



**MINUTES**  
**CITY OF ROCHELLE**  
**Monday, May 23, 2022 at 6:30 PM**

- I. CALL TO ORDER:** Pledge to the Flag was led by John Bearrows. Prayer was said by Pastor Judy Williams.
- II. ROLL CALL:** Present were Councilors T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga and Mayor Bearrows. A quorum of 7 were present. Also present were City Manager Jeff Fiegenschuh and Deputy City Clerk Jennifer Thompson.
- III. PROCLAMATIONS, COMMENDATIONS, ETC:** None.
- IV. REPORTS AND COMMUNICATIONS:**
  1. Mayor's Report - Reminder for Memorial Day Parade being held Monday, May 30th 10:00am at City Hall proceeding to the War Memorial. Thanked everyone involved with Railroad Days making it a success.
  2. Council Members
- V. PUBLIC COMMENTARY:** None.
- VI. BUSINESS ITEMS:**
  1. CONSENT AGENDA ITEMS BY OMNIUS VOTE with Recommendations:
    - a) Approve Minutes of City Council Meeting - 05/09/2022
    - b) Approve Check Registers
    - c) Approve Payroll - 04/18/2022-05/01/2022
    - d) Approve Utility Tax Ordinance
    - e) Approve Special Event Request - Museum Cut the Square Event
    - f) Approve Special Event Request - Cypress House Outdoor Markets
    - g) Accept and Place on File - April FinancialsMotion made by Councilor Hayes, Seconded by Councilor T. McDermott, **"I move consent agenda items (a) through (g) be approved by Omnibus vote as recommended."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.
  2. **A Resolution Approving the Assignment of Industrial Track Agreement for 501 Steward Road.** In 2003 a warehouse facility was constructed at 501 Steward Rd. Rochelle IL. On April 6, 2005, an Industrial Track Agreement was executed which provided the terms in which the City of Rochelle Railroad would serve this new building with rail switching services. The building is being sold to Ascendas REIT Chicago 1 LLC and the new owner has requested that the Industrial Track Agreement be assigned to them as the new owner of the building. Motion by Councilor D. McDermott, Seconded by Councilor Hayes, **"I move Resolution R22-23, a Resolution Approving the Assignment of Industrial Track Agreement for 501 Steward Road, LLC, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.
  3. **A Motion Authorizing the City Manager to execute an intergovernmental agreement between the City of Rochelle and the Ogle-Lee Fire Protection District.** The current agreement with the district is set to expire on September 30, 2022. The current contract is working well for both

organizations and the only desired change discussed was Sec 7 Compensation. The Fire Chief and City Manager met with a representative from the district and discussed leaving the 3% annual increase in the contract. Attached to this staff report is the total number of calls our department handled in the district, but outside of the City's corporate limits. Under the terms of the new agreement, the district shall pay the City the sum of \$100,277.16 per year at a rate of \$8,356.43 per month for the period of October 1, 2022, to September 30, 2023. There after the amount will increase by 3% annually each October 1 through September 30, 2027. These amounts may be amended by mutual agreement of the parties pursuant to any future recommendations of the Management Board. Motion by Councilor Arteaga, Seconded by Councilor Hayes, **"I move Intergovernmental Agreement 22-5347, an Intergovernmental Agreement between the City of Rochelle and the Ogle-Lee Fire Protection District for Fire and Ambulance 5-year Service, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.

4. **An Ordinance Amending Rochelle Municipal Code Chapter 6 Adding Liquor License Resort Classification.** In 2012, when the liquor code was updated, the Resort classification was deleted as no businesses held a license in that classification. Recent applications from Comfort Inn & Suites Rochelle located at 1133 N. 7th St. and Holiday Inn Express located at 1240 Dement Rd would benefit the addition of a resort liquor license classification. In reviewing the Municipal Code, the businesses do not qualify under our current liquor classification codes. Both businesses plan to sell liquor to their patrons and make it available for meetings and or guests as desired. It is our understanding that Comfort Inn & Suites Rochelle and Holiday Inn Express do not intend to operate a bar. Resort means an establishment designed to attract and accommodate tourists and visitors to resort area or the community, with lodging facilities with at least 25 motel rooms located on the premises, and the primary business of the establishment is not the sale of alcoholic beverages. The Resort Liquor classification will be defined as: Resort. A resort license shall be a license for the sale of alcoholic liquor by a resort, as defined in section 6-2. A resort license shall entitle the licensee to sell alcoholic liquor for consumption on or off the premises in the original package during the hours as specified in section 6-4. The holder of the Class Resort license shall also be allowed to sell alcoholic beverages in the original container to persons who are of the age of 21 years or older who have registered renting a room in the hotel or motel for the purpose of consuming such alcoholic beverages within the hotel or motel room. Further, it is the responsibility of the hotel or motel operator to obtain a written statement from the person who is renting the room that no persons under the age of 21 will consume any alcoholic beverages within the room. Said sales may be made indirectly by the placement of alcoholic beverages within rooms to be occupied by persons over the age of 21 years, with directions that the consumption of such beverage will be charged to the person renting that particular room. Motion by Councilor D. McDermott, Seconded by Councilor Hayes, **"I move Ordinance 22-5348, an Ordinance Amending Rochelle Municipal Code Chapter 6 Adding Liquor License Resort Classification be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.
  
