



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

- I. CALL TO ORDER:** Pledge to the Flag was led by Mayor Bearrows. Prayer was said by City Clerk Rose Huéramo.
- II. ROLL CALL:** Present were Councilors T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor John Bearrows. A quorum of seven were present. Also, present City Manager Jeff Fiegenschuh, City Clerk Rose Huéramo, and City Attorney Dominick Lanzito.
- III. PROCLAMATIONS, COMMENDATIONS, ETC:**
1. Proclamation - Constitution Week September 17-23, 2022 & Chamber of Commerce Week September 11-17, 2022
 2. Good News Award – Superintendent of Electric Operations Blake Toliver and staff for a quick 30-minute fix from the power outage.
 3. Good News Award- Superintendent of Water/Water Reclamation Adam Lanning and staff on receiving a \$2.5 million dollar grant from the EDA for construction and updates to Well #8.
- IV. REPORTS AND COMMUNICATIONS:**
1. Mayor's Report: Thanked the Kiwanis for the Peanut Day Sales event this past weekend & a thank you to former Mayor Chet Olson heading up the committee for the peanut sales. The RACF, Trains, Planes, and Automobiles event had a great turnout, a thank you to Airport staff Mike Hudetz & Rob Flanagan for their quick assistance. Mayor invites all to the September 27th at 11AM for the dedication of the overpass ceremony.
 2. Council Members: Councilor Arteaga invites all to the Fiesta Hispana event on 9/17/2022 from 3-11PM.
- V. PUBLIC COMMENTARY:** Andy Shaw on protecting the Lee-Ogle Enterprise Zone.
- VI. BUSINESS ITEMS:**
1. CONSENT AGENDA ITEMS BY OMNIUS VOTE with Recommendations:
 - a) Approve Minutes of City Council Meeting - 08/22/2022
 - b) Approve Payment Registers - 08/22/22, 8/29/22
 - c) Approve Payroll - 08/08/22-08/21/22
 - d) Establish 2022 Trick-Or-Treat Hours: Saturday, October 29, 5-8PM
 - e) Approve Special Event Request - Christmas Parade
 - f) Accept and Place on File Minutes of Planning & Zoning Commission Meeting - 08/01/2022

Motion made by Councilor Hayes, Seconded by Councilor Gruben, **"I move consent agenda items (a) through (f) be approved by Omnibus vote as recommended."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 6:50 PM, Motion made by D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move that Agenda item # 8, Ordinance Amending Ordinance No. 45-OH with respect to the Lee Ogle Enterprise Zone and the Enterprise Zone Intergovernmental Agreement, be moved to the**

beginning of the agenda.” Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nay: None. Motion passed 7-0.

8. **Ordinance Re-Zoning Property located at 450 Willis Avenue, Rochelle, Illinois.** 450 Willis Avenue, parcel number 24-36-127-001, is vacant land and sits at the corner of Willis Avenue and Lake Lida Lane. It is 1.59 acres and is currently zoned B2, Commercial Highway. The petitioner is requesting to rezone the subject property from a B2 Commercial Highway to an R5 Multi-Family, High Density Residential. The purpose for the request to rezone to an R5 is to build an apartment building. The property is surrounded by B-2 Commercial Highway on the west, north and south and R5 Multi-Family, High Density Residential immediately to the east, northeast and southeast. Section 110-314 – Buffer Yards. Multiple-family residential districts. A minimum fifteen (15) foot wide planting strip shall be provided along the entire length of the buffer yard. On Tuesday, September 6, 2022, the Planning and Zoning Commission voted 7-0, to approve the proposed rezone. Community Development Director Michelle Pease and Petitioner Bruce Seldal were available for questions. Motion made by Councilor Shaw-Dickey, Seconded by Councilor T. McDermott, **“I move Ordinance 22-5367, an Ordinance Re-Zoning Property located at 450 Willis Avenue from B-2 Commercial Use to a R5 Multi-Family, be approved.”** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

2. **Ordinance Amending Ordinance No. 45-OH with respect to the Lee Ogle Enterprise Zone and the Enterprise Zone Intergovernmental Agreement.** The Lee Ogle Enterprise Zone, which supports commercial and industrial growth in the City of Rochelle, is a partnership of many other municipalities and two counties. A relocation project is occurring in rural Lee County and the City of Amboy. The company, Z-Best Enterprises, manufactures steel siding and roofing in rural Lee County site, but due to limitations including electrical power, 12-month road access, and zoning, are relocating into the City of Amboy and also to an additional new site just outside of Amboy. The EZ board is seeking to ease the burden on this business by allowing them to be able to fully use the incentive. This change requires the use of 16.13 acres. Upon this change’s approval by the State of Illinois, 456.26 acres of unallocated space remain for future zone amendments. Administrator of Enterprise Zone Andy Shaw was available for questions. Motion made by Councilor Hayes, Seconded by Councilor T. McDermott, **“I move Ordinance 22-5369, an Ordinance Amending Ordinance No. 45-OH with respect to the Lee Ogle Enterprise Zone and the Enterprise Zone Intergovernmental Agreement, be approved.”** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

