



MINUTES
CITY COUNCIL MEETING
Monday, May 13, 2024 at 6:30 PM

- I. CALL TO ORDER:** Pledge to the Flag was led by Mayor Bearrows. Prayer was said by City Clerk Rose Huéramo.
- II. ROLL CALL:** Present were Councilors T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor John Bearrows. A quorum of seven was present. Also present were City Manager Jeff Fiegenschuh, City Clerk Rose Huéramo, Deputy Clerk Rosie Belmonte, and City Attorney Dominick Lanzito.
- III. PROCLAMATIONS, COMMENDATIONS, ETC:**
1. Municipal Clerks Week - 5/5/2024 - 5/11/2024
 2. National Police Week - 5/12/2024 - 5/18/2024
 3. National Public Works Week - 5/19/2024 - 5/25/2024
 4. Rochelle Area Community Foundation: Presentation by HR Director Nancy Bingham and RACF President Emily Anaya.
 5. New Employee Introduction - Khrysta Olson - Human Resources Specialist
 6. Dispatcher of the Year Present: Alison Owen
 7. Traffic Enforcement Officer of the Year: Officer Owen
 8. DUI Enforcement Officer of the Year: Officer Gilliam
 9. Lifesaving Awards: Officer Jakymiw and Fire Fighters Underwood, Edwards, Johnson, VanVickle, and Salinas
- IV. REPORTS AND COMMUNICATIONS:**
1. Mayor's Report: Rochelle Railroad Days will be held on 5/18 from 10-5 pm and 5/19 from 11-3 pm at the Railroad Park. Don Vogeler Day has been declared for May 25th.
 2. Council Members: Councilor Arteaga thanked all the City Departments, Council, Vendors, and everyone who came out to help make Cinco De Mayo a successful event.
- V. PUBLIC COMMENTARY:** None.
- VI. BUSINESS ITEMS:**
1. **CONSENT AGENDA ITEMS BY OMNIUS VOTE with Recommendations:**
 - a) Approve City Council Meeting Minutes - 04/22/2024
 - b) Accept and Place on File Planning & Zoning Commission Meeting Minutes - 04/01/2024
 - c) Approve Payroll - 04/01/24-04/14/24, 04/15/24-04/28/24
 - d) Approve Payment Registers - 4/17/24, 4/22/24, 4/29/24, 5/6/24
 - e) Approve Special Event Request - VFW Block Party

Motion made by Councilor Hayes, Seconded by Councilor T. McDermott, **"I move consent agenda items (a) through (e) be approved by Omnibus vote as recommended."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
 2. **An Ordinance Approving Variance for Lot Coverage at 903 4th Avenue, Parcel 24-24-313-011.**
 The petitioner, Felipe Monroy, is seeking a variance of lot coverage for a proposed garage and potential driveway reconfiguration for the property located at 903 4th Avenue. The property is zoned R3, single family high density residential. Currently, the property is covered approximately 43%. The petitioner is requesting to cover approximately 50%, which is an additional 7% lot coverage with the proposed garage and potential driveway reconfiguration, putting the lot over the allowed lot coverage by 17%. The requested variance of lot coverage for a garage is for personal use on his property which is approximately 124' x 66'. There is an existing detached small one car garage which

is not positioned properly on the property to add onto. The small corner lot inhibits the petitioner from additional garage space without a variance of lot coverage. Sec. 110-111 (1) d. On a single-family lot no more than forty (40%) percent of the rear yard, and thirty-three (33%) percent of the combined front and side yards, may be occupied by accessory buildings or uses. Accessory buildings or uses located in the rear yard do not count toward the maximum lot coverage of thirty-three (33%) percent of the lot. Sec. 110-55 (e). Percentage of required yard occupied. Detached accessory buildings or structures shall not occupy more than 40 percent of the area of a required rear yard or more than 33 percent of all other combined yards. This requirement is in addition to any maximum lot coverage or maximum impervious area coverage requirements that may apply, and under no circumstances shall this requirement lower the minimum established yard setback requirements. Sec. 110-29 (f). Standards for a granting a variance. The planning and zoning commission shall not recommend, and the city council shall not grant, a variance from the regulations of the zoning ordinance unless it makes findings based on evidence presented to it in each specific case that: (1) The variance is in harmony with the general purpose and intent of the zoning ordinance; (2) The plight of the owner is due to unique circumstances (65 ILCS 5/11-13-4) and thus strict enforcement of the zoning ordinance would result in practical difficulties, or impose exceptional hardships, due to the special and unusual conditions that are not generally found on other properties in the same zoning district; (3) The property cannot yield a reasonable return if permitted only under the conditions allowed by the zoning ordinance; and (4) The variance, if granted, will not alter the essential character of the locality, and will not be a substantial detriment to adjacent property. Sec. 110-29 (g). Burden of proof. In each case of a requested variance, the applicant must satisfy the proof that the proposed variance meets the standards of subsection (f) of this section, even if there is no testimony or other evidence opposing or rebutting the requested variance. On Monday, May 6, 2024, the Planning and Zoning Commission voted 5-0 to approve the variance of code for 903 4th Avenue, Parcel 24-24-313-01. Community Development Specialist Michelle Knight and Building Inspector/Zoning Geoff Starr were available for questions. Also present was property owner Mr. Felipe Monroy, who answered any questions. Motion made by Councilor D. McDermott, Seconded by Councilor Valdivieso, **"I move Ordinance 24-5476, Ordinance Approving a Variance for Lot Coverage at 903 4th Avenue, Parcel #24-24-313-011, be approved."** Voting Yea: Hayes, D. McDermott, Valdivieso, and Mayor Bearrows. Nays: T. McDermott, Shaw-Dickey, Arteaga. Motion passed 4-3.

