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

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**RESOLUTION**  
**NO. \_\_\_\_\_**

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**RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING A  
PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH WILLETT  
HOFMANN & ASSOCIATES, INC. FOR AN AMENDMENT TO PHASE 2 OF THE  
WATER RECLAMATION PLANT IMPROVEMENT**

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**JOHN BEARROWS, Mayor**  
**ROSE HUERAMO, 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  
Peterson, Johnson, and Murray, LLC, City Attorneys  
200 W. Adams, Suite 2125 Chicago, IL 60606

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WATER RECLAMATION PLANT IMPROVEMENT**

**RESOLUTION NO. \_\_\_\_\_**

**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 (“City”), 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**, the Corporate authorities have already approved a Professional Services agreement with Willett Hofmann and Associates, Inc., for Phase 2 of the Water Reclamation Plant Improvement Project; and

**WHEREAS**, after careful review of the bid tabulations, staff decided to remove several items from the scope of work and select an alternate design on other processes; and

**WHEREAS**, the first amended scope of work did not increase the cost of engineering design services; and

**WHEREAS**, however a second amendment to the projects’ scope of work along with ‘redesigned’ upgrades will require additional hours from engineering staff, and result in an increased design cost of \$57,733.55, (the amended Agreement is attached herein as Exhibit A); and

**WHEREAS**, the increased design cost will be offset by the overall reduced project cost and will qualify for reimbursement through the loan program with the IEPA; and

**WHEREAS**, City staff recommends that the City accept the proposal of Willett Hofmann & Associates for professional engineering services and authorize the additional engineering design cost of \$57,733.55; and

**WHEREAS**, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to accept the proposal and execute the amended engineering services agreement with Willett Hofmann & Associates, Inc. for Phase 2 of Water Reclamation Plant Improvement Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ROCHELLE, ILLINOIS** as follows:

SECTION ONE: The foregoing Recitals are not mere preparatory language, but are hereby incorporated in this Section 1 as if said Recitals were fully set forth.

SECTION TWO: The proposal and amended engineering agreement from Willett Hofmann & Associates for Phase 2 of the Water Reclamation Plant Improvement Project in the amount of \$57,733.55, is accepted and the City Manager is authorized to execute the attached Exhibit A, as well as all other necessary ancillary agreements, in a form subject to review and revision as to form by the City Attorney.

SECTION THREE: If any provision of this Resolution 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 Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

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

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

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

PASSED THIS 11th day of December, 2023.

AYES:

NAYS:

ABSENT:

APPROVED THIS 11th day of December, 2023.

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MAYOR

ATTEST:

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CITY CLERK

STATE OF ILLINOIS        )  
  )  
COUNTY OF OGLE        )        SS.

CERTIFICATE

I, Rose Hueramo, 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 Resolution No. \_\_\_\_\_, “RESOLUTION ACCEPTING THE PROPOSAL AND AUTHORIZING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH WILLETT HOFMANN & ASSOCIATES, INC. FOR AN AMENDMENT TO PHASE 2 OF THE WATER RECLAMATION PLANT IMPROVEMENT” which was adopted by the Mayor and City Council of the City of Rochelle on December 11, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 11<sup>th</sup> day of December, 2023.

\_\_\_\_\_

CITY CLERK

## **Exhibit A**

Engineering Agreement  
For  
Rochelle Municipal Utilities  
City of Rochelle, Illinois

Water Reclamation Plant Improvements Phase 2  
Agreement Date: January 8, 2021

AMENDMENT NO. 2

ENGINEERING AGREEMENT MODIFICATIONS:

### **SECTION 1 – PROJECT SCOPE**

ADD: 1.9. Redesign the project for a reduced scope of work that is more in line with the Owner's budget for the project. The scope of work included the redesign of the tertiary treatment construction drawings for a different type of filter system. The construction drawings and the Project Manual had to be revised for the new project scope of work.

### **SECTION 5 – PAYMENTS TO THE ENGINEER**

REVISE: 5.1.5. As per Section 1, the OWNER authorizes the ENGINEER to perform the work as detailed below. The authorized work is estimated to be \$739,608.80, and work will not be performed in excess of this amount without prior authorization by the OWNER. The estimated cost breakdown is as follows:

Service	Engineering Agreement	Amendment #1 Final Fee	Amendment #2 Fee Change	Amendment #2 Final Fee
Design	\$342,000.00	\$373,375.25	+\$57,733.55	\$431,108.80
Construction Observation	\$330,000.00	\$298,500.00	\$0.00	\$298,500.00
IEPA Loan Application Documents	\$ 10,000.00	\$ 10,000.00	\$0.00	\$ 10,000
Totals	\$682,000.00	\$681,875.25	\$57,733.55	\$739,608.80

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 2 on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

OWNER:

\_\_\_\_\_ CITY OF ROCHELLE, ILLINOIS \_\_\_\_\_

BY: \_\_\_\_\_

Title: \_\_\_\_\_ CITY MANAGER \_\_\_\_\_

ATTEST:

BY: \_\_\_\_\_

Title: \_\_\_\_\_ CITY CLERK \_\_\_\_\_

(SEAL)

ENGINEER:

WILLETT, HOFMANN & ASSOCIATES, INC.

BY: Brinn K. Conner \_\_\_\_\_

Title: \_\_\_\_\_ PRESIDENT & GENERAL \_\_\_\_\_

MANAGER

ATTEST:

BY: Theresa W. Hoffmann \_\_\_\_\_

Title: \_\_\_\_\_ SECRETARY \_\_\_\_\_