At 6:53 PM, Motion made by Councilor D. McDermott, Seconded by Councilor Arteaga, **“I move that Agenda item # 13, Resolution Affirming the Joint Goals and Objectives of the Lee-Ogle County Enterprise Zone, Lee County and the City of Rochelle for the Industrial Development Between the Lee-Ogle County Line and Elva Road, be moved to the next item on the list.”** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

13. **Resolution Authorizing the City Manager to Execute an Agreement with the Greater Rochelle Economic Development Corporation Regarding Certain Land Rights at the Proposed Transloading Center Expansion.** The City of Rochelle and the Greater Rochelle Economic Development Corporation (GREDCO) are collaborating to expand the capabilities of the Rochelle Transload Center (RTC) by developing an Intermodal Container Yard. The Container Yard Development is located between the RTC and the Boyle Farm which is designated as a rail served site. The City of Rochelle and GREDCO have come together to set forth terms that will allow for access and easements between the RTC and the new Container Yard. They are outlined in the attached plat map and agreement document: The key terms are as follows: A) GREDCO will provide an

easement for rail access across the GREDCO Tract/Container Yard. B) GREDCO will convey to the City a 5ft strip of the GREDCO Tract/Container Yard to expand the RTC. C) GREDCO will grant to the City a 50ft wide strip as a non-inclusive easement for access along the east end of the Container Yard that both the City and GREDCO can share the use. D) The City will grant GREDCO ingress & egress through the RTC Steward Road entrance for the purpose of allowing traffic access to the Container Yard from the Transload Yard. E) The Agreement Regarding Proposed Transload Yard Expansion outlines all four of the easements and additionally states that if a second point of access to Steward Road from the Container Yard is needed in the future, the City will work in good faith with GREDCO to establish a second point of access. Motion made by Councilor T. McDermott, Seconded by Councilor D. McDermott, **"I move Resolution R22-38, a Resolution Authorizing the City Manager to Execute an Agreement with the Greater Rochelle Economic Development Corporation Regarding Certain Land Rights at the Proposed Transloading Center Expansion, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

3. **Resolution Affirming the Joint Goals and Objectives of the Lee-Ogle County Enterprise Zone, Lee County and the City of Rochelle for the Industrial Development Between the Lee-Ogle County Line and Elva Road.** In 2015 the Cities of Rochelle and Dixon along with the Counties of Lee and Ogle joined together to create the Lee-Ogle Enterprise Zone. In their application to the Illinois Department of Commerce over 9,000 acres between the four units of government were designated as Enterprise Zones. The sites which were fortunate to be chosen were proven to be the most accessible to highways, utility infrastructure and adjacent to existing industrial & commercial developments. Goals for every zone were included in the application which included a commitment to investments in expanding the infrastructure into the sites and that good paying jobs would be created. The Enterprise Zone has helped to attract 1,000's of jobs and 100's of millions of dollars to our region. Failure to meet the job creation goals and investments as stated in the 2015 EZ application would risk losing the certification of the Lee-Ogle Enterprise Zone. Therefore, only projects that bring significant job creation and capital investment should be designated for the LOEZ. In support of the LOEZ the Lee County Board has recently passed a resolution which states no special use permits would be issued for projects that were not consistent with the goals of the LOEZ. Economic Development Director Jason Anderson and Administrator of Enterprise Zone were available for questions. Motion made by Councilor Arteaga, Seconded by Councilor D. McDermott, Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

4. **Ordinance Waiving the Competitive Bidding Requirements and Accepting the Proposal from Universal Plant Services for Engine #3 Cam Bearing Replacement.** Through routine engine oil sampling and maintenance checks it was determined that engine #3's cam bearings have reached the end of their useful service life. We contacted several vendors that will work on the bearings, but they would require the camshaft and bearing assemblies to be removed from the engine. Universal Plant Services was the only vendor that offered to come onsite and replace the bearings without needing to remove the camshaft from the engine. This will result in better alignment of the camshaft as the bearings will be able to be trued to the engine in place. Superintendent of Electric Operations Blake Toliver was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Ordinance 22-5364, an Ordinance Waiving the Competitive Bidding Requirements and Accepting the Proposal from Universal Plant Services for Engine #3 Cam Bearing Replacement in the amount of \$35,137.50, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

5. **Resolution Authorizing the Purchase of a 2,000 Gallon Spreader - Water Reclamation.**

