

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
June 25, 2018**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, June 25, 2018 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The Prayer was said by City Clerk Messer.

ROLL CALL: Present on Roll Call was Councilmembers Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Absent: None. A quorum of seven was present. Also present were City Manager Fiegenschuh, City Clerk Messer and City Attorney Lanzito.

PROCLAMATIONS, COMMENDATIONS, ETC: None

REPORTS AND COMMUNICATIONS:

- Mayor – Appointment of Members of Boards and Commissions.
Motion made Councilor Bearrows and seconded by Councilor Shaw-Dickey, **“I move the council to approve the Mayor’s appointments to the Golf Course Advisory Board, the Police and Fire Commission, the Stormwater Advisory Commission, the Trucing Advisory Committee and the Utility Advisory Board for terms beginning July 1, 2018.”** Roll call was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- Council Members-Councilman Bearrows discussed new construction incentive program.

PUBLIC COMMENTARY: None

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meetings – 06/11/18
- b) Approve Exceptions – 06/06/18-06/18/18
- c) Approve Bills – 06/19/18
- d) Approve Payroll – 05/21/18-06/03/18
- e) Accept and Place on File Financial Statement – May 2018
- f) Approve Ordinance Establishing Prevailing Wage Rates
- g) Approve Request from VFW - Independence Day Parade

