Treatment Plant Upgrades Phase II between the City and Willett Hofmann & Associates, Inc. at a not to exceed cost of \$682,000 for the multi-year project and authorize the City Manager to sign the 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.
- 6) **Electrical Equipment Update at Well #8 (Caron Road).** As part of the ongoing efforts to rehab Well #8 and update the aged equipment, a proposal from Engel Electric Company was requested following the recommendation from Water Well Solutions to install an in-line filter on the load side of the VFD to protect the well submersible pump motor. As you may recall the VFD was replaced over the summer due to an electrical fire incident therefore, Engle Electric has also provided a proposal for the surge protection device and breaker on the service line to the well pump VFD to mitigate future loses. We opted to hire Engel Electric since they have been part of this project from the beginning. The cost for the upgrades is well under the spending authority of the City Manager however, we would like to keep you informed of the cost since this is part of the overall rehab project of Well #8. Adam Lanning was available for questions. Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **"I move the Council approve Engel Electric's proposal and proceed with the recommended electrical upgrades for well #8 at a cost of \$21,941."** 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) **Resolution Authorizing the Execution of a Dark Fiber License Agreement with MCIMetro Access Transmission Services, Corp.** The dark fiber license agreement with MCIMetro expired on November 1st, 2020. The proposed resolution authorizes the City Manager to sign a new Dark Fiber License Agreement with MCIMetro. This resolution is a 5-year extension to the expired lease agreement for their dark fiber along Rt 39. The term of the agreement is from 11/1/2020 to 11/1/2025, with the monthly amount being \$6,567.29. On November 1st of each subsequent year of this Agreement, the monthly license fee shall increase by three (3%) percent. Adam Lanning was available for questions. Motion made Councilor T. McDermott and seconded Councilor D. McDermott, **"I move Resolution R21-01, a Resolution Authorizing the Execution of a Dark Fiber License Agreement with MCIMetro Access Transmission Services, Corp., 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 Creation of a City of Rochelle COVID Temporary Leave Program.** The Families First Coronavirus Response Act (FFCRA) act expired on December 31, 2020, currently there is no new federal/state mandates for 2021. The City of Rochelle would like to implement a new leave program for 30 days, until January 31, 2021. This program is not the same program nor an extension of the federally mandated program. The City has created a new program to allow for benefits into the beginning of 2021 for those exposed to COVID. Program Details:
- 1) Exposure to COVID: Employee will be asked to be tested and results will determine if/when the quarantine will take place. If not tested and no symptoms, the employee will be required to quarantine and use sick leave to cover the absence.
 - 2) Testing: If an employee has been exposed to COVID and is being tested, the employee will be placed on COVID Administrative Leave while awaiting test results with no use of leave.
 - 3) Positive Test Results – the employee will receive up to 80 hours of COVID Temporary Leave (CTL) while on quarantine. The length of quarantine will be based on the recommendation of the health department. Document of positive test results must be sent to HR within 24 hours of notification. If no letter is received to confirm test results, employee may be required to use sick leave from their leave bank.
 - 4) Negative Test Results– the employee may return to work under modified quarantine guidelines: wear mask, physical distance, and monitor symptoms. Documentation of the negative results must be sent to HR prior to returning to work. Per this program, employees will be asked to submit any documentation they may receive from testing facility and/or the designated health department. This program is monitored and based on each employee’s case. The CTL hours are designated per case but will be limited to a total of 80 hours for all exposures until January 31, 2021. Sick Leave may be used to cover absences related to illness during this time. The COVID Temporary Leave Program does not included the mandated childcare provisions that FFCRA required for school closings and/or remote learning. Human Resource Coordinator Nancy Bingham was available for questions. Motion made Councilor D. McDermott and seconded Councilor T. McDermott, **“I move Resolution R21-02, a Resolution Authorizing Creation of a City of Rochelle COVID Temporary Leave Program, 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: None.

EXECUTIVE SESSION: at 7:15 PM, Councilor D. McDermott moved and seconded by Councilor Shaw-Dickey, **“I move the Council recess into executive session to discuss purchase or lease of real property for City’s use, Section (c) (5), setting of a price for sale or lease of property owned by the City, Section (c) (6), 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.

Councilor Hayes was not present remotely at the executive session.

At 8:02 PM, moved by Councilor D. McDermott 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. Absent: Hayes. Nays: None. Motion passed 6-0.

ADJOURNMENT: At 8:02 PM, moved by Councilor Shaw-Dickey and seconded by Councilor T. McDermott, **“I move the Council adjourn.”** Roll call vote was taken. Ayes: Burke, Gruben, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Bearrows. Absent: Hayes. Nays: None. Motion passed 6-0.

John Bearrows, Mayor

Susan L. Messer
City Clerk, City of Rochelle