In August 2022, RMU staff rented a tractor and manure spreader to conduct a full-scale trial to dewater sludge produced at the water reclamation facility. Currently, we produce approximately 5,000 tons of sludge per year at an average consistency of 80% water that is hauled to the landfill by Northern Illinois Disposal. After the normal dewatering operation at our reclamation facility the sludge was then slung out on a concrete pad to allow air drying. The trial which lasted 2 weeks, produced a sludge consistency of 15% water. We also conducted lab testing to confirm if this air-drying operation can meet federal land application requirements to land apply the sludge rather than disposing of it in the landfill. An application will be submitted to Illinois EPA and should know within 3-4 months if we meet the requirements. Johnson Tractor can provide a tractor to lease at a rate of \$1500 per month and for now that would be the only equipment we would need. Superintendent of Water/Water Reclamation Adam Lanning was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Arteaga, **"I move Resolution R22-35, a Resolution Authorizing the Purchase of a used 2,000 Gallon Topshot Slinger Manure Spreader for \$18,500 from Lenny Bryson Auctioneer for the Water Reclamation Department, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

6. **Ordinance Amending Chapter 110-120 of the Rochelle Municipal Code Pertaining to B-1 Central Commercial District.** The City of Rochelle is proposing text amendments to the Zoning Code, Section 110-120, B-1 Central Commercial District to add the following: ADDED Language (2) Special uses and developments. The following alterations to any vacant land or existing structure may be permitted within the B-1 Central Commercial District under the conditions and requirements specified in (Sec. 110-31. Special Uses): a. The new construction of any primary or accessory structure. b. Any addition to an existing structure. c. Any project that would change the physical appearance of any elevation of any side of an existing structure. By adding this language to the B-1 Central Commercial District, the Planning and Zoning Commission and City Council will have the opportunity to review each potential new special use/construction project on a case-by-case basis. On Tuesday, September 6, 2022, the Planning and Zoning Commission voted 7-0 to approve the proposed text amendment for a B-2 Central Business District. Community Development Director Michelle Pease was available for questions. Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move Ordinance 22-5365, an Ordinance Amending Chapter 110-120 of the Rochelle Municipal Code Pertaining to B-1 Central Business District Development - Special Use, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

7. **Ordinance Granting Variation Related to Setbacks for the Property Located at 323 W 2nd Avenue, Rochelle, Illinois.** The petitioner is seeking a variance of setbacks to construct a proposed Body/Mechanic Shop, located at 323 W. 2nd Ave. The subject property is zoned I1, Light Industry. The petitioner is requesting a variance of building setbacks and landscape buffer. Sec. 110-313. - Interior parkways, (3) a. Industrial districts, A minimum 50' interior parkway from the Right of Way is required for a landscape buffer. The property at 323 W. 2nd Ave. is a corner lot which gives the property two frontages. Sec. 110-140, I-1 Light Industry District requires a 15' side yard setback and corner lots have a 20' setback requirement on both frontages. The petitioner is requesting the following variances: Variance of landscaping buffer (Sec. 110-314) (3) a. 38' variance on the west side and 28' variance on the south side. Variance of building setbacks (Sec. 110-140) 5' variance on the east side and 8' on the west side. The petitioner is requesting to construct a building that requires setback variances because where his business is currently located is being sold and he is being forced to relocate. No alternative locations are available; therefore, he purchased the adjacent lot. The petitioner wants to continue to be located close to the downtown central business district and continue to run a successful business that is supported by our community. This has been a viable business for 10 years. The size of the building he is requesting the variance for is the smallest possible footprint to fit the paint booth and everything necessary to operate his body shop. With the required building

setbacks combined with landscaping buffer requirements, there is no buildable area left on the property without a variance. On Tuesday, September 6, 2022, the Planning and Zoning Commission voted 7-0 to approve the Variance of Code. Community Development Director Michelle Pease and Petitioner Robbie Khuel and Building Inspector Geoff Starr were available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor D. McDermott, **"I move Ordinance 22-5366, and Ordinance Granting Variation Related to Setbacks and Landscaping for the Property Located at 323 W. 2nd Avenue, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

