

**CITY OF BATAVIA**  
100 N. Island Avenue, Batavia, IL 60510  
(630) 454-2000 <http://cityofbatavia.net>

**Committee of the Whole Agenda**  
Tuesday, April 26, 2016  
7:30 PM Council Chambers 1st Floor

1. Roll Call
2. Approve Minutes For April 5, 2016  
Documents: [COW 4-5-16M.PDF](#)
3. Items Removed/Added/Changed
4. Matters From The Public (For Items NOT On Agenda)
5. Consent Agenda:

(The consent agenda is made up of items recommended by city staff that require recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the consent agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

- a. Ordinance 16-21: Declaring Surplus Property (Scott Haines 4/6/16) CS
- b. Resolution 16-40-R: Requesting Permit from IDOT for Road Closures for 2016 Farmer's Market (Gary Holm 4/6/16) CS
- c. Resolution 16-43-R: Requesting Permit from IDOT for Road Closures for 2016 Triathlon (Gary Holm 4/12/16) CS

Documents: [ORD 16-21 SURPLUS PROPERTY.PDF](#), [RES 16-40-R IDOT PERMIT FARMERS MARKET ROAD CLOSURES.PDF](#), [RES 16-43-R IDOT PERMIT TRIATHLON ROAD CLOSURES.PDF](#)

6. Resolution 16-44-R: Authorizing Execution Of A Contract With Geneva Construction Company Of Aurora, Illinois For The Wilson Street Sidewalk Construction Project In The Not-To-Exceed Amount Of \$43,050.00 (Tim Grimm 4/20/16) CS  
Documents: [RES 16-44-R WILSON ST SIDEWALK.PDF](#)
7. Ordinance 16-22: Amendments To Peddlers Ordinance (Scott Buening 4/8/16) CD  
Documents: [ORD 16-22 PEDDLERSLIC.PDF](#)
8. Resolution 16-35-R: A Resolution Approving IGA For Animal Control Services With Kane County (GJS 04/12/16) GS  
Documents: [RES 16-35-R APPROVING IGA FOR ANIMAL CONTROL SERVICES.PDF](#)
9. Resolution 16-45-R: Authorizing The Execution Of A Contract With Ehlers, Inc. For Economic Development Consulting Services: Reviewing Developer's Proposal And Request

For Financial Assistance, In The Amount Of \$12,500.00 (Chris Aiston 4/21/16) GS

Documents: [RES 16-45-R AUTHORIZE EXEC CONTRACT ECON DEVELOPMENT CONSULTING SERVICES.PDF](#)

10. Project Status
11. Other
12. Closed Session:
  - a. Settling the Price of Land Sale (SB)
  - b. Update: City Administrator's Position - Bill Balling
13. Adjournment

**MINUTES**  
**April 5, 2016**  
**Committee of the Whole**  
**City of Batavia**

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Brown called the meeting to order at 7:30pm.

**1. Roll Call**

**Members Present:** Chair Brown; Ald. Russotto, Atac, Stark, Wolff, Fischer, O'Brien, Callahan, Mueller, Botterman, Cerone (entered at 7:59pm); and McFadden

**Members Absent:** Aldermen Hohmann and Chanzit

**Also Present:** Mayor Schielke (entered at 7:51pm); Chief Deicke, Batavia Fire Department; Ed Jancauskas, Deputy Fire Chief, Batavia Fire Department; Bill McGrath, City Administrator; Wendy Bednarek, Director of Human Resources; Rahat Bari, City Engineer; Drew Rackow, Planner; Andrea Podraza, Senior Civil Engineer; Joel Strassman, Planning and Zoning Officer; Gary Holm, Director of Public Works, Scott Buening, Director of Community Development; and Jennifer Austin-Smith, Recording Secretary

**2. Approve Minutes for November 5, 2015, January 26, February 23, March 8, March 15 and March 22, 2016**

**Motion:** To approve minutes for November 5, 2015, January 26, February 23, March 8, March 15 and March 22, 2016

**Maker:** Mueller

**Second:** McFadden

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**3. Items to be Removed/Added/Changed**

There were no items to be removed, added or changed.

**4. Matters From The Public (For Items NOT on Agenda)**

There were no matters from the public for items not on the agenda at this time.

**5. Consent Agenda**

**(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the JCOW. This agenda is placed as a separate item on the JCOW agenda. The items on the Consent Agenda are usually**

**minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)**

- a. Resolution 16-34-R: Authorizing Execution of an Intergovernmental Agreement with Illinois Department of Transportation for Routine Maintenance of Certain State Routes (Gary Holm 3/23/16) CS**

**Motion:** To approve the consent agenda as presented

**Maker:** Mueller

**Second:** McFadden

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**6. Ordinance 16-16: Conditional Use Permit for a Massage Establishment, 11 East Wilson Street, Yune Zhou, Sunshine Massage, Applicant**

Strassman reported on his memo. By a vote of 4-0, the Plan Commission (PC) approved the findings and recommended approval of the Conditional Use. Staff recommends the COW recommend approval of Ordinance 16-16 as presented.

Callahan commented that other cities are experiencing licensing problems and asked how the City would prevent the same from happening in Batavia. Strassman stated that licensing is regulated by the state and staff would investigate if there were any concerns brought to their attention. Stark commented that the Conditional Uses are allowing businesses in the downtown that several residents do not approve of as well as not generating sufficient sales tax.

**Motion:** To approve Ordinance 16-16: Conditional Use Permit for a Massage Establishment, 11 East Wilson Street, Yune Zhou, Sunshine Massage, Applicant

**Maker:** Wolff

**Second:** Botterman

**Voice Vote:** 10 Ayes, 1 Nays, 3 Absent  
Motion carried.

McFadden was the nay vote.

**7. Ordinance 16-17: Amending the Official Zoning Map – 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant (3/21/16) CD**

Buening reported that the PC held a Public Hearing on March 16<sup>th</sup> to review a proposed Zoning Map amendment for several existing stormwater management parcels along Hart Road and one on Ridgelawn Trail. Ordinance 16-17 amends the Official Zoning Map designation for properties from R0, Single Family Residential, to POS, Parks and Open Space District.

**Motion:** To approve Ordinance 16-17: Amending the Official Zoning Map – 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant

**Maker:** Wolff  
**Second:** Fischer  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**8. Ordinance 16-18: Amending the Text of the Zoning Code (DMR 3/31/16) CD**

Rackow reported that on March 16, 2016, the PC reviewed a series of amendments to eight chapters of the Zoning Code. These amendments would address a number of items that have been the subject of variances in commercial development projects over the past six years. Other revisions address matters that have arisen in discussions with potential developers, or have been identified by staff for addition to the Code. The intent of many of these revisions is to increase code flexibility and remove items that could return as variance requests. The PC suggested clarifications of language for signage requirements for Electric Vehicle parking, but recommended no further changes. Overall, the Commission agreed that the proposed revisions effectively address matters that may return in future variance requests. The PC recommended that the proposed amendments be forwarded to the COW for approval.

The Committee discussed the proposed changes with staff. Callahan commented that he likes the changes to make things more business friendly.

**Motion:** To approve Ordinance 16-18: Amending the Text of the Zoning Code  
**Maker:** Brown  
**Second:** Atac  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**9. Approval of the Purchase of a Replacement Staff Vehicle (RD 3/29/16) CS**

Jancauskas reported that the Fire Department is requesting authorization to purchase one 2016 Ford Explorer Utility AWD Vehicle to replace a 1999 command car. This purchase was approved in the 2016 Fire Department Budget. The Fire Department is requesting this purchase be made through the Northwest Municipal Conference Suburban Purchasing Cooperative (SPC). The SPC has awarded the contract for the Ford Utility vehicle to Currie Motors Fleet in Frankfort, Illinois. The cost for the Ford Utility Vehicle is \$28,113.00. This purchase is under budget.

Wolff asked what would become of the 1999 command car. Jancauskas answered that it would be transferred to ESDA for their use.

**Motion:** To approve the purchase of a Replacement Staff Vehicle  
**Maker:** Brown  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**10. Resolution 16-32-R: Authorizing Execution of the Contract for Ward 1 Drainage Investigation with WBK Engineering, LLC for an Amount not-to exceed \$24,472.37 (AMP 3/30/16) CS**

Podraza reported that this is the first project out of the \$400,000 allocated in the 2016 budget to investigate/study, prepare design drawings and/or construct solutions on a city-wide basis to help alleviate the drainage and sewer back-ups problems encountered most recently with the June 2015 rain event. Staff is in the process of preparing the second request for qualifications for the next area to be looked into further, Area 3 of the combined sewers, in the proximity of Blaine, Morton & Walnut Streets.

O'Brien asserted that Area 3 should be on the top of the list. However, the Mahoney Tributary has had major damage. That area was hit hard and it needs to be addressed. Podraza stated that the area O'Brien discussed is high on the list but money is an issue. O'Brien stated that he would like the City to keep the First Ward in mind when considering drainage concerns.

The Committee discussed the ranking process of contractors. Bari explained that the process was used in his prior office in Naperville and is in compliance with government regulations.

**Motion:** To approve Resolution 16-32-R: Authorizing Execution of the Contract for Ward 1 Drainage Investigation with WBK Engineering, LLC for an Amount not-to exceed \$24,472.37  
**Maker:** Fischer  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**11. Resolution 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation (WRM 3/31/16) GS**

Bari reported as part of the investigation into the erosion occurring at several places along the riverbank, we need to obtain an easement from some private landowners adjacent to the river in certain areas. The owners of the strip center at 33 N Island Avenue are such owners, and they have agreed to give the City an easement. Additional agreements will be required when the actual construction goes ahead, but the owners wanted to wait until they saw the options presented.

**Motion:** To approve Resolution 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation  
**Maker:** O'Brien  
**Second:** Callahan  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**12. Resolution 16-36-R: Budget Amendment for the Purchase of Software (Peggy Colby 3/3/16)**

Colby reported that staff is manually entering the liquor taxes and it has become cumbersome and inefficient. She is requesting the purchase of a software program that would become part of utility billing software. Several of the taxpayers want to pay their taxes online as that is how the State of Illinois tax files are facilitated. This module would allow the people to file and pay taxes online. Colby stated that the software would pay for itself and it is a one-time investment but there is a monthly balance of \$3,600 for IT support.

Cerone asked if this program could support other types of taxes. Colby answered that this program could manage any kind of tax. Cerone asked about the monthly IT charge. Colby answered that the charge is common with these types of programs. The IT support would include performing updates and maintenance on the program.

**Motion:** To approve Resolution 16-36-R: Budget Amendment for the Purchase of Software  
**Maker:** Stark  
**Second:** McFadden  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**13. Project Status – Fox River Issues CD**

There was no project status at this time.

**14. Other**

There were no others at this time.

**15. Closed Session**

- a. Purchase of Real Property**
- b. Purchase and Sale of Electric Power**
- c. Discussion: Appointment and/or Employment of Specific Individuals**

Purchase of Real Property and Purchase and Sale of Electric Power were removed from closed session.

**Motion:** To enter into closed session for the purpose of discussion of appointment and/or employment of specific individuals  
**Maker:** O'Brien  
**Second:** Callahan  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

Closed Session began at 8:41pm.

**16. Adjournment**

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:20pm; Made by O'Brien; Seconded by Callahan. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

# CITY OF BATAVIA

---

**DATE:** April 6, 2016  
**TO:** Committee of the Whole – City Services  
**FROM:** Scott A. Haines, Street Superintendent  
**SUBJECT:** Ordinance 16-21 Declaring Surplus Property

Staff recommends that the following vehicles be declared surplus property and authorization be given for staff to sell or auction them:

- Truck #3722 – 1997 International 4900 Dump Truck  
VIN: 1HTSDAAN8VH441688
- Truck #3776 – 1998 Chevrolet K3500 Dump Truck  
VIN: 1HTSLAAL4YH306567

**Recommended Committee/Council Action**

Recommend the approval of Ordinance 16-21 declaring above vehicles to be surplus property and authorizing staff to sell or auction them.

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-21**

**AN ORDINANCE DECLARING CERTAIN PROPERTY  
TO BE SURPLUS AND AUTHORIZING SALE THEREOF**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 2<sup>ND</sup> DAY OF MAY, 2016**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 18<sup>th</sup> day of April, 2016

Prepared by and mail to:

City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-21**

**AN ORDINANCE DECLARING CERTAIN PROPERTY  
TO BE SURPLUS AND AUTHORIZING SALE THEREOF**

**WHEREAS**, in the opinion of the corporate authorities of the City of Batavia, it is no longer necessary or useful to or for the best interest of the City to retain the following described property:

- Truck #3722 – 1997 International 4900 Dump Truck  
VIN: 1HTSDAAN8VH441688
- Truck #3776 – 1998 Chevrolet K3500 Dump Truck  
VIN: 1HTSLAAL4YH306567

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

**SECTION 1:** Pursuant to Section 11-76-4 of the Illinois Municipal Code, the City Council finds that the following described personal property:

- Truck #3722 – 1997 International 4900 Dump Truck  
VIN: 1HTSDAAN8VH441688
- Truck #3776 – 1998 Chevrolet K3500 Dump Truck  
VIN: 1HTSLAAL4YH306567

is currently owned by the City, is no longer necessary or useful to the City of Batavia and the best interest of the City will be served by its sale.

