

**ROCHELLE CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
September 14, 2020**

The Rochelle City Council met in Regular Session at 6:30 p.m. on Monday, September 14, 2020 in the Council Chambers of City Hall; 420 N. 6th Street; Rochelle, IL 61068.

PLEDGE TO THE FLAG & PRAYER: The pledge and prayer was led by City Clerk Sue Messer.

ROLL CALL: Mayor - 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. 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: Constitution Week – September 17-23, 2020

REPORTS AND COMMUNICATIONS:

- Mayor's Report – Wished Happy Birthday to Councilman Dan McDermott.
- Council Members – Councilman Tom McDermott mentioned Chief Sawlsville is helping teach National Guard fire training in the state of Oregon as well as Fire Chief for the Village of Hillcrest.
- Remarkable Resident – Hannah Busching
- City Manager read thank you letter from VCCT for the donations of stage curtains and to allow purchases from HG Center that were not listed on the auction list.
- Good News – Adam Lanning Nominated for Outstanding Operator of the Year

PUBLIC COMMENTARY: None.

BUSINESS ITEMS:

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

- a) Approve Minutes of City Council Meeting – 08/24/20
- b) Approve Exceptions – 08/19/20 – 9/8/20
- c) Approve Payroll – 08/10/20 – 08/23/20, 08/24/20-09/06-20
- d) Accept and Place on File Minutes of Planning and Zoning Commission – 8/3/20

Motion made by Councilor Burke and seconded by Councilor D. McDermott, "**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.

Motion made by Councilor Burke and seconded by Councilor T. McDermott, "**I move we move #2 down to the end of the 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.

- 3) **Renewal of City Manager Employment Agreement.** City Manager, Jeff Fiegenschuh's third (3rd) year anniversary was September 11, 2020. Per his Employment Agreement, the Mayor and Council Members completed his annual performance review. Upon the completion of this process the Mayor and Council support the renewal of his Employment Agreement, with the term of September 14, 2020 – May 2023, which runs concurrently with the Mayor's current term. Nancy Bingham, Human Resource Coordinator was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **"I move the Council approve the Renewal of the City Manager Employment Agreement for Jeff Fiegenschuh with a term of September 14, 2020 through May 2023."** 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) **Ordinance Granting Variation of Lot Coverage at 309 Woolf Court.** City Staff has been working with representatives from Errett Warehousing on the demolition of the property located at 600 South 7th Street in Rochelle (Rochelle Printing Building). The total projected costs are \$75,000 and Errett Warehousing is requesting \$50,000 in TIF reimbursement for the demolition. The \$50,000 will be paid over two years in separate payments from the Downtown TIF. The payments will be made in December of 2021 and 2022 to ensure there is adequate TIF funding available. According to the agreement the entire building except for an approximately 6,000 square foot area in the NW corner will be demolished by March 31, 2021. It is intended that the remaining 6,000 square feet will be redeveloped or repurposed later. Michelle Pease, Community Development Director was present to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Burke, **"I move Ordinance 20-5159, an Ordinance Granting Variation of Lot Coverage at 309 Woolf Court, 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 Granting Variation Related to Setbacks for Pasquesi Farms, LLC dba MightyVine.** The petitioner is seeking a variance of setbacks in order to construct a proposed packhouse expansion, located at 222 Centerpoint Drive in the Centerpoint Intermodal Center, Phase I, Lot Two, which is zoned I2, General Industry. The petitioner is requesting a 20' front setback rather than the required 60' front setback. The location for the proposed packhouse was chosen in order to be contiguous with the existing packhouse. A minimum 50' interior parkway from the Right of Way is required for a landscape buffer. All other lots within the Centerpoint subdivision have met the landscaping buffer requirement. There is an existing 10' utility/drainage easement adjacent to the property requesting the variance. The proposed packhouse would be less than 10' from the existing easement. All other buildings within the Centerpoint subdivision have also met the required building setbacks. Sec. 110-404. - Interior parkways. Industrial districts.
- Industrial properties, and properties in the I-1 and I-2 zoning districts shall provide a minimum 50-foot-wide interior parkway adjacent to all public rights-of-way.
 - All surface areas of interior parkways shall be sodded where not otherwise planted.
- A public hearing was held on Tuesday September 8, 2020. The Planning and Zoning Commission voted to deny the Variance of setbacks/lot coverage by a vote of 4 to 1. Michelle Pease and Sergio Gomez with Mighty Vine were available to answer questions. Doris & Rick Kennay made comment, they are interested in this parcel. The Kennay's own a parcel north to this property and have always planned on developing. Motion made by Councilor T. McDermott and seconded by Councilor D. McDermott, **"I move Ordinance 20-5160, an Ordinance Granting Variation Related to Setbacks for Pasquesi Farms be amended to a 16' setback for Mighty Vine."** 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 T. McDermott and seconded by Councilor Burke, **"I move Ordinance 20-5160, an amended Ordinance Granting Variation Related to Setbacks for Pasquesi Farms, LLC dba MightyVine, 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 Pertaining to the Local Coronavirus Urgent Remediation Emergency Support Program (Local CURE Program).** The Local Coronavirus Urgent Remediation Emergency (or Local CURE) Support Program (Section 3-10 of Public Act 101-0636) is a support program for units of local government as defined by the Illinois Constitution. The Local CURE program will allow the City of Rochelle to submit expenses for reimbursement up to a maximum of \$394,956 based on its per capita formula. If funds are not used by municipalities, there will be an additional disbursement in 2021 to municipalities that have expenses in excess of the per capita maximum. Finance Director, Chris Cardott was available to answer questions. Motion made by Councilor Burke and seconded by Councilor Hayes, **"I move Ordinance 20-5161, an Ordinance Pertaining to the Local Coronavirus Urgent Remediation Emergency Support Program (Local CURE 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.