3. **A Resolution Authorizing a Loan Agreement with the Illinois Environmental Protection Agency for the Construction of an Iron Removal Plant at Well 8.** Fehr Graham has completed the design to construct an iron filter plant for well 8. 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 Illinois EPA in the aggregate principal amount of \$10,000,000.00 to provide funds to pay the costs of the project. Superintendent of Water/ Water Reclamation Adam Lanning was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Resolution R24-29, a Resolution Authorizing a Loan Agreement with the Illinois Environmental Protection Agency for the Construction of an Iron Removal Plant at Well 8, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
4. **An Ordinance Authorizing the Notice of Intent to Award Construction Contract for an Iron Removal Plant at Well 8 to Larson & Larson Builders, Inc.** The city held a bid opening on May 6th, 2024, for the well 8 iron filter plant and received 3 proposals. Each bid was opened and read aloud, with base bids ranging from \$6,700,000 to \$7,045,000. The engineering cost estimate was \$7,130,863 with the base bid 6% under that estimate from the low bidder Larson and Larson Construction. This project will be financed through the IEPA State Revolving Fund program and currently includes a cap of \$3.4 million in principal forgiveness and a 20-year term at 1.36%. In addition, the City received an EDA grant in the amount of \$2.3 million. The first step in project

approval is to sign a notice of intent to award the project contingent on the IEPA issuing the loan agreement. Timeline for project: Bids Advertisement - Complete Pre-bid meeting - Complete Bid Opening - Complete Bid Award – May 13th, 2024, Loan Agreement Obtained - June 30th, 2024, Preconstruction Meeting - July 2024 Construction Start - August 2024 Final – December 2025. Superintendent of Water/ Water Reclamation Adam Lanning was available for questions. Motion made by Councilor Hayes, Seconded by Councilor D. McDermott, **"I move Ordinance 24-5477, an Ordinance Authorizing the Notice of Intent to Award Construction Contract for an Iron Removal Plant at Well 8 to Larson & Larson Builders, Inc. be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

5. **An Ordinance Authorizing the City of Rochelle, Ogle County, Illinois to Borrow Funds from the Public Water Supply Loan Program.** After authorizing a notice of intent, the City must approve a Water Pollution Control Revolving Fund loan agreement with the Illinois EPA to secure funding for the Well 8 Project. The total project costs are as follows: Construction \$6,700,000 for the low bid. Contingency (3%) \$201,000 per IEPA loan guidelines Engineering \$519,500 Total Cost \$7,420,500 Principal Forgiveness \$3,356,625 EDA Grant \$2,356,600 EDA Grant Match from City \$589,000 Total Amount to Repay \$1,707,275. The annual repayment after principal forgiveness will be approximately \$80,000, and the City will not begin repayment until the project is complete. The term of the loan is 20 years at 1.36% and we anticipate IEPA final approval of the loan in June 2024. Superintendent of Water/ Water Reclamation Adam Lanning was available for questions. Motion made by Councilor Arteaga, Seconded by Councilor Shaw-Dickey, **"I move Ordinance 24-5478, an Ordinance Authorizing the City of Rochelle, Ogle County, to Borrow Funds from Public Water Supply Loan Program, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
6. **An Ordinance Accepting and Approving the Proposal of Larson & Larson Builders, Inc. Pursuant to the Request for Bids for the Construction of an Iron Filter Plant at Well 8.** After authorizing a notice of intent and approval of a loan agreement with the IEPA to secure funding for the well 8 filter plant, the final step for project approval is a construction contract with Larson and Larson Builders in the amount of \$6,700,000 for the base bid. Approval of this contract is contingent upon final approval and acceptance of a loan agreement with IEPA that will cover design, construction, and contingency for the project. Superintendent of Water/ Water Reclamation Adam Lanning was available for questions. Motion made by Councilor Valdivieso, Seconded by Councilor D. McDermott, **"I move Ordinance 24-5479, an Ordinance Accepting and Approving the Proposal of Larson & Larson Builders, Inc., Pursuant to the Request for Bids for the Construction of an Iron Filter Plant at Well 8, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
7. **A Resolution Waiving Competitive Bidding Requirements and Authorizing the Purchase of Transformers not to Exceed \$525,000.** With availability issues and pricing fluctuations we have been holding off on purchasing transformers in hopes the market would even out. The market does not seem to be returning to normal currently. We have been operating on our reserve inventory of 3 phase pad mounted transformers over the past few years and are now at the point where we need to replenish our supply for replacements and new installations. Transformers are particularly hard to procure currently with lead times out over a year on both new and rebuilt units. We are asking to waive competitive bidding requirements to secure transformers at the best price and lead time when they come available. Transformer manufacturers and rebuilders have slots that open up and you must act in short order to order the equipment needed. These production slots do not allow for the time to act on the formal bidding process. To continue with stable operations and a supply cushion it is our recommendation to allow the utility to take advantage of these production slots when available. We are looking for 3 750 KVA, 6 1000 KVA, 6 1500 KVA, 1 2500 KVA, and 2 37.5 KVA of various