**SECTION 2:** Pursuant to Section 11-76-4, the City of Batavia Public Works Department is hereby authorized and directed to sell said above described property.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law:

CITY OF BATAVIA ORDINANCE \_\_\_\_\_

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of May, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

ATTEST:

\_\_\_\_\_  
Heidi Wetzel, City Clerk

COUNCIL VOTE:

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: _____ Ayes _____ Nays _____ Absent _____ Abstention(s) counted as _____ Total holding office: Mayor and 14 aldermen										

# CITY OF BATAVIA

---

**DATE:** April 6, 2016  
**TO:** Committee of the Whole – City Services  
**FROM:** Gary Holm  
**SUBJECT:** Resolution 16-40-R Requesting a Permit From IDOT for the Closure of Various Roadways for 2016 Farmer’s Market Special Event

The Illinois Department of Transportation requires that a permit be obtained whenever one of their routes needs to be closed (or partially closed) to accommodate a special event.

The attached resolution is required as part of IDOT’s permitting process. The resolution outlines various event dates and the associated affected roadways.

We recommend approval of Resolution 16-40-R.

**CITY OF BATAVIA  
RESOLUTION 16-40-R**

**A RESOLUTION TO SEEK A PERMIT FROM I.D.O.T. TO CLOSE  
N. RIVER STREET, A LOCAL ROAD WITHIN A STATE  
SIGNALIZED INTERSECTION, FOR THE DATES/TIMES  
SPECIFIED FOR A FARMER'S MARKET**

**WHEREAS**, the City of Batavia is sponsoring a Farmer's Market in the City of Batavia on June 4, 11, 18, 25, July 2, 9, 16, 23, 30, August 6, 13, 20, 27, September 3, 10, 17, 24, October 1, 8, 15, 22; and

**WHEREAS**, although the Farmer's Market is not physically located on State Route 25, this Farmer's Market will require the temporary closure of River Street, between Wilson Street and Spring Street, thus limiting access to River Street from State Route 25 at Wilson Street, running through the City of Batavia; and

**WHEREAS**, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State highways for such public purposes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Batavia as follows:

1. That permission to close River Street, between Wilson Street and State Street for the period from 7:00 A.M. to 1:00 P.M., on the Saturdays of June 4, 11, 18, 25, July 2, 9, 16, 23, 30, August 6, 13, 20, 27, September 3, 10, 17, 24, October 1, 8, 15, 22; is requested of the Illinois Department of Transportation.

**BE IT FURTHER RESOLVED** that if such permission is granted by the Department of Transportation, all highway traffic on Rt. 25 during the periods of time specified for the Farmer's Market, will not be stopped on said Rt. 25, but will only be unable to turn from Rt. 25 onto North River Street for the time periods described herein, and that thereafter traffic will be allowed to proceed.

**BE IT FURTHER RESOLVED** that if such permission is granted by the Department of Transportation, the City of Batavia assumes full responsibility for the direction, protection, and regulation of the traffic during the times the detour is in effect, and all liabilities for damages of any kind occasioned by the closing of the State highway, and it is further agreed that efficient all-weather detours shall be maintained to the satisfaction of the Department of Transportation, and conspicuously marked for the benefit of traffic diverted from the State highway. Detour marking shall conform to the requirements of the Manual of Uniform Traffic Control Devices.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permissions sought in this resolution.

**PRESENTED** to the City Council of the City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

**PASSED** by the City Council of the City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	0 Nays	Absent	0 Abstention(s) counted as _____					
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
Heidi Wetzel, City Clerk

# CITY OF BATAVIA

---

**DATE:** April 12, 2016  
**TO:** Committee of the Whole – City Services  
**FROM:** Gary Holm  
**SUBJECT:** Resolution 16-43-R Requesting a Permit From IDOT for the Closure of Various Roadways for 2016 Triathlon Special Event

The Illinois Department of Transportation requires that a permit be obtained whenever one of their routes needs to be closed (or partially closed) to accommodate a special event.

The attached resolution is required as part of IDOT's permitting process. The resolution outlines various event dates and the associated affected roadways.

We recommend approval of Resolution 16-43-R.

**CITY OF BATAVIA  
RESOLUTION 16-43-R**

**A RESOLUTION TO SEEK A PERMIT FROM I.D.O.T. TO CLOSE  
STATE ROUTE 31, FOR THE DATE/TIME SPECIFIED FOR A  
TRIATHLON**

**WHEREAS**, the City of Batavia is sponsoring a Triathlon event in the City of Batavia on June 12, 2016; and

**WHEREAS**, this Triathlon will require the temporary closure of State Route 31 at Main Street, running through the City of Batavia; and

**WHEREAS**, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State highways for such public purposes; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Batavia as follows:

1. That permission to close Route 31 for the period from 7:00 A.M. to 10:00 A.M., Sunday, June 12, 2016, is requested of the Illinois Department of Transportation.

**BE IT FURTHER RESOLVED** that if such permission is granted by the Department of Transportation, all highway traffic during the periods of time specified for the Triathlon on June 12, 2016, will be stopped for only short periods of time to allow race participants to cross Rt. 31, thereafter traffic will be allowed to proceed.

**BE IT FURTHER RESOLVED** that if such permission is granted by the Department of Transportation, the City of Batavia assumes full responsibility for the direction, protection, and regulation of the traffic during the times the detour is in effect, and all liabilities for damages of any kind occasioned by the closing of the State highway, and it is further agreed that efficient all-weather detours shall be maintained to the satisfaction of the Department of Transportation, and conspicuously marked for the benefit of traffic diverted from the State highway. Detour marking shall conform to the requirements of the Manual of Uniform Traffic Control Devices.

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permissions sought in this resolution.

**PRESENTED** to the City Council of the City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

**PASSED** by the City Council of the City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, on the 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Theлин Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	0 Nays	Absent	0 Abstention(s) counted as _____					
Total holding office:		Mayor and 12 aldermen								

ATTEST:

\_\_\_\_\_  
Heidi Wetzel, City Clerk

# CITY OF BATAVIA

---

**DATE:** April 20, 2016  
**TO:** Committee of the Whole – City Services 4/26  
**FROM:** Timothy Grimm, P.E. Civil Engineer  
**SUBJECT:** **Wilson Street Sidewalk Construction**

Resolution 16-44-R: Authorizing Execution of a Contract with Geneva Construction Company for the Wilson Street Sidewalk Construction Project for \$41,000.00 plus 5% contingency amount

## Summary

The City has received bids from contractors for the construction of a new public sidewalk on East Wilson Street between Woodland Hills Road and Kirk Road. The sidewalk will be located on the north side of Wilson Street and is the last missing portion between Kirk Road and downtown Batavia. A portion of the cost for this project will be paid for by Community Development Block Grant (CDBG) funding thru Kane County.

Bids for the construction project were publicly opened and read aloud on April 19, 2016 at Public Works.

## Background

The City currently has a funding agreement in place with Kane County for this CDBG project in the amount of \$55,000, the estimated preliminary construction cost. The proportional share approved by Kane County per the funding agreement is up to \$40,000 (73%) and the City's participation is \$15,000 (27%).

## Proposals

Bid was advertised on March 29, 2016. A total of eleven (11) contractors picked up the bids from the City. Bids were opened for the sidewalk construction on April 19, 2016, with the following results:

Company Name	Bid Amount
<b>Geneva Construction Company</b>	<b>\$41,000.00</b>
Triggi Construction Company	\$60,100.73
Martam Construction, Inc.	\$67,393.00
Alliance Contractors, Inc.	\$68,963.00
Schroeder and Schroeder, Inc	\$73,302.00
Elliot & Wood, Inc.	\$80,000.00
Globe Construction, Inc. *	Not Read
<i>Engineer's Estimate</i>	<i>\$57,600</i>

Memo to: City Services Committee

April 20, 2016

Page 2 of 2

The lowest bidder for the Wilson Street Sidewalk Construction was Geneva Construction Company, Inc. of Aurora, Illinois. Note \* this bid was not read. Acknowledgement of addendum was not received, bid was deemed to be non-responsive.

**Staff Recommendation**

The City has worked with Geneva Construction on many successful projects in the past and the work has been completed on time and within budget. Staff is recommending approval of the construction contract with Geneva Construction in the amount of \$43,050.00 (\$41,000 plus 5% contingency). Construction would begin in mid May after contract is signed by the City and approved by the Kane County.

The total project construction costs based on the bids received are as follows:

Total CDBG Funding Participation - \$29,930 (73% of construction cost)

**Total Estimated City Participation - \$11,070.00 (27% of construction cost)**

**Recommended Committee/Council Action**

Recommend the approval of Resolution 16-44-R authorizing execution of a contract for the Wilson Street Sidewalk Construction project with Geneva Construction Company of Aurora, Illinois, for a not-to-exceed amount of \$43,050.00 (\$41,000 plus 5% contingency).

**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 16-44-R**

**A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH  
GENEVA CONSTRUCTION COMPANY OF AURORA, ILLINOIS,  
FOR THE WILSON STREET SIDEWALK CONSTRUCTION PROJECT  
IN THE AMOUNT OF \$43,050.00**

**WHEREAS**, the City of Batavia has identified the need for sidewalk on the north side of Wilson street between Kirk road and Woodland Hills road; and

**WHEREAS**, the City of Batavia has a Community Development Program funding agreement with Kane County for the construction of a public sidewalk along East Wilson Street between Woodland Hills Road and Kirk Road, with said agreement being in the amount of fifty-five thousand dollars (\$55,000); and

**WHEREAS**, the Community Development Program funding agreement provides that the cost of said construction will be divided 73% (Kane County) and 27% (City of Batavia), as long as the project does not exceed the project estimate or scope. In the case that the project exceeds this amount, the City will be responsible for the dollar amount above and beyond the project estimate;

**WHEREAS**, the City of Batavia requested bids on the project and reviewed the submitted bids; and

**WHEREAS**, Geneva Construction Company has submitted a bid for said construction which is the lowest responsible bid; and

**WHEREAS**, the proposed total cost of said construction is \$43,050, which amount is subject to final adjustments and approval by Kane County; and

**WHEREAS**, the estimated sum (as aforesaid) is subject to adjustments based upon the actual construction costs;

CITY OF BATAVIA, ILLINOIS RESOLUTION 16-44-R

---

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

**SECTION 1:** That the Mayor and City Clerk are hereby authorized to execute the contract between the City and Geneva Construction Company for \$43,050 which amount is subject to final contract adjustments and approval by Kane County. The Contract Agreement with Geneva Construction is attached hereto as **EXHIBIT 1**.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of May, 2016. **APPROVED** by me as Mayor of said City of Batavia, Illinois, this 2<sup>nd</sup> day of May, 2016.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Theлин Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

\_\_\_\_\_  
Heidi Wetzell, City Clerk

# CITY OF BATAVIA

---

**DATE:** April 8, 2016  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Ordinance 16-22 Amendments to Peddlers Ordinance

**Summary:** Proposed amendments to Title 3, Chapter 7A as it relates to Peddlers.

**Background:** The Police Department and Community Development are proposing revisions to the Municipal Code as it relates to Peddlers. The Police Department has found that the current ordinance does not adequately address a number of issues in relation to peddlers, therefore these revisions are being proposed. Some of the main changes include:

- Better defining information needed as part of a Peddlers License application.
- Outlining the requirements for background and character checks for applicants.
- Revisions to the application fee for Peddlers and the fines for Peddling without a license.
- Defining hours when Peddling is allowed.
- Added requirements for No Peddling at places where a “No Peddlers or Solicitors Invited” sign is displayed.
- Added specific criteria for Peddling regulations (no standing on the roadway, cannot peddle within 1,000 feet of a school, etc.)

Community Development and the Police feel that the changes will better regulate Peddlers within the City. While Community Development and the City Attorney have drafted the changes, the Police Department would be responsible for enforcement of the Ordinance. Staff is also working on revisions to the Food Vendor requirements, and these will be presented to the Committee at a later date.

## **Alternatives:**

- **Change the Municipal Code as staff has proposed in Ordinance 16-22 above**
- **Keep the current Municipal Code as written**
- **Change the Peddler regulations in another manner**
  - a. **Pros-** Changing the regulations allow for better monitoring and regulation of Peddlers in the City limits. The regulations will specifically allow people to prohibit Peddlers from entering their property with a properly posted sign. The Ordinance also sets hours when Peddling is prohibited.
  - b. **Cons-** The changes increase the price of an annual Peddlers license (from \$100 to \$300), but allows for shorter term licenses for a lower cost.
  - c. **Budget Impact-** The changes will have a minimal positive impact on the budget with the additional fees.
  - d. **Staffing Impact-** Some additional staff time will be needed for the background checks and application processing. No additional staff will be required.