- 7) **Resolution Authorizing the Execution of a First Amendment to EEI Master Power Purchase and Sale Agreement between the City of Rochelle and Citigroup Energy Inc.** The amendment was revised to incorporate language recommended by US and International protocols according to federal regulations under the Dodd-Frank Law. The amendment restricts Rochelle from invoking its cross default or credit enhancements rights against affiliates of Citi in the event Citi enters federal insolvency proceedings. Approving the amendment will allow Rochelle to utilize its current Master Agreement with Citigroup in the event Rochelle wishes to pursue a future energy transaction. Rochelle does not have an immediate need for energy products due to the current NextEra agreement in place. Adam Lanning was available to answer questions. Motion made by Councilor Burke and seconded by Councilor T. McDermott, **“I move Resolution R20-33, a Resolution Authorizing the Execution of a First Amendment to EEI Master Power Purchase and Sale Agreement between the City of Rochelle and Citigroup Energy Inc., 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) **Switchgear Purchase Prologis Park Substation.** The City received and opened bids on August 27, 2020 for the switchgear purchase, as part of the Prologis Park Substation Upgrades project that include a medium voltage outdoor metal- Clad Switchgear structure with sheltered aisle, circuit breakers, controls, relays and switches. A total of three (3) bids were received and have been reviewed for completeness and the ability to meet specifications requirements. The bid from Powercon was the apparent low bid at \$2,497,181 for Specification 2031K002, no major exceptions were listed. Powercon has a good list of reference completed projects. The company appears to be in good standing and employs certified and trained craftsmen. The low bid for the project is in accordance with the Engineer’s estimate of \$2,400,000 for the contract. Adam Lanning was available to answer questions. Motion made by Councilor T. McDermott and seconded by Councilor Gruben, **“I move the Council accept the bid of \$2,497,181 from Powercon for the Switchgear Purchase for Prologis Park Substation 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.
- 2) **(Public Hearing and Action)– Resolution of Support and Commitment of Local Funds to a State Community Development Block Grant - Sanitary Sewer Lining Project.** Pursuant to CDBG requirements for the sewer lining project, we are required to hold a hearing to receive public comments from citizens on the performance of the sewer lining project. The City of Rochelle is applying for a Public Infrastructure grant through the Department of Commerce and Economic Opportunity Community Development Block Grant program to install a cured-in-place liner in approximately 9,410 feet of sanitary sewer. The project is intended to eliminate sanitary sewer infiltration that causes surcharging and basement backups and prevent sanitary sewer overflows during wet weather events. The sanitary sewers to be lined are located on Lincoln Hwy from 9th Avenue to IL Route 38; N. Main Street from 9th Avenue to McConaughy Avenue; N. 3rd Street and N. 2nd Street from 10th Avenue to McConaughy Avenue; Meadow Lane from School Avenue to McConaughy Avenue; 10th Avenue from Lincoln Hwy to N. Main Street; School Avenue from N. 2nd Street to Meadow Lane; and McConaughy Avenue from N. 2nd Street to Meadow Lane. The project construction cost is estimated to be \$620,260. The City will be applying for a \$550,000 grant. Adam Lanning, Utilities Superintendent, Ellen Bergeson and Matt Hansen, were available to answer questions and provided information sheet and map to Council and public. Motion made by Councilor Burke and seconded by Councilor D. McDermott, **“I move the Council recess into a Public Hearing for a Resolution of Support and Commitment of Local Funds to a State Community Development Block Grant for a Sanitary Sewer Lining Project.”** Roll call vote was taken. Ayes: Burke, Gruben, Hayes, D. McDermott, T. McDermott, Shaw-Dickey, and Mayor Bearrows. Nays: None. Motion passed 7-0. Each year the State of Illinois receives an appropriation of funds from the U.S. Department of Housing and Urban Development’s Small Cities Community Development Block Grant (CDBG) program. Those funds are distributed through a grant program administered by the Illinois Department of Commerce and Economic Opportunity (DCEO), the Community Development Block Grant program (CDBG). DCEO has based the amount of CDBG funds that will be available in fiscal year 2020 in Illinois on the 2019 allocation of \$29,192,836. The CDBG funds will be divided among the following grant programs:
- Economic Development
 - Public Infrastructure
 - Housing Rehabilitation
 - Disaster Response

