



MINUTES
CITY COUNCIL MEETING
Monday, December 12, 2022 at 6:30 PM

- I. CALL TO ORDER:** Pledge to the Flag was led by Mayor Bearrows. Prayer was said by Pastor Doug Cowan.
- II. ROLL CALL:** Present were Councilors Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Absent: Councilor T. McDermott. A quorum of six were present. Also, present City Manager Jeff Fiegenschuh, City Clerk Rose Huéramo, and City Attorney Dominick Lanzito.
- III. PROCLAMATIONS, COMMENDATIONS, ETC:** None.
- IV. REPORTS AND COMMUNICATIONS:**
 1. Mayor's Report - Thanked Tricia Herrera & Chamber Commerce staff, all City staff for the lighted Christmas parade. State of Community Address will be Thursday 3/2/2023 at 6 P.M. in City Council Chambers. K-9 Program Fundraiser will be held on Saturday 1/21/2023 at T-Byrd Lanes from 6-10 P.M. K-9 Axel's Retirement open house will be on Thursday 12/15/2022 from 2-4 P.M. Thoughts and prayers for City Engineer Sam Tesreau and his family.
 2. Police Officer Swearing-In - Bartolome (Bart) Silva
 3. Council Members - None.
- V. PUBLIC COMMENTARY:** None.
- VI. BUSINESS ITEMS:**
 1. CONSENT AGENDA ITEMS BY OMNIUS VOTE with Recommendations:
 - a) Approve Minutes of City Council Meeting - 11/28/2022
 - b) Approve Check Registers #204056-204182, 204192, 204193-204264
 - c) Approve Payroll - 11/14/22-11/27/22
 - d) Approve 2023 Meeting Dates
 - e) Approve 2023 Holidays
 - f) Accept and Place on File Minutes of Planning & Zoning Commission Meeting - 10/3/2022Motion made by Councilor Hayes, Seconded by Councilor D. McDermott, **"I move consent agenda items (a) through (f) be approved by Omnibus vote as recommended."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move we take item #11 and move it to the current position on the agenda."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
 11. **An Ordinance Granting Variation of Lot Coverage 115 S 10th Street.** The petitioner is seeking a proposed variance of lot coverage for a patio located at 115 S. 10th Street. The property is zoned R5, multi-family high density residential. The petitioner would like to extend their existing patio with the intention of adding an addition to their house in place of the current patio next year. The petitioner is currently over the allowed lot coverage by 5% and are requesting an additional 3% with the addition of the proposed variance for a patio. 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. On Monday, December 5, 2022, the Planning and Zoning Commission voted 7-0 to approve the Variance of Code. Community Development Director Michelle Pease was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Arteaga, **"I move Ordinance 22-5392, an Ordinance Granting Variation to Allow for the Installation of a Extension to the existing patio at 115 S. 10th St., be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move we take item # 9 and move it to the current position on the agenda."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

9. **An Ordinance Amending Section 110-160 District Use Classification List.** Currently within the City of Rochelle Zoning Ordinance, Article V, Division 7 (District Use Classifications) warehousing is not allowed within the B2 Commercial Highway District. The City of Rochelle is proposing a text amendment to the Zoning Code, Section 110-160, District Use Classification List, to permit by special use warehousing in the B2 Commercial Highway District. The Planning and Zoning Commission can recommend to the City Council a text amendment to expand or alter the official zoning code district classification list to allow warehousing in a B2 Commercial Highway District with a special use. On Monday, December 5, 2022, the Planning and Zoning Commission voted 7-0 to approve the proposed text amendment for a B-2 Highway Commercial District. Community Development Director Michelle Pease was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Gruben, **"I move Ordinance 22-5390, an Ordinance Amending Section 110-160 of the Rochelle Municipal Code Pertaining to B-2 Highway Commercial District Special Uses, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move we take item # 10 and move it to the current position on the agenda."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