**Timeline for actions:** There is no specific timeline for action.

**Staff recommendation:** Staff recommends approval of Ordinance 16-22 amending the Municipal Code as it related to Peddlers.

**Attachments:**

1. Draft Ordinance 16-22.
2. Proposed Text of Title 3, Chapter 7A.
3. Existing Text of Title 3, Chapter 7A

Cc: Mayor & City Council  
Chief Schira  
File

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-22**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 7A OF THE  
MUNICIPAL CODE RELATING TO PEDDLERS**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
\_\_\_\_ DAY OF \_\_\_\_\_, 2016**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This \_\_\_\_ day of \_\_\_\_\_, 2016

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 16-22**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 7A OF THE  
MUNICIPAL CODE RELATING TO PEDDLERS**

**WHEREAS**, the City of Batavia has conducted a review of the Municipal Code as it relates to Peddlers; and

**WHEREAS**, The Code as it relates to Peddlers needs to be updated to reflect certain requirements and limitations to be enforced by the City; and

**WHEREAS**, the attached text replaces and revises the Municipal Code as it relates to Peddlers in its entirety; and

**WHEREAS**, the City has determined that the code as it relates to Peddlers is the minimum requires to ensure the public health, safety and welfare of the citizens of the, and;

**NOW THEREFORE**, be it hereby Ordained by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, that Title 3, Chapter 7A of the Municipal Code of the City of Batavia, is hereby amended and modified per Exhibit 1:

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

---

Heidi Wetzel, City Clerk

## ARTICLE A. PEDDLERS

### 3-7A-1: DEFINITION: PEDDLER

When used herein the term "peddler" shall include any person, firm, or corporation, whether a resident of the City or not, traveling by foot, automobile, or any other type of conveyance, selling or offering for sale, barter or exchange of goods, wares, merchandise, other commodities of any type, or services, or otherwise, on a place to place, house to house, or street to street basis, so long as the sale or exchange, or of same is not barred by local, State or federal law, such as alcoholic beverages. The term peddler shall not include any person selling daily or weekly newspapers or to anyone making deliveries to homes pursuant to (a) regularly established route or (b) prior individualized invitation from the homeowner. The term "peddler" shall include the words "hawker" and "huckster".

The term peddler shall not include a food vendor as that term is defined in this Code. Food Vendors shall be governed under the provisions of 3-7C-1 et seq of this Code. The term "peddler" shall not include soliciting as that term is defined in section 3-7B-1 of this Code.

### 3-7A-2: LICENSE REQUIRED

No person shall engage in the business of peddler in the City without first having obtained a license therefor.

### 3-7A-3: LICENSE APPLICATION

Applications for such licenses shall be made to the Chief of Police on forms provided, and shall set forth among other things the following:

- 1) Name and main business address of applicant and length of time it has been operating.
- 2) Statement that applicant is a corporation, partnership or individual.
- 3) Name, description and permanent residence address of person(s) who will do the peddling.
- 4) Address and contact number(s) while in the area, if applicable.
- 5) Commodity or offering to be peddled as well as the method or methods to be used in conducting peddling.
- 6) Statement whether applicant has ever had a peddler's license denied, suspended or revoked by the City or any other governmental entity.
- 7) Number of persons to be employed therein.

- 8) Number of vehicles, if any, intended to be operated, and information regarding those vehicles including the make, model, year and license plate of each vehicle.
- 9) Statement that applicant agrees to properly train all employees to handle the items which they are peddling, to deal with customers in a responsible manner, acknowledge and comply to any visible signage on residential structures that prohibit peddlers from communicating with the inhabitants, and to vacate the premises when an occupant so requests.
- 10) Statement as to whether or not the applicant, the organization or those to be peddling within the City have ever been convicted of a felony under the laws of the State of Illinois or any other state or federal laws of the United States.
- 11) Statement that the applicant agrees to conduct a thorough background check on all of its potential employees, to include a review of past work experience.
- 12) A copy of the applicant's certificate of registration under the Retailers' Occupation Tax Act (35 ILCS 120/1 et seq.), if required.
- 13) Such other information as the Chief of Police may request.
- 14) The period of time during which the applicant seeks to have a license.

### **3-7A-3.1: INVESTIGATION AND PERMIT ISSUED**

The Chief of Police shall make or cause to be made an investigation to determine the character and reputation of the applicant. No license shall be issued to any applicant who is not found to be a person of good character and reputation or to any firm, corporation, partnership or association which is not represented in the City by a person to be of good character and reputation. The Chief of Police shall issue the permit requested if he has reason to believe that:

- 1) The statements in the application are true,
- 2) The peddling will be conducted as described in the application,
- 3) Neither the applicant(s) nor organization for which the applicant(s) propose(s) to peddle have been convicted of a violation or any provision of this article or the ordinances of any other Illinois municipality regulating peddling, and
- 4) Neither the applicant(s) nor organization for which applicant(s) propose(s) to peddle nor those to be peddling have ever been convicted of a felony under the laws of the State of Illinois or any other state or federal laws of the United States; unless the Chief of Police determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the investigation. The burden of proof of sufficient rehabilitation shall be on the applicant;

Otherwise the license shall be denied.

A copy of the license signed by the Chief of Police as approved shall be carried by each person of the approved application. However, a separate license may be required for each separate period for which the peddling is made.

### **3-7A-3.2: LICENSE AND APPLICATION FEE FOR PEDDLERS**

The fee for such license shall be an annual fee of three hundred dollars (\$300.00) or a weekly fee of fifty dollars (\$50.00) as well as an application fee of twenty dollars (\$20.00) per person (ID badge included, photo supplied by applicant). There is also a ten dollar (\$10.00) replacement badge fee (photo supplied by applicant).

### **3-7A-4: EXEMPTIONS**

No license fee shall be required from any person peddling or selling the products of his farm or garden, nor from any other person from whom the Municipality is prohibited by State or Federal law from requiring the payment of a fee, nor from those dealing in milk or milk products who are licensed under another ordinance or other ordinances.

However, all persons herein exempted must register with the Chief of Police each day they engage in peddling or selling in the City.

### **3-7A-5: HOURS OF OPERATION**

No peddling shall be permitted before the hour of nine o'clock (9:00) A.M. or after the hour of eight o'clock (8:00) P.M. within the City, and no peddling shall be conducted on Sundays. Peddlers shall not assemble on public property when peddling is not permitted.

### **3-7A-6: NOTICE TO REFUSE PEDDLING, SOLICITING**

It is hereby declared to be the policy of the City of Batavia that the occupant or occupants of the residences in the City shall make the determination of whether peddlers shall be, or shall not be, invited to their respective residence as follows:

- 1) Every person desiring to secure the protection intended to be provided by this article shall give notice of his determination to refuse to invite peddlers to the residence by exhibiting a card, decal or sign, not less than three inches by four inches (3" x 4") in size, upon or near the main entrance, point of approach or entry to the residence, containing the following or similar words "*NO PEDDLERS OR SOLICITORS INVITED*".
- 2) The letters shall be at least one-third inch (1/3") in height; such cards shall be provided by the police department or available for printing on the City's website to persons requesting them at a cost thereof. Alternatively a person may create their own sign, at their own cost, that complies with the requirements of this Code section.
- 3) Such card, decal or sign so exhibited shall constitute sufficient notice to any peddler that he is prohibited from trespassing upon the premises.

### **3-7A-7: DUTY OF PEDDLERS TO LEAVE PREMISES**

It shall be the duty of every peddler, upon going onto any premises in the City upon which a “residence” as herein defined is located, to first examine the notice provided for in this article, and be governed by the statement contained on the notice. If the notice states, “NO PEDDLERS OR SOLICITORS INVITED” or similar words, then the peddler shall immediately and peacefully depart from the premises.

Any peddler who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

**3-7A-8: TERM, SUSPENSION AND REVOCATION OF LICENSE**

- 1) The term of a peddler’s license shall be one (1) year, commencing January 1 and expiring the following December 31, except in the case of weekly licenses, which shall be valid for the days set forth thereon.
- 2) Any license under this article may be suspended for up to thirty (30) days or revoked by the Chief of Police if he has reason to believe that the license holder, the license holder’s organization or other members of the license holder’s organization have violated any provisions of this article or any other provisions of any ordinance of the City, or any section of this Code, including refusing to comply with Section 3-7A-7, or any statute, rule or regulation of any other governmental agency, has committed fraud, misrepresented or knowingly included false statements within the license application, conducted the business of peddling in such a manner as to create a public nuisance, cause a breach of the peace or constitute a danger to the public health, safety, welfare or morals, the licensee or any employee of the licensee has been convicted of any felony or misdemeanor involving moral turpitude, or failure of the licensee to pay any fine or penalty owing to the City.
- 3) Any person violating any of the provisions in this article shall be deemed guilty of a petty offense. Upon conviction of such offense a person may be suspended for up to thirty (30) days and shall be fined in a amount as provided herein and each day such violation is committed or permitted to continue shall constitute a separate offense and shall be deemed punishable as such hereunder. Any person violating this section shall be deemed guilty of a petty offense and upon conviction thereof shall be fined as follows:

First Violation	\$ 75.00
Second Violation within 72 hours of a first violation	\$150.00
Third Violation within 72 hours of a first violation, or Second violation within 60 days of a first Violation	\$300.00
Fourth Violation within 72 hours of a first violation, or Third Violation within 90 days of a First Violation	\$600.00
Subsequent Violations within 72 hours of the first violation	Subject to a complaint for a permanent injunction

- 4) Any person aggrieved by said revocation or suspension shall have the right to have their revocation or suspension heard in accordance with the Administrative Review procedures as

set forth in Title 1, Chapter 14 of this Code. In order to challenge the revocation or suspension, the aggrieved party shall send notice of their desire for Administrative Review to the City Administrator within 14 days after the revocations or suspension.

### **3-7A-9: UNLAWFUL PEDDLING**

It shall be unlawful for any person to stand on or within any street located within the corporate limits of the City for the purpose of engaging in the business of peddling with the occupant of any vehicle.

### **3-7A-11: ADDITIONAL CONDITIONS**

Sales by a peddler within the City shall be subject to the following additional conditions:

- 1) Vehicles must be operated in a manner as not to interfere with traffic.
- 2) The sale of products is to be made from the right curb side of the vehicle and only when legally parked.
- 3) Sale of products to any person standing on the roadway is prohibited.
- 4) The use of electronic sound amplification equipment is prohibited.
- 5) Peddling within one thousand feet (1000') of any grade school, junior high school or high school within the City is prohibited while the school is in session, thirty (30) minutes before assemblage or within thirty (30) minutes of dismissal.

Existing Code

## **ARTICLE A. PEDDLERS AND HAWKERS**

### **3-7A-1: DEFINITION:**

For the purpose of this Article, the term "hawkers" or "peddlers" shall be defined as those persons who are engaged in going through the City, from house to house selling merchandise along a City street or otherwise, carrying their merchandise, wares or articles for sale and selling them to customers without previously having taken orders therefor, whether their customers be regular customers or otherwise. (1972 Code § 116.100; amd. Ord. 87-31, 6-15-1987)

### **3-7A-2: LICENSE REQUIRED:**

It shall be unlawful for any person to engage in the business of hawker or peddler of any merchandise, article or thing within the City without first having obtained a license therefor as hereinafter provided. (1972 Code § 116.105)

### **3-7A-3: LICENSE APPLICATION AND FEE:**

Applications for such licenses shall be made to the Chief of Police, and shall state thereon the number of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled, and the permanent address of the peddler. The fee for such license shall be: for peddlers using a cart, wagon, automobile, truck or other vehicle, one hundred dollars (\$100.00) per year or fraction thereof for each vehicle used by such peddler; for peddlers not using any vehicle in selling his wares, the fee shall be the same as though he used one vehicle therefor. Application for said licenses and the qualifications for applicants shall be as provided in Sections 3-7B-2, 3-7B-3 and 3-7B-4. (1972 Code §§ 116.110, 116.115; amd. 1986 Code; Ord. 87-31, 6-15-1987)

### **3-7A-4: EXEMPTIONS:**

No license fee shall be required from any person peddling or selling the products of his farm or garden, nor from any other person from whom the Municipality is prohibited by State or Federal law from requiring the payment of a fee, nor from those dealing in milk or milk

products who are licensed under another ordinance, or other ordinances. (1972 Code § 116.120; amd. 1986 Code)

### **3-7A-5: PROHIBITED ACTS:**

Any licensed peddler or hawker who shall be found guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a peddler in the City, or who shall barter, sell or peddle goods, wares or merchandise other than that specified in his application for a license shall be fined not more than five hundred dollars (\$500.00) for each offense; and the Mayor may revoke his license for such offense. (1972 Code § 116.999; amd. 1986 Code)

### **3-7A-6: PENALTY:**

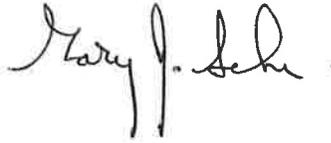
Any person found guilty of violating any provision of this Article shall be fined not more than five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1972 Code § 116.999; amd. 1986 Code)

# CITY OF BATAVIA

---

**MEMO TO:** Committee of the Whole  
Government Services

**FROM:** Gary J. Schira  
Chief of Police



**DATE:** April 12, 2016

**SUBJECT:** Resolution 16-35-R: A Resolution Approving An Intergovernmental Agreement for Animal Control Services Between the City of Batavia and Kane County

## **Summary**

The Police Department is requesting the Mayor and City Clerk to authorize an Intergovernmental Agreement (IGA) for Animal Control Services with Kane County. This IGA includes two (2) one-year options to renew.