Eligible applicants are units of general local government such as cities, villages, townships, and counties. The range of activities that may be undertaken with CDBG funds includes:

ECONOMIC DEVELOPMENT - CDBG funds may be used to assist for-profit and not-for-profit businesses to carry out economic development projects. The funds may be used for land acquisition; acquisition, construction, reconstruction, installation or rehabilitation of commercial or industrial buildings, structures and other real property, equipment, and improvements; and working capital expenses. CDBG funds may also be used by general units of local government to construct public infrastructure improvements on behalf of for-profit or not-for-profit businesses that need the infrastructure improvements to create and/or retain jobs.

PUBLIC INFRASTRUCTURE - CDBG funds may be used by units of general local government for acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements in residential areas that will benefit primarily low-to-moderate income persons.

HOUSING REHABILITATION - CDBG funds may be used to finance the rehabilitation of residential buildings occupied by low-to-moderate income persons.

DISASTER RESPONSE – This program is designated for communities experiencing an imminent and urgent threat to public health and safety as indicated by a disaster declaration by the Governor of the State of Illinois. Eligible activities include debris removal, clearance of streets, and temporary or permanent street repair.

At least 51% of the CDBG funds available for this project will benefit low to moderate income persons. Plans for minimizing displacement as a result of the CDBG grant assisted activities - No persons will be displaced as a result of this project. However, as required by the federal regulations governing the Community Development program, the City of Rochelle previously adopted an Anti-Displacement plan. How the public can access the City of Rochelle's Community Development records:

Those records will be available at the City Clerk's office in Rochelle's City Hall located at 420 N. 6th Street in Rochelle.

