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

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**RESOLUTION**

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

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**A RESOLUTION ACCEPTING THE BID PROPOSAL FROM UTILITY DYNAMICS  
CORP. IN THE AMOUNT OF \$435,800 FOR THE FLAGG ROAD AND 20<sup>TH</sup> STREET  
UTILITY IMPROVEMENTS**

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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  
1301 W. 22nd Street, Ste. 500 Oak Brook, Illinois 60523

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Ogle County, Illinois

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

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**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**, in 2023 Ogle County and the City of Rochelle entered into an intergovernmental agreement to begin engineering design for reconstruction of Flagg Road and 20th Street greater intersection improvements; and

**WHEREAS**, during the design phase it was determined that it was necessary for utilities to be relocated, including RMU overhead electric and fiber utilities installed over 17 years ago; and

**WHEREAS**, Willett Hoffman and Associates, consulting engineers began separate utility relocation plans for RMU Electric Operations in March 2024; and

**WHEREAS**, the utility relocation improvement project was originally let out to bid in the spring, but all bids were rejected after the lowest bidder withdrew their bid as a result of mathematical errors; and

**WHEREAS**, the project was advertised in the Rochelle Newsleader on November 6th and 10<sup>th</sup> and bids were publicly opened and read aloud on November 21, 2024; and

**WHEREAS**, the City received one bid from Utility Dynamics Corporation in the amount of \$435,800 (a copy of the bid proposal is attached herein as Exhibit A); and

**WHEREAS**, the bid was reviewed by Willett, Hofmann and Associates for completeness, and is below their engineers estimate of \$602,990; and

**WHEREAS**, the Mayor and City Council have found that it is in the best interest of the City to accept the bid proposal from Utility Dynamics Corporation in the amount of \$435,800 for the Flagg Road and 20<sup>th</sup> Street utility improvements.

**BE IT RESOLVED 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 Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle hereby accept the bid from Utility Dynamics Corporation in the amount of \$435,800 for the Flagg Road and 20<sup>th</sup> Street utility improvements. The City Manager or his designee is hereby authorized to approve the bid attached as Exhibit A and execute any documents necessary to carry out the intent of this Resolution, subject to review and revision 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.

APPROVED THIS 9<sup>th</sup> day of December 2024.

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MAYOR

ATTEST:

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CITY CLERK

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 Resolution No. \_\_\_\_\_, “A RESOLUTION ACCEPTING THE BID PROPOSAL FROM UTILITY DYNAMICS CORP. IN THE AMOUNT OF \$435,800 FOR THE FLAGG ROAD AND 20TH STREET UTILITY IMPROVEMENTS” which was adopted by the Mayor and City Council of the City of Rochelle on December 9, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 9<sup>th</sup> day of December 2024.

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CITY CLERK