## **Background**

This is an on-going contract originally entered into on April 21, 2008. Changes to the contract are highlighted. It should be noted that there is a slight reduction in some of the service fees. A major change to the contract is the addition of specified pick up hours. Animal pick-ups shall be between the hours of 7:00 a.m. and 7:59 p.m. A service fee of \$150.00, on top of any other fees, will be assessed for any "after hours" pick-ups between the hours of 8:00 p.m. and 6:59 a.m.

## **Staff Recommendation:**

To approve Resolution 16-35-R: A Resolution Approving An Intergovernmental Agreement for Animal Control Services Between the City of Batavia and Kane County.

## **Recommended Committee Action:**

To motion to City Council to approve Resolution 16-35-R: A Resolution Approving An Intergovernmental Agreement for Animal Control Services Between the City of Batavia and Kane County at the Tuesday, April 19, 2016 COW Meeting.

## **Required Action by City Council:**

To approve Resolution 16-35-R: A Resolution Approving An Intergovernmental Agreement for Animal Control Services Between the City of Batavia and Kane County at the Monday, May 2, 2016 City Council Meeting.

Atts.

Copy (w/atts) to: Mayor Schielke  
W. McGrath  
D/C Autenrieth  
D/C Eul

**CITY OF BATAVIA, ILLINOIS  
RESOLUTION 16-35-R**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH KANE  
COUNTY REGARDING ANIMAL CONTROL SERVICES**

**WHEREAS**, pursuant to Article VII Section 10 of the Constitution of the State of Illinois and Section 3 of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/3 (2006), units of local government are authorized and empowered to enter into agreements to obtain and share services and to exercise jointly or transfer any powers or functions not prohibited by law; and

**WHEREAS**, Kane County pursuant to the Animal Control Act, 510 ILCS 5/1 et seq. (the “Act”) has certain rights, duties and obligations with respect to rabies control and registration of dogs and cats on a county-wide basis, and also has primary responsibility for animal control activities within unincorporated Kane County; and

**WHEREAS**, the Municipality has the right, but not the obligation to control animal activities in its corporate limits, and has historically taken the primary responsibility for animal control activities within its corporate limits and desires to contract with the County to discharge these responsibilities; and

**WHEREAS**, pursuant to Kane County Board Ordinance 07-254, passed July 10, 2007, Kane County is ready, willing and able to contract with the municipalities of Kane County to provide them with animal control services, including but not limited to pick-up of animals running at large, sick or injured dogs and small, wild mammals such as skunks, raccoons, and bats and providing housing and adoption services for animals in its custody to the best of its ability; and

**WHEREAS**, the parties have a mutual interest in long term planning for animal control services in Kane County and intend to participate in such planning activities to be convened by the Metro West Council of Government, but desire to enter into an agreement for services while such planning is ongoing; and

**WHEREAS**, the City of Batavia and Kane County have negotiated an agreement relating to animal control services which the City Council of the City of Batavia finds to be in the best interest of the Community, such agreement attached hereto as **EXHIBIT 1**;

**NOW, THEREFORE**, BE IT RESOLVED by the City of Batavia, as follows:

CITY OF BATAVIA, ILLINOIS RESOLUTION 16-35-R

---

THAT the Mayor is authorized to execute the intergovernmental agreement between the City of Batavia and Kane County, a copy of which is attached hereto as Exhibit 1.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this **2<sup>nd</sup>** day of **May, 2016**.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this **2<sup>nd</sup>** day of **May, 2016**.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	Fischer					O'Brien				
2	Callahan					Wolff				
3	Chanzit					Hohmann				
4	Stark					Mueller				
5	Botterman					Thelin-Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzell, City Clerk

**AGREEMENT FOR ANIMAL CONTROL SERVICES**

**THIS INTERGOVERNMENTAL AGREEMENT** ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 by and between the **COUNTY OF KANE**, a body politic and corporate, and the **CITY OF BATAVIA**, an Illinois municipal corporation.

WHEREAS, the County of Kane ("Kane County") is a body politic and corporate duly organized and existing under the Constitution and laws of the State of Illinois; and

WHEREAS, the city of Batavia ("Municipality") is an Illinois municipal corporation; and

WHEREAS, Kane County pursuant to the Animal Control Act, 510 ILCS 5/1 et seq. (the "Act") has certain rights, duties and obligations with respect to rabies control and registrations of dogs and cats on a county-wide basis, and also has primary responsibility for animal control activities within unincorporated Kane County; and

WHEREAS, the Municipality has the right, but not the obligation to control animal activities in its corporate limits, and has historically taken the primary responsibility for animal control activities within its corporate limits and desires to contract with the County to discharge these responsibilities; and

WHEREAS, pursuant to Kane County Board Ordinance 07-254, passed July 10, 2007, Kane County is ready, willing and able to contract with the municipalities of Kane County to provide them with animal control services, including but not limited to pick-up of animals running at large, sick or injured dogs and small, wild mammals such as skunks, raccoons, and bats and providing housing and adoption services for animals in its custody to the best of its ability at Kane County Animal Control, located at 4060 Keslinger Road, Geneva, IL, (the "Facility") the Kane County; and

WHEREAS, the parties have a mutual interest in long term planning for animal control services in Kane County; and

WHEREAS, pursuant to Article VII Section 10 of the Constitution of the State of Illinois and Section 3 of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/3, units of local government are authorized and empowered to enter into agreements to obtain and share services and to exercise jointly or transfer any powers or functions not prohibited by law; and

WHEREAS, the Chairman of the Kane County Board has heretofore been authorized pursuant to Resolution to enter into an intergovernmental agreement with the Municipality has herein provided;

**NOW, THEREFORE the COUNTY OF KANE and the CITY OF BATAVIA** do hereby agree as follows:

## Exhibit 1

**Section 1. Incorporation of Recitals.** The facts and statements contained in the preamble to this Agreement are hereby incorporated herein as if fully set forth.

**Section 2. Pickup Service Provided.** The Kane County Animal Control Department will provide pickup service for stray dogs found within the limits of the Municipality, and for pickup of animals from locations where a forcible entry and detainer action results in an eviction conducted by the Kane County Sheriff, and shall transport them to the Facility or another County designated animal shelter for a service fee to be paid to the County as provided in Section 5-49(a) of the Kane County Code.

**Section 3. Complaint Calls – Response.** The Kane County Animal Control Department will respond to complaint calls, as provided in Section 5-49(a) of the Kane County Code, from the Municipality's police department (or appropriate Municipal offices if no police department exists), for barking dogs, dogs running at large and sick or injured wildlife outside of a building or structure within the limits of the Municipality and shall transport them to the Facility or another County designated animal shelter. The service fee to be paid to the County shall be that shown on Exhibit A. Should the Kane County Animal Control Department face unexpected budgeting concerns regarding the services described herein impossible to provide at the fees described herein, upon formal written notice by Kane County Animal Control Administrator, the parties may renegotiate the financial terms of this Agreement. If the parties are unable to reach an agreement as to such renegotiation, any party may cancel this Agreement upon 30 days' written notice.

**Section 4. Vicious or Dangerous Dogs.** The Kane County Animal Control Department shall cooperate with the police department of the Municipality in responding to complaints relating to vicious or dangerous dogs. All complaints and proceedings shall be handled as provided in Sections 15 and 15.2 of the Act.

**Section 5. Invoices for Services.** Kane County shall invoice the Municipality for services provided at the end of each month and the Municipality shall remit payment to Kane County in full within thirty (30) days. The County invoice shall, at a minimum, specify the dates of service, particulars regarding the animal serviced and the types of services rendered. The County shall retain the right to limit, suspend, or terminate services to the Municipality if it shall omit to pay any fees within sixty (60) days of receipt of the County's invoice therefore. All fees for services shall be deposited by the County as set forth in Resolution 06-330.

**Section 6. Termination of prior Agreements; Waiver of Fees.** Upon the effective date of this Agreement, any and all prior agreements between Kane County and the Municipality are hereby terminated and abrogated.

**Section 7. Fees and Charges to Individual Owners.** Nothing in this Agreement shall be construed to limit the right of Kane County or the municipality to increase or impose any fees or charges to individual owners as permitted or provided by law.

**Section 8. Effective Date; Termination.** This Agreement shall commence upon the affixing of the last signature of any officer required to sign this Agreement, which date shall be deemed the "Effective Date." This Agreement shall remain in full force and in effect until the first anniversary of the Effective Date, with two (2) one-year renewal options. The Municipality shall notify the County, in writing, not less than 60 days prior to the expiration date, of its intent to exercise each renewal option.

**Section 9. Additional Agreement.** The Parties agree to meet to work towards a long term solution to the regional issues of animal control. To that end, the County will assist the Municipality cooperatively with Metro West to participate in developing a plan to meet specific anticipated demand for animal control services due to municipal growth. Failure by the Municipality to participate in good faith in said meetings shall be a breach of the terms of this agreement by the Municipality.

**Section 10. Service Provision Subject to Shelter Capacity.**

The County shall reserve 30% of the animal shelter capacity for the exclusive use of the County for provision of services to residents of unincorporated Kane County and for its use for provision of County-wide animal bite investigation services. If, at any time, in the opinion of the Kane County Animal Control Administrator, animals in the shelter from the Municipality and other municipal contract-holders constitute more than 60% but less than 70% of total shelter capacity, the Administrator shall notify the Municipality as provided for in Section 12 of this Agreement, if at that time, in the opinion of the Kane County Animal Control Administrator, animals in the shelter from the Municipality and other municipal contract-holders has reached 70% of the total shelter capacity, the Administrator shall notify the Municipality that Animal Control services for new additional animals are being suspended and for what time period they shall be suspended to the Municipality and to all other municipal contract-holders. In the event of service suspension, the County shall work with the Municipality to identify and obtain animal control services from other service providers in the geographic area, but it shall be the sole responsibility of the Municipality to secure such services for its residents during the service suspension period, and the County shall have no obligation, responsibility or liability to the Municipality for animal control services except as provided by other applicable law. Animal Control services shall be reinstated when the Animal Control Administrator determines that the unused shelter capacity has exceeded 30% for two consecutive weeks.

**Section 11. Indemnification.** The Municipality shall indemnify, defend and hold harmless Kane County and its officers, agents and employees of any from any and all claims, demands, suits at law or in equity, of any kind and manner, which in any way occur or arise in connection with Kane County's services or facilities provided pursuant to this Agreement, except as to claims of negligence, intentional, willful or wanton acts committed by the County and its officers, agents and employees and/or to the extent prohibited by law or public policy. In the event of a claim being made by the County under this Section, the County shall be entitled to be defended by counsel of its own choosing, and the Municipality shall pay any reasonable attorney's fees and expenses incurred by the County in connection therewith.

Exhibit 1

**Section 12. Notices.** Any notices permitted or required to be given under this Agreement shall be deemed given if sent by certified mail, return receipt requested, or by personal delivery to the person to whom it is addressed, to the following:

If to Kane County:

County of Kane

Kane County Government Center

719 South Batavia Avenue – Building A – 2nd Floor

Geneva, IL 60134

Attention: County Board Chairman

With a copy to:

Animal Control Administrator

County of Kane

4060 Keslinger Road

Geneva, IL 60134

With a copy to:

States Attorney, Chief of the Civil Division

100 South Third Street, 4th Floor

Geneva, IL 60134

If to the Municipality:

City Administrator

City of Batavia

100 North Island Avenue

Batavia, IL 60510

Exhibit 1

until notice of change of address is given in the manner provided. Notice by fax transmission or email communication shall not be sufficient unless required by an applicable statute.

**Section 13. Severability.** If any provision, clause or section of this Agreement shall be ruled or held invalid by any Court of competent jurisdiction, then and in such event such finding of invalidity shall not affect the remaining provisions of this Agreement which can be given effect without such invalid provisions and to that end to provisions of this Agreement are Severable.

**Section 14. Entire Agreement of Parties.** This Agreement, and any other ordinances or resolutions incorporated herein by reference or by operation of law, constitutes the entire agreement of the parties and no modifications by course or conduct or oral agreement shall be valid unless reduced to writing and duly adopted by the Kane County Board and the Municipality.

