

**ROCHELLE CITY COUNCIL  
REGULAR COUNCIL MEETING MINUTES  
August 13, 2018**

The Rochelle City Council met in Regular Session at 7:00 p.m. on Monday, August 13, 2018 in the Council Chambers of City Hall; 420 N. 6<sup>th</sup> 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 Sue Messer and Deputy Clerk Rose Huéramo.

**PROCLAMATIONS, COMMENDATIONS, ETC:**

**REPORTS AND COMMUNICATIONS:**

- Mayor – Informed the public Lincoln Highway Heritage Festival takes place this weekend.
- Council Members – Councilman Bearrows publicly thanked Councilor Tom McDermott and Fire Chief Dave Sawlsville for training in Oregon.  
Councilwoman Kate Shaw-Dickey thanked all involved in National Night Out event.
- Good News – Scott Gross
- School Resource Officer – Superintendent Jason Harper & Police Chief Eric Higby

**PUBLIC COMMENTARY:** Rob Hamilton, Pastor of Rochelle United Methodist Church, shared an update on situation at Americold and passed out information. Shared stories on Southern Mechanical Construction behavior continues to happen in Rochelle. Worker Israel Perez explained harmful conditions he worked under. He would be fired and rehired, etc. due to an accident caused by machinery, forklift. Many workers experienced the same situations and discrimination, no breaks, women mistreated, forced to work during winter with metal, no safety equipment was provided.

