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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE ACCEPTING THE PROPOSAL FROM UTILITY DYNAMICS  
CORPORATION FOR THE ROUTE 38 BORING PROJECT**

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**JOHN BEARROWS, Mayor**  
**ROSE HUÉRAMO, City Clerk**

**TOM McDERMOTT**  
**BIL HAYES**  
**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**ROSAELIA ARTEAGA**  
**BEN VALDIVIESO**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd. – City Attorneys  
1804 North Naper Boulevard, Suite 350, Naperville, Illinois 60563

**ORDINANCE NO: \_\_\_\_\_**

**AN ORDINANCE ACCEPTING THE PROPOSAL FROM UTILITY DYNAMICS CORPORATION FOR THE ROUTE 38 BORING PROJECT**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, as part of the Route 38 and I-39 Interstate improvement project, the City’s electric lines at the intersection of Dement Road and Route 38 need to be relocated; and

**WHEREAS**, the City prepared a Request for Proposals (“RFP”) to solicit proposals for the Route 38 boring project; and

**WHEREAS**, the RFP was published on the Illinois Bid Network’s website as well as on the City’s website; and

**WHEREAS**, the City of Rochelle received four competitive bids, a summary of which is shown in the attached Exhibit A; and

**WHEREAS**, the proposal from Utility Dynamics Corporation was the lowest bid in the amount of \$94,800; and

**WHEREAS**, Utility Dynamics Corporation has good references, and has successfully completed other projects for the City of Rochelle; and

**WHEREAS**, Utility Dynamics Corporation appears to be in good standing and employs certified and trained craftsmen; and

**WHEREAS**, staff recommends the approval of the proposal from Utility Dynamics Corporation; and

**WHEREAS**, the Mayor and City Council find that it is in the best interest of the City and its residents to accept and approve the bid from Utility Dynamics Corporation.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHELLE, ILLINOIS:**

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: The Mayor and City Council hereby accept and approve the bid from Utility Dynamics Corporation in the amount of \$94,800 for the Route 38 boring project. The City Manager or his designee is authorized to execute any documents necessary to carry out the intent of this Ordinance subject to review and revision by the City Attorney.

SECTION THREE: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 28th day of July 2025.

AYES:

NAYS:

ABSENT:

APPROVED THIS 28th day of July 2025..

ATTEST:

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City Clerk

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Mayor

## **EXHIBIT A**

Archon Construction \$115,580.00

IHC Construction \$148,175.00

N-Track Group \$111,000.00

Utility Dynamics \$94,800.00

STATE OF ILLINOIS       )  
  )  
COUNTY OF OGLE       )       SS.

CERTIFICATE

I, Rose Huéramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, "AN ORDINANCE ACCEPTING THE PROPOSAL FROM UTILITY DYNAMICS CORPORATION FOR THE ROUTE 38 BORING PROJECT" which was adopted by the Mayor and City Council of the City of Rochelle on July 28, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 28<sup>th</sup> day of July 2025.

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CITY CLERK