**Section 15. Binding Effect; Successors' Assignment.** This Agreement shall be binding upon the respective parties hereto, and their lawful successors in interest, except that Kane County shall not assign performance of this Agreement to another unit of local government without the written consent of the Municipality.

**WHEREFORE,** the parties have caused this Agreement to be signed as of the date and year first above written.

**COUNTY OF KANE**

By: \_\_\_\_\_  
Christopher Lauzen  
County Board Chairman

ATTEST: \_\_\_\_\_  
John A. Cunningham  
Kane County Clerk

**CITY OF BATAVIA**

By: \_\_\_\_\_  
Jeffery D. Schielke  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk

## EXHIBIT A - KANE COUNTY FEE SCHEDULE FOR MUNICIPALITY

Service	Fee
Pick up per animal (7:00 am - 7:59pm)	\$ 20.00
Pick up charge group of small animals, evictions only	\$ 25.00
Boarding per animal/per day/Maximum charge \$70	\$ 10.00
Vaccination for distemper per animal	\$ 10.00
Euthanasia per dog/cat animal ≤ 30 pounds	\$ 30.00
Euthanasia per dog/cat animal > 30 pounds	\$ 50.00
Rabies observation (includes euthanasia fee) ≤ 30 pounds	\$ 150.00
Rabies observation (includes euthanasia fee) > 30 pounds	\$ 175.00
Specimen pick up	\$ 30.00
Specimen prep	\$ 50.00
Eviction cost comprise of pickup charges and boarding	\$ 90.00
After Hours Pick up (8:00pm - 6:59am)	\$ 150.00

**Average cost per animal impounded \$ 100.00**

# CITY OF BATAVIA

---

**DATE:** April 21, 2016  
**TO:** Committee of the Whole  
**FROM:** Chris Aiston, Economic Development Consultant  
**SUBJECT:** Executing Contract with Ehlers, Inc. for Consulting Services, to wit: Review Developer's Proposal and Request for Financial Assistance in the Redevelopment of the Batavia Plaza Shopping Center

## Background

In 2016, the City of Batavia retained the grocery store consultant, Market Planning and Analysis/SuperValu, to study the existing and trending economic and demographic data affecting the downtown grocery store market. This study, entitled "Grocery Store Feasibility Study for Batavia, Illinois", was completed in September, 2016 and, based on the information and opinions set forth in the study, was utilized by Batavia Enterprises, Inc. in persuading The Blue Goose, a St. Charles-based boutique grocer, to consider opening another store in BEI's downtown Batavia Plaza Shopping Center, specifically what was at the time the Walgreens in-line space.

Staff has been in regular contact with BEI representatives concerning a possible Blue Goose tenancy at the aforementioned former Walgreens space, with specific discussions surrounding estimated sources and uses of project funds in what will necessarily be a comprehensive remodel of the easterly north building façade and all storefronts along the subject property's east building façade. To date, BEI has indicated their construction plans further contemplate significant remodeling of the building's interior space. In discussing the potential redevelopment of the Batavia Plaza in more specifics, the company has also presented detailed pro forma analyses in support of a request for substantial financial assistance from the City. This is a big job with a big dollar figure attached; a figure staff feels strongly warrants the need for review by an outside, independent professional consulting firm with expertise in such matters. This type of review is often termed a "deal review" and the scope of which will be similar to that of the one completed by an outside consultant when the City was considering BEI's previous request for a TIF subsidy in the Walgreen's relocation/expansion project.

## Consultant Proposals

The City requested proposals to complete the deal review from four Chicago area economic development consulting firms with recognized experience in the subject area of study. All said four firms submitted a proposal. Misterys McGrath, Holm, Buening, and Aiston and Ms. Colby reviewed the proposals individually and ultimately ranked them by **direct relevant experience** and **price** as follows:

### Experience (Greatest to Least)

1. SB Friedman & Co.
1. Ehlers, Inc. (tie)
3. Kane, McKenna and Assoc., Inc.
4. Hunden Strategic Partners

### Price (lowest to highest)

1. Kane, McKenna and Assoc., Inc.
2. Ehlers, Inc.
3. Hunden Strategic Partners
4. SB Friedman & Co.

After a thorough review of each of the above listed company's proposals, the aforementioned city representatives are recommending the City retain Ehlers, Inc. to complete the deal review in the above-described analysis. Ehlers, Inc. submitted a proposal that includes:

- a. completing a scope of work consistent with the project objectives and in a timely manner;
- b. involving key, high ranking company personnel with substantial proven expertise in the subject area; and
- c. delivering product for a total price not to exceed \$12,500.00 (Twelve Thousand, Five Hundred Dollars and No Cents).

### **Budget Impact**

The City's Fiscal Year 2016 Economic Development Professional Services budget has sufficient funds to fully fund the proposed study.

### **Staffing Impact**

The City's regularly engaged economic development consultant has the capacity to serve as the principal point of contact and project manager for the City in undertaking and completing the subject study. Members of city staff, including those from City Administration, Finance, Community Development and Public Works departments will necessarily and from time to time assist the selected consultant in the completion of this (e.g., collecting necessary financial data, stating development policies and standards, and reviewing and providing comments on consultant's draft products). The above referenced departments are prepared and able to make staff and resources available toward this initiative.

### **Timeline**

Staff's recommended consultant has indicated that upon execution of contract with the City, the firm expects to have the study completed for COW's consideration in four to six weeks, provided the developer can quickly meet requests for information, etc.

### **Recommendation**

Staff recommends that the City Council's Committee of the Whole move to the City Council with a favorable recommendation the attached Resolution 16-45-R, "AUTHORIZING EXECUTION OF THE CONTRACT FOR ECONOMIC DEVELOPMENT CONSULTING SERVICES, TO WIT: REVIEWING DEVELOPER'S PROPOSAL AND REQUEST FOR FINANCIAL ASSISTANCE, WITH EHLERS, INC." in the amount of \$12,500.00 (Twelve Thousand, Five Hundred Dollars and No Cents).

Attachments:

Resolution 16-45-R

CC: Mayor Schielke  
Bill McGrath  
Department Heads

**CITY OF BATAVIA, ILLINOIS**

**RESOLUTION 16-45-R**

**AUTHORIZING EXECUTION OF THE CONTRACT FOR  
ECONOMIC DEVELOPMENT CONSULTING SERVICES, TO WIT: REVIEWING  
DEVELOPER'S PROPOSAL AND REQUEST FOR FINANCIAL ASSISTANCE,  
WITH EHLERS, INC.**

**WHEREAS**, the City of Batavia has identified the need for professional consulting services in the review of a developer's downtown redevelopment proposal and request for financial assistance (hereafter "review"); and

**WHEREAS**, the City of Batavia requested proposals and considered and ranked the submitted proposals; and

**WHEREAS**, Ehlers, Inc. has submitted a proposal and a determination has been made indicating that such proposal ranks above all other proposals submitted for the subject review; and

**WHEREAS**, the economic development consulting firm of Ehlers, Inc. has the appropriate expertise and experience necessary to complete the review; and

**WHEREAS**, the total cost of above described professional consulting services is in the amount not to exceed \$12,500; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BATAVIA AS FOLLOWS:**

**SECTION 1.** That the Mayor and City Clerk are hereby authorized to execute the Contract with Ehlers, Inc. of Chicago, Illinois, for economic development professional consulting services in the amount not to exceed \$12,500.00. The Contract is attached hereto as Exhibit "1".

**CITY OF BATAVIA, ILLINOIS RESOLUTION 16-45-R**

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of May, 2016.

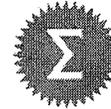
**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 2nd day of May, 2016.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Theilin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
Heidi L. Wetzel, City Clerk



**EHLERS**  
LEADERS IN PUBLIC FINANCE

April 4, 2016

**Proposal for  
Economic Development Consulting Services**

**City of Batavia, Illinois**



**Ehlers & Associates, Inc.**  
525 West Van Buren Street, Suite 450  
Chicago, Illinois 60607-3823  
Telephone: 312-638-5250  
Fax: 312-638-5245  
Toll Free: 800-552-1171

**Proposal Contact:**  
Jennifer M. Tammen, Municipal Advisor/ Principal  
Phone: 312-638-5263  
Email: [jtammen@ehlers-inc.com](mailto:jtammen@ehlers-inc.com)

**Team Members:**  
Tricia Marino Ruffolo, Municipal Advisor  
Maureen Barry, Senior Municipal Advisor/Vice President  
Mindy Barrett, Project Analyst, Coordinator

# Proposal for Economic Development Consulting Services City of Batavia, Illinois

## Table of Contents

Project Understanding and Approach.....	1
Additional Services.....	3
Project Pricing .....	3
Agreement .....	4

## APPENDICES

Appendix A: Elements of a Project Review .....	5
Appendix B: About Ehlers .....	7
Appendix C: Project Team & Resumes .....	9
Appendix D: Related Project Experience .....	14
Appendix E: Additional TIF Services and Fees .....	20

April 4, 2016

Mr. Christopher C. Aiston, CEO/President  
CC Aiston Consulting, Ltd.  
Economic Development Consultant for the City of Batavia  
c/o The City of Batavia  
100 North Island Avenue  
Batavia, IL 60510

Dear Mr. Aiston:

Pursuant to our recent discussions, thank you for inviting Ehlers & Associates, Inc. ("Ehlers") to submit this proposal for Economic Development consulting services to provide development proposal analysis and recommendations for the redevelopment of the Batavia Plaza shopping center located in the City of Batavia (the "City"). The City would like Ehlers to review the property owner's proposal and request for City financial assistance, evaluate and verify the property owner's assumptions, and confirm and/or recommend the appropriate level and structure of assistance. In addition, the City will need to understand the potential public revenue that could be generated from the project (property and sales taxes), recommend options to maximize the City's investment and provide key steps it can take to assist in revitalization.

### **Project Understanding and Approach**

It is our understanding that the City is considering using tax increment financing ("TIF") and future sales taxes generating from the future redevelopment to support revitalization and both public and private investment to the Batavia Plaza, a community shopping center built in the 1960's, located at 138 W. Wilson Street (the "Property"). The Property is currently owned by Batavia Enterprises, Inc., whose subsidiary is a locally owned leasing and property management company serving the Fox Valley area (the "Property Owner"). The Property Owner has approached the City regarding the potential to redevelop the Property in partnership with the City. Redevelopment activities include the construction of a new façade for the Property, the inclusion of a 20,000 square foot Blue Goose grocery store as a new anchor tenant, and other related improvements (the "Project"). Based on our discussions with the City, the existing façade is about 25-30 years old and in need of reconstruction from both physical condition and market attraction perspectives.

To this end, the Property engaged the Laube Companies to prepare and submit to the City a financial gap analysis to demonstrate the Property Owner's need for City financial assistance in order to achieve required rates of return to make the Project financially viable. The analysis includes assumptions related to project costs, revenues, financing, and required rates of return.

The City is interested in evaluating the Property Owner's request, assumptions, and gap analysis to confirm the need for City financial assistance to make the Project financially viable. If it is determined that assistance is necessary, the City would like to understand the amount that is warranted and its options with respect to the structure and timing of the assistance.

Also as part of this analysis, the City will need to understand the amount of public revenues, primarily property and sales taxes that could be generated from the site to determine how much the project can support in addition to potential funding from other sources. Per our discussion, the project is not likely to generate significant incremental property taxes and TIF #3 does not have sufficient funds to contribute to the Project. The City is exploring the potential to port funds from TIF #1, which is adjacent to TIF #3, as a potential resource to support a financing gap, as may be appropriate.

Ehlers will work with the City staff to address these service areas. Given these considerations, we have organized our Scope of Services into the following Tasks:

**Task 1: Developer Proforma Analysis.** Municipalities are often approached by developers seeking funding to support a proposed project. One of the biggest challenges communities face when working with developers is determining the appropriate level of assistance. Ehlers Municipal Advisors regularly conduct Pro forma Analyses for communities pursuing redevelopment, helping them assess the appropriate level of need and developer assistance. This includes determining whether there may be a gap in funding that precludes private parties from earning a reasonable rate of return on their investment to market standards. If the answer is no, Ehlers will advise that public assistance is not required. If the answer is yes, Ehlers quantifies the public assistance and recommends limits. This further confirms the “but for” clause of the TIF Act.

We will conduct a review and independent analysis of the Property’s Owner’s sources and uses budget, 10-year operating proforma, and gap analysis prepared by The Laube Companies. Our analysis will include assumptions with current market conditions as we understand them to be on similar projects and markets. We will confirm the Property Owner’s assumptions and amount of request or recommend other assumptions, amounts of assistance and structures based on the results of our analysis.

As part of this task, we will conduct a call with the City to:

- Discuss the tasks and timeline of the project
- Obtain background Data (see preliminary list attached in **Appendix A**)
- Identify additional sources of data required to complete our analyses

*Note: The Developer Pro forma Analysis fee may be reimbursed to the City by the developer.*

**Task 2: Tax Revenue Projections.** Ehlers will provide projections that estimate the impact of new development to the equalized assessed value of properties and the expected level of tax revenue, in this case property and sales taxes. These projections are used to help determine the amount of tax revenue that may be generated by certain development and the overall amount that may be available to fund development projects.