low side voltages. Blake Toliver, Superintendent of Electric Operations was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Arteaga, **"I move Resolution R24-30, a Resolution Waiving Competitive Bidding Requirements and Authorizing the Purchase of 18 Transformers not to Exceed \$525,000, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

8. **An Ordinance Authorizing the City Manager to Execute a Pole Attachment Agreement with Syndeo Networks, Inc.** Syndeo Networks, INC. recently approached the city asking for a pole attachment agreement. Our attorney drafted this agreement, and it has been excepted by Syndeo. Once approved this will allow Syndeo to attach their network cables to Rochelle Municipal Utilities poles. This agreement allows Syndeo up to 2 feet of space on each pole for \$25 per year. If the pole is overloaded or doesn't have enough space for Syndeo's attachment they are required to pay for the pole replacement. The agreement lasts for 10 years. This agreement will allow Syndeo to better serve their customers. Syndeo currently supplies bandwidth to the city and is looking to expand their portfolio into other areas. Blake Toliver, Superintendent of Electric Operations was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Valdivieso, **"I move Ordinance 24-5480, an Ordinance Authorizing the City Manager to Execute a Pole Attachment Agreement with Syndeo Networks, Inc., be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
9. **An Ordinance Authorizing the Execution of a Joint Funding Agreement for Federally Funded Construction between the City of Rochelle and Illinois Department of Transportation for the Creston/Caron Road Project (FAU5447) from Caron Road to I-39 and North to 7th Avenue with Section No. 20-00116-00-RS and a Resolution Authorizing up to \$425,000 for the Creston/Caron Road Reconstruction Project (C-92-047-21).** Creston Road and Caron Rd have been identified in the 5-year CIP plan as a transportation infrastructure requiring significant rehabilitation due to the increase in ADT and 80k # truck traffic since it's reconstruction in 2001. The project was contemplated to be funded solely through available MFT funds. However, the City Engineering Department staff applied for potential/available funds from the IDOT Federal STU program in early 2023. That same year the department notified the City Engineer that the project met the criteria for the IDOT LAFO program and could be funded in part with or whole based upon cost and available grant funding. After developing project scope and estimates of cost nearly \$1.3M in STU and COVID relief funds were approved for the project. This Federal participation will leave the City with approximately \$312,000 for its share of the project pending final bids and award of the project (refer to Division of Cost schedule#1). The project is over 2 miles in length, primarily consisting of significant HMA base and surface removal and replacement along with new HMA shoulders and will extend along Creston Road from the I-39 overpass to Caron Road and north along Caron Rd to the UPRR. The project is expected to bid in June, on the IDOT letting, and begin construction by end of August 2024. Sam Tesreau, City Engineer was available for questions. Motion made by Councilor Shaw-Dickey, Seconded by Councilor Arteaga, **"I move Ordinance 24-5481, an Ordinance Authorizing the Execution of a Joint Funding Agreement for Federally Funded Construction between the City of Rochelle and IDOT for the Creston/Caron Rd Project (FAU 5447) form Caron Rd. to I-39 and North to 7th Ave. with Section No. 20-00116-00-RS, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0. Motion made by Councilor Shaw-Dickey, Seconded by Councilor D. McDermott, **"I move R24-31, a Resolution Authorizing and Appropriating up to \$425,000 Motor Fuel Tax or other Local Funds for the Creston-Caron Rd. Reconstruction Project with Sec #20-00116-00-RS (c-92-047-21), be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