**BUSINESS ITEMS:**

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

- a) Approve Minutes of City Council Meetings – 7/23/18
  - b) Approve Minutes of Special City Council Meetings – 7/12/18, 7/23/18
  - c) Accept and Place on File Minutes of Utility Advisory Board – 5/16/18
  - d) Accept and Place on File Minutes of Railroad Advisory Board – 5/3/18
  - e) Accept and Place on File Minutes of Planning & Zoning Commission – 5/7/18
  - f) Approve Exceptions – 07/18/18-08/06/18
  - g) Approve Bills – 08/07/18
  - h) Approve Payroll – 07/16/18-07/29/18
  - i) Approve Request from the Artists' Garden to hold a Grand Opening Event – August 24, 2018
  - j) Establish Annual Trick-or-Treat Schedule October 31, 2018 from 5:00pm-8:00pm
- Motion made by Councilor Burke and seconded by Councilor D. McDermott, "**I move Consent Agenda Items (a) through (i) 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) **Audit Reports for January 1, 2017 – December 31, 2017.** Sikich, LLP planned and performed the audit in order to obtain reasonable assurance about whether the financial statements are free of material misstatements. This included performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The audit also included evaluating the appropriateness of accounting policies used, significant estimates made by management and evaluating the overall presentation of the financial statements. The auditor's opinion, as noted on page 2 of the Comprehensive Annual Financial Report, indicates that the financial statements "present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Rochelle, Illinois, as of December 31, 2017, and the respective changes in financial position and, where applicable cash flows thereof for the year ended in conformity with accounting principles generally accepted in the United States of America." Anthony Cervini and Chris Cardott were present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, "**I move the Council accept and place on file the audit reports (18-4877) for the Fiscal Year January 1, 2017-December 31, 2017 as prepared and presented by Sikich, LLP.**" 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) **Ordinance Annexing and Zoning the Property Located at 16218 E Steward Road and 16314 E Steward Road, with Property Identification Numbers 25-32-300-002 & 25-32-300-003.** Progressive Park LLC (formerly Prologis Park) has petitioned the City of Rochelle to amend the current annexation agreement to include the 2 lots that were excluded in the original Annexation Agreement in 2006. Progressive Park LLC has since purchased the excluded lots. The purpose of subdividing the lots from 3 to 1 allows the petitioner to develop the property for future expansion of warehouse distribution, office space, and off-street parking. The City improvements and easements were provided in the original Annexation Agreement but rezoning and a minor subdivision is required along with amending the current annexation agreement. Progressive Park LLC, along with City staff developed the amended Annexation Agreement which contains a preliminary and final plat of subdivision and Zoning for I-2 General Industry. The City of Rochelle Planning and Zoning Commission held a public hearing on August 6th to review the petition from Progressive Park LLC. After review of the facts the Planning and Zoning Commission recommends, by a vote of 4-0, that the City Council approve the preliminary and final plat of subdivision for the 3.7 acres contingent upon staff review and comments. Kip Countryman was present to answer any questions. Motion made by Councilor D. McDermott and seconded by Councilor Hayes, "**I move Ordinance 18-4878, an Ordinance Annexing and Zoning the Property Located at 16218 E Steward Road and 16314 E Steward Road, with Property Identification Numbers 25-32-300-002 & 25-32-300-003, 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.
- 4) **Ordinance Approving a Fourth Amendment to Annexation Agreement between Progressive Park Rochelle, LLC, and the City of Rochelle.** Kip Countryman was present to answer any questions. Motion made by Councilor Burke and seconded by Councilor Shaw-Dickey, "**I move Ordinance 18-4879 an Ordinance Approving a Fourth Amendment to Annexation Agreement between Progressive Park Rochelle, LLC, and the City of Rochelle, 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) **Ordinance Approving the Preliminary and Final Plat of Progressive Park LLC Subdivision located at 16218 and 16314 Steward Road – Parcels 25-32-300-002 & 25-32-300-003.** Kip Countryman was present to answer any questions. Motion made by Councilor Burke and seconded by Councilor Hayes, "**I move Ordinance 18-4880, an Ordinance Approving the Preliminary and Final Plat of Progressive Park LLC Subdivision located at 16218 and 16314 Steward Road – Parcels 25-32-300-002 & 25-32-300-003, 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) **Updated Northern Gateway Tax Increment Financing (TIF) District Feasibility Study and Redevelopment Plan.** City staff members have negotiated annexation agreements with four property owners on N Caron Road south of Flagg Road in order to include these properties in the Northern Gateway TIF district. The purpose of the proposed ordinances is to approve the annexation agreements and to amend the zoning map to include these properties in the proper zoning district consistent with the comprehensive plan once development takes place. The City of Rochelle Planning and Zoning Commission held a public hearing on August 6th to review the petition. After review of the facts the Planning and Zoning Commission recommends, by a vote of 4-0, that the City Council amends the official zoning map and changes the four parcels to B-2 Commercial Highway. Michelle Pease was present to answer any questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move Ordinance Approving an Annexation Agreement between the Landowners of Certain Parcels of Land with Property Identification Numbers 24-13-426-003, 24-13-426-005, 24-13-426-006 and 24-13-426-007 and the City of Rochelle, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows Nays: None. Motion passed 6-0 with 1 abstain.
- 7) **Ordinance Annexing and Zoning the Property Located at the Northwest Corner of Flagg Road and North Caron Road with Property Identification Numbers 24-13-426-003, 24-13-426-005, 24-13-426-006 and 24-13-426-007.** Michelle Pease was present to answer questions. Motion made by Councilor Burke and seconded by Councilor Hayes, **“I move Ordinance 18-4882, an Ordinance Annexing and Zoning the Property Located at the Northwest Corner of Flagg Road and North Caron Road with Property Identification Numbers 24-13-426-003, 24-13-426-005, 24-13-426-006 and 24-13-426-007, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows. Nays: None. Motion passed 6-0 with 1 abstain.
- 8) **Ordinance Amending the Boundaries of the B-2 Zoning Districts and Amending the Official Zoning Map to Rezone Parcels 24-13-426-003, 24-13-426-055, 24-13-426-006 and 24-13-426-007 located at the corner of Flagg Road and Caron Road.** Michelle Pease was present to answer any questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Ordinance 18-4883, an Ordinance Amending the Boundaries of the B-2 Zoning Districts and Amending the Official Zoning Map to Rezone Parcels 24-13-426-003, 24-13-426-005, 24-13-426-006 and 24-13-426-007 located at the corner of Flagg Road and Caron Road, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows. Nays: None. Motion passed 6-0 with 1 abstain.
- 9) **Ordinance Approving the Rochelle Northern Gateway Tax Increment Financing Redevelopment Plan and Redevelopment Project.** The City of Rochelle, Illinois desires to implement a tax increment financing district pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1. As described in the TIF Redevelopment Plan and Project, the proposed Rochelle Northern Gateway TIF consists of approximately 1 1/2 acres and 100 parcels. In creating the Northern Gateway TIF, the City of Rochelle hopes to address property blight and vacancy, aging infrastructure and assist with overall redevelopment of the district. Michelle Pease was present to answer any questions. Motion made by Councilor D. McDermott and Councilor Shaw-Dickey, **“I move Ordinance 18-4884, an Ordinance Approving the Rochelle Northern Gateway Tax Increment Financing Redevelopment Plan and Redevelopment Project, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows Nays: None. Motion passed 6-0 with 1 abstain.
- 10) **Ordinance Designating the Rochelle Northern Gateway Tax Increment Financing Redevelopment Project Area.** Michelle Pease was present to answer any questions. Motion made by Councilor Burke and seconded by Hayes, **“I move Ordinance 18-4885, an Ordinance Designating the Rochelle Northern Gateway Tax Increment Financing Redevelopment Project Area, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows. Nays: None. Motion passed 6-0 with 1 abstain.
- 11) **Ordinance Adopting Tax Increment Financing.** Michelle Pease was present to answer any questions. Motion was made by Councilor D. McDermott and seconded by Councilor Shaw-Dickey, **“I move Ordinance 18-4886, an Ordinance Adopting Tax Increment Financing, be approved.”** Roll call vote was taken. Ayes: Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Abstain: Bearrows. Nays: None. Motion passed 6-0 with 1 abstain.