**Task 3: Prepare Summary of Findings and Recommendations Document.** We will prepare a memorandum summarizing the results of the evaluation of the Property Owner’s project assumptions and gap analysis as well as our projections of property and sales taxes

for discussion with the City Staff. We will convene a call or an in-person meeting with the City to review in detail the results and recommendations with respect to the gap analysis and the project's ability to meet the "but for" test.

**Task 4 (Optional): Developer Negotiation and Redevelopment Agreement**

**Implementation.** Ehlers has extensive experience in negotiating development agreements for a wide range of commercial, residential, and mixed-used projects. Just as critical as experience in this area, is the need for a consultant that is independent. When Ehlers works in a municipality, it works for the municipality – not the developer.

Ehlers has taken a lead role in many development negotiations, as well as provided feedback on redevelopment agreements negotiated by others. The final agreement is subject to attorney approval. Examples of recommendations Ehlers has made include:

- Amount, type, and timing of incentives or assistance to developers.
  - Receipt of incentives geared toward performance.
  - Incentives based on goals of municipality.
- Use of "Look Back" provisions in development agreements, so that if a project is more successful than projected, the developer returns funds to the municipality.

During and after construction, Ehlers can manage development agreements by determining eligible expenses and calculating reimbursements.

**Additional Services**

Detailed information about our TIF and Economic Development-related services can be found in **Appendix E**.

**Project Pricing**

Ehlers will provide TIF and Economic Development Consulting Services outlined in this Proposal for the following Hourly Billing Rates:

**Tasks 1, 2 and 3** will be charged per the Hourly rates. Based on our experience with similar projects, our professional fees for Task 1, 2 and 3 will total \$12,500.00.

**Task 4 (Optional)** as well as any Additional Services will be charged on an hourly basis with a general estimated range of fees between \$2,000.00 and \$8,000.00, depending on extent of time and complexity related to the deal structure and negotiations.

Senior Municipal Advisors	\$225.00 per hour
Municipal Advisors	\$200.00 per hour
Financial Specialists	\$175.00 per hour
Coordinator/Analyst	\$150.00 per hour
Technical/Clerical	\$75.00 per hour

These rates will be in effect through December 31, 2016 after which rates are subject to adjustment. The pricing estimates provided are not a guarantee of total costs. We will bill on an hourly basis and the actual costs may be lower or higher than the ranges provided above.

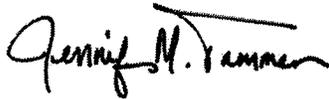
Ehlers does not charge for most regular business expenses, except for messenger and overnight services. Ehlers will charge its hourly rate as specified above for one way travel to the Client's offices, Property, or otherwise as may be required.

The City will authorize and direct its administration, attorneys, bond counsel, accountants, engineers, architects, actuaries, and other consultants to prepare and furnish such information as may be reasonably necessary for Ehlers to carry out its duties and obligations, at no cost to Ehlers.

**Conclusion**

We appreciate the opportunity to work with the City of Batavia. Please feel free to contact us to discuss this proposal or if you have any questions regarding our services. If this proposal is acceptable to the City, please indicate the City's acceptance and authorization to proceed by signing a copy of this letter as directed below.

Sincerely,



Jennifer M. Tammen  
Municipal Advisor/ Principal



Maureen Barry  
Senior Municipal Advisor/Vice President

**Agreement**

The City of Batavia, Illinois hereby accepts the above Request for Proposals for Economic Development Consulting Services regarding the development, qualification, and adoption by its authorized officers, this \_\_\_\_ day of \_\_\_\_\_, 2016.

Attest: \_\_\_\_\_ By: \_\_\_\_\_

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

Please send a copy of the agreement page with original signature to:

Ehlers & Associates, Inc.  
525 W. Van Buren St, Suite 450  
Chicago, IL 60607-3823

---

## Appendix A: Elements of a Project Review for Municipal Financial Incentives

### General Project Information

1. Project narrative, including description of current and end user(s), project features, etc.
2. Project address and list of project PINs
3. Copies of current tax bills
4. Project start and end dates
5. Total development costs
6. Description of public benefits, i.e. green space, jobs, etc.

### Project Proforma

#### Sources of Financing

1. Principal of all Debt
  - a. Interest Rate
  - b. Term
  - c. Payment Schedule
2. Equity
3. Grants
4. Other

#### Uses of Financing

1. Land Acquisition
  2. Site Costs
  3. Hard Costs
  4. Soft Costs
- \* Supporting documentation of costs may be requested, i.e. cost estimates, project period real estate taxes, environmental remediation, etc.

#### Annual Cash Flow

1. Income, Broken Down by Type, and Detail  
(Include annual inflation increase estimates)  
Examples = Rent Per Unit – Number of Units  
= Rent Per Sq. Ft. – Number of Sq. Ft.  
= Sale of Units – Number of Units  
= Commercial Rent – Number of Sq. Ft.  
= Other Income (i.e., garage rent, storage rent)
2. Expenses (Include annual inflation increase estimates)  
Annual Expense by Category and Calculation Method (i.e., percent of rent)

3. Annual Debt Service Payment
4. Calculated Rate of Return, i.e. IRR, Cash on Cash, etc.

**Request for Assistance & Proposed Deal Structure**

1. Up front, Over Time ("Pay as you Go" (PAYGO), or Developer Note
  - a. If Up front: What is Present Value of Request?
  - b. If Over Time/PAYGO: What is Annual Amount? Assumed Interest Rate?
  - c. If Developer Note: Assumed Interest Rate? Other Terms?
2. Why is Assistance Needed?
  - a. Example: To meet annual cash on cash requirement of Investor of xx %

## Appendix B: About Ehlers

Ehlers is an independent municipal advisory firm. Ehlers' staff has had the pleasure of providing service to local governments throughout Illinois and the Midwest since 1955. Ehlers has over eighty professionals that serve clients in the Midwest from our offices in Roseville, Minnesota; Waukesha, Wisconsin; Denver, Colorado; and Chicago, Illinois. The City will be served by staff from our Illinois office.

Our goal is helping local governments find the financial resources they need to build the communities they envision.

Our services are grouped into four main categories, representing our core areas of expertise:

- Economic Development and Redevelopment
- Debt Planning & Issuance
- Financial Planning
- Strategic Communications

At Ehlers, all employees have ownership in the company and take ownership in serving clients. Ownership sets the tone for the operation of the firm and the nature of the services clients receive. All-employee ownership at Ehlers means:

- Every Ehlers employee has a vested interest in providing the best possible service.
- Our focus is on the long-term success of our clients, not solely on short-term profit and return on investment.

Our dedication to "how" we deliver our services is as unique and comprehensive as the service itself. We listen to our clients' needs, maintain highly qualified employees to team with them, and present customized options to help decision-makers confidently select the best and lowest cost solutions for their citizens.

TIF District development, qualification, redevelopment planning, and adoption are key parts of our Economic Development and Redevelopment services. Ehlers has helped communities use TIF to upgrade and improve infrastructure; revitalize deteriorated or outmoded commercial areas; attract development to improve job opportunities and the local economy; rehabilitate neighborhoods; and bring new development to areas that are impaired by market or physical constraints.

Additional information on Ehlers' TIF related services is enclosed as **Appendix E**.

## Federal Registration as a Municipal Advisor

The Dodd-Frank Wall Street Reform and Consumer Protection Act (the "Act") enacted on July 21, 2010 requires firms/persons who are "Municipal Advisors" to register with the Securities and Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB). Generally, a municipal advisor is any person that provides advice to a municipal entity or obligated person concerning the timing, terms, structuring or similar matters of a municipal security or provides advice with respect to municipal financial products. Municipal Advisors have a federal fiduciary duty to represent their municipal entity client's best interests as part of any engagement.

Ehlers as a firm and our financial advisors are included within the definition of “municipal advisors” and are required to register with the SEC as such. We have registered as a Municipal Advisor with the SEC. Ehlers Registration No. is 866-00266-00.

Ehlers is also a Charter member of the National Association of Municipal Advisors (NAMA). This professional association is dedicated to high ethical standards and is committed to providing independent advice when serving as advisors to municipal entity clients.

### **Potential Conflicts of Interest**

The key characteristic of Ehlers is “independence.” For 60 years, Ehlers has been committed to a fiduciary relationship with our clients. This means that we serve *only* your community’s best interests in any financial transaction – not the interests of developers, investors, underwriters, banks or other private parties.

Ehlers and Associates, Inc. is a wholly-owned subsidiary of the Ehlers Companies. Ehlers and Associates, Inc. provides all financial advisory and related services and is the corporate entity responsible for this proposal. Ehlers and Associates, Inc. is affiliated with both Bond Trust Services Corporation and Ehlers Investment Partners (EIP) as additional, wholly-owned subsidiaries of the Ehlers Companies. Bond Trust Services is fully integrated with the Depository Trust Company (DTC) and serves as paying agent for the majority of our bond sales. EIP, a federally registered investment advisor, provides independent investment advisory services. Currently, these firms have no relationships with the City of Batavia.

## Appendix C: Project Team & Resumes

Ehlers offers a group of individuals with an exceptional combination of expertise and experience to act as the Economic Development and TIF Team for the City. Below is information about the project team and staff of the firm.

Ehlers' staff has worked in municipal management, administration, and financial management, school district administration, regional planning, economic development, and state legislative support. This team serves as advisor to many Illinois local governments including the Village of Bradley, Village of Clarendon Hills, Village of Frankfort, City of Geneva, Village of Matteson, Village of Oak Park, City of Peoria, Village of Tinley Park, Village of Westmont, City of Wheaton, and the Village of Wheeling, among others.

Ehlers will use a team approach with municipal advisors assisted by research analysts. This approach affixes responsibility and assures continuity of service for the client from the time of the proposal through any follow-up work. It also allows a better match of Ehlers' staff expertise and experience to the particular needs of the City.

**Jennifer Tammen, Municipal Advisor/ Principal.** Jennifer will serve as the lead advisor for the City. As such, all work will either be completed by or directly overseen by Jennifer and she will attend scheduled meetings. Jennifer joined Ehlers in 2014. Jennifer has over 15 years of progressive experience and success within the real estate development field. She has represented clients on matters related to zoning and entitlements, planning, economic development, TIF, pro forma analysis, deal structuring and developer negotiation, and project management. Prior to joining Ehlers, Jennifer formed and worked for her own firm, THE TAMMEN GROUP. She has also served as Director of Planning for Norwood Builders, Inc., as Redevelopment Project Manager for the City of Oak Park, Illinois, and worked as a project associate for S.B. Friedman & Company. Jennifer has been a key team member on a number of projects including TIF eligibility studies, financial feasibility and modeling, and redevelopment planning. Jennifer is also an experienced meeting facilitator and has successfully led dozens of community meetings and presentations in addition to hundreds of meetings with clients, municipal and agency officials and staff, community residents, businesses, and other stakeholders.

**Tricia Marino Ruffolo, Municipal Advisor.** Tricia recently joined our Illinois Team in 2015 as a Municipal Advisor where she focuses primarily on TIF, Business Districts, and other economic development related projects including developer pro forma review. Tricia's previous experience includes serving the City of Chicago for the last three years as a Financial Planning Analyst in the TIF Division of the Department of Planning and Development. Prior to that, she formed her own real estate consulting business after 15 years with Louik/Schneider & Associates, Inc. where she served as Vice President. Louik/Schneider was a multi-disciplinary consulting firm offering professional service in the fields of urban planning, economic development including TIF, zoning, real estate development and financing for municipalities, small companies, developers, and large retailers.

**Maureen Barry, Senior Municipal Advisor/Vice President,** will serve as one of the City's advisors and provide project oversight to the team. Maureen joined Ehlers in January 2008. Prior to that time, she worked directly for local governments for over 15 years, most recently as the Assistant Village Manager in Wilmette, and before that for the City of Evanston and the City of

Glendale, Arizona. In these roles, she worked with local government leaders and other key players in planning and managing a wide variety of governmental operations and projects. Maureen has assisted Ehlers' clients with economic development consulting projects in the Village of Glen Ellyn, City of Macomb, City of Peoria, Village of Oak Park, City of Rock Island, Village of Tinley Park, Village of Villa Park, and Village of Wheeling, among others.

**Mindy Barrett, TIF Coordinator.** Mindy has been with Ehlers since 2006 and serves as a Tax Increment Financing Coordinator in our Chicago office. She is responsible for assisting in the development and implementation of TIF projections and analysis, including gathering data from counties and the state of Illinois. Mindy would be involved in this project for Batavia, assisting data research and financial modeling.

In addition, the Ehlers Project Team will use expertise and resources from our other offices, if necessary, to meet the needs of the City. Resumes for Jennifer Tammen, Tricia Marino Ruffolo, and Maureen Barry are included in the following pages.