10. **An Ordinance Granting a Special Use Permit to Wirtz Realty Corp for Warehousing in a B-2 District.** The petitioner is seeking a proposed special use permit for warehousing for the property located at 1380 N. 7th Street. An existing 12,500 square foot building, formerly used as a car dealership and currently vacant, is proposed to become a warehouse with office space. The subject property is zoned B-2, Commercial Highway. Pending Council approval of a text amendment to allow warehousing with a special use in a B2 Highway Commercial Zone, Division 7, Sec. 110-160 District Use Classification List would be updated to allow warehousing in a B2 Commercial Highway District with a special use. On Monday, December 5, 2022, the Planning and Zoning Commission voted 6-1, to approve the proposed special use. Community Development Director Michelle Pease and Andrew Scott with Dicamba was available for questions. Motion made by Councilor Gruben, Seconded by Councilor Arteaga, **"I move Ordinance 22-5391, an Ordinance Granting a Special Use Permit to Wirtz Realty Corp at 1380 N. 7th St. for Warehousing in a b-2 District, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga. Abstain: Mayor Bearrows. Nays: None. Motion passed 5-1 abstain.
2. **An Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Delete One Class R-3 Brewski's Bar & Grill to Create One Class R-3 Liquor License for The Blackstone Bar & Restaurant.** The City has received a request from Shane Erdman and Jim Withers for the business at 406 Cherry Ave and deleting the license for Brewski's Bar & Grill and creating a liquor license for The Blackstone Bar & Restaurant. The Class R-3 liquor license allows for the retail

sale of alcoholic liquor by restaurants with a bar for consumption on premises. The current owners of Brewski's Bar and Grill will surrender their liquor license effective upon sale of business, on November 30, 2022. City Clerk Rose Huéramo was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Ordinance 22-5388, an Ordinance Amending Section 6-46 of the Municipal Code of the City of Rochelle to Delete One Class R-3 for Brewski's Bar & Grill to Create One Class R-3 Liquor License for the Blackstone Bar & Restaurant, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

3. **A Resolution Establishing Minimum/Maximum Wage Rates for 2023 Fiscal Year.** The Municipal Code of the City of Rochelle requires that the City Council annually approve a resolution establishing the minimum/maximum wage rates for all position classifications within the City. The proposed resolution applies to all employees and is based on job categories as defined by the Equal Employment Opportunity Commission. The rates included in this resolution are consistent with those that were incorporated into the City Budget for Fiscal Year 2023. Human Resource Director Nancy Bingham was available for questions. Motion made by Councilor Arteaga, Seconded by Councilor D. McDermott, **"I move Resolution R22-50, a Resolution Establishing Minimum/Maximum Wage Rates for 2023 Fiscal Year, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
4. **A Resolution Authorizing the City Manager to Extend the RMU Utility Assistance Program for 2 Years.** According to US Census data, an estimated 311 households in the Rochelle Municipal Utilities (RMU) territory are below poverty level. The RMU assistance program is open to all RMU residential customers who fall within our guidelines of household income at or below 200% of the federal poverty level, which is currently \$27,750 for a family of four. The program provides \$500 a year per household to help pay for utility charges and is funded by the renewable energy credits from the previous year. In 2022 to date, \$32,298.28 has been committed to 67 households. The program expires at the end of 2022 and the proposed resolution will extend the program for two additional years. City Manager Jeff Fiegenschuh was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Gruben, **"I move Resolution R22-51, a Resolution Authorizing the City Manager to Extend the RMU Utility Assistance Program for 2 Years, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
5. **An Ordinance Temporarily Suspending Late Fees as Identified in Chapter 98 Article I of the Rochelle Municipal Code through April 30, 2023.** Due to global inflation causing higher prices that affect our local residents, the City Manager is proposing a suspension of utility late fees through April 30, 2023 to assist Utility customers who may fall behind on payments. Customers also have the option to utilize payment plans and an assistance program offered through RMU. The waiver only applies to residential utility customers. City Manager Jeff Fiegenschuh was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Ordinance 22-5389, an Ordinance Temporarily Suspending Late Fees and Identified in Chapter 98 Article I of the Rochelle Municipal Code through April 30, 2023, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
6. **A Resolution Authorizing and Approving a Farm Management Agreement Between First Mid Ag Services, a Division of First Mid Wealth Management Company and the City of Rochelle.** Over the past 5 years, the city has purchased ~50 acres through First Mid Ag Services, a Division of First Mid Wealth Management Company for future City of Rochelle Railroad (CIR) expansions, which includes the Rochelle Intermodal Transload Center expansion, the future construction of a rail