9. **Ordinance Granting Variation Related to Setbacks for a Fence for the Property Located at 421 S. 3rd Street, Rochelle, Illinois.** The petitioner is seeking a variance of setbacks to construct a proposed four-foot chain link fence beyond the building line at 421 S. 3rd Street. The property is zoned R5, Multi Family High Density Residential. The petitioner is requesting to extend the fence beyond the building line from the southeast corner of the driveway, south up to the public sidewalk, west parallel along the public sidewalk, then back north to the front southeast corner of the house. Sec. 110-545- Residential, Security and Farm Fences (1). On corner lots, no fence or wall will extend beyond the street setback requirements, or building line, whichever is greater. Compliance with Sec. 110-545 would place the petitioners fence directly through the middle of their usable yard, reducing the enclosed area to a 10' wide strip. The petitioner's reason for the request is to "ensure the safety of children by providing a minimally adequate enclosed play area along a busy street." On Tuesday, September 6, 2022, the Planning and Zoning Commission voted 7 to 0, to approve the approve the Variance of Code. Community Development Director Michelle Pease and Petitioner Betsy Petrie were available for questions. Motion made by Councilor Hayes, Seconded by Councilor T. McDermott, **"I move Ordinance 22-5368, an Ordinance Granting Variation Related to Setbacks for a Fence for the Property Located at 421 S. 3rd Street, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.
10. **Resolution Authorizing the City Manager to Execute a Development Agreement with the Greater Rochelle Economic Development Corporation Regarding Construction Costs at the Proposed Transloading Center Expansion and Intermodal Container Storage Facility.** The City of Rochelle and the Greater Rochelle Economic Development Corporation (GREDCO) are collaborating to improve the capabilities of the Rochelle Transload Center (RTC) and develop an Intermodal Container Yard adjacent to the RTC. The two projects were bid under the direction that the City is the lead agency for the project with GREDCO's bid is named as an Alternative Bid. The contract for both projects will be between the City and Porter Brothers of Rock Falls. This Development Agreement outlines the terms under which the City and GREDCO will manage the two projects together. Economic Development Director Jason Anderson was available for questions. Motion made by Councilor Arteaga, Seconded by Councilor D. McDermott, **"I move Resolution R22-36, a Resolution Authorizing the City Manager to Execute a Development Agreement with GREDCO Regarding Construction Cost at the Proposed Transloading Center Expansion and Intermodal Container Storage Facility, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.
11. **Resolution Authorizing the Retention of Fehr Graham for Professional Services Related to Improvements at the Rochelle Transloading Center.** The City of Rochelle and GREDCO are collaborating on the expansion of the Rochelle Transloading Center and the development of an Intermodal Container yard. Fehr-Graham has been played an integral part in developing the plans for the project, assisting with putting the bid specs together and assisting with bid opening and evaluations of the bids. The City and GREDCO would like to enter into a joint agreement for Fehr Graham to provide the construction services and oversight of the contractors who perform the work

on these two projects. Tasks to be included but not limited to: Construction observation, construction documentation and materials testing. Review and approval of submittals and other contractor pay application verifications and forwarding to the City of Rochelle with appropriate recommendations for payments. Construction Close Out (punch-lists, final inspections, receipt and forwarding to Rochelle of final lien waivers and Affidavits of Compliance with Federal & State Wage Rates, etc.), Preparation and submittal of all State of Illinois -required grant progress, financial, and close-out reports. Inspection of and review of warranty work 1 year after close-out; and all incidental costs. Economic Development Director Jason Anderson was available for questions. Motion made by Councilor T. McDermott, Seconded by Councilor Hayes, **"I move Resolution R22-37, a Resolution Authorizing the Retention of Fehr Graham for Professional Services Related to Improvements at the Rochelle Transloading Center, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

12. **Ordinance Accepting and Approving the Proposal from Porter Brothers Construction, Inc. for the Transload Yard Hard Surface Improvements.** The City of Rochelle and the Greater Rochelle Economic Development Corporation (GREDCO) propose to enhance the City of Rochelle Railroad's services by expanding the capabilities of the Rochelle Transload Center (RTC). The City has been granted a \$1,000,000 grant from the State of Illinois to pave the entrance to the RTC and to construct a concrete "lifting pad" along its existing north transloading track. GREDCO purchased the 10 acres that lie along the northern edge of the RTC and has laid out a plan to construct a Container Yard which will be used to transload, stack and store intermodal containers which will generate a new source of revenue to the CIR. GREDCO will privately fund the construction of the Container Yard. Economic Development Director Jason Anderson was available for questions. Motion made by Councilor Gruben, Seconded by Councilor Arteaga, **"I move Ordinance 22-5370, an Ordinance Accepting and Approving the Proposal from Porter Brothers Construction, Inc. for the Transload Yard Hard Surface Improvements for the amount of \$993,008, be approved."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

VII. **DISCUSSION ITEMS:** None.

VIII. **EXECUTIVE SESSION:** None.

IX. **ADJOURNMENT:**

At 8:02 PM, Motion made by Councilor D. McDermott, Seconded by Councilor Shaw-Dickey, **"I move the Council adjourn."** Voting Yea: T. McDermott, Hayes, D. McDermott, Gruben, Shaw-Dickey, Arteaga, and Mayor Bearrows. Nays: None. Motion passed 7-0.

John Bearrows, Mayor

Rose Huéramo, City Clerk