**Jennifer M. Tammen**  
Municipal Advisor/Principal



**Jennifer M. Tammen**  
Direct 312.638.5263  
jtammen@ehlers-inc.com

Jennifer joined Ehlers in 2014 after serving as Principal and Owner of THE TAMMEN GROUP, a real estate development consulting and public affairs advisory firm. She has over 15 years of experience representing developers, property owners, and quasi-public agencies on matters related to zoning and entitlements, planning, economic development, tax increment financing (TIF), deal structuring, and early-stage project management for multi-family housing, mixed-use retail, municipal buildings, and real estate related policy matters.

**Areas of Expertise**

**Tax Increment Services**

- Tax Increment Plans
- TIF Feasibility Studies
- Gap Financing Analysis
- Public Revenue Projections
- TIF Revenue Bond Financing

**Development & Redevelopment**

- Redevelopment Planning
- Developer *Pro forma* Analysis
- Redevelopment Agreement Structuring and Negotiation
- Project Management Services
- Developer Incentives Analysis

**Public Participation**

- Public Participation Process
- Citizen Advisory Committee Facilitation
- Strategic Communications Planning

**Intergovernmental and Public/Private Partnerships**

- Intergovernmental and Public/Private Project Studies and Negotiations

**Professional Memberships**

- Illinois Tax Increment Association (ITIA)
- Lambda Alpha International (LAI), Ely Chapter
- Urban Land Institute (ULI)
- Commercial Real Estate Executive Women of Chicago (CREW)
- International Council of Shopping Centers (ICSC) City Club of Chicago
- College of Urban Planning and Public Affairs Alumni Association, Board Member

**Education**

- Bachelor of Arts (Political Science), DePaul University
- Master of Urban Planning and Policy, College of Urban Planning and Public Affairs, University of Illinois at Chicago

**Notable Projects**

- Responsible for the approval of over \$600 million in new real estate development projects and business retention and more than \$35 million in TIF and other financial subsidies.
- City of Wheaton, IL; Downtown Projects Financing Strategy: Financing analysis and consulting services for the implementation of approximately \$55MM in capital costs and \$750k in annual operating costs for Downtown Wheaton per the City's Downtown Strategic and Streetscape Plan.
- Village of Clarendon Hills, IL; Prepared and presented a clear analysis of how the Village's current land use regulation impact the feasibility of potential redevelopment projects in the downtown planning area. The results and discussion with the appointed committees and public helped inform discussions related to the Downtown Master Plan Update and was included as part of the final plan update.
- San Francisco, California; The San Francisco Columbarium: Restructured endowment for ongoing capital expenditures. Conditional Use and Certificate of Appropriateness for alterations to an historic structure.
- Melrose Park, Illinois; Westlake Hospital: TIF analysis and redevelopment agreement structuring for capital improvements to retain Village's largest employer.
- Chicago, IL; Old Cook County Hospital and Adjacent Properties: Co-led a team of pro-bono professionals charged with developing a redevelopment strategy for a key market rate real estate development opportunity in the heart of the Illinois Medical District and adjacent to downtown Chicago for mixed-use and revenue generating projects.



**Tricia Marino Ruffolo**  
**Municipal Advisor**

Tricia joined Ehlers in 2015 after serving most recently as a financial analyst for the City of Chicago's Department of Planning and Development and as Vice President as Louik/Schneider & Associates, Inc. She brings to Ehlers a unique perspective as a consultant for developer and municipalities and as a municipal employee.



**Tricia Marino Ruffolo**  
 Direct 312.638.5262  
 tmruffolo@ehlers-inc.com

**Areas of Expertise**

**Economic Development**

- Tax Increment District and Business District Feasibility Studies and Plans for District Qualification and Amendment
- Project Management Services
- TIF Feasibility Studies
- TIF Revenue Projections
- TIF Increment Analysis
- Development Incentives Analysis & Negotiations
  - o *Pro forma* Analysis/But For Test
- Development Strategic Planning
- Developer Attraction and Selection
- Fiscal Impact Analysis

**Development & Redevelopment**

- Redevelopment Planning
- Developer *Pro forma* Analysis
- Redevelopment Agreement Structuring and Negotiation
- Project Management Services
- Developer Attraction & Selection
- Developer Incentives Analysis

**Public Participation**

- Public Participation Process
- Strategic Communications Planning

**Intergovernmental and Public/Private Partnerships**

- Intergovernmental and Public/Private Project Studies and Negotiations

**Strategic and Financial Planning**

- Goal Setting & Strategic Planning
- Fiscal Impact Studies

**Professional Memberships**

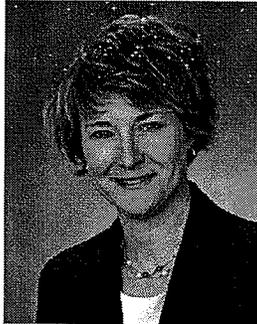
- Council of Development Finance Agencies
- Illinois Economic Development Association
- Illinois City/County Managers Association
- Illinois Tax Increment Association
- Women in Planning and Development

**Education**

- Bachelor of Arts (Urban Planning), Lake Forest College

**Notable Projects**

- Managed the technical process of establishing, amending and closing out over 90 Tax Increment Financing (TIF) districts throughout the Chicagoland Area as both a consultant and as a municipal employee. Successfully qualified over 50 redevelopment areas as TIF districts by effectively managing a myriad of details of the approval process.
- Developed a TIF Designation Procedural Manual for the City of Chicago's Department of Planning and Development details the 75+ steps required for a TIF designation process.
- Initiated review and streamlined procedures for designation TIF districts; identified cost saving measures for notification and mailing procedures and long term record storage as required by the State of Illinois.



**Maureen Barry, CIPMA**  
*Senior Municipal Advisor/Vice President*



**Maureen Barry**  
 Direct: (312) 638-5257  
 mbarry@ehlers-inc.com

Maureen joined the Ehlers Illinois office in 2008 as a Municipal Advisor after working directly for local governments for over 15 years. She specializes in assisting public organizations in Illinois with the design and implementation of financial and economic development solutions. Ehlers' clients benefit from Maureen's broad perspective and hands-on experience in a wide range of local government matters, including tax increment financing, development analysis, project management, debt issuance, and other public finance related projects.

**Areas of Expertise**

**Economic Development & Redevelopment**

- Tax Increment District and Business District Feasibility Studies and Plans for District Qualification and Amendment
- Project Management Services
- Revenue Projections
- TIF Annual Reports
- Development Incentives Analysis & Negotiations
  - o *Pro forma* Analysis/But For Test
- Development Strategic Planning
- Developer Attraction & Selection
- Fiscal Impact Analysis
- Revenue Bond Financing

**Public Participation**

- Referendum Strategies
- Public Participation Process

**Debt Planning and Issuance**

- Analysis & Presentation of Alternative Financing Options, Plans
- Representation to Bond Market & Credit Rating Agencies
- Refundings
- Special Service Area Financing
- Debt Management

**Strategic and Financial Planning**

- Goal Setting & Strategic Planning
- Financial Management Planning
- Capital Improvements Planning
- Fiscal Impact Studies
- Utility Rate Studies

**Intergovernmental and Public/Private Partnerships**

- Intergovernmental and Public/Private Project Studies and Negotiations

**Certifications**

- Certified Independent Professional Municipal Advisor (CIPMA) by the National Association of Municipal Advisors (NAMA)

**Professional Memberships**

- Illinois City/County Management Association
- Illinois Government Finance Officers Association
- Illinois Municipal Treasurers Association
- Illinois Tax Increment Association
- International City/County Management Association
- Lambda Alpha International (Land Economics)
- Council of Development Finance Agencies

**Education**

- Bachelor of Arts (Political Science), University of Dayton
- Master of Public Affairs (Public Management), School of Public and Environmental Affairs, Indiana University

**Notable Projects**

- Completed a study of redevelopment financing options for the Roosevelt Road Business Corridor in Oak Park, IL.
- Prepared TIF Eligibility Reports and Redevelopment Plans for two new TIF Districts in Villa Park, IL.
- Advised the City of North Chicago, IL for the refunding of two bond issues resulting in a substantial savings to taxpayers.
- Negotiated redevelopment agreements for a new commercial center in Bradley, IL and new businesses in Decatur, IL.
- Advised the Village of Wheeling, IL on a long term financial forecast and management plan.
- Completed Annual TIF Reports to the State of IL Department of Revenue for municipalities across Illinois.

## Westlake Hospital (Melrose Park, Illinois)

While serving as Principal and Owner of THE TAMMEN GROUP, Jennifer Tammen represented Vanguard Health Systems in securing TIF assistance for extensive capital improvements necessary to ensure the future viability of the Westlake Hospital facilities.

Westlake Community Hospital located in Melrose Park has been serving the south suburbs for over 80 years providing high quality healthcare to the local communities. It is one of the Village's largest employers. In 2010, Resurrection Health Care sold a number of their area hospitals, including Westlake, to various for-profit subsidiaries of Vanguard Health Systems. The purpose of Vanguard's purchase was to re-position the Hospital in order to keep it open and operating. The Hospital was in danger of closing and Vanguard was the only buyer willing to purchase the hospital.

Jennifer prepared the capital improvement budget and TIF analysis and led the team in the redevelopment agreement structuring and negotiation on behalf of Vanguard. Working closely with the Village, we discovered there was a community need for open spaces that could be used for a future dog park and community garden. The team determined that Vanguard's acquisition of Westlake Hospital included excess properties vacant lots. We provided an option to donate some of the vacant properties to the Village to further demonstrate to Vanguard's commitment to providing public benefits to the community.



### Results:

The Village Board voted unanimously to approve a Redevelopment Agreement to share future incremental property taxes with Vanguard. The Agreement enabled Westlake Hospital to keep its doors open and improve services. As part of the redevelopment of the property and per the Redevelopment Agreement, would undertake significant capital improvements to the physical plant of the building, and undertake the deferred maintenance projects which Resurrection was forced to delay. Additionally Vanguard will invest significantly in the medical facilities of the Hospital by replacing outdated equipment, adding equipment which will enable the Hospital to compete in the new medical climate, and most significantly completely revamping the IT system to meet the new health care requirements.

### Contact:

Bernard I. Citron, Attorney at Law  
Thompson Coburn LLP  
55 E. Monroe, 37th Floor  
Chicago, Illinois 60603  
Phone: (312) 580-2209  
Email: [bcitron@thompsoncoburn.com](mailto:bcitron@thompsoncoburn.com)

## Appendix D: Related Project Experience

The Ehlers Illinois Team has worked successfully throughout Illinois for over 14 years to accomplish municipalities' development and redevelopment goals. The following summaries describe how Ehlers has recently served other Illinois communities. Contacts for these communities may also be used as references.

### City of Wheaton

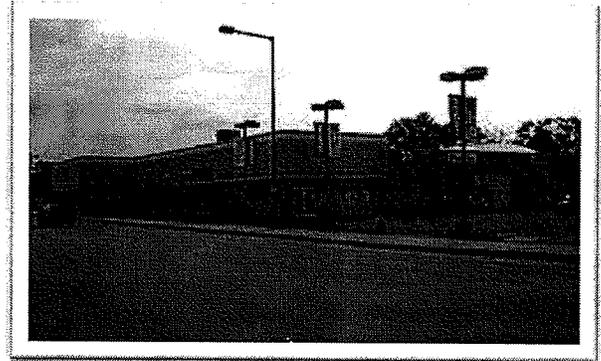
The City of Wheaton is a mature community in Chicago's western suburbs. To counter deterioration in its downtown, the community instituted a TIF District and began to incent businesses to locate in and improve their downtown operations. Ehlers provided Project Pro forma Analysis and Financial Impact services for the City of Wheaton. For one proposed redevelopment project, a developer requested sales tax revenue sharing through sales tax abatement. Ehlers conducted a pro forma analysis of the developer's project and established that without incentives, the project would not be possible. This gave the City of Wheaton the needed information to make a decision to provide the developer incentives and to what extent those incentives were appropriate. Ehlers has also assisted Wheaton in the implementation of TIF programs through the structuring and sale of financial instruments and increment projections.

#### Contact:

Donald B. Rose, City Manager  
303 West Wesley Street  
Wheaton, Illinois 60187  
Phone: (630) 260-2012  
Email: donrose@wheaton.il.us

### Village of Villa Park (Motorcycle Center)

In November 2011, the Village of Villa Park engaged Ehlers to conduct an analysis of a proposal by Motorcycle Center (MCC) to purchase and redevelop the former Oakfield Ford dealership located at the southwest corner of St. Charles Road and Oakland Avenue in Villa Park, within the St. Charles Road TIF District. MCC is a 30+ year-old, Villa Park-based multi-brand European motorcycle dealership and service provider. The relocation to a larger space would enable MCC to add additional manufacturers to its existing brands, expand its showroom and service area, and provide practice areas for instruction and other events. Ehlers prepared TIF and sales tax sharing analysis; provided redevelopment agreement structuring and negotiation for the relocation and rehabilitation of former car dealership property.