HOUSING AND COMMUNITY DEVELOPMENT NEEDS

The City of Rochelle's community development needs are centered around providing additional infrastructure improvements, as follows:

- * Upgrade the municipal water system serving Rochelle including construction of a water treatment plant for Well #8 to reduce iron and manganese levels, construction of a new well building for Well #4 to replace the existing structure which is deteriorated, and painting the elevated water storage tank adjacent to Well #4.
- * Upgrade Rochelle's existing electrical system to provide redundant electrical feed to Rochelle's southeast industrial area
- * Expand Rochelle's municipal fiber network to serve its southeast industrial area
- * Improve truck access to the west-side industrial area including construction of the Jack Dame Road Overpass, completion of the Southwest Rochelle Truck Loop as a route for heavyweight (120,000 lb.) loads and upgrading of the existing portions of the Truck Loop to 120,000 lb. standards.
- * Expand existing and construct additional regional flood mitigation and detention facilities, including the Hemstock detention project and a regional detention area in eastern Rochelle
- * Expand existing community efforts to increase tourism such as expanding the existing Rochelle Railroad Park
- * Items a-c, improvements to the public infrastructure serving Rochelle's developing southeast industrial area, have the highest priority.

PROJECT DESCRIPTION

The City of Rochelle plans to submit a CDBG Public Infrastructure grant application to DCEO that will request \$550,000 in grant funds to be used to line approximately 9,400 l.f. of sanitary sewer on the following streets in a residential neighborhood located in northeast Rochelle;

- Lincoln Highway from 9th Avenue to IL Rte. 38
- N. Main Street from 9th Avenue to McConaughy Avenue
- N. 3rd Street and N. 2nd Street from 10th Avenue to McConaughy Avenue
- Meadow Lane from School Avenue to McConaughy Avenue
- 10th Avenue from Lincoln Highway to N. Main Street
- School Avenue from N. 2nd Street to Meadow Lane
- McConaughy Avenue from N. 2nd Street to Meadow Lane

This area is low-lying, and its sewers experience increased flows during wet weather events.

The sanitary sewers in this area are clay pipes with joints every three feet. RMU has televised the sanitary sewer segments proposed to be lined, and the televising indicates structural issues with the sanitary sewer and deficiencies where the 3' sections of clay sewer are joined, both of which allow ground water to infiltrate the sanitary sewer collection system. The inflow and infiltration is severe enough in this area that during wet weather events, flows increase to the point where the sanitary sewers become surcharged and basement backups could occur. RMU monitors the wastewater level in the manholes in the target area and knows that when the wastewater reaches a certain level, it must either be pumped out of the sewer system or wastewater will back up into residential basements. To prevent backups from occurring, Rochelle bypass pumps the wastewater into the storm sewer system and reports each pumping incident to the Illinois Environmental Protection Agency (IEPA). Over the past twenty years, Rochelle has had to bypass pump numerous times to prevent backups into residential basements in this area.

To reduce the amount of water entering the sewer system through inflow and infiltration, the City of Rochelle proposes to install a cured in-place liner system inside the existing sanitary sewer lines on the above-named streets. As per the attached cost estimate, the cost of lining the approximately 9,400 lineal feet of sewer included in this request is estimated to be \$620,260 (excluding engineering costs). Of the total construction cost, \$550,000 is proposed to come from DCEO's CDBG program and \$70,260 will be provided by Rochelle Municipal Utility's Water Reclamation

Capital Outlay account. The CDBG funds will pay construction costs, and the City of Rochelle funding will pay construction, engineering, and grant administration costs.

The target area for the proposed improvements is located in Census Tract 9611, Block Groups 2 and 3. A review of the census data for Block Groups 2 and 3 shows that 58.75% of the population is low-to-moderate income. Of the \$550,000 in CDBG funds to be requested, \$323,125 will benefit low-to-moderate income persons.

There were no public comments. Motion made by Councilor Burke and seconded by Councilor Hayes, **“I move the Council return to open session.”** 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 Burke and seconded by Councilor D. McDermott, **“I move Resolution R20-32, a Resolution of Support and Commitment of Local Funds to a State Community Development Block Grant for a Sanitary Sewer Lining Project, 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.

ADJOURNMENT: At 7:23 PM, moved by Councilor Burke 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.

John Bearrows, Mayor

Susan L. Messer
City Clerk, City of Rochelle

**Minutes are completed, subject to Council approval on Council meeting September 28, 2020.