bridge, and a 200-ft wide 1.3-mile strip of land for future rail construction. These parcels lie adjacent to the farm First Mid Ag Services has managed for more than a decade and over the past 2 years has leased it from the city. While plans for using this land for future rail growth are ongoing, staff would like to continue to lease the land for the purpose of farming it. Economic Development Director Jason Anderson was available for questions. Motion made by Councilor Gruben, Seconded by Councilor Hayes, **"I move Resolution R22-52, a Resolution Authorizing and Approving a Farm Management Agreement Between First Mid Ag Services, a division of First Mid Wealth Management Company and the City of Rochelle, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

7. **A Resolution Authorizing a Professional Services Agreement with Fehr Graham for Rochelle Transload Yard East Expansion.** Three years ago, the city purchased approximately 7 acres east of the Rochelle Transload Center (RTC) for future expansion. The Illinois Department of Transportation (IDOT) is offering the Illinois Competitive Freight Program Grant (targeted at intermodal projects) which could fund up to 90% of the project cost. This expansion would increase the size of the Rochelle Intermodal Transload Center (RITC) by 40%, which would allow for additional intermodal capacity and revenue to our rail operations. The project would include extending the two southern tracks approximately 800 ft, construct a triple box culvert to address stormwater flows, and construct a 4.5 acres stormwater management flood control structure. The entire transload yard would be paved with 8" of concrete. Fehr Graham Engineering & Environmental completed preliminary engineering on this project 2 years ago and with the potential of securing a grant to complete this project, staff seeks approval to finalize the engineering work needed so the grant application can be completed. Economic Development Director Jason Anderson was available for questions. Motion made by Councilor Shaw-Dickey, Seconded by Councilor D. McDermott, **"I move Resolution R22-53, a Resolution Authorizing a Professional Services Agreement with Fehr Graham for Rochelle Intermodal Transload Yard East Expansion, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
8. **A Resolution Authorizing Execution of a Professional Services Agreement with Willett Hofmann & Associates for Professional Services Related to the Intersection Design Study for Phase II Improvements to the Flagg Road & 20th Street Intersection.** An intergovernmental agreement with Ogle County, as approved by City Council in early 2022, provides for collaboration and cost sharing of various phases of engineering and construction of the Flagg Rd/ 20th St. multi-year project. With a traffic analysis complete the attached Engineering services agreement will allow the Intersection Design Phase to begin. Willett Hofmann and Associates, who performed a traffic analysis, has submitted a proposal for an Engineering Services Agreement IDS Phase to be completed in early 2023 to determine needs and warrants for signalization, ROW, turn lanes, geometrics and other related items. This work will also assist in defining cost sharing for limits of improvements adjacent to and within the greater intersection as well as the Final Engineering design Phase 3. City Manager Jeff Fiegenschuh, Public Works Director Tim Isley and Matt Hansen from Willett Hoffman were available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Arteaga, **"I move Resolution R22-54, a Resolution Authorizing Execution of a Professional Services Agreement with Willett Hofmann & Associates for Professional Services Related to the Intersection Design Study for Phase II Improvements to Flagg Road & 20th Street Intersection, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.
12. **An Ordinance Waiving the Competitive Bidding Requirement and Awarding Brown Equipment Company the Purchase Order for Three (3) Used Dump Trucks.** On February 14th, 2022, Rochelle City Council approved the purchase and financing of \$490,550.51 at 1.5% for two new Kenworth dump trucks with snowplow packages. Due to widespread supply chain issues and material shortages, Kenworth has drastically reduced the number of accepted medium duty truck