5. **A Motion to Approve 2022 Annual Seal Coat Street Maintenance Bids and Resolution of Funds MFT Section#22-00000-00-GM.** Various streets and/or alleys were identified to receive a seal coat (A1 & A2) surface treatment this fiscal year (FY) to provide for much needed roadway maintenance and preservation. The areas are shown on the attached exhibit A. Additional areas may be considered by the City Engineer during the construction process as funds allow. The above referenced project was advertised in the Illinois Dept. of Transportation (IDOT) Notice to Contractor's Bulletin 22-13 as well as the Rochelle Newsleader. Bids were publicly opened and read aloud on April 14, 2022 at 10 am for the above referenced project. Two separate bids were received as follows:
  - Helm Civil Constructors, Inc. submitted a bid for making the entire improvements in the amount of \$135,560.00

➤ Porter Brothers submitted a bid for making the entire improvements in the amount of \$208,286.20

The lowest bid is approximately 11% lower than the Engineers estimate of cost. The various streets general maintenance project is funded with Motor Fuel Tax (MFT) funds administered through IDOT. A transfer from the CY 2022 MFT fund 17-00 will be made to the CY 2022 CIP fund 36-00-86092 to cover the Local Agency (LA) costs associated with the General Maintenance project of various streets with Sec#22-00000-00-GM. The City Street Department crews will provide pavement patching, surface preparation and sweeping in advance of seal coat operations. Lastly, the City will be participating in the Ogle County seal coat operations at a cost of approximately \$18,000 along Queens Road adjacent to Flagg Twp. This will also be paid from the City's MFT or STF funds and will be paid to the County once the work is complete. City council approval of resolution (BLR 14220) will allow the City to move forward with providing funding associated with engineering, maintenance and/or construction on the referenced project from the MFT fund. Enclosure (1) uses the standard IDOT resolution to document the requested expenditure. Motion by Councilor T. McDermott, Seconded by Councilor D. McDermott, **"I move Resolution R22-24, a Resolution for Maintenance of Street and Highways by Municipality Under the Illinois Highway Code (BLR 14220) - 2022 Annual Seal Coat Street Maintenance, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0. Motion by Councilor Shaw-Dickey, Seconded by Councilor Arteaga, **"I move Council accept the low bid proposal and award the contract to Helm Civil, Inc. in the amount \$135,560 and reject all other bids received."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.

6. **A Motion to Approve Hickory Grove Demolition Change Orders.** The Hickory Grove demolition began in late January and is now substantially complete with the exception of the hotel façade restoration. Willett Hoffmann and Associates has provided engineering services on the project since that time and has documented various items where additional work may have been required or deducted from the contract work. Motion by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Council approve Hickory Grove Demolition Change Order with McDonaugh Demolition, Inc, in an amount not to exceed \$22,443.22, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.

**VII. DISCUSSION ITEMS:** None.

**VIII. EXECUTIVE SESSION:** At 6:50 PM, motion made by Councilor Gruben, Seconded by Councilor Shaw-Dickey, **"I move the Council recess into Executive Session to discuss the setting of a price for sale or lease of property owned by the City, Section (c) (6)."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.

**IX. ADJOURNMENT:** At 7:08 PM, Motion by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move to the Council adjourn."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, Mayor Bearrows. Nays: None. Motion passed 7-0.

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John Bearrows, Mayor

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Jenny Thompson, Deputy City Clerk