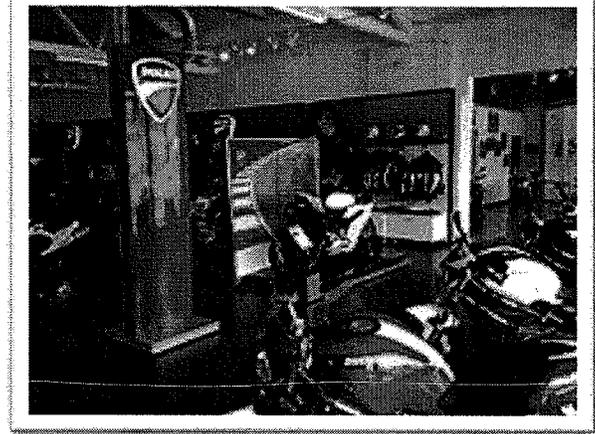
#### Request and Deal Structure

Ehlers evaluated all of the project assumptions including construction costs, soft costs, and financing assumptions. We evaluated the feasibility of the projects by applying an internal rate of return (IRR) calculation and profit margins for the rental spaces. Additionally, projections of potential

public revenues (property and sales taxes) were estimated. We also reviewed MCC's future sales projections. Ehlers concluded there was a financing gap driven primarily by extraordinary costs related to manufacturer build out requirements and to address maintenance items in the relocation property.

MCC requested financial assistance totaling 21% of total project costs in a combination of a one-time, up-front payment and a sales tax sharing agreement. The up-front payment would come from TIF funds via port from the adjacent Ovaltine TIF Allocation Fund. The sales tax sharing agreement was structured as follows:

- 20 year agreement commencing in 2012
- Establish a base threshold for total sales based upon MCC's total taxable sales over last 5 years (2006-2010)
- 90/10 (MCC/Village) split of Village portion of surplus sales that exceed base threshold until MCC's payback/breakeven is reached. After that, the sales taxes will revert to 100% to the Village.



### Results

Ehlers' presented the analysis during a public meeting in January 2012. The Village Board voted unanimously to adopt the Redevelopment Agreement which included the terms outlined in the deal structure. MCC completed the renovations as proposed and opened in the fall of 2012. Results include redevelopment of over 20% of the entire land area of the TIF District, increased sales tax revenue and business retention, renovation of an existing building and increasing the local, regional and international visibility of Villa Park by increasing the number of visitors to this destination retail and service business.

### Contacts:

Rich Keehner, Jr., Village Manager  
20 S. Ardmore Avenue  
Villa Park,, Illinois 60181  
Phone: (630) 592-6051  
Email: rkeehnerjr@invillapark.com

Bernard I. Citron, Attorney at Law  
Thompson Coburn LLP  
55 E. Monroe, 37th Floor  
Chicago, Illinois 60603  
Phone: (312) 580-2209  
Email: bcitron@thompsoncoburn.com

## Village of Lemont

The Village of Lemont is a historic community along the Des Plaines River, the Chicago Sanitary and Ship Canal, and the Illinois and Michigan Canal. The Village of Lemont wished to have their historic assets be a catalyst for new downtown development. Lemont had a successful, older TIF District in place, but realized this TIF would not have enough years remaining to encourage further redevelopment. Ehlers assisted Lemont with the creation of a second TIF District (Downtown Canal TIF) and undertook a financial analysis to make sure revenue would support a refinancing of TIF bonds. With a development project on the table, Ehlers prepared increment forecasts and pro forma analysis. Ehlers assisted the Village in developer negotiations to create the redevelopment agreement. The project is constructed and almost fully occupied. The Village has made many public improvements with the assistance of TIF funds, including the construction of a parking structure.

Lemont then engaged Ehlers in 2008 to assist the community in the creation of an additional TIF (Gateway TIF), located on the Village's northeast border. The area has been occupied by heavy industrial uses, many of which are still present, such as automobile and construction storage, wrecking, and utility transmission uses. Deterioration, a lack of access, and inadequate utilities are the main issues to be overcome in this TIF, as well as environmental issues, which may impact adjacent properties once redevelopment occurs. Redevelopment has not yet occurred in the Gateway TIF because of the broader economy. In recent months, interest in the area by the development community has been renewed. Ehlers is currently working with the Village assemble parcels, annex them, and add them to the Gateway TIF to attract a developer to the area.

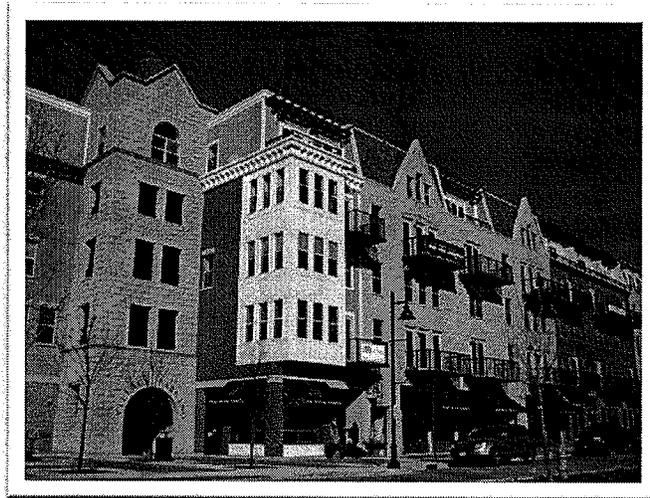
Ehlers continues to serve as Lemont's TIF consultant, preparing the Village's annual TIF reports and assisting in their annual Joint Review Board meetings.

### Specialized Project Experience

- TIF district creation
- TIF amendment
- Downtown redevelopment
- Financial analysis
- TIF increment projections
- Pro forma analysis
- Developer negotiations
- Public infrastructure finance

### Contact:

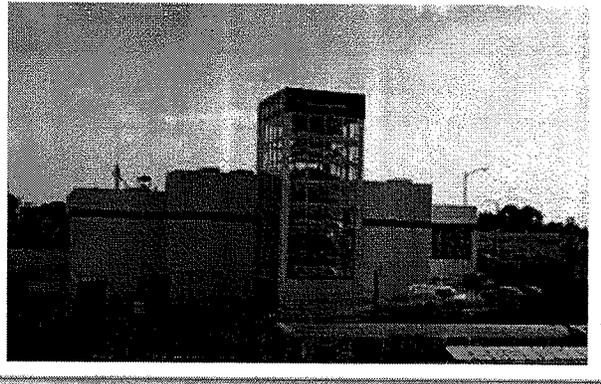
George Schafer, Village Administrator  
418 Main Street  
Lemont, Illinois 60439  
Phone: (630) 243-2709  
Email: [gschafer@lemont.il.us](mailto:gschafer@lemont.il.us)



### Village of Oak Park, IL (Volvo of Oak Park)

While serving as Redevelopment Manager for the Village, Jennifer Tammen was a key team member in executing a relocation and revenue sharing deal with West Suburban Auto for a new Volvo dealership resulting in business retention and increased sales tax revenues.

Volvo of Oak Park is a state-of-the-art facility that activates and capitalizes on an underutilized site with outstanding access to I-290 and the CTA Blue Line. Jennifer worked with the business owner, Volvo of North America, and the elected officials to structure and prepare an analysis that enabled the dealership to stay in the Village thereby retaining valuable sales tax dollars within the community.

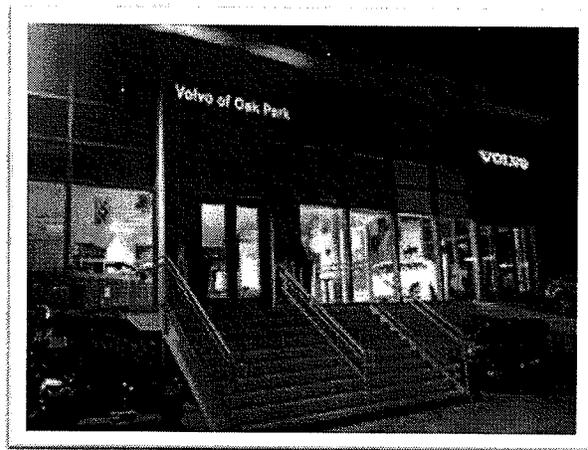


#### Results:

The deal allowed Volvo to significantly expand new car sales capacity and service which in turn yields a significant increase in sales tax revenue to the municipality. The relocation site was a Village-owned property located in a dormant TIF District. The TIF was re-established thereby generating significant incremental property taxes that are captured within the District for public improvements and other TIF-eligible expenses.

#### Contact:

Loretta Daly, Business Services Manager  
123 Madison  
Oak Park, Illinois 60302  
Phone: (708) 358-5648  
Email: ldaly@oak-park.us



## Village of Hanover Park

While serving as Principal and Owner of THE TAMMEN GROUP, Jennifer Tammen provided strategic development consulting, economic incentives analysis, and developer outreach and recruitment efforts on behalf of Village staff and elected officials.

TIF Redevelopment Agreement Discussions: Assisted in meetings/teleconferences with retailers, local business owners, and developers interested in obtaining Village TIF, including:

- Facilitation of discussions with an established local grocer regarding the store's potential expansion. Prepared an outline of development project, business and financial information required for evaluation of a future request for assistance, explanation of TIF eligible costs, process and analysis of projected revenue from expansion project
- Facilitation of TIF assistance discussions in response to separate proposals from a developer and a commercial operator for various sites in the Village's Town Center



Development Incentive Package Draft: Preparation of a comprehensive incentive package that outlines available development incentives in response to a developer "shopping" for sites throughout the region for a particular user.

TIF Application Draft: Preparation of TIF application information needs, outlining the type of information required for submittal to assist applicants. The information submitted is intended for Staff evaluation and recommendation to present the Village Board with the information needed to evaluate and determine the appropriate amount and structure of assistance for new development and assistance to existing businesses and property owners.

Public Revenue Projections and Strategic Recommendations - Village Owned Commercial Shopping Center: Performed analysis including projections of public revenues including incremental property taxes and sales taxes based upon the current disposition of the site and current redevelopment assumptions. Also included recommendations to minimize the Village's financial risk and more effectively leverage its current investment by soliciting developers to purchase and redevelop the shopping center via a Request for Qualifications (RFQ) or Request for Proposals (RFP) process.

### Results:

The Village issued an RFQ/P for the purchase and redevelopment of the Hanover Square Shopping Center. The Village's RFP incorporated many of Jennifer's recommendations including considering the potential of various structures by which the property could be redeveloped with the Village's participation in the project vs. an outright sale.

### Contact:

Rodney S. Craig, Mayor  
2121 Lake Street  
Hanover Park, IL 60133  
Phone: (630) 823-5900  
Email: rcraig@hpil.org

## Appendix E: Additional TIF Services and Fees

Ehlers provides additional services to further the goals and objectives of the City. These services could be included under a separate scope and agreement following this engagement. Ehlers is available to assist the City with any or all of the additional TIF-related services below and as detailed in the following section.

- TIF Eligibility Study
- Redevelopment Plan
- Housing Impact Study
- Business District Eligibility Study and Implementation
- Review of Taxing District Impact
- TIF Annual Reporting
- TIF Financial Feasibility Study- for Developer Notes or for the issuance of bonds
- Debt Capacity Analysis- Review current outstanding debt and potential revenue from new districts that could support future debt issuance for public projects that may directly or indirectly incentivize and leverage private investment within the City.
- Debt Issuance\*
- Provide ongoing advisory service to City staff and elected officials with respect to TIF funding and public and private projects

*Note: Ehlers can assist with the issuance of debt, subject to a separate service agreement. Fees would depend upon the size and complexity of issue and form of debt.*

These services are not part of the “*Scope of Services*” within this proposal. Ehlers will perform the services listed below upon the request of and by separate agreement with the City.

### TIF Financial Feasibility Study

Ehlers can provide the necessary financial feasibility study for the construction of Developers Notes or for the issuance of bonds. If Ehlers serves as the Financial Advisor of bonds, this study would be included as part of the debt issuance services.

Fee: \$75.00 - \$225.00 per hour

Fee: Dependent upon the size and complexity of issue and form of debt

### Review of Taxing District Impact

As part of negotiations with the overlapping taxing districts on the creation, expansion, or extension of a TIF district, the City may need to provide fiscal impact information to the school or other taxing district. Ehlers can prepare this information on behalf of the City. Ehlers would be prepared to discuss findings with both the City and the taxing districts to assist the City in its final strategy.

Fee: \$75.00 - \$225.00 per hour, not to exceed \$6,000

### **TIF Reports**

Ehlers is available to prepare annual TIF reports or to assist staff in the preparation of these reports. As part of this activity, Ehlers will attend and present reports at the Joint Review Board meeting.

Fee: \$2,500 - \$4,500 per report, depending on quality and availability of information provided by the City and preparation time for specific report(s).