orders. At this time, Rochelle's order for two new Kenworth dump trucks has not been accepted. With lower truck production many truck and body vendors are not submitting bids to potential customers due to so many uncertainties and because they cannot guarantee pricing or delivery dates. On average, customers are waiting two and three years for delivery of a new truck and body package. On 12/1/2022 Public Works staff met with CIT Trucks and Bonnell Industries for a status update of the two new dump trucks. At this time, it's estimated that the new trucks would not be delivered until sometime in 2024 with no guarantees. Recently, City staff reached out to vendors of other truck manufactures and body builders in search of quicker delivery times. Unfortunately, the average timeframe for delivery of a new medium duty truck regardless of the manufacture is two to three years. While looking into other options, staff learned of six used Freightliner tandem axle trucks for sale and available for delivery by the end of December or beginning of January 2023. These trucks were purchased new in 2015 and 2016 by the City of Carmel Indiana and taken in on trade by Brown Equipment Company. Each of these tandem axle trucks have less than 20,000 miles and were used only for snow removal operations. These trucks are equipped with stainless steel dump bodies including 34" stainless steel conveyors, 12' front plows, 9' wing plows, Groundspeed salt controllers, and electric tarps. City staff were some of the first to hear of these trucks coming up for sale and were the first to show interest in purchasing three of these tandem axle dump trucks with snowplow packages. Each truck is listed for \$145,000.00. This is approximately \$120,000.00 less than the cost of the new tandem axle dump truck with snowplow package that was approved by City Council. The total purchase price for the three (3) tandem axle dump trucks is \$437,000.00 including shipping. This is \$53,550.51 below the cost of two (2) new dump trucks approved by City Council on February 14th, 2022. Although these trucks are used, they all have very low miles and have been very well maintained. The addition of these three (3) trucks will improve the average age of our medium duty fleet by 4.5 years. Other benefits of this purchase would include reducing maintenance and repair costs by selling three of our current dump trucks that are over 20 years old. lowering salt usage and expenses with electronic groundspeed salt controllers, improving efficiency with the addition of three wing plows, and increasing dependability in our medium duty truck fleet. Public Works Director Tim Isley was available for questions. Motion made by Councilor Gruben, Seconded by Councilor Arteaga, **"I move Ordinance 22-5393, an Ordinance Waiving the Competitive Bidding Requirements and Awarding Brown Equipment Company the Purchase Order for Three (3) Used Dump Trucks, not to exceed in the amount \$437,000, be approved."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

13. **Public Hearing - Phase 4 Sewer Lining Project.** Pursuant to Community Development Block Grant requirements, the City must hold a hearing to receive comments from the public on the proposed project to line and rehabilitate approximately 15,000 feet of sanitary sewer. For 2023, the CDBG program has increased its maximum funding to \$1.5 million and we would like to apply so that we can complete the 4th phase of sewer lining. Rochelle has been able to secure approximately \$750,000 in the last 5 years through this program and have had great success in reducing bypass pumping events along with basement backups in the areas that we have lined so far. Superintendent of Water/Water Reclamation Adam Lanning and Matt Hansen from Willett Hoffman were available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Hayes, **"I move the Council recess into a Public Hearing for Phase 4 Sewer Lining Project."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0. There were no public comments made. Motion made by Councilor Shaw-Dickey, Seconded by Councilor D. McDermott, **"I move the Council close the Public Hearing and return to open session."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

VII. DISCUSSION ITEMS: None.

VIII. EXECUTIVE SESSION: None.

- IX. ADJOURNMENT:** Motion made by Councilor D. McDermott, Seconded by Councilor Hayes, **"I move the Council adjourn."** Voting Yea: Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 6-0.

John Bearrows, Mayor

Rose Huéramo, City Clerk