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

- 2) **Rochelle Industrial Rail Improvements – Contract No. 2 (Rail Bridge).** The City of Rochelle has received bids for 3 projects in conjunction with the Industrial Rail Improvements to the City of Rochelle Railroad. Contract No. 2 represents the construction of a rail bridge spanning John’s Creek. Jason Anderson was present to answer any questions. Motion made by Councilor D. McDermott and seconded by Councilor Bearrows, **“I move the council accept the proposal from the lowest bidder and award the Rochelle Industrial Rail Improvements Contract No. 2 (Rail Bridge) to Martin & Company Excavating with a bid of \$1,293,819 subject t approval of the EDA and IDOT Freight Rail Division, and reject all other bids.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 3) **Rochelle Industrial Rail Improvements – Contract No. 3 (South Rail Extension).** The City of Rochelle has received bids for 3 projects in conjunction with the Industrial Rail Improvements to the City of Rochelle Railroad. Contract No. 3 represents the construction of three rail extensions ~3,300 Lf. each. Jason Anderson was present to answer any questions. Motion made by Councilor Hayes and seconded by Councilor Burke, **“I move the council accept the proposal from the lowest bidder and award the Rochelle Industrial Rail Improvements Contract No. 3 (South Rail Extension) to William Charles Construction Company with a bid of \$3,168,644.02 subject to approval of the EDA and IDOT Freight Rail Division, and reject all other bids.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 4) **Ordinance Approving an Agreement to Purchase Certain Real Estate Located at 417-421 N 6th Street.** Kennay Farms Distilling, LLC, is interested in purchasing and redeveloping City owned real estate located at 417-421 N. 6th Street in Rochelle, which includes 2 structures and adjacent parking lot in the Downtown & Southern Gateway TIF. The City published notice on June 5, 2018 pursuant to 65 ILCS 5/11-74.4-4 of the TIF Act requesting proposals for the purchase and development of the Property and will publicly open all bids received on June 22, 2018. The agreement with Kennay Farms includes a purchase price of \$205,000, with a closing date of July 2, 2018. Kennay Farms Distilling will take possession at 4:30 p.m. on Friday, August 31, 2018. Doris Kennay spoke and gave a presentation. Motion made by Councilor Hays and seconded by Councilor Bearrows, **“I move Ordinance 18-4860, an Ordinance Approving an Agreement to Purchase Certain Real Estate Located at 417-421 N. 6th Street by Kennay Farms Distilling, LLC for the amount of \$205,000, be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 5) **Amending Ordinances for Enterprise Zone.** In December of 2015 the Mayor and Council approved an Ordinance Establishing the Lee Ogle Enterprise Zone. The new zone encompassed 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. The original Lee Ogle Enterprise Zone included 9,600 acres divided between the two counties and two cities with 1000 acres left “undesigned” to allow for expansion. In September of 2017 and January of 2018 the Rochelle City Council approved ordinances which expanded the zone to include certain industrial and commercial property in the City of Amboy and the Village of Mount Morris. A few months ago, the council approved ordinance 18-4813 to expand the zone by adding two project sites, one in Dixon and one in Rochelle. The Department of Commerce and Economic Opportunity has since notified the Zone Administrator that the ordinance needs to be amended to change the legal description for the Rochelle site and separate the two projects into individual applications. A public hearing was held on June 4th to amend the zone for a new project site in the City of Amboy of 4.1 acres. Including this amendment, the new area of the Lee Ogle Enterprise Zone is 8,881. Lee Ogle Enterprise Zone Administrator Andy Shaw was present to answer any questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **“I move Ordinance 18-4861, an Ordinance Amending Ordinance No. 18-4813 to amend the legal description of a specific project site in Rochelle (Manor Court), be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Ordinance 18-4862, an Ordinance Amending Ordinance No. 45-OH to add a specific project site in Dixon into the Lee Ogle Enterprise Zone (Anchor Road), be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **“I move Ordinance 18-4863, an ordinance Amending Ordinance No. 45-OH to add a specific project site in Amboy into the Lee Ogle Enterprise Zone (Johnson Implement), be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 6) **Ordinance Approving Amendment to Restated Host Agreement for the Operation and Development of Rochelle Municipal Landfill #2 (Mulford Road Construction).** The City of Rochelle and Rochelle Waste Disposal, LLC entered into a Restated Host Agreement for operation and development of Rochelle Municipal Landfill #2 several years ago. In 2008, the City Council approved certain amendments to the Restated Host Agreement, including an amendment to Section 3.12, consisting of a new Section 3.12(c), which provided that the operator would complete construction of improvements to Mulford Road in two stages as follows, (1) from Route 38 to the existing landfill entrance and (2) from the existing landfill entrance to Creston Road. The operator has since completed the Mulford Road Improvements from Route 38 to the existing Landfill entrance. Due to the intended relocation of the existing entrance to a point farther south, City staff and the operator recommend amending Section 3.12(c) of the agreement to allow the operator to complete the construction of the remaining Mulford Road Improvements within one year from the date of the City’s approval of the Amendment of the Restated Host Agreement. Motion made by Councilor Bearrows and seconded by Councilor Shaw-Dickey, **“I move Ordinance 18-4864, an Ordinance Approving Amendment to Restate Host Agreement for the Operation and Development of Rochelle Municipal Landfill #2 (Mulford Road Construction), be approved.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 7) **Ordinance Waiving the Competitive Bidding Requirements and Awarding Baxter & Woodman Consulting Engineers a Contract to Design and Build the Blower Replacement Project for the City's Water Reclamation Facility.** Approximately 12 months ago the anaerobic lagoon at our wastewater treatment plant reached full capacity and had to be bypassed to maintain compliance with the IEPA. The lagoon served as a pretreatment system for the main plant reducing the loading therefore reducing the electrical demand. Since we have increased loading to the plant we have been forced to put in service an older inefficient blower. We are currently under design to rehabilitate the anaerobic lagoon but are looking at August 2020 for a final completion date. By installing a new high efficiency blower, the estimated cost savings is \$45,000 per year in electricity until that anaerobic lagoon is back online which could be 2-3 years. This project would be cash funded and not eligible for reimbursement through the IEPA loan program. Three existing blowers are in need of replacement and as part of the treatment plant upgrades will all be replaced, but now is an opportunity to replace one and save some money in power costs. Adam Lanning was present to answer any questions. **"I move Ordinance 18-4865, an Ordinance Waiving the Competitive Bidding Requirements and Awarding Baxter & Woodman Consulting Engineers a Contract to Design and Build the Blower Replacement Project for the City's Water Reclamation Facility at a cost of \$270,000, be approved."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 8) **An Ordinance Amending Chapter 82 Entitled "Streets, Sidewalks and Other Public Places" Pertaining to the Regulation of Small Wireless Facilities.** The Illinois General Assembly recently enacted Public Act 100-0585, known as the Small Wireless Facilities Deployment Act, which became effective on June 1, 2018. The City is authorized to enact appropriate regulations relative to small wireless facilities, distributed antenna systems and other personal wireless telecommunication facility installations in the public right-of-way as long as it done not conflict with state and federal law. The proposed ordinance amends Chapter 82 of the municipal code by incorporating Article X entitled "Small Wireless Facilities. This article includes the permit and application requirements, collocation requirements and conditions, application fees, exceptions to applicability, pre-existing agreements, annual recurring rate, abandonment, dispute resolution, indemnification, insurance and severability. Jason Bird was present to answer any questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **"I move Ordinance 18-4866, an Ordinance Amending Chapter 82 Entitled "Streets, Sidewalks and Other Public Places" Pertaining to the Regulation of Small Wireless Facilities, be approved."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0. Motion made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **"I move Ordinance 18-4868, an Ordinance Amending Chapter 82 Entitled "Streets, Sidewalks and Other Public Places" Pertaining to the Siting of Small Cell Antenna/Tower in the Right-of-Way, be approved."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.
- 9) **Resolution Authorizing the Execution of Fiber Optic Cable Lease Agreements.** Since 2009, the Electric, Water, and Water Reclamation Departments have housed SCADA equipment in rack space at the Tech Center. The Electric Department was billed \$31,680 each year, which was the market rate at that time, with no formal agreement. Water and Water Reclamation were not charged. The auditors have advised that formal agreements be approved by Council to provide support for the charges. The cost going forward will be for 10Mbps 374.95 per point to point fiber, the Electric has 22 and Water/Water Rec has 4, per month. Jason Bird was present to answer any questions. IT staff was acknowledged for all their work. Motion was made by Councilor Shaw-Dickey and seconded by Councilor Burke, **"I move Resolution R18-18, a Resolution Authorizing the Execution of Fiber Optic Cable Lease Agreements, be approved."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

DISCUSSION ITEMS: None

EXECUTIVE SESSION: at 8:00 PM, Councilor Bearrows moved and seconded by Councilor D. McDermott, **“I move the Council recess into executive session to discuss purchase or lease of real property for City’s use Section(c) (5) and to discuss 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), and to discuss the appointment, employment, compensation, discipline, performance and/or dismissal of specific employee(s). Section (c) (1).”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

At 8:32 PM, moved by Councilor Bearrows and seconded by Councilor Shaw-Dickey, **“I move the Council return to open session.”** Motion passes by voice vote without dissent.

ADJOURNMENT: At 8:33 PM, moved by Councilor Shaw-Dickey and seconded by Councilor D. McDermott, **“I move the Council adjourn.”** Motion passed by voice vote without dissent.

Chet Olson, Mayor

Susan L. Messer
City Clerk, City of Rochelle