- 12) **Ordinance Amending Chapter 6, Article I, Section 6-3 of the Rochelle Municipal Code Pertaining to Liquor License Classifications.** The owners of Kennay Farms Distilling, LLC and Kennay Farms Distilling, LLC d/b/a Kyte Creek Brewery have applied for liquor licenses to operate both a distillery and brewery at 416 Lincoln Highway in Rochelle. The proposed modifications to Chapter 6, Alcoholic Beverages, of the Rochelle Municipal Code include the creation of the following new Class M licenses: Class M-1 Microbrewery, Class M-2 Distillery and Class M-3 Manufacture of Wine. In addition, proposed modifications to Chapter 26 include the establishment of annual fees for each of the new Class M licenses of \$1800, based on a comparison of other communities. Motion made by Councilor Hayes and seconded by Councilor Bearrows, **“I move Ordinance 18-4887, an Ordinance Amending Amending Chapter 6, Article I, Section 6-3 of the Rochelle Municipal Code Pertaining to Liquor License Classifications, 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.
- 13) **Ordinance Amending Chapter 25, Article II, Section 26-44 of the Rochelle Municipal Code Pertaining to Liquor License Fees.** Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Ordinance 18-4888, an Ordinance Amending Chapter 25, Article II, Section 26-44 of the Rochelle Municipal Code Pertaining to Liquor License Classifications, 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.
- 14) **Ordinance Authorizing Loan Agreement between the City of Rochelle (a Non-Home Rule Entity) and the Illinois Environmental Protection Agency.** Baxter Woodman is currently finishing up the design to construct several wastewater treatment plant upgrades. In order to proceed with funding the project as planned, it is necessary to adopt an ordinance authorizing a loan agreement between the City of Rochelle and the Illinois EPA. This ordinance will authorize the City of Rochelle to borrow funds from the Waste Pollution Control Loan Program in the aggregate principal amount of \$7,000,000.00 to provide funds to pay the costs of the Project. Adam Lanning was present to answer questions. Motion made by Councilor Bearrows and seconded by Councilor Shaw-Dickey, **“I move Ordinance 18-4889, an Ordinance Authorizing Loan Agreement between the City of Rochelle (a Non-Home Rule Entity) and the Illinois Environmental Protection Agency for Wastewater Treatment Plant Upgrades, 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.
- 15) **Resolution Approving a Master Pole Agreement between the City of Rochelle and Mobilitie, LLC.** 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 and pole attachment agreement, as long as it done not conflict with state and federal law. The proposed resolution and the Master pole agreement defines the cost of attachments and codes that need to be followed. Jason Bird was present to answer questions. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move Resolution R18-26, a Resolution Approving a Master Pole Agreement between the City of Rochelle and Mobilitie, LLC, 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.

- 16) **Outage Management System.** PSE assisted Rochelle Municipal Utilities (RMU) in generating a Request for Proposal for an outage management system (OMS). In turn, RMU assisted in the evaluation of the responses. Proposals were received from four vendors. The table below lists the vendors as well as the initial and 5 year on-going costs for each proposed system.

<b>Vendor</b>	<b>Initial System Price</b>	<b>Annual Maintenance</b>	<b>5 Year Cost</b>
dataVoice	\$96,570	\$12,250	\$159,045
Milsoft	\$78,750	\$12,000	\$138,750
OSI	\$199,700	\$19,200	\$298,021
Utilismart	\$104,250 + TBD	\$44,484	\$326,670

To determine which system is best for RMU, each vendor was evaluated based on the following five categories: Functional Requirements, Key Technical Questions, Integrations, References and Experience with similar utilities and Price. From this evaluation, dataVoice is the clearly preferred system for the following reasons:

- Functional Requirements - dataVoice was stronger on functional requirements. Other vendors required additional software modules not included in the base bid to meet critical functionality including notifying crews of outages and allowing crews to interact with the OMS.
- Key Questions - dataVoice offered a strong solution to the questions posed.
- Integrations - To perform the necessary functionality, the OMS must integrate with Caselle CIS, Esri GIS, Elster AMI and CRC call center. dataVoice offered the strongest solutions for integrations with RMU software systems. Other vendors required significant additional software to be developed to support the integration, either by the vendor at a cost or by RMU.
- References - dataVoice had the strongest references with similar municipal utilities.
- Price- dataVoice was competitive on price.