10. **A Resolution Amending Resolution 24-14 - Water Reclamation Rates.** The Resolution 24-14 Water Reclamation Rates and Price Schedule of Utility Charges was passed on February 26th, 2024, but contained an error in Section 1-A Residential Summer Sewer Rates. The rate should read: For the purpose of calculating sewer charges for Residential Class Water customers during the summer months, not more than 125% of the Customer's Basic Cubic Feet usage shall be used to calculate the volume sewer charge for monthly billing in April, May, June, July, August, and September. For the purposes hereof a Customer's Base Cubic Feet Usage shall be the cubic feet of water used during the monthly billing period with an ending meter reading date on or after March 1 of the billing year. If there is no cubic feet usage during the base period, the customer base will be 600 cubic feet." Utility Billing Manager Autumn Hernandez was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Valdivieso, **"I move Resolution R24-32, a Resolution Amending Resolution 24-14 Amending Water Reclamation Rate, Price Schedule of Utility Charges and Rates, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.
11. **A Resolution Waiving Competitive Bidding Requirements for The Purchase of One Altec AT40-G Bucket Truck Through Enterprise Fleet Management.** Public Works 2024 budget includes \$90,000 for the purchase of one used bucket truck. Bucket trucks are used in the Public Works Department to complete a multitude of different elevated tasks throughout the City in a safe and efficient manner. Some of these tasks include hanging flags and banners, setting up the City's Christmas Tree and downtown decor, maintenance and repair of City buildings, airport hangar doors, beacon, windsock. Main uses include maintenance and repair of traffic signals, installation and maintenance of traffic signs, tree removals, tree inspections and pruning for clearance, visibility, and health concerns. Also, emergency storm damage work is a critical operation requiring a safe and reliable bucket truck. Currently, the Public Works Department has two bucket trucks. One is a 1996 Ford cab and chassis with a 55' Teco lift. Our Second Bucket truck is a 2000 Chevy cab and chassis with a 1987 Altec 28' lift. Both trucks require frequent repair and finding parts to make these repairs is difficult if we can find them at all. Both bucket trucks must also pass an annual inspection and dielectric testing, this too has become more difficult and expensive to pass each year, and usually results in at least one truck being down while necessary repairs are being made. Staff have researched used bucket trucks to replace both existing bucket trucks with one bucket truck. During our search it quickly became clear the used bucket truck market is strong and 3-5-year-old bucket trucks with low miles and hours are selling for well above \$90,000 without factory warranties. A bucket truck that is 1-2 years old with some warranty remaining costs nearly the same as a new bucket truck with Sourcewell pricing. During our search, a sales rep from Altec informed us of a new 2024 Ford F550 with an Altec AT40-G coming off the build line for Altec's Rental Department. Altec agreed to sell this new bucket truck with full factory warranties and Sourcewell pricing to the City of Rochelle. This truck can be purchased through the City's Enterprise Fleet Management program in the amount of \$168,649.16. The 2024 budgeted amount of \$90,000 will be applied to the capitalized vehicle price and the remaining balance of \$78,649.16 will be applied to the Enterprise Fleet Management program. Public Works 2024 budget includes funds to replace two vehicles through the Enterprise Fleet Management Program and this Bucket truck will be one of the replaced vehicles. Investing in a new bucket truck for the Public Works Department helps maintain critical City infrastructure, promotes worker safety, and ensures efficient and reliable services to Rochelle's residents. While the initial purchase of new bucket truck is high, it can be cost effective in the long run by reducing maintenance and repair cost as well as improving productivity for many years to come. Due to current demand and pricing in the used bucket truck market and the minimal cost difference between a new and lightly used bucket truck I believe it's in the best interest of the City to purchase one new bucket truck. Public Works Director Tim Isley was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Resolution R24-33, a Resolution Waiving Competitive Bidding Requirements and Authorizing the Purchase of an Altec At 40-G Bucket Truck through Enterprise Fleet Management, be approved."**

approved." Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

VII. DISCUSSION ITEMS: None.

VIII. EXECUTIVE SESSION: At 7:49 PM. Motion made by Councilor Arteaga, Seconded by Councilor Shaw-Dickey, **"I move the Council recess into executive session to discuss the appointment, employment, compensation, discipline, performance and/or dismissal) of specific employee(s), Section (c) (1)."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 8:04 PM Motion made by Councilor D. McDermott, Seconded by T. McDermott, **"I move the Council return to open session."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

IX. ADJOURNMENT: At 8:05 PM. Motion made Councilor D. McDermott, Seconded by Councilor Hayes, **"I move the Council adjourn."** Voting Yea: T. McDermott, Hayes, D. McDermott, Shaw-Dickey, Arteaga, Valdivieso, and Mayor Bearrows. Nays: None. Motion passed 7-0.

John Bearrows, Mayor

Rose Huéramo, City Clerk