While each vendor had strengths, the totality of the solution proposed by dataVoice best meets the functionality required by RMU and best overall value. Jason Bird was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **“I move the council accept the proposal from dataVoice for an Outage Management System in the amount of \$108,820 for the first year with an additional \$12,500 annual maintenance fee for four years thereafter and reject all other proposals.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 17) **Distributed Generation Interconnection Agreement with Tyson Foods.** This agreement governs the terms and conditions under which the distributed generation facility will interconnect to and operate in parallel with, the utility’s electric distribution system. This agreement does not constitute an agreement to purchase or deliver the interconnection customer’s power. Nothing in this agreement is intended to affect any other agreement between the utility and interconnection customer. Terms used in this agreement are defined in Attachment 1 hereto unless otherwise noted. Jason Bird was present to answer questions. Motion made by Councilor Hayes and seconded by Councilor Burke, **“I move council authorize the City Manager to sign a Distributed Generation Interconnection Request Agreement with Tyson Foods.”** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

- 18) **Resolution Approving a General Release, Indemnification and Hold Harmless Agreement with Kennay Farms Distilling, LLC.** Kennay Farms Distilling, LLC has recently purchased two buildings on North 6th St. (421 and 427) with the intent of demolishing the buildings. Kennay Farms Distilling, LLC has agreed to allow the Fire Department to use the existing buildings for training before they are torn down with the execution of an Indemnification Agreement. Training will consist of forcible entry, search and rescue, ladder work and downed firefighter drills. Due to the location of the buildings the Fire Department will use a smoke generator for training and minimize the use of actual fire. Dave Sawlsville was present to answer questions. Motion made by Councilor Hayes and seconded by Councilor Shaw-Dickey, **“I move Resolution R18-27, a Resolution Approving a General Release, Indemnification and Hold Harmless Agreement with Kennay Farms Distilling, LLC, 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.

19) **Engineering Services Agreement for Improvements at IL Rte. 251 and Steward Rd and along Steward Rd relating to the Loves Travel Stop Development.** As part of the Loves development project, it was agreed that Steward Rd would be widened to accommodate a three lane pavement section with shoulder and/or curb as required. Furthermore, certain geometric and traffic signal improvements will be built at the IL Rte. 251 intersection as required and approved by the Illinois Department of Transportation as a result of their permit review process. Now that the Intersection Design Study (IDS) has been approved, the engineering design for the roadway construction plans has begun. The annexation agreement contains provisions for reimbursement of a majority of the Preliminary Engineering design and construction engineering associated with the proposed development. Willett Hofmann, who has developed the traffic analysis and IDS phase, has submitted a proposal for a Preliminary Engineering Services Agreement (PESA) related to the Preliminary Engineering design of the Steward Rd/IL Rte. 251 construction plans at the above identified location. Approval of this PESA will allow the final step of the IDOT review process to continue and keep this critical project on schedule for eventual bidding and commencement of construction in Fall 2018. Sam Tesreau was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Burke, **"I move council approve a Preliminary Engineering Services Agreement with Willett Hofmann & Associates for preliminary design of IL Rte. 251 and Steward Rd relating to the Loves Travel Stop Development for a total cost not to exceed \$72,219.56."** Roll call vote was taken. Ayes: Bearrows, Burke, Hayes, D. McDermott, T. McDermott, Shaw-Dickey and Mayor Olson. Nays: None. Motion passed 7-0.

20) **Ordinance Authorizing the Payment for Certain Easement Rights and Privileges to Soy Capital Ag Services and Trust Company pertaining to the Maintenance of Certain Overhead and Underground Utilities by Rochelle Municipal Utilities.** City staff are working to clean up paperwork so that there are records of all easements that the transmission lines are currently located on. Therefore, city staff recommends acquiring a permanent easement along Paw Paw Road from Soy Capital Ag Services, in order to maintain the transmission lines at a cost of \$5,750.

**Funding Sources:**

Source:	Budgeted Amount:	Proposed Expenditure:
Transmission Budget	\$5,750.00	


Jason Bird was present to answer questions. Motion made by Councilor D. McDermott and seconded by Councilor Hayes, **"I move Ordinance 18-4892, an Ordinance Authorizing the Payment for Certain Easement Rights and Privileges to Soy Capital Ag Services and Trust Company pertaining to the Maintenance of Certain Overhead and Underground Utilities by Rochelle Municipal Utilities, 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:** None

**ADJOURNMENT:** At 8:25 PM, moved by Councilor Bearrows and seconded by Councilor D. McDermott. **"I move the Council adjourn."** Motion passed by voice vote without dissent.

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Chet Olson, Mayor

  
Susan L. Messer  
City Clerk, City of Rochelle